

# FREEDOM FROM RELIGION *foundation*

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November 6, 2019

**SENT VIA U.S. MAIL AND EMAIL**

[vice.president@whitehouse.gov](mailto:vice.president@whitehouse.gov)

The Honorable Mike Pence  
The White House  
Office of the Vice President  
1600 Pennsylvania Ave. N.W.  
Washington, DC 20500

Mark Green  
Administrator, USAID  
Ronald Reagan Bldg.  
1300 Pennsylvania Ave. NW,  
Washington, DC 20004

Re: Funneling millions in foreign aid to groups that share your religion

Dear Mr. Vice President:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to object to meddling by the Office of the Vice President with foreign aid awards to fund groups that share your personal religious beliefs. FFRF is a national nonprofit organization with more than 30,000 members across the country. FFRF works to protect the constitutional separation between state and church, educates about nontheism, and has helped rescue atheists and nonbelievers persecuted abroad.

We read with interest and dismay the ProPublica exposé, “How Mike Pence’s Office Meddled in Foreign Aid to Reroute Money to Favored Christian Groups.”<sup>1</sup> According to that report, as this administration slashed billions in foreign aid you were personally working to funnel aid money to your “favored Christian groups.”

Reportedly, you also threatened the jobs of USAID staff who resisted your attempts to railroad their expertise. According to the report, at least one person was fired — “Penced,” as she put it — for failing to immediately implement the “Administration’s vision” to direct public funds to Christian groups.

Without this interference, the money would have flowed to other groups that the experts at USAID deemed more worthy, after a highly regulated, multi-tiered, merit-based review.

Merit and effectiveness of the organizations on the ground should guide these decisions, not a shared religious affinity or a desire to appeal to a political base. In fact, injecting religion into the government decision-making process is unconstitutional.

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<sup>1</sup> Yeganeh Torbati, “How Mike Pence’s Office Meddled in Foreign Aid to Reroute Money to Favored Christian Groups,” ProPublica (Nov. 6, 2019). Available at [bit.ly/2WNfquE](https://bit.ly/2WNfquE).

The Supreme Court's 2017 decision in *Trinity Lutheran* involved a neutrally scored, generally available grant program with multiple applicants and no indication that any applicant received favored treatment, so the Court held that churches could apply. *Trinity Lutheran Church of Columbia, Inc. v. Comer*, 137 S.Ct. 2012. You have violated the inverse of that rule, *extending* favored treatment to organizations that share your religion. Rather than "express discrimination based on religious identity," you opted for express *favoritism* based on religious identity, which is equally unconstitutional.

Favoritism means discrimination, discrimination against other religions in favor of your own. Put another way, the Court in *Trinity Lutheran* struck down a rule it described as "no churches need apply." It would seem your rule is, "my church will be favored, others need not apply."

Even the *appearance* of rewarding groups espousing your religion with millions of dollars in foreign aid is constitutionally problematic, as the First Amendment prohibits even the appearance of religious endorsement by government officials. *See, e.g., Capitol Square Review & Advisory Bd. v. Pinette*, 515 U.S. 753, 787 (1995) (Souter, J., concurring) ("Effects matter to the Establishment Clause, and one, principal way that we assess them is by asking whether the practice in question creates the appearance of endorsement to the reasonable observer."); *Cty. of Allegheny v. ACLU Greater Pittsburgh Ch.*, 492 U.S. 573, 593–94 (1989) ("The Establishment Clause, at the very least, prohibits government from appearing to take a position on questions of religious belief . . .").

All grants to Christian organizations that you have used your position to advocate for must be rescinded to avoid even the appearance of impropriety<sup>2</sup> and, in the interest of transparency, constitutionality, and honesty, the grant process should begin again. We ask that you please allow USAID to award the grants without corrupt political interference in the name of Christian Nationalism.

Sincerely,



Andrew L. Seidel  
Constitutional Attorney  
Director of Strategic Response

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<sup>2</sup> This is especially true given the predicaments foreign aid awards are creating for the administration elsewhere.