



*Submitted by
Mr. Walberg*

Office of the President
630) 752-5002
630) 752-5003 fax

October 3, 2007

The Honorable Tim Walberg
800 West Ganson
Jackson, Michigan 49202

Dear Congressman Walberg,

On behalf of Wheaton College I want to register our concern about a bill that has been introduced in the U.S. House titled "To prohibit employment discrimination on the basis of sexual orientation or gender identity," and referred to as the Employment Non-Discrimination Act or ENDA (HR 3685). Appropriately, the Act provides a religious exemption consistent with the Civil Rights Act as Amended in 1972. However, the categorical religious exemption is undermined in Section 3(a)(8) of the Act by a **problematic definition of religious organization** that casts doubt on whether Wheaton College would be exempt. As I understand the definition language, educational institutions that are themselves religious but that are not controlled by some other religious organization, such as a church or a denomination, may not be covered by the religious exemption.

Wheaton College has a clearly defined religious identity, dating back to its founding in 1860, including a Statement of Faith to which all of our employees give assent, and a Community Covenant to which all of the members of our community adhere. Nevertheless, Wheaton College is not controlled by a religious corporation, but rather by a self-perpetuating Board of Trustees.

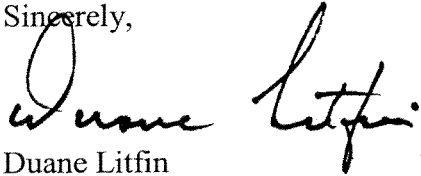
Surely a religious college such as Wheaton should be permitted the same protection of its religiously motivated hiring rights as those colleges that are controlled by churches or other religious organizations.

Since 1972 when the Civil Rights Act was amended to forthrightly protect the mission-critical hiring rights of religious organizations, including religious higher education, we have been able to grow and expand our service to our communities with a robust religious mission and distinctive approach because we have had the ability to select all of our staff on a religious, mission-critical basis. Our continued existence as a distinctively religious institution, and with it, a diverse and thriving higher education sector, is threatened because the proposed ENDA, with its limiting and non-categorical religious exemption, does not clearly and fully ensure our religious, mission-critical staffing freedom.

I urge you to **remove the problematic religious definition language** currently in ENDA and ensure that the Act categorically exempts religious organizations as in Section 702(a) of Title VII of the Civil Rights Act of 1964, as amended.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Duane Litfin". The signature is written in a cursive, flowing style.

Duane Litfin
President

DL/I



SPRING ARBOR UNIVERSITY

OFFICE OF THE PRESIDENT

October 4, 2007

The Honorable Tim Walberg
800 West Ganson
Jackson, MI 49202

Dear Congressman Walberg,

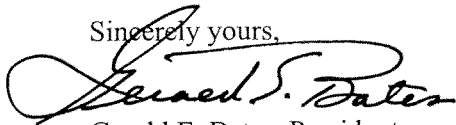
I am writing to express concern over the potential applications of HR 3685 as its definitions may apply to Christian universities and colleges. The definition as it stands appears to provide an exemption for church-related schools; nevertheless, I am aware that there are many evangelical schools with a clear conservative Christian identity which may not be related organizationally to a specific denominational body. While Spring Arbor University, which I represent as President, would seem to be covered since we are affiliated with the Free Methodist Church of North America, we are joined with the Council of Christian Colleges and Universities, a group of nearly 150 institutions of distinctly Christian character, in which many may not have a formal link to a church or denomination. This would mean that they appear to fall outside the definition which would provide for them an exemption. This is an unconscionable invasion of religious rights under the Constitution and would result in serious impairment of this major sector of higher education across the country.

Under the Civil Rights Act as amended in 1972 religious organizations received protection in their hiring rights as related to their specific religious mission. As a result, this sector has had the freedom to grow and expand its services and to make its contribution to the general well-being of the country. Now it appears that this right is about to be compromised in a way which will handicap their ability to represent their supporting constituencies with their characteristic emphasis on morality and responsible citizenship.

I am writing to ask you to exercise your influence and vote to have the definition as it stands removed from this bill and to ensure that religious organizations (such as colleges and universities of religious character) be exempted as provided in Section 702(a) of title VII of the Civil Rights Act of 1964 as it was amended.

Thank you for your help in this urgent matter.

Sincerely yours,



Gerald E. Bates, President
Spring Arbor University

