



February 9, 2017

President Donald J. Trump
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

Vice President Michael R. Pence
Old Executive Office Building
Washington, D.C. 20501

Dear Mr. President and Mr. Vice President:

Family Policy Alliance and our network of 40 state-based family policy councils have been working to influence public policy, primarily at state legislatures but also federally, since the late 1980s. We envision a nation where God is honored, religious freedom flourishes, families thrive, and life is cherished. We write to request that you firmly reject the systemic bullying against individuals of faith, religious organizations, faith-based businesses, and churches that has been the hallmark of the former Administration and liberal media. Please swiftly sign an Executive Order Establishing a Government-Wide Initiative to Respect Religious Freedom.

There can be no doubt that religious freedom is a casualty of the Obama Administration. Under his “hallmark achievement” (Obamacare) alone, the Obama Administration attempted to: force Christian family-owned businesses like Hobby Lobby to pay for drugs and devices that can cause early abortions,¹ force Christian charities like the Little Sisters of the Poor to include those same drugs in their healthcare plans,² and contravene longstanding federal policy protecting Americans from being forced to fund abortions against their religious beliefs.³

The Obama Administration's hostility toward the religious freedom of its own citizens was not limited to Obamacare. The Administration unsuccessfully argued that the First Amendment does not exempt churches from employment discrimination laws, even

¹ 78 Fed. Reg. 39870 (July 2, 2013) (citing 42 U.S.C. § 300gg-13(a)(4)), ruled unconstitutional as applied to Hobby Lobby by the U.S. Supreme Court in *Burwell v. Hobby Lobby*, 573 U.S. ___ (2014).

² 26 C.F.R. § 54.9815-2713(a)(1)(iv) (IRS Regulations); 29 C.F.R. § 2590.715-2713(a)(1)(iv) (parallel Department of Labor Regulations); 45 C.F.R. § 147.130(a)(1)(iv) (parallel HHS Regulations).

³ Obamacare bypasses the Hyde Amendment by directly appropriating taxpayer funds in the form of tax credits that can be paid to insurance companies or to individuals directly when filing taxes (<https://www.irs.gov/affordable-care-act/individuals-and-families/the-premium-tax-credit>). Obamacare further bypasses Hyde by directly appropriating taxpayer funds for subsidies to purchase government-run plans that include elective abortion (PPACA, Public Law 111-148, Section 1334 (a)(6)), and individuals cannot even find out whether the health plan they're enrolling in covers elective abortion until the time of enrollment (PPACA, Public Law 111-148, Section 1303(b)(3)(A)).

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when hiring their own pastors and teachers.⁴ Ironically, in the name of “preventing discrimination,” President Obama issued an Executive Order in 2014 that discriminates against faith-based entities by preventing them from contracting with their own government unless they forfeit their religious beliefs about human sex and sexuality.⁵ One final example is the Obama Administration’s regular use of the term “freedom of worship” instead of “freedom of religion”⁶—implying a deep misunderstanding about the depth of First Amendment protections. We are guaranteed the right to freely live out our faith in all aspects of life—not just the freedom to worship our God within the four walls of our church or home.

Families in our states have felt the impact of the disregard and disdain for religious freedom from the federal level. Frequently, state non-discrimination laws have been used as a weapon to punish people of faith and prevent them from earning a living—unless they comport their businesses in the image of the government’s viewpoints. The Kleins in Oregon are a tragic example—Melissa Klein lost her bakery business and was forced to pay a fine of over \$100,000 simply because as a family-owned business operated in accordance with the Kleins’ deeply held beliefs, they disagreed with using Melissa’s cake-decorating talents to participate in a same-sex wedding.⁷ Illinois Catholic Charities—an organization that partnered with government to serve the state’s poor and neglected children for over 40 years—was forced to shut down rather than comply with the government’s rule requiring them to abandon the core convictions that motivated their charity in the first place.⁸

In response, our organizations have been advancing policy to protect religious freedom in our states as people of faith, religious charities and organizations, and churches have faced increasing hostility over the past eight years. We have advocated for laws that would ensure the ability of faith-based charities to continue serving their communities’ most vulnerable according to the faith that drives them. We have advocated for laws that

⁴ *Hosanna-Tabor Evangelical Lutheran Church & Sch. v. EEOC*, 132 S. Ct. 694 (2012).

⁵ Exec. Order No. 13672, 79 Fed. Reg. 42971 (July 23, 2014).

⁶ See Michelle Boorstein, *Freedom of Religion vs. Freedom of Worship*, Onfaith, <https://www.onfaith.co/onfaith/2010/02/09/whats-the-difference-between-freedom-of-religion-and-freedom-of-worship/2326> (last visited Feb. 7, 2017).

⁷ Casey Parks, *Sweet Cakes by Melissa, Bakery that Turned Away Lesbians, Closes*, *The Oregonian* (Oct. 6, 2016), http://www.oregonlive.com/portland/index.ssf/2016/10/sweet_cakes_by_melissa_bakery.html. See, e.g., *State of Washington v. Arlene’s Flowers*, Alliance Defending Freedom (Jan. 23, 2017), <http://www.adfmedia.org/News/PRDetail/8608> (Christian grandmother and floral artist stands to lose everything simply for declining to promote the state-approved meaning of marriage. Her case is pending at the Washington Supreme Court); *Masterpiece Cakeshop v. Colorado Civil Rights Commission*, Alliance Defending Freedom (Jan. 23, 2017), <http://www.adfmedia.org/News/PRDetail/8700> (Colorado cake artist was ordered to create cakes for same-sex celebrations, contrary to his Christian beliefs upon which his business was founded. A petition for certiorari is pending before the U.S. Supreme Court).

⁸ Laurie Goodstein, *Illinois Catholic Charities Close Over Adoption Rule*, *Boston Globe* (Dec. 29, 2011), <https://www.bostonglobe.com/news/nation/2011/12/29/illinois-catholic-charities-close-rather-than-allow-same-sex-couples-adopt-children/Km9RBLkpKzABNLJbUGhvJM/story.html>.

would prevent government from using its power of taxation, coercive authority in contracting or licensure, or other means to punish or discriminate against people of faith.

We have seen success in many states, but we have also faced an uphill battle due to the climate created by the Obama Administration. Rather than receiving help from the government protecting their rights, American families and the communities they serve *because of* their deeply held beliefs have had their rights stripped away by their own government. Ordinary Americans have been targets of government-endorsed discrimination—despite the fact that religion and religious activity contribute \$1.2 trillion to our economy.⁹

President Trump and Vice President Pence, we are grateful you made the protection of religious freedom a hallmark of your campaign. By doing so, you garnered the trust, respect, and votes of much of our constituencies. We encourage you to now use the position of leadership with which you were entrusted to truly protect religious freedom—for all people, of all faiths, at all times, in all places.

Your leadership sets the tone for the nation, and for our elected representatives in Congress. A broad religious freedom Executive Order affirming that persons and organizations do not forfeit their religious freedom when providing social services, education, or healthcare; earning a living, seeking a job, or employing others; receiving government grants or contracts; or otherwise participating in the marketplace, the public square, or interfacing with local, state, or federal governments is an excellent and vital first step to truly make religious freedom *great again*. Congress should follow your lead to pass strong religious freedom protections into law.

On behalf of our constituencies, we thank you for hearing the concerns of hundreds of thousands of American families around the country and urge you to swiftly sign a broad religious freedom Executive Order protecting the right of all Americans to freely live out their faith.

Sincerely,

Paul Weber, President & CEO
Family Policy Alliance

Jim Minnery, President

⁹ Brian J. Grim & Melissa J. Grim, *The Socio-economic Contribution of Religion to American Society: An Empirical Analysis*, 2016(12) *Interdisciplinary J. Research on Religion*, available at <http://www.religjournal.com/pdf/ijrr12003.pdf> (includes basic business drivers like staff and utilities, charities, education institutions, healthcare services, etc.).

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cc: The Honorable Paul Ryan
Speaker of the House of Representatives
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The Honorable Mitch McConnell
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