

THE WHITE HOUSE

WASHINGTON

DRAFT REPORT



THE PRESIDENTIAL

Religious Liberty Commission

Americans' First Freedom

PURSUANT TO EXECUTIVE ORDER 14291 OF MAY 1, 2025

Presented in the Two Hundred and Fiftieth Year of American Independence

THE WHITE HOUSE

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Editor's Note:

The following is a draft of the Religious Liberty Commission Report, based on public hearings held and public comments received.

For the benefit of the public, the draft will be open to public comment for fifteen (15) days.

Establishment of the Religious Liberty Commission

Executive Order 14291 of May 1, 2025

(excerpt)

Sec. 2. Establishment of the Religious Liberty Commission.

(a) There is hereby established the Religious Liberty Commission (Commission).

(b) The Commission shall function as follows...

(iii) The Commission shall produce a comprehensive report on the foundations of religious liberty in America, the impact of religious liberty on American society, current threats to domestic religious liberty, strategies to preserve and enhance religious liberty protections for future generations, and programs to increase awareness of and celebrate America's peaceful religious pluralism. Specific topics to be considered by the Commission under these categories shall include the following areas: the First Amendment rights of pastors, religious leaders, houses of worship, faith-based institutions, and religious speakers; attacks across America on houses of worship of many religions; debanking of religious entities; the First Amendment rights of teachers, students, military chaplains, service members, employers, and employees; conscience protections in the health care field and concerning vaccine mandates; parents' authority to direct the care, upbringing, and education of their children, including the right to choose a religious education; permitting time for voluntary prayer and religious instruction at public schools; Government displays with religious imagery; and the right of all Americans to freely exercise their faith without fear or Government censorship or retaliation.

(iv) The Commission shall advise the White House Faith Office and the Domestic Policy Council on religious liberty policies of the United States. Specific activities of the Commission shall include, to the extent permitted by law, recommending steps to secure domestic religious liberty by executive or legislative actions as well as identifying opportunities for the White House Faith Office to partner with the Ambassador at Large for International Religious Freedom to further the cause of religious liberty around the world.

DONALD J. TRUMP

PRESIDENT OF THE UNITED STATES

Commission Members

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Dr. Ben Carson – Vice Chair

Dr. Ryan Anderson

Bishop Robert Barron

Cardinal Timothy Dolan

Rev. Franklin Graham

Mrs. Allyson Ho

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Advisory Board of Religious Leaders

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Ryan Tucker

Executive Summary

The Commission's work began with acknowledging a simple but profound truth: religious liberty is essential because religion itself is indispensable to a flourishing society.

The Founding Fathers recognized that religious liberty is not merely a private benefit for believers, but a public good for the nation. By protecting individuals' ability to fulfill their duty to their Creator, the Founders established conditions that allow believers and religious institutions to enrich every aspect of our civic life, including education, healthcare, charitable service, civic engagement, and the moral formation essential to self-government.

Because religion is so central to human identity, and family and communal life, the church and state must have a rightly ordered relationship for individuals and societies to flourish. Human history has shown how difficult it is to get this relationship right and how dangerous it is to get it wrong.

When government authorities prevent religious individuals and perspectives from contributing to public life, they diminish the quality of freedom for all citizens. Yet, even today, some government authorities do just that. They wrongly claim that the Establishment Clause or "separation of church and state" requires such erasure. Nothing could be further from the truth—the Constitution neither requires nor permits religious voices to be silenced.

In the course of the Commission's work, we have seen that when religious liberty is misunderstood, constitutional protections become easier to disregard. When religious exercise is treated as an indulgence rather than a fundamental Constitutional right, accommodations become harder to secure. When faith-based institutions are valued only for the services they provide rather than the sincerely held religious convictions that animate them, pressure grows to separate mission from identity. When citizens no longer understand the role of faith in our public life, misunderstandings multiply and freedoms erode.

But rather than being discouraged by these erosions, the Commission believes this is an opportune moment to reaffirm the importance of religious liberty in America. We have observed how citizens of every faith tradition continue to serve their communities with courage, generosity, and conviction in many different fields of endeavor. Parents are determined to guide the education of their children, teachers are committed to empowering young people to reach their own conclusions, service members risk their lives for this country, healthcare professionals devote their lives to caring for the most vulnerable, and ordinary citizens seek nothing more than the freedom to live according to their consciences.

The Members of this Commission are united in the conviction that religious liberty remains one of the greatest sources of American strength. It protects believers and nonbelievers alike. It strengthens communities, enriches civic life, and lifts up individuals from every background, color, and creed. Preserving it will require vigilance, education, and renewed commitment from institutions and citizens alike.

During its seven hearings, the Commission received input from more than 100 witnesses—many of whom had experienced firsthand threats to religious liberty in the United States. Although their circumstances differed, their stories shared a common theme: **far too often in our national life, religion is treated not as a protected and valued contribution to public life, but as a problem or annoyance to be managed, restricted, or sidelined.**

The resulting conflicts have compromised the religious liberty of students and teachers, parents and children, service members and chaplains, healthcare professionals and patients, employers and employees, and religious institutions and the communities they serve. These witnesses showed great courage. Their commitment to stand by their beliefs and “live not by lies” has played a consequential role in preserving religious liberty for all Americans.

Among our conclusions, we believe that safeguarding religious liberty requires more than defending legal rights after they have been violated. It requires cultivating a culture that understands why those rights exist in the first place. It requires correcting misconceptions about the Constitution, strengthening conscience protections, ensuring equal treatment under the law, and fostering renewed appreciation for the manifestly positive role of religion in building up the infinite richness of American life.

Across the hearings, the Commission examined many different areas of American society where religious liberty has been under threat in recent years. The highlights of each area are outlined below.

Faith-Based Institutions

Faith-based institutions occupy a unique place in American life. Long before many government programs existed, religious communities established schools, hospitals, charities, orphanages, shelters, and countless other institutions dedicated to serving their neighbors.

As consulting executive Oriel Ekşi, a human trafficking survivor, put it, “Faith-based organizations are often among the first to show up, the last to leave, and the most trusted by the people they serve.”

Yet, leaders of faith-based institutions testified that they increasingly face pressure to modify their missions, alter religious practices, or redefine core beliefs in order to participate fully in public life. For example, a women’s homeless shelter in Alaska was

nearly forced to close when it refused to house a man dressed as a woman, a Vermont couple was denied from foster care because they would not support harmful gender transitions for children, and Christian and Jewish schools are being threatened by laws that require them to compromise the mission of the schools.

No institution should be forced to surrender the convictions that animate its mission. Faith-based institutions contribute precisely because they are faithful to their religious convictions, not despite them.

Protecting these institutions, and the individuals who work for them, strengthens civil society and expands opportunities for Americans of every background to receive education, healthcare, charitable assistance, and spiritual support.

Recommendations For Religious Leaders, Institutions, and Houses of Worship

1. Issue guidance to ensure the **Johnson Amendment** is not applied to chill religious leaders' First Amendment right to provide religious guidance to their communities.
2. Guarantee faith-based institutions **an equal opportunity to participate on an equal basis** in funding opportunities without requiring them to renounce their religious identity; issue guidance that religious discrimination in federal funding programs is unconstitutional.
3. Clarify faith-based institutions' **freedom to operate in accordance with their religious beliefs**, including through litigation against state and local authorities that discriminate on the basis of religion.
4. Require public officials who allege a person under their supervision has improperly engaged in religious expression to provide a written explanation of the alleged violation to the person accused within 30 days, and explain that charge based upon a specific constitutional provision or provision of law.

Education

Educational institutions shape the next generation of leaders, entrepreneurs, innovators, teachers, parents, and citizens. For this reason, schools and universities have long been among the most important arenas requiring protections for religious liberty.

The Commission heard testimony from students who experienced hostility toward religious viewpoints, encountered barriers to religious expression, or felt pressure to remain silent. Elementary student Shea Encinas was bullied for standing up for his Christian faith when he was forced to read his peer a book that told him he could choose his gender, Lydia Booth was ordered to remove her mask that said "Jesus loves me," and Hannah Allen was restricted from quietly praying in the cafeteria. Yitzchok

Frankel was told that he could not enter “Jewish exclusion zones” on the University of California Los Angeles campus.

Often, students are wrongly told that expressions of their faith are a violation of “separation of church and state.” However, **the Constitution protects religious liberty not by exiling religion from public life, but by preventing government from controlling it.**

Many schools wrongly perpetuate the falsehood that there is no place for faith in public schools, which often causes students to refrain from expressing religious beliefs, participating in voluntary religious activities, or engaging in respectful dialogue because they assume such activities are prohibited.

Genuine intellectual exploration requires room for religious perspectives. Institutions dedicated to the pursuit of truth should not compel ideological conformity or treat traditional religious beliefs as uniquely disfavored viewpoints.

To address these concerns, the Commission recommends initiatives to improve awareness about students’ constitutional freedoms, strengthen enforcement of these protections, and hold violators accountable. The goal of these recommendations is to ensure that students of every faith can participate fully in academic life without fear of exclusion or retaliation.

Recommendations For Education

1. Ensure the constitutional guarantees of religious liberty and parental rights are enjoyed by families of all socioeconomic means by promoting a **robust and universal system of school choice** where funding follows the child.
2. Encourage agencies to **take proactive measures to defend public school students’ rights to exercise their faith**, such as creating hotlines or portals through which students can report violations and increasing public awareness of existing reporting channels.
3. Train school teachers, faculty, and administrators on students’ constitutional rights.
4. Hold violators accountable and provide guidance to school districts regarding their obligations under the First Amendment and other religious liberty laws and regulations, engage in strategic litigation to ensure religious students have equal access to programs and funding, and where feasible, and limit federal support to non-compliant districts.

Teachers, Coaches, and Administrators

Teachers, coaches, and administrators occupy positions of unique influence and responsibility. They educate future generations, model civic virtues, and contribute to the

intellectual life of the nation. Their own religious liberty therefore warrants careful protection.

The Commission heard testimony from educators who experienced pressure to choose between professional responsibilities and sincerely held religious convictions. Coach Joe Kennedy was fired for praying after a football game, teacher Monica Gill nearly lost her job for refusing to “deny the foundational truth of what it means to be human,” and Marisol Arroyo-Castro was told she had to remove a cross she had placed near her desk.

Many of the disputes described at the hearings could be mitigated through clearer accommodation processes, better education regarding teachers’ rights, and institutional commitments to genuine intellectual freedom instead of superficial “diversity, equity, and inclusion” quotas. Often, the teachers had the law on their sides, but school districts either mischaracterized or misapplied the First Amendment.

Teachers are entitled to participate fully in educational life without surrendering their First Amendment rights.

Recommendations for Teachers, Coaches, and Administrators

1. **Defend teachers’ and faculty’s rights in public-run schools** by creating a hotline/portal to report violations.
2. Hold violators accountable and provide guidance to school districts regarding their obligations to comply with **the First Amendment and other applicable religious liberty laws and regulations**.
3. Limit federal support given to non-compliant districts when feasible.

Parental Rights in Education

Parents bear primary responsibility for the formation of their children. This principle is deeply rooted in American law, tradition, and constitutional understanding. However, witnesses testified that government actors have frequently infringed upon the fundamental rights of parents to raise their children in accordance with their beliefs.

Svitlana Roman was among the parents in the *Mahmoud v. Taylor* case who objected to the Montgomery County, Maryland policy that refused to grant families an option to opt out of gender ideology curriculum. In Michigan, school officials secretly transitioned Jennifer Mead’s 11-year-old daughter and began treating her as a boy.

Parents also testified that their students seeking religious exemptions to vaccines were not receiving the same treatment that similarly situated students with medical exemptions—or no medical records at all—received.

Parental rights deserve greater clarity and stronger protection. Educational institutions should operate with openness and recognize parents as essential partners, not obstacles to be managed.

The Commission recommends renewed efforts to clarify legal protections and safeguard parents' rights to direct the religious upbringing and education of their children.

Recommendations for Parents

1. Ensure the constitutional guarantees of religious liberty and parental rights are enjoyed by families of all socio-economic means by promoting a **robust and universal system of school choice** where funding follows the child.
2. **Defend parental rights in government-run schools** by issuing Department of Justice guidance on parental rights.
3. Encourage agencies to explore opportunities to create hotlines or portals through which students can report violations and increase awareness of existing reporting channels; train school teachers, faculty, and administrators on students' constitutional rights; hold violators accountable and provide school districts with guidance regarding their obligations under the First Amendment, engage in strategic litigation to ensure religious students have equal access to programs and funding, and where feasible, limit federal support to non-compliant districts.
4. Create a joint **Parental Rights Task Force** with the Department of Justice and Department of Health and Human Services to oversee the parental rights recommendations.

The Military

The nation's service members swear an oath to defend the Constitution and the freedoms that it protects. Serving in the military necessarily involves unique demands. Protecting the religious liberty of service members enables them to better meet these demands, often providing a source of strength, moral clarity, and purpose for those who serve.

The Commission heard testimony regarding past policies and practices that created unnecessary tension between military requirements and religious convictions. During the Biden Administration, thousands of service members were denied religious exemptions from the COVID-19 vaccine. For example, Navy Seal Blake Martin lost his pension when he was just three years away from retirement eligibility. U.S. Marine Mike Berry lost the healthcare insurance that provided for his daughter with special needs. Others spoke about the need to ensure that military members can access the sacraments, abide by

kosher and Sabbath restrictions, and maintain religious attire and grooming standards such as wearing a turban.

Important progress has been made in recent years. Nevertheless, while formal protections may exist, implementation remains uneven. Some service members remain uncertain about the extent of their rights and protections. Others continue to encounter obstacles when seeking accommodations for sincerely held religious beliefs.

Military leaders should continue to strengthen religious liberty protections, improve accommodation processes, provide clearer guidance, and ensure that chaplains are appropriately included in discussions affecting the spiritual well-being of the force.

Recommendations for the Military

1. Order the **Department of War** to update and disseminate **religious liberty training** for military leaders and JAG officers, maintain full applicability of the **Religious Freedom Restoration Act in the military**, reverse Obama and Biden-era restrictions on religious practice and expression, and elevate the importance of spiritual fitness in military readiness.
2. Order the **Department of War** to streamline and improve the religious accommodation process.
3. **Continue efforts to restore the retirement or re-enlistment eligibility of service members** who lost employment, health insurance, pensions, and other benefits because of their religious beliefs concerning the COVID-19 vaccine.

Healthcare

Healthcare presents some of the most sensitive and consequential religious liberty questions confronting our nation.

The Commission heard testimony from physicians, nurses, pharmacists, administrators, patients, and religious healthcare providers regarding conscience conflicts involving abortion, sterilization, assisted suicide, gender-related interventions, vaccine mandates, and other matters touching fundamental questions of life, dignity, and moral responsibility.

Witnesses emphasized that these disputes frequently arise from deeply held convictions regarding the ethical obligations of healthcare professionals. Many described difficult situations in which they were pressured or coerced to participate in actions they believed to be morally wrong or professionally inappropriate.

Religious liberty does not require healthcare professionals to abandon their convictions as a condition of service. Nor should patients be forced to choose between receiving care or violating their religious beliefs.

Conflicts arise when healthcare institutions fail to respect and protect individuals' religious convictions. Such conflicts can reduce institutional diversity, discourage talented professionals from entering certain fields, and unnecessarily restrict faith-based providers.

The Commission recommends stronger enforcement of conscience protections, greater clarity regarding accommodation requirements, and policies that respect both patient needs and religious freedom.

Recommendations For Religious Healthcare Workers and Institutions

1. Protect religious healthcare workers from being coerced to participate in procedures that violate their religious beliefs by expanding the coverage of the **Church Amendments** and providing a **private right of action for violations**.
2. **Restore** the Department of Health and Human Services **Conscience and Religious Freedom Division**.
3. Instruct the Department of Health and Human Services to distribute “Know Your Rights” posters, including explanations of the protections of the Church Amendments, and create a portal for healthcare workers to find assistance for religious freedom violations.

Anti-Semitism

The Commission also heard sobering testimony regarding the dangerous rise of anti-Semitism in American life.

Jewish Americans described experiences ranging from harassment and exclusion to intimidation and threats. Yeshiva University President Ari Berman testified to the number of college presidents who have told him that they are afraid to join his coalition of Universities United Against Terrorism, Liat Cohen-Reeis has faced violent protests for organizing worship services with Jewish and Christian communities, and college students like Shabbos Kestenbaum were targeted simply for being Jewish.

History demonstrates that attacks on one faith community often foreshadow broader assaults on religious liberty. When prejudice against any religious group becomes normalized, the freedom of all believers is at risk.

Combating anti-Semitism requires both moral clarity and practical action. Educational institutions, civic leaders, religious communities, and government officials should work

together to confront ignorance, expose falsehoods, and protect religious communities from violence and intimidation. America's commitment to religious liberty must extend fully and equally to Jewish Americans, whose contributions to the nation's civic, cultural, and spiritual life remain profound and enduring.

Recommendations for Combatting Anti-Semitism

1. **Swiftly and effectively respond to anti-Semitism.** The Commission recommends that all federal Offices of Civil Rights and the Equal Employment Opportunity Commission improve Title VI and Title VII enforcement against religious discrimination, including anti-Semitism, by establishing a set, expedited timeline for the investigation and prosecution of credible allegations of religious discrimination, including anti-Semitism, and, as appropriate, tie future federal funding to prompt remediation.
2. **Investigate terrorism-funded activities.** The Commission recommends that the Department of Justice investigate whether anti-Semitic attacks are being funded by terrorist groups.
3. **Report and track anti-Semitic incidents.** The Commission recommends that the Department of Justice's Anti-Semitism Task Force work with state and local governments and the FBI to accurately report and track anti-Semitism incidents so policymakers can respond effectively to threats against Jewish communities.
4. **Offer resources to the public and private sectors on combatting anti-Semitism.** The Commission recommends that the Department of Justice and Equal Employment Opportunity Commission provide resources to combat anti-Semitism, such as guidance, training, toolkits, and technical assistance detailing best practices on religious accommodation, explaining how to identify modern anti-Semitism, and outlining the importance of eradicating anti-Semitism from the public square.

The Public Square and the Private Sector

Private employers, professional organizations, commercial enterprises, and other institutions provide jobs to millions of Americans. While these institutions have traditionally refrained from advancing a particular political or ideological agenda, in the last decade, many of these institutions have grown increasingly hostile to religious employees.

Witnesses described situations in which they faced pressure to modify, conceal, or abandon their religion in order to participate fully in professional life. For example, Lacey Smith was fired from her flight attendant position at Alaska Airlines because she answered the invitation to respectfully share her thoughts on the Equality Act. Hermione Susana lost

her job at Madison Square Garden because she objected to the COVID-19 vaccine for religious reasons.

Underlying many of these disputes is a broader cultural assumption that religious belief should remain invisible while secular ideologies enjoy full freedom to influence public institutions.

People of faith should not be required to leave their religious convictions behind when entering the workplace, engaging in commerce, serving their communities, or participating in public debate.

Institutions should foster environments in which citizens with divergent convictions can work together while maintaining fidelity to conscience. The Commission recommends strengthening awareness of religious liberty protections, improving accommodation practices, and ensuring that religious viewpoints receive treatment equal to that afforded to other perspectives.

Recommendations for the Private Sector

1. Support legislation to codify protections for religious organizations against **de-banking**.
2. **Order the Equal Employment Opportunity Commission** to create “Know Your Rights” resources to protect private sector employees from religious discrimination.

Conclusion

The Commission’s findings point toward a common challenge. People often use the metaphor “wall of separation of church and state” to justify excluding religious Americans from equal participation in the public square. But the “wall of separation” phrase does not appear in the First Amendment or anywhere else in the Constitution. What the First Amendment does say about the relationship between religion and the government is that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.” In practical terms, that means that the government may not officially prefer one religion over another, take over the functions of a church, or coerce religious observance.

Nothing in the First Amendment allows the government to create a “wall” between an individual’s personal faith and our nation’s public life. The idea that it does allow—or even require—a “wall of separation” only took off in the mid-twentieth century, when the Supreme Court began citing Thomas Jefferson’s 1802 letter to the Danbury Baptist Association, written 10 years after the First Amendment was ratified.

One belabored metaphor—often used out of context—cannot support the view that the aim of the First Amendment was to exile the practice of religion from public life. And no Founding document supports that conclusion either.

From 1947 to 1980, the Supreme Court issued a series of decisions in which it relied on Jefferson’s “wall” metaphor to regulate children’s access to religious education in public schools, ban school prayer, and prohibit public displays of religion (such as public postings of the Ten Commandments). But in more recent years, the Supreme Court has retreated from the view that the First Amendment “compel[s] the government to purge from the public sphere” anything that “partakes of the religious,” and has begun reverting back to a historically sound understanding of the role of religious expression in American life.

Religious displays like the Bladensburg Peace Cross are allowed on public property. States and towns can open their meetings with prayer. Religious parents can use tuition assistance programs like vouchers to send their children to religious schools. As recently as 2022, the Supreme Court stated that the First Amendment’s “Religion Clauses” have “complementary purposes, not warring ones,” thereby allowing a high school football coach to publicly engage in personal prayer on the field after games.

The concept of a “wall of separation between church and state” can wrongly imply that church and state are opposed to one another and must remain completely separate. In reality, however, church and state strengthen and support one another. Perhaps a better analogy is that religious liberty acts as a bridge between church and state. In other words, when people of faith exercise their religious liberty by living that faith—from praying to serving the poor to treating people with charity to upholding moral standards—they live more fulfilling lives, build vibrant families, bolster our communities, and ultimately, strengthen our nation. In this way, religious liberty isn’t simply an appendage of our society. It is the beating heart of our republic and the lifeblood of America’s success.

But as we have seen in recent decades, religious liberty must be protected, preserved, and cherished. That responsibility belongs to every generation. Our hope and prayer is that Americans will meet that responsibility with the same wisdom, courage, and devotion to freedom that have sustained our nation for 250 years.

12 Recommendations to Strengthen Religious Liberty for All Americans

1. Instruct the **Department of Justice to issue guidance clarifying** the proper understanding of the Establishment Clause and separation of church and state.
2. The Department of Justice, Department of Health and Human Services, and Equal Employment Opportunity Commission shall issue “**Know Your Rights**” Posters and **FAQ** for students, parents, public school teachers and administrators, religious leaders, religious institutions, healthcare workers, and military service members.

3. Any public official who alleges a person under their supervision has **improperly engaged in religious expression must provide a written explanation of the alleged violation** to the person accused within 30 days of any action and explain that charge based upon a specific constitutional provision or provision of law.
4. Instruct the Department of Justice, Department of Health and Human Services, and Equal Employment Opportunity Commission, to explore opportunities to create **religious liberty violation reporting hotlines/online portals** for students, parents, teachers, healthcare workers, and others to obtain support in the face of religious liberty violations and increase public awareness of existing reporting channels.
5. **Nominate and confirm federal judges with the courage to decide religious liberty cases on the merits** where warranted, rather than engage in improper judicial avoidance.
6. Ask the Department of Justice to create a religious liberty task force to track and **prioritize litigation protecting religious liberty**.
7. **Combat anti-Semitism** through enforcement of civil rights laws, litigation of credible allegations of anti-Semitic discrimination and violence, and civic education.
8. Protect religious Americans from **government-led litigation targeting their free exercise**.
9. Repeal the **Johnson Amendment** which purports to give the government authority to regulate religious leaders' sermons and spiritual guidance to their communities.
10. Order the **Department of War** to streamline and improve the religious accommodation process.
11. **Continue efforts to restore the retirement or re-enlistment eligibility of service members** who lost employment, health insurance, pensions, and other benefits because of their religious beliefs about the COVID-19 vaccine.
12. **Honor** the courage of **religious liberty heroes** through creating a Presidential Medal of Religious Liberty and First Freedom Hero Awards to recognize Americans who stand up for religious freedom and play an indispensable role in protecting citizens' Constitutional rights.

Introduction

At the Tomb of the Unknown Soldier in Arlington National Cemetery, the Old Guard keeps watch every hour of every day. A single soldier patrols each shift. To earn the post, a soldier must first complete rigorous training, memorizing the history of the Guard and mastering complex drills.¹ The soldier must prove he understands the responsibility entrusted to him and can defend it. He must be ready to respond immediately if a trespasser breaches the perimeter of the sacred site. The result is a vigil worthy of the fallen soldiers honored at the memorial—reverent, grateful, and continually ready.

Like the soldiers of the Old Guard, we as citizens must keep continuous watch over our first freedom of religious liberty. We must equip ourselves with the knowledge to understand our rights and develop the skills necessary to defend them. **The Founders “guaranteed this magnificent inheritance of religious liberty to us all,”** as Chairman Lt. Gov. **Dan Patrick** stated in the first hearing. We must be worthy stewards and fulfill our duty to pass on this gift to the next generation.²

President Donald J. Trump tasked the Religious Liberty Commission with such responsibility. He directed the Commission to “produce a comprehensive report on the foundations of religious liberty in America, the impact of religious liberty on American society, current threats to domestic religious liberty, strategies to preserve and enhance religious liberty protections for future generations, and programs to increase awareness of and celebrate America’s peaceful religious pluralism.”

The Commission approaches this report and our recommendations in the same spirit of the Old Guard—reverent, grateful, and with a deep sense of our shared and ongoing responsibility to defend, cherish, and advance religious liberty in every arena of American life.

The Creation of the Religious Liberty Commission

During his first term, President Donald J. Trump took unprecedented action to restore religious liberty. Under his leadership, Americans of all faiths flourished.

Soon after the President’s reelection in 2024, he called Texas Lt. Gov. **Dan Patrick**, and they discussed the creation of a Presidential Religious Liberty Commission—the first in our nation’s history.³ The President quickly identified religious leaders, scholars, and civic

¹ *About the Old Guard*, JOINT TASK FORCE-NAT’L CAP. REGION AND THE U.S. ARMY MIL. DIST. OF WASHINGTON, <https://jtfncr.mdw.army.mil/oldguard/> (last visited June 17, 2026).

² First Hearing of the Religious Liberty Comm’n, Hearing Transcript, 16 (2025) (Statement of Chairman, Lt. Gov. Dan Patrick).

³ First Hearing of the Religious Liberty Comm’n, Hearing Transcript, 8 (2025) (Statement of Chairman, Lt. Gov. Dan Patrick).

servants who could serve on the newly-formed Commission and advise him on the religious liberty policies of the United States.

The Commission would be different than most. Rather than experts or statistical studies, everyday Americans who had faced religious discrimination, and even punishment, would be the focus of its work.

The Commission’s mission would be to understand why this discrimination is occurring, how the federal government can improve protections for religious liberty, what American citizens should know to ensure the full religious liberty protections available to them, and how to pass on this magnificent heritage to the next generation.

The Commission would be for everyone— “to ensure that all Americans of all faiths, from Christians to Jews to Muslims to Sikhs to Hindus are able to approach God freely, to worship him fully and to live out their faith without governmental interference.”⁴

On May 1, 2025, at the National Day of Prayer ceremony in the Rose Garden, President Trump signed an Executive Order establishing the Religious Liberty Commission. As he said that day, “We’re bringing back religion in our country, and we’re bringing it back quickly and strongly—because for America to be a great nation, we must always be **one nation under God.**”



⁴ Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript, 595 (2026) (Statement of Comm’r Pastor Paula White-Cain).

The Commission Hearings

The Commission’s work commenced immediately, with seven hearings scheduled over the course of just ten months. The hearings enabled the Commission to explore religious liberty, not in theoretical terms, but through real testimonies from the American people. The results were astounding.

Witnesses from all walks of life told their stories: mothers who were lied to by their children’s school administrators, children who were bullied because of their religious beliefs, a grandson of Holocaust survivors who was restricted from public spaces because of his Jewish faith, nuns who were targeted by New York State, and workers—including military service members—who lost pensions and life savings when forced to choose between their faith and vaccine mandates, among many others.

Yet, through the suffering, the ultimate message was one of hope, beauty, courage, and responsibility.

Witnesses described the power of their faith to transform their hardships. From survivors of human trafficking to Civil Rights leaders to military chaplains, one common theme emerged: the flame of faith burns bright in the hearts of countless brave Americans.

These witnesses represent the very best of our country. After 250 years of American independence, they are worthy heirs to our inheritance of freedom. They risked their jobs, their reputations, and their futures to stand for the truth. They put their faith—and the preservation of religious liberty—ahead of comfort, security, or success. In the words of Commissioner Rev. **Franklin Graham**, there is “a thread that runs through all ... these [testimonies], and that is the thread of what’s right and having the guts to stand for what’s right.”⁵

Russian author Aleksandr Solzhenitsyn attributed the rise of the repressive Soviet state to citizens’ acquiescence in the face of the lies of ideology.⁶ The converse has occurred with our witnesses, who have stood courageously in the face of adversity and held fast to truth. This report is for these brave Americans. We honor the countless citizens who have suffered and sacrificed their own livelihood so that others will not have to endure the same injustices against their rights enshrined in the First Amendment of the Constitution.

And this report is for all those whose faith helped make the United States a light of freedom for the world.

⁵ Sixth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 474 (2026) (Statement of Comm’r Rev. Franklin Graham).

⁶ Aleksandr Solzhenitsyn, *Live Not By Lies* (Feb. 1974) (on file with the Aleksandr Solzhenitsyn Center).

Finally, the report is for all Americans—to empower them to know their rights, so they will not be crippled by fear, but will be equipped with the knowledge and support to defend their first freedoms. To all those who have felt afraid to stand by your beliefs: you are not alone. We stand with you and for you.

The responsibility now lies with each of us. We must listen to these stories to ensure that we don't repeat these egregious mistakes. It's past time to ensure that religious liberty can and will flourish for generations to come.



Chapter 1: Religion as an Indispensable Support

Religion: An Essential Aspect of What It Means to be Human

“My story begins in darkness,” witness **Jean Marie Davis** told the Commission. Trafficked from a young age, Ms. **Davis** sought to break out of the crime-filled world that surrounded her when she found out she was pregnant. As a result, gangs put a target on her back, threatening her life in retaliation for her attempt to find freedom. Most shelters turned her away, explaining that her situation was too desperate.

Finally, a counselor named Phyllis Phelps connected Ms. **Davis** with a faith-based women’s center that was willing to help. There, Ms. **Davis** found maternal support, as well as a message of unconditional love. She rediscovered her identity as a beloved daughter of God. She went on to become a nonprofit executive, leading the types of organizations that helped her find freedom.

Ms. **Davis’s** story shows the unique importance of religion and why religious freedom is worth protecting. This is where any conversation about religious liberty must begin.

“It’s important to understand that religious liberty matters because religion matters—because we are creatures, and we owe obligations to the Creator ... there’s a duty that we, as creatures, owe to the Creator. And that’s what then creates the rights amongst men, which governments are then instituted to protect,” Commissioner Dr. **Ryan Anderson** explained in his opening remarks to the Commission.⁷

Entire fields of study have been devoted to questions of what religion is and why its exercise should be protected. Founder James Madison’s definition of religion, which is incorporated in Article I, Section 16 of the Virginia State Constitution, described religion as the duty owed to the Creator and the manner of fulfilling that duty.⁸ For the purpose of our report, we are offering a few foundational points that will allow interested readers to understand the work of the Religious Liberty Commission.

As Ms. **Davis** described, every person faces ultimate questions—questions about good and evil, light and darkness, life and death. Every person must discern the meaning of life and of suffering.⁹ Faith offers answers to these questions. For many, faith is the answer.

⁷ First Hearing of the Religious Liberty Comm’n, Hearing Transcript, 11 (2025) (Statement of Comm’r Dr. Ryan Anderson) (referencing James Madison’s Memorial and Remonstrance).

⁸ James Madison, *Memorial and Remonstrance against Religious Assessments*, [ca. 20 June] 1785, *Founders Online*, National Archives, <https://founders.archives.gov/documents/Madison/01-08-02-0163>.

⁹ First Hearing of the Religious Liberty Comm’n, Hearing Transcript, 479 (2025) (Statement of Comm’r Dr. Phil McGraw).

“We naturally ask questions that government can’t answer—and shouldn’t try to answer,” testified Becket Fund President and CEO **Mark Rienzi**.¹⁰

The freedom to respond to these questions through an act of faith is a fundamental—and unalienable—human right.¹¹

Faith not only directs a person’s inner life, but brings us into community with each other and, for many religious persons, with God. Supreme Court Justice Frankfurter described this by saying religion “profoundly relates the life of man to the world in which he lives.”¹² In fact, the word “religion” is said to come from the Latin word “*religare*,” which means “to bind or reconnect.”¹³ Because religion has profound implications for individuals and their relationships with the world, religion is a foundational pillar of society and holds important implications for government.

Religious liberty—protecting an individual’s rights to find answers to these ultimate questions—is just. In other words, the government cannot stand in the way of the practice of religion because religion is fundamental to human nature.

Religious Liberty Is for Everyone

Religious liberty matters not only for one religion or denomination, but for all faiths. As Commissioner **Kelly Shackelford** noted, religious liberty is either for everyone or for no one.¹⁴

Moreover, religious liberty is not just for people of faith, but for all people.

As Commissioner **Kelly Shackelford** explained, “Sometimes people ... say, ‘Well, I’m not religious—so should I care about this?’ And the answer is absolutely. Our Founders called this our first freedom because they understood: if you lose this freedom, you will lose all of your freedoms. The best way I can describe why that’s true is this: **the one thing a totalitarian regime will never allow is citizens who hold an allegiance to one higher than the government**. So, whenever that type of power of coalescing comes together, the first flashpoint is always going to be religious freedom. **And if you lose there, you will lose everything else**. So, what we’re really dealing with here is the precipice of all our freedoms.”¹⁵

¹⁰ First Hearing of the Religious Liberty Comm’n, Hearing Transcript, 18 (2025) (Statement of Mark Rienzi).

¹¹ G.A. Res. 217 (III) A, Universal Declaration of Human Rights (Dec. 10, 1948).

¹² *McGowan v. Maryland*, 366 U.S. 420, 461, 466 (1961) (Frankfurter, J., concurring).

¹³ *Religion*, Merriam-Webster.com, <https://www.merriam-webster.com/dictionary/religion> (last visited Jun. 17, 2026).

¹⁴ Sixth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 12 (2026) (Statement of Comm’r Kelly Shackelford).

¹⁵ First Hearing of the Religious Liberty Comm’n, Hearing Transcript, 12 (2025) (Statement of Comm’r Kelly Shackelford).

Religion: The Benefits for Society

Religion strengthens society in a myriad of ways, particularly in a self-governing democracy. A few of these benefits are discussed below, with religion as the conscience of the state, a basis for community virtue, a motivation for charitable and humanitarian work, a source of strong families, a facilitator of community bonds, and a source of health and happiness.

The Conscience of the State

Religion offers moral standards to which government can be held accountable, keeping tyranny at bay.¹⁶ The Declaration of Independence cites God as the source of unalienable rights and equality.¹⁷ At times in our history when our country has not lived up to those self-evident truths, religion called the country back. We see this corrective role played by religious Americans throughout history: in the Quaker opposition to slavery,¹⁸ in Abraham Lincoln's quotation from the Old Testament to call Americans to endure God's judgment for the sin of slavery,¹⁹ in the expansion of parental rights in the late nineteenth and early twentieth centuries,²⁰ in the early women's suffrage movement's appeals to Scriptural arguments for equality between men and women,²¹ in Reverend Martin Luther King Jr.'s reliance upon Saint Thomas Aquinas, Saint Augustine, and a higher moral law to oppose segregation,²² and in the pro-life movement's efforts to recognize the dignity of unborn persons.

A Source of Civic Virtue

The quality of a self-governing democracy is only as good as the quality of its citizens. In fact, Founder John Adams famously stated that "Our Constitution was made only for a moral and religious People. It is wholly inadequate to the government of any other."²³

¹⁶ Rev. Dr. Martin Luther King, Jr., A Knock at Midnight (Jul. 1, 1962) (on file with the Martin Luther King, Jr. Research & Education Institute) <https://kinginstitute.stanford.edu/king-papers/documents/draft-chapter-vi-knock-midnight>.

¹⁷ The Declaration of Independence para. 2 (U.S. 1776).

¹⁸ First Hearing of the Religious Liberty Comm'n, Hearing Transcript, 20 (2025) (Statement of Mark Rienzi).

¹⁹ Abraham Lincoln, *Lincoln's Second Inaugural Address*, March 4, 1865, National Park Service, <https://www.nps.gov/linc/learn/historyculture/lincoln-second-inaugural.htm>.

²⁰ Ian Bartrum, The Political Origins of Secular Public Education: The New York School Controversy, 1840-1842, 3 *NYU Journal of Law and Liberty* 267 (2008).

²¹ Seventh Hearing of the Religious Liberty Comm'n, Hearing Transcript, 549-50 (2026) (Statement of Erika Bachiochi).

²² Rev. Dr. Martin Luther King, Jr., Letter from Birmingham Jail (Apr. 16, 1963) (on file with the Bill of Rights Institute) <https://bri-wp-images.s3.amazonaws.com/wp-content/uploads/Letter-From-Birmingham-Jail.pdf>.

²³ John Adams, Address to the Massachusetts Militia (c. 1798), *Founders Online*, Nat'l Archives, <https://founders.archives.gov/documents/Adams/99-02-02-3102>.

For a self-governing country like the United States to prosper, citizens must be formed in civic virtue—the character traits needed to govern.

Many of these virtues are developed and promoted through religious education and practice. Recognizing this, Alexis de Tocqueville wrote that “the spirit of religion and the spirit of freedom” need each other to form humans in the virtues of self-government.²⁴ He rightly saw religious institutions as crucial to equipping Americans to govern themselves.²⁵

Commission Vice Chair Dr. **Ben Carson** described this in his opening remarks, reflecting that “Virtually all [religions] influence behavioral norms. Those behavioral norms help establish a moral code, which in turn promotes civilization.”²⁶

Charitable and Humanitarian Work

If religious charity in America were estimated in cash value, religion’s annual contribution would be “over \$2.6 trillion,” writes religious liberty scholar **Elizabeth Clark**.²⁷

Religion is a primary motivator of humanitarian work and charitable contributions. While the religious views represented at Commission hearings were very diverse, a common thread was a divine mandate to respect others and to serve those in need.²⁸ Dr. **Akshar Patel** explained, “At the heart of Hinduism is the principle of service. Our faith teaches us that serving others is a form of devotion to God. My guru, Pramukh Swami Maharaj, has said: ‘in the joy of others lies our own.’”²⁹

Professor **Clark** continues, “In the United States, **[faith-based associations] provide almost sixty percent of shelter beds for homeless individuals, educate more than**

²⁴ Alexis de Tocqueville, *Democracy in America* 479 (Eduardo Nolla ed., James T. Schleifer trans., Liberty Books 2012) (1840).

²⁵ *Id.*

²⁶ First Hearing of the Religious Liberty Comm’n, Hearing Transcript, 9 (2025) (Statement of Vice Chair Dr. Ben Carson).

²⁷ Elizabeth Clark, *The Impact of Religion and Religious Organizations*, Liberty & Law Center Research Paper, 25 (May 25, 2022). (citing Rodney Stark).

²⁸ Fourth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 291 (2025) (Statement of Sukbir Singh Toor on Sikh precept of the “saint-soldier”); Sixth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 486 (2026) (Statement of Archbishop Cordileone on Catholic theology of charity); Sixth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 517 (2026) (Statement of Ismail Royer on Muslim precepts of human dignity and service); Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript, 553 (2026) (Statement of Dr. Akshar Patel on Hindu teaching that serving others is a form of devotion to God); Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript, 573 (2026) (Statement of Rabbi Aaron Lipskar on Jewish and Torah values of the responsibility of care); Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript, 556 (2026) (Statement of Dr. Paul Brintley on how Biblical truth has led people to build schools, hospitals, and charities).

²⁹ Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript, 552 (2026) (Statement of Dr. Akshar Patel).

three million children a year, provide twenty percent of hospital care, and are the majority of volunteers in restorative programs in prisons.”³⁰

Research also shows that **“religious individuals** adopt children at more than twice the rate of non-religious individuals and **send four and a half times as much money in international aid as the Gates Foundation.”³¹**

And the support from faith communities extends beyond acts of service. As Arthur Brooks explains, “[t]he number-one characteristic of those who give in this country is that they practice a faith.”³² If you attend worship services once a week, you are very likely among the 91 percent who give to charity annually.³³

Strong Families

“[T]he family unit is the backbone of any society, none more than American society, and that liberty to freely practice a religion of choice is critical, because it is the glue that can hold that family together,” Commissioner Dr. **Phil McGraw** explained at the first hearing.³⁴

And, in the context of family life, “[r]eligion leads to lower divorce rates, higher satisfaction in marriage, more satisfying sexual relationships, and less marital conflict,” along with “less self-reported verbal aggression with children and higher quality relationships between mothers and children.”³⁵

Professor **Helen Alvaré** put this into context when she testified that, “Almost 200 years ago, Alexis de Tocqueville observed that the strength of America’s families, particularly by way of their transmitting their faiths, importantly grounded our democracy.”³⁶

And, this has continued through today, Professor **Alvaré** explained, as family remains **“the place where children can learn to love themselves and others, to respect a wide array of differences between people of all ages, conditions, traits, and abilities, to develop capacities for sacrifice, generosity, and justice—all indispensable skills for living in our pluralistic democratic society.”³⁷**

³⁰ Clark, 43.

³¹ *Id.*

³² *Id.* at 10.

³³ *Id.* at 11.

³⁴ First Hearing of the Religious Liberty Comm’n, Hearing Transcript, 12-13 (2025) (Statement of Comm’r Dr. Phil McGraw).

³⁵ Clark, 6.

³⁶ Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript, 531 (2026) (Statement of Professor Helen Alvaré).

³⁷ Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript, 531 (2026) (Statement of Professor Helen Alvaré).



Community Bonds

Religious participation manifests a plethora of social benefits too.³⁸ Religious Americans are more likely to vote, be positive about their community, volunteer, serve on juries, and speak with their neighbors.³⁹

Dr. **Akshar Patel** observed that, “It is a testament to the American promise and to the power of religious liberty that an immigrant community can come here legally, work hard, establish itself, build meaningful relationships with neighbors, and flourish while peacefully practicing its faith. **Throughout American history, religious liberty has allowed diverse communities to not only survive but thrive.**”⁴⁰

He continued, noting that, “[f]or Hindu Americans, this freedom has meant the ability to build mandirs, celebrate festivals, teach our children values and morals, and contribute openly to the broader society without fear. **It has allowed us to transform faith into action, strengthening both our own families and the communities around us.**”

Health and Happiness

The religious dimensions of our fellow citizens “improve individual and family well-being.”⁴¹ Indeed, as Professor **Elizabeth Clark** observes, “[t]he breadth of research on religion and health, well-being, and life satisfaction is quite amazing.”⁴²

The connections are undeniable: Religious participation is connected to higher life satisfaction, better mental and physical health levels, lower suicide rates, reduced criminality, greater academic achievements, community involvement, and avoidance of risky or anti-social behaviors.⁴³

³⁸ *Am. Legion v. Am. Humanist Ass’n*, 588 U.S. 29, 31-2 (2019).

³⁹ Clark, 19-20.

⁴⁰ Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript, 552 (2026) (Statement of Dr. Akshar Patel).

⁴¹ Clark, 4.

⁴² Clark, 11.

⁴³ Clark, 5-6.

Religious Liberty: The Bridge Between God and Government

Because religion is so central to the human identity, and family and communal life, the church and state must have a rightly ordered relationship for individuals and societies to flourish. Human history has shown how difficult it is to get this relationship right and how dangerous it is to get it wrong.

Religious liberty is understood as the proper allocation of authority between religion—both individual beliefs and public, communal religious practices—and government power. For the United States, this proper allocation is how “our tradition of constitutionalism was made possible.”⁴⁴ In the words of Commissioner **Eric Metaxas**, the Founders understood that “**for us actually to have liberty, we have to allow religion to be utterly free.**”⁴⁵

What is the proper allocation between religion and government authority? The Constitution answers this question by recognizing that the government does not have the authority to interfere with the free exercise of religion. This will be discussed in more detail in subsequent sections.

Over the past 250 years, religious liberty has been indispensable to all the movements that seek to fulfill the promise of the Declaration of Independence. “**Religious liberty was not incidental to the civil rights movement. It was essential to it,**” said Civil Rights advocate **Clarence Henderson**. “Because of religious liberty, Jim Crow was put on trial. And because of religious liberty, Jim Crow was found guilty.”⁴⁶ **Clarence** participated in the famous Greensboro lunchroom sit-ins, which marked a turning point in the country’s battle for racial equality.

Clarence’s story to the Commission offers perhaps the most beautiful illustration of the fruitfulness of a rightly ordered relationship between church and state. The moral framework of religion gave the civil rights crusaders the foundation needed to challenge the United States’ system of segregation as well as both explicit and implicit racial discrimination.

⁴⁴ Richard W. Garnett, *The Freedom of the Church: (Towards) an Exposition, Translation, and Defense*, 21 J. Contemp. Legal Issues 33, 39 (2013); see also John Witte, Jr., *That Serpentine Wall of Separation*, 101 Mich. L. Rev. 1869, 1881 (2003) (explaining the American founding revived the “two powers” model forged by earlier Catholic tradition, while “adding new accents and applications”).

⁴⁵ Second Hearing of the Religious Liberty Comm’n, Hearing Transcript, 103 (2025) (Statement of Comm’r Eric Metaxas).

⁴⁶ Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript, 545 (2026) (Statement of Clarence Henderson).

Conclusion

In the years after the adoption of the Constitution, religious liberty remained at the heart of the new republic. In his famous Farewell Address, President George Washington summarized the essential role of religion in our newly established republic:

“Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.”⁴⁷

Because the Constitution protected Americans’ religious liberty, people of faith could flourish in civil society and could serve the needs of the people closest to them. Americans built hospitals, orphanages, charities, and schools. Families supported neighbors who fell on hard times. Churches came together to deliver food to the poor and to care for the sick and the elderly. The country became a refuge for people of all religions seeking to live in freedom and peace.

⁴⁷ George Washington, *Farewell Address*, Sept. 19, 1796, *Founders Online*, National Archives, <https://founders.archives.gov/documents/Washington/05-20-02-0440-0002>.

Chapter 2: Religious Liberty and the American Story

“The uniquely American understanding of religious freedom ... welcomes faith into society in all of its multifaced forms—never asking of Americans that, if we seek to be part of the polity, we check our observances at the door. For to do so would be to amputate the most essential part of ourselves.”⁴⁸

- Commissioner Rabbi Meir Soloveichik

The Founders placed religious liberty at the foundation of America’s constitutional government. They knew that a free society must be “a society in which people of all beliefs can live together harmoniously.”⁴⁹

Why did the Founders place such an importance on religious liberty?

Thousands of books, papers, and conferences have been dedicated to this topic. We will highlight a few key points that respond to this question and enable readers to put the Religious Liberty Commission’s work in context.

Faith and Freedom in the Colonies

On June 1, 1660, American colonists executed a Quaker woman to punish her for sharing her religious beliefs.⁵⁰ This was Mary Dyer’s fourth arrest for preaching, but she refused to let the threat of execution deter her from sharing the Quaker faith.⁵¹

Though the early colonists escaped Europe to freely practice their religion, upon establishing their settlements in America, many instituted stringent religious requirements on fellow citizens.

While execution was the most extreme form of punishment, it was not the only example of religious intolerance in the colonies. Other practices included “us[ing] their political power to establish tax-supported churches, [to] ban competing ones, and [to] require church membership as a condition for holding public office”—all hallmarks of a religious establishment that the U.S. Constitution would later prohibit.⁵² As far as religious differences were concerned, those differences would only be possible in private. It is worth noting that the contemporary progressive opposition to religious liberty is similar—seeking

⁴⁸ First Hearing of the Religious Liberty Comm’n, Hearing Transcript, 15 (2025) (Statement of Rabbi Meir Soloveichik).

⁴⁹ *Am. Legion v. Am. Humanist Ass’n*, 588 U.S. 29, 38 (2019).

⁵⁰ First Hearing of the Religious Liberty Comm’n, Hearing Transcript, 65 (2025) (Statement of Stephanie Barclay).

⁵¹ *Id.*

⁵² Kevin Seamus Hasson, *The Right to be Wrong* 12 (Image 2012).

freedom for its own views but coercion of religious groups whose traditional beliefs conflict with current trends such as transgenderism.

The colonists brought this practice of religious uniformity over with them from Europe, a continent then soaked in the blood of religious conflict, using the power of government to crush disfavored ideas and disfavored people.⁵³ The results, such as Mary's execution, were horrific.⁵⁴

A century later, the American Founders would face a definitive question: follow the example of their predecessors of establishing one dominant religion, or chart a new path of religious pluralism?

Religious Liberty and American Independence: Endowed by Our Creator

The First Continental Congress

In 1774—two years before America declared independence—leaders from the colonies met together in the First Continental Congress. They came from all over the country and represented many different faith backgrounds. This gathering was perhaps the first time a question of religious liberty was presented to the leaders of the American colonies.

Commissioner Rabbi **Meir Soloveichik** describes the scene:

One of the delegates, Thomas Cushing, proposed that they begin with prayer. And this was opposed by some of the attendees originally, because, [in John] Adams' words, "we were so divided in religious sentiments, some Episcopalians, some Quakers, some Anabaptists, some Presbyterians, and some Congregationalists, so that we could not join in the same act of worship."

Now, to us [Americans today], the notion of this, considering the future religious diversity of America, that these are unbridgeable divides, it's kind of striking. But ... in Europe, people had been killing each other over these disagreements.

And then Sam Adams stood up and said that he would hear a prayer from any gentleman of piety and virtue who was also a friend to his country. And a clergyman was brought in, and he read Psalm 35, "Plead My Cause, O Lord." And, Hebrew, *Riva Hashem*, "plead my cause with them that strive with me,

⁵³ Douglas Laycock, *Continuity and Change in the Threat to Religious Liberty: The Reformation Era and the Late Twentieth Century*, 80 Minn. L. Rev. 1047, 1065 (1996); First Hearing of the Religious Liberty Comm'n, Hearing Transcript, 20 (2025) (Statement of Mark Rienzi).

⁵⁴ Hasson, *The Right to be Wrong* 10.

fight against them, that fight against me, say unto my soul, I am thy salvation.”⁵⁵

“The story captures,” Commissioner Rabbi **Soloveichik** concludes, “how **religion can be a positive force for unity in America without denying our differences.**”⁵⁶

The Declaration of Independence: Self-Evident Truths

“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. —That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed.”

- *The Declaration of Independence, 1776*⁵⁷

When the Founders chose to declare independence, they thought deeply about the meaning of freedom and the rights which government must protect to avoid tyranny. They drew from religious traditions of man being made in the image of God and outlined principles of equality. Intrinsic to this understanding of man’s natural right to freedom was an understanding of man’s natural right to fulfill his duty to the Creator in the way he best understood.

In the words of Commissioner Dr. **Phil McGraw**, “The American experiment was built on many bold ideas and none more radical than this: we have inalienable rights that come from God.”⁵⁸ “At the top of that list [of rights] ... is the freedom to live out one’s faith,” testified Mr. **Mark Rienzi**⁵⁹

States Follow Suit: The Duty We Owe Our Creator

“That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and, therefore, all men are equally entitled to the free exercise of religion, according to the dictates of conscience; and that it is the mutual duty of all to practice Christian forbearance, love, and charity toward each other.”

- *Virginia Declaration of Rights, 1776*⁶⁰

⁵⁵ Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript, 589 (2026) (Statement of Comm’r Rabbi Meir Soloveichik).

⁵⁶ Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript, 589 (2026) (Statement of Comm’r Rabbi Meir Soloveichik).

⁵⁷ *The Declaration of Independence: A Transcription*, Jul. 4, 1776, National Archives, <https://www.archives.gov/founding-docs/declaration-transcript>.

⁵⁸ First Hearing of the Religious Liberty Comm’n, 12 (2025) (Statement of Comm’r Dr. Phil McGraw).

⁵⁹ First Hearing of the Religious Liberty Comm’n, Hearing Transcript, 18 (2025) (Statement of Mark Rienzi).

⁶⁰ *Virginia Declaration of Rights*, June 12, 1776, National Archives, <https://www.archives.gov/founding-docs/virginia-declaration-of-rights>.

After the Declaration of Independence, the colonists began the work of establishing new governments in the states. This was their first chance to implement the principles of the Declaration, writing into state constitutions the rights endowed to human beings

James Madison was one Founder who had been deeply troubled by the religious persecution in the Old World and the colonies. Stories like the execution of Mary sickened him, leading him to describe religious persecution as a diabolical practice “conceived in Hell.”⁶¹

When Virginia drafted its first constitution, called the Virginia Declaration of Rights of 1776, Madison, then just 25 years old, came forward and tirelessly advocated for the fullest religious liberty protections for his fellow Virginians.⁶² The result was language very similar to that which would become the First Amendment of the U.S. Constitution, drafted eleven years later and adopted thirteen years later.

The United States Constitution, 1789

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof”⁶³

- *United States Constitution, Amendment I, 1789*

In 1788, a parade was held in downtown Philadelphia to celebrate Pennsylvania ratifying the U.S. Constitution.⁶⁴ The parade itself was impressive, but onlooker Doctor Benjamin Rush described the “most delightful sight” as “the Rabbi of the Jews, locked in the arms of two ministers of the Gospel.”⁶⁵ Their public unity, Rush continued, “could not have been a more happy emblem” for the Constitution—“which opens its powers and offices alike not only to every sect of Christians, but [to] worthy men of every religion.”⁶⁶

The practical implications of the principles of the Declaration had been tested by the new state constitutions, each of which protected religious liberty. When the time came for states to form a single government, the United States, the Framers brought these lessons with them. The First Amendment in the new Constitution would protect religious liberty as

⁶¹ James Madison to William Bradford, Jan. 24, 1774, *Founders Online*, National Archives, <https://founders.archives.gov/documents/Madison/01-01-02-0029>.

⁶² Daniel Driesbach, *George Mason’s Pursuit of Religious Liberty in Revolutionary Virginia*, GUNSTON GAZETTE, vol. 2, no. 2: I-VIII (1997), <https://gunstonhall.org/george-masons-pursuit-of-religious-liberty-in-revolutionary-virginia/#:~:text=That%20Religion%2C%20or%20the%20duty,and%20charity%20towards%20each%20other.>

⁶³ *The Bill of Rights: A Transcription*, Dec. 15, 1791, National Archives, <https://www.archives.gov/founding-docs/bill-of-rights-transcript>.

⁶⁴ First Hearing of the Religious Liberty Comm’n, Hearing Transcript, 14 (2025) (Statement of Rabbi Meir Soloveichik).

⁶⁵ *Id.*

⁶⁶ *Id.* at 15.

broadly as possible. “The First Amendment is often called the first freedom because it’s the foundation of individual liberty in our great nation,” explained Commissioner **Allyson Ho**.⁶⁷

Faith and Flourishing

In 1790, a year after the adoption of the Constitution, the United States was a young nation, still fragile and in danger from enemies. President Washington, just sixteen months into his first term, visited Rhode Island. During the visit, Jewish leader Moses Seixas presented the President with a letter from the members of the Touro Synagogue in Newport, Rhode Island.

President Washington knew the Touro Synagogue—he had visited the Synagogue nine years earlier, during his time as Commander-in-Chief of the Continental Army.⁶⁸ Members of a faith long subject to religious persecution in all parts of the world, the Jewish community at Touro Synagogue had read the new United States Constitution. They hoped that its guarantees meant that they, too, could live in peace without fear of discrimination or persecution.

Moses Seixas’ letter held the country to its own terms, writing of his gratitude to God for “a Government, which to bigotry gives no sanction, to persecution no assistance.”⁶⁹

Implicit in the letter was a question—would the new president agree? Would the new republic honor this claim made to religious liberty? Would the First Amendment protect all, or just some?

President George Washington, in his reply, affirmed in no uncertain terms that, under the First Amendment, “every one shall sit in safety under his own vine and fig tree, and there shall be none to make him afraid.”⁷⁰ President Washington also emphasized that “It is now no more that toleration is spoken of, as if it was by the indulgence of one class of people, that another enjoyed the exercise of their inherent natural rights.” President Washington’s language indicated the uniquely American approach to religious liberty—in which religion is not merely indulged by the government, but rather honored as a natural right, fundamental to the flourishing of a free society.

⁶⁷ First Hearing of the Religious Liberty Comm’n, Hearing Transcript, 15 (2025) (Statement of Comm’r Allyson Ho).

⁶⁸ *Touro Synagogue*, The George Washington Pres. Libr. at Mount Vernon, <https://www.mountvernon.org/library/digitalhistory/digital-encyclopedia/article/touro-synagogue> (last visited Jun. 17, 2026).

⁶⁹ *The President and the Hazzan*, Tanenbaum Ctr. for Religious Understanding, <https://tanenbaum.org/wp-content/uploads/2018/07/The-President-and-the-Hazzan.pdf> (last visited Jun. 17, 2026).

⁷⁰ George Washington to the Hebrew Congregation in Newport, Rhode Island, Aug. 18, 1790, *Founders Online*, National Archives, <https://founders.archives.gov/documents/Washington/05-06-02-0135>.

Religious Liberty and the Law

Throughout the eighteenth and nineteenth century, religious congregations flourished in the United States. With some notable exceptions, most leaders in Washington never questioned the contributions of religious citizens to American life.

In the early twentieth century, lawsuits related to religious liberty began to emerge as the country grew in size and economic diversity.

The Supreme Court began to develop a robust body of law related to the Free Exercise and Establishment Clauses. The Clauses originally only applied to the federal government, but beginning in the 1920s, were incorporated to apply to the states as well, holding every level of government accountable for upholding the basic guarantees of religious liberty.⁷¹ Though, as described below, new philosophies began to challenge religious liberty in the twentieth century, overall, the country continued with a strong consensus in favor of religious liberty through the 1990s, with Bill Clinton signing the Religious Freedom Restoration Act in 1993, with bipartisan support.

Building Walls of Separation between Church and State

In the 1900s, however, a new philosophy emerged in Europe, which laid the intellectual foundations for threats to American religious liberty which persist even today.⁷² Friedrich Nietzsche, Michel Foucault, Jean-Paul Sartre, and others famously embraced the belief that “God is dead,” rejecting God and dismissing ideals of objective truth and morality as simply pretenses used to gain power.⁷³

Among other points, this new ideology gave “complete prioritization ... to individual autonomy, [the idea] that we decide value, we decide meaning, we decide purpose” and that people who claim to know the truth just want power.⁷⁴ “That philosophy—which is becoming ... increasingly influential in our society—rightly sees the classical religions as the chief opponent because [they] stand for objective moral values. [Classical religions] stand for God as the ground of those values,”⁷⁵ Commissioner Bishop **Robert Barron** explained.

⁷¹ First Hearing of the Religious Liberty Comm’n, Hearing Transcript, 45 (2025) (Statement of Mark David Hall).

⁷² First Hearing of the Religious Liberty Comm’n, Hearing Transcript, 149 (2025) (Statement of Fr Bishop Barron).

⁷³ Friedrich Nietzsche, *Thus Spoke Zarathustra*, loc. 213 (Clancy Martin trans., Barnes and Noble Classic, 2009) (Kindle eBook).

⁷⁴ First Hearing of the Religious Liberty Comm’n, Hearing Transcript, 9 (2025) (Statement of Bishop Robert Barron).

⁷⁵ *Id.* at 10.

This way of thinking made its way across the Atlantic Ocean to elite American academic institutions, through the courts, and ultimately into the American culture and courtroom.⁷⁶ As a result, religious people gradually began to be pushed to the fringe.

Even a few Supreme Court decisions seemed to track with this train of thought, culminating in a 1947 opinion, in which Justice Hugo Black, a former Ku Klux Klan member, repurposed a metaphor coined by Thomas Jefferson in an attempt to legitimize the new critical philosophy by placing it in the constitutional tradition.⁷⁷ Specifically, the Supreme Court ruled on a series of decisions in which it used the “wall” metaphor to regulate a child’s access to religious education and later to ban school prayer and public displays of religion (like the Ten Commandments).

The result was much more like a “Berlin wall” of separation than the respectful and mutually appreciative boundary Jefferson had envisioned.

Jefferson had coined the phrase “wall of separation” in a private letter to the Danbury Baptists to delineate that the state could not establish a religion. But the new use of the term was applied to erase religious speech and ban religious individuals from exercising their rights in the public square.⁷⁸ For the first time in American history, the role of religion itself, and, as a result, the role of religious liberty, came under suspicion.⁷⁹

The truth is that the phrase “wall of separation between church and state” appears neither in the First Amendment nor anywhere else in the Constitution. What the First Amendment does say is that “Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.” In practical terms, that means the government may not take over the functions of a church or coerce religious observance. For example, the government cannot dictate who will preach, teach, or carry out a religious institution’s mission or second-guess an institution’s religious decisions.

Nothing in the First Amendment allows the government to create a “wall” between an individual’s personal faith and our nation’s public life.

To be clear, this does not involve or require advocating “theocracy” or even the total elimination of any separation between church and state. Rather, our duty and tradition are to honor the tension between the relevant clauses of the First Amendment and respect the changes in the jurisprudence of the last twenty-five years, which has been correcting the over-stress on Jefferson’s “wall.”

⁷⁶ Id.

⁷⁷ *Everson v. Board of Education*, 330 U.S. 1, 16 (1947); First Hearing of the Religious Liberty Comm’n, Hearing Transcript, 39 (2025) (Statement of Mark David Hall).

⁷⁸ First Hearing of the Religious Liberty Comm’n, Hearing Transcript, 39 (2025) (Statement of Dr. Mark Hall).

⁷⁹ First Hearing of the Religious Liberty Comm’n, Hearing Transcript, 79 (2025) (Statement of Stephanie Barclay, citing Professor Chris Lund).

Religious liberty is the opposite of an established religion; rather, it means that believers are free to exercise their faith publicly.

Jefferson’s own aim was not to exile the practice of religion from public life. Indeed, nothing about his letter suggests that there is Founding-era evidence to wall off religion from public life. Rather, as many scholars and judges, like Justice Clarence Thomas, explain, that conclusion is an “ahistorical generalization ... substitut[ing] for careful constitutional analysis.”⁸⁰ The text and history of the First Amendment itself show that what the Constitution prohibits is “the type of actual legal coercion that was a hallmark of historical establishments of religion,” like establishing a church as the official religion of a state and requiring worship at that church—not public displays of a community’s religious culture.⁸¹ Fortunately, in more recent years, the Supreme Court has begun reversing its restrictions on religious liberty and reverting to a sound understanding of the role of faith in American life. Religious displays like the Bladensburg Peace Cross are allowed on public property. States and towns can open their meetings with prayer. Religious parents can use tuition assistance programs, like vouchers, to send their children to religious schools. As recently as 2022, the Supreme Court stated that the First Amendment’s “Religion Clauses” have “complementary purposes, not warring ones,” thereby allowing a high-school football coach to publicly engage in personal prayer on-field after games.⁸²

A “wall of separation” can wrongfully imply that church and state are opposed to one another and that they are completely separate, but in reality, the church and state strengthen and support one another. Perhaps a better analogy is that religious liberty acts as a bridge between church and state. In other words, when Americans exercise their religious liberty by living their faith—from praying to serving the poor to treating people with charity to upholding moral standards—people live more fulfilling lives, they build vibrant families, bolster our communities, and ultimately, strengthen our nation. In this way, religious liberty isn’t simply an appendage of our society. It is the beating heart of our republic and the lifeblood of America’s success.

There are countless examples of individuals and communities who have been harmed by this misconstrued understanding of “church and state,” but one story that illustrates the real consequences of this artificial “separation” is the story of Mr. and Mrs. **Kenny Vaughan**. Mr. **Vaughan** was a competitive water skier. To find encouragement in moments of tough competition, he and his wife began making dog tags with Bible verses. An officer in one of the first battalions deploying to Afghanistan heard of the dog tags, called Shields of Strength, and asked for 600 tags for his troops. By the time the United States entered Afghanistan, more than 100,000 troops had requested the tags. When President Bush honored Army Ranger CPT Russell Rippetoe, who was killed in the line of duty, the

⁸⁰ *Am. Legion v. Am. Humanist Ass’n*, 588 U.S. 29, 74 (2019) (Thomas, J., concurring) (citing Phillip Hamburger, *Separation of Church and State*, 391-463 (2002) (tracing the relationship between nativism—particularly, anti-Catholicism—and the “modern myth of separation” as part of the Constitution)).

⁸¹ *Id.* at 73-74 (Thomas, J., concurring).

⁸² *Kennedy v. Bremerton Sch. Dist.*, 597 U.S. 507, 510 (2022).

President read Joshua 1:9, printed on CPT Rippetoe’s dog tag: “Be strong and courageous. Do not be afraid; do not be discouraged, for the Lord your God will be with you wherever you go.”

Yet, just a few years later, the Department of Defense began erecting obstacles to the soldiers seeking dog tags, creating barriers to Mr. **Vaughan’s** service. An official told Mr. **Vaughan** that the Shields could only be provided if the company removed religious references on the website and on the dog tags themselves. The underlying message was clear: religious voices are no longer welcome in the public square, even as messages of hope to soldiers heading into danger.⁸³

Where We Are Now: Building Bridges Between Church and State

The Commission’s hearing showed that Americans have many reasons to be grateful. But the more than 100 witnesses who testified also made clear the need for continued vigilance.

The law offers broad protections to religious liberty, but, too often, misconceptions have carried the day. Equipping Americans to know their rights is critical. We must remember our first freedoms or lose them.

Teacher **Marisol Arroyo-Castro** put it simply in her closing remarks to the Commission, “Please do what you can to educate Americans ... about the true meaning of the Establishment Clause and the Free Exercise Clause. How can we do our jobs well when many ... leaders today don’t understand the Constitution themselves? We must understand as Americans that freedom of religion is a right that benefits all Americans.”⁸⁴

Faith continues to offer the vibrant benefits it always has, but, too often, hostility or simple overregulation mutes these contributions. In recent years, the Obama Administration targeted the Little Sisters of the Poor simply for seeking to serve elderly individuals in poverty in accordance with the Little Sisters’ pro-life beliefs.⁸⁵ And a number of Biden-era programs claimed to prioritize diversity and inclusivity while actually repressing religious views.⁸⁶

Government should value the contributions of individuals of faith and faith-based institutions, as such, and reduce the barriers to entry for faith groups seeking to serve.

⁸³ Fourth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 300-02 (2025) (Statement of Kenny Vaughan).

⁸⁴ Third Hearing of the Religious Liberty Comm’n, Hearing Transcript, 215 (2025) (Statement of Marisol Arroyo-Castro).

⁸⁵ Sixth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 484 (2026) (Statement of Rabbi Meir Soloveichik).

⁸⁶ Dep’t of Justice: Task Force to Eradicate Anti-Christian Bias, Eradicating Anti-Christian Bias Within the Federal Government (2026).

Americans must know their rights and stand with courage when those rights are challenged.

To preserve this freedom, we must build bridges, not walls, between the City of God and the City of Man. If we do so, we will pass on a free and prosperous nation to the next generation.

Chapter 3: Faith-Based Institutions and the Enduring Fight for Religious Identity, Mission, and Integrity

Introduction

When French magistrate Alexis de Tocqueville first set foot on American soil in the nineteenth century, he was struck by the countless marvels of republican self-government and unique attributes of the American character. Among them, he recalled in his legendary book *Democracy in America*, was the distinctive role of faith and voluntary associations embedded within our way of life.

“Americans of all ages, all conditions, all minds, constantly unite,” he wrote. “Not only do they have commercial and industrial associations in which all take part, but they also have a thousand other kinds: religious, moral, grave, futile, very general, very particular, immense and very small; Americans use associations ... to found seminaries, to build inns, to raise churches, to distribute books, to send missionaries to the antipodes. In this same manner they create hospitals, prisons, schools.”⁸⁷

As Tocqueville observed nearly two centuries ago, religion has always brought Americans together—not only for acts of worship, but also for acts of charity. Many religions teach that serving others is necessary to fulfilling the demands of their faith. Religious charity often includes practices such as giving to those in need, healing the sick, educating children, and serving the most vulnerable.⁸⁸

People of faith often carry out these calls to service through religious institutions. These institutions must be free to operate according to the religious principles that motivate and mandate their efforts. As Commissioner Rabbi **Soloveichik** explained, to cut off religion as a condition of participation in the public square is to cut off an essential part of ourselves.⁸⁹ A government-run religious organization ceases to be a religious organization in any authentic sense.

⁸⁷ Alexis de Tocqueville, *Democracy in America* 896 (Eduardo Nolla ed., James T. Schleifer trans., Liberty Books 2012) (1840).

⁸⁸ Fourth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 291 (2025) (Statement of Sukbir Singh Toor on Sikh precept of the “saint-soldier”); Sixth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 486 (2026) (Statement of Archbishop Cordileone on Catholic theology of charity); Sixth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 517 (2026) (Statement of Ismail Royer on Muslim precepts of human dignity and service); Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript, 553 (2026) (Statement of Dr. Akshar Patel on Hindu teaching that serving others is a form of devotion to God); Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript, 573 (2026) (Statement of Rabbi Aaron Lipskar on Jewish and Torah values of the responsibility of care); Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript, 556 (2026) (Statement of Dr. Paul Brintley on how Biblical truth has led people to build schools, hospitals, and charities).

⁸⁹ First Hearing of the Religious Liberty Comm’n, Hearing Transcript, 30-31 (2025) (Statement of Comm’r Rabbi Meir Soloveichik).

Preserving religious liberty for religious institutions is not only a matter of justice but also of sound public policy. From the very beginning of the American story, religious institutions have made foundational contributions in our national life. They have established schools, hospitals, charities, adoption ministries, food banks, homeless shelters, and countless other institutions dedicated to serving society. Without the freedom to operate according to their faith, these organizations cannot make such contributions. But when religious organizations are free to “be who they are,” women escaping abuse find shelter; children find homes; prisoners reconnect with their families and communities; and students receive educations grounded in faith-based moral formation and religious tradition. Americans struggling with addiction, poverty, homelessness, or despair encounter communities of unconditional love, willing to walk alongside them through moments of difficulty.⁹⁰

The Founders understood religious organizations’ fundamental importance to our self-governing democracy. They knew that government regulation of these religious organizations would be exactly the type of establishment of religion that would undermine our society.⁹¹ Accordingly, since the ratification of the Bill of Rights in 1791, the First Amendment has protected not only the freedom to pray and worship privately, but also the freedom to form institutions to carry out the religious works of mercy.

These First Amendment protections, and related federal laws, ensure religious institutions’ decisions related to leadership, membership, and resolution of internal disputes are free from government interference.

Yet, in recent years, the government has targeted religious organizations for the very beliefs that motivate their work.⁹² Religious organizations are now subject to lawsuits, investigations, and exclusion from public programs. Frequently, the government or another authority demands that the religious group renounce key pillars of their faith to continue participating in public life.

In some cases, states have essentially imposed their own theology upon religious institutions, claiming that they are not even religious if they serve nonbelievers or perform social services that the state also offers.⁹³

“We’re dealing with something even more pernicious than a violation of religious freedom, which itself would be egregious. What we’re dealing with is the bureaucratic redefining of religion itself, and what it means to act in a religious capacity,”⁹⁴ Commissioner Rabbi **Meir Soloveichik** warned. Commissioner Dr. **Ryan Anderson** concluded “a lot of this is

⁹⁰ First Hearing of the Religious Liberty Comm’n, Hearing Transcript, 51-52 (2025) (Professor Barbara Elliott).

⁹¹ *Our Lady of Guadalupe Sch. v. Morrissey-Berru*, 591 U.S. 732, 748 (2020).

⁹² *Catholic Charities Bureau, Inc. v. Wisconsin Labor & Indus. Review Comm’n*, 605 U.S. ____ (2025).

⁹³ Sixth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 485 (2026) (Statement of Archbishop Salvatore Cordileone).

⁹⁴ Sixth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 488 (2026) (Statement of Comm’r Rabbi Meir Soloveichik).

intentional ... various government bureaucrats ... want to win, not just on whatever the ideological policy is, but ... on eradicating the space of civil society and of faith-based civil society in particular.”⁹⁵

As the testimonies that follow demonstrate, faith-based organizations across a wide range of fields are confronting the same underlying question: will they remain free to carry out their missions according to their sincerely held religious beliefs, or will participation in public life require them to renounce their beliefs and conform to prevailing governmental expectations and popular ideology?

Faith-Based Humanitarian Organizations

Oriel Ekşi

There are people, **Oriel Ekşi** told the Commission at its seventh hearing in April 2026, who hear stories of profound suffering and assume faith must eventually collapse under the weight of it. “But that was not my experience,” she said. “Instead, it is when God held me closest.”

Raised in a Catholic home in rural Kentucky, faith shaped **Oriel’s** childhood. But beginning at age 13, “my mother trafficked me,” **Oriel** testified. “That kind of betrayal changes a person forever,” she said.

Yet, during years of trafficking and abuse, “My faith did not disappear in suffering, but carried me through it,” she explained. “It gave me the language for dignity. When other people treated me like an object, it gave me a conviction that my life still had inherent value, even when the people closest to me acted as though it did not. It reminded me that evil is real, but so is truth, so is mercy, so is purpose, so is the image of God in every human being.”

At 16, while being trafficked, **Oriel** became pregnant. The first response she heard came from her mother: “What about an abortion?” **Oriel** remembered reacting immediately “with an absolutely not stance in [her] heart.”

Something changed in that moment. “All trepidation vanished in that moment of rebellion. Consequence be damned because it was a line I would never cross.”

Years later, reflecting on that decision, **Oriel** connected it to the beliefs that had sustained her throughout her suffering. “My child was not a problem to be erased,” she testified. “She was a person with value, a life with purpose, a gift entrusted to me.” Today, that child is 14 years old.

⁹⁵ Sixth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 490 (2026) (Statement of Comm’r Dr. Ryan Anderson).

“Novena Valentine is a faithful, beautiful, clever, athletic, cheerful 14-year-old girl,” **Oriel** said. “And every time I look at her, I’m reminded that faith is not merely a private comfort. It is a force that shapes choices, preserves lives, and changes generations.”

That experience eventually shaped **Oriel**’s professional work as well. Now serving as managing partner of The Woolf Group, she works with organizations across the country—many of them faith-based ministries—serving victims of trafficking, violence, and crime.

“Faith-based organizations are often among the first to show up, the last to leave, and the most trusted by the people they serve,” **Oriel** said.

In anti-trafficking work especially, survivors frequently first encounter hope through churches, pregnancy resource centers, volunteer mentors, safe homes, and faith-based ministries. “These organizations do not merely provide services,” **Oriel** explained. “They restore belonging.”

Yet, she finds government systems too often treat faith-based organizations “not as valued partners, but as problems to be managed.” Sometimes ministries are expected to “mute” their religious identity as a condition of participation. Other times, smaller organizations are buried under administrative requirements that larger institutions can more easily absorb.

“A nation that truly values religious liberty,” she warned, “does not tell people of faith: you’re free to believe whatever you want, as long as your beliefs do not shape your work, your institutions, your hiring, your witness, your compassion, or your service to others.”

For **Oriel**, religious liberty was never merely a legal principle or policy debate. “It protects people like me,” she concluded. “It protects the girl who still believed that God saw her when the world did not.” Ultimately, it was faith, she said, that became the foundation for rebuilding a life devoted to helping others do the same.⁹⁶

Sister Mary Elizabeth, SV

Nearly two decades after his mother first arrived at a convent in Manhattan with nowhere else to turn, a young man named Zion returned to the place where his life began.

The nun who answered the doorbell at the Sisters of Life convent in Midtown Manhattan was surprised to find a group of college-aged football players standing outside. Zion stepped forward, introducing himself by simply saying: “Hi, Sister! I was born here.”

⁹⁶ Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript, 568-571 (2025) (Statement of Oriel Ekşi).

As Sister **Mary Elizabeth**, SV, recounted during the Commission’s seventh hearing on April 13, 2026, Zion’s mother, Melanie, had come to the convent pregnant and in need of support. The Sisters of Life cared for her throughout her pregnancy and after Zion’s birth, helping to provide stability and community during a time of difficulty. Years later, 18-year-old Zion returned—not as a child in crisis, but as a thriving young man attending an Ivy League college on a football scholarship. “Zion recently graduated from Yale,” Sister **Mary Elizabeth** told the Commission.

For Sister **Mary Elizabeth**, stories like Zion’s demonstrate the crucial and formative role faith-based institutions play in American life. Religious ministries, schools, shelters, pregnancy centers, foster care organizations, and rehabilitation programs often serve people during periods of crisis and uncertainty—not merely because there are social needs in the United States, but because people of faith believe they are explicitly called by God to serve others in concrete and sacrificial ways as tangible expressions of their faith. In these centers, people in need receive not only material support but also unconditional love and acceptance.

She explained that freedom to live out one’s faith through service to others is at the heart of what the Sisters of Life do. That freedom, she suggested, extends beyond religious communities themselves and benefits the broader public.⁹⁷

Sherrie Laurie

On a freezing night in Anchorage, Alaska, in January 2018, a six-foot-one intoxicated man in a pink nightgown arrived at the Downtown Hope Center demanding a bed in the women’s shelter.

Inside the shelter, women who had survived domestic violence, sex trafficking, and sexual assault began retreating toward the walls in fear. The Downtown Hope Center was created to serve women in moments of vulnerability—women in danger who had nowhere else to go.

Every day, the Hope Center serves hundreds of people experiencing hardship in Anchorage, providing meals, showers, laundry services, recovery programs, and job training. “Everything we do is motivated by the love of Jesus,” **Sherrie** explained to the Commission in March 2026, “and the firmly held belief that every person, no matter how broken their lives are, has dignity, value, and God-given destiny to fulfill.”

Alaska faces some of the highest rates of domestic violence in the country, along with serious problems involving homelessness and human trafficking. As **Sherrie** explained, many women arrive immediately after fleeing violent situations. “We’ve heard women

⁹⁷ Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript, 563-567 (2026) (Statement of Sister Mary Elizabeth).

state, “When I came here, it was the first night in years that I felt like I could sleep in safety.”

That sense of safety was shaken the night the intoxicated man arrived at the shelter door. **Sherrie** recalled that he was “extremely inebriated, very belligerent,” and bleeding from a wound on his face. Realizing he needed medical treatment, **Sherrie** paid for a taxi to take him to the hospital for stitches. But after the man left, the women inside the shelter remained terrified. Several recognized him from the streets and described him as violent. “Several told me that if I had allowed him to stay in the shelter,” **Sherrie** testified, “they would’ve left that night and gone and slept in the woods.” In the middle of an Alaskan winter, the women believed sleeping outside was safer than remaining in the shelter with him.

Within a week, the Hope Center received notice that the man had filed a discrimination complaint against the ministry based on gender identity discrimination. The city of Anchorage opened an investigation and sought to compel the shelter to permit biological men to sleep alongside women, despite an exemption in the city’s ordinance for homeless shelters.

“Our mission has always been clear,” **Sherrie** said. “We serve everybody, we feed everybody, we clothe everybody.” She noted that the same individual who filed the complaint continued receiving meals from the Hope Center afterward. “But at night,” she said, “our shelter is for women only.”

The Hope Center ultimately filed suit to protect its policy. Although the courts ruled in the ministry’s favor, Anchorage later amended its ordinance and renewed the legal pressure, forcing the shelter into a second lawsuit.

The years-long litigation illustrated to **Sherrie** the vulnerability of faith-based ministries attempting to operate consistently with the beliefs that shaped their mission. “Our freedom to serve women should never have required years of litigation,” she told the Commission.

Sherrie’s case, like countless others, illustrated just how quickly ministries serving our nation’s most vulnerable can find themselves drawn into prolonged, costly legal battles simply for operating in accordance with their religious convictions.⁹⁸

⁹⁸ Sixth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 480-481 (2026) (Statement of Sherrie Laurie).

Pastor Brian and Mrs. Kaitlyn Wuoti

In 2014, as Vermont’s opioid crisis pushed more and more children into foster care, **Brian** and **Kaitlyn Wuoti** decided their family could not remain on the sidelines.⁹⁹

Brian served as a pastor and schoolteacher while **Kaitlyn** homeschooled their five children. Together, they opened their home to foster children and eventually adopted two brothers through Vermont’s foster care system. Like many of the witnesses who preceded them, the **Wuotis** saw their work not simply as charitable service, but as a religious calling—an opportunity to love vulnerable children in moments of crisis.

“Our church had started a recovery group,” **Brian** explained to the Commission on March 16, 2026, “but Katie and I felt called to do even more.”

For years, the arrangement worked well—and their relationship with Vermont’s Department for Children and Families was successful and cooperative. But in 2022, when the couple sought to renew their foster care license, the state introduced new requirements concerning gender identity and sexuality.

The **Wuotis** testified that Vermont required foster parents to affirm “gender transition” for children in state custody, including using preferred pronouns and communicating the falsehood that a child could change his or her sex. The couple informed the state they would “love any child who came through our door,” but could not affirm ideas they believed were false. “We believe every child is wonderfully made,” he explained. “We would never tell a child that God made a mistake and that he or she was born in the wrong body.”

The issue was especially personal for **Kaitlyn**. As a child, she herself had struggled with gender dysphoria. “My experience confirmed what research shows now,” she testified. “The majority of children who experienced these feelings will find peace with their bodies if they are given time, support, love, and the freedom to grow.” She continued, “I know personally that there is nothing compassionate about confusion. Love requires truth.”

But when the **Wuotis** declined to comply with Vermont’s policy, the state revoked their foster care license.

This policy reflected a troubling shift in the relationship between religious families like the **Wuotis** and state foster systems. Vermont, they argued, excluded families not because they had mistreated children, but because “the government did not like [their] beliefs.” **Kaitlyn** warned that similar policies had emerged in other states as well, including Massachusetts, Oregon, and Washington.

⁹⁹ Sixth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 482-483 (2026) (Statement of Brian and Kaitlyn Wuoti).

The **Wuotis** ultimately sued Vermont in 2023. After years of litigation, Vermont eventually agreed to rescind its decision and allowed the family to reapply for their foster care license.

The dispute carried implications far beyond the **Wuotis**' own family. "When government respects religious freedom," **Brian** concluded, "more families step forward. More children find forever homes and communities grow stronger."

Jean Marie Davis

By the time **Jean Marie Davis** arrived at a pregnancy resource center in New Hampshire, 27 shelters had already turned her away.¹⁰⁰

She was pregnant, addicted to crystal meth, fleeing sex traffickers who wanted her dead, and carrying just \$1.38 to her name. But like the schools and religious ministries described by other witnesses, the pregnancy center that eventually received **Jean Marie** offered something she could not find elsewhere: love and compassion. For the first time in her life, she encountered people who treated her with the respect and dignity she deserved. The staff of this faith-based pregnancy center were committed to walking alongside **Jean Marie** and hundreds of other women who faced moments of profound crisis.

Speaking before the Commission during its sixth hearing on March 16, 2026, **Jean Marie** explained that her life before that moment had been defined by violence and exploitation. "From the age of two to 29," she testified, "I was sex trafficked around the nation in 33 different states ... I was trapped in a world that I had never thought I could get out of."

Eventually, the abuse became so overwhelming that she attempted suicide. It was then that she discovered she was pregnant.

"When my trafficker found out," **Jean Marie** recalled, "he wanted me dead." Police warned her that traffickers—and members of her own family—were looking for her. Desperate for safety, she began calling shelters in the states where authorities told her she might be protected. "Twenty-seven shelters denied me," she testified, "because they said my situation was too severe."

Finally, a domestic violence shelter in New Hampshire agreed to take her in. That shelter connected her with a pregnancy resource center, where she met a woman named Phyllis. "She looked at me with compassion," **Jean Marie** recounted, "and she gave me the five words that changed my life forever: 'How can I help you?'"

¹⁰⁰ Sixth Hearing of the Religious Liberty Comm'n, Hearing Transcript, 478-479 (2026) (Statement of Jean Marie Davis).

That encounter marked a turning point. After years of hearing only violence and threats, someone finally treated her “like my life mattered.” She received counseling, support, and an ultrasound. As Jean Marie said, “I felt something that I had never expected before: hope.”

“Phyllis then asked me if I knew a man named Jesus,” **Jean Marie** recollected. “And at that moment, I accepted Jesus Christ into my heart. And that changed my life.” Her child—a boy—was born healthy. “That now 11-year-old boy who saved my life is here today next to me,” she said before the Commission.

With support from the center, **Jean Marie** eventually overcame addiction, pursued an education, and later earned a degree from Northpoint Bible College. Years afterward, she became executive director of two pregnancy resource centers, serving women facing many of the same circumstances she once endured.

“When they walk through our doors,” she explained, “they’re met with the same words that changed me, which is, ‘How can we help you?’”

Those ministries increasingly face legal and political attacks because of their religious and pro-life mission. She pointed specifically to a Vermont law targeting pregnancy resource centers through restrictions and financial penalties. But **Jean Marie** has challenged the law in court. “I’m grateful—actually proud—to share that last year we won that case,” she testified.

For **Jean Marie**, the issue extends far beyond politics. “To silence these centers is to silence hope,” she told the Commission. “Pregnancy centers empower women, and sometimes they literally save women’s lives.”

Redemption and Religious Liberty in Practice

Heather Rice-Minus

At the Commission’s seventh and final hearing on April 13, 2026, **Heather Rice-Minus**, the President and Chief Executive Officer of Prison Fellowship, testified about a key realm of American life that often tends to be overlooked: prisons and correctional facilities.

In 1976, after his own imprisonment following Watergate, former Nixon White House counsel Chuck Colson founded Prison Fellowship, based on his belief that “no life is beyond redemption.”

“Our work is grounded in the belief that all people are created in God’s image,” **Heather** explained.

For 50 years, Prison Fellowship has partnered with churches, volunteers, and correctional leaders to support rehabilitation, strengthen families, and reduce recidivism. That work depends in significant part on legal protections for religious exercise within prisons themselves.

Heather pointed specifically to the Religious Land Use and Institutionalized Persons Act (RLUIPA), which has helped ensure that incarcerated individuals have access to worship, mentorship, religious programming, and spiritual counseling while imprisoned.

Religious programming produces measurable social benefits both inside prisons and after release.

The Prison Fellowship Academy, its most intensive program, is a voluntary year-long initiative focused on mentoring, accountability, community, and faith-based instruction. According to a recent Texas study Heather cited in her testimony, graduates of the Academy experienced a recidivism rate 53.8 percent lower than comparable groups with similar criminal histories. More than 6,000 people have completed the program—some of whom have gone on to become pastors, lawyers, and even elected leaders.¹⁰¹

“These outcomes demonstrate how religious liberty empowers faith-based organizations to serve the common good,” **Heather** told the Commission. “We’ve seen individuals transform their lives, parents reconnect with their children, and communities benefit from successful reentry.”

As Heather’s testimony illustrates, protections for religious liberty often shape not only the faith-based organizations, but also the lives of people those ministries exist to serve.¹⁰²

Rabbi Aaron Lipskar

For nearly 45 years, the Aleph Institute, a Jewish nonprofit organization, has worked at the intersection of faith and the criminal justice system, serving incarcerated individuals, their families, and their communities. Through years of prison visitations and ministry work, Rabbi **Lipskar**, Aleph Institute’s Chief Executive Officer, told the Commission that one question surfaced time and again from people sitting behind bars: “Why are you here?”¹⁰³

¹⁰¹ Emily Andrews, *How Justice, Mercy, and Hope Shared a Movement*, PRISON FELLOWSHIP (December 31, 2025) <https://www.prisonfellowship.org/2025/12/50-years-of-prison-fellowship-how-justice-mercy-and-hope-shaped-a-movement/>; *Prison Fellowship Becomes First Nonprofit to be Designated as an Evidence-Based Program by the Federal Bureau of Prisons*, PRISON FELLOWSHIP (May 13, 2026) <https://www.prisonfellowship.org/2026/05/prison-fellowship-becomes-first-nonprofit-to-be-designated-as-an-evidence-based-program-by-the-federal-bureau-of-prisons>.

¹⁰² Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript, 562-64 (2026) (Statement of Heather Rice-Minus).

¹⁰³ Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript, 572-74 (2026) (Statement of Rabbi Aaron Lipskar).

People separated from their families and often forgotten or neglected by the outside world wanted to know why anyone had come to see them at all. “[T]he answer,” Rabbi **Lipskar** told the Commission in April 2026, “is always the same: because we are family and we have a responsibility to each other.”

The work of the Aleph Institute, the Rabbi explained, was shaped by Jewish teaching that every person possesses inherent dignity regardless of circumstance. “While our foundation is Jewish,” he said, “our advocacy is not limited by faith or practice and is open to all.”

Its mission is built around a simple principle: “No one alone, no one forgotten.”

Children with incarcerated parents face elevated risks of hardship and future incarceration themselves, making family preservation a central concern of the organization’s work. Faith-based prison ministry is not merely about religious observance or accommodation, but also restoring a sense of meaning and human worth. “Faith is not a privilege in prison,” he told the Commission. “It is a necessity.”

According to Rabbi **Lipskar**, faith practices inside correctional institutions often become a source of structure, accountability, and hope. Meaningful religious practice can help create safer prison environments while also preparing individuals for life after release. “We see every day that when people practice their faith in a meaningful way in the prison environment, it completely transforms them.”

He further described the practical challenges involved in protecting religious liberty within prison settings. For Jewish inmates in particular, observance often touches nearly every aspect of daily life—prayer, diet, clothing, holidays, and Sabbath observance—making meaningful accommodation especially important. While praising reforms within the federal system and developments under the First Step Act, signed into law by President Donald J. Trump in 2018, Rabbi **Lipskar** said that significant challenges remain in many state institutions.

For Rabbi **Lipskar**, policies and institutional reforms ultimately matter because of the people they affect. When “dignity is restored,” he concluded, “lives change, institutions improve, and society becomes stronger.”

Faith-Based Education and Institutional Identity

Rabbi Chaim Dovid Zwiebel

After World War II, the United States offered Orthodox Jewish refugees something they feared had been lost forever: the chance to rebuild Jewish religious life after the devastation of the Holocaust.

Speaking before the Commission during its second hearing on September 29, 2025, Rabbi **Chaim Dovid Zwiebel** reflected on the generation that arrived in America having lost parents, grandparents, schools, synagogues, and entire communities in Europe. Yet, rather than abandoning the traditions that had survived centuries of persecution, many chose to rebuild them from the ground up.

“I remember that there were ten boys in the class,” Rabbi **Zwiebel** recalled of his childhood yeshiva on Manhattan’s Upper West Side. “And of the ten boys, seven of us knew no grandparents.” The reason, he explained, was painfully familiar to families of that generation: “Hitler had wiped them off the face of this earth.”

According to Rabbi **Zwiebel**, many immigrant families could have chosen an easier path toward assimilation into American society. “They had the opportunity to say, that’s it. You know, we’re in America now. We’re casting off the ways of the old,” he explained. “But these heroic people who had come here having lost everything, everything—they said, ‘No, we want our children to grow up and be faithful Jews.’”

That decision helped fuel the growth of Orthodox Jewish education in the United States. Small yeshivas founded by immigrant families gradually expanded into extensive religious school systems serving tens of thousands of students. “Today there are ... 180,000 children enrolled in Jewish schools in New York,” the Rabbi told the Commission, describing the revival as “a tale of heroism ... renaissance and redemption and ultimate revenge against those who would want to destroy us.”

However, that success now faces increasing pressure from state authorities in New York. He pointed specifically to expanding “substantially equivalent” requirements imposed on nonpublic schools, which would give the government far greater authority over curriculum, instructional priorities, and the internal operation of religious education.

“And they’ve decided to take a much harder line in terms of oversight,” he warned. “Oversight means imposing very strict requirements upon these schools so that they will satisfy the statutory mandate that nonpublic schools must offer an education that is substantially equivalent to that which is offered in the public schools.”

Rabbi **Zwiebel** argued that the conflict extends beyond educational policy alone. In his view, it concerns whether religious schools remain free to pass their beliefs and traditions to the next generation without government interference. Orthodox Jewish schools, he explained, cannot separate faith from education itself. “The first words of the Bible, ‘In the beginning, God created ...’—that’s what the schools believe in.”

For Rabbi **Zwiebel**, religious liberty made the rebuilding of Orthodox Jewish life in America possible. First Amendment protections meant religious communities were free to establish institutions molded by their faith. “We owe so much to this country and to the

freedoms that were established in this country,” he told the Commission. “Without the benevolence of this great country, it never would have happened.”¹⁰⁴

Rev. Robert Sirico

When Fr. **Robert Sirico** arrived at Sacred Heart Parish in Grand Rapids, Michigan in 2012, the parish school was on the verge of collapse.

Founded in 1904 by Polish immigrant miners, Sacred Heart School had once been a thriving part of Catholic life in the Grand Rapids community. By the time Fr. **Sirico** became pastor, enrollment had fallen to just 68 students, and the school consumed nearly 90 percent of the parish budget. Like many Catholic schools across the country, Sacred Heart appeared headed toward closure. “Faced with this reality,” Fr. **Sirico** recalled, “I had to choose to close the school or reimage its future.”

Following consultation with his parishioners, Fr. **Sirico** discerned—and ultimately found—a different path, opting to rebuild the institution as Sacred Heart Academy, a classical Catholic school centered on daily Mass, rigorous academics, and traditional Catholic formation.

Over the next decade, the academy grew from 68 students to more than 400. Families relocated from across Michigan and even other states to enroll their children. According to Fr. **Sirico**, “This renewal was possible because we stayed faithful to our mission,” he explained, “teaching the Catholic faith in full accord with the Catechism.”

Unlike many private schools, Sacred Heart Academy accepts virtually no government funding. As Fr. **Sirico** testified, the school declined participation not only in federal lunch programs and COVID-19-era Paycheck Protection Program assistance, but even in certain supplementary public school services permitted under Michigan law.

Yet despite operating independently, Sacred Heart soon found itself confronting new pressure—this time on the legal landscape. Fr. **Sirico** pointed to a recent Michigan Supreme Court decision reinterpreting the state’s nondiscrimination law “to include sexual orientation and gender identity.”

While framed as a matter of fairness, Fr. **Sirico** warned that the reinterpretation posed “grave risks” for religious institutions. The new framework, he said, could require Catholic schools to employ individuals whose conduct openly contradicts church teaching, adopt compelled speech concerning “gender identity,” or suppress religious doctrine in the classroom and admissions process.

¹⁰⁴ Third Hearing of the Religious Liberty Comm’n, Hearing Transcript, 226-28 (2025) (Statement of Rabbi David Zwiebel).

“Worst of all,” he explained, “it infringes upon the rights of parents who have chosen Sacred Heart precisely because it reflects their values and their beliefs.”

Sacred Heart Academy ultimately filed suit against the state of Michigan. Although the case was initially dismissed, the Sixth Circuit Court of Appeals later revived it, and litigation remains ongoing.

For Fr. **Sirico**, the conflict ultimately concerns whether religious institutions may continue existing as distinctly religious institutions at all. “We see our contribution to cultural diversity,” he told the Commission, “precisely in being a faithful expression of Catholic identity. That expression must remain free in order to remain diverse.”¹⁰⁵

Dr. Todd Williams

Religious colleges and universities have long understood religious formation not as a mere supplement to academics, but as a defining—and nonnegotiable—element of their identity, mission, and institutional purpose.

“We are, to our very core, a Christian institution that is driven by and guided by our Christian convictions, our Christian theology, our Christian tradition,” Dr. **Todd Williams**, president of Cairn University in southeastern Pennsylvania, told the Commission in September 2025.¹⁰⁶ Dr. **Williams** noted that he tells students that they are “truth seekers, not truth makers.”

“We have a faculty and staff that sign affirmation of our foundational statements, which is not just a statement of faith,” he explained, “but includes a statement of the implications of that statement of faith for the way in which they carry out their work.”

In recent decades, however, that mission has fallen victim to resistance from what he described as “the broader academic guild that is of American higher education,” which has “taken aim” at the objectives of Christian education “in a very insidious way.” Cairn, like other Christian colleges and universities, has come into conflict with accrediting agencies and regulatory bodies that seek to wield power to strip authority away from institutions like his.

Accreditation determines whether institutions can access federal student aid, transfer academic credits, maintain professional recognition, and compete within the broader higher education system. As a result, accrediting standards can function as a powerful mechanism for influencing institutional policy and culture. For Dr. **Williams**, the concern is not simply that religious institutions are encountering disagreement or criticism, but that

¹⁰⁵ Third Hearing of the Religious Liberty Comm’n, Hearing Transcript, 229-230 (2025) (Statement of Rev. Robert Sirico).

¹⁰⁶ Third Hearing of the Religious Liberty Comm’n, Hearing Transcript, 231-234 (2025) (Statement of Dr. Todd Williams).

outside entities are increasingly attempting to reshape the internal mission, culture, and identity of Christian institutions.

Accrediting agencies, Dr. **Williams** said, under the guise of “peer review site visit teams,” openly question the validity or practicality of Cairn’s mission statement. He recalled peer reviewers questioning whether Cairn’s mission statement was “a little too explicitly Christian.” While accreditors may evaluate whether a university fulfills its mission, he argued, “they don’t get to tell us what the mission statement is.”

Dr. **Williams** pointed to Cairn University’s decision to close its social work program in 2021 as a defining example of these pressures. The program had operated for roughly 50 years, but the university concluded that continued participation under the Council for Social Work Education’s accreditation standards was “no longer tenable for us as a Christian institution.” Yet accreditation remained effectively mandatory because “you cannot be a licensed social worker unless you graduate from an accredited social work school.”

The episode reflected more than ordinary academic disagreement for Dr. **Williams**. “It’s not just the overreach on regulation or accreditation,” he said, “it’s that they assume that they have the power to force us to change our minds.”

For Dr. **Williams**, the stakes ultimately concern whether religious institutions remain free to preserve the identities that have defined and animated their institutions. “Our course of action has been to push back and say, no, that this is who we are and this is what we do,” he concluded.¹⁰⁷

Carroll Conley

At the end of his sophomore year of high school, **Carroll Conley** begged his parents to let him transfer schools.

Raised in what he described as “a wonderful Christian home,” **Carroll** had concealed much of what he called his “very dark and destructive behavior” from his family. Though his father was a Hall of Fame basketball coach and both parents worked in the local school system, he pleaded to attend Bangor Christian School instead.

“I was weak and I knew it,” he told the Commission during its second hearing on September 29, 2025. “And I needed faculty and I needed schoolmates that would support my parents’ worldview rather than tear it down.” Those two years “completely changed the trajectory” of his life and ultimately led him into Christian education. “I knew that I wanted to give every family the chance that I had as a result of Christian education,” he explained.

¹⁰⁷ Third Hearing of the Religious Liberty Comm’n, Hearing Transcript, 231-34 (2025) (Statement of Dr. Todd Williams).

Carroll fulfilled that commitment, serving for eight years as the headmaster of Bangor Christian Schools.

For decades, many Maine families had access to that opportunity through one of the nation's oldest school choice programs, which allowed towns without public high schools to provide tuition assistance for students to attend other schools. The program particularly benefited rural and financially struggling families seeking alternatives consistent with their religious convictions.

But that abruptly changed when Maine barred religious schools from participating in the program. "It was very, very sad," **Carroll** recalled, describing years of failed efforts to reverse the policy. Bangor Christian Schools became one of the institutions at the center of the resulting legal battle.

The conflict ultimately culminated in the Supreme Court's landmark 2022 decision in *Carson v. Makin*, which held that Maine could not exclude religious schools from an otherwise generally available public benefit solely because of their religious character. **Carroll** personally knew the Carson family involved in the litigation and described the ruling as a moment of enormous relief after years of disappointment. "We were exuberant," he said. "I thought of the meetings that I'd had over the years with parents that tearfully had to take their kids out of school because of finances."

The celebration, however, was short-lived. Maine officials immediately signaled their opposition to the ruling, including Maine Attorney General Aaron Frey, who pledged that the state would continue doing everything they could to keep funding "bigotry and intolerance and discrimination," which the Attorney General implied were promulgated by religious schools. Most troubling to **Carroll** was the Attorney General's assertion that the education offered by schools like Bangor Christian was "inimical" to public education.

"There was no irony lost on me," **Carroll** told the Commission, "that the very first response was evidence of the decades-long hostility towards any attempt for religious education in our state."

Despite the Supreme Court's historic ruling in 2022, legal battles over religious schools in Maine remain ongoing. For him, the issue ultimately boils down to families like his own, and the importance of parents' ability to seek educational environments that reinforce, rather than undermine, the values they hope to pass on to their children.¹⁰⁸

¹⁰⁸ Third Hearing of the Religious Liberty Comm'n, Hearing Transcript, 248-49 (2025) (Statement of Carroll Conley).

Conclusion

Throughout our nation’s history, religious institutions have flourished where human need was greatest. Religious communities have established schools and shelters, cared for the poor and vulnerable, supported families in crisis, ministered to prisoners, and built communities around enduring convictions concerning truth, responsibility, and the inherent dignity of every human person.

The witnesses in this chapter described institutions operating in very different settings, yet many encountered a similar challenge. Schools, shelters, ministries, foster families, and charitable organizations testified that conflicts arose simply because they sought to remain faithful to the beliefs that shaped their work.

Notre Dame Law Professor **Nicole Stelle Garnett** testified to the importance of ending discrimination that prevents religious institutions from participating in public programs. Her research revealed 364 statutes and 104 regulations that discriminate against religion in a variety of public programs.¹⁰⁹ At the federal level, Professor **Garnett’s** research team identified “135 unconstitutional statutes and regulations, 41 of which restrict the religious liberty of private educational institutions.” The Commission recommends that President Trump’s administration reviews and reevaluates all of these statutes.

What hangs in the balance is whether religious institutions remain free to exist as authentically religious institutions. If government regulation can dictate who a religious organization can hire or how they can perform works of mercy, then the organizations formed around those beliefs will gradually lose the very qualities that led to their creation. Religious liberty must protect the ability of faith communities to teach, serve, and organize according to sincerely held convictions. Only then will faith-based institutions remain free to continue contributing to American life as they have for generations.

The issue reaches beyond any individual school, ministry, or organization. It concerns whether the constitutional promise of religious liberty leaves meaningful space for faith to remain not only something Americans are permitted to believe in their heart or express in their house of worship, but something they are permitted to live out and allow to bring healing, comfort, compassion, and meaning to all the people they serve.

Recommendations

In response to the testimony presented and public comments submitted to this body, the Commission recommends that the federal government take the following actions to secure and strengthen the First Amendment protections for faith-based institutions:

¹⁰⁹ Third Hearing of the Religious Liberty Comm’n, Hearing Transcript, 257 (2025) (Statement of Professor Nicole Stelle Garnett).

- **Issue a new Equal Treatment Rule.** The Administration should issue a new Equal Treatment Rule ensuring faith-based groups may compete for federal grants, funds, and contracts on an equal playing field with secular groups without being forced to give up their religious identity or cease ministering according to their beliefs.¹¹⁰
- **Support legislation codifying the new Equal Treatment Rule.** The Administration should advocate for the passage of federal legislation ensuring that faith-based groups may compete for federal grants, funds, and contracts on an equal playing field with secular groups without being forced to give up their religious identity or cease ministering according to their beliefs.¹¹¹
- **Expand partnerships with faith-based institutions.** The Administration should expand partnerships with faith-based institutions by utilizing faith-welcoming language in notices of funding opportunities (NOFOs), training faith groups on the grant application process, and directing grant reviewers to provide equal treatment to faith-based and secular groups.¹¹²
- **Support litigation upholding church autonomy.** The Department of Justice should initiate or support strategic litigation upholding the doctrine of church autonomy, which refers to the rights of houses of worship and faith-based non-profits to operate their internal affairs according to their religious beliefs without government interference.¹¹³
- **Issue guidance on the rights of religious employers to make faith-aligned personnel decisions.** The Equal Employment Opportunity Commission should

¹¹⁰ First Hearing of the Religious Liberty Comm’n, Hearing Transcript, 54 (2025) (Statement of Barbara Elliott); Third Hearing of the Religious Liberty Comm’n, Hearing Transcript 235 (2025) (Statement of John Bursch); Third Hearing of the Religious Liberty Comm’n, Hearing Transcript, 252 (2025) (Statement of Nicholas Reaves); Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript, 569-70 (2026) (Statement of Oriel Ekşi) 52; Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript, 596-597 (2025) (Statement of Comm’r Pastor Paula White-Cain); Center for Public Justice, Public Comment, 241-43, <https://www.justice.gov/religious-liberty-commission/media/1441456/dl?inline>.

¹¹¹ Third Hearing of the Religious Liberty Comm’n, Hearing Transcript, 236-37 (2025) (Statement of John Bursch); Christian Legal Society, Public Comment, 34, <https://www.justice.gov/religious-liberty-commission/media/1442021/dl?inline>.

¹¹² Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript 545 (2026) (Statement of Comm’r Paula White-Cain).

¹¹³ First Hearing of the Religious Liberty Comm’n, Hearing Transcript 75 (2025) (Statement of Stephanie Barclay); Third Hearing of the Religious Liberty Comm’n, Hearing Transcript, 237-38 (2025) (Statement of John Bursch); Third Hearing of the Religious Liberty Comm’n, Hearing Transcript, 252 (2025) (Statement of Nicholas Reaves).

issue guidance on the scope of Title VII’s religious organization exemption allowing religious employers to make faith-aligned personnel decisions.¹¹⁴

- **Issue a rule protecting religious freedom in foster care.** The Department of Health and Human Services should issue a rule ensuring religious organizations and families may provide adoption and foster care services without being forced to violate their religious beliefs.¹¹⁵
- **Support legislation expanding school choice.** The Administration should advocate for the passage of federal legislation creating a robust system of universal school choice.¹¹⁶
- **Issue guidance to states with best practices in school choice programs.** The Department of Health and Human Services should issue guidance encouraging states to utilize indirect funding, such as scholarships, certificates, or vouchers, in educational programs to give parents the freedom to choose the best education for their children.¹¹⁷
- **Clarify that IDEA funds may be used at religious schools.** The Department of Justice should issue guidance clarifying that Individuals with Disabilities Education Act (IDEA) funds may follow the child to religious schools.¹¹⁸
- **Support litigation challenging Blaine Amendments and similar laws discriminating against religious educational institutions.** The Department of Justice should initiate or support strategic litigation challenging state-level Blaine Amendments and similar laws that restrict the ability of parents to use school choice funds to send their children to religious schools.¹¹⁹
- **Investigate and litigate religious freedom violations by governmental entities of faith-based institutions.** The Department of Justice’s Office of Civil

¹¹⁴ Third Hearing of the Religious Liberty Comm’n, Hearing Transcript 235-8 (2025) (Statement of John Bursch); Ethics and Public Policy Center, Public Comment, 270, <https://www.justice.gov/religious-liberty-commission/media/1441456/dl?inline>.

¹¹⁵ Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript, 483 (2026) (Statement of Brian and Kaitlin Wuoti); Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript, 570 (2026) (Statement of Oriel Ekşi).

¹¹⁶ Third Hearing of the Religious Liberty Comm’n, Hearing Transcript, 255 (2025) (Statement of Jason Bedrick).

¹¹⁷ Religious Freedom Institute, Public Comment, 180, <https://www.justice.gov/religious-liberty-commission/media/1437931/dl?inline>.

¹¹⁸ Third Hearing of the Religious Liberty Comm’n, Hearing Transcript, 252 (2025) (Statement of Nicholas Reaves).

¹¹⁹ First Hearing of the Religious Liberty Comm’n, Hearing Transcript, 79 (2025) (Statement of Rabbi Meir Soloveichik); Third Hearing of the Religious Liberty Comm’n, Hearing Transcript, 252 (2025) (Statement of Nicholas Reaves).

Rights should open civil rights investigations into—or file strategic litigation against—state and local governments that discriminate against faith-based educational institutions because of the school’s religious character and/or curriculum when awarding benefits, funding, or accreditation.¹²⁰

- **End religious discrimination in accreditation.** The Department of Justice should investigate and hold accountable educational accreditors that discriminate against faith-based institutions due to the organization’s religious beliefs.¹²¹
- **Ensure religious freedom for incarcerated individuals.** The Department of Justice should issue updated guidance on how the Religious Land Use and Institutionalized Persons Act (RLUIPA) provides incarcerated individuals with the right to receive reasonable religious accommodations while incarcerated, including access to spiritual counseling, mentorship, and religious programming.¹²²

The federal government can further protect religious liberty for faith-based institutions by adopting the global recommendations made at the beginning of this report as well as the recommendations made in Chapter 4: Students Don’t Check Their Rights at the Schoolhouse Gate, Chapter 6: The Rights and Roles of Parents and Teachers, Chapter 8: Religious Liberty for Religious Leaders, Chapter 9: First Do No Harm - Religious Liberty in Healthcare, Chapter 10: Conscience and Coercion in Vaccine Policy, Chapter 11: Anti-Semitism, Chapter 12: Faith Under Fire in America’s Houses of Worship, and Chapter 13: Barriers to Religious Liberty in the Public and Private Sectors.

¹²⁰ Third Hearing of the Religious Liberty Comm’n, Hearing Transcript 248-49 (2025) (Statement of Carroll Conley); Third Hearing of the Religious Liberty Comm’n, Hearing Transcript, 251 (2025) (Statement of Nicholas Reaves); Third Hearing of the Religious Liberty Comm’n, Hearing Transcript, 254 (2025) (Statement of Jason Bedrick); Third Hearing of the Religious Liberty Comm’n, Hearing Transcript, 256-57 (2025) (Statement of Nicole Stelle Garnett); Religious Freedom Institute, Public Comment, 180, <https://www.justice.gov/religious-liberty-commission/media/1437931/dl?inline>.

¹²¹ Third Hearing of the Religious Liberty Comm’n, Hearing Transcript, 232-34 (2025) (Statement of Todd Williams); Third Hearing of the Religious Liberty Comm’n, Hearing Transcript, 235-236 (2025) (Statement of John Bursch).

¹²² Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript, 562-64 (2025) (Statement of Heather Rice-Minus); Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript, 573 (2025) (Statement of Aaron Lipskar).

Chapter 4: Students Don't Check their Rights at the Schoolhouse Gate

“Also with us is 12-year-old **Shea Encinas** from California,” announced President Donald J. Trump as he addressed the Religious Liberty Commission on September 8, 2025 at the Museum of the Bible.¹²³ He invited **Shea** to the podium to share his story.

“Thank you again, Mr. President,” said **Shea**.¹²⁴ “I’ve been a Christian my whole life, and Jesus means everything to me. When I was in fifth grade, my school forced me to teach my kindergarten buddy about changing his gender using a book called *My Shadow Is Pink*. The book said you can choose your gender based on feelings instead of how God made us. I knew this was not right, but I was afraid of getting in trouble. After my family spoke up, the school treated us badly and kids started bullying me and my brother because of our faith and the school did nothing to stop it. It hurt a lot, but I kept trusting God. I believe kids like me should be able to live our faith at school without being forced to go against what we believe. I hope no other family has to go through what mine did. Thank you.”¹²⁵

The auditorium erupted in applause. This young man was not even old enough to reach the microphone—yet he had shown himself to have more courage than most adults. **Shea** and his family stood up to the California school system that tried to force him to teach a kindergarten student that the child’s gender was a mistake, not a gift from God. The details of the story brought audience members and Commissioners alike to tears.

As **Shea** and his mother **Jennifer** explained later that day, when the **Encinas** parents spoke to the school principal, the school not only refused to provide an opt-out, but instead coordinated with parents, teachers, students, and the PTA to host a “Pink Out the Hate” day. Mr. **Encinas** received a message from the husband of the teacher who had introduced the book threatening him and telling him to move to a remote island.

As **Jennifer** said, “These were the absolute hardest days of my life as a mother. I felt like I couldn’t breathe, I couldn’t sleep, all I could do was pray.”¹²⁶

On the “Pink Out the Hate” day, **Shea** decided he still wanted to attend school. “I felt like the entire school, including teachers, administrators, and classmates I counted as friends were standing against me and ridiculing my beliefs. My little brother, who was also being bullied by that time because of our beliefs, refused to go to school. I cried that morning, but

¹²³ Second Hearing of the Religious Liberty Comm’n, Hearing Transcript, 121 (2025) (Statement of President Donald J. Trump).

¹²⁴ Second Hearing of the Religious Liberty Comm’n, Hearing Transcript, 121 (2025) (Statement of Shea Encinas).

¹²⁵ *Id.* at 121.

¹²⁶ Second Hearing of the Religious Liberty Comm’n, Hearing Transcript, 136 (2025) (Statement of Jennifer Encinas).

decided to try and be brave and see who would stand with me. But over half the school wore pink. I felt completely alone.”¹²⁷

The rest of the school year wasn’t any better. Many of **Shea’s** friends refused to speak to them. The **Encinas** brothers were isolated and ridiculed. The family felt they had no choice but to withdraw from the public school they had loved and to enroll in a private school.

Sadly, **Shea’s** story is not an isolated event. Across the country, students have faced threats, public ridicule, isolation, and punishment for standing up for their faith. This hostility towards religion did not happen by accident. Over the last 50 years, there has been a concerted effort to cast out respect for religious freedom and conscience rights—particularly in the realm of sexual expression.

The Double Standard in Government-Run Schools

For more than a century, many of the institutions that train teachers—schools of education, credentialing programs, and national teachers’ unions—have increasingly framed education not as the transmission of intrinsic moral truths, but as a vehicle for ideology-driven social transformation. John Dewey, an early advocate of this repurposing of education, described the ideology by re-defining education as the **“fundamental method of social progress and reform.”**¹²⁸ Now considered an architect of the progressive American education system, Dewey argued that because society had been transformed, schools had to be transformed as well.¹²⁹ In a book called *The School and Society*, Dewey hypothesized that modern industrial and social change had profoundly affected even moral and religious truth, and concluded that **“only an equally radical change in education suffices.”**¹³⁰ He proposed that schools create an “embryonic community life,” where children would be taught primarily not how to think or explore truth, but to develop habits useful to the state, such as cooperation, shared purpose, and democratic citizenship.¹³¹

Since the time of Dewey’s re-characterization of schools as a vehicle for ideologically driven social progress, many educators have been taught that it is their responsibility to promulgate ideological viewpoints in the classroom. For example, modern sex-ed curricula began appearing in schools after the sexual revolution of the 1960s, exposing children to

¹²⁷ Second Hearing of the Religious Liberty Comm’n, Hearing Transcript, 136 (2025) (Statement of Shea Encinas).

¹²⁸ See *John Dewey: Portrait of a Progressive Thinker*, National Endowment for the Humanities, <https://www.neh.gov/article/john-dewey-portrait-progressive-thinker> (quoting Dewey’s pedagogic creed).

¹²⁹ See Second Hearing of the Religious Liberty Comm’n, Hearing Transcript, 203 (2025) (Statement of Larry Arn) (discussing the influence of John Dewey on modern education).

¹³⁰ John Dewey, *The School and Society*, 25 (Chicago 1907), available at https://brocku.ca/MeadProject/Dewey/Dewey_1907/Dewey_1907a.html#:~:text=But%20it%20is%20useless%20to,radical%20change%20in%20education%20suffices.

¹³¹ *Id.* at 44.

explicit discussions of sex at young ages.¹³² Sex education curricula began to focus on teaching birth control rather than abstinence while decoupling sex from marriage.

Today, leading schools of education advocate for politicized notions of social justice and social action, while major teacher unions have promoted partisan and ideological materials and formal resolutions supporting pronoun policies, access to facilities based on gender identity, and broader LGBTQ programming in schools.

In practice, that ideological current has too often left little room for students who hold traditional religious convictions, such as the belief that God created man and woman, that moral truth is real, or that America—though imperfect—is not fundamentally evil.

In this context, protecting students’ First Amendment rights is not simply a legal battle. It is part of a larger cultural struggle over whether schools will form children in the moral inheritance of Western civilization or in a newer creed that often treats historic religious belief as something backward, suspect, and even harmful.

At the same time, these cultural and philosophical shifts have influenced many judges and legal scholars. This has created a legal climate in which many school officials concluded that the safest course was not an apparent posture of neutrality toward religion, but instead the removal of religion from public school altogether. In *Engel v. Vitale* (1962), the Supreme Court barred state-composed school prayer; in *Abington School District v. Schempp* (1963), it barred school-sponsored Bible reading and recitation of the Lord’s Prayer; in *Stone v. Graham* (1980), it struck down a law requiring the Ten Commandments to be posted in classrooms; and in *Santa Fe Independent School District v. Doe* (2000), it invalidated student-led prayer over the public-address system before football games.

Whatever the precise holdings of those cases, many administrators and school lawyers absorbed a broader message: that the Constitution “bristles with hostility to all things religious in public life,”¹³³ while “state neutrality” required “the establishment of a religion of secularism, or, at the least, ... government support of the beliefs of those who think that religious exercises should be conducted only in private.”¹³⁴ The result was an environment that often favored secularism over the 2,000-year canon of Western moral and religious tradition. Only in more recent cases—such as *Lamb’s Chapel v. Central Moriches Union*

¹³² Not until the 1970s did sex education become part of the public-school health curriculum. Kristen S. Rufo, Public Policy vs. Parent Policy: States Battle over Whether Public Schools Can Provide Condoms to Minors Without Parental Consent, 13 N.Y.L. Sch. J. Hum. Rts. 589, 591- 92 (1997). Sex education beyond preventing disease, hygiene and physiology did not become standardized until the 1990s. See Jessica Fillak, The History of Sexuality Education in the United States, Sexual Health Alliance, June 8, 2021, <https://sexualhealthalliance.com/nymphomedia-blog/the-history-of-sexuality-education-in-the-united-states>. To date, only three states require what they call “comprehensive sex education ... in all schools.” See State Profiles, SIECUS, <https://siecus.org/siecus-state-profiles/>.

¹³³ *Santa Fe Independent School District v. Doe*, 530 U.S. 290, 318 (2000) (Rehnquist, C.J., dissenting).

¹³⁴ *Abington School District v. Schempp*, 374 U.S. 203, 313 (1963) (Stewart, J., dissenting).

Free School District (1993), *Good News Club v. Milford Central School* (2001), *Kennedy v. Bremerton* (2022), and *Mahmoud v. Taylor* (2025)—has the Court begun to make clear again that the Constitution does not require hostility to religion and that students and parents do not surrender their rights at the schoolhouse gate.¹³⁵ Rather, as the Supreme Court put it in 2019, “[a] government that roams the land ... scrubbing away any reference to the divine” is an act of “hostility toward religion that has no place” in our constitutional traditions.¹³⁶

The students who testified during the September 8 hearing on K-12 education were examples of courage in the face of hostility. Their firsthand accounts of being silenced, punished, or isolated for their beliefs underscore the importance of making sure that families know their First Amendment rights and that schools no longer use the pretext of “separation of church and state” to unjustly relegate students’ faith to only the deepest recesses of their hearts.

Religious Symbols

Lydia Booth

Life as a third-grade student during the COVID-19 pandemic was not easy by any standard. And it became harder for **Lydia Booth** than most of her peers, when a treasured mask became a source of consternation for school officials.

“That year was hard for everyone. We had to wear face masks all day, keep our distance, and things didn’t feel normal,” **Lydia** said.¹³⁷ “But I found something that gave me comfort. My favorite face mask. It was black with hot pink letters that had three simple words on it. ‘Jesus Loves Me.’”¹³⁸

Initially, she wore the mask with no incident. Other kids were wearing masks with words and logos, including sports teams and political slogans.

But one day, a teacher told **Lydia** she wasn’t allowed to wear her beloved “Jesus Loves Me” mask.

¹³⁵ See *Nathan v. Alamo Heights Independent School District*, No. 25-50695, Doc. 219-1, at 4-5 (5th Cir. Apr. 21, 2026) (concluding a Texas law that simply posts the Ten Commandments in a classroom “looks nothing like a historical religious establishment” and does not implicate the Free Exercise Clause because “merely exposing children to religious language is [not] enough to make the displays engines of coercive indoctrination.”).

¹³⁶ *Am. Legion v. Am. Humanist Ass’n*, 588 U.S. 29, 56 (2019); *id.* at 38 (quoting *Van Orden v. Perry*, 545 U.S. 677, 705 (2005) (Breyer, J., concurring in judgment)).

¹³⁷ Second Hearing of the Religious Liberty Comm’n, Hearing Transcript, 105 (2025) (Statement of Lydia Booth).

¹³⁸ *Id.*

Lydia told her mom, Jennifer, after school, and her mother spent the next several days reading every school policy, handbook, and directive on the COVID-19 pandemic. Jennifer could not find any guidance against statements appearing on masks. Other parents and staff confirmed they had also heard nothing about such a rule.

Jennifer—assuming the teacher’s statement was a misunderstanding—told **Lydia** it was okay for her to wear the mask. But several days later, right before **Lydia** walked into the lunch room, a school administrator pulled her aside and told **Lydia** to take off her mask before the other students saw it.

“I was embarrassed and hurt,” **Lydia** recalls. “School officials made me feel like I’d done something wrong.”¹³⁹

Just a few hours before, the school principal had called Jennifer and told her that the school handbook did not allow religious or political masks. When Jennifer asked to see the rule in the handbook, the principal couldn’t find it. Later that afternoon, Jennifer sent an email to the district asking them to clarify the mask policy. The assistant superintendent called her and said the rule about masks was in the COVID-19 restart plan. But when Jennifer compared the document that the superintendent sent with the one on the website, she saw that they were not the same. Upon further investigation, Jennifer discovered in the metadata that the emailed version she received had been modified just before the superintendent called her.

The district had altered the original plan to stop a third grader from wearing a mask that said, “Jesus Loves Me.” The school district was in Simpson County, Mississippi—a state that generally ranks high in national rankings for religious liberty safeguards—serving as a sobering reminder that students can face challenges to their rights in any part of the country.¹⁴⁰

Jennifer and **Lydia** filed a lawsuit. It wasn’t simply about the mask, but about **Lydia’s** constitutional right to religious liberty. It took two years, but eventually the district backed down and agreed to protect students’ rights to practice their faith. But if one brave nine-year-old hadn’t stood up and fought for her faith, the rights of countless others would have been violated.

In her concluding remarks, **Lydia** said it best: “Isaiah 7:9 says, ‘[I]f you do not stand firm in faith, then you do not stand at all.’ It was intimidating at times facing that harassment, but I’ve come to know that doing the right thing isn’t always easy, and God can use even something as small as this mask to help ensure our amazing country remains free.”¹⁴¹

¹³⁹ *Id.*

¹⁴⁰ Sarah M. Estelle, *Religious Liberty in the States 2023*. Ctr. for Religion, Culture & Democracy. <https://doi.org/10.54669/LYVG2975> (last visited Jun. 17, 2026).

¹⁴¹ *Id.* at 106.

Religious Speech and Song

Justin Aguilar

For **Justin Aguilar**, graduation was supposed to be a moment of gratitude. A public school graduate and valedictorian of his high school class, **Justin** had written a speech that reflected the source of that gratitude. He wanted to thank Jesus Christ for carrying him through school and through serious medical hardships. Instead, when he submitted the speech, school officials crossed out the words “Jesus Christ” and told him he could not mention Jesus because of “separation of church and state.”

The school’s edits struck at the very core of **Justin’s** identity. “These weren’t just lines on a paper or words that were crossed out, but Jesus is part of who I am,” he said.¹⁴² “I was not allowed to mention the name of my friend, the person who means so much to me.”¹⁴³

Before graduation, **Justin** researched his rights and sought counsel from legal experts, who confirmed that the First Amendment protected his right to thank God in his speech. He then resubmitted the speech with the language restored. He respected his teachers and administrators, and he didn’t want to cause conflict. But the district never gave him clear assurance about what would happen if he delivered it as written. On graduation day, he feared his microphone would be cut, that he would be removed from the stage, or that the crowd would turn against him. “My heart was pounding,” he recalled, but he also believed the truth of God’s word: “in my weakness he is strong.”¹⁴⁴

When **Justin** finally gave the speech, he spoke the words the school had tried to erase: “I want to thank my Lord and Savior Jesus Christ, who has always loved me.”¹⁴⁵ Rather than causing division, the moment brought an eruption of applause. Teachers embraced him, members of the audience wept, and even the principal was in tears.

For **Justin**, the experience became not only a call to courage, but also an impetus for clarity. “My relationship with Jesus Christ isn’t something I added to my story,” he said. “It is my story.”¹⁴⁶ His message to educators was simple: students do not need to hide their faith in order for schools to honor every person in the room. Claiming that so-called “separation of church and state” forbids students from ever uttering the word “God” or speaking openly about their faith not only removes God from the public square, but also violates the First Amendment.

¹⁴² Second Hearing of the Religious Liberty Comm’n, Hearing Transcript, 108 (2025) (Statement of Justin Aguilar).

¹⁴³ *Id.*

¹⁴⁴ *Id.* at 109.

¹⁴⁵ *Id.*

¹⁴⁶ *Id.* at 110.

Valerie Cleveringa

When **Valerie's** elementary school announced that submissions were open for the annual talent show, she and her brother submitted their entry. **Valerie** chose to sing "Up and Up" by Colton Dixon and her brother chose Brandon Lake's "That's Who I Praise." But before auditions even began, the family received a call from the school principal warning that the Brandon Lake song posed a problem because it "strongly mention[ed] God" and allegedly violated "separation of church and state."¹⁴⁷

The principal said the song was "too Christian" and worried what other students might think. She even singled out particular lyrics as cause for concern. **Valerie's** song, which also referred to God, was then pulled into review as well. Soon afterward, a teacher approached **Valerie** and her brother at school and told them there were "issues" with their songs because "not everyone believes in God."¹⁴⁸ Her brother felt pressured to choose something else.

What made the moment especially painful was how personal the songs were. **Valerie** had chosen "Up and Up" because, as she put it, "when I'm down or things are hard, I know that I can always go to God through prayer."¹⁴⁹ Meanwhile, her brother loved the song he selected because it celebrated the heroes of Scripture and reminded him that God is faithful.

Valerie's parents encouraged her to stand her ground. They sought legal advice, and their attorneys sent a letter to the school explaining that allowing students to express any message except a religious message was a form of viewpoint discrimination that violated the First Amendment. The school changed course. **Valerie** and her brother were allowed to audition with the original lyrics, both made it into the talent show, and both performed without censorship. What had begun as a demand for silence ended as a public affirmation that Christian students do not lose the right to speak about God when they step onto a school stage.

Valerie remembered the joy of watching classmates sing along and the surprise of receiving a video of encouragement from Colton Dixon. Even as an elementary school student, **Valerie** understood that this moment was not simply about her freedom to sing her favorite Christian song, but also about "showing others how to stand up for their faith."¹⁵⁰

¹⁴⁷ Second Hearing of the Religious Liberty Comm'n, Hearing Transcript, 111 (2025) (Statement of Valerie Cleveringa).

¹⁴⁸ *Id.*

¹⁴⁹ *Id.* at 112.

¹⁵⁰ *Id.*

Prayer in School

Hannah Allen

Hannah Allen's story began not with a speech or a performance, but with a brief prayer for an injured classmate. While a student at Honey Grove Middle School, **Hannah** joined a group of students who gathered on an unoccupied side of the cafeteria to pray for a former classmate who had been hurt in a car accident. It was quiet, voluntary, and out of the way of other students. Yet, after the prayer ended, the principal told the group, “[D]on’t do that again.”¹⁵¹ The next day, students were informed that they could pray only “behind closed doors or behind a curtain.”¹⁵²

For **Hannah**, the issue was immediately clear. Students had not disrupted school time or compelled anyone else to participate. They had simply prayed together in public view. **Hannah's** mother sought legal counsel, at which point they sent the school a letter explaining that students do not lose their First Amendment rights merely because they are at school. Although the principal later apologized, he treated the matter as though **Hannah** had exaggerated a misunderstanding.

What followed was a reminder that defending those rights can come at a steep personal cost. After the controversy, **Hannah** felt treated differently by other students. Teachers and parents stopped speaking to her mother. Later, after **Hannah** told her story in the Oval Office, the backlash intensified. Before she even returned from Washington, teachers, parents, and other students posted hostile messages online, calling her a liar and accusing her of seeking attention. “I felt like an outcast in my own school and my community,” she said.¹⁵³

Even then, **Hannah** chose not to leave. When asked whether she wanted to change schools, she decided to stay, trusting that God would give her the strength to endure. “Some days were harder than others,” she testified, “but I knew that I had done the right thing.”¹⁵⁴ In the end, she came to see her suffering as part of a larger calling: “God gave me the strength to be a voice for those who didn’t have one.”¹⁵⁵

Expert Testimony

Sadly, the stories of these students reveal a pattern that is all too common in school districts across the country.

¹⁵¹ Second Hearing of the Religious Liberty Comm’n, Hearing Transcript, 132 (2025) (Statement of Miss Hannah Allen).

¹⁵² *Id.*

¹⁵³ *Id.* at 135.

¹⁵⁴ *Id.*

¹⁵⁵ *Id.*

And, as Senior Counsel of First Liberty **Jeremy Dys** outlined, ordinary acts of faith are often treated as legal violations.

One student on Long Island, for example, was told that forming a religious club would be “illegal.”¹⁵⁶ Another was barred from mentioning the Gospel of John in an “All About Me” assignment.¹⁵⁷ A fifth grader who received a Bible from his church was told he could not read it during free reading time.¹⁵⁸ More than 75 percent of Sikh elementary school students are bullied because of their religious beliefs, including because of the articles of faith they wear.¹⁵⁹ While the specific circumstances vary, the challenge is the same. School districts too often “weaponize the Establishment Clause” against students or undermine their religious practice instead of recognizing that the Constitution and federal law protect students’ First Amendment rights.¹⁶⁰

Dys offered specific recommendations to address these threats. He urged the federal government to publish which states are actually complying with religious liberty certification requirements, to extend the Equal Access Act to elementary students (the Equal Access Act protects students by ensuring schools do not discriminate against student-led meetings on the basis of religion¹⁶¹), and to tie compliance more directly to federal funding.¹⁶² He also called for clear guidance and enforcement of recent Supreme Court decisions restoring protections for students, parents, and teachers of faith.¹⁶³

Another religious liberty expert, Kim Colby, who has spent four decades serving at the Christian Legal Society, observed that the debate over religious liberty in schools is about whether religious student groups will be treated like every other student group or singled out precisely because they take their beliefs seriously.¹⁶⁴ As Colby explained, the rationale for discrimination has shifted over time. Earlier administrators claimed that allowing religious groups to meet in empty classrooms somehow violated the Establishment Clause.¹⁶⁵ When courts rejected that argument and Congress protected high school

¹⁵⁶ Second Hearing of the Religious Liberty Comm’n, Hearing Transcript, 112 (2025) (Statement of Jeremy Dys).

¹⁵⁷ *Id.*

¹⁵⁸ *Id.*

¹⁵⁹ Public Comment of the Sikh Coalition, “Where Are You Really From”, https://drive.google.com/file/d/1dISiZzttBKFgx49FyiTaEsg_hywiwFTo/view.

¹⁶⁰ Second Hearing of the Religious Liberty Comm’n, Hearing Transcript, 112 (2025) (Statement of Jeremy Dys).

¹⁶¹ See, Congress.gov. “H.R.5345 - 98th Congress (1983-1984): Equal Access Act.” (Aug. 11, 1984), <https://www.congress.gov/bill/98th-congress/house-bill/5345>.

¹⁶² *Id.* at 114-15.

¹⁶³ *Id.*

¹⁶⁴ Second Hearing of the Religious Liberty Comm’n, Hearing Transcript, 176-77 (2025) (Statement of Kimberlee Colby).

¹⁶⁵ *Id.*

groups, some officials changed tactics. They began using nondiscrimination policies to argue that religious groups could not require their leaders to share the group’s beliefs.¹⁶⁶

For example, at the University of Iowa, a student in Business Leaders in Christ who disagreed with the group’s beliefs was welcomed to remain a member but not a leader. He then filed a discrimination complaint, and the university stripped the group of recognition.¹⁶⁷ In California, the Fellowship of Christian Athletes (FCA) at Pioneer High School lost official recognition after a teacher publicly posted and disparaged the club’s beliefs about marriage and sexuality. Colby summarized the irony succinctly: “In other words, inclusiveness requires exclusion.” Even as the school recognized a Satanic Temple club, FCA students were pushed off campus and subjected to harassment.¹⁶⁸

This confusion in the law continues to harm students in both higher education and K-12 schools. As Colby concluded, “Our democracy depends on schools teaching and modeling the essential lesson that the First Amendment protects everyone’s free speech and religious beliefs, especially the speech and beliefs of those with whom we disagree.”¹⁶⁹ Excluding religious students because they are religious teaches precisely the wrong lesson.

Finally, the Commission heard from Alyza Lewin, president of the Louis D. Brandeis Center for Human Rights. Lewin hears from students and parents “almost every day” who are targeted because of their actual or perceived shared Jewish ancestry.¹⁷⁰

In Massachusetts, Jewish students endured repeated bullying that included Nazi salutes, swastikas, and classmates organizing themselves into “Team Auschwitz” and “Team Hamas.”¹⁷¹ In North Carolina, a middle school student who was not Jewish but wore an Israeli baseball jersey was perceived to be Jewish and then subjected for two years to slurs such as “dirty Jew,” “filthy Jew,” and commands to return to a gas chamber or concentration camp.¹⁷² In California, a six-year-old went home in tears after hearing older children say that Jewish people are stupid and told his parents that he wished he were not Jewish because “people don’t like Jews.”¹⁷³ Another Jewish Israeli student in California was

¹⁶⁶ *Id.*

¹⁶⁷ Ultimately, Business Leaders in Christ prevailed, see <https://becketfund.org/case/blinc-v-university-iowa/>.

¹⁶⁸ Second Hearing of the Religious Liberty Comm’n, Hearing Transcript, 177 (2025) (Statement of Kimberlee Colby). Ultimately, the Fellowship of Christian Athletes prevailed before the full Ninth Circuit Court of Appeals. See *Fellowship of Christian Athletes v. San Jose Unified Sch. Dist. Bd. of Educ.*, 82 F.4th 664 (9th Cir. 2023).

¹⁶⁹ Second Hearing of the Religious Liberty Comm’n, Hearing Transcript, 177 (2025) (Statement of Kimberlee Colby).

¹⁷⁰ Second Hearing of the Religious Liberty Comm’n, Hearing Transcript, 162 (2025) (Statement of Alyza Lewin).

¹⁷¹ *Id.*

¹⁷² *Id.* At 163.

¹⁷³ *Id.*

reprimanded after singing a Hebrew love song in a talent show, even though songs in Spanish and Korean drew no such response.¹⁷⁴

Lewin argued that the problem is intensified by “invasive anti-Semitism,” an ideology that seeks to erase Jewish history and deny the Jewish people’s ancestral connection to the land of Israel.¹⁷⁵ In her view, schools are not merely failing to stop anti-Semitism; some are teaching narratives that help produce it.

Her recommendations were direct: adopt zero tolerance for invasive anti-Semitism, hold bullies accountable rather than isolating Jewish victims, and train students, faculty, and staff to recognize contemporary anti-Semitism in all its forms. She cautioned that schools too often respond by moving Jewish students out of hostile spaces instead of ending the hostility itself.

Lewin’s closing words, drawing on Rabbi Jonathan Sacks, captured both warning and hope. The task before the Commission, she suggested, is to help secure “the victory of the God of love over the myths and madness of hate.”¹⁷⁶

Understanding that anti-Semitism is a dangerous false ideology that has sadly become too pervasive in our society, the Commission held a separate hearing focused on this topic to give it the time and attention it deserves.

Conclusion

Fortunately, the Supreme Court has reaffirmed that “the right to free exercise, like other First Amendment rights, is not ‘shed at the schoolhouse gate.’”¹⁷⁷ Just last year, the Supreme Court said that, when government schools use their “great authority and coercive power” to “correct” children when exercising their religion, those schools are engaged in “precisely the kind of objective danger to the free exercise of religion that the First Amendment was designed to prevent.”¹⁷⁸ Further still, the Court has set aside its “ambitious ... attempt to find a grand unified theory of the Establishment Clause” rooted in the “wall of separation” metaphor—opting instead for “a more modest approach that focuses on the particular issue at hand and looks to history for guidance.”¹⁷⁹ This return to America’s history and tradition of voluntary religious exercise in government-run schools abandons the ahistorical hostility to religious

¹⁷⁴ *Id.* At 163.

¹⁷⁵ *Id.*

¹⁷⁶ *Id.* At 164.

¹⁷⁷ *Mahmoud v. Taylor*, 606 U.S. 606 U.S. 522, 545(2025) (quoting *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503, 506-07 (1969)).

¹⁷⁸ *Mahmoud*, 606 U.S. at 554 (quoting *Wisconsin v. Yoder*, 406 U.S. 205, 218 (1972)).

¹⁷⁹ *Am. Legion*, 588 U.S. at 60 (plurality); see also *Kennedy v. Bremerton Sch. Dist.*, 597 U.S. 507, 534 (2022) (“abandon[ing]” the “abstract” and “ahistorical approach” of *Lemon v. Kurtzman*, rooted in the wall of separation metaphor).

expression that has distorted both American law and culture since the mid-twentieth century. In place of that hostility, the Court is now consulting “the best of our traditions”—meaning that government-run schools are to “respect the religious nature of our people” by allowing voluntary prayer and religious displays (like the Ten Commandments), and also “accommodate the public service to their spiritual needs” by not censoring disfavored religious views and allowing religious students groups to meet and exercise their religion on school property equally with other groups.¹⁸⁰

While the Constitution protects students’ expression of their faith, in the vast majority of cases, families are often not aware of these legal protections and are understandably afraid to question the authority of school officials. The Commission concludes that it is paramount to ensure that families know their rights and are empowered to take action.

And beyond just legal protections, the Commission concludes that the courage of young men and women who stand by their religious convictions must be recognized and celebrated.

“[E]veryone that we’ve heard today is courageous. And you are standing. You’re taking the heat. You’re taking the arrows so that no one else has to go through. And **shame on us if we do not honor your courage and your tears and your agony and your sorrow by standing up and using the platform the President has given us to also stand with you** in ensuring that no other child or family or individual has to go through the horrible stories that we have heard today,” said Commissioner **Allyson Ho.**¹⁸¹

Recommendations

In response to the testimony presented and public comments submitted to this body, the Commission recommends that the federal government take the following actions to secure and strengthen the First Amendment rights of K-12 students:

- **Issue additional guidance on students’ religious liberty rights.** The Department of Justice should issue additional guidance similar to the *Guidance*

¹⁸⁰ See *Zorach v. Clauson*, 588 U.S. 306, 314 (1952); see also *Nathan*, No. 25-50695, Doc. 219-1, at 51 (holding that the Free Exercise Clause protects students’ religious exercise in public schools, while at the same time explaining that “no case suggests that the mere presence of religious language in a school display is *ipso facto* religious coercion”); see also *Good News Club v. Milford Cent. Sch.*, 533 U.S. 98, 102-03, 107-09 (2001) (holding it viewpoint discriminatory to allow public school facilities to be used after hours for many purposes but not “by any individual or organization for religious purposes”); *Lamb’s Chapel v. Center Moriches Sch. Dist.*, 508 U.S. 384, 393 (1993) (holding that “permit[ting] school property to be used for the presentation of all views about family issues and child-rearing except those dealing with the subject matter from a religious standpoint” is viewpoint discriminatory).

¹⁸¹ Second Hearing of the Religious Liberty Comm’n, Hearing Transcript, 158 (2025) (Statement of Comm’r Allyson Ho).

*on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools*¹⁸² to further strengthen and clarify the rights of students in public schools to:

1. Form and lead religious student clubs;
 2. Receive the same level of support for religious clubs and access to school facilities and advertising methods that non-religious clubs receive;
 3. Require club leaders and members to meet religious requirements;
 4. Read and distribute religious materials at times when reading and distributing non-religious materials is allowed;
 5. Wear clothing with religious messages;
 6. Be excused from school for religious practice and observance, such as to celebrate religious holy days;
 7. Attend off-site religious instruction through constitutionally permissible release-time programs;
 8. Participate in moments of silence, student-led prayer, and other student-led free exercise;
 9. Engage in religious expression at times and events where students are allowed to engage in private expression, such as school talent shows or graduation ceremonies.¹⁸³
- **Provide “Know Your Rights” posters.** The Department of Justice should issue a “Know Your Rights” poster for elementary and secondary schools to post in classrooms, hallways, and gathering areas.¹⁸⁴

¹⁸² Dep’t of Ed., *Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools* (Feb. 5, 2026), ed.gov.

¹⁸³ Second Hearing of the Religious Liberty Comm’n, Hearing Transcript, 114-15 (2025) (Statement of Jeremy Dys); Second Hearing of the Religious Liberty Comm’n, Hearing Transcript, 143 (2025) (Statement of Sameerah Munshi); Public Comment by the Ethics and Public Policy Center and the Christian Legal Society, 298-302, <https://www.justice.gov/religious-liberty-commission/media/1441846/dl?inline>; Public Comment by the Religious Freedom Institute, 181-82, <https://www.justice.gov/religious-liberty-commission/media/1437931/dl?inline>.

¹⁸⁴ Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript, 604 (2026) (Statement of Chairman Lt. Gov. Dan Patrick).

- **Expand school choice.** The Administration should advocate for the passage of federal legislation creating a robust system of universal school choice.¹⁸⁵
- **Support expansion of the Equal Access Act.** The Administration should advocate for the passage of federal legislation extending the protections of the Equal Access Act, which currently applies to public secondary schools, to public elementary schools, guaranteeing to elementary school students the right to form, operate, and advertise religious student clubs to the same extent that they may form, operate, and advertise secular clubs.¹⁸⁶
- **Create a religious freedom violation portal.** The Department of Justice should create a portal exclusively for students, parents, and school officials to report public schools' violations of religious liberty rights.¹⁸⁷
- **Investigate and litigate religious freedom violations.** The Department of Justice should open civil rights investigations into—or file strategic litigation against—public educational institutions believed to have violated the civil rights of students, parents, or school officials.¹⁸⁸
- **Swiftly and effectively respond to anti-religious discrimination.** The Department of Justice should improve Title VI enforcement against religious discrimination related to race and ethnicity in public schools by establishing a set, expedited timeline for the investigation and prosecution of credible allegations of religious discrimination and tie future federal funding to prompt remediation.¹⁸⁹
- **Offer religious liberty training resources.** The Department of Justice should provide religious liberty resources, such as trainings, toolkits, technical assistance, and guidance for students, faculty, and administrators at public schools on the importance of protecting religious freedom rights and eradicating religious discrimination from educational settings.¹⁹⁰

¹⁸⁵ Third Hearing of the Religious Liberty Comm'n, Hearing Transcript, 254-55 (2025) (Statement of Jason Bedrick).

¹⁸⁶ Second Hearing of the Religious Liberty Comm'n, Hearing Transcript., 113 (2025) (Statement of Jeremy Dys).

¹⁸⁷ Seventh Hearing of the Religious Liberty Comm'n, Hearing Transcript, 604 (2026) (Statement of Chairman Dan Patrick); Second Hearing of the Religious Liberty Comm'n, 10 (2025) (Written Statement of Joe Kennedy).

¹⁸⁸ Second Hearing of the Religious Liberty Comm'n, Hearing Transcript, 177 (2025) (Statement of Kim Colby).

¹⁸⁹ Fifth Hearing of the Religious Liberty Comm'n, Hearing Transcript, 359-60 (2026) (Statement of Yitzchok Frankel); Public Comment by the Religious Freedom Institute, 181-82, <https://www.justice.gov/religious-liberty-commission/media/1437931/dl?inline>.

¹⁹⁰ Second Hearing of the Religious Liberty Comm'n, Hearing Transcript, 157 (2025) (Statement of David Cortman); Second Hearing of the Religious Liberty Comm'n, Hearing Transcript, 164 (2025) (Statement of Alyza Lewin); Second Hearing of the Religious Liberty Comm'n, Hearing Transcript, 208 (2025) (Written Statement of Joe Kennedy).

- **Support litigation upholding the constitutionality of Ten Commandments posters in school.** The Department of Justice should support strategic litigation upholding the constitutionality of Ten Commandments posters in public schools.¹⁹¹
- **Uphold the constitutionality of voluntary moments of prayer and volunteer chaplain programs in schools.** The Department of Justice should issue guidance on the constitutionality of voluntary moments of prayer and volunteer school chaplain programs in K-12 schools when parents opt children into the programs and no taxpayer funds are used to fund the programs.¹⁹²
- **Create the First Freedom Hero Award for elementary and secondary school students.** The Department of Justice should issue First Freedom Hero Awards to elementary and secondary school students who courageously stood up for religious liberty in a public school setting.¹⁹³

The federal government can further protect religious liberty for K-12 students by adopting the global recommendations made at the beginning of this report as well as the recommendations made in Chapter 3: Faith-Based Institutions and the Enduring Fight for Religious Identity, Mission, and Integrity, Chapter 6: The Rights and Roles of Parents and Teachers, Chapter 9: First Do No Harm - Religious Liberty in Healthcare, Chapter 10: Conscience and Coercion in Vaccine Policy, and Chapter 11: Anti-Semitism.



¹⁹¹ First Hearing of the Religious Liberty Comm’n, Hearing Transcript, 78-79 (2025) (Statement of Josh Blackman).

¹⁹² Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript, 531 (2025) (Written Statement of Helen Aguirre Ferré).

¹⁹³ Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript, 536 (2025) (Statement of Comm’r, Ryan Anderson).

Chapter 5: The Fight for Faith on College Campuses

Since the founding of the first colleges in America, these institutions were committed to teaching the great Western canon for the purpose of training students to understand and use their liberty.

The Founders believed that studying the liberal arts was essential to forming a free and virtuous citizenry. This emphasis was demonstrated by the mottos of some of our nation's oldest and most prestigious academic institutions. The original Latin motto of Harvard University, adopted in 1692, was *Veritas Christo et Ecclesiae*, or “Truth for Christ and the Church,” before it was shortened to the simpler *Veritas*.¹⁹⁴ Princeton University's motto, *Dei Sub Numine Viget*, translates to “Under God's power she flourishes.”¹⁹⁵ The official motto of the University of Pennsylvania, *Leges Sine Moribus Vanæ*, translates to “Laws without morals are useless.”¹⁹⁶ Brown University's motto, *In Deo Speramus*, translates to “In God we hope.”¹⁹⁷ And Columbia University's motto, *In Lumine Tuo Videbimus Lumen*, translates to “In Thy light shall we see light,” taken from Psalm 36.¹⁹⁸

This well-established tradition of faith and virtue in American academia is not confined to private institutions. The motto of the public Ohio University, founded in 1804, remains to this day *Religio, Doctrina, Civilitas, prae omnibus Virtus* (“Religion, learning, civility; above all, virtue”). The motto of the University of California is *Fiat Lux*, or “Let there be light,” taken from the Book of Genesis. And the motto of the University of Texas at Austin, *Disciplina Praesidium Civitatis*, is a Latin rendering of a quote from Mirabeau Lamar, the second president of the Republic of Texas: “A cultivated mind is the guardian genius of democracy.”¹⁹⁹

The coursework of America's earliest colleges and universities offered curricula rooted in the English university model, which included Latin, Greek, Hebrew, Rhetoric and Logic, Ethics and Politics, and Metaphysics and Theology, among other disciplines.²⁰⁰ Admission to Harvard, for instance, required the ability to translate Latin and Greek, advanced

¹⁹⁴ Colleen Walsh, *Letting Religion In*, HARV. GAZETTE (March 07, 2013),

<https://news.harvard.edu/gazette/story/2013/03/letting-religion-in/> [<https://perma.cc/4N5A-RLST>].

¹⁹⁵ *Colors and Shields*, PRINCETONIANA, <https://princetoniana.princeton.edu/things-princeton/colors-shields> (last visited Jun. 17, 2026).

¹⁹⁶ J. Larry Jameson, MD, PhD, *The Words that Guide Us*, Penn Office of the President, <https://president.upenn.edu/announcements/the-words-that-guide-us> (last visited Jun. 17, 2026).

¹⁹⁷ *History of the Seal*, Brown University Library, <https://libguides.brown.edu/c.php?g=448703&p=10035852> (last visited Jun. 17, 2026).

¹⁹⁸ *Overflow Magazine*, Columbia University (Mar. 2006) https://www.columbia.edu/cu/kccc/media_files/overflowspring06-1.pdf.

¹⁹⁹ *Brand Guide*, Columbia University Visual Identity, <https://visualidentity.columbia.edu/branding> (last visited Jun. 17, 2026).

²⁰⁰ *Early Curriculum at Harvard: Historical Sources*, Harvard Library (Sep 8, 2025 at 1:40 pm) <https://guides.library.harvard.edu/hua/earlycurriculum>.

knowledge in history and geography, and strong proficiency in arithmetic, algebra, and geometry.²⁰¹

For more than a century, academic rigor was the hallmark of higher education—and it was pursued with the express intent of forming future leaders in knowledge and virtue not divorced from God, but with a recognition of religion’s role in shaping the mores of the people. Thus, the American university system was defined by the pursuit of truth, the formation of character, and the transmission of Western culture as essential to the formation of young American leaders.

Beginning in the nineteenth century, however, this emphasis on learning for the sake of virtue was replaced with the so-called “fact-value” distinction of the German university model as championed by social theorist Max Weber. Weber and other aligned academics promoted an ostensible “value-free” educational model grounded in the German principle of *Wissenschaft*, which sought to untether moral civilizational values from what Weber saw as a strictly fact-based and empirical academic paradigm.

In the decades that followed, ideologies like those promoted by Martin Heidegger, Friedrich Nietzsche, and John Dewey began to tighten their grip on the American college campus. The cultivation of reason and virtue was replaced with the formation of accreditation bodies, research grants, and ideologies. Though adherence to traditional moral and religious conventions was at first tolerated on campuses in the 19th and 20th centuries, over time, this framework has resulted in an increasingly hostile view towards those who embrace Judeo-Christian values.

Today’s universities commonly interfere with religious students’ opportunities to enjoy equal access to campus resources. With the rise in anti-Semitism,²⁰² Jewish groups have been unable to operate freely,²⁰³ in some cases facing anti-Semitic vandalism or threats of physical violence.²⁰⁴

Unfortunately, the Commission hearings revealed that violations of students’ First Amendment rights are all too common on college campuses. The following student testimonies illustrate the urgent need to ensure that students and faculty know their rights and that colleges and universities are held accountable.

²⁰¹ *Harvard Exam: Jul. 13, 1899*, New York Times, <https://graphics8.nytimes.com/packages/pdf/education/harvardexam.pdf> (last visited Jun. 26, 2026).

²⁰² Complaint, *Frankel v. UCLA* (C.D. Cal. 2024).

²⁰³ *Rosenberger v. Rector and Visitors of the University of Virginia*, Oyez, <https://www.oyez.org/cases/1994/94-329> (last visited Jun 16, 2026).

²⁰⁴ Daniel Arkin, *73% of Jewish college students have experienced or seen antisemitism since start of school year, new survey finds*, NBC News (Nov. 29, 2023 at 7:56 AM EST), <https://www.nbcnews.com/news/us-news/73-jewish-college-students-experienced-seen-antisemitism-start-school-rcna127014>.

Barriers to Student Expression, Organization, and Faith-Based Ministry

Maggie DeJong

Maggie DeJong enrolled at Southern Illinois University with a clear professional purpose: to help children in need. “I chose this path because God gave me the passion to both fight for and preserve the innocence of children, especially those who experienced deep, complex trauma,” she told the Religious Liberty Commission in September 2025. “But while I was studying how to help others heal, I found myself betrayed by the very institution that was supposed to equip me for that mission.”

She formed tight-knit friendships with her fellow students in the same counseling program. “It was just 11 students, and we became very close. We would talk about being in each other’s weddings, and we cared for each other like family,” she recalled.

But about a year into the program, she began to voice her sincerely held religious and political beliefs—and quickly noticed a change. “When called on in class, I shared my perspective respectfully, asking whether these ideas served the best interest of our future clients. Instead of respectful dialogue, my Christian and conservative beliefs were met with hostility, not only from classmates, but even the professors. But I didn’t expect what came next.”

Out of the blue, “the university issued three ‘no contact’ orders against me, and if you’re wondering what these are, so did I,” she told the Commission. “Essentially, these are restraining orders and they apply to on and off campus. It meant that I couldn’t talk to, sit near, or even be in the same coffee shop as these three students. I was shocked. I asked what I had done, and the university said that I hadn’t violated any policy, but without any communication or investigation, I received a threat of disciplinary consequences if I violated the no contact orders, and they even copied university police officers on each order to drive this threat home.”

Faced with these restrictions, Maggie stopped offering her thoughts in class. As she later explained, she felt “trapped in a system that punished [her] for having different beliefs,” and began to experience physical and emotional strain. “I started having trouble sleeping. I lost my appetite, and I began to worry what might happen if my professors, who clearly disapproved of my views, decided to block me from graduating or finding a job,” she said.

Seeking help, she contacted a public interest law firm, which sent a letter to the university requesting that the no-contact orders be rescinded. Through that process, she learned that the complaints against her stemmed from social media posts in which she expressed her moral, religious, and political convictions. “They claimed the mere expression of my views were microaggressions. One student said I was threatening because I couldn’t embrace critical race theory, which I had said failed to treat people with dignity regardless of their

race. She told the school I was threatening, even though in the same conversation I had with her, I praised her for having a beautiful heart and a deep compassion for children,” Maggie explained to the Commission.

Although the orders were eventually lifted, the situation escalated. School officials informed faculty and students that she had engaged in “oppressive” conduct. A public hearing followed, during which students criticized her beliefs and accused her of creating a hostile environment. An art display featuring her personal text messages—expressing that her “beliefs were grounded in objective truth by the gospel of Jesus Christ”—was also exhibited.

Maggie ultimately filed and won a lawsuit against the university, securing a victory for her right to express her religious convictions on campus. Reflecting on the experience, she told the Commission, “Looking back, I can see how what was meant to break me, God used to shape me. Through the fear and betrayal, He gave me the courage to speak even when my voice shook. And He taught me to love even those who misunderstood or maligned me.”

In recent years, accounts like Maggie’s have become more frequent on college and university campuses. Administrators, professors, and other officials have, at times, restricted the ability of students to express and live out their religious beliefs.²⁰⁵

Norvilia Etienne Cain

For Norvilia Etienne Cain, the pro-life cause is deeply personal. “When I was 16, I learned just how close I came to never being born,” she shared with the Commission during its second hearing. “My mother was 17 when she found out she was pregnant with me. Already raising my brother alone, she was scared and overwhelmed. She felt she had no choice but to end my life through abortion, but God intervened through the voice of my grandmother. She empowered my mother to know she wasn’t alone. Because of my grandmother’s faith and my mother’s ‘yes’ to my life, I am alive and incredibly privileged to speak to you today.”

Moved by her mother’s decision to choose life, Norvilia attempted to form a pro-life student organization at Queens College in New York City to support pregnant women on campus by providing resources, hosting baby showers, assisting with scholarships, and fostering community.

But when she took action to launch the club, “The Student Development Office discouraged us from even applying, but we persevered and carefully crafted a constitution and submitted our application,” she testified. “When we met with the Campus Affairs Committee, we shared that we wanted our club to promote women’s health, offer support

²⁰⁵ Second Hearing of the Religious Liberty Comm’n, Hearing Transcript, 167-69 (2025) (Statement of Maggie DeJong).

to pregnant women and parenting students, and cultivate a community that celebrates the dignity of every life.”

The administration refused to recognize the club, even though they had previously approved pro-abortion clubs. Norvilia knew silence was not the answer.

She met with Alliance Defending Freedom and sued Queens College, which ultimately led to a change in school policy, as well as the creation of a new scholarship for pregnant women and new parents. The scholarship has since evolved to become its own foundation. Thanks to her courage and leadership, the Kathleen Mullally Foundation has benefitted countless women in New York.

As Norvilia put it at the end of her testimony, “Words have the power to end a life, but they also have the power to save one. And it is up to us to speak up for those who cannot speak for themselves.”²⁰⁶

Chike Uzuegbunam

Chike Uzuegbunam, a former student at Georgia Gwinnett University, felt compelled to share the Gospel with his peers.

“I was captivated by the glorious message of the cross of Jesus Christ, and His ultimate sacrifice for humanity’s redemption,” Chike shared with the Commission during its September 2025 hearing. “My campus offered plenty of opportunities for this. Students were often out in public areas, sharing their public views and advocating for causes or handing out literature on topics that were important to them. I did the same, respectfully speaking about my faith with interested students. It was a chance to meet new people and share how Jesus had changed my life.”

Soon after Chike began publicly sharing his views, a university administrator approached him and directed him to stop—indicating that he needed to reserve one of the so-called “free speech zones” on campus, which were remarkably small and only open for 10 percent of the week.

“I was deeply concerned,” he recalled during the Commission hearing. “I thought back to the stories my parents told me about the unique freedoms that United States offers, the promise that every American is free to speak without fear of government censorship. I knew I had a small part to play in preserving this legacy of freedom, so I made the tough decision to sue Georgia Gwinnett.”

²⁰⁶ Second Hearing of the Religious Liberty Comm’n, Hearing Transcript, 170-71 (2025) (Statement of Norvilia Etienne Cain).

His case ultimately ascended to the United States Supreme Court, where the justices overwhelmingly sided with him—ruling that, despite the university’s policy change after Chike was prohibited from exercising his rights, the university was liable.

“For me, this victory was deeply personal. When I heard the court’s decision, I thanked my Lord and Savior Jesus Christ,” Chike remarked. He continued: “I also thought of my parents and how they believed the promise of this country, and how they sacrificed for us to grow up with this freedom.”²⁰⁷

Institutional Failure and the Breakdown of Accountability on Campus

Yitzchok Frankel

Yitzchok Frankel did not expect that attending law school in the United States would require him to conceal his religious identity in order to move freely on campus.

Beginning his studies at UCLA School of Law, **Yitzchok** came to campus grounded in a faith that shaped every aspect of his life. As an Orthodox Jew and the descendant of Holocaust survivors, he explained that his religious practices—wearing a kippah, observing Shabbat, keeping kosher, and praying daily—were not incidental, but foundational. “My faith isn’t just a part of my life, it’s the core of who I am,” he told the Commission in February 2026, at the Commission’s fifth hearing.

That foundation was tested in the aftermath of the October 7, 2023 attacks in Israel. According to **Yitzchok**, UCLA’s campus environment changed rapidly, with protests that escalated into hostility directed at Jewish students. Demonstrations included chants such as “From the river to the sea” and other rhetoric that contributed to an atmosphere of fear and exclusion.

The situation reached its peak in the spring of 2024, when activists established an encampment on Royce Quad, a central area of campus. There, **Yitzchok** described a “Jew exclusion zone,” where access to parts of campus was restricted.

“Masked enforcers set up checkpoints, barricades, and required wristbands for entry,” he said. “Jewish students like me were stopped, harassed, and physically blocked unless we disavowed Israel’s right to exist and hid our religious symbols like our Star of David necklaces and kippahs.”

Yitzchok displayed a copy of his grandfather’s Nazi-issued work permit—documentation that had once allowed his grandfather to pass as a non-Jew during the Holocaust. “This is

²⁰⁷ Second Hearing of the Religious Liberty Comm’n, Hearing Transcript, 173-74 (2025) (Statement of Chike Uzuegbunam).

not the first time someone in my family has needed the correct identification to pass safely,” he said. “We must ensure it is the last.”

In his account, the issue was not limited to individual acts of harassment. He argued that the university failed to intervene effectively and, in some cases, enabled the conditions that allowed exclusion to occur. “UCLA’s administration didn’t just stand by, they actively aided the exclusion,” he told the Commission.

Yitzchok’s experience ultimately led him to pursue legal action. With the support of legal organizations, he filed suit against UCLA, alleging violations of his constitutional rights. The case resulted in a federal court injunction and, later, a settlement that included both financial penalties and provisions intended to prevent future exclusion of Jewish students.

Yitzchok emphasized that his experience reflected a broader pattern affecting Jewish students at universities across the country. He pointed to similar incidents at other institutions and described a growing concern that expressions of religious identity were becoming more difficult in academic settings. “Wearing a kippah or attending a Shabbat service has become a risk,” he shared.

Yitzchok closed his testimony with a call for stronger protections, urging policymakers to take action to ensure that religious liberty is preserved on college campuses: “Let us ensure that no Jewish student or any believer must ever again hide their faith to access education, public spaces, or safety in America.”²⁰⁸

Shabbos Kestenbaum

Shabbos Kestenbaum began his testimony to the Commission on a note of gratitude. In Jewish tradition, he explained, the first words spoken each day are “thankful am I.” That mindset of gratitude before all else set the tone for what followed, even as his February 2026 testimony turned to what he described as a profound failure of institutions to protect religious liberty.

Shabbos detailed his experiences of religious discrimination as a Jewish student at Harvard. He described a campus environment where rhetoric escalated quickly and where university leadership failed to respond clearly or consistently.

“To know that in the twenty-first century, American students and American citizens were denied access to education because of their religious identity,” he said, would have shocked the nation’s Founders. For **Shabbos**, the issue extended beyond any single university or incident. He argued that institutions like Harvard shape future leaders, and

²⁰⁸ Fifth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 359-61 (2026) (Statement of Yitzchok Frankel.)

that the ideas tolerated—or encouraged—on campus today will influence the direction of the country tomorrow.

“If these are America’s future policymakers ... then this is no longer simply ... an antisemitism issue,” he said. “This is an issue that cuts at the core of our American democracy” and “our Western civilization.”

Shabbos then detailed a series of incidents at Harvard involving harassment and physical confrontation, including an assault on a Jewish student and the public targeting of individuals based on their identity.

The most striking example, in his account, came during the encampments that formed on campus. **Shabbos** described how every single time he went to class, masked students would start following and recording him.

He also pointed to what he viewed as inconsistent enforcement of university policies, noting that students who participated in encampments and violated campus rules were not disciplined. “Zero were expelled, zero were suspended, or zero were disciplined in any measurable way,” he said.

In response, **Shabbos** joined a civil rights lawsuit against Harvard, one of several filed by Jewish students across the country. He described the litigation not only as a personal response, but as part of a broader effort to hold institutions accountable.

“An attack on one Christian is an attack on one Jew and an attack on one Jew is an attack on one Christian,” he said, arguing that religious liberty must be understood as a shared concern across faith communities. **Shabbos** concluded by noting that even anti-religious speech is protected, but when that anti-religious sentiment translates to administrative actions discriminating against a student on the basis of religion, an impermissible violation of religious liberty has occurred. “You have a right to say things that are hateful. There is no legal distinction between free speech and hate speech. Hate speech is absolutely free speech ... The problem is the double standard,” **Shabbos** explained.²⁰⁹

Conclusion

As Americans like **Maggie, Norvilia, Chike, Yitzchok, and Shabbos** continue to face discrimination and hostility on account of their religious beliefs, there is a powerful network of religious liberty and free speech advocates standing by their side. As Kimberlee Colby, a lawyer at the Christian Legal Society explained during the Commission’s second hearing, discrimination against religious college students became normalized in the 1970s, when some administrators claimed that on-campus Bible studies violated the Establishment

²⁰⁹ Fifth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 362-65, 377 (2026) (Statement of Shabbos Kestenbaum).

Clause of the First Amendment. Though the Supreme Court rejected this argument in 1981, and later reaffirmed it in 1985, Colby said, “some college administrators turned to their school’s nondiscrimination policy”—and as such, religious students have continued to face challenges. “Our democracy depends on schools teaching and modeling the essential lesson that the First Amendment protects everyone’s free speech and religious beliefs, especially the speech and beliefs of those with whom we disagree,” she testified.

While many students continue to face legal uphill battles when it comes to their First Amendment rights, religious freedom advocates on college campuses and elsewhere in the realm of education have in recent years ratcheted up an impressive number of Supreme Court victories—signaling that, after decades of challenges, the right to freely exercise one’s faith is being restored to its proper place in American life.

Recommendations

In response to the testimony presented and public comments submitted to this body, the Commission recommends that the federal government take the following actions to secure and strengthen the First Amendment rights of students at public institutions of higher education:

- **Issue religious liberty guidance for higher education.** The Department of Justice should issue religious liberty guidance for public institutions of higher education, similar to the *Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools*²¹⁰ to clarify the rights of students at public institutions of higher education to:
 1. Form and lead religious student clubs;
 2. Receive support for religious clubs and the same level of access to school facilities and advertising methods that non-religious clubs receive;
 3. Require club leaders and members to meet religious requirements;
 4. Read and distribute religious materials at times when reading and distributing non-religious materials is allowed;
 5. Wear clothing with religious messages;
 6. Be excused from school for religious practice and observance, such as to celebrate religious holy days;

²¹⁰ Dep’t of Ed., *Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools* (Feb. 5, 2026), ed.gov.

7. Participate in moments of silence, student-led prayer, and other student-led free exercise;
 8. Engage in religious expression at times and events where students are allowed to engage in private expression, such as graduation ceremonies.²¹¹
- **Provide “Know Your Rights” posters.** The Department of Justice should issue a “Know Your Rights” poster for students at public institutions of higher education. These may be posted in classrooms, hallways, and gathering areas.²¹²
 - **Support expansion of the Equal Access Act.** The Administration should advocate for the passage of federal legislation extending the protections of the Equal Access Act, which currently applies to public secondary schools, to federally funded institutions of higher education, guaranteeing to college students the right to form, operate, and advertise religious student clubs to the same extent that they may form, operate, and advertise secular clubs.²¹³
 - **Support legal challenges to the constitutionality of *CLS v. Martinez*.** The Department of Justice should support strategic litigation challenging the constitutionality of *CLS v. Martinez*.²¹⁴
 - **Create the First Freedom Hero Award for college students.** The Department of Justice should issue a First Freedom Hero Award to a student who courageously stood up for religious liberty in a public institution of higher education.²¹⁵

The federal government can further protect religious liberty at public institutions of higher education by adopting the global recommendations made at the beginning of this report as well as the recommendations made in Chapter 3: Faith-Based Institutions and the Enduring Fight for Religious Identity, Mission, and Integrity, Chapter 4: Students

²¹¹ Second Hearing of the Religious Liberty Comm’n, Hearing Transcript, 118-19 (2025) (Statement of Jeremy Dys); Public Comment by the Ethics and Public Policy Center and the Christian Legal Society, 298-302, <https://www.justice.gov/religious-liberty-commission/media/1441846/dl?inline>; Public Comment by the Religious Freedom Institute, 181-82, <https://www.justice.gov/religious-liberty-commission/media/1437931/dl?inline>.

²¹² Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript, 604 (2026) (Statement of Chairman, Lt. Gov. Dan Patrick).

²¹³ Second Hearing of the Religious Liberty Comm’n, Hearing Transcript, 118-119 (2025) (Statement of Jeremy Dys); Second Hearing of the Religious Liberty Comm’n, Hearing Transcript, 177-79 (2025) (Statement of Kim Colby).

²¹⁴ Second Hearing of the Religious Liberty Comm’n, Hearing Transcript, 178-79 (2025) (Statement of Kim Colby).

²¹⁵ Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript, 536 (2026) (Statement of Comm’r, Ryan Anderson).

Don't Check Their Rights at the Schoolhouse Gate, Chapter 9: First Do No Harm - Religious Liberty in Healthcare, Chapter 10: Conscience and Coercion in Vaccine Policy, and Chapter 11: Anti-Semitism.



Chapter 6: The Rights and Roles of Parents and Teachers

In the United States, the authority of parents to direct the religious upbringing of their children is “established beyond debate as an enduring American tradition.”²¹⁶ This right has been protected in law throughout American history. In 1923, in *Meyer v. Nebraska*, the Supreme Court affirmed that it is the “power of parents to control the education of their own.” In 1925, in *Pierce v. Society of Sisters*, the Supreme Court invalidated a state law requiring children to attend government-run schools on the grounds that, “The child is not the mere creature of the State.” The sentiment was reinforced again in 2000, when the Supreme Court held in *Troxel v. Granville* that the “liberty interest of parents in the care, custody, and control of their children is perhaps the oldest of the fundamental liberty interests recognized by this Court.”

In recent years, though, the same entities, including college administrators and faculty, teachers’ unions, and Marxist-aligned activist groups, that are targeting religious liberty generally are also specifically challenging the primacy of parents in raising children—a trend that ultimately gave new energy to the parental rights movement in the early 2020s.²¹⁷

In the face of nationwide lockdowns, remote learning, and the surge in educational transparency that emerged during the COVID-19 pandemic, American parents were given a rare and much-needed glimpse into their children’s educational experience, class assignments, and coursework—often leading to shocking revelations.

In August of 2021, the Loudoun County Public Schools School Board in Loudoun County, Virginia, passed a policy allowing students who identify as transgender to access school facilities and programs (like restrooms and sports teams) that did not align with their biological sex. Parents were rightfully outraged, and Loudoun County became the focal point of the nationwide parental rights movement that elevated the rights of parents as a defining issue in local, state, and national campaigns.

Parents began to express frustration as school boards and administration officials dismissed their concerns, even in areas as sensitive as sexual education and transgender policies. This Commission heard from parents whose rights were gravely violated and reaffirmed the primary and irreplaceable role of parents in educating their children.

²¹⁶ *Wisconsin v. Yoder*, 406 U.S. 205, 232 (1972).

²¹⁷ See Carl Trueman, *Critical Theory from Marx to Marcuse*, 164, 177 (2024) (explaining that modern ideologies see “monogamous marriage and the stable family unit ... [as] breeding grounds for conservative and reactionary citizens, and they are therefore to be dismantled via the revolutionary government taking control of society’s sexual education”).

The Rights of Teachers

Complementary to the natural role of the parent is the civic role of the teacher—a subordinate but significant support to parents in educating children.

Recent decisions from the Supreme Court have reaffirmed the century-old legal wisdom that teachers do not leave their religious liberty at the schoolhouse gate. This means that the same First Amendment rules that protect religious liberty elsewhere should protect teachers too.²¹⁸ In other words, teachers should not be forced to check their faith at the schoolhouse doors. Given the nature of their work, however, there are legitimate limitations to public school teachers’ expression of their faith when they are on duty in order to respect the religious liberty of all students and to not establish a government sanctioned religion. But that does not mean that teachers must hide their faith or teach content that is contrary to their beliefs.

Teachers are free to participate in voluntary religious services with fellow teachers and students after school hours or when teachers are otherwise free to attend to personal matters. They may engage in personal religious practices, lead voluntary prayer, speak about their faith, and display religious symbols so long as they are not coercing students and are not performing their official duties.

In the present moment, however, many teachers still fear they could lose their jobs for one wrong statement or action about their faith, often creating a chilling effect.

Protecting the religious liberty of teachers is paramount to creating an environment where students of all religious backgrounds can flourish. The Supreme Court first recognized the religious rights of teachers in 1923—a decision that also established the parents as the first and primary educators. In *Meyer v. Nebraska*, a teacher was convicted of Bible instruction in German at a Lutheran school.²¹⁹ The Court held that the Nebraska law prohibiting instruction in languages other than English violated the rights of both teachers and parents. In the teacher’s case, the right to teach; in the parents’ cases, the right to engage the teacher in the religious instruction of their children.²²⁰

Decades later, these core liberties were undermined by a series of Supreme Court decisions beginning in the 1960s. As Chapter 2 outlines, the Court banned school-sponsored prayer and reading the Bible in government-run schools. These decisions contributed to the often-misconstrued “wall of separation” myth, leading many schools to believe that teachers could not pray, speak about God, or display religious symbols in their personal spaces.

²¹⁸ See *Mahmoud v. Taylor*, 606 U.S. 522, 550 (2025).

²¹⁹ *Meyer v. Nebraska*, 262 U.S. 390, 397 (1923).

²²⁰ *Id.* at 400.

This has only begun to change since the 2022 Supreme Court decision, *Kennedy v. Bremerton*, which confirmed that the “Constitution neither mandates nor permits the government to suppress such religious expression” of teachers or coaches when they are not representing the school.²²¹ Thus, while teachers do have responsibilities distinct from parents and students, they do not have to abandon their faith as soon as they enter their workplace.²²²

What’s more, in 2025, the Supreme Court held in *Mahmoud v. Taylor* that teachers being forced to engage in the “unmistakably normative” LGBTQ curriculum material could be exempted from teaching such content if they had a religious objection.²²³ Most recently, in *Mirabelli v. Bonta* (2026), the Supreme Court upheld parental rights in public school because teachers first objected on religious grounds to being forced to facilitate so-called “gender transitions.”²²⁴

Across multiple hearings, the Commission heard testimony from parents and teachers alike who shared how their rights were violated by states that both sought to compel families to choose between participating in government-run schools and abiding by their sincerely held religious beliefs and sought to force teachers to abandon their sincerely held beliefs in favor of secular progressive orthodoxies.

What follows are stories from several witnesses, including both parents and teachers, who shared their experiences with the Commission.

Parent Perspectives

Svitlana Roman

Svitlana Roman and her husband, Jeffery, are Ukrainian Orthodox Christians and parents living in Montgomery County, Maryland. Like many other Christians and hundreds of millions of Americans, Svitlana and Jeffery teach their children that, “every person is loved by God and should be treated with dignity and respect,” and also that an individual’s sex, “is a gift from God and a natural, unchanging part of who we are.”

As Svitlana told the Commission, in 2022, Montgomery County began introducing storybooks to kids about sexual topics, including books that “championed pride parades, gender transitioning, and pronoun preferences for elementary-age children, elementary-age children who are just beginning to learn phonics.”

²²¹ *Kennedy v. Bremerton Sch. Dist.*, 597 U.S. 507, 537 & n.5 (2022).

²²² *Id.*

²²³ *Mahmoud*, 606 U.S. at 562.

²²⁴ See *Mirabelli v. Bonta*, No. 25A810, 2026 WL 575049 (U.S. Mar. 2, 2026).

According to Svitlana’s testimony, Maryland required parental consent to participate in sexual education lessons in health class and allowed families to opt out of those lessons, but parents received *no* notification or notice to opt out of lessons in other classes that featured these new books about gender ideology. After hearing some concerns from parents about the curriculum, the school board initially let families opt out. Eventually, though, “the board suddenly disregarded a longstanding tradition, Maryland law, and the nationwide consensus on parental opt outs,” and “revoked any notification and opt outs altogether.”

After the school board made its decision, parents from Montgomery County sued in a case that made it all the way to the Supreme Court. The case *Mahmoud v. Taylor*—the main plaintiffs of which were Catholic, Ukrainian Orthodox, and Muslim families—was ruled on by the Supreme Court in 2025, and in its decision, the Court upheld the rights of parents and stated, “It is both insulting and legally unsound to tell parents that they must abstain from public education in order to raise their children in their religious faiths, when alternatives can be prohibitively expensive and they contribute to financing the public schools.”²²⁵

The Court’s ruling in Montgomery County was a relief for religious families in the county who had religious objections to the curriculum advocating transgender ideology, but as Svitlana testified to the Commission, “Our case should be the beginning, not the end, of building an educational system that is more responsive to religious rights and parental concerns.”²²⁶

Jennifer Mead

Jennifer and **Dan Mead** are Christian parents who enrolled their children in Michigan’s Rockford Public School District. Shortly after their 11-year-old daughter began the sixth grade, **Jennifer** and Dan noticed changes in their daughter’s behavior, specifically that she was more “anxious” and “withdrawn.” Eventually, their daughter began falling behind academically, so **Jennifer** began meeting with school teachers and the school counselor to try and get help.

Into the seventh grade, problems persisted and a psychologist diagnosed the **Mead** daughter with autism. **Jennifer** shared that diagnosis with the school so they could get appropriate accommodations and assistance. As she told the Commission, **Jennifer** “was especially grateful for the school counselor’s help,” and “valued the connection” the counselor had made with her daughter.

Things changed in the fall of eighth grade when, as **Jennifer** testified to the Commission, “a school employee sent us an academic report with notes from my daughter’s past and

²²⁵ *Mahmoud v. Taylor*, 606 U.S. 522, 550 (2025).

²²⁶ Second Hearing of the Religious Liberty Comm’n, Hearing Transcript, 140-41 (2025) (Statement of Svitlana Roman).

current teachers, but oddly, some of the teacher’s notes talked about a boy, or at least referred to a boy’s name and used male pronouns.”

The **Meads** learned that the school counselor whom they worked with to care for their daughter was actually “socially transitioning” their daughter to be a boy, and that teachers and staff were treating the young girl as a boy without the **Meads**’ knowledge. Yet when school officials communicated with the **Meads**, they used the daughter’s real name and pronouns. The school’s decision and deception left **Jennifer** feeling “shocked, betrayed and heartbroken.”

As **Jennifer** described, trying to undo the harm that Michigan public schools did to the **Meads**’ daughter was like “emerging from a cult. Multiple times a day she would ask us if we loved her. She had been taught to not trust us, that we wouldn’t understand her and that we wouldn’t accept her, which is absolutely false.”

The **Meads** eventually filed a lawsuit against Rockford Public School District. The litigation is ongoing. But as **Jennifer** told the Commission, “No school district has the right to make life altering decisions for a child without talking to their parents.”²²⁷

Marisol Arroyo-Castro

On September 29, 2025, **Marisol Arroyo-Castro**, a 33-year veteran public school teacher and a daughter of Spanish Harlem, addressed the Religious Liberty Commission.

“Good morning, Buenos Dias” she began. “My name is **Marisol Castro** and I teach seventh grade. I’ve been a teacher for thirty-three years. I have a master’s degree in education with an additional sixty-two credits in child psychology. I have been blessed to work with children from kindergarten all the way to the eighth grade, and I’m proud to say that it’s been the joy of my life. All my years of service, I have never received a negative or developing rating in any of my performances or my evaluations. I am a God-loving and God-fearing person. It was my Father, God, who motivated me to get an education.”

Marisol’s eyes flashed with a childhood memory as she recalled her grandmother, who taught her to revere the crucifix as a sacred reminder that Jesus died to save us all. She carried that lesson always, and at her desk displayed a small wooden cross as a symbol of Christ’s everlasting Love.

Then came December 14, 2024—the day the vice principal summoned her due to a “complaint” about her cross. The ultimatum fell like a gavel. Remove the cross by the end of the day or face insubordination charges up to, and potentially including, termination.

²²⁷ Second Hearing of the Religious Liberty Comm’n, Hearing Transcript, 146-47 (2025) (Statement of Jennifer Mead).

“I asked if I could have time to pray on it,” she recalled. “And he told me that I could pray on it, but that it wouldn’t change anything.” More meetings followed. One administrator recommended hiding the crucifix in a drawer, and at one point, the principal invoked the Bible’s commandment against “idols,” an insult to her Catholic faith.

She tried to comply, reluctantly moving the crucifix out of sight, but in that moment, **Marisol** became aware of the weight of the crucifix. There, at her fingertips, lay a symbol of the ultimate sacrifice—a poignant reminder of how Jesus endured the cross. Drawing on that strength, she summoned the courage to stand for her faith.

As she stated before the commission: “I had let my papa, God, down. I felt his disappointment in me, and I knew that I had to make it right. So, the next morning I did the right thing, and I put the crucifix back. That’s what I did.”

The retaliation was swift. A two-day unpaid suspension, followed by a reassignment to administrative offices. **Marisol** never again returned to the students she so dearly loved. Yet in that hearing room, her voice rose with a final note of defiant hope: “We must understand as Americans that freedom of religion is a right that benefits all Americans. Thank you and may God bless you.”²²⁸

Coach Joe Kennedy

Coach **Kennedy’s** faith led him to places he never imagined. “I’m a simple guy, high school football coach,” he said as he introduced himself to the Commission. “I was a former Marine. I’m a [father] to four kids and, and married to my wife, so I was just an average ... kind of guy.” But Coach **Kennedy** proved to be no average **Joe** when his faith was put to the test.

After every game, **Joe** had a tradition. He knelt at the 50-yard line at Bremerton High School in Washington state and prayed for 15 seconds. He didn’t ask anyone to join him. But often, the players did—joining **Joe** on a knee to give thanks.

The school district didn’t see it that way. They ordered **Joe** to stop, before ultimately firing him. “I don’t know what it feels like to lose a child,” said Coach **Kennedy**, “but I do know what it feels like to lose sixty of them all in one shot.”

Joe didn’t back down. Instead, he sued the school district, including his own wife who worked in Human Resources. “Sue your wife and see what happens,” he said, half-jokingly. After several long years, **Joe** prevailed in the landmark Supreme Court decision, *Kennedy v. Bremerton*, in 2022. It marked the first true victory for religious liberty for teachers and coaches in generations.

²²⁸ Third Hearing of the Religious Liberty Comm’n, Hearing Transcript, 213-15 (2025) (Statement of Witness Marisol Arroyo-Castro).

Coach **Kennedy** now advocates for the rights of coaches and students to live by their faith. “I get pictures every single week ... during football season of kids kneeling on the football fields after football games and it makes my heart just pound. I love it.”

Thanks to Coach **Kennedy**'s willingness to risk his job, his reputation, and his livelihood for his faith, now teachers and coaches across the country can pray without fear of losing their jobs. The greatest challenge now is making sure that educators know the rights—and the recourse they have—if school officials threaten them.²²⁹

Monica Gill

“God really gave my heart a mission, at the beginning, to show all of my students every day that they are loved.”

No words better summarize **Monica Gill**'s mission than these. A longtime public high school teacher, **Monica** has spent the past 30 years pouring her heart and soul into her students.

As she addressed the Commission, she recalled the summer of 2021, when Loudoun County Public Schools adopted policy 8040—a sweeping gender identity mandate that, in her words, “forced teachers to deny the foundational truth of what it means to be human, created as male and female.” The policy required educators to affirm students’ chosen names and pronouns, often without parental knowledge, and to treat biological reality as optional.

For **Monica Gill**, a Christian who believes God creates each person intentionally, this was a direct command to lie. The district “gave teachers a choice,” she recounted. “Deny truth or risk everything.” **Monica** faced targeted harassment and the very real threat of losing her career. But she remained strong.

“I knew that I could not stand in front of my Father in heaven one day and say: ‘My pension plan was more important than Your Truth,’ and I also knew that if I say that I love my students, the only right choice was to stand in love and truth for them.”

From that moment, she decided to fight a long and grueling legal battle. After years of suspensions, retaliations, and public smears, **Monica** prevailed. “Thankfully, this past July, after a very long legal journey, my lawsuit resulted in victory for all teachers to freely speak truth and love when Loudoun County finally agreed not to require teachers to use pronouns inconsistent with the students’ sex,” **Monica** said.

²²⁹ Third Hearing of the Religious Liberty Comm’n, Hearing Transcript, 208-09 (2025) (Statement of Witness Joe Kennedy).

Her words echoed throughout the hearing room, reminding everyone that religious liberty in public education is not an abstract legal debate, but a daily battle for teachers who want nothing more than to live by their faith.²³⁰

Expert Testimony

In some cases, opt-out provisions may not provide adequate opportunities for religious families to raise their children in the faith. This was the experience of Chaya and Yoni Loffman, who sought to fulfill their religious commitment to educate their daughter in the family’s Jewish faith, only to learn that the IDEA funding critical to facilitating the accommodations necessary for their daughter’s special needs would not be available if they chose to do so. Expert Witness **Nicholas Reaves**, testifying on behalf of the Loffmans, explained the “impossible choice” facing the families—to either “compromise your religious identity to receive critical special education funding or preserve your child’s religious development and forego the special education funding promised by the IDEA.”²³¹ This is also the experience of many families in Maine, who seek to participate in the state’s generally available voucher program, only to find their child is free to attend a school of any specialization or world view except religion.²³²

Witness **John Bursch** described tension between our country’s protections for religious liberty and parental rights and the practical reality facing parents by explaining “The Supreme Court has long recognized—100 years—that parents have a fundamental right to direct their children’s upbringing, including their education, but there are many school choice programs that are intentionally designed to exclude religious schools.”²³³

Witness and Advisory Board Member **Jason Bedrick** underscored the importance of school choice to parental rights and religious liberty, explaining that “Only by protecting parental rights and empowering parents with school choice can we ensure that America’s education system respects and reflects our deepest commitments to religious liberty, pluralism, and self-government.”²³⁴ **Jason** described that even seemingly neutral decisions about which religious holidays to accommodate or how to frame certain topics are, in fact, value-laden decisions. Religious families must be free to choose an educational environment that supports, rather than undermines, the religious values of their family.

²³⁰ Third Hearing of the Religious Liberty Comm’n, Hearing Transcript, 210-212 (2025) (Statement of Witness Monica Gill).

²³¹ Third Hearing of the Religious Liberty Comm’n, Hearing Transcript, 251 (2025) (Statement of Witness Nicholas Reaves).

²³² Third Hearing of the Religious Liberty Comm’n, Hearing Transcript, 255 (2025) (Statement of Advisory Bd. Member Jason Bedrick).

²³³ Third Hearing of the Religious Liberty Comm’n, Hearing Transcript, 235 (2025) (Statement of Witness John Bursch).

²³⁴ Third Hearing of the Religious Liberty Comm’n, Hearing Transcript, 255 (2025) (Statement of Advisory Bd. Member Jason Bedrick).

Religious liberty in the context of parental rights requires robust school choice and the freedom for religious students and families participate in generally available funding opportunities, without renouncing their religion. As Commissioner Dr. **Ryan Anderson** explained, “free exercise of religion, parental rights and education, school choice, these things all go together.”²³⁵

Conclusion

More than anyone else, parents provide children with a sense of who they are, where they come from, and who they should strive to become. When bureaucrats try to claim the power to form children’s souls against the will of their parents, they are not pursuing governance, they are pursuing conquest. As the Third Circuit Court of Appeals held in *Gruenke v. Seip*, “It is not educators, but parents who have primary rights in the upbringing of children. School officials have only a secondary responsibility and must respect these rights.”²³⁶

Parents’ testimonies to the Commission reveal attempts by state and local governments to usurp the role of parents in the lives of their children and to squeeze religious Americans out of public life. Especially concerning curricula on gender identity, school officials and administrators have sought to impose a new radical orthodoxy on parents and kids, regardless of Americans’ religious objections. Such efforts sow distrust between children and parents, and leave boys and girls confused about how God made them.

The families who testified to the Commission and who challenged school officials in their state did so out of love for their children and sincere religious devotion. They endured ridicule and betrayal by the officials whose salaries they fund, but refused to give up on their kids. They are heroes who remind the Commission why we were conceived at all.

The Supreme Court declared in the 1944 case *Prince v. Massachusetts*, that it is “cardinal” that “the custody, care and nurture of the child reside first in the parents, whose primary function and freedom include preparation for obligations the state can neither supply nor hinder.”²³⁷ This ruling set a significant precedent not only for First Amendment rights, but also for family healthcare decisions, including decisions about human sexuality and identity, which are a vital part of parents’ constitutional authority over their children. The testimonies of parents the Commission heard force us to ask if that truth is still cardinal in America’s schools.

²³⁵ Second Hearing of the Religious Liberty Comm’n, Hearing Transcript, 152 (2025) (Statement of Comm’r Dr. Ryan Anderson).

²³⁶ *Gruenke v. Seip*, 225 F.3d 290, 307 (3d Cir. 2000).

²³⁷ *Prince v. Massachusetts*, 321 U.S. 158, 166 (1944).

Like the parents and students who testified, the teachers and coaches who came before the Commission had the law on their side. But in practice, it didn't matter. School administrators still invoke the "wall of separation" to justify silencing teachers and repressing any expression of religion. In some cases, school officials enforce policies that have now been deemed unconstitutional. The only way to reverse the ingrained habits of school administrators who are accustomed to barring any acknowledgement of God is for teachers across the country to know and defend their rights, and to be willing to ask hard questions and point to the facts of the law to ultimately change the culture in our schools.

This knowledge of rights for both parents and teachers can be enforced through certifications and compliance, reflected in our recommendations below.

Recommendations

Parental Rights

In response to the testimony presented and public comments submitted to this body, the Commission recommends that the federal government take the following actions to secure and strengthen parental rights:

- **Create a Parental Rights Task Force.** The Departments of Justice and Health and Human Services should form a task force to consider federal actions to support parental rights in the areas of education and healthcare.²³⁸
- **Issue guidance on parental rights.** The Department of Justice should issue guidance clarifying parents' authority to direct their children's religious upbringing in the K-12 educational context, as affirmed in *Mahmoud v. Taylor* (2025) and *Mirabelli v. Bonta* (2026), clarifying the law on parents' rights to:
 1. Conveniently and frequently review curricular materials;
 2. Inspect books and reading materials in the school library;
 3. Receive timely notice of proposed school activities and changes to school policies;
 4. Receive notice when schools plan to teach their child about topics implicating the child's religious upbringing;
 5. Have clear, accessible means to opt their child out of any school instruction, activity, policy, or practice that substantially interferes with the authority of the parents to direct the religious upbringing of their child;

²³⁸ Public Comment by the Religious Freedom Institute, 181-82, <https://www.justice.gov/religious-liberty-commission/media/1437931/dl?inline>.

6. Be informed of all physical and mental healthcare their child receives while at school;
 7. Be informed about any efforts by their child to engage in gender transitioning at school, regardless of whether the child consents to parental notification;
 8. Be informed if their child’s school allows males to compete in athletic programs designed for females;
 9. Be informed if their child’s school allows males to use restrooms or locker rooms designated for females;
 10. Receive accommodations for their child to attend off-site religious instruction during the school day through release-time programs.²³⁹
- **Create a parental rights violation hotline/portal.** The Department of Justice should create a portal exclusively for parents to report government violations of parental rights.²⁴⁰
 - **Investigate and litigate parental rights violations.** The Department of Justice should open civil rights investigations into—or file strategic litigation against—public educational institutions believed to have violated parental rights.²⁴¹
 - **Offer parental rights resources.** The Department of Justice should provide parental rights resources, such as trainings, toolkits, guidance, and technical assistance for parents and school officials at federally funded public educational institutions on parental rights in educational settings.²⁴²
 - **Support litigation securing parental rights.** The Department of Justice should support strategic litigation seeking to guarantee parents’ authority to direct the religious upbringing of their children.²⁴³
 - **Support legislation securing parental rights.** The Administration should advocate for the passage of federal legislation securing parental rights, such as

²³⁹ Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript, 585 (2026) (Statement of Comm’r, Kelly Shackelford); Second Hearing of the Religious Liberty Comm’n, Hearing Transcript, 142-143 (2025) (Statement of Sameerah Munshi); Public Comment by the Ethics and Public Policy Center and the Christian Legal Society, 298-302, <https://www.justice.gov/religious-liberty-commission/media/1441846/dl?inline>; Public Comment by the Religious Freedom Institute, 181-82, <https://www.justice.gov/religious-liberty-commission/media/1437931/dl?inline>.

²⁴⁰ Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript, 604 (2026) (Statement of Chairman, Lt. Gov. Dan Patrick).

²⁴¹ Public Comment by the Religious Freedom Institute, 181, <https://www.justice.gov/religious-liberty-commission/media/1437931/dl?inline>.

²⁴² See Second Hearing of the Religious Liberty Comm’n, Hearing Transcript, 157 (2025) (Statement of David Cortman).

²⁴³ First Hearing of the Religious Liberty Comm’n, Hearing Transcript, 45-46 (2025) (Statement of Dr. Mark David Hall).

the Families' Rights and Responsibilities Act.²⁴⁴

The federal government can further protect parental rights by adopting the global recommendations made at the beginning of this report as well as the recommendations made in Chapter 3: Faith-Based Institutions and the Enduring Fight for Religious Identity, Mission, and Integrity, Chapter 4: Students Don't Check Their Rights at the Schoolhouse Gate, Chapter 9: First Do No Harm - Religious Liberty in Healthcare, Chapter 10: Conscience and Coercion in Vaccine Policy, and Chapter 11: Anti-Semitism.

Teachers' Rights

In response to the testimony presented and public comments submitted to this body, the Commission recommends that the federal government take the following actions to secure and strengthen the First Amendment rights of teachers, coaches, and other school staff members:

- **Issue updated religious liberty guidance.** The Department of Justice should update the *Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools*²⁴⁵ to further strengthen and clarify the rights of teachers, coaches, and other school staff members in public schools to:
 1. engage in private religious speech while at school;
 2. teach about religion, especially if required by state educational standards;
 3. promote respect for the exercise of religious views, especially if required by state educational standards; and
 4. address students by the pronouns that align with the students' sex at birth.²⁴⁶
- **Provide "Know Your Rights" posters.** The Department of Justice, in conjunction with the Equal Employment Opportunity Commission, should issue a "Know

²⁴⁴ First Hearing of the Religious Liberty Comm'n, Hearing Transcript, 86-87 (2025) (Statement of Kristen Waggoner).

²⁴⁵ Dep't of Ed., *Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools* (Feb. 5, 2026), ed.gov.

²⁴⁶ Second Hearing of the Religious Liberty Comm'n, Hearing Transcript, 113-15 (2025) (Statement of Jeremy Dys); Second Hearing of the Religious Liberty Comm'n, 207-09 (Written Statement of Joe Kennedy); Public Comment by the Ethics and Public Policy Center and the Christian Legal Society, 298-302, <https://www.justice.gov/religious-liberty-commission/media/1441846/dl?inline>.

Your Rights” poster that public educational institutions may post on school websites and in employee gathering areas.²⁴⁷

- **Create the First Freedom Hero Award for teachers and coaches.** The Department of Justice should issue a First Freedom Hero Award to a teacher or coach who courageously stood up for religious liberty at a public educational institution.²⁴⁸

The federal government can further protect religious liberty for teachers, coaches, and other staff members at public schools by adopting the global recommendations made at the beginning of this report as well as the recommendations made in Chapter 3: Faith-Based Institutions and the Enduring Fight for Religious Identity, Mission, and Integrity, Chapter 4: Students Don’t Check Their Rights at the Schoolhouse Gate, Chapter 9: First Do No Harm - Religious Liberty in Healthcare, Chapter 10: Conscience and Coercion in Vaccine Policy, and Chapter 11: Anti-Semitism.



²⁴⁷ Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript, 604 (2026) (Statement of Chairman, Lt. Gov. Dan Patrick).

²⁴⁸ Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript, 536 (2026) (Statement of Comm’r, Ryan Anderson).

Chapter 7: America’s Warfighters Deserve Better

When service members enter the United States military, they accept extraordinary constraints on their personal freedom. They go where they are ordered, live under strict discipline, and operate within a system that governs nearly every aspect of their daily lives. For that reason, the Constitution places a heightened responsibility on the military to protect the rights that service members do not surrender—chief among them, the free exercise of religion.

Sadly, that protection is not always upheld in practice.

Historian David Barton opened the hearing on religious liberty in the military by placing this question in historical context. For much of our nation’s history, religious expression was not viewed as a complication within military life, but as a core component of it. From the earliest days of the Continental Army, commanders incorporated faith into the structure of service. George Washington required attendance at “divine service.” Abraham Lincoln called for “the orderly observance of the Sabbath.” During World War II, General Patton ordered 250,000 “weather prayer” cards to be distributed before the Battle of the Bulge, and President Franklin Roosevelt led the nation in prayer as Allied forces landed on the beaches of Normandy.²⁴⁹

These practices were not incidental. Rather, they reflected an understanding that the moral and spiritual formation of service members was essential to the success of the force. As Barton explained, the U.S. Supreme Court has repeatedly affirmed this historical tradition.

“In recent years, there have been unprecedented attacks against traditional religious practices in the military,” Barton told the Commission, arguing that the current moment represents a departure from that long-standing approach.²⁵⁰ Policies that once would have been uncontroversial in the military—such as public prayer, the distribution of religious materials, the accommodation of individual beliefs—have, in many cases, become the subject of restriction or dispute.

The witnesses who followed did not speak in terms of abstract legal doctrine. They described how these changes have affected their ability to serve, to lead, and, in some cases, to remain in the military at all. Their accounts reflect a common concern: that the space for religious expression within the Armed Forces has narrowed in recent years, and

²⁴⁹ Fourth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 276-8 (2025) (Statement of David Barton).

²⁵⁰ Fourth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 276 (2025) (Statement of David Barton).

that the consequences of that shift are borne not only by individuals, but by the institution itself.²⁵¹

The witnesses who testified during the December hearing at Old Parkland’s debate chamber in Dallas, Texas, illustrate these experiences across branches, roles, and faith traditions and underscore the need for additional protections—both in adopting more robust policies and implementing existing policies through the entire chain of command. As the following testimonies demonstrate, too often service members are not informed of their religious rights and are pressured to conform to the demands of their commanders, commands that often violate First Amendment protections.

Religious Liberty is Fundamental to Our Nation’s Defense

Brandon H. Wheeler

In parts of the world where Retired U.S. Marine **Brandon Wheeler** has worked, religious belief is not a matter of personal preference. A person’s faith determines whether they live or die. **Brandon’s** testimony drew on decades of experience in environments in which freedom of conscience is suppressed and the profession of belief itself can carry significant consequences.

“We cannot understand what we have never seen, and most Americans have never seen tyranny. I have,” **Brandon** told the Commission. “Over 38 years and across 115 countries I have had a front-row seat to its reality.” A combat veteran who served in Operation Unified Protector, Operation Enduring Freedom, and was the commander of the elite Fleet Anti-Terrorism Security Team Company, **Brandon** has lived in countries where religious liberty is as foreign as he is to the natives.²⁵²

In Afghanistan, **Brandon** observed that dissent was punished through violence and intimidation. In Iraq and Syria, he encountered communities shaped by religious persecution, where minorities were driven from their homes and families lived under constant threat. “These are not stories from another era,” he said. “They are the daily realities of people born outside the protection of freedom.”²⁵³

Wheeler argued that Americans risk losing sight of what distinguishes our own government. He rejected the idea that America is defined primarily by its institutions or geography. Instead, he described it as grounded in a foundational principle: that freedom is

²⁵¹ Fourth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 285-7 (2025) (Statement of Brandon Wheeler); Fourth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 291-4 (2025) (Statement of Sukhbir Singh Toor)

²⁵² *Brandon H. Wheeler*, Providence Mag., <https://providencemag.com/authors/brandon-h-wheeler/> (last visited June 16, 2026); Fourth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 285-7 (2025) (Statement of Brandon Wheeler).

²⁵³ *Id.*

inherent and not granted by the state. At the center of that principle is the First Amendment. “Freedom of religion is the protection of conscience, the freedom of the human mind,” he said, emphasizing that it safeguards not only outward expression, but the ability to think and act according to deeply held conviction.

For **Brandon**, the importance of that freedom becomes most evident in the military. Combat places individuals in situations that demand more than physical endurance. It requires moral clarity under extreme pressure. “War does not merely test a human being, it unveils him down to the marrow,” he said, describing moments when service members must decide whether they will act in accordance with the values they were trained to defend.

That kind of clarity, he argued, must be cultivated long before it is needed. “If you do not fill your heart with good, evil will fill the void,” he said, pointing to the role that faith can play in shaping character and discipline.

“This is why fostering faith, freedom of thought, and freedom of conscience in the military is not optional,” **Brandon** concluded. “It’s an operational necessity, a philosophical necessity, a moral necessity.”²⁵⁴

Vaccine Mandates

Blake Martin, Navy SEAL

Blake Martin had spent nearly two decades in one of the most elite fighting forces in the world, serving as a Navy SEAL for 17 years. His career had been defined by discipline, sacrifice, and a willingness to operate in the most demanding conditions imaginable. Yet, in the final chapter of his service, the greatest test he faced did not come on the battlefield, but from within the very institution he had committed his life to serving.

Like many others, when the COVID-19 vaccine mandate was imposed, Blake discerned that receiving the vaccine would violate his sincerely held religious beliefs.

Blake pursued the formal process available to him to opt out of the COVID-19 vaccine, submitting both medical and religious accommodation requests.

But Blake’s medical exemption was never meaningfully evaluated and his religious accommodation was denied outright. “My appeal to this day has never been answered,” he said.

²⁵⁴ Fourth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 285-7 (2025) (Statement of Brandon Wheeler).

What followed his request was a steady escalation of pressure that reshaped his daily life in uniform. He was repeatedly called before his commanding officer and required to sign formal statements acknowledging that he was disobeying a lawful order and could face punishment under military law. His ability to perform his duties was restricted, and he was placed on a “no travel” list, effectively sidelining him from the operational responsibilities that had defined his career. Even routine access to his workplace became uncertain. “There were mornings where I’d ... get the red light of shame and be escorted off base in front of all my teammates,” he recalled, describing moments that made his status publicly visible and professionally isolating.

The consequences extended beyond his immediate duties. **Blake** was unable to participate in transition programs designed to help service members move into civilian life. His request to re-enlist went unanswered, closing the door on benefits he had earned over nearly two decades of combat. All of this occurred despite what he described as an honorable record and a continued desire to serve. In the end, the Navy separated him after previously investing what he estimated to be “upwards of \$2 million” in his training and development as an elite fighter.

“These actions create an environment of coercion and isolation,” **Blake** said, reflecting on the cumulative effect of these decisions. In his view, the issue was not simply disagreement over policy, but the way that policy was enforced. “I was separated ... because of my sincerely held religious beliefs, and not because of misconduct or failure to perform.”

Blake’s story, unfortunately, is familiar for many service members. In fact, during the COVID-19 era, more than 16,000 American service members requested a religious exemption for the vaccine,²⁵⁵ more than 8,000 were discharged for refusing it,²⁵⁶ and countless others experienced severe encroachments upon their freedom for following their conscience and refusing to receive the shot.

Blake’s experience points to a broader question about the boundaries of authority within the military. While service members accept significant constraints when they enter uniform, his testimony underscores a line that he believes should not be crossed. When policies are implemented in ways that disregard religious conviction entirely, the result is exclusion. And for those who have built their lives around service, that exclusion carries consequences that extend far beyond a single decision.²⁵⁷

²⁵⁵ Inspector General, DODIG-2024-061, Dep’t of Defense: Audit of Military Services’ Processing of Coronavirus Disease–2019 Vaccination Exemptions and Discharges for Active Duty Service Members (2024).

²⁵⁶ C. Todd Lopez, *War Department Reevaluates Discharge Characterizations for COVID Vaccine Refusal*, DEP’T OF WAR, (Dec. 6, 2025), <https://www.war.gov/News/News-Stories/Article/Article/4361100/war-department-reevaluates-discharge-characterizations-for-covid-vaccine-refusal/>.

²⁵⁷ Fourth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 295-9 (2025) (Statement of Blake Martin).

Mike Berry

Mike Berry learned that his status in the Marine Corps had changed not from his chain of command, but from a notification about his family's health insurance. After nearly two decades of service, including a combat deployment and a career as a military attorney, he discovered that he had been placed on inactive status without warning.

"I only learned of my removal to inactive status when I was notified by Tricare," he said.

For **Mike**, the moment was not just administrative confusion. It marked the culmination of a process that began when he submitted a request for a religious accommodation from the COVID-19 vaccine mandate. Like many others, he followed the procedures available to him, relying on the legal protections he understood both as a service member and as a constitutional attorney. His immediate chain of command supported his request, but their superiors did not.

"Like tens of thousands of my uniformed colleagues, my religious accommodation fell upon deaf ears," he said. "It was denied."

Placement in inactive status meant that **Mike** was removed from his unit and could no longer perform the duties required to earn credit toward his retirement. It also meant the immediate loss of health coverage for his family. For **Mike**, the consequences were detrimental. His daughter requires significant medical care, and the sudden loss of coverage created immediate financial strain.

"We now had to pay for Emma's substantial medical bills out of pocket," he explained.

At the same time, **Mike** described efforts to challenge the decision that were dismissed or ignored. In one instance, he received an email stating that because of his vaccination status, he "had interests adverse to the United States."

Despite these setbacks, **Mike** continued to pursue reinstatement, eventually returning to service after multiple removals to inactive status. But the long-term consequences remained.

"Today, I'm still a proud Marine Corps reservist," he said, but the terms of that service had changed. The day he submitted his religious accommodation, it was made clear that he will never be promoted again. His retirement is now delayed by approximately two years. However, **Mike** explained that he didn't join the Marines to acquire a particular rank or even a pension check. He joined because he wanted to make a difference.

“If our military becomes hostile to faith, recruiting and retention will suffer,” **Mike** warned. “Religious liberty is and always has been a matter of national security.”²⁵⁸

Religious Objects and Dress Requirements

Kenny Vaughan

In the years following the September 11, 2001 attacks, as U.S. forces prepared for deployment to Afghanistan, a military unit reached out to **Kenny Vaughan** with a request. They were not asking for equipment or supplies, but for something far simpler: dog tags engraved with verses of Scripture that they could carry with them into combat.

“They wanted to know if they could get 600 of them,” **Kenny** recalled.

At the time, **Kenny** had been producing these tags on a small scale, engraving short passages intended to provide encouragement in moments of fear. What had been a limited effort quickly expanded as more units learned about the tags and began requesting them. As deployments continued, the tags spread across units and theaters of operation, carried not as an official tag, but as something service members chose to bring with them.

Over time, **Kenny** described producing and distributing millions of these tags, many sent directly to deployed troops. The significance of the tags was most visible in how they were used. He recounted accounts from chaplains and service members who relied on them in moments of uncertainty, injury, and loss. He told the story of a chaplain who was tending to a wounded soldier awaiting evacuation. The chaplain placed the tag around the soldier’s neck and read the engraved passage aloud. In that setting, the tag was not simply an object, but a way of providing comfort, strength, and reassurance in circumstances where little else could be offered.

Despite their widespread use among service members, **Kenny** encountered resistance when he attempted to operate within official military channels. As he sought licensing approval, he was informed that the religious elements central to the tags would have to be removed. “They said ... we couldn’t have crosses ... we couldn’t have scriptures ... we couldn’t have our mission statement” on the group’s website, he explained. Those conditions, in effect, would have eliminated the defining feature of the tags themselves.

The situation escalated when licenses that had initially been granted were later revoked following complaints, forcing **Kenny** into legal challenges that consumed time and

²⁵⁸ Fourth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 310-1 (2025) (Statement of Mike Berry).

resources. Although those challenges resulted in some policy changes, the effect on his organization was significant. “We’re a shell of what we once were,” he said.

Kenny’s testimony reflects a broader tension within the military. Informal expressions of faith have long been present among service members and, in many cases, have been embraced in practice. At the same time, efforts to provide or distribute those expressions within official frameworks have faced increasing scrutiny. His experience suggests that while the demand for such materials has remained consistent, the ability to support that demand through recognized channels has become more constrained.²⁵⁹

Captain Sukhbir Singh Toor

Before he ever stepped into uniform, **Sukhbir Singh Toor** understood that his decision to serve would place him at odds with existing military policy. The conflict he anticipated was not about his ability or commitment, but about whether the Marine Corps would recognize the visible requirements of his Sikh faith.

“I knew I would face a painful choice to cut my hair, remove my turban,” he told the Commission.

As a Sikh, **Sukhbir’s** faith requires maintaining unshorn hair and wearing a turban—practices that are not symbolic, but obligatory. At the time he entered the Marine Corps in 2016, those practices were not accommodated within the branch’s policies. Yet his desire to serve was rooted in his faith. Sikhism teaches the ideal of the “saint-soldier,” an individual called to confront injustice both morally and physically. For **Sukhbir**, military service was a natural extension of that calling.

For several years, he served within a system that did not fully recognize his religious identity. Rather than immediately seeking accommodation, he focused on building his record and demonstrating his capabilities. Only after establishing himself as a leader, did he pursue formal recognition of his religious practices.

“Ultimately, it took a lawsuit in 2021 to compel the Marine Corps to recognize the constitutional right of myself and several other Marines,” he said.

The outcome extended beyond his own case, reinforcing protections for other religious minorities across the services. Once accommodation was granted, **Sukhbir** found that the concerns often cited against such policies did not materialize. His ability to lead remained intact, and his confidence in his role increased. “Serving as my full-self made me more comfortable, more confident, and more driven to excel,” he said. His Marines, he noted,

²⁵⁹ Fourth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 300-2 (2025) (Statement of Kenny Vaughan).

evaluated him based on performance. “My Marines judge me as they should on my competence, my character, my commitment.”

For **Sukhbir**, the significance of his case was broader than personal experience. “This was not a personal fight for me. It was an American one,” he said.

Despite his ultimate success, **Sukhbir** expressed concern about proposed policy changes that could reverse these gains. Requirements that service members violate their beliefs before requesting accommodation, or limitations placed on their roles, could undermine years of advancement.

“Each of these proposals threatens to reverse more than 15 years of progress,” he warned.²⁶⁰

Second Lieutenant Rao Harish

Harish Rao’s military career nearly ended before it began. During basic training, his wearing of the Tilak Chandlo—a sacred mark on one’s forehead and a visible expression of his Hindu faith that had no effect on his military capacity—became the source of immediate conflict with his chain of command.

“I was told that if I want to keep wearing Tilak Chandlo, I will be deported back to India,” he recalled.

The warning was not delivered as a misunderstanding to be resolved, but as a directive with consequences. **Rao** was removed from training and placed among those who were not actively participating, effectively sidelining him from the very process to which he had committed himself.

When asked why he was no longer training, **Rao** explained his position in simple terms. If he could not practice his religion, he did not understand what he was being asked to defend. “I have been instructed that I will be deported and now I’m just waiting for the process,” he said.

The turning point came through the intervention of a chaplain who chose to ask a different set of questions. Did **Rao’s** religious practice interfere with his ability to train? “No,” he answered. If allowed to practice his faith, did he still want to serve? “Yes, absolutely.” Those answers reframed the situation, shifting the focus from appearance to capability.

“That chaplain stood for me,” **Rao** said, describing how the chaplain advocated directly with his chain of command. He was transferred to a different unit, given documentation

²⁶⁰ Fourth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 291-4 (2025) (Statement of Sukhbir Singh Toor).

supporting his accommodation, and allowed to continue his training. The outcome was not marginal success, but distinction. **Rao** completed his training, earned leadership roles, and received formal recognition for his performance.

His experience, however, revealed how easily a lack of understanding can escalate into exclusion. He pointed to broader issues affecting Hindu service members, including the absence of chaplains familiar with their traditions and limited recognition of practices such as dietary restrictions and religious symbols.

“There are very few Hindu chaplains,” he noted, identifying a gap that extends beyond individual cases.

Rao’s testimony underscores both the vulnerability and the potential for growth within the system. Without intervention, his career would likely have ended at the outset. With it, he had a thriving career. The difference, in his case, was not policy alone, but whether someone within the institution recognized that religious identity and military service were not in conflict—even if an individual’s physical appearance was slightly different from the norm.²⁶¹

Military Chaplains

Major Gen. Doug Carver

For decades, chaplains have occupied a unique place within the military, serving not only as religious leaders but as advisors, counselors, and witnesses to the most difficult moments of service. **Doug Carver** entered that role at a time when its purpose was widely understood and rarely questioned. Over the course of his career, he observed how that understanding has shifted.

“Our Chaplains have always been there,” he told the Commission, pointing to a history that stretches back to the founding of the Continental Army.

Gen. Carver described that presence not as ceremonial, but as deeply integrated into military life. Chaplains stood with soldiers at Valley Forge, ministered to the wounded in wartime hospitals, and provided spiritual guidance to troops facing the realities of combat. Their role extended beyond formal services to the everyday experiences of service members, offering counsel in moments of grief, fear, and uncertainty.

²⁶¹ Fourth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 307-9 (2025) (Statement of Rao Harish).

Over time, however, **Gen. Carver** observed a gradual narrowing of that role. He described instances in which chaplains were instructed to modify or limit their prayers in order to conform to expectations of neutrality.

“We would be told, you can only pray a nonsectarian prayer, whatever that means,” he said, recalling directives that, in his view, conflicted with the chaplain’s responsibility to represent a specific faith tradition.

For **Gen. Carver**, such restrictions raise fundamental concerns about religious liberty. “If a Chaplain is told how not to pray or how to pray, you’ve just established religion and you’ve violated the religious liberty.”

He also pointed to a broader shift in how chaplains are perceived within the institution. Rather than being recognized primarily as religious leaders, they are increasingly described in functional terms, such as “morale officer[s]” or “spiritual technician[s].” While those roles may overlap, **Gen. Carver** argued that they do not capture the crux of the chaplain’s mission.

Even in the face of these challenges, the demand for chaplain support has not diminished. Service members continue to seek guidance on issues that extend beyond training or discipline, particularly in the aftermath of combat.

“Chaplain, what do I need to do to take away the guilt, the pain, what do I need to help me sleep or to ease my conscience, or to forgive others, or to forgive myself? Chaplain, what will help me break addiction? What will help my marriage? What will help me love my family? What gives me hope?” he recalled, describing the kinds of questions he has heard repeatedly throughout his career.

Gen. Carver’s testimony suggests that the challenge facing the chaplaincy is not one of relevance, but limitation. The need for chaplains remains constant, but the ability to respond fully to that need depends on whether they are permitted to operate within the traditions they are called to represent.²⁶²

Rabbi Sanford Dresin

For many Jewish service members, the challenge of practicing their faith in the military is not confined to deployment or combat. It begins much earlier, often at the point of entry, where expectations are set and misunderstandings take root. **Rabbi Dresin’s** testimony focused on the cumulative effect of those early experiences and the barriers that persist throughout a service member’s career.

²⁶² Fourth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 319-23 (2025) (Statement of Chap (Maj. Gen.) Doug Carver, USA (Ret.)).

“Religious accommodation should not be treated as an exception to policy. It should be policy,” he told the Commission.

Rabbi Dresin explained that the problems often start during recruitment, where individuals are not adequately informed about their rights or the processes available to them. In many cases, recruits are told that religious accommodations can be addressed later, once they have entered training.

“Recruiters are rarely familiar with religious accommodation,” he said, noting that the emphasis on meeting enlistment targets often takes precedence over providing accurate guidance.

By the time service members reach basic training, those gaps become more difficult to address. **Rabbi Dresin** described situations in which religious preferences are recorded incorrectly, requests for accommodation are delayed, and trainees are discouraged from raising concerns. Access to religious services is inconsistent, and the absence of chaplains familiar with Jewish practices places additional pressure on individuals to advocate for themselves. “Jewish needs are dismissed outright,” he said.

One of the most persistent challenges involves access to kosher meals. While such meals are theoretically available, logistical issues often prevent them from being delivered in practice. Requests may not be processed correctly, supply chains may break down, and responsibility for distribution may be unclear.

“Most of my calories are stuff like chips, honey buns, and chocolates,” he said, quoting a deployed service member who struggled to maintain dietary requirements.

Rabbi Dresin emphasized that these issues are not isolated. “The cases we see each year number in the hundreds.”

Rabbi Dresin’s testimony highlights a gap between policy and implementation. While formal protections exist, their effectiveness depends on consistent application at every level of the system. Without that consistency, service members are left to navigate challenges that should have been addressed from the outset.²⁶³

Monsignor Anthony Frontiero

For Catholic service members, the ability to practice their faith is tied to something that cannot be substituted or deferred: access to the sacraments. In environments where nearly every aspect of daily life is controlled by the military, that access depends entirely on whether the institution makes it possible.

²⁶³ Fourth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 324-6 (2025) (Statement of Rabbi Sanford Dresin, Chap., Col., USA, Ret.).

“The absence of a priest can mean weeks or months without Mass,” Monsignor **Anthony Frontiero** told the Commission, describing a reality that many Catholic service members encounter during deployment.

Monsignor **Frontiero** explained that sacraments such as the Eucharist, Confession, and Anointing of the Sick are not optional practices within Catholicism. “They are indispensable channels of grace instituted by Christ Himself,” he said, emphasizing that they are essential to the full exercise of the faith.

The indispensability of the sacraments creates a unique dependency within the military structure. Unlike other forms of religious expression, which can be practiced individually or adapted to circumstance, the sacraments require a priest. No other personnel can fulfill that role. In remote or deployed settings, where the number of Catholic chaplains is limited, service members may go extended periods without access. “Spiritually, souls are at risk without the sacraments. The stakes cannot be higher,” Monsignor **Frontiero** said.

He identified several factors contributing to this challenge. A decline in the number of priests entering the chaplaincy has reduced overall coverage, while operational constraints—such as transportation limitations and security protocols—restrict the ability of chaplains to travel between units. “While safety is paramount, the unintended result can be de facto suppression of sacramental practice,” he explained.

Monsignor **Frontiero** also pointed to a broad misunderstanding within the military about the nature of religious obligations. In a pluralistic environment, religious needs are sometimes treated as interchangeable or optional. For Catholics, however, the sacraments are not preferences. They are requirements grounded in doctrine.

“Misunderstanding arises when Catholic sacramental needs are viewed as mere preferences rather than doctrinal obligations,” he said. “A military that preserves the sacramental life of its Catholic members ... strengthens the readiness of our armed forces,” he concluded.²⁶⁴

Conclusion

The testimonies presented to the Commission on the topic of First Amendment rights of service members and chaplains describe more than isolated disputes over policy. Taken together, they reflect a pattern in which the protection of religious liberty within the military is increasingly uncertain, particularly when it conflicts with prevailing institutional priorities.

²⁶⁴ Fourth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 332-5 (2025) (Statement of Monsignor Anthony Frontiero).

For generations, the United States military operated with a clear understanding that faith was not a liability, but a source of strength. Chaplains were integrated into the structure of command. Religious expression was visible and, in many cases, encouraged. Service members were expected to draw upon moral and spiritual resources in moments of crisis, and the institution made space for them to do so.

The experiences described in this chapter suggest that this understanding is being tested. Service members have faced denial of religious accommodations, professional consequences for adhering to their beliefs, and, in some cases, separation from the military altogether. Chaplains have described limitations on their ability to carry out core religious functions. Others have encountered barriers that make it difficult to practice their faith in even the most basic ways.

At the same time, these testimonies point to something more enduring. Across each account is a consistent recognition that the demands of military service do not diminish the importance of conscience. If anything, they heighten it. The more authority the military exercises over the lives of service members, the greater its obligation to ensure that those individuals can live in accordance with their sincerely held beliefs.

The question raised by these accounts is not simply whether religious liberty is formally recognized, but whether it is sincerely protected in practice. The answer will shape not only the experience of those who serve, but the character of the institution itself.

Recommendations

In response to the testimony presented and public comments submitted to this body, the Commission recommends that the federal government take the following actions to secure and strengthen the First Amendment rights of military service members and chaplains:

- **Continue efforts to restore and compensate COVID-19 vaccination religious objectors.** The Commission's commends the Department of War's efforts to fully restore service members who were adversely affected due to their religious objections to the COVID-19 vaccine mandate, including through reinstatement, compensation, and the restoration of lost benefits, and recommends these efforts continue.²⁶⁵
- **Issue guidance on religious freedom protections in the military.** The Department of War should issue updated instructions outlining how the

²⁶⁵ Fourth Hearing of the Religious Liberty Comm'n, Hearing Transcript, 296-97 (2025) (Statement of Comm'r Kelly Shackelford); Fourth Hearing of the Religious Liberty Comm'n, Hearing Transcript, 295-99 (2025) (Statement of Blake Martin); Fourth Hearing of the Religious Liberty Comm'n, Hearing Transcript, 310-14 (2025) (Statement of Mike Berry).

Religious Freedom Restoration Act (RFRA) and new U.S. Supreme Court precedents on religious liberty should be applied in the military, including in relation to vaccine mandates, religious dietary needs, the offering of sacraments, observance of religious holy days, and service members' participation in religious services while in uniform.²⁶⁶

- **Update religious liberty training standards for military leaders.** The Department of War should annually update and standardize religious freedom training across services to be consistent with the Religious Freedom Restoration Act (RFRA) and new U.S. Supreme Court precedents on religious liberty, while also ensuring annual training is provided to all levels of the military, including commanding officers, judge advocate generals (JAGs), chaplains, and recruiters.²⁶⁷
- **Issue a spiritual fitness guide.** The Department of War should issue a department-wide Spiritual Fitness Guide detailing how religion and religious accommodations are essential to supporting the whole warfighter.²⁶⁸
- **Protect religious expression.** The Department of War should restore the use of military emblems on religious texts and materials, such as Bibles and dog tags.²⁶⁹
- **Conduct religious liberty impact assessments.** The Department of War should conduct religious liberty impact assessments as part of operational planning.²⁷⁰

The Commission recommends that the federal government take the following actions to secure and strengthen the First Amendment rights of chaplains:

²⁶⁶ Fourth Hearing of the Religious Liberty Comm'n, Hearing Transcript, 291-94 (2025) (Statement of Capt. Sukhbir Singh Toor, USMC (Ret.)); Fourth Hearing of the Religious Liberty Comm'n, Hearing Transcript, 307-09 (2025) (Statement of 2LT Rao Harish); Fourth Hearing of the Religious Liberty Comm'n, Hearing Transcript, 324-26 (2025) (Statement of Rabbi Sanford Dresin, Chap., Col., USA, Ret.); Fourth Hearing of the Religious Liberty Comm'n, Hearing Transcript, 329-31 (2025) (Statement of Amy Vitale); Americans United for Separation of Church and State, Written Comments, 25-26, <https://www.justice.gov/religious-liberty-commission/media/1437931/dl?inline>.

²⁶⁷ See Fourth Hearing of the Religious Liberty Comm'n, Hearing Transcript, 310-11 (Statement of Mike Berry); Fourth Hearing of the Religious Liberty Comm'n, Hearing Transcript, 324-26 (2025) (Statement of Rabbi Sanford Dresin, Chap., Col., USA, Ret.); Fourth Hearing of the Religious Liberty Comm'n, Hearing Transcript, 329-31 (2025) (Statement of Amy Vitale).

²⁶⁸ Fourth Hearing of the Religious Liberty Comm'n, Hearing Transcript, 310-4 (2025) (Statement of Mike Berry).

²⁶⁹ Fourth Hearing of the Religious Liberty Comm'n, Hearing Transcript, 276-78 (2025) (Statement of David Barton); Fourth Hearing of the Religious Liberty Comm'n, Hearing Transcript, 300-02 (2025) (Statement of Kenny Vaughan).

²⁷⁰ Fourth Hearing of the Religious Liberty Comm'n, Hearing Transcript, 332-35 (2025) (Statement of Monsignor Anthony Frontiero).

- **Issue guidance on chaplains' rights.** The Department of War should issue guidance on military chaplains' rights, clarifying that:
 - The chaplaincy is inherently religious and thus protected by the full scope of religious liberty protections.
 - Chaplains have the right to serve consistent with the tenets of their faith and endorsing body.
 - Chaplains have the right to engage in First Amendment-protected activity as part of their religious ministry.
 - Chaplains have the right to be free from coercion to participate in tasks or actions contrary to the chaplain's beliefs.
 - All military branches should integrate the chaplaincy into decision-making processes to ensure service members' religious needs are met.
 - All branches should reduce barriers to chaplains' ability to reach personnel and provide religious rites in deployed or isolated settings.²⁷¹

- **Support legislation protecting chaplains' rights.** The Administration should advocate for the passage of federal legislation, such as the Military Chaplains Act, to protect military chaplains' rights and ensure adequate funding for chaplain recruitment, mobility, deployment, and ministry resources.²⁷²

The federal government can further protect religious liberty for service members and chaplains by adopting the global recommendations made at the beginning of this report as well as the recommendations made in Chapter 9: First Do No Harm - Religious Liberty in Healthcare, Chapter 10: Conscience and Coercion in Vaccine Policy, and Chapter 11: Anti-Semitism.

²⁷¹ Fourth Hearing of the Religious Liberty Comm'n, Hearing Transcript, 319-23 (2025) (Statement of Chap (Maj. Gen.) Doug Carver, USA (Ret.)); Fourth Hearing of the Religious Liberty Comm'n, Hearing Transcript, 332-35 (2025) (Statement of Anthony Frontiero); Fourth Hearing of the Religious Liberty Comm'n, Hearing Transcript, 329-31 (2025) (Statement of Amy Vitale); Fourth Hearing of the Religious Liberty Comm'n, Hearing Transcript, 332-33 (2025) (Statement of Comm'r Kelly Shackelford).

²⁷² Fourth Hearing of the Religious Liberty Comm'n, Hearing Transcript, 329-31 (2025) (Statement of Amy Vitale); Fourth Hearing of the Religious Liberty Comm'n, Hearing Transcript, 296-97 (2025) (Statement of Comm'r Kelly Shackelford).



Chapter 8: Religious Liberty for Religious Leaders

“My father’s pulpit was bulletproof.”²⁷³ That was how **Commissioner Rev. Franklin Graham** recalled his father—the late Rev. Billy Graham—approaching the constant threats that follow pastors and religious leaders who speak out against the zeitgeist.

“Throughout our Nation’s history,” the freedom of religious leaders to speak truth to power is a “critical buffer” and “a shield against oppressive civil law,” Justices Samuel Alito and Elena Kagan have explained.²⁷⁴ This is how religious leaders serve, as the Rev. Dr. Martin Luther King put it, as “the conscience of the state.”²⁷⁵

Being the conscience of the state requires pastors and religious leaders who courageously bring God’s word to the public square. “[Y]es, my father had threats, but that didn’t slow him down for one second.”²⁷⁶ This courage is being tested now, however, as political leaders use the levers of regulatory power to investigate and suppress speech they dislike. In these efforts, the “wall of separation” shows its incoherence with a one-way ratchet: The state keeps the church “separate” by letting the state invade the pulpit and censor sermons.

This attempt to “separate” church and state took concrete form with the 1954 enactment of the Johnson Amendment, which limits the ability of churches to endorse political candidates. The Amendment, which is a provision in the U.S. Tax Code, attempted to codify this line of “separation” by giving the federal government the ability to exercise oversight of churches and religious leaders. Any 501(c)(3) organization, the provision reads, is forbidden from participating or intervening in “any political campaign on behalf of (or in opposition to) any candidate for public office,” including “the publishing or distributing of statements.”²⁷⁷

As a natural consequence of this provision, many churches tend to self-censor when it comes to crucial religious topics pertaining to the dignity of life, the sanctity of marriage, differences between sexes, religious freedom, and other theologically weighted issues the government perceives as partisan. Meanwhile, some observers have noted that many progressive churches have not elicited the same level of scrutiny—resulting in what many

²⁷³ Third Hearing of the Religious Liberty Comm’n, Hearing Transcript, 200 (2025) (Statement of Comm’r Rev. Franklin Graham).

²⁷⁴ *Hosanna-Tabor Evangelical Lutheran Church & Sch. v. EEOC*, 565 U.S. 171 (2012) (Alito, J., concurring).

²⁷⁵ Martin Luther King, Jr., Letter from Birmingham Jail (Apr. 16, 1963) (on file with the Bill of Rights Institute) <https://bri-wp-images.s3.amazonaws.com/wp-content/uploads/Letter-From-Birmingham-Jail.pdf>.

²⁷⁶ Third Hearing of the Religious Liberty Comm’n, Hearing Transcript, 201 (2025) (Statement of Comm’r Rev. Franklin Graham).

²⁷⁷ 26 U.S.C. § 501(c)(3).

see as selective enforcement that results in the censorship of constitutionally-protected religious speech.²⁷⁸

As the testimonies in this chapter demonstrate, the right of pastors and religious leaders to practice their faith has increasingly come into tension with government suppression, institutional pressure, and secular misunderstandings of the relationship between faith and public life.

Pastor Dr. Paul Brintley

For Dr. **Paul Brintley**, the role of pastor is intensely personal. Dr. **Brintley** oversees a network of 15 churches serving thousands of congregants—many of whom are immigrants from Haiti—who turn to their pastors not only for spiritual guidance, but also for community and practical support, especially during times of uncertainty and instability.

During the COVID-19 pandemic, this role became even more crucial. Government restrictions on public worship began to deprive Americans of their right to freely and publicly worship. The Haitian-Americans in Dr. **Brintley**'s congregation had already experienced religious restrictions abroad, and these constraints were intensely familiar. Congregation members began asking questions that he never expected to hear in America. "They said, 'Pastor, in America, we've been told that we cannot assemble and worship God. We never thought that would happen,'" Dr. **Brintley** told the Commission at its seventh hearing on April 13, 2026. "For them, this wasn't political. It was deeply personal," he said. Dr. **Brintley** realized he needed to stand up and advocate for his congregation. The experience clarified that religious liberty "is not theoretical. It is lived or it is lost."

The same foundational Christian beliefs that Dr. **Brintley** preaches—"that every person is made in the image of God"—have historically fueled movements for human dignity, equality, and reform. "Religious liberty does not divide," he said. "It forms conscience, and a society without conscience cannot sustain freedom."

In his testimony, he went on to warn against what he described as the growing misunderstanding that religious freedom is merely a pretext for discrimination. "Religious freedom is not about imposing belief," he said. "It is about protecting the right to live according to what you do believe." When that protection erodes, he continued, the consequences can be extreme. "When people of faith are pushed out of the public square, we don't get neutrality. We get a vacuum, and the vacuum is quickly filled by whatever ideology holds power at the moment."

²⁷⁸ *Understanding the History and Impact of the Johnson Amendment – and Why It Chills Speech*, Inst. for Free Speech, (Dec. 2, 2017), https://www.ifs.org/research/johnson-amendment-chills-speech/?gad_source=1&gad_campaignid=22832469288&gclid=EAlaIQobChMIKJGTqfalAMVEE7_AR3-thScEAAYASAAEgIYMfD_BwE.

In some cases, Dr. **Brintley** said, “speaking truth has been replaced by silence, and conviction has been replaced by caution.” Yet, historically, he argued, the strength of our nation has depended in large part on moral clarity shaped by religious convictions.

Looking back to America’s founding in 1776, Dr. **Brintley** posed a hypothetical question: “What would America look like if religious liberty had been restricted 250 years ago?” he asked. “If pastors had been told what they could preach, or if Scripture had been removed from the public life, or if faith had been confined to private silence? There would have been no moral framework to declare that all men are created equal.”

“If we want to preserve freedom in the next generation, we must protect the very foundation that made it possible in the first place,” Dr. **Brintley** said. Yet, far too often, government leaders and other entities in our national life fail to recognize this profound truth.²⁷⁹

Religious Expression, Public Life, and the Myth of Neutrality

Pastor Dr. Robert Jeffress

From the very beginning of the American story, pastors have spoken freely about matters of faith, morals, and public life—providing spiritual enrichment to their congregations and seeking to further the common good in American culture. For generations, this tradition has been a defining feature of our national life.

At the First Baptist Church of Dallas, that tradition had been faithfully practiced. For years, the church hosted its annual “Celebrate Freedom” Patriotic Service without controversy—a worship service honoring our nation’s Christian heritage and the men and women who have served in the military. But in June 2020, that changed. What had long been a routine expression of faith and patriotism became the basis for a federal investigation that would drag on for more than a year.

That year’s service, which happened to fall during a presidential election year, followed the same structure as those before it. The church welcomed national leaders to speak—not to campaign or solicit votes, but to give testimony to the power of their faith. These leaders included Vice President Mike Pence and Dr. **Ben Carson**, who spoke about their spiritual lives.

During the Commission’s fourth hearing in Dallas, Texas, on December 10, 2025, the church’s pastor, Dr. **Robert Jeffress**, emphasized that the church took care to remain within the bounds of the Johnson Amendment. “Neither I nor anyone else during the service officially endorsed Vice President Pence, President Trump, or anyone else,” he told

²⁷⁹ Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript, 555-7 (2026) (Statement of Dr. Paul Brintley).

the Commission. “Instead, the Vice President and Dr. **Carson** shared their faith journeys of how they came to faith in Jesus Christ.”

Despite those clear precautions, the service triggered a complaint to the Internal Revenue Service (IRS), setting in motion an inquiry into the church’s tax-exempt status.

“It was on May 6, 2021, that the IRS informed our church that they were initiating an inquiry into the tax-exempt status of our church because of our patriotic service,” Pastor **Jeffress** said. According to the church’s legal counsel—including a former head of the IRS’s tax-exempt division—the investigation, which launched just months after the Biden administration took office, was unlike anything they had seen before, marking what they believed to be the first time the agency had threatened a church over statements made within a worship service.

The inquiry soon expanded beyond the service itself, reaching into Pastor **Jeffress**’s personal media appearances, even though the church had repeatedly clarified that those views were his own and that the church did not endorse political candidates. After months of legal resistance and significant financial costs, the IRS ultimately closed the case, conceding that the church had not violated federal law.

For Pastor **Jeffress**, however, the resolution did not erase the underlying concern. “Although our church could afford to spend hundreds of thousands of dollars defending ourselves,” he noted, “most churches could not do that. And no church should have to do that.”

“The government has absolutely no business determining what is proper and improper speech in the worship service of any church,” he told the Commission. “What I preach from the pulpit of the First Baptist Church of Dallas,” he later said, “is none of the government’s business.”

The events that transpired at the First Baptist Church of Dallas under the previous administration illustrate a growing tension at the heart of the First Amendment: the question of whether pastors and religious leaders can speak freely within their houses of worship without fear of government scrutiny.

Unfortunately, the experience of the First Baptist Church of Dallas is not isolated.²⁸⁰

Chaplain Dr. Andrew Fox

Chaplain Dr. **Andrew Fox** built and led the Austin Fire Department’s chaplaincy program, after the department had gone 15 years without one. In the role, Dr. **Fox** served more than

²⁸⁰ Fourth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 336-8 (2025) (Statement of Dr. Robert Jeffress).

1,400 firefighters, staff, and their families. He walked alongside first responders through “gang violence, suicide, shooting, [and] death in all of its gruesome ways,” offering presence, prayer, and support when others could not. “You know, and I know, that firefighters run towards danger,” he told the Commission at its fourth hearing. “But when the smoke clears, what you’re left with is human beings who carry the weight of trauma and loss that they’ve seen in others. They need prayer.”

Dr. **Fox** described moments that defined his ministry: standing with firefighters after tragedy, helping them process what they had witnessed, and preparing them to return home to their families. “When someone is grieving, when someone is afraid, you never, ever ask, ‘How do you identify?’” he said. “You simply ask, ‘How can I help you?’”

But Dr. **Fox’s** ministry suddenly ended in 2021. “They fired me simply because of my Christian faith,” Dr. **Fox** testified.

The reason for his firing, Dr. **Fox** said, was not related to anything he had said while on the clock. Instead, his termination resulted from a post on his personal blog, written on his own time, addressing women’s athletics and expressing his belief “that God created men and women in his image equal, distinct, and beautiful.” City officials deemed the post unacceptable and demanded that he issue a public apology. But **Fox** refused.

“The only way I could keep [the ministry] was to renounce my faith and apologize for biblical convictions about gender,” **Fox** explained. “I couldn’t do that. I won’t do that, and I will never do that.” Dr. **Fox** filed suit against the City of Austin, arguing that his termination violated the First Amendment. The decision, he said, was necessary. “I knew I had to be faithful to God and not to Caesar.”

For Dr. **Fox**, the stakes extend far beyond his own case. “If government can punish clergy for posting something on a personal blog about Scripture,” he said, “then all American rights are in jeopardy.” He continued: “No political regime can ever have ownership of the human soul. Only God has that.”²⁸¹

Archbishop Salvatore Cordileone

While Dr. **Fox’s** testimony centered on the costs of holding to one’s personal convictions, Archbishop **Salvatore Cordileone** called attention to what is at stake when religious expression is constrained by the government.

In 1839, a woman in Paris carried a blind, partially paralyzed stranger off the street and into her home. That act of charity would pave the way for the formation of the Little Sisters of the Poor. Nearly two centuries later, as Archbishop **Salvatore Cordileone** explained to the

²⁸¹ Fourth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 345-8 (2025) (Statement of Dr. Andrew Fox).

Commission, that same community found itself in a multi-year legal battle with the federal government.

“These are women who deserve our utmost compassion and esteem,” the Archbishop said at the Commission’s sixth hearing on March 16, 2026. “And I can vouch for this from personal experience. Why, then, would these humble, holy, and self-giving women have to find themselves in a multi-year burdensome litigation with the federal government ...?” he asked.

The Little Sisters of the Poor became the subjects of national political controversy in 2013, when the Obama administration announced the Affordable Care Act’s (ACA) contraceptive mandate. The mandate required employers to provide health insurance coverage for contraceptives, including some that cause abortions. The Little Sisters joined other religious organizations in filing suit against the government, claiming that the mandate violated their constitutional right to the free exercise of religion.

For Archbishop **Cordileone**, the federal government’s actions toward the Little Sisters of the Poor illustrated a broader pattern of religious communities seeking to serve others according to their beliefs, only to be drawn into costly and prolonged legal battles. “People want to serve the poor with such great sacrifice and generosity and get bogged down in very expensive years-long litigation with the government,” he said.

The Archbishop pointed to ongoing legal conflicts in California as further evidence of this dynamic. St. Joseph Hospital in Eureka, California, was sued by the state for refusing to perform an abortion. In another case, a hospital in Sacramento faced legal action for declining to perform a hysterectomy as part of a so-called “gender transition” procedure.

“So here we have the secular government defining for religious communities what it means to be religious,” he said, describing laws that offer only narrow exemptions, often limited to organizations that primarily serve and employ members of their own faith. Such definitions, he argued, exclude many religious institutions whose mission is to serve the broader public regardless of personal belief. “Indeed, not only do we serve people of all faiths and none, we don’t ask them what their religion is when they come to us for our help, we simply give it to them,” he said.

Acts of service, Archbishop **Cordileone** stated, like caring for the sick, the poor, and the vulnerable, are expressions of faith in action. “What does it mean to inculcate religious values?” he posed. “We believe that simply by serving the sick and poor with the self-emptying love of Jesus Christ, we are inculcating religious values by that witness. It is a matter of witness, not preaching platitudes.”

He then noted, that, in his own city of San Francisco, the first AIDS hospice was run out of one of his parishes. “And it was soon followed by Mother Theresa’s missionary of charity

sisters. Before the government established a home for those dying with AIDS, the church stepped up and led the way.”

“And yet there are sadly, countless examples of government suppression of the church’s ability to serve those out of reach of the government by enforcing a new and narrow kind of moral standard on faith communities that are at odds with commonly held moral standards from time immemorial,” he continued. “This is government intervention that does not tolerate genuine diversity despite rhetoric to the contrary.”

The Archbishop then warned that such restrictions of religious institutions carry broader, and potentially far more dangerous, consequences. Without the freedom to act on their beliefs, he said, faith-based organizations cannot fully advance the common good. “The First Amendment is not simply about the freedom to worship as we believe, but to live and act according to those beliefs,” he reflected.

Archbishop **Cordileone** concluded with the observation that the Founding Fathers knew that there had to be a “check on secular government” in order to “prevent the constant tendency to overreach and control.” He continued: “They understood that communities of faith provide this check and may at times serve as the only barrier to the government descending into tyranny and despotism, which happens in parts of the world where robust religious freedom is not embraced in contrast to our own Constitution.”

The framers of the Constitution, the Archbishop concluded, “knew what they were doing”—and looking ahead to the future, he implored, the American people must either “adhere to their vision, to our flourishing, or violate it to our demise.”²⁸²

Conclusion

The testimonies in this chapter point to a common concern: whether the First Amendment’s protection of religious liberty is being applied consistently across the different roles that pastors and religious leaders occupy.

Historically, the freedom to preach, to speak, and to serve according to one’s faith has not been confined to a single setting. It has extended from the pulpit to the public square, and from houses of worship to the institutions through which religious communities carry out their work. That continuity has been a defining feature of religious liberty in the United States for 250 years.

However, the experiences described in this chapter suggest that this continuity has in recent years become less certain. When speech within a worship service prompts investigation, when expression outside that setting leads to professional consequences, or

²⁸² Sixth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 486 (2026) (Statement of Archbishop Salvatore Cordileone).

when service rooted in religious conviction becomes the basis for legal conflict, the boundaries of that freedom are tested in new and troubling ways.

Similarly, these testimonies raised a broader question about what is often described as “neutrality” in the public square. In practice, the exclusion of religious viewpoints does not remove moral judgement or ideology from our national institutions—instead, it means that different moral assumptions become dominant in their place.

From these tensions emerges a broader question about how religious expression is understood in practice. How religious expression is treated in practice—whether it is protected only in certain settings or recognized across the full scope of a person’s life and work—will shape how these protections are applied going forward.

Recommendations

In response to the testimony presented and public comments submitted to this body, the Commission recommends that the federal government take the following actions to secure and strengthen the First Amendment rights of pastors, churches, and religious organizations:

- **Support legislation repealing the Johnson Amendment.** The Administration should advocate for the passage of federal legislation, such as the Free Speech Fairness Act, repealing the Johnson Amendment as an unconstitutional restriction on the religious speech of houses of worship and faith-based non-profits.²⁸³
- **Issue IRS guidance on the Johnson Amendment.** Until the Johnson Amendment is repealed, the Department of the Treasury should issue guidance clarifying that the Johnson Amendment does not reach religious speech by houses of worship and faith-based non-profits.²⁸⁴
- **Support legal challenges to the constitutionality of the Johnson Amendment.** The Department of Justice should support other strategic litigation challenging the constitutionality of the Johnson Amendment.²⁸⁵

²⁸³ First Hearing of the Religious Liberty Comm’n, Hearing Transcript, 84-87 (2025) (Statement of Kristen Waggoner); Fourth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 338 (2025) (Statement of Dr. Robert Jeffress); Fourth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 339-40 (2025) (Statement of Dr. Benjamin Lovvorn).

²⁸⁴ Fourth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 343 (2025) (Statement of Comm’r Dr. Ryan Anderson).

²⁸⁵ Fourth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 339-40 (2025) (Statement of Dr. Benjamin Lovvorn).

- **Investigate the weaponization of the IRS.** The Department of Justice should open an investigation into the weaponization of the IRS against houses of worship and religious organizations.²⁸⁶
- **Support legislation protecting the independence of charitable organizations.** The Administration should advocate for the passage of federal legislation, such as the Safeguarding Charity Act, protecting the independence of charitable organizations by clarifying that such organizations are not subject to burdensome federal regulations simply because they are tax-exempt.²⁸⁷
- **Publish a “Know Your Rights” document.** The Department of Justice should issue a “Know Your Rights” document to educate faith leaders, houses of worship, and religious non-profits on their religious freedom rights.²⁸⁸

The federal government can further protect religious liberty for religious leaders, houses of worship, and faith-based organizations by adopting the global recommendations made at the beginning of this report as well as the recommendations made in Chapter 9: First Do No Harm - Religious Liberty in Healthcare and Chapter 13: Barriers to Religious Liberty in the Public and Private Sectors.



²⁸⁶ First Hearing of the Religious Liberty Comm’n, Hearing Transcript, 84-7 (2025) (Statement of Kristen Waggoner).

²⁸⁷ *Id.*

²⁸⁸ Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript, 605 (2025) (Statement of Chairman, Lt. Gov. Dan Patrick).

Chapter 9: First Do No Harm – Religious Liberty in Healthcare

For millennia, a core tenet of medicine has been to “first do no harm.” The field of medicine, particularly in the United States, has deeply Christian and religious roots. Indeed, for many physicians, it is their faith that motivated them to devote their lives to caring for the sick—and it is their faith that drives them to go far beyond the basic requirements of medicine to care for their patients and accompany them in their most vulnerable moments.

In fact, in America, “religious hospitals care for 20 percent of U.S. hospital patients.”²⁸⁹ In many instances, religious healthcare providers have “stepped up and led the way” to answer unmet needs before the government ever had to get involved. For example, in San Francisco in 1987, a Catholic parish opened “the first AIDS hospice” in the city.²⁹⁰

Because of the deep connection between medicine and religion, religious liberty protections in the medical field are paramount. And, in fact, federal law gives healthcare workers multiple conscience protections. To provide a few examples:

- The Church Amendments prohibit healthcare workers in any federally funded program from being forced to take part in abortion or sterilization procedures against their conscience—including protection from being fired or otherwise punished for conscience-based refusals.²⁹¹
- The Coates-Snowe Amendment prohibits any federal government entities and federally-funded state and local government entities from discriminating against any healthcare worker that refuses to engage in abortion training, perform abortions, or refer for abortions.²⁹²
- The Weldon Amendment prohibits certain federal funds from going to federal, state, or local, government programs that discriminate against a healthcare worker that does not provide, pay for, provide coverage for, or refer for abortions.²⁹³
- The Vaccines for Children and Applicable State Law Exemptions statute requires any provision of pediatric vaccines to comply with any state law religious exemptions to vaccines.²⁹⁴

²⁸⁹ Clark, 15.

²⁹⁰ Sixth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 485 (2025) (Statement of Archbishop Salvatore Cordileone).

²⁹¹ See, e.g., HHS Office of Civil Rights, *Safeguarding Federal Conscience and Related Protections in Health Care 2-3* (Jan. 21, 2026), <https://www.hhs.gov/sites/default/files/conscience-dcl.pdf>.

²⁹² *Id.* at 3.

²⁹³ *Id.*

²⁹⁴ *Id.* at 4.

- Additional protections also apply in matters involving assisted suicide, euthanasia, or so-called “mercy killing.”²⁹⁵
- Further still, the Religious Freedom Restoration Act protects healthcare workers from being required to provide so-called “gender reassignment” procedures.²⁹⁶

Yet, as the Commission learned through testimony, religious liberty in the medical field is under regular threat. In fact, in most cases, witnesses testified that if they had not taken legal action, then the hospital policies would have forced them out of the profession all together. This would be a grave loss for our country, as medical professionals of courage and principle are exactly what patients need.

The primary drivers of the attacks on religious liberty, the Commission learned, are not the demands of patients. In fact, many patients seek faith-based healthcare. Rather, ideologies, popularized through professional associations or government agencies, are pushing faith-based professionals out of the field.

As the witnesses’ testimonies demonstrate, a powerful group of doctors, academic elites, and activists have been working for decades to push certain life-altering, and even life-threatening, procedures and policies. Among them are abortion, euthanasia, and gender transition surgeries, especially for minors.

Though the transgender movement is largely perceived as a modern phenomenon, it has ancient roots. Transgender ideology traces back to the third-century Gnostic dualism, which posits that there is a gulf of separation between the spirit and the physical world, which it sees as intrinsically evil. In the twentieth century, this age-old ideology began to take hold of American institutions and paved the way for the progressive activist movement to accumulate power at the expense of parents, families, churches, and individuals. As a result, the God-given rights and dignity of many citizens—particularly in the field of medicine—are still being challenged.

The Subversion of American Medicine

Dr. Eithan Haim

Like countless medical professionals throughout the nation, Dr. **Eithan Haim** went through grueling years of medical training to serve and heal his patients.

Dr. **Haim’s** Jewish faith is the central inspiration for his work. “If we’re all products of God’s creation, as I believe, then it is my job as a surgeon to heal those creations,” Dr.

²⁹⁵ See, e.g., HHS Office of Civil Rights, *Safeguarding Federal Conscience and Related Protections in Health Care 2-3* (Jan. 21, 2026), <https://www.hhs.gov/sites/default/files/conscience-dcl.pdf>.

²⁹⁶ See *Franciscan Alliance Inc. v. Becerra*, 47 F.4th 368 (5th Cir. 2022).

Haim testified. “This does not mean creating something new, but restoring that which has already been made,” Dr. **Haim** concluded.

Given his religious convictions, when Dr. **Haim** learned that his place of employment, Texas Children’s Hospital, was deviating from official state guidance about transgender medical interventions and violating its own stated policy, he felt compelled to speak out. Never did it cross his mind, however, that doing so would result in the U.S. Department of Justice deploying armed agents to his home.

“My story starts in February of 2022, when the Attorney General of Texas, Ken Paxton, released an opinion that pediatric gender interventions could be investigated as child abuse,” Dr. **Haim** recollected during his testimony to the Commission on March 16, 2026. In response to this, in March of 2022, Texas Children’s Hospital, among the largest children’s hospitals in the world, released a statement claiming that they were going to, “shut down their gender program” to avoid legal risk. Yet, despite the official policy change, Texas Children’s Hospital not only continued their program, but as stated by Dr. **Haim**, “expanded it into a multi-million-dollar multidisciplinary clinic.” **Haim** continued as he mentioned, “Internally, it became an institutional-wide priority, but externally, you wouldn’t even know that this program existed.”

As a doctor with religious convictions about his duty to “first do no harm,” Dr. **Haim** knew complicity was not an option. “What was happening inside of this general clinic was complete inversion of that. They were mutilating and sterilizing healthy young children because these doctors believe they hold the power to transform a boy into a girl, that they are the authorities that govern creation.” Dr. **Haim** continued: “To do nothing in this situation is to be complicit, something that I believe can never be forgiven.”

Dr. **Haim** decided to shed light on what was happening at Texas Children’s. In May of 2023, journalist Christopher Rufo released the story—in which **Haim** was not publicly named—which triggered a national media frenzy.

Dr. **Haim** did not break any laws, so he assumed that the release of Rufo’s report marked the end of his story. However, a month later, the Department of Justice, under the Biden administration, sent a legion of armed officials to Dr. **Haim’s** home, placed him under surveillance, and later indicted him—not once, not twice, but three times.

Dr. **Haim** recalled, “It was clear that this had nothing to do with the law, but everything to do with dominion.” Dr. **Haim** continued, stating, “They needed me to renounce my faith, bend the knee, and legitimize their twisted morality.”

Dr. **Haim** was betrayed by friends, colleagues, and mentors—but did not surrender. As he stated in his concluding remarks in his hearing, “The threat to our religious liberty is existential because the agents of this anti-human ideology have proven relentless in

their pursuit of power and shameless in their abuse of it. They will smile as they put the noose around your neck, proclaim you guilty of something they do not comprehend. And as you look out to the crowd, there will be a hundred familiar faces cheering at the moment the floor drops from below your feet. Every single one of them aware of your innocence, but cheering nonetheless.”

Though Dr. **Haim** was ultimately vindicated in court, he was not the only American to face the full wrath of the authoritarian progressive regime under the Biden administration. Vanessa Sivadge, a pediatric nurse who worked at the same hospital as Dr. **Haim**, faced questioning from the FBI and was ultimately fired from the hospital following her anonymous corroboration of Dr. **Haim**’s claims.²⁹⁷

While these stories may seem extreme, many other healthcare professionals are also suffering persecution on account of religious beliefs and refusal to acquiesce to the demands of left-wing totalitarianism.²⁹⁸

Valerie Kloosterman

A devout Christian, **Valerie Kloosterman** entered the medical profession as a physician assistant for the same reason many others do: to give witness to her faith. “I believe and know that everyone is created in the image of God and worthy of love and respect, that God created humans, male and female, as a reflection of his image and for his glory, and that God doesn’t make mistakes,” she shared with the Commission.

Valerie’s first job after graduate school was working in the same local outpatient clinic where her mother and grandmother worked for over 40 years located in Grand Rapids, Michigan. While working, the public University of Michigan medical school acquired the local clinic. Once acquired, the University required **Valerie** to use the preferred pronouns of patients, which conflicted with her religious beliefs.

Treating diverse clientele was something **Valerie** was used to; however, she had always referred to her patients by their names to respect her patients, while also not violating her own conscience. However, the Universities requirements seemingly forbade this. When she learned of the University’s new policy, she prayed about what to do and ultimately requested a religious accommodation. In response, the Diversity, Equity, and Inclusion (DEI) office at the University of Michigan Health brought her in and “interrogated [her] about whether [she] would use pronouns that went against biology and whether [she] would refer patients for transgender surgery.” During the meeting, she reaffirmed the values of her faith—and in response, one DEI official called her “evil,”

²⁹⁷ *Biography of Vanessa Sivadge*, RN, 119th Cong. (2025), <https://www.congress.gov/119/meeting/house/118128/witnesses/HHRG-119-JU10-Bio-SivadgeV-20250409.pdf>.

²⁹⁸ Sixth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 517-19 (2026) (Statement of Dr. Eithan Haim).

“clenched his fist,” and told **Kloosterman** that she “could not take the Bible or [her] religious beliefs to work.” Less than a month later, the University of Michigan system fired **Valerie** with no warning.

Valerie recalled, “They wouldn’t allow me back on the property; I had to turn over my badge; I couldn’t say goodbye to my beloved coworkers. Even worse, some of my patients I knew were waiting for important test results, and I never got to follow up, and I never got to say goodbye. These were the patients who had trusted me at their most vulnerable moments, and I let them down.”

“A few weeks later, my coworkers boxed up my belongings, and one by one, they came out to the parking lot to give me hugs and to cry with me. They told me they were sorry and that they did not understand why such a great provider would be fired without explanation. Every time I drive past the clinic, which is across from our grocery store near the library and the post office, I fight back tears,” **Valerie** said.

In 2022, **Valerie** filed suit against University of Michigan Health—and was ultimately vindicated in federal court. She is now working to ensure that no one else must endure the hardships she had. “I’m praying that God would use my case to protect religious freedom for my children and the next generation so that they can freely live out their faith in the workplace and not in fear,” she testified.²⁹⁹

Kaley Chiles

“I became a counselor because I know the truth’s power to set people free,” **Kaley Chiles** said during the Commission’s sixth hearing. With extensive firsthand experience in the “depth of human struggle” and “the incredible potential for transformation when people have the chance to talk to someone they trust,” **Kaley** has devoted herself to “uncovering the root, the fears, the wounds, and the questions underneath the surface.” But in 2022, she learned that the Colorado state government did not share her view of her profession.

Colorado passed legislation spelling out what conversations she could legally have with her clients. **Kaley** was appalled. “On issues of sex, if the client’s goal is to regain comfort with their body, the government prohibits that conversation. But Colorado expressly encourages me to push minors toward so-called ‘transition,’ which often includes harmful drugs and surgeries. I was stunned.” She continued, noting that the law would require her to promote the government’s view “even when they were opposed to the client’s goals.”

²⁹⁹ Sixth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 466-8 (2026) (Statement of Valerie Kloosterman).

Kaley explained that she couldn't stay silent when Colorado inserted itself into her relationship with her clients and put them at risk. After filing a lawsuit challenging the law, she lost both of her jobs and received death threats and complaints from complete strangers. Despite the great personal cost, for the sake of the wellbeing and future of her patients, she persevered.

Kaley's case ultimately led to a thundering 8-1 victory at the U.S. Supreme Court, which ruled that Colorado's therapy law was unconstitutional.

"The First Amendment is not an abstract principle in a counseling office. It ensures open dialogue in the pursuit of truth," **Kaley** told the Commission. "Young people wrestling with identity deserve counselors who are free to speak, ask questions, listen with compassion, and walk alongside them in their search for hope and restoration." Thanks to **Kaley's** courage and devotion to the integrity of her field, that hope and restoration is now once again within reach for countless young Americans.³⁰⁰

Abby Sinnett

Sadly, **Kaley Chiles** is not the only Colorado native to face challenges regarding her religious liberty rights. In 2023, the Centennial State became the first jurisdiction in the world to, "make it illegal for pregnant women ... to receive medical care that helps save their babies' lives." **Abby Sinnett**, the cofounder and Chief Executive Officer of Bella Health and Wellness, began her own practice with her mother, who is also a nurse practitioner, because she felt called to help mothers in need.

"We launched Bella as the first comprehensive life-affirming practice that offered OB/GYN care in the state of Colorado. And since that time, we have been proud to deliver the highest standards of care to over 28,000 patients" **Abby** explained to the Commission.

Bella Health and Wellness, **Abby** said, often prescribes progesterone, a natural hormone found in women's bodies that is commonly used in medicine and is "essential to both achieving and maintaining pregnancy." It is also the only known treatment that can "help a pregnant woman who has taken the first abortion pill and decides that she wants to continue her pregnancy."

Even though progesterone was considered legal in the state for a slew of other medical purposes—including so-called "gender-affirming" care—it was not legal for women who took mifepristone, an abortion pill, but later decided to save their unborn children. "According to Colorado, you have the right to choose abortion, but you do not have the right to change your mind," she said to the Commission. "As a Catholic provider

³⁰⁰ Sixth Hearing of the Religious Liberty Comm'n, Hearing Transcript, 461-2 (2026) (Statement of Kaley Chiles).

committed to the sanctity of life, I knew that I could never turn my back on a woman or the baby that she wants to save simply because she took or was forced to take mifepristone.”

Abby and her mother decided to follow their faith and file a lawsuit against Colorado the day the law was signed. Following nearly two years of litigation, they ultimately secured their right to continue offering life-saving care. Since they filed their lawsuit, “at least 20 babies have been born to moms who received abortion pill reversal” at their practice.

“From the earliest days of this nation, religious freedom has protected the right of people of faith to serve, to serve their communities according to their conscience,” **Abby** concluded in her remarks to the Commission. “That freedom is just as essential today in medicine. As a medical professional, as a woman, as a mom, I want the government leaders to understand that there is no political debate that should override the importance of a mother’s choice to try to save her baby.” As other states face similar challenges, **Abby’s** example will inspire other people of faith to firmly stand for their convictions, live out their conscience, and save lives.³⁰¹

Dr. Susan Bane

Medical professionals working in secular environments also face extraordinary challenges pertaining to their religious beliefs on abortion.

Dr. Susan Bane understands this dilemma better than most. As a board member of the American Association of Pro-Life Obstetricians and Gynecologists and a board-certified physician who has practiced obstetrics and gynecology for nearly three decades, **Dr. Bane** has witnessed the pressures that medical students and residents often face.

“When I trained in the 1990s, students and residents like myself had the freedom to learn medicine in a way that was consistent with our beliefs,” **Dr. Bane** said in her testimony to the Commission. “Participation in abortion training in the late eighties and nineties was optional. If someone wanted to train, they could opt in, but it was never expected.”

In the years that followed, however, something changed in a way that, she believes, was “calculated and intentional.” In 2018, the Accreditation Council for Graduate Medical Education changed the “opt-in” structure to an “opt-out” structure. **Dr. Bane** explained the complications of this change, “So, what that means now is part of the planned curriculum, residents must perform abortions unless they have a moral or religious obligation or objection. Now, on paper, that may sound like a reasonable compromise,

³⁰¹ Sixth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 463-5 (2026) (Statement of Abby Sinnett).

but in practice, opting out is not as simple as that. Medical education is highly hierarchical. The medical student reports to the resident. The resident reports to the fellow, the fellow to the attending. You're under constant evaluation. And the people who are also evaluating you are the ones who are then deciding your future course."

Consequently, **Dr. Bane** shared, program directors constantly tell medical students that they should not enter the OB/GYN field if they are not willing to perform induced abortions. This culture has resulted in an unwelcoming, anxious, and fearful environment for pro-life medical students. "If students, residents, and even practicing physicians are being silenced, we have to have some solutions," she said.³⁰²

Ismail Royer

As a scholar at the Religious Freedom Institute, father, and Muslim American, **Ismail Royer** has studied the intersections between faith and medicine.

For many American Muslims in healthcare, their work is not only as a profession but also a moral vocation strongly informed by religious practice and belief. Among the central theological foundations of Islam, **Ismail** told the Commission, is "the inherent created dignity of man," which is "accompanied by duties and rights with respect to God and his fellow creatures"—including the principle of protecting one another from harm.

Today, however, that Islamic principle is under fire from a medical establishment that has been coopted by progressive thinking, which insists that the highest good—as spelled out in the U.S. Supreme Court's *Planned Parenthood v. Casey* case—is the ability to make "choices central to personal dignity and autonomy."

"As a result of this fundamental contradiction between the ethics of human dignity and the ethics of personal autonomy," **Ismail** said, "there are a number of areas in the medical field in which American Muslim healthcare professionals may experience severe crises of conscience." Among these threats to religious liberty is the rising phenomenon of physician-assisted suicide, which is now allowed in 13 states and Washington, D.C., and poses severe risks to the conscience rights of Muslims and Americans of other faiths.

In Illinois, where physician-assisted suicide legislation was passed in December 2025 and takes effect in September 2026, Muslim medical professionals are worried that they will "succumb to the perceived social and professional pressures to participate in assisted suicide" even despite the legislation's inclusion of an opt-out option.

³⁰² Sixth Hearing of the Religious Liberty Comm'n, Hearing Transcript, 519-20 (2026) (Statement of Susan Bane).

Additionally, **Ismail** said, “the fear is that they will slowly indoctrinate young doctors in medical school” and thereby “change the practice of medicine.” Finally, during his testimony, he expressed concerns about a “slippery slope” effect in which physician-assisted suicide legislation will perpetually expand its scope to apply not only to severely ill individuals facing imminent death, but also those suffering from severe medical conditions, people with mental illnesses, and even minors.

“Once you knock out the axiom that the human being is inviolable and that physicians must do no harm and replace it with the ethics of personal autonomy, there is no substantive barrier to stop the state medical aid and dying laws from opening the door to full blown euthanasia,” **Ismail** concluded in his remarks—offering a stark warning to medical professionals of faith who believe in the dignity of life.³⁰³

Dr. Kenneth Prager

Dr. **Kenneth Prager** is a pulmonologist and clinical ethics professor at Columbia University Medical Center and an observant Jew. He testified to his fear that, in promoting assisted suicide, the medical field is straying from an enduring principle upheld by both religious and secular traditions: do no harm.

“I turned to my religion’s writings on medical ethics for guidance in how to negotiate these difficult scenarios,” Dr. **Prager** told the Commission. He continued, “Whereas it may be permitted to remove an impediment to a peaceful death, one is never allowed to intentionally hasten death or to intentionally cause death. This overarching principle has stood me in good stead for all my career in medicine and medical ethics.”

The rapid normalization of “medical aid in dying” (MAID), Dr. **Prager** says, could yield profound effects “on the moral fiber of our society.” MAID, he continued, “weakens the value of the sanctity of life,” and it “may lead to a lessening of societal support for palliative care in favor of the less costly option of suicide.” While physician-assisted suicide laws continue to gain traction at the state level, Dr. **Prager’s** concerns are shared by Jewish, Christian, Muslim, and other Americans of faith. The push for physician-assisted suicide is a slow but dangerous increase in hostility toward conscience rights for doctors and patients.³⁰⁴

Dr. Leslee Cochrane

For some practitioners, the use of physician-assisted suicide is no longer a hypothetical concern. They are facing real consequences for objecting to laws in their states. “For

³⁰³ Sixth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 516-8 (2026) (Statement of Ismail Royer).

³⁰⁴ Sixth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 511-3 (2026) (Statement of Kenneth Prager).

me, medicine is so much more than a profession, it's a calling," said Dr. **Leslee Cochrane**, a hospice physician and member of the American Academy of Hospice and Palliative Medicine and the Christian Medical Association. "Guided by my faith, I strive to treat every patient with compassion, dignity, and respect," he said to the Commission.

Inspired by this Christian understanding of human dignity, Dr. **Cochrane** was troubled when, in 2022, his home state of California amended its assisted suicide law to require even "non-participating physicians" to "acknowledge and document a patient's request for assisted suicide."

At the same time, Dr. **Cochrane** shared, the waiting period to obtain the lethal drugs patients used to end their life was reduced from 15 days to a mere 48 hours. In his view, the shorter timeframe leaves far too little time for reflection on a decision of this magnitude. "In more than 20 years as a hospice physician, I've seen how vulnerable patients are when they're facing a terminal illness. They're often physically exhausted, emotionally overwhelmed, and fearful of becoming a burden to those they love," Dr. **Cochrane** noted. "But with proper hospice care, we can usually resolve those symptoms within just a matter of days. When the pain and distress are relieved, their fear fades, their hope returns, and the desire for assisted suicide often disappears. But under this new law in California, patients might end their life even before there was adequate time to provide that relief."

Unable to follow California's new law without violating his religious beliefs and conscience, Dr. **Cochrane** filed suit against the state, which ultimately culminated in a court order "permanently preventing California from forcing physicians like me to facilitate or participate in assisted suicide in violation of our conscience."

Dr. **Cochrane** fears stories like his could become the new normal. But the alternative would be to acquiesce to medical practices that violate the physician's conscience and ability to protect innocent life. That is never the solution. "No patient should ever be made to feel that their life is a problem to be solved rather than a person to be cared for," he concluded.³⁰⁵

Conclusion

Religious discrimination and harassment against medical professionals are unacceptable, illegal, and unconstitutional. The Commission recommends immediate action to

³⁰⁵ Sixth Hearing of the Religious Liberty Comm'n, Hearing Transcript, 514-5 (2026) (Statement of Dr. Leslee Cochrane).

unequivocally and clearly protect the religious liberty of medical students, healthcare professionals, and healthcare staff.

We are grateful for the courage of the witnesses who testified and all the medical professionals who likewise have stood fast in the face of religious discrimination. As Commissioner Rev. **Franklin Graham** noted, “There’s ... a thread that runs through all ... these [witnesses], and that is ... having the guts to stand for what’s right, and ... [it’s] cost them big time.”³⁰⁶

Recommendations

In response to the testimony presented and public comments submitted to this body, the Commission recommends that the federal government take the following actions to secure and strengthen First Amendment rights in healthcare:

- **Issue new healthcare rules with robust protections for religious liberty.** The Department of Health and Human Services should issue new rules clarifying religious freedom rights in healthcare.³⁰⁷
- **Support legislation securing religious freedom in healthcare.** The Administration should advocate for the passage of federal legislation, such as the Conscience Protection Act and the Conscience Protections for Medical Residents Act, to secure religious freedom in healthcare by:
 1. Ensuring medical students and healthcare professionals receive clear notice of their right to opt out of trainings, policies, or practices that would violate their conscience;
 2. Directing medical training programs to require medical students to opt in to abortion training rather than being required to opt out;
 3. Expanding opt-out protections that currently apply to abortion to also apply to physician-assisted suicide, sex-rejecting procedures, and sterilization;
 4. Providing a private right of action for parties whose statutorily protected conscience rights are violated;

³⁰⁶ Sixth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 474 (2026) (Statement of Comm’r Rev. Franklin Graham).

³⁰⁷ Public Comment by the Ethics and Public Policy Center, 260, <https://www.justice.gov/religious-liberty-commission/media/1441456/dl?inline>.

5. Terminating federal funding to healthcare entities that fail to uphold statutorily protected conscience rights.³⁰⁸
- **Prosecute religious freedom violations.** The Department of Health and Human Services’ Office of Civil Rights should open civil rights investigations into—or file strategic litigation against—federally funded medical or governmental entities believed to have violated the religious freedom of medical students, healthcare professionals, healthcare facilities, or religious employers.³⁰⁹
 - **Support litigation upholding religious freedom in healthcare.** The Department of Justice should support strategic litigation seeking to protect religious freedom rights in healthcare, including the rights of:
 1. Healthcare professionals to not be coerced to participate in procedures or practices that violate their conscience;
 2. Faith-based institutions to decline to offer insurance coverage of procedures or pharmaceuticals that violate their religious beliefs;
 3. Faith-based pregnancy resource centers to offer life-saving services without being required to engage in practices that violate their religious beliefs.³¹⁰
 - **Issue guidance clarifying the rights of religious employers in offering insurance coverage.** The Department of Health and Human Services’ Office of Civil Rights or the Department of Justice Office of Legal Counsel should issue a legal memorandum clarifying that the Weldon Amendment protects religious employers against state abortion insurance mandates.³¹¹

³⁰⁸ First Hearing of the Religious Liberty Comm’n, Hearing Transcript, 84-87 (2025) (Statement of Kristen Waggoner); Sixth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 466-68 (2026) (Statement of Valerie Kloosterman); Sixth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 500-03 (2026) (Statement of Dr. Aaron Kheriaty); Sixth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 519-20 (2026) (Statement of Dr. Susan Bane); Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript, 546-48 (2026) (Statement of Helen Aguirre Ferré); Sixth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 516-18 (2026) (Statement of Ismail Royer); American Association of Pro-Life Obstetricians and Gynecologists, Public Comment, 36-38, <https://www.justice.gov/religious-liberty-commission/media/1441846/dl?inline>.

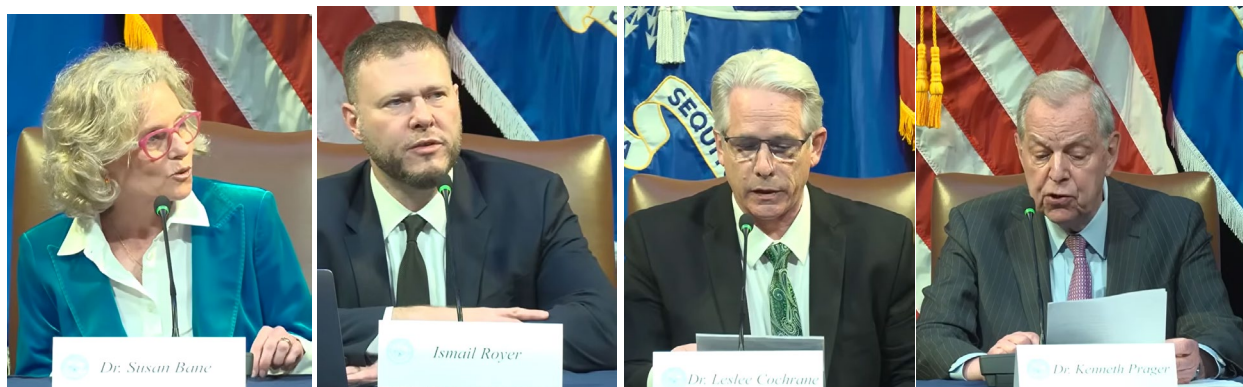
³⁰⁹ First Hearing of the Religious Liberty Comm’n, Hearing Transcript, 84-7 (2025) (Statement of Kristen Waggoner).

³¹⁰ First Hearing of the Religious Liberty Comm’n, Hearing Transcript, 18-20 (2025) (Statement of Mark Rienzi); Sixth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 478-9 (2026) (Statement of Jean Marie Davis); Christian Medical and Dental Association, Public Comment, 1874, <https://www.justice.gov/religious-liberty-commission/media/1441846/dl?inline>.

³¹¹ See Sixth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 501, (2026) (Statement of Dr. Aaron Kheriaty); Public Comment by the Ethics and Public Policy Center, 260, <https://www.justice.gov/religious-liberty-commission/media/1441456/dl?inline>.

- **Offer religious liberty trainings and toolkits.** The Department of Health and Human Services’ Office of Civil Rights should provide religious liberty trainings and toolkits for medical and governmental entities on religious freedom rights in healthcare.³¹²
- **Provide “Know Your Rights” posters.** The Department of Health and Human Services, in conjunction with the Equal Employment Opportunity Commission, should issue a “Know Your Rights” poster for medical schools and healthcare facilities to post in public places and staff gathering areas to educate medical students, healthcare professionals, patients, and parents on religious freedom rights in healthcare.³¹³

The federal government can further protect religious liberty in healthcare by adopting the global recommendations made at the beginning of this report as well as the recommendations made in Chapter 3: Faith-Based Institutions and the Enduring Fight for Religious Identity, Mission, and Integrity, Chapter 10: Conscience and Coercion in Vaccine Policy, Chapter 11: Anti-Semitism, and Chapter 13: Barriers to Religious Liberty in the Public and Private Sectors.



³¹² Sixth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 466-8 (2026) (Statement of Valerie Kloosterman).

³¹³ Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript, 605 (2026) (Statement of Chairman Lt. Gov. Dan Patrick).

Chapter 10: Conscience and Coercion in Vaccine Policy

Vaccines carry significant theological implications for many religions. Religious beliefs about the sanctity of human life and the duty to avoid harm often arise in this context because of the ways in which vaccines are researched, developed, and administered.³¹⁴

Vaccine mandates during COVID-19 required individuals to take vaccines to receive a benefit, such as employment or education. For individuals whose sincerely held religious beliefs lead them to decline a vaccine, these mandates are extremely coercive. The individual is left with the choice to renounce their faith or lose their way of life.

Because the stakes are so high, respecting religious liberty in the context of vaccine mandates is an absolute necessity. The First Amendment and applicable law forbid discrimination against individuals who have requested religious accommodations. In the context of public actors, such as government employers or public schools, vaccine mandates must be narrowly tailored to the relevant public health interests at stake. Religious accommodations cannot be treated differently than secular accommodations to mandates.³¹⁵ And, certainly, hostility and anti-religious rhetoric toward those seeking religious accommodations is contrary to the spirit of the First Amendment and, in some contexts, can be evidence of animus that violates applicable civil rights laws.

Unfortunately, the Commission heard many stories and has received hundreds of written testimonies from individuals who had been subjected to unfavorable treatment because of their religious beliefs. Perhaps most troubling was the fact that religious children and families were excluded at institutions that did not require 100 percent vaccination, but these institutions welcomed students with medical exemptions as well as students without any medical records.

Moreover, several states rescinded their religious accommodations for students in recent years, while leaving similar secular accommodations on the books. While the Supreme Court has not ruled specifically on the issue of religious accommodations to vaccines in the school context, the Court has guided states to approach vaccine policy through the lens of the parental and religious liberty considerations set forth in *Mahmoud v. Taylor*, which clarified that it is unconstitutional to condition public education opportunities on parents placing their children in “an environment hostile to [religious] beliefs,” where they would face “pressure to conform” to contrary viewpoints and lifestyles.³¹⁶

³¹⁴ Fourth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 295-6 (2025) (Statement of Blake Martin).

³¹⁵ *Tandon v. Newsom*, 141 S. Ct. 1294 (2021) (per curiam).

³¹⁶ *Mirabelli v. Bonta*, No. 25A810, 2026 WL 575049 (U.S. Mar. 2, 2026); see also *Mahmoud v. Taylor* at 550–55 (2025) (citing *Yoder*, 406 U.S. at 218).

Nancy and Isabella Costine

For **Nancy Costine** and her husband, their Roman Catholic faith is an integral part of how they see the world and carry out their lives—including the way they raise their two daughters. Like many other religious Americans, certain vaccinations have presented the **Costines** with a moral quandary. After the birth of their first child, **Isabelle**, the family began reviewing the vaccine schedule, and **Nancy** “became aware of product development practices and the use of animal and human cell lines that conflict with [their] religious beliefs.”

The **Costines** had enrolled **Isabelle** in New York state public schools. For more than 50 years, the New York public school system provided an exemption for students whose families had religious objections to certain vaccinations. But in 2019, just as **Isabelle** turned seven years old, the state repealed that religious exemption. Sadly, **Nancy** and her husband then had to choose between violating their religious beliefs or removing **Isabelle** and her sister from the public schools they enjoyed and depended on.

As if the loss of educational opportunity itself was not enough, **Nancy** told the Commission that, “Lawmakers questioned the sincerity of our beliefs and disparaged our children ... they said that our beliefs were utter garbage.”

Isabelle, likewise, told the Commission that, “Children who had religious exemptions were compared to criminals bringing weapons into school.” At the same time, schools welcomed students with medical exemptions and students without medical records—underscoring the goal was not 100 percent vaccination rates, but rather the exclusion of religious-based exemptions.

Without another option, **Nancy** began to homeschool her daughters. Although they appreciated their mom’s best efforts, **Isabelle** and her sister felt isolated from friends and teachers. Eventually, the **Costines** began taking their two daughters to a private religious school across state lines, a decision that dramatically changed the **Costines**’ financial situation.

“We drive three hours every day to give them the opportunity to go to school,” **Nancy** said. “Our district will not provide bus transportation, resulting in incredible transportation costs. The unexpected tuition and costs are financially draining. I am unable to work full-time due to the commute, costing us over a third of our household income. Career advancement is impossible due to my lack of availability. The amount of money and salary, retirement and benefits that have been lost due to the religious exemption repeal will never be recovered. The relentless worry has negatively affected my health. And though our children are banned from school grounds, we are still expected to pay our exorbitant school tax bills.”

The girls were excluded from school grounds, school camps, and school sports. As **Nancy** said, “Families should not be forced to sacrifice education, employment, privacy, financial stability, and the peaceful enjoyment of life in order to maintain religious convictions as they raise their children.”

Taking all the state-required vaccines for public schools would cause the family to violate their conscience and religious principles. Seven years later, the **Costine** family still has not been allowed to return to New York public schools, placing the parents and the kids in financial and social challenges they never wanted or expected.

In her concluding remarks, **Isabella** summed up the challenge best: “All children in the United States should have equal opportunities and access to education regardless of their faith,” she said. “No child should ever have to go through what I did.”³¹⁷

A New Era of Mandates

Unfortunately, the **Costines’** experience is not unique. All across the country, families and individuals with sincere religious convictions have found themselves navigating a shifting legal landscape in which long-standing accommodations have been removed or narrowed. Several states have rescinded religious accommodations. Instead, the states treat religious objections as grounds for exclusion from schools, workplaces, and public life.

The testimonies that follow—from **Karen Amigon** and Dr. **Aaron Kheriaty**—reflect how these changes have affected not only parents and children, but also professionals seeking to uphold their ethical and religious commitments in the face of new, and historically unprecedented, mandates.

Karen Amigon

Karen Amigon lives in Los Angeles, California, and is a single mother of a seven-year-old girl. While **Karen** would like to be able to send her daughter to a public school, she told the Commission that her daughter “is not allowed to attend school because of our family’s sincere religious beliefs regarding medical decisions.”

Karen is among the many Americans who have a personal religious objection to certain vaccines. Her faith, she explained, is central to how she understands her role as a parent. “I believe then and still believe today, that God entrusted me with an incredible blessing and responsibility in becoming her mother,” she said, recalling her daughter’s birth and early medical challenges.

³¹⁷ Sixth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 494-6 (2026) (Statement of Nancy and Isabelle Costine).

She testified that after “sincere prayer, reflection, and research,” she “made the decision not to vaccinate [her] daughter.” She continued: “The decision was not made lightly. It was a deeply personal decision rooted in my faith and in my understanding of my responsibility before God as a parent when making healthcare decisions for my child.” **Karen** emphasized that her beliefs are part of a broader commitment to raising her daughter according to her faith, noting: “My role as a mother is not only to care for my daughter physically, but also to guide her spiritually according to the convictions of our faith.”

In the past, **Karen**’s religious beliefs would not have limited her daughter’s ability to attend public school. But in 2015, the state of California repealed the religious exemption to the state-school vaccine requirements and required that all students, in public and private schools, receive the entire vaccine schedule, even if it meant violating one’s faith. When **Karen** learned about this requirement, she realized that “families ... who hold sincere religious convictions no longer have a pathway for their children to attend school while honoring those beliefs.”

Based on California law, **Karen**, a single mother, is now left homeschooling as the only option for her daughter. While she acknowledged that “homeschooling has brought many blessings” and that she values the additional time she gets to spend with her daughter, she is also keenly aware of the significant burdens it imposes. “As a single mother who must work full time to provide for my child, homeschooling also comes with very real challenges,” she said, explaining that there have been times when she has “quietly prayed and wondered how we would make it financially while trying to balance work, teaching my daughter, and simply keeping our home running.”

Beyond the financial strain, **Karen** described the emotional difficulty of explaining the situation to her daughter. “Many mornings, my daughter sees the children with their backpacks walking to school,” she said. “Sometimes she watches them and asks me why she cannot go to school like the other children.” She added: “How do you explain to a child that something as simple and ordinary as going to school is not available to her because her mother followed her conscience and her faith when making healthcare decisions for her child?”

Karen concluded: “At the end of the day, I am simply a mother trying to raise my daughter according to my faith and my conscience. I pray that one day she will be able to walk into a classroom like every other child without her family having to choose between education and our deeply held religious beliefs, which do not allow me to vaccinate my child.” Her daughter expressed that hope in her own words, telling the Commission, simply, “I pray to go to school like others.”³¹⁸

³¹⁸ Sixth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 497-8 (2026) (Statement of Karen Amigon).

Dr. Aaron Kheriaty

For Dr. **Aaron Kheriaty**, concerns about conscience rights in medicine did not begin during the COVID-19 pandemic. They began years earlier, in a hospital operating room, when he was forced to decide whether he could take part in a procedure that violated both his medical judgment and his religious beliefs.

As a medical student assisting on a labor and delivery rotation, Dr. **Kheriaty** was asked to participate in a procedure that conflicted with both his medical judgment and his religious beliefs. After a patient, in the midst of labor, agreed to an additional sterilization procedure, he raised concerns—not about the patient’s decision, but about his own role in carrying it out. “I informed [the resident physician] that while I was willing to assist on the cesarean section, I would need to step out of the operating room and not help with the tubal ligation as a matter of conscience,” he told the Commission on March 16, 2026.

The response that followed was harsh and direct. “The resident became irate, asking: ‘How dare you impose your views on the patient?’” he recalled. “I replied that I was imposing nothing on anyone,” but “merely telling her what I was willing and not willing to assist on.”

That decision carried consequences. Dr. **Kheriaty** was removed from the case, faced retaliation during his rotation, and received negative evaluations that followed him into his residency applications. At the time, he was unaware that federal law protected his right to decline participation in procedures that violated his conscience. “These laws were actually in place when I went to medical school, but I had no understanding of them,” he said. “Through that whole process, I was never advised of my rights even after they were violated.”

Years later, those same questions of conscience resurfaced in a different context. As director of the Medical Ethics program at the University of California, Dr. **Kheriaty** became concerned about proposed COVID-19 vaccine mandates. “Troubled by the draft policy that was about to go into effect, I published a piece in *The Wall Street Journal* [...] arguing that university vaccine mandates were unethical,” he explained.

When the university moved forward with the policy, he challenged it in court. “I made the fateful decision to try to challenge the university’s vaccine mandate in federal court,” he said. But his challenges did not end there. “They placed me on first what they called investigatory leave, then a month later on unpaid suspension. Then a month after that, they fired me,” he told the Commission.

At the time, Dr. **Kheriaty** had spent more than a decade at the university and had received multiple teaching awards. His dismissal, he argued, reflected a broader failure to protect conscience rights in healthcare and academic institutions. “When it comes to vaccines, laws in many states failed to protect conscience rights and religious liberty,” he said, pointing specifically to states that offer no religious exemptions for childhood vaccination

requirements. “Many people have religious or moral objections, for example, to the use of cell lines derived from aborted fetuses or derived from embryos created and destroyed in the laboratory, which are very frequently used in the development and testing of many of the vaccines on the CDC’s childhood immunization schedule,” Dr. **Kheriaty** explained.

For Dr. **Kheriaty**, the issue extends beyond any single policy, but as a question of the moral foundations of medicine itself: “Medicine should always and only be aimed at health and healing,” he said. “Doctors should not force treatment on patients that patients decline for medical, moral, or religious reasons.”

He concluded by urging stronger protections and clearer enforcement, emphasizing that without them, individuals will continue to face the same choice he did: between their profession and their conscience.³¹⁹

Conclusion

Public health policies must take into account any burdens they impose on religious believers.

For Americans like the **Costines** and **Karen Amigon**, decisions rooted in faith meant losing access to education and opportunity. For Dr. **Kheriaty**, exercising conscience led to professional consequences rather than protection. These experiences point to a troubling pattern: individuals were targeted and punished for sincerely held beliefs. In some cases, no religious accommodation existed. In others, protections were unclear or went unenforced.

When the right to live according to one’s conscience is constrained, individuals are forced to make the often-impossible choice between living out their beliefs and participating in basic life activities. Empowering Americans of faith to once again live freely will require not only clearer safeguards, but also consistent enforcement of the protections that already exist.

Recommendations

In response to the testimonies presented and public comments submitted to this body, the Commission recommends that the federal government take the following actions to secure and strengthen First Amendment rights in relation to vaccines:

- **Investigate and litigate religious freedom violations.** The Department of Health and Human Services’ and Department of Justice’s Offices of Civil Rights,

³¹⁹ Sixth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 500-3 (2026) (Statement of Dr. Aaron Kheriaty).

along with the Equal Employment Opportunity Commission should open civil rights investigations into—or file strategic litigation against—federally funded educational, medical, and governmental entities that may have violated religious freedom rights by denying religious exemptions to vaccine mandates.³²⁰

- **Support litigation upholding religious freedom in relation to vaccines.** The Department of Justice should support strategic litigation seeking to protect religious freedom rights in relation to vaccines, particularly the rights of school children to receive religious exemptions from vaccine mandates.³²¹
- **Support legislation upholding religious freedom in relation to vaccines.** The Administration should advocate for the passage of federal legislation requiring educational institutions to grant students religious exemptions from vaccination requirements as a condition of receiving federal support.³²²
- **Issue guidance on religious freedom in relation to vaccines.** The Departments of Education, Health and Human Services, and the Equal Employment Opportunity Commission should issue guidance explaining the scope of the rights of people of faith to receive religious accommodations to vaccine mandates in schools, employment, and healthcare settings.³²³
- **Send official letters urging respect for religious freedom in relation to vaccines.** The Departments of Justice and Health and Human Services should send official letters to federally funded educational, medical, and governmental

³²⁰ Sixth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 494-96 (2026) (Statement of Nancy and Isabella Costine); Sixth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 497-98 (2026) (Statement of Karen Amigon and Riley Grayson); Sixth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 500-03 (2026) (Statement of Aaron Kheriaty); Members of Congress, Public Comment, 730, <https://www.justice.gov/religious-liberty-commission/media/1441456/dl?inline>.

³²¹ Sixth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 494-96 (2026) (Statement of Nancy and Isabella Costine); Sixth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 497-98 (2026) (Statement of Karen Amigon and Riley Grayson); Sixth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 500-03 (2026) (Statement of Aaron Kheriaty); Sixth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 504-05 (2026) (Statement of Comm’r Kelly Shackelford); Guiding the Impact Coalition Letter, Public Comment, 123, <https://www.justice.gov/religious-liberty-commission/media/1437931/dl?inline>.

³²² Sixth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 494-96 (2026) (Statement of Nancy and Isabella Costine); Sixth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 497-98 (2026) (Statement of Karen Amigon); Sixth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 504-05 (2026) (Statement of Comm’r Kelly Shackelford); Guiding the Impact, Public Comment, 85, <https://www.justice.gov/religious-liberty-commission/media/1437931/dl?inline>; Guiding the Impact, Public Comment, 447-48, <https://www.justice.gov/religious-liberty-commission/media/1441846/dl?inline>.

³²³ Fifth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 446-47 (2026) (Statement of Hermione Susana); Dr. Michael T. Goldstein, Public Comment, 621, <https://www.justice.gov/religious-liberty-commission/media/1441846/dl?inline>; Guiding the Impact, Public Comment, 447-48, <https://www.justice.gov/religious-liberty-commission/media/1441846/dl?inline>.

entities that deny religious exemptions to vaccine mandates while allowing exemptions for non-religious reasons, urging them to protect parental rights and religious freedom by allowing religious exemptions.³²⁴

- **Prioritize approval of ethically acceptable alternative vaccines.** The Food and Drug Administration should prioritize approving vaccines that offer an ethically acceptable alternative to vaccines that frequently raise religious objections, such as those developed through the use of cell lines derived from aborted fetuses.³²⁵

The federal government can further protect religious liberty in relation to vaccines by adopting the global recommendations made at the beginning of this report as well as the recommendations made in Chapter 3: Faith-Based Institutions and the Enduring Fight for Religious Identity, Mission, and Integrity, Chapter 4: Students Don't Check Their Rights at the Schoolhouse Gate, Chapter 5: College Students, Chapter 6: Parental Rights, Chapter 7: Military, Chapter 9: First Do No Harm - Religious Liberty in Healthcare, and Chapter 13: Barriers to Religious Liberty in the Public and Private Sectors.



³²⁴ Members of Congress, Public Comment, 730, <https://www.justice.gov/religious-liberty-commission/media/1441456/dl?inline>.

³²⁵ Sixth Hearing of the Religious Liberty Comm'n, Hearing Transcript, 500-3 (2026) (Statement of Dr. Aaron Kheriaty).

Chapter 11: Anti-Semitism

In the last five years, 63 percent of religiously-motivated hate crimes in the United States have been targeted towards Jewish organizations and individuals, according to statistics from the Federal Bureau of Investigation.³²⁶ Tragically, this minority faith group has become a primary target of the growing anti-religious sentiment in our country.

Recognizing the urgency of this issue, the Commission dedicated attention to understanding the scope and origins of anti-Semitism in addition to its possible solutions.

Antisemitism has been a source of suffering throughout world history. In fact, some have called anti-Semitism the “canary in the coal mine” for civil rights because a rise in anti-Semitism often precedes the erasure of many other civil rights. Given the global history of violence against Jewish communities, the United States has historically proudly been a place where Jewish Americans can live in safety, free to live out their faith with equal rights to religious liberty.

The directive issued by President Trump provided the Commission with a specific focus for its exploration of this topic: people in the United States who have been deprived of their civil rights and equal justice under law because of their religious beliefs.

The hearing on anti-Semitism focused on firsthand experiences of individuals who were subjected to violence, harassment, and exclusion from public places on American soil as a result of their religious beliefs.

Unfortunately, the Commission heard numerous testimonies describing precisely such occurrences. Because of their connection with religious liberty in higher education, two of these stories are included in Chapter 5: The Fight for Faith on College Campuses. Additionally, because of their setting at churches and synagogues, two others are included in Chapter 12: Faith Under Fire in America’s Houses of Worship.

Bruce Pearl

Bruce Pearl is the former head coach of the Men’s basketball teams at the University of Tennessee and Auburn University. **Bruce** was raised in a Jewish community in Boston, and he later founded the Jewish Coaches Association.

Bruce testified to the Commission, stating that Jewish communities in the United States are currently experiencing a rise in Holocaust denials, threats by supporters of Islamic extremism, and conspiracy theories about the Jewish people. On university campuses,

³²⁶ *Hate Crime in the United States Incident Analysis*, Fed. Bureau of Investigation, <https://cde.ucr.cjis.gov/LATEST/webapp/#!/pages/explorer/crime/hate-crime> (last visited June 16, 2026).

Jewish communities are witnessing attacks on their “basic rights and sense of belonging ... under the guise of anti-Zionism,” perpetrated by far-left activists.

The nation of Israel has a profound religious significance to the Jewish people, one that is deeply intertwined with their faith and identity. **Bruce** pointed to polls that show “the vast majority of Jews believe that caring about Israel is essential,” and that “denying Israel’s right to exist [is] antisemitic.”

But as **Bruce** explained, “Organizations such as Students of Justice of Palestine or CAIR try hard to intimidate Jewish peers on their campuses” because of their faith and their support for the existence of a State of Israel.

Jewish Americans have not invited violence or intimidation. Rather people who adhere to anti-Semitic views have sought out Jewish communities to threaten them and, in many instances, do them harm. In his testimony, **Bruce** pointed to various events as reasons for Jewish Americans to be concerned about their safety and freedom, such as the burning of the Beth Israel synagogue in Mississippi, the murder of Yaron Lischinsky and Sarah Milgram outside the Capital Jewish Museum in Washington, D.C., the killing of Holocaust Survivor Karen Diamond by a terrorist in Colorado, and the murder of Jewish worshippers at synagogues in Pittsburgh and Poway, California.

America is, was, and ought to be a country where citizens of all faiths can exercise their First Amendment rights without fear of violence. But if local leaders cannot ensure that it remains that way, then the Jewish communities do not have a backup plan. As Coach **Pearl** testified, “The Jewish people are running out of places to live. Where else are we supposed to go? Some say go back to Israel, and some say that Israel is not ours to go back to.” The Commission fully believes that America must remain a safe haven for citizens of all faiths, including Jewish Americans.³²⁷

Rabbi Dr. Ari Berman

Rabbi **Ari Berman** is the President of Yeshiva University in New York City. He has created Universities United Against Terrorism, a coalition of more than 100 institutions. While it is encouraging that 100 college presidents were willing to publicly denounce terrorism, it remains concerning that dozens of others were reticent to do so. Rabbi **Berman** told the Commission, “Many presidents privately acknowledged Hamas as the villain, but they were too afraid of campus backlash to speak publicly. Fear had replaced leadership.” Rabbi **Berman** then shared that universities that did not speak with “moral clarity after October 7 often stood by while Jewish students’ rights ... were violated.”

³²⁷ Fifth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 366-69 (2026) (Statement of Bruce Pearl).

Since our founding, American colleges and universities have been places of open debate and discourse. But when progressive ideology began eroding that environment in the twentieth century, as Rabbi **Berman** explained, campuses became openly hostile to Jewish students, leaving Jewish people themselves, “among history’s most persecuted people, ... cast as oppressors.”

Institutions of higher education can reclaim their moral standing, as Rabbi **Berman** said, “When [they] recover the courage to speak clearly about right and wrong, truth and falsehood, dignity and hatred. Then, Jewish students, and all students, will flourish.”³²⁸

Liat Cohen-Reeis

Liat Cohen-Reeis is the Director of the Christian and Jewish Alliance in San Diego, California. Following the October 7, 2023 attacks, the Alliance began organizing worship services with Christian and Jewish individuals, but unfortunately, those services have been consistently targeted by hostile protestors.

As **Liat** testified to the Commission, antisemitic protestors targeted the Alliance every time they met. In some instances, agitators brought bullhorns and sirens and posted messages on social media inviting more protestors because, “We need to disturb their peace.”

On one specific occasion, the Jewish-Christian Alliance organized an unadvertised, members-only worship service for rabbis and pastors to pray and sing. **Liat** told the Commission that shortly before the event began, “disruptors dressed in black, wearing face masks, waving the Palestinian flag” appeared outside the venue, and “laid down dolls along the driveway so that guests had to drive over the dolls as the agitators screamed ‘Baby Killers’ at them through their megaphones.” Other protestors carried signs with swastikas, blocked cars from moving, screamed at attendees, jumped onto the hoods of attendees’ cars, and shoved bullhorns in the faces of the attendees. All of this was done because an anti-Semitic group did not want Christian and Jewish people to worship together.

Despite the opposition, the intimidation, and the threats, **Liat** told the Commission, “We refuse to be scared into silence” and that the Alliance is “planning our next event together and it will be beautiful.” But in order to do so safely, they need to ensure they can count on their local leaders and law enforcement to protect them.³²⁹

³²⁸ Fifth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 370-72 (2026) (Statement of Rabbi Dr. Ari Berman).

³²⁹ Fifth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 392, 394-396 (2026) (Statement of Liat Cohen Reeis).

Seth Dillon

Seth Dillon is the CEO of the satire website *The Babylon Bee*. With his website, he primarily ridicules progressive ideas including critical race theory and radical gender ideology. Recently, though, while observing online habits and digital conversations, **Seth** testified that he has witnessed an increase in online antisemitic content.

As he told the Commission, “Transgressive agitators on social media are building massive cult-like followings declaring themselves to be on team Hitler. They proclaim without apology or fear of consequence that Hitler was right.” They are, in his words, adopting “a grievance-based collectivist framework that says all of society’s greatest problems are due to hidden power structures” and laying the blame on the Jewish people.

Such agitators are exploiting a particular group of people, namely young men, who were long told by progressives to feel guilty and ashamed for their white skin, Christian faith, male sex, and American nationality. Those who told these lies often led institutions, taught history, and shaped the conversation for Americans. As **Seth** explained, the young men who grew up with this anti-male rhetoric eventually rejected the false and grossly racist narrative, but became “dangerously vulnerable to a false inference that the opposite of whatever the history books or institutions say must be true,” or began to believe that, “anyone who rejects those institutions in their lies must be offering the truth themselves.”

In a digital age where young people are often online, **Seth** has observed an increase specifically in accounts that perpetuate Holocaust denial. These accounts are gaining some traction because the very people who tried to censor young men in the past are also trying to censor these accounts engaging in “a revisionist project.”

Others are co-opting other religions to propagate online tropes and epithets that target Jewish people. As **Seth** testified to the Commission, some are adopting a “distorted version of the Christian faith, not because they found Christ, but because they found what they think is a religious sanction for their hatred ...”

Rather than pursuing further censorship of transgressive online voices, **Seth** told the Commission, “The antidote to anti-Semitism is not to ignore it or to outlaw it, but to confront it with courage and conviction.”³³⁰

Conclusion

When the Bill of Rights was ratified, the First Amendment afforded the free exercise of religion to people of all faiths. After writing that the United States government would give, “to bigotry no sanction” and “to persecution no assistance” in his 1790 letter to the Hebrew

³³⁰ Fifth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 414-16 (2026) (Statement of Seth Dillon).

Congregation at Newport, George Washington wished that “children of the stock of Abraham who dwell in this land continue to merit and enjoy the good will of the other inhabitants ... and there shall be none to make him afraid.”

Indeed, every American has the natural and unalienable right to freely exercise their religious faith in their public life, without fear of reprisal.

However, many state and local institutions, including university officials and left-wing mayors and governors, have abdicated their responsibility to protect the religious liberty of their residents. While some institutional leaders have privately criticized the antisemitic agitators who harass Jewish people and disrupt gatherings, they are too stricken with fear and cowardice to publicly defend those who they are sworn to protect. The result is that today, many Jewish people have grown increasingly worried that America is no longer a refuge from religious and ethnic persecution.

Thankfully, as John Mertens from the Department of Justice Civil Rights Division told the Commission, the Department of Justice has “a number of open investigations” into instances of anti-Semitism in America. The Commission trusts that the Department will do its job to prosecute violators of the law. Still, more work needs to be done.

As Chair of the Department of Justice Task Force to Combat Antisemitism **Leo Terrell** testified to the Commission, Jewish Americans also face a “Jewish tax.” He described the tax as, “the exorbitant fee the Jewish community has to pay for security and protection to have a meeting at their synagogue or to walk the streets.” The Commission finds it appalling that Jewish organizations have to live in constant fear of retaliation and threats simply because of their faith.

Educators and community leaders have a responsibility to ensure that the lessons and dogmas they teach accord with the fundamental concepts of universal human dignity and religious liberty. This is the American way. Scapegoating particular religious groups, such as the Jewish people, erodes America’s social fabric. The Commission heard testimonies from those who are trying to remind Americans of this important truth. One witness was Advisory Board member Father **Tom Ferguson** of Good Shepherd Catholic Church in Alexandria, Virginia, who shared with the Commission the Catholic theology of familial appreciation for the Jewish faith, and the Catholic rejection of anti-Semitism in all its forms.

In light of rising anti-Semitism online and in American life, the Commission urges all Americans to reject the vile efforts of antisemites, whether online or in person, and to foster respect for the First Amendment rights of all Americans.

As Rabbi **Berman** put it, “What makes America great is our foundational story of freedom and our foundational biblical values, moral responsibility, civic virtue, human dignity, and

the pursuit of truth. If we fail to propagate these values in education, we fail all of our children.”

The Commission agrees with the Rabbi’s assessment and hopes to cut off the dangerous cancer of anti-Semitism in America. The United States must remain a place where people of all faiths, including Jewish Americans, can live and worship in freedom.

Recommendations

In response to the testimony presented and public comments submitted to this body, the Commission recommends that the federal government take the following actions to eradicate anti-Semitism:

- **Swiftly and effectively respond to anti-Semitism.** All federal Offices of Civil Rights and the Equal Employment Opportunity Commission should improve Title VI and Title VII enforcement against anti-Semitism by establishing a set, expedited timeline for the investigation and prosecution of credible allegations of anti-Semitism and, as appropriate, tie future federal funding to prompt remediation.³³¹
- **Investigate terrorism-funded activities.** The Department of Justice should investigate whether anti-Semitic attacks are being funded by terrorist groups.³³²
- **Report and track anti-Semitic incidents.** The Department of Justice’s Anti-Semitism Task Force should work with state and local governments and the FBI to accurately report and track anti-Semitism incidents so policymakers can respond effectively to threats against Jewish communities.³³³
- **Offer resources to the public and private sectors on combatting anti-Semitism.** The Department of Justice and Equal Employment Opportunity Commission should provide resources on combatting anti-Semitism, such as trainings, toolkits, guidance, and technical assistance detailing best practices on religious accommodation, explaining how to identify modern anti-Semitism,

³³¹ Fifth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 359-61 (2026) (Statement of Yitzchok Frankel); Fifth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 362-65 (2026) (Statement of Shabbos Kestenbaum); Fifth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 366-69 (2026) (Statement of Bruce Pearl); Fifth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 406-408 (2026) (Statement of Leo Terrell); Religious Freedom Institute, Public Comment, 181, 184, <https://www.justice.gov/religious-liberty-commission/media/1437931/dl?inline>.

³³² Fifth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 421-22 (2026) (Statement of Comm’r Rev. Franklin Graham).

³³³ Fifth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 366-69 (2026) (Statement of Bruce Pearl); Muslims for Muslims, Public Comment, 900, <https://www.justice.gov/religious-liberty-commission/media/1441456/dl?inline>.

and outlining the importance of eradicating anti-Semitism from the public square.³³⁴

The federal government can further protect religious liberty for people of Jewish faith and eradicate anti-Semitism by adopting the global recommendations made at the beginning of this report as well as the recommendations made in Chapter 3: Faith-Based Institutions and the Enduring Fight for Religious Identity, Mission, and Integrity, Chapter 4: Students Don't Check Their Rights at the Schoolhouse Gate, Chapter 5: The Fight for Faith on College Campuses, Chapter 6: Parents and Teachers, Chapter 7: Military, Chapter 8: Pulpit, Chapter 9: First Do No Harm - Religious Liberty in Healthcare, Chapter 10: Conscience and Coercion in Vaccine Policy, Chapter 12: Faith Under Fire in America's Houses of Worship, and Chapter 13: Barriers to Religious Liberty in the Public and Private Sectors.



³³⁴ Second Hearing of the Religious Liberty Comm'n, Hearing Transcript, 162-64 (2026) (Statement of Alyza Lewin); Fifth Hearing of the Religious Liberty Comm'n, Hearing Transcript, 366-69 (2026) (Statement of Bruce Pearl); Muslims for Muslims, Public Comment, 900, <https://www.justice.gov/religious-liberty-commission/media/1441456/dl?inline>; Religious Freedom Institute, Public Comment, 182, <https://www.justice.gov/religious-liberty-commission/media/1437931/dl?inline>.

Chapter 12: Faith Under Fire in America’s Houses of Worship

At the most fundamental level, the free exercise of religion encompasses the freedom to worship without fear of violence. Yet, across the country, houses of worship, from mosques to synagogues to temples to parish churches, are increasingly targeted, with heartbreaking results.

During the year of the Commission’s operations, some of the violence against religious communities included violence and vandalism at a temple of the Church of Jesus Christ of Latter Saints in Michigan, a Catholic parish and grade school in Minnesota, a San Diego Mosque, a Hindu Mandir in Indiana, and Jewish synagogues throughout the country.

These attacks on houses of worship tear at the very fabric of American life. As Commissioner **Eric Metaxas** reflected, “[O]ne of the joys of living in America is that the love most Americans have for genuine diversity of creeds. And so, when you hear of [attacks on Hindu Mandirs], you just want to know, ‘who is doing this?!’”³³⁵

The Mission Church – Pastor JC Cooper

On March 19, 2025, inside a packed sanctuary in Carlsbad, California, hundreds of people gathered for an interfaith service. Christian and Jewish attendees stood side by side, praying, worshipping, and listening to an educational talk about anti-Semitism and the conflict in Israel following the deadly October 7, 2023, attacks. For Pastor **JC Cooper** and his congregation at Mission Church, the evening was meant to reflect unity at a time of deep division.

“The sanctuary was packed with more than 450 people, Jews and Christians linked arms and held hands during worship in unity. It was a beautiful testimony of unity, the very unity that our nation needs today,” Pastor **Cooper** recalled during his testimony to the Commission’s fifth hearing on February 9, 2026.

As the service continued, a man stood up inside the sanctuary and began shouting. He accused both Jewish and Christian people of genocide and refused to leave when approached. Moments later, another agitator interrupted the service. Then another. In total, seven individuals, posing as guests, disrupted the gathering in a coordinated pattern, each timing their outburst to maximize disruption and fear.

The hostility did not remain verbal. Pastor **Cooper** described agitators screaming profanities in front of families, including his own children, and physically resisting removal. One individual, **Cooper** said, “slammed her body into me and others, and we almost fell down our balcony stairs.” Outside, a crowd gathered, shouting through bullhorns, blocking

³³⁵ Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript, 561 (2026) (Statement of Comm’r Eric Metaxas).

exits, and preventing congregants from leaving safely. “Our congregation, our Jewish guests, my wife, my children, and I literally feared for our safety,” he testified. The disruption did not end that night. The same agitators returned weeks later on Easter Sunday—the holiest day of the year for Christians—bringing with them the same noise, hostility, and intimidation. Activities for children were shut down, families were forced indoors, and some first-time visitors left before services even began.

Pastor **Cooper’s** testimony describes more than a single event, but a broader pattern in which houses of worship—places long understood to be sacred and protected spaces—are increasingly subject to disruption, intimidation, and targeted hostility. The incidents he described were not spontaneous. They were organized, repeated, and directed at a congregation because of the beliefs it expressed and the people it welcomed.

Sadly, in recent years, across different states, faith traditions, and settings, many Americans have experienced incidents in which worship was interrupted, congregants were threatened, and institutions failed to respond in ways that ensured basic safety. Taken together, their accounts raise a common question: whether the right to worship freely can be meaningfully exercised when the spaces in which that worship occurs are no longer secure.³³⁶

Congregation Ohr Torah – Dr. Moshe Glick

On November 13, 2024, a gathering at Congregation Ohr Torah in West Orange, New Jersey, began quietly and without incident. Jewish and Christian participants came together to pray for peace in Israel, for the safe return of hostages, and to reflect on shared concerns grounded in faith. Psalms were recited. Conversations were measured. It was, by all accounts, a peaceful evening inside a place of worship—until a protestor broke through a police line and charged into the gathering.

What began as a disruption quickly turned violent. Dr. **Moshe Glick** watched as a 64-year-old man, David Silberberg, was grabbed and forced into a chokehold before being slammed to the ground. “As a doctor and volunteer EMT I recognized late signs of a constricted airway,” Dr. **Glick** said. “His legs buckling, a critical indicator of impending loss of consciousness.”

Dr. **Glick** called for help, but no one intervened. As the man’s condition worsened, he stepped forward himself, using the small flashlight he was carrying to break the hold and free him. The assault was captured on video. According to Dr. **Glick’s** testimony, the attacker ignored police commands, used force, and later provided false statements.

³³⁶ Fifth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 393-94, 396-97 (2026) (Statement of Pastor JC Cooper).

The response by law enforcement not only failed to address the violent injustice that had taken place, but also wrongly penalized Dr. **Glick** for his courage in saving another person’s life against a violent perpetrator. The attacker was not charged, and no investigation was conducted. When Dr. **Glick’s** attorney pressed the Essex County prosecutor’s office, the response was direct: “No one else was investigated because no one else committed a crime. Only your client.”

Instead, Dr. **Glick** was arrested and charged with four felonies, including second-degree bias intimidation, third-degree aggravated assault, and two weapons-related offenses tied to the flashlight he used to intervene. “I’m likely the only panelist here who has been [] charged with four felonies that could have meant over 10 years in prison.”

A dentist with no criminal record, a volunteer EMT, and a nonprofit leader, Dr. **Glick** faced the possibility of prison, the loss of his license, and separation from his family. He was indicted twice, with the first indictment later abandoned due to procedural flaws. Prosecutors offered a diversionary program that would have required him to acknowledge wrongdoing—but he refused. “I fought for truth, for justice, for the principle that defending others from hatred must never be criminalized,” he shared with the Commission.

Just over two weeks before his testimony, on January 20, 2026, Dr. **Glick** received a full pardon from the Governor of New Jersey. But the threat of others facing the same torturous process that Dr. **Glick** faced has a chilling effect on the Jewish community—and others who simply want to defend the innocent against violence. “If the Essex County New Jersey prosecutor can weaponize the government against honest, hardworking citizens like me, shielding aggressors while targeting defenders, we are all in great peril,” he warned.³³⁷

Bochasanwasi Akshar Purushottam Swaminarayan Sanstha – Dr. Akshar Patel

During the Commission’s seventh hearing on April 13, 2026, Dr. **Akshar Patel** described what happens when instances of vandalism and harassment become a pattern.

When Dr. **Patel** appeared before the Commission, he began with what religious liberty has made possible. “My name is **Akshar Patel**, and I’m honored to represent Bochasanwasi Akshar Purushottam Swaminarayan Sanstha (BAPS), one of the largest Hindu organizations in the United States.”

Dr. **Patel’s** account reflected the experience of many Hindu Americans. He immigrated legally, attended medical school, built a career as a physician, and raised a family in the United States. His faith, he explained, has been central to that journey, shaping not only his personal life but his service to others.

³³⁷ Fifth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 398-401 (2026) (Statement of Dr. Moshe Glick).

“I’m fortunate to be able to serve my patients as their physician, serve my family, and serve my community, using my faith as my foundational driving force,” he said. That experience, he told the Commission, has been made possible by the protections afforded to religious communities in the United States. BAPS, the organization he represents, opened its first mandir in Queens, New York, in 1974. Over the next five decades, it expanded to more than one hundred mandirs across the country. In 2024, the organization completed the Akshardham mandir in Robbinsville, New Jersey, one of the largest Hindu temples in the world. As he said, “A story this amazing is only possible in America.”

The growth of the Hindu temple was not only about physical expansion. It reflected a broader pattern of integration and contribution. Dr. **Patel** described a community deeply engaged in service—organizing health fairs, supporting disaster relief efforts, conducting food drives, and encouraging civic participation. These efforts, he explained, are rooted in a core principle of Hinduism: service to others as a form of devotion.

“These efforts reflect how religious liberty does more than protect faith. It empowers communities to serve and strengthen the nation as a whole,” he stated.

For decades, religious liberty allowed Hindu Americans to build institutions, raise families, and contribute openly to society without fear. “But recently,” Dr. **Patel** observed, “something has changed.” He described a shift that has altered how many in his community experience their places of worship. In one year alone [prior to Dr. **Patel’s** testimony], there have been eight attacks on Hindu mandirs, including four targeting BAPS facilities. These incidents have included vandalism, hateful messaging, and actions that have created growing concern about safety.

For many families, this change has introduced a level of uncertainty that did not previously exist. Places that were once understood as spaces of reflection and community now require additional precautions. “Families who come to this country seeking freedom of religion are now worried about practicing their faith openly,” he reflected.

Dr. **Patel** emphasized that this concern extends beyond any single community, noting that “[u]nfortunately, many faith groups are experiencing similar hateful and anti-religious sentiments.”

His testimony placed these developments within a broader context. Religious liberty, he argued, is not only about protecting belief—it is about preserving the conditions that allow communities to build, serve, and participate fully in American life.

“It is my hope and wish that my seven-year-old son and many children like him will get to experience this same freedom and liberty to practice their faith,” he concluded.

Dr. **Patel's** account reflects a shift from stability to uncertainty. Religious liberty once enabled growth and confidence, yet, rising hostility has introduced new concerns about whether those same conditions will endure.³³⁸

Conclusion

These testimonies reflect a broader pattern in which the ability to worship without fear—long assumed to be secure in the United States—is increasingly under threat.

For generations, churches, synagogues, mosques, and mandirs have served as places of prayer and worship as well as centers of community life, education, and service. Individuals have gathered in these spaces trusting that they could do so without disruption, intimidation, or fear.

The testimonies outlined in this chapter suggest that such safety is no longer guaranteed. Pastor **Cooper's** congregation faced repeated, coordinated disruptions inside their sanctuary and a hostile crowd that blocked their ability to leave safely. Dr. **Glick** intervened to stop a violent assault at a religious gathering, only to face criminal charges while the aggressor was not prosecuted. And Dr. **Patel** described a steady rise in attacks on Hindu houses of worship, creating new concerns for families who once viewed these spaces as places of peace.

Although these accounts differ in circumstance, they point to a common concern. When houses of worship are disrupted, when violence occurs in their midst, or when threats and intimidation become more frequent, the consequences extend beyond a single event. The constitutional right to gather, pray, and practice one's faith openly depends on the existence of spaces where those activities can occur without interference.

In his testimony, Pastor **Cooper** also pointed to the limits of existing legal protections in preventing or responding to these events. Although the Freedom of Access to Clinic Entrances (FACE) Act is intended to protect access to places of worship, he described a situation in which its protections did not translate into immediate or effective enforcement on the ground. Law enforcement, he explained, was hesitant to intervene as agitators blocked entrances and exits, citing concerns about appearing to favor one group over another, even as worshippers were prevented from entering and leaving safely.

Dr. **Glick's** experience also raised concerns about how existing legal protections are applied after an incident occurs. His account described a situation in which those protections were not meaningfully enforced against the individual who initiated violence. Instead, the legal response focused on the person who intervened to stop it. In his view,

³³⁸ Seventh Hearing of the Religious Liberty Comm'n, Hearing Transcript, 552-54 (2026) (Statement of Dr. Akshar Patel).

the issue is not simply whether or not legal protections exist for houses of worship, but whether those protections are meaningfully applied and enforced so that congregations can gather without disruption or fear.

At the same time, these testimonies reflect something enduring. Across each account is a consistent recognition that religious liberty is not an abstract principle, but is lived out in communities, in families, and in the institutions that sustain them. The more those institutions are subjected to disruption or hostility, the more that principle is tested.

The concern raised by these accounts is not simply whether the right to worship is formally protected, but whether it can be meaningfully exercised in the places where it matters most. Addressing that question requires more than acknowledgment—it calls for clear, deliberate action to ensure that houses of worship remain sacred places where Americans of faith can gather freely and without fear.

Recommendations

In response to the testimony presented and public comments submitted to this body, the Commission recommends that the federal government take the following actions to protect religious freedom for houses of worship:

- **Prioritize investigating and prosecuting attacks on houses of worship.** The Department of Justice should prioritize investigating and prosecuting FACE Act violations against those who damage or destroy a place of worship or who use force, or the threat of force, to obstruct, injure, intimidate, or interfere with those gathered at a house of worship.³³⁹
- **Ensure accessibility of Non-Profit Security Grants.** The Department of Homeland Security should raise awareness of and increase the accessibility of security enhancement grants for houses of worship and non-profit organizations at high risk of attack.³⁴⁰
- **Classify religious institutions as essential.** The Department of Homeland Security should classify houses of worship and faith-based non-profits as

³³⁹ Fifth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 393-96 (2026) (Statement of JC Cooper); Fifth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 398-401 (2026) (Statement of Moshe Glick); Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript, 552-54 (2026) (Statement of Akshar Patel).

³⁴⁰ Religious Freedom Institute, Public Comment, 183, <https://www.justice.gov/religious-liberty-commission/media/1437931/dl?inline>.

Critical Infrastructure Sectors to remain open during emergencies.³⁴¹

- **Offer First Amendment training for law enforcement officers.** The Department of Justice should train law enforcement officers to differentiate between protected speech, such as that exhibited by peaceful pro-life protestors or parents advocating at school board meetings, and illegal harassment or violence, such as physical attacks on people of faith at houses of worship.³⁴²

The federal government can further protect religious liberty for houses of worship by adopting the global recommendations made at the beginning of this report as well as the recommendations made in Chapter 3: Faith-Based Institutions and the Enduring Fight for Religious Identity, Mission, and Integrity, Chapter 9: First Do No Harm - Religious Liberty in Healthcare, Chapter 10: Conscience and Coercion in Vaccine Policy, Chapter 11: Anti-Semitism, and Chapter 13: Barriers to Religious Liberty in the Public and Private Sectors.



³⁴¹ Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript, 590 (2026) (Statement of Comm’r Rabbi Meir Soloveichik); Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript, 591-94 (2026) (Statement of Comm’r Dr. Ryan Anderson); Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript, 546-48 (2026) (Written Statement of Helen Aguirre Ferré).

³⁴² Fifth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 392 (2026) (Statement of Liat Cohen-Reeis); Fifth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 398-401 (2026) (Statement of Dr. Moshe Glick); Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript, 552-54 (2026) (Statement of Dr. Akshar Patel).

Chapter 13: Barriers to Religious Liberty in the Public and Private Sectors

Commissioner Rabbi **Soloveichik** explained at the Commission’s first hearing that “uniquely American understanding of religious freedom ... does not seek a secular civic space. It welcomes faith into society in all of its multifaceted forms—never asking of Americans that, if we seek to be part of the polity, we check our observances at the door ...”³⁴³

Religious voices and perspectives have always been welcomed in the United States, though imperfectly at times.

“God save these United States and this honorable Court. In God we trust—on all of our currency. These are words that our Founding Fathers used and have used [since] the infancy of this country. The American experiment was built on many bold ideas and none more radical than this: we have inalienable rights that come from God,” said Commissioner Dr. **Phil McGraw**.³⁴⁴

Without establishing religion, we value and honor it in the same manner that we value and honor art, philosophy, education, statesmanship, science, as well as other experiences and contributions.

The alternative, which has been explored in countries like Soviet Russia, North Korea, Cuba and other oppressive regimes, is to subject people of faith to isolation, repression, and punishment. America has rejected this since the United States Constitution was signed in 1787.

Yet, as discussed in Chapter 1, secular ideologies, threatened by religious voices, seek to remove Americans of faith from the public discourse.

Cultural displays at holiday celebrations are welcome as long as they don’t express any religious culture or tradition. Personal expression and dialogue are valued in the workplace, unless that expression includes a religious perspective.

This troubling and intolerant trend is becoming standard, with hostility to religion growing increasingly overt. As Commissioner Vice Chair Dr. **Ben Carson** noted, “there are those who want to exclude religion from the public arena.”

³⁴³ First Hearing of the Religious Liberty Comm’n, Hearing Transcript, 15 (2025) (Statement of Comm’r Rabbi Soloveichik).

³⁴⁴ First Hearing of the Religious Liberty Comm’n, Hearing Transcript, 12 (2025) (Statement of Comm’r Dr. Phil McGraw).

³⁴⁵ Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript, 537 (2026) (Statement of Vice Chair Dr. Ben Carson).

The Commission notes that legal protections for religious liberty are critical. More than legality is in play when it comes to valuing religious persons and perspectives as part of society. A change of heart is needed, and that change will only occur if our leaders, in all sectors of society, begin to stand up for the truth. We need leaders in government, education, commerce, media, technology, science, and culture to publicly stand for respecting expressions of faith in the public square.

Shockingly, as the Commission learned, even some of America’s most respected public servants have been subject to such erasure and targeting.

Ambassador Sam Brownback

Ambassador Sam Brownback is one such leader. **Ambassador Brownback** is the former Ambassador-at-Large for International Religious Freedom, the 46th Governor of Kansas, and a former United States Senator. Yet, thirty-four days after opening a bank account in Washington, D.C., he was told his account no longer existed. There was no warning, no clear explanation, and no recourse.

“I’m sorry that account has been closed. The note here on the screen says it’s been done at the corporate office,” a bank employee told him, adding that the decision was final and that she was not supposed to say anything more.

The account belonged to the National Committee for Religious Freedom, which is a bipartisan organization **Ambassador Brownback** established to advocate for religious liberty in the United States. The group had done little more than open the account and begin operations. Yet within just over a month, it had been shut down.

Ambassador Brownback described the experience as part of a broader pattern. After years working on international religious freedom issues, he began to see similar pressures emerging domestically—not through imprisonment or overt violence, but through exclusion from essential services.

“What you’re seeing take place, it’s really this effort to suffocate people of faith in the public square,” he told the Commission during its fifth hearing in February at the Museum of the Bible in Washington, D.C.

In his case, the reasons for the account closure shifted repeatedly. He was told it might involve concerns about money laundering or domestic terrorism. Later, he was told the issue was incomplete paperwork. At another point, the explanation referenced his status as a “politically exposed person,” a designation that does not apply to domestic officials. Even after months of inquiries, no single, consistent justification was provided. “I’ve had five different reasons. I still don’t know why,” he said.

The account was eventually replaced at another institution, but the underlying issue remained unresolved. More significantly, **Ambassador Brownback** testified that once his experience became public, he was contacted by numerous other organizations—many of them religiously affiliated—who reported similar treatment but chose not to speak out. “They said they had not gone public because they thought it would hurt their fundraising. It would make it more difficult,” he explained.

His testimony framed the issue in broader terms. The concern was not limited to one bank or one organization. It was about whether individuals and groups could fully participate in economic and civic life while holding and expressing religious beliefs that may not align with prevailing cultural norms.

He stated that debanking is “really an effort to try to take people generally associated with traditional values and just make it hard for them to operate in the Body Politic America.” If an Ambassador, former United States Senator, and nationally recognized advocate for religious freedom could face these barriers, his experience suggested that others—without similar visibility or resources—could face even greater challenges.

Ambassador Brownback’s testimony highlights a shift in how religious liberty concerns can manifest. Rather than direct prohibition, the pressure can take the form of exclusion from financial systems, insurance markets, or professional networks—mechanisms that shape participation in everyday life.

Other witnesses have described how these pressures are experienced more broadly, raising questions about whether the protections afforded by law are matched by conditions in the marketplace and in the culture where those beliefs are lived out.³⁴⁶

Religious Liberty in the Private Sector

Lacey Smith did not expect to lose her career over a question.

For years, she worked as a flight attendant for Alaska Airlines, a job she described as deeply meaningful. Each flight brought a different set of people and circumstances, from moments of grief to moments of celebration. “As a Christian, I was able to use those brief moments on the plane to serve and love others the best that I could,” she said, recalling the way her faith shaped how she approached her work.

That sense of purpose extended beyond individual interactions. **Lacey** described Alaska Airlines as a place that had once encouraged open communication and welcomed a diversity of perspectives among employees. That all changed in February 2021, when the company posted an internal message expressing support for the “Equality Act” and invited

³⁴⁶ Fifth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 439-42 (2026) (Statement of Amb. Sam Brownback).

employee feedback. **Lacey** read the post and, drawing from her religious beliefs, submitted a question in response.

“As a company, do you think it’s possible to regulate morality?” she asked. That question set off a chain of events that ended her employment.

Shortly after posting the comment, **Lacey** was removed from her scheduled flights and called into an investigative meeting. She was instructed not to speak to anyone about the process. “It was incredibly isolating and intimidating,” she said, describing the weeks that followed.

During the investigation, **Lacey** explained that she opposed discrimination but had concerns about the implications of the legislation for people of faith. Those explanations did not change the outcome. Alaska Airlines terminated her employment, stating in her notice of discharge that “defining gender identity or sexual orientation as a moral issue is a discriminatory statement,” she recalled.

Lacey, however, understood the decision differently. “This confirmed to me that I was being targeted because of my religious beliefs about morality,” she said. She later learned that another employee had been terminated under similar circumstances. Internal communications, obtained during subsequent litigation, revealed a level of hostility that went beyond the initial decision. Union representatives who were expected to advocate on behalf of employees instead supported the termination. In one exchange, a union official stated that he “hated” her, while another wrote, “Can we please get somebody to shut down comments or put [a coworker] and **Lacey** in a burlap bag and drop them in a well?”

Company officials also framed religious belief itself as the problem. One internal communication stated that “employees actually do not have the right to believe that LGBTQ rights are immoral.” When asked where employees could express such views, a supervisor responded: “At home without any other employees being there to hear it.”

For **Lacey**, the consequences extended far beyond the loss of a job. “I lost my income and my health insurance. I lost a job I loved. I lost my security and I lost my future,” she said. The loss affected her family as well. Without the benefits of her position, she and her husband relocated across the country for financial reasons, leaving behind their community. Opportunities that had once been part of their plans—travel, time with family members living abroad—were no longer possible. “I felt bullied and hated by a company that told me that they value diversity,” she said.

Lacey’s testimony highlights the consequences that can follow when individuals express religious beliefs that conflict with prevailing institutional views. As she explained, many employees may never raise such concerns at all. “Many do not know their rights and are bullied into silencing their moral conscience in an attempt to hold to their jobs and security,” she said.

Her experience raises a broader question about the scope of religious liberty in the private sector. When employees face termination for expressing beliefs rooted in their faith—even in the form of a question—the practical ability to exercise those beliefs in everyday settings becomes uncertain.³⁴⁷

Hermione Susana

Hermione Susana had spent years building a life in New York City around work she valued. As a hospitality server at major venues like Madison Square Garden, she found purpose in the everyday interactions that came with the job—serving guests, connecting with families, and contributing to events that brought people together.

“I still remember the joy of serving fans at Madison Square Garden, chatting with families, sharing laughs over game nights, feeling part of something bigger,” she said.

That stability began to unravel in 2021. Following the COVID-19 pandemic shutdowns, venues gradually reopened with restrictions. **Hermione** returned to work early, even when it meant earning less than she could have by remaining unemployed. “I was eager to work,” she explained, describing her decision to return despite the uncertainty.

In May 2021, Madison Square Garden announced a vaccine mandate. Employees were required to be vaccinated or request a medical or religious accommodation. **Hermione** submitted a request based on her Catholic faith, explaining her beliefs about the sanctity of life. “My body is a temple of the Holy Spirit, and I could not in good conscience inject something I believe violated that sacred trust,” she said.

Her request was denied. According to **Hermione**, every religious accommodation request submitted by union members was rejected using a standard response. The company then treated unvaccinated employees as if they had resigned. “I quickly responded that I was not resigning, but my response was ignored,” she said.

Instead of a formal termination, **Hermione** and others were effectively removed from their jobs. They lost access to scheduling systems and stopped receiving communication from their employer. The situation intensified when New York City implemented its “Key to NYC” mandate, requiring vaccination for workers in indoor venues. As a result, **Hermione** was no longer able to work at the Barclays Center.

“That mandate was especially discriminatory,” she said, noting that exemptions were granted to performers, athletes, and their staff. “I watched as unvaccinated professional athletes and performers entered the same arena where I was barred,” she explained. For

³⁴⁷ Fifth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 443-45 (2026) (Statement of Lacey Smith).

Hermione, the inconsistency was difficult to reconcile. While certain categories of individuals were permitted to work without vaccination, employees with religious objections were excluded.

The consequences were cumulative. Over the course of several months, **Hermione** lost all three of her jobs, including positions she had held for more than a decade. By early 2022, she had also lost her apartment and was forced to relocate to Georgia to live with family.

“By January, 2022, I had lost all three jobs where I had worked for over a decade, my apartment and stability,” she said. Even after some mandates were lifted and exemptions expanded, the effects remained. **Hermione** was eventually able to return to some venues, but not all. Madison Square Garden did not rehire her.

“I still endure the financial burdens for my decision,” she said, noting the ongoing consequences, including lack of health insurance and difficulty securing stable housing.

Throughout her testimony, **Hermione** emphasized that her decision was not made lightly. She understood the cost but viewed it as a matter of conscience. “I did not want to give in to the temptation of obtaining false vaccination documentation to work because as an American, I have the right to my religious accommodation,” she said.

Her experience reflects a different set of pressures within the private sector. Rather than financial exclusion or termination for speech, her case involved conditions placed on employment that conflicted with her religious beliefs. “Religious liberty must never cost a person’s livelihood, home, or dignity in America,” she concluded.³⁴⁸

Government Displays of Religious Imagery and Expressions of Faith

Phyllis Morris

While the other witnesses in this chapter described challenges within the private sector, during the Commission’s fourth hearing on December 10, 2025, Texas native **Phyllis Morris** highlighted a different concern: the role of government in protecting—or restricting—religious expression in the public square.

In 2024, **Phyllis** set out to do what millions of Christians in the United States and across the world have done every Christmas for thousands of years: celebrate the birth of Jesus Christ with the installation of a Nativity scene.

³⁴⁸ Fifth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 446-47 (2026) (Statement of Hermione Susana).

Phyllis explained, “Nativity scenes have always been very meaningful to me,” recalling how her appreciation for the display began in childhood and continued throughout her life. As a member of the Sweetwater Woman’s Forum, she introduced a motion to purchase an outdoor Nativity set for public display at a courthouse—because, as she later said to the Commission: “The focal point” of the Christmas season was “Christ’s birthday, so why was not the emphasis there?”

Though her motion was initially approved by a local committee, **Phyllis** and her friends in Sweetwater, Texas had no idea of the headwinds they would soon face. Following the release of a letter to the editor in a local newspaper alleging that the display violated the Establishment Clause of the First Amendment, a public hearing was announced.

In response, **Phyllis** took it upon herself to study the law. She researched relevant First Amendment precedent, including recent federal appellate decisions, and stated: “My conclusion was that the Sweetwater Nativity was not only permissible, but it was, and is protected.” She shared those findings publicly, explaining both in the local newspaper and at the town’s public hearing that such displays fit within a long-standing national tradition of recognizing the religious origins of Christmas.

Her preparation proved critical. When the hearing was held, the response from the community was overwhelming. The room filled beyond capacity, with residents lining the halls and gathering outside. Many spoke in favor of the display, and in the end, the county commissioners declined to remove it. Instead, they clarified that other citizens could likewise display religious or secular symbols under the same conditions.

The result was not only the preservation of the Nativity, but a broader affirmation of equal access to the public square. “The Women’s Forum Nativity is now a permanent part of our annual Christmas display,” she shared. Reflecting on the experience, **Phyllis** described it as “a major victory for religious freedom.”

For thousands of years, Christians have staged Nativity scenes in their homes, churches, and communities to remember the birth of Christ and bring joy to those around them. People of many faith traditions have likewise expressed their beliefs openly in public spaces—because in the United States, religious expression has long been understood as part of civic life, not confined to private settings.³⁴⁹

Conclusion

Stories like Ambassador **Brownback’s**, **Lacey’s**, **Hermione’s** and **Phyllis’s** underscore the importance of ensuring that individuals are not discouraged from participating in public

³⁴⁹ Fourth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 349-51 (2025) (Statement of Phyllis Morris).

life because of their faith—and that private companies and government entities alike respect and uphold the constitutional protections that make such participation possible.

Each of these witnesses encountered barriers not from formal prohibitions written into law, but from decisions made by institutions that shape daily life—banks, employers, unions, and government bodies. Ambassador **Brownback** described being denied access to basic financial services without clear explanation. **Lacey** lost her job after raising a question grounded in her religious beliefs. **Hermione** faced the loss of multiple jobs, her home, and long-term stability after declining to comply with mandates that conflicted with her faith. **Phyllis**, in a different context, was required to defend a constitutionally protected expression of religious belief in the public square. In each instance, individuals sought to act in accordance with their beliefs. In response, they encountered consequences that affected their ability to work, participate in civic life, or express those beliefs openly.

Religious liberty in the United States has long been understood as more than a protection against government prohibition. It has also depended on the ability of individuals to participate fully in society without being excluded from essential services, employment, or public life because of their faith. When access to those spheres becomes conditional, the exercise of that liberty becomes more difficult in practice.

At the same time, these testimonies reflect the role of individuals in asserting and defending their rights. Each witness chose to act despite uncertainty about the consequences. Their experiences highlight both the protections that exist under the law and the challenges that can arise when those protections are tested in everyday settings. To prevent future instances of intrusion into the realm of religious practice, the Commission recommends the following actions.

Recommendations

In response to the testimony presented and public comments submitted to this body, the Commission recommends that the federal government take the following actions to protect religious freedom in the public and private sectors:

1. **Support legislation to end debanking.** The Administration should advocate for the passage of federal legislation codifying the President’s Executive Order, Guaranteeing Fair Banking for All Americans, and other legislation to end religious discrimination in banking, insurance, and data services.³⁵⁰
2. **Support litigation challenging debanking.** The Department of Justice should support strategic litigation challenging the legality of debanking under newly-

³⁵⁰ First Hearing of the Religious Liberty Comm’n, Hearing Transcript, 86 (2025) (Statement of Kristen Waggoner); Fifth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 439-42 (2026) (Statement of Amb. Sam Brownback); Exec. Order No. 14331, 90 FR 38925, (Aug. 7, 2025).

enacted state laws designed to end religious discrimination in financial services.³⁵¹

3. **End religious discrimination in accreditation.** Offices of Civil Rights in the appropriate federal departments and agencies should investigate and hold accountable professional accreditors and licensors that discriminate against individuals seeking accreditation—especially counselors, therapists, and social workers—due to their religious beliefs.³⁵²
4. **Support litigation upholding religious freedom in employment.** The Equal Employment Opportunity Commission should support strategic litigation seeking to protect religious freedom rights in employment, including the rights of employees to:
 - Participate in an interactive religious accommodation process with employers, resulting in genuine accommodation;
 - Be free from retaliation for requesting a religious accommodation or engaging in private religious speech while off-duty.³⁵³
5. **Provide “Know Your Rights” posters.** The Equal Employment Opportunity Commission should issue a “Know Your Rights” poster that employers may post in employee gathering areas.³⁵⁴
6. **Issue an opinion on *Bostock*.** The Department of Justice should issue guidance on how *Bostock v. Clayton County* should be interpreted to protect religious liberty in employment.³⁵⁵

³⁵¹ First Hearing of the Religious Liberty Comm’n, Hearing Transcript, 86 (2025) (Statement of Kristen Waggoner); Fifth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 439-42 (2025) (Statement of Amb. Sam Brownback).

³⁵² Third Hearing of the Religious Liberty Comm’n, Hearing Transcript, 231-34, (2025) (Statement of Dr. Todd Williams); Third Hearing of the Religious Liberty Comm’n, Hearing Transcript, 235-37 (2025) (Statement of John Bursch); Sixth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 461-62 (2026) (Statement of Kaley Chiles); Sixth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 519-20 (2026) (Statement of Dr. Susan Bane).

³⁵³ Fourth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 345-48 (2025) (Statement of Dr. Andrew Fox); Sixth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 443-45 (2026) (Statement of Lacey Smith); Sixth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 446-47 (2026) (Statement of Hermione Susana); Sixth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 466-68 (2026) (Statement of Valerie Kloosterman); Public Comment by the Ethics and Public Policy Center, 271, <https://www.justice.gov/religious-liberty-commission/media/1441456/dl?inline>.

³⁵⁴ Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript, 605 (2026) (Statement of Chairman, Lt. Gov. Dan Patrick).

³⁵⁵ Public Comment by the Ethics and Public Policy Center, 271, <https://www.justice.gov/religious-liberty-commission/media/1441456/dl?inline>.

7. **Welcome religious freedom heroes into the Department of Labor Hall of Honor.** The Department of Labor should select annual Hall of Honor inductees who courageously stood up for religious liberty in the field of labor.³⁵⁶
8. **Educate Americans on the true meaning of the Establishment Clause.** The Department of Justice should issue guidance explaining an originalist understanding of the Establishment Clause and providing on how the Establishment Clause applies to governmental entities in the areas of employees' religious speech, displays with religious imagery, partnerships with religious institutions, and public religious exercise.³⁵⁷
9. **Continue Efforts to Celebrate America's rich religious heritage and foundation of religious freedom.** The Administration should continue to celebrate America's rich religious heritage and foundations of religious freedom through proclamations celebrating holy days, calls to prayer and fasting, and the restoration of memorials with religious imagery.³⁵⁸
10. **Promote international religious freedom.** The White House Faith Office and the Ambassador at Large for International Religious Freedom should work together to ensure that religious freedom remains a central priority of U.S. foreign policy.³⁵⁹

The federal government can further protect religious liberty in the public and private sectors by adopting the global recommendations made at the beginning of this report as well as the recommendations made in Chapter 3: Faith-Based Institutions and the Enduring Fight for Religious Identity, Mission, and Integrity, Chapter 4: Students Don't Check Their Rights at the Schoolhouse Gate, Chapter 5: The Fight for Faith on College Campuses, Chapter 6: Parents and Teachers, Chapter 7: Military, Chapter 8: Pulpit, Chapter 9: First Do No Harm - Religious Liberty in Healthcare, Chapter 10: Conscience and

³⁵⁶ Seventh Hearing of the Religious Liberty Comm'n, Hearing Transcript, 591-594 (2026) (Statement of Comm'r Dr. Ryan Anderson).

³⁵⁷ First Hearing of the Religious Liberty Comm'n, Hearing Transcript, 21-24 (2025) (Statement of Gerald Bradley); First Hearing of the Religious Liberty Comm'n, Hearing Transcript, 45-46 (2025) (Statement of Mark David Hall); First Hearing of the Religious Liberty Comm'n, Hearing Transcript, 40-42 (2025) (Statement of Comm'r Rabbi Meir Soloveichik); First Hearing of the Religious Liberty Comm'n, Hearing Transcript, 64-68 (2025) (Statement of Stephanie Barclay); First Hearing of the Religious Liberty Comm'n, Hearing Transcript, 69-72 (2025) (Statement of Josh Blackman); Seventh Hearing of the Religious Liberty Comm'n, Hearing Transcript, 585-88 (2026) (Statement of Comm'r Kelly Shackelford).

³⁵⁸ First Hearing of the Religious Liberty Comm'n, Hearing Transcript, 41-42 (2025) (Statement of Comm'r Rabbi Meir Soloveichik); First Hearing of the Religious Liberty Comm'n, Hearing Transcript, 64-68 (2025) (Statement of Stephanie Barclay); Seventh Hearing of the Religious Liberty Comm'n, Hearing Transcript, 585-88 (2026) (Statement of Comm'r Kelly Shackelford).

³⁵⁹ First Hearing of the Religious Liberty Comm'n, Hearing Transcript, 86 (2025) (Statement of Kristen Waggoner).

Coercion in Vaccine Policy, Chapter 11: Anti-Semitism, and Chapter 12: Faith Under Fire in America's Houses of Worship.



Chapter 14: The Path Forward

Approximately 86 percent of the world’s population live in countries that restrict religious liberty.³⁶⁰ Today, as it has been throughout history, religious liberty is the exception rather than the rule.

Our Founders envisioned something different for the United States. “The Founders’ vision was that Jewish students could be authentically Jewish. Muslim students could be authentically Muslim. Protestant students could be authentically Protestant. Catholics could be authentically Catholic,” Commissioner Dr. **Ryan Anderson** explained.³⁶¹

The Founders enshrined in the First Amendment protections for citizens’ freedom to fulfill their duties to their Creator. Today, the United States ranks among the top three countries in the world for religious liberty.³⁶²

But as Civil Rights advocate **Clarence Henderson** said during the final hearing, “freedom is not self-sustaining.”³⁶³ The American people must choose whether to vociferously defend religious liberty or to allow the United States to join the other 86 percent of the world in repressing individuals’ first freedoms.

If Americans forfeit this fight, we will squander the magnificent inheritance of our Founders—and we will soon experience the consequences on an even more dramatic scale. Children will be alienated from their families, parents will be excluded from the most fundamental decisions about their children’s upbringing,³⁶⁴ and minors will be surgically reconstructed beyond repair.³⁶⁵

Students and teachers alike could face punishment for abiding by their religious beliefs. Service members could be removed from the military for choosing not to renounce their faith. Doctors could be pushed out of medicine for moral objections to procedures such as abortion and physician-assisted suicide. And places of worship could be raided by

³⁶⁰ *Global Restrictions on Religion*, PEW RSCH. CTR. (Dec. 17, 2009)

<https://www.pewresearch.org/religion/2009/12/17/global-restrictions-on-religion>.

³⁶¹ Commissioner Second Hearing of the Religious Liberty Comm’n, Hearing Transcript, 151 (2025) (Statement of Comm’r Dr. Ryan Anderson).

³⁶² *Global Restrictions on Religion*, PEW RSCH. CTR. (Dec. 17, 2009)

<https://www.pewresearch.org/religion/2009/12/17/global-restrictions-on-religion>.

³⁶³ Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript, 545 (2026) (Statement of Clarence Henderson).

³⁶⁴ Second Hearing of the Religious Liberty Comm’n, Hearing Transcript, 141 (2025) (Statement of Svitlana Roman); Second Hearing of the Religious Liberty Comm’n, Hearing Transcript, 135 (2025) (Statement of Jennifer Encinas).

³⁶⁵ Second Hearing of the Religious Liberty Comm’n, Hearing Transcript, 147 (2025) (Statement of Jennifer Mead); Second Hearing of the Religious Liberty Comm’n, Hearing Transcript, 105 (2025) (Statement of Lydia Booth).

government agents while anti-Semitism continues to spread like wildfire across the United States.

This may sound hyperbolic, but as the hearings have demonstrated, Americans have already faced these very circumstances. The question remains whether such heavy-handed government policies will become the norm. Even in other Western countries, governments have adopted many such policies. In the United Kingdom, police recently arrested army veteran and physiotherapist Adam Smith-Connor for the crime of silently praying.³⁶⁶ In Canada, Quebec’s Bill 21 bans public sector workers from wearing any religious articles, even those required by their faith, effectively barring Muslim, Sikh, Jewish, and other religious citizens from serving in public office.³⁶⁷ In Finland, Finnish MP Päivi Räsänen was recently convicted for the crime of expressing her religious perspective on human sexuality and also faced years of criminal prosecution for publicly sharing a Bible verse.³⁶⁸

We could pretend our other American freedoms will not follow suit as religious liberty declines, despite history’s proof that total government control **“begins with the individual ... seek[ing] to replace conscience with compliance, truth with ideology, and ultimately, God with the state.”**³⁶⁹

We could ignore the warning of Aleksandr Solzhenitsyn, who warned, “If I were asked ... the main cause of the ruinous Revolution that swallowed up some 60 million of our people, I could not put it more accurately than to repeat: ‘Men have forgotten God; that’s why all this has happened.’”³⁷⁰

But the witnesses who came before the Commission proved we have not and will not forget the Creator who made us and bestows our rights.

Despite bad actors in the government and within institutions, the American people time and time again have made it clear that they will defend our First Amendment freedoms. When presented with a choice, they choose religious liberty over government censorship, oppression, and control. They choose “yes”—“yes” to a country where physicians of all faiths can practice medicine in accordance with their sincerely held beliefs. Where children are free to embrace their family’s heritage and religion. Where service members

³⁶⁶ *Praying man breached abortion clinic safe zone*, BBC (Oct. 16, 2024), <https://www.bbc.com/news/articles/c4g9kp7r00vo>.

³⁶⁷ *Bill 21: Our Fight to Protect Religious Freedom and Equality*, Canadian Civil Liberties Association, <https://ccla.org/major-cases-and-reports/bill-21/> (last visited Jun. 16, 2026).

³⁶⁸ The Editors, *Finnish MP’s Conviction Proves Free Speech Is in Retreat in Europe*, Nat’l Rev., (March 31, 2026 6:30 AM), <https://www.nationalreview.com/2026/03/finnish-mps-conviction-proves-free-speech-is-in-retreat-in-europe/>.

³⁶⁹ Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript, 546 (2026) (Statement of Helen Aguirre Ferré).

³⁷⁰ Aleksandr Solzhenitsyn, *Acceptance Address*, Templeton Prize (May 10, 1983), <https://www.templetonprize.org/laureate-sub/solzhenitsyn-acceptance-speech/>.

can find strength in their faith in the face of danger. Where workplaces can be environments of respectful exchange and expression. Where clergy and religious leaders can contribute fully to the American Experiment to advance the common good.

The witnesses demonstrated that Americans have not forgotten our Founders' inheritance of courage, liberty, and strength. In the hearts of the American people, the song of freedom endures.

The recommendations that follow are based on the Commission's seven hearings, listening to more than 100 witnesses and experts. The vast majority of these witnesses had experienced firsthand the threat of governments or institutions that infringe upon Americans' religious liberties.

At the Religious Liberty Commission hearings, witnesses spoke from diverse perspectives and experiences. Yet, common themes arose in each hearing clearly indicating the root causes of the religious liberty violations as well as the harms that result. We will synthesize these root causes below and provide recommendations that focus on three aspects of our society: education, culture, and law and policy. While the summary below provides a brief overview of these recommendations, detailed descriptions and instructions for implementation are available in the appendix.

Public Awareness and Education

Civic Education

Testimonies showed that religious liberty violations often result from gaps in knowledge or understanding of the law rather than inadequate legal protections. As Commissioner **Kelly Shackelford** explained, Americans often have the law on their side, but either government officials or individuals themselves frequently do not know the law or have an overly narrow understanding of it.³⁷¹

For example, Dr. **Aaron Kheriaty** spoke of his experience as a medical student when he was instructed to participate in a procedure that violated his religious beliefs. He later learned that federal law protected his right to opt out, but neither his supervisor nor he, as a young student, was aware of these protections and how to invoke them. This confusion leads to a chilling effect as well as targeting and harassment.

Perhaps the most notable misunderstanding of the law relates to the originally useful metaphor of the wall of separation between church and state. This metaphor has been reappropriated to signify something that operates more like a "Berlin wall" of separation between church and state than a mutually respectful boundary. The misconception is now pervasive and often used to justify infringements on constitutionally protected religious

³⁷¹ Seventh Hearing of the Religious Liberty Comm'n, Hearing Transcript, 585 (2026) (Statement of Comm'r, Kelly Shackelford).

expression.³⁷² For example, the school leaders who removed Coach **Joe Kennedy** from his role at Bremerton High School as a penalty for his private prayer, suggested that his termination was required by separation of church and state. The Supreme Court clarified that the Constitution neither permits nor requires such repression, but this clarity came only after Coach **Kennedy** suffered through years of litigation and related strife for himself, his family, and his community.³⁷³

Recognizing this **knowledge gap** as a root cause of threats to religious liberty, the Commission’s recommendations include civic education and public awareness initiatives explaining to Americans the religious liberty protections to which they are entitled under law. Included in this public awareness effort is the principle that the church-state boundary might be better understood as a bridge, separate and distinct but conducive to a dynamic exchange where religious communities strengthen government and vice versa. On the one side of the bridge, religious Americans and faith-based organizations are among the most effective at helping to solve some of the greatest societal challenges: caring for the homeless, those struggling with addiction, vulnerable women and children, and giving people a renewed sense of hope and purpose in their lives.³⁷⁴ On the other side of the bridge, governments at the local, state, and federal level can adopt policies that enable these faith-based institutions to flourish and continue to do what they do best: bring the love of God into their communities in countless different ways.

As mentioned in the introduction, remedying the misunderstanding of the proper ordering of church and state does not involve or require advocating for “theocracy” or even the total elimination of any separation between church and state. While there are inevitably points of tension that arise, we can honor the distinct but complementary roles of the church and state.

The First Amendment has two key clauses that recognize both the state’s obligation not to impose religion on the people—as well as the people’s right to freely express their faith: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.”

Known as the Establishment Clause and the Free Exercise clause, these two clauses were revolutionary at the time, setting a new standard for nations to protect the conscience rights of their citizens. The implications of these rights have been and continue to be debated, discussed, and unpacked by nearly 250 years of jurisprudence. And while there are still areas of debate, it remains clear that religion and government are not inherently in conflict. As George Washington put it in his famous Farewell Address, “religion and morality are indispensable supports” to a democratic republic. In other words, a democratic

³⁷² Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript, 604-05 (2026) (Statement of Chairman Dan Patrick).

³⁷³ *Kennedy v. Bremerton Sch. Dist.*, 597 U.S. 507, 537 & n.5 (2022).

³⁷⁴ See Elizabeth Clark, *The Impact of Religion and Religious Organizations*, Liberty & Law Center Research Paper, 25 (May 25, 2022).

government will not long survive without people who are formed by their faith, guided by their convictions, and committed to living by virtues such as piety, justice, honesty, integrity, charity, and countless others that enable a free and independent people to govern themselves.

The Dangers of Ideology

The primary opposition to religious liberty comes from a contemporary ideology that seeks to replace religion.

Commissioner Bishop **Robert Barron** described this tension between ideology and religion: “the principal enemy of religious liberty in our country is ... the ideology of self-invention. This is the philosophical program that denies the objectivity of moral values and the stability of human nature, and which proposes, consequently, that individual choice alone is the determiner of purpose and meaning. This dictatorship of relativism has taken hold in many of our institutions of government, education, and healthcare, and its advocates correctly recognize that their most important intellectual opponents are precisely those who subscribe to traditional religion.”³⁷⁵

This ideology leads to laws that are fundamentally unjust and must be opposed, not only because they violate religious liberty, but because they violate the natural rights of all citizens.³⁷⁶

“[F]requently religious liberty violations are a result of unjust laws in the first place,” Commissioner Dr. **Ryan Anderson** explained. He gave the example of school district policies aggressively pushing educators to secretly transition their students. “To have a child transition ... let alone behind a parent’s back, that is simply unjust. It doesn’t matter if the parent is religious or non-religious. It doesn’t matter if that student is religious or non-religious ... to be doing this to minors at schools without parental involvement or consent—that in and of itself is unjust.”³⁷⁷

The Myth of Secular Neutrality

Particularly since the 1960s, philosophers from Karl Marx to Jean-Paul Sartre have become popular with a growing consortium of lawmakers, entertainment executives, and activists building off these philosophers’ ideas, this consortium has proposed establishing “secularism” as a solution to sidestep conflicts between the church and state. Secularism

³⁷⁵ Fourth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 580 (2025) (Statement of Comm’r Bishop Robert Barron).

³⁷⁶ Second Hearing of the Religious Liberty Comm’n, Hearing Transcript, 151 (2025) (Statement of Comm’r Dr. Ryan Anderson); see also Third Hearing of the Religious Liberty Comm’n, Hearing Transcript, 262 (2025) (Statement of Dr. Francis Beckwith).

³⁷⁷ *Id.*

arises when the healthy, legitimate, and mutually respectful boundary between church and state devolves into an ideology that denies citizens their right to express their religion and claims that only the government can determine the forms religion can take in society.³⁷⁸ This ideology asserts that religious perspectives cannot contribute to the public square, including the civil discourse and public affairs that are central to self-government. Despite claims of neutrality, those who espouse secularism have repeatedly tried to silence and exclude religious voices from the public square. As Advisory Board Member Dr. **Francis Beckwith** explained, when “a school explicitly requires that students and staff members to assent to moral beliefs or engage in activities that are inherently hostile to the religious views of students and staff members across a diversity of faith traditions. The school is in fact not being neutral as to religion.”³⁷⁹

Though not a religion, secularism, like theocracy, is incompatible with our First Amendment freedoms because it excludes religious voices from the process of self-government. Secularism itself reflects particular value judgments as well as cultural and philosophical assumptions. Its establishment would be neither neutral nor free because it would privilege one belief system to the exclusion of others—a stark contrast to the peaceful pluralism fundamental to a free society.³⁸⁰

“[T]here’s a philosophical issue which is secularism proposing itself as some kind of neutral ground, but it’s not neutral ground. Secularism as an ideology is a totalizing system. It wants to dominate the whole of life and therefore to exclude religion [from the public square],” reflected Commissioner Bishop **Robert Barron**.³⁸¹

³⁷⁸ See e.g., *Post-Synodal Apostolic Exhortation Ecclesia in Medio Oriente of his Holiness Pope Benedict XVI to the Patriarchs, Bishops, Clergy, Consecrated Persons, and Lay Faithful on the Church in the Middle East: Communion and Witness*, THE HOLY SEE (Sept. 14, 2012), https://www.vatican.va/content/benedict-xvi/en/apost_exhortations/documents/hf_ben-xvi_exh_20120914_ecclesia-in-medio-oriente.html (Contrasting healthy secularity with secularism as an ideology, explaining “[i]n its extreme and ideological form, secularity becomes a secularism which denies citizens the right openly to express their religion and claims that only the State can legislate on the public form which religion may take ... A healthy secularity, on the other hand, frees religion from the encumbrance of politics, and allows politics to be enriched by the contribution of religion, while maintaining the necessary distance, clear distinction and indispensable collaboration between the two spheres. No society can develop in a healthy way without embodying a spirit of mutual respect between politics and religion, avoiding the constant temptation either to merge the two or to set them at odds.”).

³⁷⁹ Third Hearing of the Religious Liberty Comm’n, Hearing Transcript, 262 (2025) (Statement of Dr. Francis Beckwith).

³⁸⁰ Second Hearing of the Religious Liberty Comm’n, Hearing Transcript, 160 (2025) (Statement of Comm’r Eric Metaxas).

³⁸¹ Fourth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 302 (2025) (Statement of Comm’r Bishop Robert Barron).

To address this problem, the Commission recommends a recommitment to peaceful pluralism that includes religion’s contributions to the public square and defends the free participation of religious Americans in our self-governing democracy.³⁸²

“[T]he overarching **philosophical recommendation in the Trump administration would be that religion is a force for good**,” as Commissioner Dr. **Ryan Anderson** explained. “It’s a positive human good. It’s a human right. It’s the first right in the Bill of Rights [and] it’s pluralistic, right? We’re not just Protestants any longer ... at first, you know, it was just Jews and Catholics were the religious minorities. And as the nation has grown now, Sikhs are religious minorities. And so, we have to think through. We accommodated Jews and Catholics. How do we now accommodate Sikhs? ... [T]hat’s America at its best. It’s pro-religion ...”³⁸³

Culture

Support for Religious Americans

Perhaps the most striking aspect of the hearings was the intensity of the human suffering resulting from violations of religious liberty and the crucial role that individual courage plays in the ongoing preservation of our first freedom.

Russian author Aleksandr Solzhenitsyn concluded that the surest defense of a society’s freedom is its **citizens’ personal refusal to participate in lies**. “For when people renounce lies, lies simply cease to exist,” Solzhenitsyn explained, “Like parasites, they can only survive when attached to a person,”³⁸⁴

The refusal requires courage, he warned. “Yes, at first it will not be fair. Someone will have to temporarily lose his job. For the young who seek to live by truth, this will at first severely complicate life, for their tests and quizzes, too, are stuffed with lies, and so choices will have to be made. But there is no loophole left for anyone who seeks to be honest: **Not even for a day**, not even in the safest technical occupations **can he avoid even a single one of the listed choices—to be made in favor of either truth or lies**, in favor of spiritual independence or spiritual servility.”³⁸⁵

Solzhenitsyn attributed the rise of the repressive Soviet state to citizens’ refusal to stand up to the ideology; the opposite is happening with Commission witnesses.

³⁸² Commissioner Dr. Ryan Anderson. Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript, 594 (2026) (Statement of Comm’r Dr. Ryan Anderson).

³⁸³ Fourth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 304 (2025) (Statement of Comm’r Dr. Ryan Anderson).

³⁸⁴ Aleksandr Solzhenitsyn, *Live Not By Lies* (Feb. 1974) (on file with the Aleksandr Solzhenitsyn Center).

³⁸⁵ *Id.*

The Commission witnesses showed heroic courage—the refusal to live by lies and the willingness to sacrifice personal comfort and popularity to ensure that their fellow Americans will not be forced to live under the repression of ideology. Our witnesses chose to “live not by lies,” and their commitment plays an outcome-determinative role in the preservation of religious liberty for all of us. And this commitment has come at a cost. Witnesses, from doctors to parents to children, spoke of feeling alone and finding themselves plunging into the most difficult seasons of their life.³⁸⁶

Commissioner **Paula White-Cain** observed that, “we focus a lot on the legal, and that’s so important. But as a pastor for many years in a ministry for years ... I heard so many people say, I’m lonely. I walk through this alone.”³⁸⁷

Advisory Board Member **Kristen Waggoner** underscored this by saying “most common comment that I get from clients, including churches and synagogues, and they say that they feel alone. And when you, as an example, stand up for your faith or your religious convictions, it can create hostility from civil servants in your community. It can also mean that you receive death threats aside from just the normal cancel culture.”³⁸⁸

Commissioner Rabbi **Meir Soloveichik** suggested ways to help religious Americans who face persecution know they are not alone: “[Y]ou see a small community impact, a church impacted here, synagogue impacted there, a store owner impacted, is there anything in place now that that a can allow that person, that litigant, that community to feel they are not alone and to allow other communities around America to really understand that this impacts all of us?”³⁸⁹

The Commission’s recommendations take these common challenges into consideration, seeking to support and recognize the contributions of religious individuals, particularly those who stand with courage in the face of religious discrimination. The Commission’s primary recommendation in this area is the creation of a Presidential Medal for Religious Liberty, along with First Freedom Hero awards, recognizing the everyday Americans who stand in the breach, sacrificing their own comfort and even security, to defend this first freedom.

³⁸⁶Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript, 595 (2026) (Statement of Comm’r Pastor Paula White-Cain).

³⁸⁷ Second Hearing of the Religious Liberty Comm’n, Hearing Transcript, 161 (2025) (Statement of Comm’r Pastor Paula White-Cain).

³⁸⁸ First Hearing of the Religious Liberty Comm’n, Hearing Transcript, 89 (2025) (Statement of Kristen Waggoner).

³⁸⁹ Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript, 588 (2026) (Statement of Comm’r Rabbi Meir Soloveichik).

Celebration of Religion and Its Contributions

In addition to supporting Americans who have faced ridicule and opposition, and even loss of livelihood, because of their faith, the Commission also affirmed the importance of championing the contributions of religion to American life.

Religion has always been foundational to our heritage, and Americans at every level of society can join in helping to recognize and celebrate these contributions.³⁹⁰

Commissioner Rabbi **Meir Soloveichik** noted that including moments of interfaith unity in National Parks and other national monuments would assist in ensuring that the values of religious liberty will endure.³⁹¹ Commissioner Dr. **Ryan Anderson** emphasized the importance of recognizing the courage of Americans who fight for religious liberty, noting what a society celebrates indicates its true values. Too often, our country forgets to celebrate faith. This must change if we wish to pass on the values of faith and freedom to the next generation.

Other Commissioners noted that, when participating in publicly available grant programs and other opportunities, faith-based organizations often face obstacles that similar, non-religious organizations do not face. In some cases, the receipt of grant funds would require the organizations to renounce fundamental religious beliefs to conform with the ideology of the government grantor. The result is a repressive impact on religious organizations' ability to participate freely and be present in the public square.

The Commission's recommendations will encourage public recognition of faith in American history, through memorials and public proclamations.

Law and Policy

Programs to teach and celebrate religious liberty will be critical to the preservation of our first freedom, but these must be accompanied with concrete improvements in law and policy.

The hearings indicated an urgent need for legislation and executive action clarifying existing legal protections, incentivizing compliance with current law, and holding violators accountable. As described below, they also indicated a need to make certain reforms to the legal system so that Americans cannot be targeted by the government for practicing their religion. Many Commissioners also cited the importance of nominating courageous

³⁹⁰ *Id.*

³⁹¹ Seventh Hearing of the Religious Liberty Comm'n, Hearing Transcript, 588 (2026) (Statement of Comm'r Rabbi Meir Soloveichik).

judges willing to decide challenging religious liberty cases on the merits and, by doing so, protect innocent citizens from years of litigation.

Education

The Constitution includes broad protections for parents' rights to oversee the upbringing of their children.

Yet, as **Jennifer** and **Shea Encinas** testified, even after the Supreme Court's ruling in *Mahmoud v. Taylor*, the Encinitas School District refused for months to provide religious accommodations to which parents are entitled under the Constitution and laws of the United States.³⁹²

The Commission recommends both legislation and administrative action clarifying the rights of parents to bring up their children in the faith, including and especially in matters of human sexuality.³⁹³ The Commission also recommends requiring schools to certify First Amendment compliance and notify parents, students, teachers and administrators of their religious liberty rights.

Healthcare

Medical professionals testified that they too often face choices between their livelihood and fidelity to their religious beliefs. The protections for religious liberty are not clear, and the hospital administrators who violate religious liberty laws are rarely held accountable. The result is that healthcare professionals often face a loss of livelihood and years of litigation to defend even basic religious freedoms.

This creates systemic problems, rooted in, as Commissioner Bishop **Robert Barron** explained, "an aggressive attitude toward those physicians and nurses who refuse on religious grounds to participate in certain medical procedures."³⁹⁴

The Commission recommends legislation clarifying the religious and conscience rights of healthcare professionals and medical students and providing recourse when those

³⁹² California School District Dismisses the Appeal of its Preliminary Injunction Loss, Agrees to Notify Parents and Provide Opt-Outs from Gender Ideology Lessons, FIRST LIBERTY, (Nov. 10, 2025), <https://firstliberty.org/cases/encinas/#simple2>.

³⁹³ Seventh Hearing of the Religious Liberty Comm'n, Hearing Transcript, 599-602 (2026) (Statement of Comm'r Dr. Phil McGraw); Sixth Hearing of the Religious Liberty Comm'n, Hearing Transcript, 507 (2026) (Statement of Comm'r Cardinal Timothy Dolan).

³⁹⁴ Seventh Hearing of the Religious Liberty Comm'n, Hearing Transcript, 581 (2026) (Statement of Comm'r Bishop Robert Barron).

freedoms are violated. The Commission also recommends mandatory First Amendment trainings for government-funded hospital systems and programs.

Military

The military hearing identified three key areas for legal and policy action. The first is clarifying First Amendment and Religious Freedom Restoration Act protections in the military setting. The second is ensuring that service members who did not receive full religious liberty protections are made whole and that those who have undermined religious liberty are held accountable. Finally, the hearing identified important actions needed in the context of the chaplaincy.

In the military context, courts have confirmed that both the First Amendment and Religious Freedom Restoration Act apply. Yet, either through bureaucratic complications which leave religious accommodations pending for years at a time or through misunderstandings that result in service members without dietary options that comport with their religious practices, service members are on the frontlines of religious discrimination.

As Commissioner Rev. **Franklin Graham** noted, many who experienced religious discrimination in the past, particularly in the employment setting, have not yet been made whole. Service members, in particular, often lost pensions and career opportunities, which have not been restored. The harm done to these Americans should be remedied.³⁹⁵

Faith-Based Institutions

Testimony from clergy and other leaders of religious institutions revealed three central problems: (1) violence against religious individuals and houses of worship, (2) limitations of the freedom to operate in accordance with their beliefs, and (3) challenges to participation in generally available grantmaking opportunities.

Archbishop **Cordileone** described succinctly, testifying that “there are sadly, countless examples of government suppression of the church’s ability to serve those out of reach of the government by enforcing a new and narrow kind of moral standard on faith communities that are at odds with commonly held moral standards for time immemorial. This is government intervention that does not tolerate genuine diversity despite rhetoric to the contrary.”³⁹⁶ Bishop **Barron** echoed this concern, concluding that “we must also be vigilant with respect to religious social service organizations such as Catholic charities that

³⁹⁵ Fourth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 299 (2025) (Statement Rev. Franklin Graham).

³⁹⁶ Sixth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 485 (2026) (Statement of Archbishop Cordileone).

receive federal funding. That financial support should not be contingent upon a repudiation of traditional teaching regarding marriage and family.”³⁹⁷

The Commission’s recommendations include legislation and administrative action clarifying the freedom of religious institutions to operate in accordance with their beliefs. There should be no double standards requiring religious institutions to renounce their beliefs to qualify for generally available public support. The recommendations also suggest steps to ensure religious institutions can participate in generally available funding programs without renouncing their beliefs or facing disproportionate bureaucratic hurdles.

The Legal System and the Judiciary

Finally, the hearings revealed opportunities for improvement in the legal system. Several witnesses were subject to multi-year, government-led litigation, simply for defending their legal rights. The Commission also recommended that private rights of action be created for religious liberty claims that currently require agency permission to proceed.

The Commissioners also noted that protections for religious liberty are only as strong as the judges who adjudicate religious liberty disputes. Justices Thomas and Alito have both echoed this concern, expressing alarm that federal judges too often look for excuses to avoid deciding controversial cases. Justice Thomas has condemned judges for “refus[ing] to do [their] job,” reminding them that the fear of deciding “a politically fraught issue does not justify abdicating our judicial duty ... We are not ‘to consult popularity,’ but instead to rely on ‘nothing ... but the Constitution and the laws.’”³⁹⁸ Justice Alito has similarly noted that “some federal courts are succumbing to the temptation” to “avoid” deciding certain “contentious constitutional questions.”³⁹⁹ Constitutional scholars have identified this as a problem of “judicial courage.”⁴⁰⁰

Our country’s leaders must look to appoint courageous judges with proven records of ruling on hard religious liberty cases.⁴⁰¹

³⁹⁷ Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript, 581 (2026) (Statement of Bishop Robert Barron).

³⁹⁸ *Gee v. Planned Parenthood of Gulf Coast, Inc.*, 586 U.S. 1057, 1059 (2018) (dissenting from denial of writ of certiorari).

³⁹⁹ *Parents Protecting Our Children, UA v. Eau Claire Area Sch. Dist.*, 145 S. Ct. 14, 14–15 (2024) (dissenting from denial of writ of certiorari).

⁴⁰⁰ See Josh Blackman, *Judicial Courage*, TEX. REV. L. & POL. 26 (2022); see also Josh Blackman, *Trump Must Pick Judges Who Have Publicly Demonstrated Their Courage*, CIVITAS INSTITUTE (Jan. 23, 2025).

⁴⁰¹ First Hearing of the Religious Liberty Comm’n, Hearing Transcript, 83 (2025) (Statement of Comm’r Kelly Shackelford; Commissioner).

Conclusion

On a frigid February night in 1943, German U-Boat 233 struck the USAT *Dorchester* in the icy waters north of Newfoundland.⁴⁰² The impact instantly killed dozens of service members and left the survivors on a sinking ship without light or power. Facing death in the freezing sea, soldiers began to panic.

But the panic was calmed by the chaplains of the USAT *Dorchester*—Rabbi Alexander D. Goode of Brooklyn, New York; Rev. Clark V. Poling of Columbus, Ohio; Rev. George L. Fox of Lewistown, Pennsylvania; and Father John Patrick Washington of Newark, New Jersey. The chaplains comforted the soldiers and guided them through the darkness to the lifeboats, providing life vests and overseeing a safe evacuation.

When life vests ran out, the chaplains gave their own away, then forfeited their spaces in the lifeboats to save others.

As the deck of the ship began sliding, survivors saw the four chaplains link arms and begin to sing hymns together, as they passed from this life into eternity with their Creator. The ship then slipped into the sea, taking the chaplains with it, as they made the ultimate sacrifice for their countrymen.

One survivor and witness described the chaplains' nobility and faith as "the finest thing I have seen or hope to see this side of heaven."⁴⁰³

Six decades later, Gerhard Buske, the German first officer of the U-boat which fatally struck the *Dorchester*, attended a memorial in Washington, D.C., to pay his respects to the fallen American chaplains. The survivors and their attackers gathered in the home of the widow of one of the fallen, Rabbi Alexander D. Goode. Once bitter enemies, the captain and the chaplains' surviving family members were brought together by the men's faith.

Gerhard marveled at this miracle, reflecting that the chaplains still have much to teach us today, that "we ought to love when others hate ... we can bring faith where doubt threatens; we can awaken hope where despair exists; we can light up a light where darkness reigns; we can bring joy where sorrow dominates."⁴⁰⁴

⁴⁰² Ronald Bailey, USASMDC, *The Four Chaplains story - Forging warfighter readiness and resiliency at Army SMDC*, U.S. ARMY (Feb. 2, 2026) https://www.army.mil/article/290294/the_four_chaplains_story_forging_warfighter_readiness_and_resiliency_at_army_smdc.

⁴⁰³ Karen Evans, *Four Chaplains and the Sinking of the USAT Dorchester*, TRIBUTE TO VETERANS (Nov. 8, 2021) <https://evanskaren.wordpress.com/2021/11/08/no-greater-glory-3-february-1943/>.

⁴⁰⁴ Command Sergeant Major James H. Clifford, *The U.S.A.T Dorchester and the Four Chaplains*, Four Chaplains Memorial Foundation, <https://fourchaplains.org/wp-content/uploads/2024/03/USAT-Dorchester-Story.pdf> (last visited June 17, 2026).

These are the lessons and contributions that religion offers society. Let us advocate, in our own spheres of influence, large or small, for the continued protection of religious liberty. Let us be worthy successors to the generations who came before us as we remain one nation, under God.

Appendix A: Know Your Rights FAQ

“Know Your Rights” FAQ

1. What should I know about the “wall of separation between church and state?”

The phrase “wall of separation between church and state” does not appear in the First Amendment or anywhere else in the Constitution. What the First Amendment does say about the relationship between religion and the government is that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.”⁴⁰⁵ In practical terms, that means that the government may not officially prefer one religion over another, take over the functions of a church, or coerce religious observance.⁴⁰⁶ For example, the government cannot dictate who will preach, teach, or carry out a religious institution’s mission, or from otherwise second-guessing an institution’s religious decisions.⁴⁰⁷

At the same time, the government also may not prohibit faith-based institutions and individuals from engaging in the “free exercise” of religion in public. The First Amendment and federal law guarantee, among other things, a public employee’s right to engage in personal prayer on public property;⁴⁰⁸ equal access to public spaces by religious groups, for religious purposes⁴⁰⁹; and individuals’ rights to live out their faith in many ways during their daily activities, including when practicing their professions. For example, a family business has a right to be free from certain federal regulations that would require a violation of the owners’ religious beliefs,⁴¹⁰ a medical professional has a right to abstain without consequences from performing certain federally-funded procedures that violate their faith,⁴¹¹ and a military member has a right to seek a religious accommodation that would permit him to serve without being forced to violate his faith.⁴¹²

⁴⁰⁵ U.S. Const. amend. 1.

⁴⁰⁶ See *Cath. Charities Bureau, Inc. v. Wis. Lab. & Indus. Rev. Comm’n*, 605 U.S. 238, 247–48 (2025); *Shurtleff v. City of Boston*, 596 U.S. 243, 285–86 (2022) (Gorsuch, J., concurring); *Kennedy v. Bremerton Sch. Dist.*, 597 U.S. 507, 537 & n.5 (2022); *Our Lady of Guadalupe Sch. v. Morrissey-Berru*, 591 U.S. 732, 748 (2020).

⁴⁰⁷ See *Our Lady*, 591 U.S. at 746–48; *Carson v. Makin*, 596 U.S. 767, 787 (2022); *Hosanna-Tabor Evangelical Lutheran Church & Sch. v. EEOC*, 565 U.S. 171, 173–74 (2012); *NLRB v. Catholic Bishop*, 440 U.S. 490, 502, 507 (1979).

⁴⁰⁸ *Kennedy*, 597 U.S. at 539–41.

⁴⁰⁹ *Good News Club v. Milford*, 533 U.S. 98, 112–13 (2001).

⁴¹⁰ *Hobby Lobby v. Burwell*, 573 U.S. 682, 692 (2014).

⁴¹¹ See generally 42 U.S.C. § 300a-7.

⁴¹² See e.g., *Singh v. Berger*, 56 F.4th 88, 97–98 (D.C. Cir. 2022).

Nothing in the First Amendment allows the government to create a “wall” between an individual’s personal faith and our nation’s public life. The idea that it does allow—or even require—that result only took off in the mid-twentieth century, when the Supreme Court began citing in religious liberty cases Thomas Jefferson’s 1802 letter to the Danbury Baptist Association, written 10 years after the First Amendment was ratified.⁴¹³ The Association had written Jefferson to congratulate him on his election to the presidency and his advocacy for religious liberty—a cause near and dear to the Danbury Baptists, who had dissented from Connecticut’s established Congregationalist Church. Jefferson responded by declaring:

“Believing with you that religion is a matter which lies solely between Man & his God, that he owes account to none other for his faith or his worship, that the legitimate powers of government reach actions only, & not opinions, I contemplate with sovereign reverence that act of the whole American people which declared that their legislature should ‘make no law respecting an establishment of religion, or prohibiting the free exercise thereof,’ thus building a wall of separation between church & state.”⁴¹⁴

One belabored metaphor cannot support the view that the aim of the First Amendment was to exile the practice of religion from public life. And no Founding-era evidence supports that conclusion either. Rather, as many scholars and judges, including Justice Clarence Thomas, have explained, that conclusion is an “ahistorical generalization ... substitut[ing] for careful constitutional analysis.”⁴¹⁵ The text and history of the First Amendment itself show that what the Constitution prohibits is “the type of actual legal coercion that was a hallmark of historical establishments of religion,” like establishing a church as the official religion of a state and requiring worship at that church—not public displays of a community’s religious culture.⁴¹⁶

From 1947 to 1980, the Supreme Court issued a series of decisions in which it relied on Jefferson’s non-contemporaneous “wall” metaphor to regulate children’s access to religious education in public schools,⁴¹⁷ ban school prayer,⁴¹⁸ and prohibit public displays of religion (such as public postings of the Ten Commandments).⁴¹⁹ But in more recent

⁴¹³ See *Everson v. Board of Education*, 330 U.S. 1, 16 (1947); see also *Wallace v. Jaffree*, 472 U.S. 38, 92–93 (1985) (Rehnquist, J., dissenting).

⁴¹⁴ Thomas Jefferson to the Danbury Baptist Association, 1 January 1802, *Founders Online*, National Archives, <https://founders.archives.gov/documents/Jefferson/01-36-02-0152-0006>.

⁴¹⁵ *Am. Legion v. Am. Humanist Ass’n*, 588 U.S. 29, 74 (2019) (Thomas, J., concurring in the judgment) (citing Phillip Hamburger, *Separation of Church and State*, 391–463 (2002) (tracing the relationship between nativism—particularly, anti-Catholicism—and the “modern myth of separation” as a constitutional principle)).

⁴¹⁶ *Id.* at 73–76 (Thomas, J., concurring).

⁴¹⁷ *McCullum v. Board of Education*, 333 U.S. 203, 209–12 (1948) (embracing the “wall” metaphor as a line for determining the constitutionality of public benefit programs that aid religious groups (citing *Everson v. Bd. of Educ.*, 330 U.S. 1, 15–16 (1947)); accord *Lemon v. Kurtzman*, 403 U.S. 602, 606–07, 615 (1971).

⁴¹⁸ *Engel v. Vitale*, 370 U.S. 421, 424–25 (1962).

⁴¹⁹ *Stone v. Graham*, 449 U.S. 39, 40–41 (1980).

years, the Supreme Court has retreated from the view that the First Amendment “compel[s] the government to purge from the public sphere” anything that “partakes of the religious,” and has begun reverting back to a historically-sound understanding of the role of religious expression in American life.⁴²⁰ Religious displays like the Bladensburg Peace Cross are allowed on public property.⁴²¹ States and towns can open their meetings with prayer.⁴²² Religious parents can use tuition assistance programs like vouchers to send their children to religious schools.⁴²³ As recently as 2022, the Supreme Court stated that the First Amendment’s “Religion Clauses” have “complementary purposes, not warring ones,” thereby allowing a high school football coach to publicly engage in personal prayer on the field after games.⁴²⁴

The concept of a “wall of separation between church and state” can wrongly imply that religion and the state are opposed to one another and must remain completely separate. In reality, however, religion and the state strengthen and support one another. Perhaps a better analogy is that religious liberty acts as a bridge between religion and state. In other words, when people of faith exercise their religious liberty by living that faith—from praying to serving the poor to treating people with charity to upholding moral standards—they live more fulfilling lives, build vibrant families, bolster our communities, and ultimately, strengthen our nation. In this way, religious liberty isn’t simply an appendage of our society. It is the beating heart of our republic and the lifeblood of America’s success.

2. If I am a parent with public school children, what religious liberty rights do I have?

Parents do not surrender their free-exercise rights when their children enter a public school. The Constitution protects the right of parents to direct the religious upbringing of their children and to be free from government policies, including those implemented in public schools, that substantially interfere with children’s religious development.⁴²⁵ In most cases, federal law also ensures that parents have the right to review the curriculum and content taught in public schools.⁴²⁶

⁴²⁰ *Kennedy*, 597 U.S. at 534–36, 543–44; see also *Espinoza v. Mont. Dep’t of Revenue*, 591 U.S. 464, 480–83, 486–87 (2020).

⁴²¹ *Am. Legion*, 588 U.S. at 38.

⁴²² See *Town of Greece v. Galloway*, 572 U.S. 565, 591–92 (2014).

⁴²³ *Carson*, 596 U.S. at 787–89.

⁴²⁴ *Kennedy*, 597 U.S. at 533, 539 (internal quotation marks omitted).

⁴²⁵ See *Espinoza*, 91 U.S. at 486; *Wisconsin v. Yoder*, 406 U.S. 205, 218 (1972).

⁴²⁶ See e.g., 20 U.S.C. §1232h(a) (requiring all educational programs receiving funds from the Department of Education to make “[a]ll instructional materials ... available for inspection by the parents or guardians of the children”); 20 U.S.C. §6318(d)(2) (requiring schools receiving certain federal grants to provide “frequent reports to parents on their children’s progress” and “meaningful communication” with parents); 20 U.S.C. §1232g(a)(1)(A) (prohibiting the disbursement of federal funds to any educational agency or institution that prevents parents from “inspect[ing] and review[ing] the education records of their children”).

The constitutional right to direct one’s children’s religious upbringing will in certain circumstances include the rights to receive notice of what one’s children are learning in school and to opt out of particular lessons or activities, such as field trips, school events, or school assemblies, that conflict with the family’s religious beliefs. For example, in 2025, the Supreme Court held in *Mahmoud v. Taylor* that a school district was required to provide notice and opt-out options to parents who sought to excuse their children from reading LGBTQ-themed storybooks that violated the families’ religious beliefs.⁴²⁷ And in 2026, the Supreme Court ruled in *Mirabelli v. Bonta* that parents likely have the right to a religious exemption from policies prohibiting disclosure of a child’s so-called “gender transition” while at a public school.⁴²⁸

3. If I am a parent and want to send my children to religious school—or start one—what religious liberty rights do I have?

Parents may send their children to the religious school of their choice, homeschool their children, start a religious school, and seek tuition assistance from the government for religious and non-religious schools alike.⁴²⁹ Practically, this means that, if your state provides financial assistance for your child to attend a private school of your choice—whether through vouchers, tax credits, scholarships, education savings accounts, or some other benefit—you have the right to use those benefits toward religious schools to the same extent as you could toward a non-religious school. As the Supreme Court has repeatedly emphasized, a “State need not subsidize private education. But once a state decides to do so, it cannot disqualify some private schools solely because they are religious.”⁴³⁰

4. If I am a teacher or a staff member in a public school, what religious liberty rights do I have on the job?

Public school teachers and staff do not shed their First Amendment rights when they walk into work.⁴³¹ They may engage in personal religious practices, lead voluntary prayer, and speak about their faith, so long as they are neither coercing students nor speaking pursuant to their official duties.⁴³² This means, for instance, that teachers are free to participate in voluntary religious services with students and fellow teachers after school hours or when teachers are otherwise free to attend to personal matters (like in-between

⁴²⁷ *Mahmoud v. Taylor*, 606 U.S. 522, 550–55 (2025) (citing *Yoder*, 406 U.S. at 218).

⁴²⁸ *Mirabelli v. Bonta*, No. 25A810, 2026 WL 575049 (U.S. Mar. 2, 2026).

⁴²⁹ See *Carson*, 596 U.S. at 780–81; *Espinoza*, 591 U.S. at 486–87; *Pierce v. Society of Sisters of the Holy Names of Jesus & Mary*, 268 U.S. 510, 534–35 (1925); *Meyer v. Nebraska*, 262 U.S. 390, 400 (1923).

⁴³⁰ *Carson*, 596 U.S. at 785 (quoting *Espinoza*, 591 U.S. at 487).

⁴³¹ *Garcetti v. Ceballos*, 547 U.S. 410, 417 (2006).

⁴³² See *Kennedy*, 597 U.S. at 527–30 (explaining that the government can regulate speech “ordinarily within the scope” of a public employee’s duties); *id.* at 540–41 (rejecting the notion that “schools [could] fire teachers for praying quietly over their lunch, for wearing a yarmulke to school, or for offering a midday prayer during a break before practice,” since “permitting private speech is not the same thing as coercing others to participate in it”).

classes or during a break).⁴³³ Teachers may also display religious symbols in their personal work spaces to the same extent as they are permitted to display non-religious material there.⁴³⁴ They are also not prohibited from sharing with students their religious beliefs.

5. If I am a public-school employee, can I put religious displays in my classrooms or teach religion in school?

As noted above, teachers and other school employees have a right to maintain religious material in their personal work area on the same terms as non-religious material.⁴³⁵ Further, public schools may teach about religion if it is done in the context of explaining its historical, literary, moral, or other implications—not as requiring religious observance.⁴³⁶ For much of American history, this was not controversial, and it only became so after the “wall of separation” metaphor distorted religious-liberty jurisprudence in the mid-twentieth century.

Since the Supreme Court has dispensed with that misimpression in recent years, it has not yet decided a case addressing the scope of permissible religious content or discussion in the classroom. But under existing Supreme Court precedent, the key distinction is between teaching about religion objectively and coercing religious observance.⁴³⁷ Accordingly, schools may include readings from religious works in their curricula for the purposes of teaching students about the historical, moral, and cultural significance of such texts. For example, the Book of Genesis could be studied as a literary masterpiece, or the Ten Commandments could be studied for its influence on the development of law. Although the Supreme Court’s 1980 decision in *Stone v. Graham* holds that it is unconstitutional for public schools to post copies of the Ten Commandments in classrooms,⁴³⁸ there is currently litigation over whether that holding remains applicable in light of intervening caselaw.⁴³⁹

⁴³³ *Id.* at 531, 542.

⁴³⁴ See *Warnock v. Archer*, 380 F.3d 1076, 1082 (8th Cir. 2004); *Tucker v. California Department of Education*, 97 F.3d 1204, 1215–16 (9th Cir. 1996).

⁴³⁵ *Id.*

⁴³⁶ *Sch. Dist. of Abington Twp., Pa. v. Schempp*, 374 U.S. 203, 225 (1963).

⁴³⁷ *Id.*; see also *Stone*, 449 U.S. at 42 (“[T]he Bible may constitutionally be used in an appropriate study of history, civilization, ethics, comparative religion, or the like.”).

⁴³⁸ *Stone*, 449 U.S. at 42–43.

⁴³⁹ See *Nathan v. Alamo Heights Ind. Sch. Dist.*, 173 F.4th 576, 583–84 (5th Cir. 2026) (en banc) (concluding that a Texas law requiring public schools to display a copy of the Ten Commandments in classrooms “looks nothing like a historical religious establishment” and does not implicate the Free Exercise Clause because “merely exposing children to religious language is [not] enough to make the displays engines of coercive indoctrination”).

6. If I am a student at a public school at any level (K-12 or higher education), what religious liberty rights do I have?

Students can engage in private religious expression at school to the same extent that private non-religious expression is allowed.⁴⁴⁰ As a result, students have the right to engage in peaceful exercise of their religious beliefs on campus. That can include forming or joining religious clubs,⁴⁴¹ accessing school facilities without exclusion or religious discrimination,⁴⁴² using facilities for religious activities during noninstructional time,⁴⁴³ distributing religious materials where other materials may be distributed,⁴⁴⁴ speaking from a religious perspective in appropriate classroom settings,⁴⁴⁵ praying privately or with others,⁴⁴⁶ and participating in “released time” programs where offered (*i.e.*, leaving school early to attend religious instruction at a religious institution).⁴⁴⁷

7. If I am an employee, what religious liberty rights do I have at work?

Employees may engage in private religious expression at work to the same extent that private non-religious expression is allowed.⁴⁴⁸ That can include displaying religious items and sharing one’s beliefs with coworkers in appropriate settings.⁴⁴⁹ Employees may also seek reasonable accommodations for their religious practices (such as time off on religious days of obligation) when doing so does not pose an “undue hardship” to the employer’s business,⁴⁵⁰ and may engage in off-duty religious activities and expression in the same manner as any other citizen.

⁴⁴⁰ *Fellowship of Christian Athletes v. San Jose Unified Sch. Dist. Bd. of Educ.*, 82 F.4th 664, 672 (9th Cir. 2023) (en banc) (explaining that, in schools as elsewhere, “the government may not ‘single out’ religious groups ‘for special disfavor’ compared to similar secular groups” (quoting *Kennedy*, 597 U.S. at 514)); see also *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 512–13 (1969).

⁴⁴¹ See *Fellowship of Christian Athletes*, 82 F.4th at 672.

⁴⁴² See *Frankel v. Regents of the Univ. of California*, 744 F. Supp. 3d 1015, 1026 (C.D. Cal. 2024), appeal dismissed, 2024 WL 4803385 (9th Cir. Aug. 26, 2024).

⁴⁴³ *Good News Club*, 533 U.S. at 107, 113 & n.5.

⁴⁴⁴ See *Hedges v. Wauconda Cmty. Unit Sch. Dist. No. 118*, 9 F.3d 1295, 1297 (7th Cir. 1993) (“[N]o arm of government may discriminate against religious speech when speech on other subjects is permitted in the same place at the same time.”).

⁴⁴⁵ See *Walz v. Egg Harbor Twp. Bd. of Educ.*, 342 F.3d 271, 280 (3d Cir. 2003) (“[W]here the school solicits individual views in a classroom assignment, students should be able to respond in a non-disruptive manner.”); see also *id.* at 280 (rejecting student’s free exercise claim since “[Plaintiff] was not attempting to exercise a right to personal religious observance in response to a class assignment or activity”).

⁴⁴⁶ See *Chandler v. Siegelman*, 230 F.3d 1313, 1317 (11th Cir. 2000) (explaining that student-initiated prayer is “private and . . . protected”).

⁴⁴⁷ *Zorach v. Clauson*, 343 U.S. 306, 315 (1952).

⁴⁴⁸ See *E.E.O.C. v. Abercrombie & Fitch Stores, Inc.*, 575 U.S. 768, 775 (2015); *Hedges*, 9 F.3d at 1297.

⁴⁴⁹ For more examples of private religious expression protected by federal law, see the sources and examples cited in OPM, *Protecting Religious Expression in the Federal Workplace 3--5* (Jul. 28, 2025), <https://www.opm.gov/chcoc/latest-memos/protecting-religious-expression-in-the-federal-workplace.pdf>.

⁴⁵⁰ *Groff v. DeJoy*, 600 U.S. 447, 468–69 (2023).

8. If I work in healthcare, what religious liberty rights do I have?

Federal law gives healthcare workers multiple conscience protections. The Church Amendments prohibit healthcare workers in certain federally-funded institutions and programs from being forced to participate in abortion or sterilization procedures against their conscience—including by protecting workers from being fired or otherwise punished for conscience-based refusals.⁴⁵¹ The Coates-Snowe Amendment prohibits the federal government and any state or local government entity receiving federal funds from discriminating against any healthcare worker who refuses to undergo, require, or provide abortion training; to perform abortions; or to provide referrals for abortions or abortion training.⁴⁵² The Weldon Amendment prohibits certain federal monies from funding federal, state, or local agencies or programs that discriminate against healthcare workers or entities that do not provide, pay for, provide coverage for, or refer for abortions.⁴⁵³ The Vaccines For Children statute requires any provision of federally-funded pediatric vaccines by state providers to comply with any state law religious exemptions to compulsory vaccination rules.⁴⁵⁴ The Affordable Care Act prohibits the federal government and recipients of funding under that Act from discriminating against healthcare institutions or workers who refuse to facilitate assisted suicide, euthanasia, or mercy killing.⁴⁵⁵ Finally, the Religious Freedom Restoration Act has been interpreted to protect healthcare workers from being compelled by the federal government to provide so-called “gender reassignment” procedures.⁴⁵⁶

9. If I am a foster parent, what religious liberty rights do I have?

Foster parents have the right to participate in foster care programs without religious discrimination and to live out their faith while caring for children.⁴⁵⁷ That can include sharing their beliefs with children in their home⁴⁵⁸ and seeking exemptions from training requirements or policies that interfere with their religious exercise.⁴⁵⁹

⁴⁵¹ See HHS Office of Civil Rights, *Safeguarding Federal Conscience and Related Protections in Health Care* 2–3 (Jan. 21, 2026), <https://www.hhs.gov/sites/default/files/conscience-dcl.pdf>.

⁴⁵² *Id.* at 3.

⁴⁵³ *Id.*

⁴⁵⁴ *Id.* at 4.

⁴⁵⁵ *Id.*

⁴⁵⁶ See *Franciscan All. Inc. v. Becerra*, 47 F.4th 368 (5th Cir. 2022) (affirming permanent injunction of HHS rule interpreting the Affordable Care Act to require federally funded health care programs to provide gender-reassignment surgeries).

⁴⁵⁷ See, e.g., *Fulton v. City of Philadelphia*, 593 U.S. 522, 542 (2021); *Bates v. Pakseresht*, 146 F.4th 772, 783, 790–91 (9th Cir. 2025) (“Adoption is not a constitutional law dead zone.”); *Lasche v. New Jersey*, No. 20-2325, 2022 WL 604025, at *5 (3d Cir. Mar. 1, 2022) (“[Plaintiffs] plausibly allege that they engaged in constitutionally protected conduct by sharing their religious views on same-sex marriage with Foster Child 1.”); *Burke v. Walsh*, No. 23-cv-11798, 2024 WL 3548759, at *7–8 (D. Mass. June 5, 2024); *Blais v. Hunter*, 493 F. Supp. 3d 984, 996, 1000 (E.D. Wash. 2020).

⁴⁵⁸ *Lasche*, 2022 WL 604025 at *4-7.

⁴⁵⁹ See *Bates*, 146 F.4th at 800–801 (ordering a preliminary injunction against state’s application to a potential foster parent of a policy that would have required the potential foster parent to use a child’s preferred

10. If I am a member of the armed forces, what religious liberty rights do I have?

Service members retain the right to exercise their religion,⁴⁶⁰ to receive support from chaplains,⁴⁶¹ to worship according to their faith tradition,⁴⁶² and to seek accommodations when military rules interfere with religious practice.⁴⁶³ Those accommodations can extend to religious observance, symbols, and speech, as well as access to the rites or support that a service member’s faith requires.⁴⁶⁴ This includes the right for service members to wear their uniform to religious services or off-base religious functions; and the right to distribute information about religious services.

11. If I run a religious organization, what religious freedom protections do I have?

Religious organizations, including houses of worship, religious schools, and other faith-based ministries,⁴⁶⁵ generally have broad autonomy over internal decisions that are essential to their mission.⁴⁶⁶ That autonomy includes the rights to require employees to align with the religious organization’s beliefs, codes of conduct, and mission; to set internal religious standards; to resolve internal religious disputes; and to seek protection from government actions that intrude on religious operations.⁴⁶⁷

pronouns and facilitate appointments for “gender transitions” as a condition of license, over the potential foster parent’s religious objections).

⁴⁶⁰ See *Katkoff v. Marsh*, 755 F.2d 223, 235 (2d Cir. 1985) (explaining “the necessity of recognizing the Free Exercise rights of military personnel”); *Schempp*, 374 U.S. at 226 n.10.

⁴⁶¹ See *Id.* at 234 (“Congress recognized as early as 1850 that its failure to provide a chaplaincy would deprive soldiers of their Free Exercise rights.” (citing H.R. Rep. No. 171, 31st Cong., 1st Sess. (1850))); *Schempp*, 374 U.S. at 226 n.10 (noting that “unless [the government] permits voluntary religious services to be conducted with the use of government facilities, military personnel would be unable to engage in the practice of their faiths”); see also 10 U.S.C. §§ 7073, 8082, 9039 (establishing chaplains in the service branches).

⁴⁶² See *Katkoff*, 755 F.2d at 236 (acknowledging “the many religious denominations involved” in constitutionally necessary military chaplaincy services).

⁴⁶³ See, e.g., *Singh*, 56 F.4th at 97–98 (holding that Religious Freedom Restoration Act, 42 U.S.C. § 2000bb-1, required the Marine Corps to permit Sikh recruits to maintain unshorn hair and carry religious articles during boot camp).

⁴⁶⁴ *Id.*; see also, e.g., *Rigdon v. Perry*, 962 F. Supp. 150, 161 (D.D.C. 1997) (preliminarily enjoining military policy prohibiting chaplains from encouraging their congregants to contact Congress about pending legislation on abortion).

⁴⁶⁵ See *Seattle’s Union Gospel Mission v. Woods*, 142 S. Ct. 1094, 1096 (2022) (Alito, J., statement respecting denial of certiorari) (identifying some of the “many” religious organizations to which “the guarantee of church autonomy” applies).

⁴⁶⁶ *Our Lady*, 591 U.S. at 736 (“The First Amendment protects the right of religious institutions ‘to decide for themselves, free from state interference, matters of church government as well as those of faith and doctrine.’” (quoting *Kedroff v. Saint Nicholas Cathedral of Russian Orthodox Church in N. Am.*, 344 U.S. 94, 116 (1952))).

⁴⁶⁷ *Id.* at 746–47; *Catholic Bishop*, 440 U.S. at 507; *Kedroff*, 344 U.S. at 107–08; see also *Corp. of the Presiding Bishop v. Amos*, 483 U.S. 327, 336 (1987) (citing 42 U.S.C. § 2000e-1(a) (exempting religious employers from

12. If I am a religious leader, can I preach and teach about public issues from the pulpit?

Religious leaders have strong First Amendment protections when they preach and teach, including about public issues.⁴⁶⁸ However, there is one major threat to the right of faith leaders to speak freely: The Johnson Amendment, a 1954 provision of the U.S. tax code that prohibits 501(c)(3) non-profit organizations, including churches, from endorsing one candidate over another.⁴⁶⁹ In 2017, President Trump signed an Executive Order “to defend the freedom of religion and speech,” in which he directed the Department of the Treasury to refrain, to the extent permitted by law, from identifying new categories of religious speech as impermissible partisan intervention.⁴⁷⁰ However, this action could be reversed by a future administration. Many scholars believe that the Johnson Amendment is unconstitutional—yet, it will remain applicable until it’s challenged in court.

13. If I am a local legislator, can I open public meetings with prayer, add religious holidays to the calendar, or maintain religious displays on public property?

Yes. Public meetings may be opened with prayer, communities may recognize religious holidays, and public property may display religious imagery to the extent that those practices fit within the Nation’s historical traditions, do not evince discriminatory intent or intolerance for differing views, and do not coerce participation.⁴⁷¹

Additionally, when the government opens a forum for private speech, it may not restrict religious speakers or religious viewpoints from participation with respect to otherwise permitted subjects.⁴⁷² For example, if a town hall allows non-religious groups to rent out the space, it must also allow religious groups to rent the space for the same purposes. Or if a city transit system allows non-religious groups to advertise their hours of operation on the transit system, then religious groups must also be allowed to advertise their hours of worship or other religious activities.

Title VII’s antidiscrimination provisions “with respect to the employment of individuals of a particular religion to perform work connected with the carrying on [of religious] activities”); *Union Gospel Mission Yakima Wash. v. Brown*, 162 F.4th 1190, 1196–97 (9th Cir. 2026); *Huntsman v. Corp. of the President of the Church of Jesus Christ of Latter-Day Saints*, 127 F.4th 784, 798–09 (9th Cir. 2025) (Bress, J., concurring).

⁴⁶⁸ See *Hosanna-Tabor*, 565 U.S. at 199 (Alito, J., concurring, joined by Kagan, J.) (“The First Amendment protects the freedom of religious groups to engage in certain key religious activities, including the conducting of worship services and other religious ceremonies and rituals, as well as the critical process of communicating the faith.”).

⁴⁶⁹ 26 U.S.C. § 501(c)(3).

⁴⁷⁰ See Exec. Order No. 13798, 82 Fed. Reg. 21675 (May 4, 2017).

⁴⁷¹ See *Town of Greece*, 572 U.S. at 577-78, 585–87; *Lynch v. Donnelly*, 465 U.S. 668, 680 (1984); see also *Am. Legion.*, 588 U.S. at 55–56, 63.

⁴⁷² *Shurtleff*, 596 U.S. at 258–59.

14. If I am a president, governor, or mayor, can I issue proclamations about religious holidays or issues?

Yes. Elected leaders may issue proclamations that reflect the religious traditions and culture of their communities, so long as the proclamations do not coerce religious observation or reflect a policy of discrimination among faiths.⁴⁷³

⁴⁷³ See *Lynch*, 465 U.S. at 675–78 (acknowledging the long history of such proclamations in our nation); *Town of Greece*, 572 U.S. at 585–86, 588.

Appendix B: Detailed Recommendations

12 Key Recommendations to Strengthen Religious Liberty for All Americans

1. Instruct the **Department of Justice to issue guidance clarifying** the proper understanding of the Establishment Clause and separation of church and state.⁴⁷⁴
2. The Department of Justice, Department of Health and Human Services, and Equal Employment Opportunity Commission should issue **Know Your Rights Posters** and **FAQ** for students, parents, public school teachers and administrators, religious leaders, religious institutions, healthcare workers, and military service members.⁴⁷⁵
3. Any public official who alleges a person under their supervision has **improperly engaged in religious expression must provide a written explanation of the alleged violation** to the person accused within 30 days of any action and explain that charge based upon a specific constitutional provision or provision of law.
4. Instruct the Department of Justice, Department of Health and Human Services, and Equal Employment Opportunity Commission, to explore opportunities to create **religious liberty violation reporting hotlines/online portals** for students, parents, teachers, healthcare workers, and others to obtain support in the face of religious liberty violations and increase public awareness of existing reporting channels.⁴⁷⁶
5. **Nominate and confirm federal judges with a history of showing courage to decide religious liberty cases on the merits** where warranted, rather than engage in improper judicial avoidance.⁴⁷⁷

⁴⁷⁴ *E.g.* First Hearing of the Religious Liberty Comm’n, Hearing Transcript, 32 (2025) (Statement of Gerald Bradley); First Hearing of the Religious Liberty Comm’n, Hearing Transcript, 40 (2025) (Statement of Mark David Hall); First Hearing of the Religious Liberty Comm’n, Hearing Transcript, 72-3, 95-6 (2025) (Statement of Comm’r Rabbi Meir Soloveichik); First Hearing of the Religious Liberty Comm’n, Hearing Transcript, 72-3, 95-6 (2025) (Statement of Stephanie Barclay); First Hearing of the Religious Liberty Comm’n, Hearing Transcript, 72-3, 95-6 (2025) (Statement of Josh Blackman).

⁴⁷⁵ Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript, 539 (2026) (Statement of Chairman Lt. Gov. Dan Patrick).

⁴⁷⁶ Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript, 604 (2026) (Statement of Chairman, Lt. Gov. Dan Patrick).

⁴⁷⁷ *See e.g.*, First Hearing of the Religious Liberty Comm’n, Hearing Transcript, 24 (2025) (Statement of Mark Rienzi); First Hearing of the Religious Liberty Comm’n, Hearing Transcript, 87 (2025) (Statement of Kristen Waggoner); Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript, 585-6 (2026) (Statement of Comm’r Kelly Shackelford); Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript, 591 (2026) (Statement of Comm’r Allyson Ho).

6. Ask the Department of Justice to create a religious liberty task force to track and **prioritize litigation protecting religious liberty.** ⁴⁷⁸
7. **Combat anti-Semitism** through enforcement of civil rights laws, litigation of credible allegations of anti-Semitic discrimination and violence, and civic education. ⁴⁷⁹
8. Protect religious Americans from government-**led litigation targeting their free exercise.** ⁴⁸⁰
9. Repeal the **Johnson Amendment.** ⁴⁸¹
10. Order the **Department of War** to streamline and improve the religious accommodation process. ⁴⁸²

⁴⁷⁸ First Hearing of the Religious Liberty Comm’n, Hearing Transcript, 72-3, 95-6 (2025) (Statement of Stephanie Barclay); First Hearing of the Religious Liberty Comm’n, Hearing Transcript, 72-3, 95-6 (2025) (Statement of Josh Blackman); Second Hearing of the Religious Liberty Comm’n, Hearing Transcript, 177-79 (2025) (Statement of Kim Colby).

⁴⁷⁹ Fifth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 359-61 (2026) (Statement of Yitzchok Frankel); Fifth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 362-65 (2026) (Statement of Shabbos Kestenbaum); Fifth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 366-69 (2026) (Statement of Bruce Pearl); Fifth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 406-408 (2026) (Statement of Leo Terrell); Second Hearing of the Religious Liberty Comm’n, Hearing Transcript, 162-64 (2025) (Statement of Alyza Lewin); Religious Freedom Institute, Public Comment, 181, 184, <https://www.justice.gov/religious-liberty-commission/media/1437931/dl?inline>; Muslims for Muslims, Public Comment, 900, <https://www.justice.gov/religious-liberty-commission/media/1441456/dl?inline>; Religious Freedom Institute, Public Comment, 182, <https://www.justice.gov/religious-liberty-commission/media/1437931/dl?inline>.

⁴⁸⁰ Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript, 594 (2026) (Statement of Comm’r Dr. Ryan Anderson); Sixth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 468 (2026) (Statement of Valerie Kloosterman); Sixth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 474 (2026) (Statement of Comm’r Kelly Shackelford); Sixth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 501 (2026) (Statement of Dr. Aaron Kheriaty).

⁴⁸¹ Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript 587 (2026) (Statement of Comm’r Kelly Shackelford); Fourth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 343 (2025) (Statement of Comm’r Dr. Ryan Anderson).

⁴⁸² Fourth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 292 (2025) (Statement of Capt. Sukhbir Singh Toor, USMC (Ret.)); Fourth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 307-9 (2025) (Statement of 2LT Rao Harish); Fourth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 324-6 (2025) (Statement of Rabbi Sanford Dresin, Chap., Col., USA, Ret.); Fourth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 331 (2025) (Statement of Amy Vitale); Americans United for Separation of Church and State, Written Comments, 25-26, <https://www.justice.gov/religious-liberty-commission/media/1437931/dl?inline>.

11. **Continue efforts to restore the retirement or re-enlistment eligibility of service members** who lost employment, health insurance, pensions, and other benefits because of their religious beliefs about the COVID-19 vaccine. ⁴⁸³

12. **Honor** the courage of **religious liberty heroes** through creating a Presidential Medal of Religious Liberty and First Freedom Hero Awards to recognize Americans who stand up for religious freedom and play an indispensable role in protecting citizens' Constitutional rights. ⁴⁸⁴

Culture

Honor Religious Liberty Champions

Commissioner Dr. **Ryan Anderson** noted that a society honors and celebrates what it values.⁴⁸⁵ Throughout the hearings, the Commission came to appreciate the heroism that everyday Americans have shown in defending religious liberty in the face of great adversity.⁴⁸⁶ More than policy or regulation ever could, the courage in the hearts of the American people ensures that religious liberty will not be lost.⁴⁸⁷

To honor this courage and its role in defending freedom, the Commission recommends that the President create a Presidential Medal of Religious Freedom. The President would present the Presidential Medal of Religious Freedom to an American who has shown heroic dedication to the first freedom of religious liberty.⁴⁸⁸

In addition to the Presidential Medal of Religious Freedom, the Commission also recommends creating First Freedom Hero Awards in the field of education. These awards would be presented to elementary and secondary school students, college students, parents, teachers, and coaches who stand up for religious liberty in their communities.⁴⁸⁹ This award would help restore a culture of respect for religion in government-run schools.

⁴⁸³ Fourth Hearing of the Religious Liberty Comm'n, Hearing Transcript, 332-33 (2025) (Statement of Comm'r Kelly Shackelford); Fourth Hearing of the Religious Liberty Comm'n, Hearing Transcript, 333-34 (2025) (Statement of Blake Martin); Fourth Hearing of the Religious Liberty Comm'n, Hearing Transcript, 353-56 (2025) (Statement of Mike Berry).

⁴⁸⁴ Seventh Hearing of the Religious Liberty Comm'n, Hearing Transcript, 591-2 (2026) (Statement of Comm'r Dr. Ryan Anderson).

⁴⁸⁵ Seventh Hearing of the Religious Liberty Comm'n, Hearing Transcript, 592 (2026) (Statement of Comm'r Dr. Ryan Anderson).

⁴⁸⁶ *Id.* at 591.

⁴⁸⁷ Third Hearing of the Religious Liberty Comm'n, Hearing Transcript, 220 (2025) (Statement of Comm'r Allyson Ho).

⁴⁸⁸ Seventh Hearing of the Religious Liberty Comm'n, Hearing Transcript, 591-2 (2026) (Statement of Comm'r Dr. Ryan Anderson).

⁴⁸⁹ See Seventh Hearing of the Religious Liberty Comm'n, Hearing Transcript, 592 (2026) (Statement of Comm'r Dr. Ryan Anderson).

The Commission also recommends that the Department of Labor welcome religious freedom heroes into the Department of Labor Hall of Honor and select annual Hall of Honor inductees who courageously stood up for religious liberty in the field of labor.⁴⁹⁰

Support Fruitful Partnerships for the Common Good

As described in Chapter Three, religious organizations have a long history of alleviating human suffering, including poverty, illness, and criminal recidivism. Recognizing this, the Commission recommends that the Administration expand partnerships with faith-based institutions by utilizing faith-welcoming language in notices of funding opportunities (NOFOs), training faith groups on the grant application process, and directing grant reviewers to provide equal treatment to faith-based and secular groups.⁴⁹¹

All Agency Faith Offices should be directed to develop strategies to improve the grant readiness of faith-based institutions, including through expanded awareness campaigns of grant opportunities and leveling the playing field between large non-profits and small, faith-based non-profits in awarding grants.⁴⁹² Further, Agency Faith Offices should be directed to develop improved guidelines for those awarding grants to have greater solicitude for faith-based grant applicants.⁴⁹³

The government should ensure these organizations are free to continue worshipping and practicing their faith in safety. To that end, the Department of Homeland Security should raise awareness of and increase the accessibility of security enhancement grants for houses of worship and non-profit organizations at high risk of attack.⁴⁹⁴

Promote Appreciation for the United States' Religious Heritage

Commissioner Rabbi **Meir Soloveichik** remarked at the final hearing that we must understand our country's heritage of religious liberty and religion's contributions to a free society if we want to ensure the values of religious liberty endure.⁴⁹⁵ Commissioner **Soloveichik** recommended that national historic sites, such as Independence National

⁴⁹⁰ *Id.*

⁴⁹¹ Seventh Hearing of the Religious Liberty Comm'n, Hearing Transcript, 597 (2026) (Statement of Comm'r Pastor Paula White-Cain).

⁴⁹² See First Hearing of the Religious Liberty Comm'n, Hearing Transcript 57 (2025) (Statement of Vice Chair Dr. Ben Carson).

⁴⁹³ Seventh Hearing of the Religious Liberty Comm'n, Hearing Transcript, 597 (2026) (Statement of Comm'r Pastor Paula White-Cain).

⁴⁹⁴ Religious Freedom Institute, Public Comment, 183, <https://www.justice.gov/religious-liberty-commission/media/1437931/dl?inline>; See Seventh Hearing of the Religious Liberty Comm'n, Hearing Transcript 581 (2026) (Statement of Comm'r Bishop Robert Barron).

⁴⁹⁵ Seventh Hearing of the Religious Liberty Comm'n, Hearing Transcript, 589 (2026) (Statement of Comm'r Rabbi Meir Soloveichik).

Historic Park and the National Garden of American Heroes, include statues and memorials depicting individuals who stood for religious liberty and moments, such as the prayer of the First Continental Congress in Carpenters' Hall, in which religious liberty brought Americans together for the cause of freedom and the common good. The "Prayers and Proclamations throughout American History" resource on the White House website should become the basis for a permanent exhibit in a national museum.⁴⁹⁶

To promote national appreciation for our religious heritage in the military, the Commission recommends the construction of a National Chaplains Memorial.⁴⁹⁷ The Commission also recommends that the Departments of War and Veterans Affairs restore religious memorials, monuments, markers, literature, symbols, and displays that were removed from military and VA facilities due to an inaccurate understanding of the Establishment Clause.⁴⁹⁸

The Commission also recommends that the White House, along with appropriate federal departments and agencies, continue to celebrate America's rich religious heritage and foundations of religious freedom through presidential proclamations celebrating holy days and issue calls to prayer and fasting, consistent with the Establishment Clause's history and tradition test.⁴⁹⁹

Finally, as Commissioner Pastor **Paula White-Cain** noted, religious liberty in the United States promotes religious liberty globally. The Commission commends the White House Faith Office for its work to ensure that religious freedom remains a central priority of U.S. foreign policy and recommends their continued collaboration and efforts.⁵⁰⁰

Value Religion's Contributions to Freedom

Witnesses **Brandon Wheeler** and **Mike Berry** testified to the crucial role religious liberty plays in military integrity and readiness. Based on that testimony, the Commission recommends that the Department of War issue a department-wide Spiritual Fitness Guide detailing how religion and religious accommodations are essential to supporting the whole warfighter.⁵⁰¹

⁴⁹⁶ PRAYERS AND PROCLAMATIONS THROUGHOUT AMERICAN HISTORY, <https://www.whitehouse.gov/wp-content/uploads/2025/09/Prayers-and-Proclamations.pdf> (last visited June 20, 2026).

⁴⁹⁷ Seventh Hearing of the Religious Liberty Comm'n, Hearing Transcript, 589 (2026) (Statement of Comm'r Rabbi Meir Soloveichik).

⁴⁹⁸ See Seventh Hearing of the Religious Liberty Comm'n, Hearing Transcript, 589 (2026) (Statement of Comm'r Rabbi Meir Soloveichik); Fourth Hearing of the Religious Liberty Comm'n, Hearing Transcript, 283 (2025) (Statement of David Barton).

⁴⁹⁹ See Seventh Hearing of the Religious Liberty Comm'n, Hearing Transcript, 589 (2026) (Statement of Comm'r Rabbi Meir Soloveichik).

⁵⁰⁰ First Hearing of the Religious Liberty Comm'n, Hearing Transcript, 87 (2025) (Statement of Kristen Waggoner).

⁵⁰¹ Fourth Hearing of the Religious Liberty Comm'n, Hearing Transcript, 312 (2025) (Statement of Mike Berry).

Education and Public Awareness

Far too many Americans don't know their religious liberty rights. Without this knowledge, they cannot stand up for themselves when these rights come under threat. To address this root issue, the Commission has prepared a frequently asked questions (FAQ) document. A broad distribution of these FAQs should help spark the conversation that can revive a deeper regard for our first freedom.

In addition to the FAQs, the Commission recommends the distribution of virtual and physical "Know Your Rights" posters, similar to those distributed by the Occupational Safety and Health Administration.⁵⁰² The Faith Office or Liaison of every federal agency should oversee the creation and implementation of a "Know Your Rights" poster, articulating the religious liberty rights applicable to the area that agency regulates.⁵⁰³ Every public school, business, and government office nationwide should be encouraged to prominently and conspicuously display such a poster, articulating the religious liberty rights applicable to that space.

The Commission recommends that specific posters be prepared and made available to students at public schools and higher education institutions, as well as to parents, teachers, school administrators, religious leaders, and military service members and chaplains. These posters should be displayed in schools and workplace premises in addition to being posted on websites for the relevant government entity.⁵⁰⁴ The Commission commends the work of the Equal Employment Opportunity Commission in providing Religious Accommodation Fact Sheets and recommends the continued distribution of these fact sheets, as well as the development and distribution of a "Know Your Rights" poster for the employment context.⁵⁰⁵

To expand on the public awareness facilitated by the "Know Your Rights" posters, the Commission also recommends the development, publication, and distribution of religious liberty resources, such as trainings and toolkits, in the topic areas addressed by the Commission, including for students, parents, and teachers in our public schools.⁵⁰⁶ These resources should be prepared and distributed by the Department of Justice, Department of Health and Human Services, and Equal Employment Opportunity Commission.

⁵⁰² Seventh Hearing of the Religious Liberty Comm'n, Hearing Transcript, 539 (2026) (Statement of Chairman Lt. Gov. Dan Patrick).

⁵⁰³ *Id.*

⁵⁰⁴ *Id.*

⁵⁰⁵ FACT SHEET: RELIGIOUS ACCOMMODATION IN THE WORKPLACE, https://www.eeoc.gov/sites/default/files/2024-11/20241031_ReligiousAccommodationFactSheet_A.pdf (last visited Jun. 20, 2026).

⁵⁰⁶ Third Hearing of the Religious Liberty Comm'n, Hearing Transcript, 157 (2025) (Statement of David Cortman); Third Hearing of the Religious Liberty Comm'n, Hearing Transcript, 164 (2025) (Statement of Alyza Lewin); Third Hearing of the Religious Liberty Comm'n, Hearing Transcript, 217 (2025) (Statement of Joe Kennedy).

In the military context, the Commission recommends that the Department of War annually update and standardize religious freedom training across services to be consistent with the Religious Freedom Restoration Act (RFRA) and new U.S. Supreme Court precedents on religious liberty, while also ensuring annual training is provided to all levels of the military, including commanding officers, judge advocate generals (JAGs), chaplains, and recruiters.⁵⁰⁷

Similarly, in the law enforcement context, the Commission recommends that the Department of Justice train law enforcement officers to differentiate between protected speech, such as that exhibited by peaceful pro-life protestors or parents advocating at school board meetings, and illegal harassment or violence, such as physical attacks on people of faith at houses of worship.⁵⁰⁸

Law and Policy

Global

Below are the Commission’s general recommendations for executive and legislative actions to ensure religious liberty flourishes for all.

Executive Action

The Commission recommends that President Trump make domestic religious liberty a permanent policy priority, similar to international religious liberty, which is prioritized through the United States Commission on International Religious Freedom.⁵⁰⁹

End Government “Lawfare” Against Religious Leaders and Houses of Worship

The hearings revealed that many religious Americans suffer for years as a result of government-initiated litigation. Even when the defendants have the law on their side and ultimately win their case, the process is the punishment. “[T]he strategy here is management by intimidation. The whole approach is you may beat the rap, but you’re not

⁵⁰⁷ Fourth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 312 (2025) (Statement of Mike Berry); Fourth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 324-6 (2025) (Statement of Rabbi Sanford Dresin, Chap., Col., USA, Ret.); Fourth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 331 (2025) (Statement of Amy Vitale).

⁵⁰⁸ Fifth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 396 (2026) (Statement of Liat Cohen-Reeis); See Fifth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 398-401 (2026) (Statement of Dr. Moshe Glick); See Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript, 552-554 (2026) (Statement of Dr. Akshar Patel).

⁵⁰⁹ Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript, 641 (2026) (Statement of Chairman Lt. Gov. Dan Patrick).

going to beat the ride,” explained Commissioner Dr. **Phil McGraw**.⁵¹⁰ Commissioner Dr. **Phil McGraw** explained that accountability is critical to break the cycle of government initiating and then dropping litigation against religious Americans, particularly clergy and houses of worship.⁵¹¹

The Commission recommends reforms to ensure that Americans are protected from **government-led litigation targeting** their **free exercise**.

Appoint Leaders and Judges with Proven Commitment to Religious Liberty

Religious liberty requires leaders who support and defend it in all branches of government. Accordingly, the Commission recommends that the President prioritizes nominating individuals with strong records of protecting religious liberty to key leadership roles throughout his Administration.⁵¹²

Furthermore, the Commission urges the President to nominate courageous, originalist legal experts with proven records of fearlessly protecting all constitutional rights—especially religious liberty—to the federal judiciary.⁵¹³ **No law will preserve religious liberty if judges do not have the courage to preserve it when challenged.** That courage must come from the conviction that there cannot be “government control over everything—including your relationship with God.”⁵¹⁴ The need for that commitment is clear since the earliest days of the Supreme Court stepping in to defend religious liberty, in 1943’s *West Virginia Board of Education v. Barnette*. There, the Court defended the right of Jehovah’s Witness children and their parents to not be forced into a flag salute that their faith told them was idolatrous. To achieve that result, the Court had to do more than vindicate religious liberty. Rather, the justices needed to have the humility to admit that their prior precedent restricting religious liberty in this area (*Gobitis*) was wrong. Further, the justices needed the conviction to stand up to a hostile culture—one that was willing to tar and feather Jehovah’s Witnesses, burn their worship halls to the ground, and make them drink castor oil, all because their faith told them to do something different than official culture.⁵¹⁵ **In short, the justices needed to, in Judge James Ho’s words, overcome “gold star**

⁵¹⁰ Fourth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 341 (2025) (Statement of Comm’r Dr. Phil McGraw).

⁵¹¹ Fourth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 341 (2025) (Statement of Comm’r Dr. Phil McGraw).

⁵¹² Third Hearing of the Religious Liberty Comm’n, Hearing Transcript, 87 (2025) (Statement of John Bursch).

⁵¹³ See e.g., First Hearing of the Religious Liberty Comm’n, Hearing Transcript, 24 (2025) (Statement of Mark Rienzi); First Hearing of the Religious Liberty Comm’n, Hearing Transcript, 87 (2025) (Statement of Kristen Waggoner); Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript, 585-6 (2026) (Statement of Comm’r Kelly Shackelford); Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript, 591 (2026) (Statement of Comm’r Allyson Ho).

⁵¹⁴ First Hearing of the Religious Liberty Comm’n, Hearing Transcript, 24 (2025) (Statement of Mark Rienzi).

⁵¹⁵ See Kevin Seamus Hasson, *Believers, Thinkers, and Founders* 24-30 (Image 2016).

syndrome” and take the boos for religious liberty.⁵¹⁶ Every President should require that same courage and conviction of every judicial nominee.

Action Within Federal Agencies

The Commission recommends that the President order the establishment of **Conscience and Religious Freedom Divisions throughout the federal government.** These Conscience and Religious Freedom Divisions will be tasked to:

1. respond to and investigate complaints of alleged religious liberty violations;
2. enforce religious liberty laws and regulations;
3. audit their department or agency’s policies, programs, and practices to identify religious discrimination;
4. recommend and oversee remedies to eradicate any religiously discriminatory policies, programs, or practices within the department or agency;
5. issue public reports on religious liberty violations, investigations, enforcement actions, and resolutions;
6. issue guidance on the religious freedom rights of entities under the department or agencies’ jurisdictions;
7. implement the recommendations made in this report.⁵¹⁷

Similarly, the Commission recommends that the President and the White House Faith Office encourage the formation of Religious Liberty Commissions and Faith Offices in all 50 states and internationally.⁵¹⁸

Furthermore, to ensure that Americans enjoy the full religious liberty protections in the Constitution and law, the Justice Department should develop a dedicated Religious Liberty

⁵¹⁶ The Honorable James Ho, *Pressure Is a Privilege: Judges, Umpires, and Ignoring the Booming of the Crowd*, Joseph Story Distinguished Lecture (December 6, 2023), <https://www.heritage.org/courts/report/pressure-privilege-judges-umpires-and-ignoring-the-booming-the-crowd>.

⁵¹⁷ First Hearing of the Religious Liberty Comm’n, Hearing Transcript, 87 (2025) (Statement of Kristen Waggoner); Public Comment by the Religious Freedom Institute, 183, <https://www.justice.gov/religious-liberty-commission/media/1437931/dl?inline>.

⁵¹⁸ Steven Singleton, Public Comment, 203, <https://www.justice.gov/religious-liberty-commission/media/1441846/dl?inline>.

Task Force.⁵¹⁹ The efforts of that Religious Liberty Task Force could include, but not be limited to:

1. calling for the reversal of *Employment Division v. Smith*, *City of Boerne v. Flores*, and *Christian Legal Society v. Martinez*;⁵²⁰
2. defending American communities that adopt laws, policies, or practices reflective of their religious cultures and are consistent with the historical practices and understandings underlying the Establishment Clause;⁵²¹
3. advancing arguments for the distinct, necessary authority of parents to direct the religious upbringing of their children, consistent with the Nation’s history and traditions, in collaboration with other parental rights initiatives in the federal government;⁵²²
4. limiting the federal government’s assertion of compelling interests to clearly established law;
5. issuing cease-and-desist letters to any state or local authority as to any statutes, administrative rules, or operative guidance containing religiously discriminatory access restrictions to public programs or funding—with a promise of litigation and, where applicable, loss of federal funding if the discriminatory provision is not repealed;⁵²³

⁵¹⁹ See Third Hearing of the Religious Liberty Comm’n, Hearing Transcript, 257 (2025) (Statement of Professor Nicole Stelle Garnett); Third Hearing of the Religious Liberty Comm’n, Hearing Transcript, 252 (2025) (Statement of Nicholas Reaves); ; Second Hearing of the Religious Liberty Comm’n, Hearing Transcript, 178 (2025) (Statement of Kimberlee Colby); First Hearing of the Religious Liberty Comm’n, Hearing Transcript, 72-3, 95-6 (2025) (Statement of Stephanie Barclay); First Hearing of the Religious Liberty Comm’n, Hearing Transcript, 73 (2025) (Statement of Josh Blackman, First Hearing).

⁵²⁰ First Hearing of the Religious Liberty Comm’n, Hearing Transcript, 72-3, 95-6 (2025) (Statement of Stephanie Barclay); First Hearing of the Religious Liberty Comm’n, Hearing Transcript, 73 (2025) (Statement of Josh Blackman, First Hearing; Second Hearing of the Religious Liberty Comm’n, Hearing Transcript, 178 (2025) (Statement of Kimberlee Colby).

⁵²¹ Fourth Hearing of the Religious Liberty Comm’n, Hearing Transcript, 349-50 (2025) (Statement of Phyllis Morris).

⁵²² Second Hearing of the Religious Liberty Comm’n, Hearing Transcript, 152 (2025) (Statement of Comm’r Dr. Ryan Anderson; Third Hearing of the Religious Liberty Comm’n, Hearing Transcript, 256 (2025) (Statement of Professor Nicole Stelle Garnett); Third Hearing of the Religious Liberty Comm’n, Hearing Transcript, 255 (2025) (Statement of Jason Bedrick).

⁵²³ Third Hearing of the Religious Liberty Comm’n, Hearing Transcript, 257 (2025) (Statement of Professor Nicole Stelle Garnett); Third Hearing of the Religious Liberty Comm’n, Hearing Transcript, 252 (2025) (Statement of Nicholas Reaves).

6. issuing a cease-and-desist letter to any public school district that:
 - a. has a secret “gender transition” policy;
 - b. allows children to use restrooms or changing areas that do not accord with the child’s biological sex;
 - c. allows children to play on sports teams that do not accord with their biological sex; or
 - d. allow children of different sexes to sleep in the same facility.⁵²⁴ and

The letter should state that failure to cease and desist will be followed by litigation and, where applicable, loss of federal funds.

The Commission also recommends that the Department of Justice update the Attorney General’s *2017 Memorandum Regarding Federal Law Protections and Religious Liberty*, providing guidance to all federal departments and agencies about how recent U.S. Supreme Court religious liberty precedents apply to the federal government and directing all departments and agencies to respect religious freedom in all policies, programs, practices, and actions.⁵²⁵

The Department of Justice should also issue guidance:

1. explaining an originalist understanding of the Establishment Clause and providing guidelines on how the Establishment Clause applies to religious expression in the public square, including in the areas of employees’ religious speech, displays with religious imagery, partnerships with religious institutions, and public religious exercise; and⁵²⁶

⁵²⁴ Third Hearing of the Religious Liberty Comm’n, Hearing Transcript, 242 (2025) (Statement of John Bursch); see Second Hearing of the Religious Liberty Comm’n, Hearing Transcript, 157 (2025) (Statement of Comm’r Kelly Shackelford); Second Hearing of the Religious Liberty Comm’n, Hearing Transcript, 156 (2025) (Statement of David Cortman).

⁵²⁵ Third Hearing of the Religious Liberty Comm’n, Hearing Transcript, 257 (2025) (Statement of Professor Nicole Stelle Garnett); Third Hearing of the Religious Liberty Comm’n, Hearing Transcript, 256 (2025) (Statement of Nicholas Reaves); Ethics and Public Policy Center, Public Comment, 270, <https://www.justice.gov/religious-liberty-commission/media/1441456/dl?inline>; Religious Freedom Institute, Public Comment, 180, <https://www.justice.gov/religious-liberty-commission/media/1437931/dl?inline>.

⁵²⁶ *E.g.* First Hearing of the Religious Liberty Comm’n, Hearing Transcript, 32 (2025) (Statement of Gerald Bradley); First Hearing of the Religious Liberty Comm’n, Hearing Transcript, 40 (2025) (Statement of Mark David Hall); First Hearing of the Religious Liberty Comm’n, Hearing Transcript, 72-3, 95-6 (2025) (Statement of Comm’r Rabbi Meir Soloveichik); First Hearing of the Religious Liberty Comm’n, Hearing Transcript, 72-3, 95-6

2. explaining how the Religious Land Use and Institutionalized Persons Act (RLUIPA) provides incarcerated individuals with the right to receive reasonable religious accommodations while incarcerated, including access to spiritual counseling, mentorship, and religious programming.⁵²⁷

Litigation

Many witnesses testified that misinterpretations of the First Amendment continue to do harm. To remedy these harms, the Commission recommends that the Administration support challenges to the constitutionality of legal precedents that violate religious freedom.

Specifically, as mentioned above in the context of the Religious Liberty Task Force, the Commission recommends that the Department of Justice support strategic litigation challenging:

1. the constitutionality of legal precedents that violate religious freedom, such as *Employment Division v. Smith*;⁵²⁸ and
2. the constitutionality of state and local laws, policies, or practices that violate religious freedom.⁵²⁹

Legislation

Finally, the Commission recommends the Administration advocate for the passage of federal legislation to make religious liberty a permanent domestic policy priority and create

(2025) (Statement of Stephanie Barclay); First Hearing of the Religious Liberty Comm’n, Hearing Transcript, 72-3, 95-6 (2025) (Statement of Josh Blackman).

⁵²⁷ Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript 564 (2026) (Statement of Heather Rice-Minus); Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript 573 (2026) (Statement of Aaron Lipskar); Ismail Royer, Public Comment, 169, <https://www.justice.gov/religious-liberty-commission/media/1437931/dl?inline> (citing letter from Harman Singh, Sikh Coalition); Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript, 581 (2026) (Statement of Comm’r Bishop Robert Barron).

⁵²⁸ First Hearing of the Religious Liberty Comm’n, Hearing Transcript, 72-3, 95-6 (2025) (Statement of Stephanie Barclay); First Hearing of the Religious Liberty Comm’n, Hearing Transcript, 72-3, 95-6 (2025) (Statement of Josh Blackman); Second Hearing of the Religious Liberty Comm’n, Hearing Transcript, 177-79 (2025) (Statement of Kim Colby).

⁵²⁹ *E.g.* First Hearing of the Religious Liberty Comm’n, Hearing Transcript, 72-3, 95-6 (2025) (Statement of Stephanie Barclay); First Hearing of the Religious Liberty Comm’n, Hearing Transcript, 72-3, 95-6 (2025) (Statement of Josh Blackman); Second Hearing of the Religious Liberty Comm’n, Hearing Transcript, 177-79 (2025) (Statement of Kim Colby); Third Hearing of the Religious Liberty Comm’n, Hearing Transcript, 257 (2025) (Statement of Professor Nicole Stelle Garnett) (“As a website developed by Notre Dame Law School and the Orthodox Union’s Teach Coalition – www.religiousequality.net – demonstrates, religious discrimination pervades state and federal laws.”).

a permanent body entrusted with this work, like the government entities created by the International Religious Freedom Act of 1998.⁵³⁰

The Commission also recommends that the Administration oppose federal legislation containing carve-outs from the Religious Freedom Restoration Act (RFRA).⁵³¹

Faith Based Institutions

Religious liberty threats to faith-based institutions originate in a lack of clear protections for the institutions' freedom to operate in accordance with their sincerely held religious beliefs. The results are both tragic and absurd and, in nearly all cases, gross violations of the Establishment Clause, as government attempts to impose policies on the internal operations of religious organizations.⁵³²

The Commission recommends a whole-of-government response to this injustice, including executive action, litigation, and legislative action.

Executive Action

In the absence of legislation ensuring the equal treatment of religious organizations in federal funding opportunities (discussed below), the Commission recommends administrative action issuing a new Equal Treatment Rule. The new Equal Treatment Rule should clarify that faith-based groups may compete for federal grants, funds, and contracts on an equal playing field with secular groups without being forced to give up their religious identity or cease ministering according to their beliefs.⁵³³

To provide clarity on religious institutions' freedom to make faith-aligned personnel decisions, the Commission recommends that the Equal Employment Opportunity Commission issue guidance on the scope of Title VII's religious organization in the context of religious employers.⁵³⁴

⁵³⁰ Seventh Hearing of the Religious Liberty Comm'n, Hearing Transcript, 641 (2026) (Statement of Chairman Lt. Gov. Dan Patrick); See First Hearing of the Religious Liberty Comm'n, Hearing Transcript, 86 (2025) (Statement of Kristen Waggoner).

⁵³¹ Christian Legal Society, Public Comment, 34, <https://www.justice.gov/religious-liberty-commission/media/1442021/dl?inline>.

⁵³² See Seventh Hearing of the Religious Liberty Comm'n, Hearing Transcript, 603 (2026) (Statement of Vice-Chair Dr. Ben Carson).

⁵³³ First Hearing of the Religious Liberty Comm'n, Hearing Transcript, 59 (2025) (Statement of Barbara Elliott); Third Hearing of the Religious Liberty Comm'n, Hearing Transcript, 236 (2025) (Statement of John Bursch); Third Hearing of the Religious Liberty Comm'n, Hearing Transcript, 252 (2025) (Statement of Nicholas Reaves); Seventh Hearing of the Religious Liberty Comm'n, Hearing Transcript, 570 (2026) (Statement of Oriel Ekşi); Seventh Hearing of the Religious Liberty Comm'n, Hearing Transcript, 597 (2026) (Statement of Comm'r Pastor Paula White); Center for Public Justice, Public Comment, 241-43, <https://www.justice.gov/religious-liberty-commission/media/1441456/dl?inline>.

⁵³⁴ Third Hearing of the Religious Liberty Comm'n, Hearing Transcript, 236-7 (2025) (Statement of John Bursch); Ethics and Public Policy Center, Public Comment, 270, <https://www.justice.gov/religious-liberty-commission/media/1441456/dl?inline>.

Finally, in light of ongoing religious discrimination against religious families and institutions in the foster care system, the Commission recommends that the Department of Health and Human Services issue a rule ensuring religious organizations and families may provide adoption and foster care services without being forced to violate their religious beliefs.⁵³⁵ Specifically, following President Trump’s November 13, 2025 Fostering the Future for American Children and Families Executive Order to maximize foster care partnerships with religious Americans,⁵³⁶ the Department of Health and Human Services should revise all applicable foster and adoption regulations and interpret the Religious Freedom Restoration Act as:

1. prohibiting any federal support of any state foster or adoption agency that requires a foster or adoptive family, or religious ministry, to receive training or take action that substantially burdens sincerely held religious beliefs on a matter that is not clearly established as a compelling government interest; and
2. where the government has a clearly established compelling interest, the Department of Health and Human Services should apply the Religious Freedom Restoration Act to prohibit any federal support of a state foster or adoption agency if that agency can pursue this clearly established compelling interest by any means less restrictive than substantially burdening religious exercise.

Litigation

The Commission recommends that the Department of Justice support strategic litigation:

1. upholding the doctrine of church autonomy, which protect the rights of houses of worship and faith-based non-profits to operate their internal affairs according to their religious beliefs without government interference, to further provide support for First Amendment protections of the freedom of religious institutions to govern their internal affairs;⁵³⁷

⁵³⁵ *E.g.* Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript, 483 (2026) (Statement of Brian and Kaitlin Wuoti).

⁵³⁶ Exec. Order No. 14,359, 90 Fed. Reg. 63,227 (Nov. 19, 2025).

⁵³⁷ See First Hearing of the Religious Liberty Comm’n, Hearing Transcript, 80 (2025) (Statement of Stephanie Barclay); Third Hearing of the Religious Liberty Comm’n, Hearing Transcript, 236-7 (2025) (Statement of John Bursch).

2. challenging state-level Blaine Amendments and similar laws that restrict the ability of parents to use school choice funds to send their children to religious schools.⁵³⁸

The Commission recommends that the Department of Justice's Office of Civil Rights investigate and litigate religious freedom violations by governmental entities of faith-based institutions, particularly in cases where state and local governments discriminate against faith-based educational institutions because of the school's religious character and/or curriculum when awarding benefits, funding, or accreditation.⁵³⁹

Finally, the Commission recommends that the Department of Justice investigate and hold accountable educational accreditors that discriminate against faith-based institutions due to the organization's religious beliefs.⁵⁴⁰

Legislation

To ensure permanent enforcement of religious institutions' constitutional and legal protections, the Commission recommends that the Administration advocate for the passage of federal legislation:

1. ensuring that faith-based groups may compete for federal grants, funds, and contracts on an equal playing field with secular groups without being forced to give up their religious identity or cease ministering according to their beliefs;⁵⁴¹
2. creating a robust system of universal school choice;⁵⁴² and
3. protecting the independence of charitable organizations by clarifying that such organizations are not subject to burdensome federal regulations simply because they are tax-exempt.⁵⁴³

⁵³⁸ First Hearing of the Religious Liberty Comm'n, Hearing Transcript, 77 (2025) (Statement of Comm'r Rabbi Meir Soloveichik); Third Hearing of the Religious Liberty Comm'n, Hearing Transcript, 252 (2025) (Statement of Nicholas Reaves).

⁵³⁹ Third Hearing of the Religious Liberty Comm'n, Hearing Transcript, 257 (2025) (Statement of Professor Nicole Stelle Garnett); Third Hearing of the Religious Liberty Comm'n, Hearing Transcript, 255 (2025) (Statement of Jason Bedrick); Religious Freedom Institute, Public Comment, 180, <https://www.justice.gov/religious-liberty-commission/media/1437931/dl?inline>.

⁵⁴⁰ Third Hearing of the Religious Liberty Comm'n, Hearing Transcript, 233-4, 243-4 (2025) (Statement of Dr. Todd Williams); Third Hearing of the Religious Liberty Comm'n, Hearing Transcript, 236-7 (2025) (Statement of John Bursch).

⁵⁴¹ *E.g.* Third Hearing of the Religious Liberty Comm'n, Hearing Transcript, 236-7 (2025) (Statement of John Bursch); Christian Legal Society, Public Comment, 34, <https://www.justice.gov/religious-liberty-commission/media/1442021/dl?inline>.

⁵⁴² *E.g.* Third Hearing of the Religious Liberty Comm'n, Hearing Transcript, 255 (2025) (Statement of Jason Bedrick).

⁵⁴³ First Hearing of the Religious Liberty Comm'n, Hearing Transcript, 86-87 (2025) (Statement of Kristen Waggoner).

Government Run Schools

Executive and Agency Action

In the context of government-run schools, students' and faculty's religious liberty is most often violated due to ambiguities in and misunderstandings of the law.

To address these issues, the Commission recommends that the Department of Justice offer additional guidance similar to the *Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools*⁵⁴⁴ to further strengthen and clarify the rights of students, teachers, coaches, and administrators in public schools, including institutions of higher education, specifically,

A. With respect to students, the rights to:

1. form and lead religious student clubs;
2. receive the same level of support for religious clubs and access to school facilities and advertising methods that non-religious clubs receive;
3. require club leaders and members to meet religious requirements;
4. read and distribute religious materials at times when reading and distributing non-religious materials is allowed;
5. wear clothing with religious messages;
6. be excused from school for religious practice and observance, such as to celebrate religious holy days;
7. attend off-site religious instruction through constitutionally permissible release-time programs;
8. participate in moments of silence, student-led prayer, and other student-led free exercise; and
9. engage in religious expression at times and events where students are allowed to engage in private expression, such as school talent shows or graduation ceremonies.⁵⁴⁵

⁵⁴⁴ Dep't of Ed., *Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools* (Feb. 5, 2026), ed.gov.

⁵⁴⁵ Second Hearing of the Religious Liberty Comm'n, Hearing Transcript, 112-4 (2025) (Statement of Jeremy Dys); Second Hearing of the Religious Liberty Comm'n, Hearing Transcript, 143 (2025) (Statement of

B. With respect to teachers, coaches, and administrators, the rights to:

1. engage in private religious speech while at school;
2. teach about religion, especially if required by state educational standards;
3. promote respect for the exercise of religious views, especially if required by state educational standards.⁵⁴⁶

The Commission also recommends that the Department of Justice issue guidance on the constitutionality of voluntary moments of prayer and volunteer school chaplain programs in K-12 schools, when parents opt children into the programs and no taxpayer funds are used to fund the programs.⁵⁴⁷

Litigation

The Commission recommends that the Department of Justice investigate and, where appropriate, initiate litigation on religious liberty violations in government-run educational institutions.

Specifically, the Commission recommends that the Department of Justice open civil rights investigations into—or file strategic litigation against—public educational institutions believed to have violated the civil rights of students, parents, or school officials.⁵⁴⁸ To preserve national religious heritage, the Department of Justice should support strategic litigation upholding the constitutionality of Ten Commandments and other world religion posters in public schools.⁵⁴⁹ Finally, to ensure equal treatment of religious students in institutions of higher education, the Department of Justice should also support strategic litigation challenging the constitutionality of *CLS v. Martinez*.⁵⁵⁰

Sameerah Munshi); Public Comment by the Ethics and Public Policy Center and the Christian Legal Society, 298-302, <https://www.justice.gov/religious-liberty-commission/media/1441846/dl?inline>; Public Comment by the Religious Freedom Institute, 181-82, <https://www.justice.gov/religious-liberty-commission/media/1437931/dl?inline>.

⁵⁴⁶ Second Hearing of the Religious Liberty Comm’n, Hearing Transcript, 112 (2025) (Statement of Jeremy Dys); Third Hearing of the Religious Liberty Comm’n, Hearing Transcript, 217 (2025) (Statement of Joe Kennedy); Public Comment by the Ethics and Public Policy Center and the Christian Legal Society, 298-302, <https://www.justice.gov/religious-liberty-commission/media/1441846/dl?inline>.

⁵⁴⁷ *E.g.* Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript, 585 (2026) (Statement of Comm’r Kelly Shackelford).

⁵⁴⁸ See Third Hearing of the Religious Liberty Comm’n, Hearing Transcript, 217 (2025) (Statement of Joe Kennedy).

⁵⁴⁹ First Hearing of the Religious Liberty Comm’n, Hearing Transcript, 41-2 (2025) (Statement of Comm’r Rabbi Meir Soloveichik).

⁵⁵⁰ Second Hearing of the Religious Liberty Comm’n, Hearing Transcript, 178 (2025) (Statement of Kim Colby).

The Department of Justice should also improve Title VI enforcement against religious discrimination related to race and ethnicity in public schools by establishing a set, expedited timeline for the investigation and prosecution of credible allegations of religious discrimination and tie future federal funding to prompt remediation.⁵⁵¹

Legislation

The Equal Access Act currently applies to public secondary schools. The Commission recommends that the Administration support expansion of the Equal Access Act to protect elementary school students and students in higher education and guarantee to these students the right to form, operate, and advertise religious student clubs to the same extent that they may form, operate, and advertise secular clubs.⁵⁵²

Given the volume and magnitude of religious liberty violations in government-run schools, the Commission also recommends that the Department of Justice create a religious freedom violation portal exclusively for students, parents, and school officials to report public schools' violations of religious liberty rights.⁵⁵³

Parental Rights

In its opinion in *Mahmoud v. Taylor*, the Supreme Court clarified the Constitution's broad and fundamental protections for parental rights. Yet, intentional noncompliance with these Constitutional protections persists in government-run schools. The Commission recommends a combination of executive and agency action, litigation, and legislation to clarify Constitutional parental rights protections and ensure their enforcement.

Joint Task Force on Parental Rights

Clarifying and protecting parental rights is so urgent that the Commission recommends that the Departments of Justice and Health and Human Services form a task force to consider federal actions to support parental rights in the areas of education and healthcare and monitor the implementations.⁵⁵⁴ The Commission also recommends that the

⁵⁵¹ Fifth Hearing of the Religious Liberty Comm'n, Hearing Transcript, 360 (2026) (Statement of Yitzchok Frankel); Public Comment by the Religious Freedom Institute, 181-82, <https://www.justice.gov/religious-liberty-commission/media/1437931/dl?inline>.

⁵⁵² Second Hearing of the Religious Liberty Comm'n, Hearing Transcript, 113 (2025) (Statement of Jeremy Dys); Second Hearing of the Religious Liberty Comm'n, Hearing Transcript, 177-79 (2025) (Statement of Kim Colby).

⁵⁵³ Seventh Hearing of the Religious Liberty Comm'n, Hearing Transcript, 605 (2026) (Statement of Chairman Lt. Gov. Dan Patrick); See Third Hearing of the Religious Liberty Comm'n, Hearing Transcript, 217 (2025) (Statement of Joe Kennedy).

⁵⁵⁴ Public Comment by the Religious Freedom Institute, 181-82, <https://www.justice.gov/religious-liberty-commission/media/1437931/dl?inline>.

Department of Justice create a portal exclusively for parents to report government violations of parental rights.⁵⁵⁵

Regulation

The Commission recommends guidance from the Department of Health and Human Services:

1. encouraging states to utilize indirect funding, such as scholarships, certificates, or vouchers, in educational programs to give parents the freedom to choose the best education for their children.⁵⁵⁶
2. clarifying that Individuals with Disabilities Education Act (IDEA) funds may follow the child to religious schools; and⁵⁵⁷
3. clarifying parents' authority to direct their children's religious upbringing in the K-12 educational context, as affirmed in *Mahmoud v. Taylor (2025)* and *Mirabelli v. Bonta (2026)*, including parents' rights to:
 - a. conveniently and frequently review curricular materials;
 - b. inspect books and reading materials in the school library;
 - c. receive timely notice of proposed school activities and changes to school policies;
 - d. receive notice when schools plan to teach their child material that would undermine the child's religious upbringing;
 - e. have clear, accessible means to opt their child out of any school instruction, activity, policy, or practice that substantially interferes with the authority of the parents to direct the religious upbringing of their child;
 - f. be informed of all physical and mental healthcare their child receives while at school;
 - g. be informed about any efforts by their child to engage in gender transitioning at school, regardless of whether the child consents to parental notification;

⁵⁵⁵ Seventh Hearing of the Religious Liberty Comm'n, Hearing Transcript, 605 (2026) (Statement of Chairman Lt. Gov. Dan Patrick).

⁵⁵⁶ Religious Freedom Institute, Public Comment, 180, <https://www.justice.gov/religious-liberty-commission/media/1437931/dl?inline>.

⁵⁵⁷ Third Hearing of the Religious Liberty Comm'n, Hearing Transcript, 252-3 (2025) (Statement of Nicholas Reaves).

- h. be informed if their child’s school allows males to compete in athletic programs designed for females;
- i. be informed if their child’s school allows males to use restroom or locker rooms designated for females;
- j. receive accommodations for their child to attend off-site religious instruction during the school day through release-time programs.⁵⁵⁸

Litigation

Where appropriate, the Department of Justice should open civil rights investigations into – or file strategic litigation against – public educational institutions alleged to have violated parental rights.⁵⁵⁹ The Department of Justice should also support strategic litigation seeking to guarantee parents’ authority to direct the religious upbringing of their children.⁵⁶⁰

Legislation

On the legislative front, the Commission recommends that the President Administration advocate for the passage of federal legislation:

1. creating a robust system of universal school choice,⁵⁶¹ and
2. securing parental rights.⁵⁶²

Pastors and Religious Leaders

⁵⁵⁸ Seventh Hearing of the Religious Liberty Comm’n, Hearing Transcript, 585 (2026) (Statement of Comm’r Kelly Shackelford); Second Hearing of the Religious Liberty Comm’n, Hearing Transcript, 143 (2025) (Statement of Sameerah Munshi); Public Comment by the Ethics and Public Policy Center and the Christian Legal Society, 298-302, <https://www.justice.gov/religious-liberty-commission/media/1441846/dl?inline>; Public Comment by the Religious Freedom Institute, 181-82, <https://www.justice.gov/religious-liberty-commission/media/1437931/dl?inline>.

⁵⁵⁹ Public Comment by the Religious Freedom Institute, 181, <https://www.justice.gov/religious-liberty-commission/media/1437931/dl?inline>.

⁵⁶⁰ *E.g.* Second Hearing of the Religious Liberty Comm’n, Hearing Transcript, 152 (2025) (Statement of Comm’r Dr. Ryan Anderson; Third Hearing of the Religious Liberty Comm’n, Hearing Transcript, 256 (2025) (Statement of Professor Nicole Stelle Garnett); Third Hearing of the Religious Liberty Comm’n, Hearing Transcript, 255 (2025) (Statement of Jason Bedrick).

⁵⁶¹ Second Hearing of the Religious Liberty Comm’n, Hearing Transcript, 152 (2025) (Statement of Comm’r Dr. Ryan Anderson; Third Hearing of the Religious Liberty Comm’n, Hearing Transcript, 256 (2025) (Statement of Professor Nicole Stelle Garnett); Third Hearing of the Religious Liberty Comm’n, Hearing Transcript, 255 (2025) (Statement of Jason Bedrick).

⁵⁶² *Id.*

Testimony from religious leaders indicated that the Johnson Amendment continues to have a chilling effect on religious leaders' ability to provide religious guidance to their communities.

The Commission's first recommendation is for the President to advocate for the passage of federal legislation repealing the Johnson Amendment as an unconstitutional restriction on the religious speech of houses of worship and faith-based non-profits.⁵⁶³

Until the Johnson Amendment is repealed, the Commission recommends that:

1. the Department of Treasury issue guidance clarifying that the Johnson Amendment does not reach religious speech by houses of worship and faith-based non-profits,⁵⁶⁴ and
2. the Department of Justice support strategic litigation challenging the constitutionality of the Johnson Amendment.⁵⁶⁵

Finally, the Commission recommends that the Department of Justice open an investigation into the weaponization of the IRS against houses of worship and religious organizations.⁵⁶⁶

Military Service Members and Chaplains

Executive and Agency Action

The Commission recommends that the Department of War issue updated instructions outlining how the Religious Freedom Restoration Act (RFRA) and new U.S. Supreme Court precedents on religious liberty should be applied in the military, including in relation to vaccine mandates, religious dietary needs, the offering of sacraments, observance of religious holy days, and service members' participation in religious services while in uniform.⁵⁶⁷ The Commission also recommends that the Department of War restore the use

⁵⁶³ First Hearing of the Religious Liberty Comm'n, Hearing Transcript, 87 (2025) (Statement of Kristen Waggoner); Fourth Hearing of the Religious Liberty Comm'n, Hearing Transcript, 341 (2026) (Statement of Dr. Benjamin Lovvorn).

⁵⁶⁴ Seventh Hearing of the Religious Liberty Comm'n, Hearing Transcript 587 (2026) (Statement of Comm'r Kelly Shackelford); Fourth Hearing of the Religious Liberty Comm'n, Hearing Transcript, 343 (2025) (Statement of Dr. Ryan Anderson).

⁵⁶⁵ Fourth Hearing of the Religious Liberty Comm'n, Hearing Transcript, 341 (2025) (Statement of Dr. Benjamin Lovvorn).

⁵⁶⁶ See First Hearing of the Religious Liberty Comm'n, Hearing Transcript, 87 (2025) (Statement of Kristen Waggoner).

⁵⁶⁷ Fourth Hearing of the Religious Liberty Comm'n, Hearing Transcript, 292 (2025) (Statement of Capt. Sukhbir Singh Toor, USMC (Ret.)); Fourth Hearing of the Religious Liberty Comm'n, Hearing Transcript, 307-9

of military emblems on religious texts and materials, such as Bibles and dog tags.⁵⁶⁸ The Department of War should conduct religious liberty impact assessments as part of operational planning.⁵⁶⁹

Witnesses also testified that updates to Department of War policies on the military chaplaincy are needed to preserve religious liberty. Accordingly, the Commission recommends that the Department of War should issue guidance on military chaplains' rights, clarifying that:

1. the chaplaincy is inherently religious and thus protected by the full scope of religious liberty protections.
2. Chaplains have the right to serve consistent with the tenets of their faith and endorsing body.
3. Chaplains have the right to engage in First Amendment protected activity as part of their religious ministry.
4. Chaplains have the right to be free from coercion to participate in tasks or actions contrary to the chaplain's beliefs.
5. all military branches should integrate the chaplaincy into decision-making processes to ensure service members' religious needs are met.
6. all branches should reduce barriers to chaplains' ability to reach personnel and provide religious rites in deployed or isolated settings.⁵⁷⁰

Legislation

The testimonies clearly indicated additional legislation is needed to support religious liberty for service members and military chaplains. The Commission recommends that the

(2025) (Statement of 2LT Rao Harish); Fourth Hearing of the Religious Liberty Comm'n, Hearing Transcript, 324-6 (2025) (Statement of Rabbi Sanford Dresin, Chap., Col., USA, Ret.); Fourth Hearing of the Religious Liberty Comm'n, Hearing Transcript, 331 (2025) (Statement of Amy Vitale); Americans United for Separation of Church and State, Written Comments, 25-26, <https://www.justice.gov/religious-liberty-commission/media/1437931/dl?inline>.

⁵⁶⁸ See Fourth Hearing of the Religious Liberty Comm'n, Hearing Transcript, 301-2 (2025) (Statement of Kenny Vaughan); Fourth Hearing of the Religious Liberty Comm'n, Hearing Transcript, 283 (2025) (Statement of David Barton).

⁵⁶⁹ Fourth Hearing of the Religious Liberty Comm'n, Hearing Transcript, 334 (2025) (Statement of Msgr. Anthony Frontiero).

⁵⁷⁰ Fourth Hearing of the Religious Liberty Comm'n, Hearing Transcript, 321-3 (2025) (Statement of Chap (Maj. Gen.) Doug Carver, USA (Ret.)); Fourth Hearing of the Religious Liberty Comm'n, Hearing Transcript, 334 (2026) (Statement of Msgr. Anthony Frontiero); Fourth Hearing of the Religious Liberty Comm'n, Hearing Transcript, 331 (2025) (Statement of Amy Vitale); Fourth Hearing of the Religious Liberty Comm'n, Hearing Transcript, 334 (2025) (Statement of Comm'r Kelly Shackelford, Fourth Hearing).

Administration advocate for the passage of federal legislation to protect military chaplains' rights and ensure adequate funding for chaplain recruitment, mobility, deployment, and ministry resources.⁵⁷¹

Restoration of Service Members

The Commission heard from several service members who lost benefits and pensions because of their religious beliefs related to the COVID-19 vaccine. The Commission urges that the Department of War continue its efforts to fully restore and compensate COVID-19 vaccination religious objectors, including through reinstatement, compensation, and the restoration of lost benefits.⁵⁷²

Vaccines

Litigation

The Commission recommends that the Department of Health and Human Services' and Department of Justice's Offices of Civil Rights, along with the Equal Employment Opportunity Commission open civil rights investigations into—or file strategic litigation against—federally funded educational, medical, and governmental entities that may have violated religious freedom rights by denying religious exemptions to vaccine mandates.

Private Sector

Litigation, Investigations, Enforcement

The Department of Justice should support strategic litigation challenging the legality of debanking under newly enacted state laws designed to end religious discrimination in

⁵⁷¹ Fourth Hearing of the Religious Liberty Comm'n, Hearing Transcript, 331 (2025) (Statement of Amy Vitale); Fourth Hearing of the Religious Liberty Comm'n, Hearing Transcript, 334 (2026) (Statement of Msgr. Anthony Frontiero).

⁵⁷² *E.g.* Fourth Hearing of the Religious Liberty Comm'n, Hearing Transcript, 299 (2025) (Statement of Comm'r Rev. Franklin Graham); Seventh Hearing of the Religious Liberty Comm'n, Hearing Transcript, 597 (2026) (Statement of Comm'r Kelly Shackelford); See Exec. Order No. 14184, 90 Fed. Reg. 8761 (Feb. 3, 2025); *Memorandum from Secretary of War to Senior Pentagon Leaders, Commanders of the Combatant Commands, Defense Agency and DOW Field Activity Directors, Restoring Honor to Service Members Separated Under the Coronavirus Disease 2019 Vaccine Mandate*, DEP'T OF WAR (Dec. 6, 2025) <https://media.defense.gov/2025/Dec/15/2003842948/-1/-1/1/RESTORING-HONOR-TO-SERVICE-MEMBERS-SEPARATED-UNDER-THE-CORONAVIRUS-DISEASE-2019-VACCINE-MANDATE.PDF>.

financial services.⁵⁷³

The Equal Employment Opportunity Commission should support strategic litigation seeking to protect religious freedom rights in employment, including the rights of employees to:

1. participate in an interactive religious accommodation process with employers, resulting in genuine accommodation;
2. receive appropriate religious accommodations in areas such as Sabbath observance, religious attire, and vaccine requirements; and
3. be free from retaliation for requesting a religious accommodation or engaging in private religious speech while off duty.⁵⁷⁴

Legislation

To address religious liberty violations in the private sector, the Commission recommends that the Administration advocate for the passage of federal legislation codifying the President's executive order, *Guaranteeing Fair Banking for All Americans*, and other legislation to end religious discrimination in banking, insurance, and data services.⁵⁷⁵

⁵⁷³ First Hearing of the Religious Liberty Comm'n, Hearing Transcript, 86-87 (2025) (Statement of Kristen Waggoner); Fifth Hearing of the Religious Liberty Comm'n, Hearing Transcript, 441-2 (2026) (Statement of Amb. Sam Brownback).

⁵⁷⁴ Fifth Hearing of the Religious Liberty Comm'n, Hearing Transcript, 445 (2026) (Statement of Lacey Smith); Fifth Hearing of the Religious Liberty Comm'n, Hearing Transcript, 447(2026) (Statement of Hermione Susana); Sixth Hearing of the Religious Liberty Comm'n, Hearing Transcript, 467-8 (2026) (Statement of Valerie Kloosterman; Public Comment by the Ethics and Public Policy Center, 271, <https://www.justice.gov/religious-liberty-commission/media/1441456/dl?inline>.

⁵⁷⁵ First Hearing of the Religious Liberty Comm'n, Hearing Transcript, 86-87 (2025) (Statement of Kristen Waggoner); Fifth Hearing of the Religious Liberty Comm'n, Hearing Transcript, 441-2 (2026) (Statement of Amb. Sam Brownback); Exec. Order No. 14,331, 90 Fed. Reg. 38,925 (Aug. 7, 2025).

Editor's Note:

The preceding document is a draft of the Religious Liberty Commission Report, based on public hearings held and public comments received.

For the benefit of the public, the draft will be open to public comment for fifteen (15) days.