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8 Adar I 5782
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The Honorable Bill Lee, Governor of Tennessee
1st Floor, State Capitol
Nashville, TN 37243
via email

Dear Governor Lee,

We write to request your strong defense of Public Chapter Number 514 of 2020, as passed by the Tennessee legislature and then signed by you, which acknowledges the right of religious organizations to act according to their faith principles when aiding Tennessee's children.

Our organization represents over 2,000 traditional rabbis, and the clear consensus of the traditionally observant Jewish community, in matters of public policy. We support the core principles of our faith, including the idea that every Jewish child should be raised in a Jewish home and taught the principles of Judaism. Changes to Tennessee's current law could strip our community of the right to free exercise in accordance with that religious belief within the state, and have potential national ramifications.

To be certain, we do not share or endorse the beliefs and practices of organizations such as Holston United Methodist Home for Children. We also plainly believe that a Jewish couple is no less qualified than a Christian one to raise a child. If Holston Home or any agency were truly discriminating against Jewish families we would find that abhorrent, and condemn it.

But that is not the case, and Holston Home's interest in working with those who share their beliefs should not be mischaracterized as such. As deeply religious members of a minority community, we recognize the key difference between discrimination against others and affirming our own religious principles.

That a charity be able to work uniquely with co-religionists is a key freedom that Americans of all faiths, and especially American Jews, should seek to preserve. It is our principles and emphasis upon religious Jewish upbringing which have preserved our minority community through millennia of pressure, often at the tip of a sword, to abandon our beliefs. In order to preserve our own religious freedom, we must respect the right of Christian and other faith-based organizations to conduct themselves in ways that conform to their own principles as well.

For a religious organization to function, its doctrine must guide everything it does. For Holston Home, providing children with foster families who share their religious beliefs is a core part of their mission. To demand that Holston Home abandon those requirements in order to offer foster care, which they regard as a religious service, would deny them the free practice of their religion guaranteed under the First Amendment. To disqualify them from neutral, per-child funding would similarly amount to unconstitutional discrimination against them as a religious organization.

It is for this reason that we deplore the statements by groups such as Americans United for Separation of Church and State, which claims that the practices of these and similar organizations are "discriminatory." To the contrary, Americans United is supporting discrimination against all religious practice.

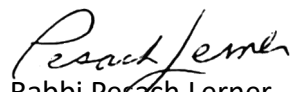
Contrary to what has been said, no one is denied the ability to provide foster services because Holston Home is among the many licensed agencies. Any individual or family can turn to numerous other providers, including the state itself. In fact, Holston Home has stated that they referred the Rutan-Ram family to another agency that could provide the foster-parent training program and home-study certification they required.

Current practice is also beneficial to all Tennessee residents. Reimbursement for services provided by outside agencies usually incur lower cost than when services are provided by the state itself. This is all the more true when the agency can place a child from a state-funded group facility into a private home.

Finally, we must also note that impinging upon Holston Home's ability to provide foster care would specifically harm Tennessee's most vulnerable children, those who lack parents able to care for and raise them into adulthood. Given the existing shortfall of homes open to providing foster care, the result would consign many children to languish in group homes rather than being placed in foster families who can care for them as individuals. It seems preposterous to argue that this inhumane outcome is good for society.

The outcome of a change to current law would harm religious practitioners of all faiths, state taxpayers, and especially Tennessee's children in need of foster care. It is for these reasons that we request your defense of the current law.

Yours Sincerely,


Rabbi Pesach Lerner
President


Rabbi Yaakov Menken
Managing Director