

Atheists. Agnostics. Humanists.
Americans.

October 25, 2017

The Honorable Charles E. Grassley, Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

The Honorable Dianne Feinstein, Ranking Member
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

SENT VIA ELECTRONIC MAIL

Re: Dangers of the Attorney General's Memorandum on Religious Liberty

Dear Chairman Grassley and Ranking Member Feinstein,

We are writing to you today because of our grave concern regarding the Attorney General's "Memorandum on Religious Liberty" ("Memorandum") that was released on October 6, 2017. This is a brazen attempt to pervasively privilege religion over the rights and liberties of all Americans. In our estimation, the Memorandum amounts to nothing less than the federal government granting a legal privilege to discriminate.

The record shows that Attorney General Sessions views religious liberty as a tool for imposing a specific set of religious beliefs on others, regardless of the harm it may cause and even when doing so undermines the religious liberty of others. When asked during his confirmation hearing if a secular American had as much of a claim for understanding the truth as a religion person, then-Senator Jeff Sessions grinned and responded, "Well, I'm not sure." The recently released Memorandum confirms that Attorney General Sessions intends to use the authority of the Department of Justice to codify his religious preferences.

Member Organizations: American Atheists • American Ethical Union • American Humanist Association • Atheist Alliance of America • Black Nonbelievers, Inc. • Camp Quest • Center for Inquiry • Congress of Secular Jewish Organizations • Ex-Muslims of North America • Freethought Society • Freedom from Religion Foundation • Hispanic American Freethinkers • Institute for Humanist Studies • Military Association of Atheists and Freethinkers • Recovering from Religion • Secular Student Alliance • Society for Humanistic Judaism • Unitarian Universalist Humanist Association

If fully implemented, the Memorandum will result in the creation of a religiously-based license to discriminate. Under its terms, religious individuals, organizations, and even for-profit corporations where the owners or management claim religious affiliation, will be permitted to claim exemptions from a whole swath of federal, state, and local regulations and laws. These exemptions include, but are not limited to, civil rights laws which have been implemented to protect disadvantaged groups from discrimination. In addition, entities that discriminate on a religious basis will be entitled to taxpayer funding on an equal basis with groups that do not discriminate, and government will be powerless in funding decisions to prioritize inclusive groups that serve their whole community.

Attorney General Sessions' October 18, 2017 testimony to the Senate Judiciary Committee only heightened our concerns. When asked if the guidelines would grant religious exemptions from the Affordable Care Act to employers who practiced faith healing or held religious objections to vaccination, the Attorney General failed to answer the question. When asked if a federal employee could refuse to provide social security survivor benefits to a same-sex spouse, or if a federal contractor could refuse services to LGBTQ people in an emergency, Mr. Sessions claimed that he could not provide a verbal answer and admitted that he had not considered that possibility. This lack of consideration for the possibility of discrimination is unacceptable given the use of religious justifications for discrimination in our nation's history. It is deeply disturbing that the Attorney General is unaware of, or refuses to acknowledge, that this Memorandum will open the door to as many forms of discrimination as there are religious beliefs.

On its face, the Memorandum creates a new, false definition of "religious freedom" – one that has no basis in American constitutional jurisprudence. Rather than protecting the right to believe and worship, it turns religious freedom outwards, and creates a right to impose one's beliefs on others. The Establishment Clause, the bedrock of American secular government, which for years has prohibited government funding of religion and mandated government neutrality on religious matters, has been relegated to a mere footnote by this Memorandum and subverted by a sweepingly broad expansion of the Free Exercise Clause. Religious organizations, individuals, and even for-profit corporations are to be granted special treatment unavailable to the nonreligious in the form of exemptions from the laws and requirements other citizens must obey.

Furthermore, the Memorandum expands the Religious Freedom Restoration Act (RFRA) in ways never intended by Congress when it enacted the law in 1993. With this Memorandum, Attorney General Sessions seeks to extend RFRA's reach even beyond the actions protected by the Supreme Court in the *Hobby Lobby v. Burnwell* case. The Memorandum emphasizes that religiously motivated actions, not just religious beliefs, must be protected without regard for the impact of such actions on third parties. It further notes that to satisfy the least restrictive means test of RFRA, Congress may be required to expend taxpayer funds to replace an action which religious corporations have refused to undertake, essentially permitting for-profit corporations to transfer that responsibility onto the public purse.

This Memorandum is tantamount to a declaration of war on the LGBTQ community, women, nontheists, and religious minorities. The secular community will stand opposed to this Administration's continued attempt to pervert the words "religious liberty" in an effort to circumvent the United States Constitution and promote the religious interests of a select few.

We hope that you will join us in these efforts to protect the Constitution, the separation of powers, and the rights of all Americans. We encourage you to question the Department of Justice, specifically the Attorney General of the United States, as well as this Administration, on the harms that will arise if this Memorandum is implemented, and ask that you pay close attention to these

continued efforts to thwart the freedoms afforded to all Americans by elevating sectarian beliefs above the law.

Sincerely,



Larry T. Decker
Executive Director
Secular Coalition for America
www.secular.org



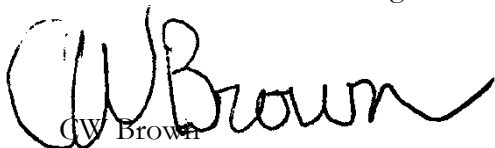
David Silverman
President
American Atheists
www.atheists.org



Bart Worden
Executive Director
American Ethical Union
www.aeu.org



Roy Speckhardt
Executive Director
American Humanist Association
www.americanhumanist.org



CW Brown
Executive Director and Social Media Director
Atheist Alliance of America
www.atheistallianceamerica.org



Mandisa Thomas
President and Founder
Black Nonbelievers, Inc.
www.blacknonbelievers.wordpress.com



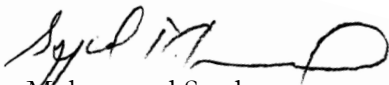
Kim Newton
Executive Director
Camp Quest
www.campquest.org



Robyn Blunner
Executive Director
Center for Inquiry
www.centerforinquiry.net



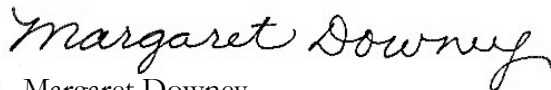
Terry Waslow
Executive Director
Congress of Secular Jewish Organizations
www.csjo.org



Muhammad Syed
President
Ex-Muslims of North America
www.exmna.org



Annie Laurie Gaylor
Co-President
Freedom from Religion Foundation
www.ffrf.org



Margaret Downey
Executive Director
Freethought Society
www.ftociety.org



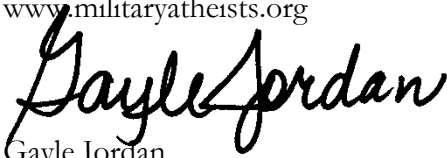
David Tamayo
Executive Director
Hispanic Americans Freethinkers
www.hafree.org



Jennifer D. Kalmanson
President
Institute for Humanist Studies
www.humaniststudies.org



Jason Torpy
President
Military Association of Atheists and Freethinkers
www.militaryatheists.org



Gayle Jordan
Executive Director
Recovering from Religion
www.recoveringfromreligion.org



Kevin Bolling
Executive Director
Secular Student Alliance
www.secularstudents.org



Paul Golin
Executive Director
Society for Humanistic Judaism
www.shj.org



Adam Gonnerman
Board Member
Unitarian Universalist Humanist Association
www.huumanists.org

CC: Members of the United States Senate Judiciary Committee