

President Trump Has Made Religious Freedom a Priority

President Donald J. Trump has kept his promise to defend the constitutionally protected right to the free exercise of religion. His Administration has repeatedly stepped forward to protect those whose religious freedom is under threat and to ensure that faith-based organizations are treated fairly.

Presidential Statements and Proclamations

No American should be forced to choose between the dictates of the federal government and the tenets of their faith.

National Day of Prayer [Remarks](#) – May 4, 2017

“My Administration is taking action to protect religious liberty and to seek justice against those who seek to abridge it. ... Our Nation was founded on the premise that a just government abides by the ‘Laws of Nature and of Nature’s God.’ As the Founders recognized, the Constitution protects religious freedom to secure the rights endowed to man by his very nature. On this day, we recognize this history and affirm our commitment to the preservation of religious freedom.”

Presidential Proclamation on Religious Freedom Day, [2019](#)ⁱ

In America, we’ve always understood that our rights come from God, not from government. In our Bill of Rights, the first liberty is religious liberty. Each of us has the right to follow the dictates of our conscience and the demands of our religious conviction. We know that if people are not free to practice their faith, then all of the freedoms are at risk and, frankly, freedoms don’t mean very much.

[Meeting](#) with Survivors of Religious Persecution - July 17, 2019

The United States is founded on the principle that our rights do not come from government; they come from God. This immortal truth is proclaimed in our Declaration of Independence and enshrined in the First Amendment to our Constitution's Bill of Rights. Our Founders understood that no right is more fundamental to a peaceful, prosperous, and virtuous society than the right to follow one's religious convictions.

United Nations [Event](#) on Religious Freedom - September 23, 2019

Americans will never tire in our effort to defend and promote freedom of worship and religion. We want and support religious liberty for all.

74th [Session](#) of the United Nations General Assembly - September 24, 2019

Presidential Actions

- President Trump signed an [Executive Order](#)ⁱⁱ, **Promoting Free Speech and Religious Liberty**, in May 2017 to establish the policy of the executive branch “to vigorously enforce Federal law’s robust protections for religious freedom.” In that E.O., the President:
 - Instructed the Attorney General to issue guidance interpreting religious liberty protections in Federal law.
 - Directed all executive departments and agencies to respect and protect the freedom of persons and organizations to engage in religious and political speech.
 - Required the Treasury Secretary to ensure that his Department does not take adverse action against any individual, house of worship, or religious organization that has exercised a First Amendment right to support and advocate for candidates and causes in line with its values.
- President Trump also signed an [Executive Order](#)ⁱⁱⁱ in May 2018, **Establishment of a White House Faith and Opportunity Initiative**, to:
 - Provide recommendations on programs and policies where faith-based and community organizations may partner and/or deliver more effective solutions to poverty.

- Apprise the Administration of any failures of the executive branch to comply with Federal protections of religious liberty.
- Propose ways to reduce burdens on the exercise of religious beliefs.
- Remove a provision [added to an Executive Order](#)^{iv} by President Obama that placed referral burdens on faith-based social service providers that were not imposed on other service providers.
- President Trump [signed](#)^v the ***Iraq and Syria Genocide Relief and Accountability Act*** into law in December 2018. It helped U.S. aid to the Middle East reach Christians and other religious minorities, and it authorized the government to directly fund faith-based groups and other nongovernmental organizations working in the region.
- President Trump [nominated](#)^{vi} former U.S. Senator Sam Brownback of Kansas to be **Ambassador at Large for International Religious Freedom**, and the U.S. Senate confirmed his nomination on January 24, 2018.
- President Trump appointed a [Special Envoy](#)^{vii} to Monitor and Combat Anti-Semitism.
- President Trump spoke at the **Annual National Prayer Breakfast** in [2018](#),^{viii} [2019](#), and [2020](#)^{ix}, and spoke to the [National Catholic Prayer Breakfast in 2020](#).
- President Trump [hosted](#) 30 survivors of religious persecution in the Oval Office in conjunction with the 2019 **Ministerial to Advance Religious Freedom**.^x The survivors represented 16 countries and six religious traditions.
- President Trump [placed](#) religious freedom on the center stage at the Global Call for Religious Freedom [event](#) at the United Nations during the 2019 U.N. General Assembly in New York, at which he announced that his Administration will dedicate an additional \$25 million to protect religious freedom and religious sites and relics.
- The President declared January 18, [2018](#),^{xi} January 16, [2019](#),^{xii} and [January 16, 2020](#), to be **Religious Freedom Day**.

- On Religious Freedom Day in 2020, President Trump hosted an event in the Oval Office to mark the release of guidance on First Amendment protections for the right to exercise religious belief in public school settings and highlight his support for students who exercise their faith.
- President Trump signed an [Executive Order on Advancing International Religious Freedom](#) on June 2, 2020, that defined international religious freedom as a moral and national security imperative, solidifying religious freedom as a foundational principle of American foreign policy.

Trump Administration Actions to Protect Religious Freedom

Multi Agency Action

- The Departments of [Health and Human Services](#), Justice, Labor, Homeland Security, Education, Housing and Urban Development, Agriculture, and Veterans Affairs, and the Agency for International Development promulgated joint final rules^{xiii} ensuring that religious and non-religious organizations are treated equally in federally funded programs, and that clarifies that religious organizations do not lose their legal protections and rights by participating in federal programs and activities.

Office of Management and Budget

- On Religious Freedom Day (Jan. 16) in 2020, OMB released a Memorandum to all agencies providing guidance on administering Federal grants in a manner that ensures that religious organizations are able to compete on equal footing for Federal financial assistance—including Federal financial assistance that is distributed through or by a State entity.

Office of Personnel Management

- The Office of Personnel Management finalized a [rule](#)^{xiv} in April 2019 providing more flexibility for federal employees whose religious beliefs require them to abstain from work on certain days.

U.S. Department of Justice

- Since January 2017, the Justice Department has obtained convictions of 17 individuals in cases involving attacks or threats against places of worship or religious property.
 - In that time, the Department also has obtained convictions of 15 individuals in cases involving federal crimes committed against individuals that are motivated wholly or in part by the victims' religious beliefs.
- Since January 2017, the Department has charged more than 80 defendants with, and has obtained convictions of more than 65 defendants for, anti-Semitic hate crimes and related conduct.
- On October 6, 2017, the Attorney General of the United States, fulfilling the President's directive in the May 2017 [Executive Order](#) on **Promoting Free Speech and Religious Liberty**^{xv}, issued a [memorandum](#)^{xvi} to all Executive Departments and Agencies that described 20 principles of religious liberty and provided guidance to agencies for implementing these principles in their administrative work and enforcement actions.
- In 2018, the Justice Department (DOJ) updated its official Manual for federal prosecutors to direct the designation of a Religious Liberty Point of Contact for all U.S. Attorney's offices, and to reasonably accommodate religious observance and practice in all activities, including litigation, to the greatest extent practicable and as permitted by law.^{xvii}
- The Trump Administration has taken a stand on behalf of individuals' and private organizations' religious liberty in the courts, including by submitting:
 - An amicus brief in [support](#)^{xviii} of Colorado baker Jack Phillips's right to operate his bakery in accordance with his religious beliefs.
 - Amicus briefs filed in the [Montana Supreme Court](#),^{xix} [First Circuit](#),^{xx} and [U.S. Supreme Court](#)^{xxi} in support of students declared ineligible for scholarships because of their attendance at a religious school. The Administration's position was upheld by the U.S. Supreme Court in a June 30, 2020 [decision](#), *Espinoza v. Montana Department of Revenue*.

- An amicus brief in [support](#)^{xxii} of the Catholic Archdiocese of Washington’s effort to buy ads on public transportation for its “Find the Perfect Gift” Christmas charitable campaign.
- An amicus brief in [support](#)^{xxiii} of the American Legion, which helped finance a Memorial Cross in Bladensburg, Maryland dedicated to the memory of servicemen who died in World War I, and against an effort by the American Humanist Association to have the cross removed or changed to an obelisk. The Administration’s position was upheld by the U.S. Supreme Court in a June 20, 2019 [decision](#), *American Legion v. American Humanist Association*.
- A [Statement of Interest](#)^{xxiv} in support of the First Amendment freedoms of the student organization Business Leaders in Christ, which the University of Iowa (UI) deregistered because of UI’s disagreement with the organization’s Statement of Faith.
- A [Statement of Interest](#)^{xxv} in support of a photographer’s right not to photograph same-sex weddings.
- An [amicus brief](#)^{xxvi} in support of Vermont parochial school students’ rights to participate in a college course program that is open to other students on neutral terms.
- An [amicus brief](#)^{xxvii} in the U.S. Supreme Court in support of California primary schools’ First Amendment rights in an employment lawsuit by former teachers under the “ministerial exception.” The Administration’s position was upheld by the U.S. Supreme Court in a July 8, 2020 [decision](#),^{xxviii} *Our Lady of Guadalupe School v. Morrissey-Berru*.
- An [amicus brief](#)^{xxix} in the Indiana Supreme Court in support of a Catholic Archdiocese’s First Amendment rights in a former high school teacher’s employment lawsuit, including under the “ministerial exception.”
- During the coronavirus pandemic, the Justice Department has taken a stand on behalf of religious liberty rights in courts and with state and local governments, including by:
 - Filing statements of interest challenging restrictions on houses of worship, including in [Colorado](#)^{xxx} in which [the Supreme Court](#)^{xxxi} has granted the church relief; in [Washington, DC](#)^{xxxii} in which the court

granted an [injunction protecting religious worship](#);^{xxxiii} and in the [States of Washington](#),^{xxxiv} [Virginia](#),^{xxxv} and [Mississippi](#).^{xxxvi}

- Filing a Statement of Interest challenging restrictions on religious schools in [Michigan](#).^{xxxvii}
- Issuing letters and statements to state and local government officials to end rules that restricted religious liberty, including the “one congregant” rule in [San Francisco](#),^{xxxviii} restrictions in [New York City](#),^{xxxix} and restrictions in [Montgomery County, Maryland](#).^{xl}
- On July 30, 2018, the Justice Department convened a **Religious Liberty Summit** at which it explored what religious liberty is and why it matters.
 - At the summit, the Attorney General announced that he established a [Religious Liberty Task Force](#)^{xli} within DOJ, of which he would serve as the Chair, to continue the Department’s ongoing work to implement the October 2017 Religious Liberty Memorandum.
- In June 2018, the Attorney General announced the [Place to Worship Initiative](#)^{xlii}, which focuses on “protecting the ability of houses of worship and other religious institutions to build, expand, buy, or rent facilities,” as provided by [law](#)^{xliii}. As part of that initiative:
 - On September 22, 2020, the Justice Department marked the 20th anniversary of the Religious Land Use and Institutionalized Persons Act with a [comprehensive 20-year report](#),^{xliv} including a finding that the Place to Worship Initiative had doubled the number of RLUIPA cases and briefs the Department filed and had increased by 60% the full investigations compared to an average two-year period in the previous 10 years.
 - The Justice Department’s Community Relations Service hosted learning programs in locations such as [Missoula, Montana](#)^{xlv} and [Hessville, Indiana](#)^{xlvi} to provide faith-based leaders and community members an opportunity to discuss and learn how to prevent and respond to hate crimes against places of worship.
- On July 15, 2019, the Justice Department held a [Summit on Combating Anti-Semitism](#)^{xlvii} that addressed the increase in anti-Semitic incidents on campuses, the balance between fighting anti-Semitic rhetoric while respecting First

Amendment freedoms, and the Department’s record in prosecuting hate crimes against Jews.

- The week of March 11, 2020, the Justice Department held daily internal trainings on religious liberty issues to commemorate the 27th Anniversary of the Religious Freedom Restoration Act being introduced in the House and Senate.
- On December 16, 2020, the Justice Department [filed a civil lawsuit](#)^{xlviii} against the University of Vermont Medical Center for discriminating against health care workers who follow their conscience and refuse to perform or assist with abortions, in violation of the federal anti-discrimination statute known as the “Church Amendments” that protects such workers.
- The DOJ Office of Legal Counsel issued [an opinion](#) that a restriction imposed by Congress on loans from the Department of Education for capital improvements at faith-based historically black colleges and universities (HBCUs) violates the Free Exercise Clause of the First Amendment to the Constitution.

U.S. Department of Health and Human Services

- The Department of Health and Human Services (HHS) [created](#)^{xlix} a **Conscience and Religious Freedom Division** within its Office for Civil Rights to enforce more vigorously and effectively federal laws protecting the rights of conscience and religious freedom.
- HHS published [two final rules](#)^l in November 2018 to provide protections for Americans with religious beliefs or moral convictions in the context of health services.
 - The first rule provides an exemption from Obamacare’s contraceptive coverage mandate to entities that object to services covered by the mandate on the basis of sincerely held religious beliefs.
 - The second rule provides protections to nonprofit organizations, small businesses, and individuals that have non-religious moral convictions opposing services covered by the mandate.
- HHS’s Office of Civil Rights ensured that patients can receive safe religious visitations from clergy during COVID-19.^{li lii}

U.S. Department of Labor

- The Department of Labor (DOL) and its Office of Federal Contractor Compliance Programs (OFCCP) published a final rule^{liii} in December 2020 clarifying the religious exemption in Executive Order 11246 and encouraging the full and equal participation of religious organizations as federal contractors by ensuring that such organizations do not have to sacrifice their religious mission to be federal contractors, while protecting the government from entanglement in religious disputes.
- On October 30, 2020, DOL's OFCCP revised its [compliance manual](#)'s section on religious accommodation to more fully recognize the workplace rights of religious employees.
- On December 21, 2018, DOL's Wage and Hour Division (WHD) issued [an opinion letter](#) to an organization of devout religious communities who work together and share everything in common, opining that the community members are not, and cannot be, regulated under the Fair Labor Standards Act, even when they perform work that raises funds for the community's nonprofit organization.
- On August 10, 2018, DOL's OFCCP issued [a directive](#) to its enforcement staff that they must respect religious individuals and organizations, including by proceeding "in a manner neutral toward and tolerant of religious beliefs" and by respecting "the right of religious people and institutions to practice their faith without fear of discrimination or retaliation by the Federal Government."
- In order to ensure that federal contractors are appropriately granting religious accommodations to employees, DOL's OFCCP created an Accommodations Focused Review enforcement program, and announced 500 Accommodations Focused Reviews of federal contractors.
- On May 15, 2020, Secretary of Labor Eugene Scalia issued a Religious Liberty Directive and Grant Guidance instructing DOL agencies to incorporate and advance religious liberty principles in their daily operations, in order to ensure religious liberty protections in the Department's operations and for faith-based grant recipients.

U.S. Department of Education

- In March 2019, Secretary of Education Betsy DeVos, consistent with the U.S. Supreme Court's decision in *Trinity Lutheran Church of Columbia, Inc. v. Comer* in 2017, [announced](#)^{lv} that the Education Department would no longer enforce a federal law barring religious organizations from serving as contract providers of services solely due to their religious affiliation.
- On January 16, 2020, the Department updated its [Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools](#), which makes clear that teachers and students do not shed their First Amendment rights when they walk through the schoolhouse doors.
- In August 2020, the Department finalized regulations to ensure that eligible students and faith-based entities do not have to disavow their religious beliefs or status to participate in Federal Student Aid programs authorized under Title IV of the Higher Education Act of 1965.
- In September 2020, the Department finalized a rule implementing the President's Executive Order 13864: Improving Free Inquiry, Transparency, and Accountability at Colleges and Universities, which ensures that religious student organizations at public institutions of higher education receive the same rights, benefits, and privileges afforded to other student organizations.
- In October 2020, after soliciting an OLC opinion on the matter, Secretary DeVos [ended enforcement](#) of a restriction barring religiously affiliated charter schools from participating in the Expanding Opportunity Through Quality Charter Schools Program.

Small Business Administration

- In April 2020, SBA [issued guidance clarifying](#)^{lv} that all faith-based organizations impacted by COVID-19 are eligible to participate in the Paycheck Protection Program and the Economic Injury Disaster Loan program, without restrictions based on their religious identity, speech, or activities, to the extent they meet the eligibility criteria outlined in the CARES Act that was passed by Congress.

U.S. Department of Veterans Affairs

- On July 3, 2019, the Department of Veterans Affairs changed a policy that said holiday displays had to convey a primarily secular message to one that [allows](#)

[the inclusion of religious symbols](#)^{lvi} in holiday displays if the display reflects the important role that religion plays in the lives of many Americans and does not elevate one belief system over another.

Federal Emergency Management Agency

- In January 2018, FEMA reversed an Obama Administration [policy](#)^{lvii} to deny FEMA aid to houses of worship. FEMA [announced](#)^{lviii} that houses of worship can receive crucial disaster aid in times of crisis on a par with other private nonprofit organizations.

U.S. Department of State

- In January 2018, the Trump administration [took a stand](#) for international religious freedom by placing Pakistan on a “Special Watch List” for severe violations of religious freedom. It also designated 10 others as “countries of particular concern” for having engaged in or tolerated particularly severe violations of religious freedom.
- In July 2018, the State Department hosted the [first-ever](#)^{lix} [Ministerial to Advance Religious Freedom](#).^{lx}
 - At the end of the summit, the State Department released the [Potomac Declaration](#)^{lxi} and [Potomac Plan of Action](#)^{lxii}, which emphasized the importance of religious freedom to the U.S. Government and outlined specific steps for countries to follow to protect religious freedom.
 - The Administration also [announced](#)^{lxiii} the establishment of the [International Religious Freedom Fund](#)^{lxiv}, a multi-donor fund that provides rapid assistance to victims of persecution throughout the world.
- The State Department convened its [second Ministerial](#)^{lxv} to Advance Religious Freedom in July 2019 to identify ways to combat religious persecution and discrimination, and ensure greater respect for freedom of religion or belief.
 - The Ministerial was the largest human rights gathering ever at the State Department and the largest event of its kind in the world. 106 countries were represented and over 1,000 civil society and religious leaders participated in the event.

- In conjunction with the Ministerial, the U.S. Agency for International Development (USAID) [announced](#)^{lxvi} it will provide \$27 million in new humanitarian assistance for Iraqi Religious Minorities.
- The Secretary of State [announced](#)^{lxvii} the creation of the **Commission on Unalienable Rights** to generate a debate about human rights that extends across party lines and national borders. Professor Mary Ann Glendon, the Learned Hand Professor of Law at Harvard Law School and former U.S. Ambassador to the Holy See, chaired the commission.
 - The Commission released its report in August 2020.
- In October 2018, the Trump Administration ensured [Pastor Andrew Brunson](#)^{lxviii} was safely released from prison in Turkey and brought home to the United States.

Department of the Interior

In August 2019, the U.S. Fish and Wildlife Service [revised](#)^{lxix} its policy to allow federally recognized Tribes to retain bald and golden eagle remains found on tribal lands under certain conditions.

ⁱ <https://www.whitehouse.gov/presidential-actions/presidential-proclamation-religious-freedom-day-2019/>

ⁱⁱ <https://www.govinfo.gov/content/pkg/FR-2017-05-09/html/2017-09574.htm>

ⁱⁱⁱ <https://www.whitehouse.gov/presidential-actions/executive-order-establishment-white-house-faith-opportunity-initiative/>

^{iv} <https://obamawhitehouse.archives.gov/the-press-office/2010/11/17/executive-order-fundamental-principles-and-policymaking-criteria-partner>

^v <https://www.whitehouse.gov/briefings-statements/remarks-president-trump-signing-ceremony-h-r-390-iraq-syria-genocide-relief-accountability-act-2018/>

^{vi} <https://www.whitehouse.gov/presidential-actions/nominations-sent-senate-today-2/>

^{vii} <https://www.state.gov/bureaus-offices/under-secretary-for-civilian-security-democracy-and-human-rights/office-of-the-special-envoy-to-monitor-and-combat-anti-semitism/>

^{viii} <https://www.whitehouse.gov/briefings-statements/remarks-president-trump-66th-annual-national-prayer-breakfast/>

^{ix} <https://www.whitehouse.gov/briefings-statements/remarks-president-trump-2019-national-prayer-breakfast/>

^x <https://www.whitehouse.gov/briefings-statements/remarks-president-trump-meeting-survivors-religious-persecution/>

^{xi} <https://www.whitehouse.gov/presidential-actions/president-donald-j-trump-proclaims-january-16-2018-religious-freedom-day/>

^{xii} <https://www.justice.gov/crt/religious-land-use-and-institutionalized-persons-act>

^{xiii} <https://www.hhs.gov/about/news/2020/12/14/hhs-announces-joint-final-rule-regarding-equal-treatment-faith-based-organizations.html>

^{xiv} <https://www.federalregister.gov/documents/2019/04/29/2019-08533/compensatory-time-off-for-religious-observances-and-other-miscellaneous-changes>

xv <https://www.govinfo.gov/content/pkg/FR-2017-05-09/html/2017-09574.htm>

xvi <https://www.justice.gov/opa/press-release/file/1001891/download>

xvii <https://www.justice.gov/jm/1-15000-respect-religious-liberty-0>

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xix <https://www.justice.gov/opa/pr/department-justice-files-amicus-brief-montana-school-choice-case>

xx <https://www.justice.gov/opa/pr/justice-department-files-brief-maine-school-choice-appeal>

xxi https://www.supremecourt.gov/DocketPDF/18/18-1195/116295/20190918175731796_18-1195tsacUnitedStates.pdf

xxii <https://www.justice.gov/opa/pr/justice-department-defends-archdiocese-washington-s-religious-liberty>

xxiii <https://www.justice.gov/brief/file/1122981/download>

xxiv <https://www.justice.gov/opa/press-release/file/1122711/download>

xxv <https://www.justice.gov/opa/pr/department-justice-files-statement-interest-defending-photographer-free-speech-claim>

xxvi <https://www.justice.gov/opa/pr/department-justice-argues-vermont-s-barring-parochial-student-college-course-program-violates>

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xxxii <https://www.justice.gov/opa/pr/department-justice-files-statement-interest-supporting-capitol-hill-baptist-churchs-efforts>

xxxiii <https://www.justice.gov/opa/pr/statement-assistant-attorney-general-eric-dreiband-and-acting-us-attorney-district-columbia>

xxxiv <https://www.justice.gov/opa/pr/department-justice-files-statement-interest-support-equal-treatment-washington-state-church>

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xxxviii <https://www.justice.gov/opa/pr/justice-department-calls-san-francisco-mayor-end-one-congregant-rule-places-worship-comply>

xxxix <https://www.justice.gov/opa/pr/statement-assistant-attorney-general-eric-dreiband-and-us-attorney-matthew-schneider-new-york>; <https://www.justice.gov/opa/pr/statement-assistant-attorney-general-eric-dreiband-federal-courts-religious-liberty-ruling>

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xlv <https://www.justice.gov/usao-mt/pr/us-department-justice-host-protecting-houses-worship-training>

xlvi <http://www.chicagotribune.com/suburbs/post-tribune/ct-ptb-hammond-church-protection-st-0818-20190816-3c6hklqycfa4nhhnokxe!5v2y-story.html>

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- lv [Faith-Based Organizations FAQ \(sba.gov\)](https://www.sba.gov/faith-based-organizations-faq)
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