

# FREEDOM FROM RELIGION *foundation*

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August 29, 2019

**SENT VIA EMAIL AND U.S. MAIL:  
Robert.E.Lighthizer@ustr.eop.gov**

The Honorable Robert E. Lighthizer  
U. S. Trade Representative  
Office of the U.S. Trade Representative  
600 17th St. NW  
Washington, D.C. 20508

Re: Inappropriate exemption of bibles from China tariffs

Dear Representative Lighthizer:

We are writing on behalf of the Freedom From Religion Foundation to object to the USTR's recent decision to exempt bibles from China tariffs. FFRF is a national nonprofit organization with more than 30,000 members across the country. FFRF's purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

We understand that your office recently decided to exempt about \$2 billion worth of products from the tariffs President Trump imposed on goods from China, and that bibles were among those exempted products. Apparently, the exemption was granted because Christian organizations argued a tariff on bibles would threaten Christians' religious liberty.<sup>1</sup> This decision is disappointing, unnecessary, and conflicts with the fundamental principle that the U.S. government should not play favorites on matters of religion.

At the outset, you must surely know that bibles are abundant in the United States. Many hotels partner with the Gideons, an all-Christian, all-male group, to give away bibles for free. There is no danger of a bible shortage or a price spike forcing Americans to stop reading it—most studies show that they rarely read it anyway. The Barna group, an evangelical Christian polling firm, found that there are 4.7 bibles in the country per household.<sup>2</sup> This is a staggering figure, especially considering that the average American household consists of just 2.6 people.<sup>3</sup> This means that there are nearly twice as many bibles in the country as there are people. There is no imminent danger of running out of bibles anytime soon, even if we were to stop importing them entirely.

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<sup>1</sup> See, e.g., Lydia DePillis, *Bibles but Not Textbooks: Trump's Tariff Exemptions Pick Winners and Losers*, PROPUBLICA (Aug. 22, 2019), available at [www.propublica.org/article/bibles-but-not-textbooks-trumps-tariff-exemptions-pick-winners-and-losers](http://www.propublica.org/article/bibles-but-not-textbooks-trumps-tariff-exemptions-pick-winners-and-losers).

<sup>2</sup> [www.barna.com/research/the-state-of-the-bible-6-trends-for-2014/](http://www.barna.com/research/the-state-of-the-bible-6-trends-for-2014/).

<sup>3</sup> [www.arcgis.com/home/item.html?id=db2ab608ba0a473d9731d87fa215cb8b](http://www.arcgis.com/home/item.html?id=db2ab608ba0a473d9731d87fa215cb8b).

More importantly, this exemption *favors* certain citizens because of their religion. It is not neutral treatment required by our Constitution. Carving out an exception for bibles from a broad tariff scheme is not a religious accommodation, it is religious favoritism. Favoring religion over nonreligion, or favoring one religion in particular over others, conveys official endorsement on behalf of the U.S. government, in violation of the Establishment Clause of the First Amendment to the U.S. Constitution. While other tariff exemptions seem reasonable—exemptions to benefit the health or safety of Americans, for instance—exemptions for religious texts have no effect other than making it easier to evangelize. This is not an appropriate use of the USTR’s discretionary power in this arena.

Finally, this exemption exhibits a gross misunderstanding of religious liberty. It is no burden on religious liberty to have to play by the same rules as everyone else, and it only seems so to Christians who have become accustomed to special treatment.

Our Constitution does not allow the government to “prohibit the free exercise” of religion. But getting a cheap book from China is not exercising one’s religion, even if they consider the book holy. Paying a tariff for importing a bible is not a religious burden simply because the bible is a religious book. Rather, it is a burden on their expectations, on their religious entitlement. Those who import bibles by the millions have simply come to expect that they will be able to do so in the future. A broad tariff policy that incidentally requires them to either pay more or to import fewer bibles is not religious discrimination because there simply is no religious right to access cheap Chinese printings of the country’s most widely available book.

There has been a disturbing, coordinated trend recently of Christian Nationalists pushing a false narrative of religious persecution when confronted with a threat to their majority religious privilege. As far back as the 1870s, the Supreme Court emphasized that religious liberty does not mean that religious beliefs create exemptions to general laws.<sup>4</sup> And yet, that is exactly what these Christian Nationalists seek—when their religious beliefs conflict with neutral laws or policies, they want an exemption. It is disappointing that you have caved to their demands.

We urge you to reconsider this unwarranted exemption to the China tariffs. Such exemptions should only be made to benefit Americans as a whole, never to benefit a particular religious denomination or religion in general. Thank you for your consideration of these concerns.

Very truly,



Annie Laurie Gaylor and Dan Barker  
Co-Presidents

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<sup>4</sup> *U.S. v. Reynolds*, 98 U.S. 145 (1879).