

FREEDOM FROM RELIGION *foundation*

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January 11, 2017

The Honorable Michael Crapo
239 Dirksen Senate Office Building
Washington, D.C. 20510

Re: Questions for Housing and Urban Development secretary nominee

Dear Chairman Crapo and Members of the Senate Committee on Banking, Housing, and Urban Affairs:

On behalf of the Freedom From Religion Foundation (FFRF), we are writing to thank you for your diligence in scrutinizing the nomination of Ben Carson for the position of Housing and Urban Development secretary. FFRF is a nationwide nonprofit organization representing more than 25,000 members across the country, including members in every state. Our purposes are to protect the constitutional principle of separation between religion and government, and to educate the public about nonbelief.

Every year, FFRF gets complaints about religion being imposed and promoted by staff in HUD-subsidized housing, including senior housing. HUD subsidized housing is governed in part by 24 C.F.R. § 5.109(c), which says that “Organizations that receive direct HUD funds under a HUD program or activity may not engage in inherently religious activities, such as worship, religious instruction, or proselytization, as part of the programs or services funded under a HUD program or activity.” We seek to uphold this important provision on behalf of our complainants and all nonreligious Americans, as part of our efforts to uphold the constitutional principle of the separation of state and church.

To further that mission, we request that you consider the following information and potential questions for Ben Carson.

1. **Serving all Americans, even religious minorities and the nonreligious**

HUD’s “mission is to create strong, sustainable, inclusive communities and quality affordable homes for all.” That mission involves helping and representing people of all religious faiths and none at all. Overall, 23% Americans identify as nonreligious.¹ That 8-point increase since 2007² and 15 point jump since 1990 makes the “nones” the fastest growing religious identification in America.³ In the past, you’ve said that “the First Amendment . . . guarantees the freedom of religion. It says nothing about freedom from

¹ *America’s Changing Religious Landscape*, PEW RESEARCH CENTER (May 12, 2015), available at www.pewforum.org/2015/05/12/americas-changing-religious-landscape/.

² *Nones on the Rise: One-in-Five Adults Have No Religious Affiliation*, THE PEW FORUM ON RELIGION & PUBLIC LIFE (October 9, 2012), available at <http://www.pewforum.org/Unaffiliated/nones-on-the-rise.aspx>.

³ Barry Kosmin, *National Religious Identification Survey 1989-1990*.

religion.”⁴ You’ve also said that you “would not advocate that we put a Muslim in charge of this nation.”⁵

One of HUD’s goals is to end housing discrimination. **Will you commit to HUD serving all Americans equally and without discrimination, regardless of their religion or lack thereof?**

2. Accepting expert opinions that conflict with your personal religion

Accomplishing HUD’s mission may require relying on experts, including scientific experts. You regularly reject scientific ideas that conflict with your religious beliefs. For instance, you called the Big Bang “ridiculous,” an idea put forward by “highfalutin scientists.”⁶ You’ve said that **evolution is the work of the devil**: “I personally believe that this theory that Darwin came up with was something that was encouraged by the adversary, and it has become what is scientifically, politically correct.”⁷

You’ve also said that those who accept evolution as the scientific fact that it is, are morally bankrupt: “Ultimately, if you accept the evolutionary theory, you dismiss ethics, you don’t have to abide by a set of moral codes.”⁸

As Secretary, you’ll have to read countless reports and listen to even more experts. **Will you listen to these experts even if their conclusions differ from your religious values, with an open mind, in order to act in the best interest of the American people?**

3. Conflicts between secular law and God’s law

You’ve said that there is “no conflict” between God’s law and the laws of America and that “our Constitution, which is the supreme law of our land, was designed by men of faith, and it has a Judeo-Christian foundation.”⁹

If there were a conflict between the law and your religion, for instance, if your office were required to extend housing to a gay couple, would you be able to uphold the law?

4. Religious exemptions from neutral zoning ordinances

There has been a rise in religious groups challenging neutrally written zoning ordinances that designate an area solely for residential use in order to build worship facilities where homes

⁴ Ben Carson, *Atheists Forgetting the Meaning of Freedom*, THE WASHINGTON TIMES (Aug. 19, 2014), available at www.washingtontimes.com/news/2014/aug/19/carson-forgetting-the-meaning-of-freedom/.

⁵ Ben Carson, on “Meet the Press” (Sept. 20, 2015), transcript available at www.nbcnews.com/meet-the-press/meet-press-transcript-september-20-2015-n430581.

⁶ Ben Carson, *Frontal Lobes* (2012 speech), available at www.youtube.com/watch?v=Z6ChFtIDUbg (at 31:00).

⁷ *Id.* at 44:16.

⁸ Ben Carson, *Evolution? No. A conversation with Dr. Ben Carson*, ADVENTIST REVIEW (2004), available at web.archive.org/web/20150928074313/http://archives.adventistreview.org/2004-1509/story2.html.

⁹ *Atheist voter asks Ben Carson about Faith*, C-SPAN (video posted Jan. 29, 2016), available at www.youtube.com/watch?v=AlI1r5IIQVw (at 1:18).

are meant to go. They have used Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), 42 U.S.C. §§ 2000cc, et seq. and state “religious freedom” laws to litigate special religious exemptions to zoning codes.

Do you support special exemptions for religious groups? What will you do to ensure that the same rules apply regardless of whether it’s a Christian church or a Muslim mosque being proposed?

Thank you for your service on the Senate Committee on Banking, Housing, and Urban Affairs and for ensuring that the position of Housing and Urban Development secretary is held by a candidate who recognizes and is willing to uphold our country’s long-established constitutional principle of separating religion and government.

Very truly,

Handwritten signatures of Dan Barker and Annie Laurie Gaylor in blue ink.

Dan Barker & Annie Laurie Gaylor
Co-Presidents
FREEDOM FROM RELIGION FOUNDATION