



## Overview:

# Agenda to Restore & Protect Religious Freedom

Religious freedom means that everyone should be able to practice their religion or no religion at all—without government interference, preference, or disfavor—so long as they don't harm others. But over the last four years, President Trump manipulated religious freedom in unprecedented ways to sanction discrimination, deny access to health care, require taxpayers to fund religion, and allow houses of worship to endorse political candidates.

The Biden-Harris administration has the opportunity and the moral obligation to right the wrongs of the Trump administration and build a better future—one that values religious freedom and equality for all. We call on the Biden-Harris administration to take immediate action to restore the separation of church and state, a core constitutional principle and the cornerstone of religious freedom.

## Here are the 10 things the Biden-Harris administration must do to protect religious freedom:

**1. Repeal the Muslim Ban.** The Muslim Ban is a breach of the American promise of religious freedom for all. We must ensure that no one is banned from our country because of their religious beliefs. President Trump's Muslim and African bans have led to families being separated, people being denied access to medical treatments, students and researchers denied permission to study here, and doctors and medical professionals who could help care for COVID-19 patients being prohibited from entering the U.S.

**2. Sign an Executive Order to Restore and Protect Religious Freedom for All Americans.** The Trump administration has misused religious freedom to score political points, cause harm, discriminate, and divide our country. The Biden-Harris administration must sign an executive order setting out principles of religious freedom that reflect current law, including the do-no-harm principle of the Establishment Clause of the First Amendment. The order will guide agencies as they adopt policies to right the wrongs of the Trump administration and revoke policies that justify discrimination.

**3. Protect the Religious Freedom of People Who Use Government-Funded Social Services.** The government often funds faith-based organizations to deliver social services—such as food banks, homeless shelters, and elder care. President Trump proposed rules to strip religious-freedom safeguards from vulnerable people who use these services, and even allowed foster care agencies to use religion to discriminate against potential parents. The Biden-Harris administration must implement robust religious-freedom protections for people seeking these taxpayer-funded services.

**4. Protect Federally Funded Employees from Religious Discrimination.** President Trump’s policies allow taxpayer-funded contractors and grantees to use religion to discriminate against their employees. The Biden-Harris administration must ensure that no one is disqualified from a taxpayer-funded job because they are the “wrong” religion.

**5. Ensure People Are Not Denied Health Care Based on Someone Else’s Religion.** The Trump administration advanced policies that allow health care workers to cite their religious beliefs to deny Americans—particularly women and LGBTQ people—the health care and health insurance they need. The Biden-Harris administration should rescind the policies so that no one is denied access to health care because of someone else’s religious beliefs.

**6. Support the Do No Harm Act.** The Trump administration has misused the Religious Freedom Restoration Act (RFRA) to justify many of its harmful and discriminatory policies. The Do No Harm Act, sponsored by Vice President-elect Harris when she served in the Senate, is designed to restore RFRA to its original intent. It will preserve the law’s power to protect religious freedom, such as the right to wear religious attire and observe religious holidays, but also clarify that it may not be used to harm others.

**7. Fund Public Schools—Not Private Schools—with Public Funds.** Open to all students, public schools help unify our diverse society. Private school vouchers, historically rooted in efforts to evade desegregation orders after *Brown v. Board of Education*, undermine this vital function by diverting public resources to fund private, often religious schools. Forcing taxpayers to fund the religious education of others violates core principles of religious freedom. Yet, President Trump and Education Secretary Betsy DeVos wrongly prioritized private school vouchers and other funding for private schools, even exploiting the pandemic to do so.

**8. Protect and Enforce the Johnson Amendment.** The Johnson Amendment is a provision in the tax code that protects the integrity and autonomy of tax-exempt organizations, including houses of worship, by ensuring they do not endorse or oppose political candidates. The vast majority of Americans support the Johnson Amendment. Yet, President Trump has falsely bragged that he “got rid” of the Johnson Amendment and has stopped enforcement of the law.

**9. Ensure that Our Government Reflects Our Nation’s Religious Diversity.** The Trump administration surrounded itself with members of one particular segment of a single faith—conservative evangelical Protestants—and elevated their opinions and political interests above all others. President-elect Biden and Vice President-elect Harris should build an administration that mirrors the religious diversity of our nation and maintains expertise in church-state separation.

**10. Nominate Federal Judges Who Respect the Separation of Church and State.** Federal judges are confirmed for lifetime appointments, and judges who decide constitutional questions must respect the separation of religion and government and have a record that demonstrates they will uphold the principle that religious freedom should never be used to harm others. During the Trump administration, 220 federal judges were confirmed, many of whom have demonstrated that they will undermine this principle.

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