



**SECULAR
DEMOCRATS
OF AMERICA**

Restoring Constitutional Secularism and Patriotic Pluralism in the White House

*Prepared exclusively by Secular Democrats of America PAC for President-elect Joe
Biden and Vice President-elect Kamala Harris Transition Team*

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Preamble

The Secular Democrats of America PAC (SDA) has prepared this document for the Biden-Harris campaign to provide recommendations that will not only reverse the damage done by the Trump administration but boldly restore a vision of constitutional secularism and respect in the land for religious and intellectual pluralism.

We urge you to lead our nation on a path that revives the Founders' vision of religious freedom in our government and promotes a unifying patriotic pluralism—not dogmatic religious chauvinism—in American society. We believe that this is a moment not only to enact policies to advance constitutional secularism but to position the Democratic Party to take back the mantle of religious freedom and pluralism from the Republican Party. As people of private religious faith and public constitutional faith, President-elect Joe Biden and Vice President-elect Kamala Harris can bridge the deep divisions that President Trump has exploited and exacerbated over the past four years. Biden and Harris can bring millions of Americans of all faiths and millions of nonreligious Americans together around a shared vision of government seeking the common good while defending religious pluralism and the unbridled freedom of conscience.

We urge you not to underestimate the institutional strength of what we refer to (interchangeably) in this document as the “Christian nationalist movement” or the “religious right.” This movement is extraordinarily well-funded and well-organized, and the manifestation of its extreme and sectarian agenda is on constant display under the Trump-Pence administration. Its political ideology is anti-democratic and anti-scientific. It provides constant cover for white supremacy. And it advances a reactionary economic policy, tax policy, and dominionist view of the environment that undermines our capacity and will to address the climate crisis. Its agenda rests on a pinched interpretation of biblical principles preached by Christian nationalist leadership and thought leaders. With their political agenda sanctioned by a higher power, their base of support is disciplined, motivated, and deeply committed to a vision that does not align with our basic constitutional values and democratic principles.

We ask that you counter this movement's narrative by actively working to dismantle its grip on our government and counter its inaccurate and revisionist messaging around our nation's founding. It is no longer enough just to champion the rights of minorities and marginalized communities or to promote inclusion and equality. We urge you to champion America's original constitutional secularism and the separation of church and state as core governing principles that protect religious freedom for people of all faiths—and none at all. We implore you to help educate the American public by reasonably defining what religious freedom really means: that every American has a right to practice his or her religion without interference, but no religious group can impose religious dogma or orthodoxy on other

citizens and other faiths and belief systems. Americans of all spiritual faiths and of secular beliefs must recognize that the founding constitutional principles of religious free exercise and no establishment of religion are intertwined and stand best when they stand together.

The constant entanglement of religion and government—promoted by the religious right and intensified by the Trump administration—sweeps far beyond hot-button “culture war” issues like abortion and contraception. It permeates every aspect of government policy—healthcare, public and private education, foreign policy, tax policy, environmental policy, military policy, and more, all of which will be addressed in this document.

Policy decisions that should be guided by science and evidence—on matters ranging from climate change to comprehensive sex education to federal funding for stem cell research—have been skewed or blocked entirely by powerful religious interest groups and further undermined at every turn by the Trump administration. There is no example more grave than this administration’s lethal mishandling of the COVID-19 global pandemic, which has brought death to hundreds of thousands of Americans. Disregard for science and disdain for expertise have reached an all-time high in this Administration of magical thinkers and conspiracy theorists, but these policy distortions did not begin with the Trump administration and will not end without deliberate action to restore rationalist, scientific and pragmatic policy methods and judgment. We believe that now is the right time to make the case for reviving a Jeffersonian approach to governance that favors reason, science, and evidence, and to disentangle government policy from the influence of sectarian religious interests that have become dangerously entrenched at all levels of government.

The remainder of this document will focus on four major areas that are critical to secularists and the nonreligious community. The first three are areas where we believe President Trump has violated basic constitutional principles and elevated religious privilege over the Bill of Rights and the common good. The fourth area of focus is protecting the rights and dignity of nontheists. Nontheistic Americans and non-Christian religious minorities, like most Americans, care deeply about and contribute immensely to their country. And like all Americans, they deserve to be both fairly recognized and respected.

For far too long, the religious right has scapegoated nonbelievers, falsely stating that nonbelievers believe in no public morality while at the same time framing advocacy for our original secular values—science, pluralism, the rule of law, the right to dissent—as an attempt to impose our beliefs on society. When our community is attacked, we ask you to stand with us just as President Barack Obama stood with us on a number of occasions when he made history by mentioning nonbelievers positively in his public remarks and going out of his way to include nonbelievers in the democratic community.

We are optimistic that, under your leadership, it will no longer be a momentous and historic occasion when nontheists are acknowledged and treated with equal respect with our brothers and sisters of faith. According to Gallup, the most mistrusted religious minorities in the United States are atheists and Muslims. Acknowledging the rights and dignity of these communities would have a bottom-up effect. We hope that you share our belief that government secularism is a core constitutional principle indistinguishable from religious freedom. We believe that there can never be religious freedom in the United States without the separation of church and state, and that constitutional secularism allows pluralism to thrive in our nation.

Thank you for your consideration and for your leadership. We stand ready to provide support and additional information.

Legal Landscape

Recent decisions by the Supreme Court have upended decades of settled precedent, and it appears more than likely that future decisions will continue in the same vein. The understanding of both the Establishment Clause and the Free Exercise clause has shifted in ways that will significantly change how any future government defines and implements public policy.

Government Funding

Decisions in *Trinity Lutheran* and *Espinoza* have changed the requirements on when funding is required to be given to religious entities. While it is unclear yet how far the Court will take *Espinoza*, it is at least certain that any government decision excluding religious groups from funding because they are religious groups will be seen as violating the Free Exercise Clause. Any attempt to prevent government money from being spent on religious purposes should therefore focus on the use of the money rather than the identity of the recipient.

Religious Exemptions

Since *Employment Div. v. Smith*, the Court has held that there is no First Amendment right to religious exemptions from laws of general applicability. As a result, the *Religious Freedom Restoration Act* (RFRA) was passed to impose them legislatively. Although RFRA was invalidated as applied to the states by the Supreme Court (in *City of Boerne v. Flores*), it was allowed with respect to the federal government as a form of self-regulation. Since then, in decisions like *Hobby Lobby*, the Supreme Court has not only treated RFRA as a “super-statute,” granting it near constitutional status, but transformed the status of private for-profit corporations by endowing them with religious rights and spiritual existence. The Court is heard arguments on November 4 in *Fulton v. City of Pennsylvania*, which, *inter alia*, seeks to overturn *Employment Div.* If it does that, religious exemptions from universal secular laws

will be seen as presumptively required by the First Amendment; even if it does not, the Court will likely continue interpreting RFRA broadly to require such exemptions. In order to best succeed in proofing legislation from such exemptions, close attention should be paid to statements of facts in bills, demonstrating clearly the compelling government interest involved, and the damage to that interest that will occur if exemptions are granted.

Section I

Government Funding: Evidence-Based, Nonsectarian, and Nondiscriminatory

A secular government governs on the basis of reason, science, and evidence. Science was on the ballot in 2020 because this administration's dangerous disdain for expertise, shocking denial of facts it dislikes for ideological reasons, and naked interference in what should be nonpartisan scientific inquiry, have cost more than 260,000 American lives. Government-wide policies on scientific integrity should be adopted by all federal agencies to ensure that federal analysis is free from political and religious bias and that government funding is used to support evidence-based programs.

Additionally, taxpayer dollars should not be funneled either to contractors or grantees that discriminate on the basis of religion, or to programs that promote a sectarian agenda, such as private religious schools, crisis pregnancy centers, and abstinence-only sex education.

The federal government has an obligation to exercise good stewardship of taxpayer dollars. Therefore, it should not do business with organizations or contractors that will use government funds to advance a sectarian agenda, or discriminate against its employees or program beneficiaries on the basis of religion. If performing the duties of a government contract comes into conflict with the requesting grantee or contractor's sincerely held religious beliefs, it can and should seek funding elsewhere. No institution, religious or secular, is entitled to access taxpayer funding.

- Utilize every mechanism at the administration's disposal to ensure that the Department of Education does not funnel taxpayer dollars to private schools. Any private schools receiving taxpayer funding, whether directly or indirectly, should be held to the same nondiscrimination and accommodation requirements of public schools and expected to meet curriculum standards for secular subjects, including science and history. Where Supreme Court decisions are held to require government funding for religious schools, or other religious programs, the administration should seek to ensure that such funding cannot be used for religious purposes; where it funds religious groups providing secular services, it should use the authority that comes with the provision of such funding to ensure that the services provided are delivered equally and without favor, and reach the level of quality that publicly provided services reach. If receiving government funds, religious schools should be required to teach curricula in accordance with national secular standards, particularly in areas such as the teaching of science.

- All rules, regulations, memoranda, and other actions regarding federally administered health care programs that sanction denial of care on the basis of religion must be repealed. When federal funding is made available to community or faith-based organizations to provide healthcare, that funding should go to organizations that will provide the services required, not organizations that will deliberately choose not to provide the full spectrum of services intended by the program and that will not serve all program beneficiaries equally.
- Reverse all executive orders, rules, memoranda, and other actions that exempt faith-based organizations contracting with the federal government from nondiscrimination requirements that apply to secular organizations, including employment discrimination. This includes the following (please see Appendix for additional examples).
 - Dismantle the Department of Justice Religious Liberty Task Force
 - [Dismantle the HHS Conscience and Religious Freedom Division](#)
 - Repeal [Executive Order 13798, Promoting Free Speech and Religious Liberty](#) and reverse its implementation across various executive agencies
- Rescind and replace the Department of Justice Memorandum, [Federal Law Protections for Religious Liberty](#)
- We urge your administration to disincentivize state funding for programs that are not evidence-based and which can cause harm by spreading misinformation, such as crisis pregnancy centers and abstinence-only education programs. These programs are an ineffective use of taxpayer dollars and they cause demonstrable harm to vulnerable communities.
- Work with Congress to incentivize states to increase their vaccination rates by repealing all nonmedical exemptions to mandatory vaccination for children in schools and day care centers. States like California and New York have taken such actions, but only after experiencing severe outbreaks of measles and whooping cough. Parents and children have the right to a school environment free of vaccine preventable diseases. The most vulnerable among us who are medically ineligible for vaccination depend on herd immunity to protect them.
- Reverse the Trump administration policies that have allowed faith-based government-funded contractors to provide adoption and foster care services to discriminate on the basis of religion and work with Congress to pass the *Every Child Deserves a Family Act*.

- Fully and robustly fund comprehensive, medically-accurate sex education.
- Reverse DHS/FEMA policies enacted under President Trump that allow disaster relief to be used to directly fund houses of worship for sectarian purposes, including public funds for disaster related facility repair, if those funds are not made available for all private nonprofits. Prior to the Trump administration, the long-standing policy was to reimburse houses of worship for damage sustained while providing disaster relief services to the affected general public. It is precisely in times of crisis that the federal government must be steadfast in protecting the Constitution—the federal government should not grant privileges to houses of worship suffering from natural disasters that are not available to secular non-profits and institutions that equally suffer from these tragedies.
- The Trump administration took advantage of the urgency surrounding COVID-19 relief to issue new rules and guidance at the Small Business Administration that egregiously violated the separation of church and state, upended long standing policy, and privileged houses of worship by exempting them from standards applied to all other 501(c)(3) organizations and businesses applying for assistance.

In past administrations, SBA policy held that “businesses principally engaged in teaching, instructing, counselling or indoctrinating religion or religious beliefs, whether in a religious or secular setting” were not eligible for receiving business or economic disaster loans. As a result, millions of federal dollars from the Paycheck Protection Program (PPP) have funded explicitly religious activities, including paying clergy salaries, rent, and utilities. Given that houses of worship are exempt from requirements that apply to all other 501(c)(3) organizations, including filing the Form 990, this funding amounts to a taxpayer funded giveaway to sectarian interests of which the government has no means to conduct oversight and the recipients are not held accountable to American taxpayers. We urge you to restore previous SBA policies and ensure that future COVID-19 relief is allocated in a constitutional manner.

Section II

Restoring Constitutional Secularism and Scientific Integrity

Donald Trump has empowered the religious right in ways no other administration has before, making significant advances in enacting their Christian nationalist agenda. The following recommendations serve not just as a guide to reversing these policies, but to proactively implement policies that restore secularism to federal governance and disentangle entrenched religious interests from federal policy.

In addition to our recommendations pertaining to executive agencies, we propose working with Congress and Governors to advance a secular agenda at all levels of government, taking into account the current makeup of the federal courts and new, unfavorable precedents that your administration will have to contend with (please see Legal Landscape on page 3).

We strongly recommend coordinating closely with the Congressional Freethought Caucus (CFC) on issues in Congress affecting religious freedom, separation of church and state, and scientific integrity. In 2018, the CFC was founded in large part to stand up to a deluge of startling attacks on the secular character of our government by the Trump administration. This will be the first Democratic administration that will have the opportunity to partner with a congressional caucus committed and focused specifically on these issues. Representatives Jamie Raskin of Maryland and Jared Huffman of California serve as the Caucus Co-Chairs. Please see page 26 for the full list of CFC Members.

The mission of the caucus is to: promote public policy formed on the basis of reason, science, and moral values; protect the secular character of our government by adhering to the strict Constitutional principle of the separation of church and state; oppose discrimination against atheists, agnostics, humanists, seekers, religious and nonreligious persons and to champion the value of freedom of thought and conscience worldwide; and provide a forum for members of Congress to discuss their moral frameworks, ethical values, and personal religious journey.

Scientific Integrity

- The nation's addiction crisis has been further exacerbated by the COVID-19 pandemic. As your administration tackles this issue, we urge you to expand access to secular, evidence-based mutual aid peer recovery support programs that expressly support Medication-Assisted Treatment (MAT). This will protect

the constitutional right to a secular recovery option for members of the armed forces, our veterans, and in our criminal justice system. It will also ensure that every American in need of peer recovery support services has access to a variety of options and the opportunity to choose what is most helpful to them.

Dr. Elinore McCance-Katz, chief medical officer of SAMHSA under the Obama-Biden administration (and current Assistant Secretary for Mental Health and Substance Use) has written that the "gold standard" for treatment of opioid and other substance use disorders is a combination of MAT, psychosocial therapies, and community-based recovery support. Individuals suffering with substance use disorders will benefit from President Biden's officials having the same position, which is widely supported by the research and considered best practices.

We recommend that your administration: fully and robustly fund the White House Office of National Drug Control Policy; appoint a Secretary of Health and Human Services and an Assistant Secretary of Health and Human Services for Mental Health and Substance Use / Administrator of the Substance Abuse and Mental Health Services administration (SAMHSA) who have extensive background in science-based addiction policy; and In the President's Budget, provide for robust funding to combat addiction that truly meets the scale of the problem, and recommend that Congress include, in applicable authorization and appropriations legislation, requirements that government grantees expand access to secular, evidence-based mutual aid peer recovery support programs that expressly support MAT.

- Work with Congress to pass the *Scientific Integrity Act* and the *Preserve Science in Policymaking Act*.
- Ensure that all scientific reports and findings that have been suppressed or buried by the Trump administration, particularly those related to the climate crisis, are published and made publicly available.
- Reverse all sectarian-based restrictions of federally funded fetal-tissue and stem cell research, and ensure that allocations of funding are informed by the national interest, not dictated by religion or pseudoscience.
- [Rescind Executive Order 13957, Creating Schedule F In The Excepted Service](#), which effectively shifts many federal civil servant positions to political appointments. This will have a profoundly damaging impact on scientific integrity, as political appointees will not be afforded the same protections from political

interference, and many career federal employees with critical expertise and institutional memory may be fired.

- Repeal [Executive Order 13875](#), “Executive Order on Evaluating and Improving the Utility of Federal Advisory Committees,” which directed agencies to eliminate at least one-third of their current advisory committees and arbitrarily limited the total number of government advisory committees to 350. A substantial number of advisory committees are related to science and science ethics.

Restoring Constitutional Secularism

- Work with the Attorney General to reverse former Attorney General Jeff Sessions’ [Memorandum on Federal Law Protections for Religious Liberty](#). In its place, issue a memorandum instructing all executive agencies to interpret religious freedom in such a way that protects the separation of religion and government, prohibits discrimination on the basis of religion, and prohibits government funding of explicitly religious activities. Oppose religious displays on government property and recognize this issue’s importance as a matter of basic constitutional respect that is not, as it is sometimes portrayed, only of concern to nontheists. Keeping the government from using religious symbols is as much about inclusion of embattled religious minorities as it is about respecting freedom of thought and the separation of church and state.
- Rescind Presidential Proclamation 9645, “Presidential Proclamation Enhancing Vetting Capabilities and Processes for Detecting Attempted Entry Into the United States by Terrorists or Other Public-Safety Threats,” also known as the Muslim Ban, which restricted travel to the United States by individuals from Muslim-majority countries. Reverse all subsequent Trump administration policies that: limit the ability of individuals to travel based on their nationality or religion; and thwart the ability of individuals to seek asylum and refuge in the U.S. Work with Congress to pass H.R.2214/S.1123, the *National Origin-Based Antidiscrimination for Nonimmigrants Act*, or *NO BAN Act*. The Trump administration’s actions were a thinly veiled exclusion motivated by religious bias and discrimination. The United States government should never apply religious tests for entering our country.
- Appoint an Attorney General to the Department of Justice who will support Governors whose emergency declarations and/or executive orders require even-handed universal restrictions on indoor gatherings, including at houses of worship, to help prevent the spread of COVID-19. The Department of Justice

must ensure that these orders are enforced without discrimination or preference and that houses of worship are treated the same as similarly situated organizations and activities.

- Issue guidance that clarifies the duty and obligation of government officials to separate their personal religious beliefs from their work. Public services are inherently nonsectarian and so are public offices and government property. We must establish a new standard for appropriate constitutional conduct by all public officials—whether a county clerk like Kim Davis or a U.S. Cabinet official like Secretary Mike Pompeo—which puts the Constitution and the rights of taxpaying citizens first and ensures that public officials never use their positions and offices to discriminate, proselytize or promote religious dogma.
- Should the Office of Faith-Based and Neighborhood Partnerships be re-established, ensure that it: engages advisors from the full spectrum of the interfaith community, including the nonreligious; includes humanists and other nontheistic communities and organizations as eligible for any faith-based community grants made available; is required to include the secular community in any interfaith programming; and prohibits any eligible grantees from discriminating on the basis of religion in their employment policies or conditioning services to beneficiaries on religious participation.
- Instruct the Internal Revenue Service to: enforce the Johnson Amendment as the law and one component of the broader set of campaign finance measures that we need to strengthen the institutions that Trump has weakened; crack down on nonprofits operating as businesses, including megachurches; and work with Congress to pass legislation that would strengthen enforcement of the Johnson Amendment and increase transparency among nonprofits by requiring all 501(c)(3) nonprofit organizations to file the Form 990, including houses of worship.
- While RFRA was intended as a shield for religious practice, it has become a sword to impose religious based prejudice. It has moved from permitting an individual to smoke peyote as part of a religious ceremony, to permitting a corporation with annual revenues in excess of half a billion dollars to deny female employees access to insurance that includes contraception. RFRA fundamentally privileges putatively “religious” actions over nonreligious ones. The identical action warrants an exemption if undertaken for a religious reason, as opposed to when undertaken for a nonreligious purpose. The repeal of RFRA eliminates this unconstitutional privilege. However, even if repeal is not feasible, it remains vital

that while the rights of Americans to worship freely is protected, religion is not treated as a license for corporations to burden the rights and lives of innocent third parties. One way of achieving this is through passage of the *Do No Harm Act*, which represents a return of RFRA to its original core purpose.

If the Supreme Court in *Fulton v. Philadelphia* overturns *Employment Div. v. Smith* and finds a First Amendment based constitutional right to religious exemptions, it becomes all the more important to raise the rights of third parties burdened by such exemptions, and place the Supreme Court in a position where it must directly determine if the intent of exemptions is to permit harm to others.

- Work with Governors to educate and combat [Project Blitz](#) and encourage the introduction of the *Do No Harm Act* at the state level.
- Ensure that Religious Freedom Day Proclamations highlight the importance of the Establishment Clause and why it is a critical component of the First Amendment that creates the conditions for religious pluralism to thrive. We recommend using the proclamation and any accompanying White House ceremony as an opportunity to educate Americans about our nation's proud history as a secular nation, and to ensure that if clergy are invited to participate in a ceremony or public event, to invite representatives of the nonreligious community as well.
- Nominate judges who recognize that a robust interpretation of both the Establishment Clause and the Free Exercise Clause is necessary to guarantee the religious freedoms of all Americans, and that recent decisions, such as *Hobby Lobby v. Burwell*, regarding the application of RFRA, *Town of Greece v. Galloway*, regarding legislative prayer, and *Espinoza v. Montana Dept. of Revenue*, represent a new and ungrounded privileging of corporate religious power over essential civil rights and civil liberties.
- Instruct the Department of Education to be responsive to religious freedom complaints, and update the current guidelines to clarify the constitutional boundaries of religious expression in public schools. As the nation becomes increasingly diverse, and particularly with the rapidly increasing number of religiously unaffiliated Americans, such guidance should emphasize the impact of these issues on nonreligious and religious minority students. While affirming students' right to pray in schools is important, counter to the religious right's rhetoric, it is not under threat. The updated guidance should expand upon the importance of balancing Free Exercise rights with schools' constitutionally required adherence to the Establishment Clause, and help school administrators and educators understand the increasingly diverse

student body that they serve.

- Suggest the Attorney General confer with the Department Office of Legal Counsel to issue a memorandum regarding enforcement of the Establishment Clause in public schools, including students' protection from school-sponsored proselytizing and teaching accurate, evidence-based, secular curriculum rather than creationism in the schools.
- The rise of white Christian nationalism is a national security threat. We recommend you: encourage the Department of Homeland Security and Department of Justice to dedicate resources to deradicalization programs aimed at hate groups, including, but not limited to, white nationalists; increase monitoring of such groups, including the online environment, and take action to address increased hate crimes toward minority faith communities; and shift rhetoric to label violent white nationalist extremists as terrorists.

Section III

Religious Freedom Abroad

Thousands of people of all religious faiths and none at all are suffering under religious oppression—including imprisonment, execution, and state-sanctioned mob violence for blasphemy, heresy, and apostasy—all over the world. The United States and its allies should take the lead in freeing people from religious imprisonment and persecution, and defending the dignity and equal rights of all believers and non-believers at home and abroad.

- Appoint a nonreligious representative to the United States Commission on International Religious Freedom (USCIRF).
- As your administration recommits the U.S. to its longstanding tradition of accepting and welcoming refugees, please ensure that atheist asylum cases, often individuals who are the targets of persecution through blasphemy, apostasy, and heresy laws, are given special consideration as a persecuted group.
- Work with Congress to pass H.Res. 512/S.Res. 458, a bipartisan resolution that calls for the global repeal of blasphemy, apostasy, and heresy laws. In June 2020, Tahir Naseem, a U.S. citizen who was lured to Pakistan and imprisoned for two years on charges of blasphemy, was murdered by a vigilante while on trial. The United States must send a strong message that this heinous violation of human rights is unacceptable, and leverage its influence abroad to advocate for the right to religious freedom for believers and nonbelievers alike.

Section IV

Patriotism Pluralism and Sincere Inclusion: Protecting the Rights and Dignity of Nontheists

Government plays an important role in setting the agenda for public discussion, and when it does, it should do so in a way that is nonsectarian and as inclusive as possible. Words matter, and there is language ingrained in our culture that has a profound impact on how Americans see ourselves as a nation and how they view their fellow Americans.

For far too long the nonreligious have been stigmatized, marginalized, and scapegoated. The Obama administration took historic steps to include our community, however there is much more that can be done to truly and sincerely include our constituency. Below are recommendations for ways to ensure that your administration's outreach and rhetoric send a message of inclusion to our huge and diverse community and demonstrate to elected officials, faith and community leaders across the nation what true pluralistic engagement looks like.

Reframing Patriotism

- Disentangle the conflation of faith and patriotism. In public statements, avoid phrases like “God and country” and any implication that service members as a whole are guided by faith, as approximately 30 percent are not affiliated with religion. When administration officials, including the President and Vice President, discuss their faith publicly, we encourage them to do so in a pluralistic way that does not inadvertently denigrate the patriotism of nontheists.
- With the rise of Christian nationalism, there is an urgent need to reframe public discourse surrounding patriotism. Dissent and peaceful protest—even if it's kneeling during the national anthem or refusing to say the Pledge of Allegiance—is a constitutionally protected right that our service members have fought and died for. Symbols, particularly when used by the President and Vice President, have immense cultural power and must be used judiciously. We urge you to be judicious about your use of symbolism, striving to lift up the values of pluralism and inclusion.
- Instruct the Department of Defense to: ensure that humanist and nontheist chaplains serve in each branch of the military; strengthen protections for the rights of service members who are religious minorities and nonreligious, including freedom from proselytization; institute pluralistic training requirements for

chaplains across all military branches and ensure that nonreligious service members are provided full, equal pastoral care that acknowledges and welcomes their nonreligious worldview; and ensure that the chaplaincy is broadly representative of the American population from which our service members are drawn. (According to data from the Defense Manpower Data Center, approximately 30 percent of service members listed no religious affiliation in 2018).

Inclusion of Nontheists

- At all interfaith ceremonies in which clergy are invited, include nonreligious representatives.
- When listing faiths in public remarks or talking about religious pluralism, always include nonreligious people. Phrases like “all faiths and none,” “religious and nonreligious,” “believers and nonbelievers,” “atheists, agnostics, and humanists,” or “secular Americans” all work. Avoid phrases like “and *even* nonbelievers” because this framing implies that there is something novel or surprising about including us, and can be perceived as an afterthought.
- Recognize that nonreligious Americans celebrate their own holidays and traditions just like people of faith, and many also celebrate Christmas which, by nature of being a federal holiday, is a secular holiday Americans of all faiths and none can take part in. The secular community has a rich tradition of humanist and nontheistic clergy serving nontheistic congregations, as well as humanist and secular celebrants who facilitate life cycle ceremonies for the nonreligious.
- When responding to national crisis and tragedy, the President plays a critical role as Healer-in-Chief by demonstrating moral leadership, providing comfort, and bringing the nation together. In these moments, it is critical to keep in mind that millions of Americans who do not pray or subscribe to a religious faith must feel included in the President’s message to the nation. Prayer or scriptural references must be accompanied by an acknowledgement of the nonreligious, who have just as much of a need to heal and feel part of a greater good as everyone else.
- Avoid naming programs, initiatives, or government titles as “faith” (e.g. Faith Director, Faith Engagement, etc.). The word “interfaith” is much more inclusive and always more preferable than “faith,” as nontheists often participate in interfaith efforts. However, the most inclusive term to use is “conscience.” A “Conscience Coalition” is a more inclusive phrase than “Interfaith Coalition”

because, rather than centering faith as the de facto source of morality, it centers the moral conscience of the individual. Clearly for many Americans, faith informs their morality, while for millions of other Americans, we arrive at our moral positions from a secular perspective. While our journeys may be different, what we all share is a commitment to ethics and the aspiration for a more perfect union.

- Whenever possible, we urge you to reference and quote the original United States national motto, *E Pluribus Unum*—*out of many, one*. The current motto, “In God We Trust,” is a relic of McCarthyism and the anti-atheist hysteria of the 1950s, and it has been invoked by Christian nationalists to reinforce their historically revisionist narrative of our nation’s founding. They characterize the United States’ founding as a “Christian nation” based in biblical principles, rather than as a secularist nation based in revolutionary democratic ideas. The original motto, which we hope to see restored by Congress, is inclusive of all faiths and none, while “In God We Trust” excludes nontheists and polytheists.
- We urge you to avoid invoking the phrase “Judeo-Christian values,” as it has been weaponized by the religious right to advance an agenda that has the veneer of inclusivity but actually undermines religious freedom and tolerance and does not represent tens of millions of Americans implicitly excluded from its formulation.

Appendix

Note: While this is not an exhaustive list, we stand ready to work with you to identify additional opportunities to reverse the damage done to religious freedom by the Trump administration, and identify strategies to build upon the Obama-Biden administration’s legacy to implement strong protections for constitutional secularism.

White House Executive Orders

Policy	Description
EO 13798, Promoting Free Speech and Religious Liberty	This EO creates sweeping protections that allow religious concerns to supersede all other government priorities. This EO was the impetus for Attorney General Jeff Sessions’ 2017 memorandum, which requires all departments and agencies to prioritize religious concerns in employment, rulemaking, and enforcement and to apply an expansive interpretation of religious freedom.
EO 13831, Establishment of a White House Faith and Opportunity Initiative	This EO established a White House Faith and Opportunity Initiative and eliminated protections established by presidents Bush and Obama that required federally-funded faith-based organizations to provide public services in a nonsectarian manner.
EO 13875, Evaluating and Improving the Utility of Federal Advisory Committees	This EO directed agencies to eliminate at least one-third of their current advisory committees and limited the total number of government advisory committees to 350, an arbitrary number. This has had a substantial impact on advisory committees whose missions involve science and science ethics.
The Mexico City Policy (Global Gag Rule)	This memorandum reinstates the “global gag rule” that prohibits family planning providers receiving U.S. foreign aid grants from providing abortion services, counseling, or referrals.

U.S. Department of Agriculture

Equal Participation of Faith-Based Organizations in USDA Programs and	This proposed rule would rescind beneficiary protections for religious social service organizations that were implemented by the Obama-Biden administration.
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Activities: Implementation of Executive Order 13831	
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U.S. Department of Defense

Federal Acquisition Regulation: Protecting Life in Global Health Assistance	This proposed rule, coauthored with the General Services Administration and NASA, applies the Mexico City Policy, or “global gag rule” from grants to contracts. Nearly 40% of global health funding is provided through contracts.
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U.S. Department of Education

Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance	This final rule undermines Title IX protections and removes the requirement that religious institutions must submit a written statement to qualify for exemption, instead making such exemptions presumptive.
Title I-Improving the Academic Achievement of the Disadvantaged and General Provisions; Technical Amendment	This final rule deletes the provision in the Elementary and Secondary Education Act of 1965 that requires equitable service providers to be independent of religious institutions, citing <i>Trinity Lutheran Church of Columbia, Inc. v. Comer</i> .
Direct Grant Programs, State-Administered Formula Grant Programs, Non Discrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, Developing Hispanic-Serving Institutions Program, Strengthening Institutions Program, Strengthening Historically Black Colleges and Universities Program, and Strengthening Historically Black Graduate Institutions Program	This final rule expands religious exemptions in higher education and allows student groups to discriminate on the basis of religion.
Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, Direct Grant Programs, State-Administered Formula Grant Programs, Developing Hispanic-Serving Institutions Program, and Strengthening Institutions Program	This proposed rule would expand access to government grants for religious organizations.
Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools	This guidance does not create new religious protections but emphasizes free exercise in a way that favors the Christian Right, with little attention to the needs of the nonreligious or religious minorities.

Guidance Regarding Department of Education Grants and Executive Order 13798	<p>To implement EO 13798, this guidance prevents the government from exercising discretion regarding allocation of federal funding to religiously affiliated grantees that may discriminate, and allows “indirect federal Financial assistance,” such as “a voucher, certificate, or other similar means of government-funded payment” to be used for explicitly religious purposes. It also calls Blaine amendments/ “no aid” clauses in State constitutions “unconstitutional.” Blaine amendments protect the separation of church and state by prohibiting the use of taxpayers’ dollars to fund religion. The guidance cites <i>Trinity Lutheran Church of Columbia, Inc. v. Comer</i>.</p>
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U.S. Department of Energy

Reliability and the Oncoming Wave of Retiring Baseload Unit, Volume I: The Critical Role of Thermal Units During Extreme Weather Events	<p>This report used inaccurate calculations to justify its conclusion that coal power plants are essential during severe weather conditions. The authors were reportedly pressured to positively portray the net benefits of coal.</p>
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U.S. Environmental Protection Agency

Strengthening and Improving Membership on EPA Federal Advisory Committees	<p>This directive banned scientists who receive federal research grants from serving on EPA advisory committees. Simultaneously, it eased restrictions for industry representatives to serve on these advisory committees.</p>
Strengthening Transparency in Regulatory Science	<p>This proposed rule banned, retroactively and proactively, the use of scientifically collected data in rulemaking, unless such data include certain types of information that are either prohibitive or unethical to collect, such as personal information of public health survey respondents. Should this rule be finalized, many existing environmental protections would be invalidated, and many new environmental public health impacts would become effectively impossible to study.</p>
Strengthening Transparency in Regulatory Science (Supplemental Notice)	<p>This supplemental notice expanded the scope of EPA’s April 2018 rule Strengthening Transparency in Regulatory Science from science used in rulemaking to all “influential science” conducted at EPA for any purpose.</p>

U.S. Department of Health and Human Services

<u>Nondiscrimination in Health and Health Education Programs or Activities, Delegation of Authority</u>	<p>This final rule repeals provisions of the 2016 Final Rule for Section 1557 of the Affordable Care Act, which stipulated that sex discrimination included discrimination on the basis of gender identity and/or termination of a pregnancy.</p>
<u>Religious Exemptions and Accommodations for Coverage of Certain Preventive Services Under the Affordable Care Act</u>	<p>This final rule allows an employer to claim a religious exemption from the Affordable Care Act's birth control coverage mandate.</p>
<u>Moral Exemptions and Accommodations for Coverage of Certain Preventive Services Under the Affordable Care Act</u>	<p>This final rule allows an employer to claim a "moral" exemption from the Affordable Care Act's birth control coverage mandate.</p>
<u>Compliance With Statutory Program Integrity Requirements</u>	<p>This final rule not only rescinds the Title X family planning program's requirement that grantees provide abortion counseling or referrals, it also prohibits referrals.</p>
<u>Protecting Statutory Conscience Rights in Health Care; Delegations of Authority</u>	<p>This final rule allows health care providers to cite religious or moral objections to deny care to patients.</p>
<u>Ensuring Equal Treatment of Faith-Based Organizations</u>	<p>This proposed rule would rescind Obama-Biden nondiscrimination protections for beneficiaries receiving services from federally contracted religious organizations.</p>
<u>Good Guidance Practices</u>	<p>This proposed rule would create new regulations for releasing and maintaining guidance documents that would make it more difficult for HHS to impose obligations on regulated parties.</p>
<u>Conscience and Religious Freedom Division</u>	<p>This division was created to enforce an expansive, unprecedented, and extreme interpretation of religious freedom across Departments, as directed by the 2017 Attorney General Federal Law Protections for Religious Liberty memo.</p>

U.S. Department of Homeland Security

<u>Equal Participation of Faith-Based Organizations in DHS's Programs and Activities: Implementation of Executive Order 13831</u>	<p>This proposed rule would rescind Obama-Biden nondiscrimination protections for beneficiaries receiving services from federally contracted religious organizations.</p>
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U.S. Department of Housing and Urban Development

<u>Equal Participation of Faith-Based Organizations: Implementation of Executive Order 13831</u>	<p>This proposed rule would rescind Obama-Biden nondiscrimination protections for beneficiaries receiving services from federally contracted religious organizations.</p>
<u>Making Admission or Placement Determinations Based on Sex in Facilities Under Community Planning and Development Housing Programs</u>	<p>This proposed rule would rescind Obama-Biden nondiscrimination protections for beneficiaries receiving services from federally contracted religious organizations.</p>

U.S. Department of Justice

<u>Federal Law Protections for Religious Liberty</u>	<p>This memorandum requires all departments and agencies to prioritize religious concerns in employment, rulemaking, and enforcement and apply an expansive, extreme interpretation of religious freedom.</p>
<u>Implementation of Memorandum on Federal Law Protections for Religious Liberty</u>	<p>This memorandum lays out guidance for DOJ compliance with the Federal Law Protections for Religious Liberty memo.</p>
<u>Equal Participation of Faith-Based Organizations in Department of Justice's Programs and Activities: Implementation of Executive Order 13831</u>	<p>This proposed rule would rescind Obama-Biden nondiscrimination protections for beneficiaries receiving services from federally contracted religious organizations.</p>
<u>Religious Liberty Task Force</u>	<p>This Task Force was created to “help the Department fully implement [its] religious liberty guidance.” Its scope and activities have never been made fully transparent, however given the Trump administration’s extreme and expansive interpretation of religious liberty, and other actions highlighted in this appendix, it is likely driven by the religious right’s agenda.</p>
<u>2019-08-15-HBCU-Capfin -- Religious Restrictions on Capital Financing for Historically Black Colleges and Universities</u>	<p>This OLC memo clarifies rescinds restrictions on funding of institutions “in which a substantial portion of its functions is subsumed in a religious mission.”</p>
<u>OP-OLC-v031-p0162 -- Application of the Religious Freedom Restoration Act to the Award of a Grant Pursuant to the Juvenile Justice and Delinquency Prevention Act</u>	<p>This OLC memo clarifies that “RFRA is reasonably construed to require the Office of Justice Programs to exempt World Vision—a religious organization that has been awarded a grant under the Juvenile Justice and Delinquency Prevention Act—from the religious nondiscrimination provision [in Title 42].”</p>
<u>OP-OLC-v026-p0114 -- Authority of FEMA to Provide Disaster Assistance to Seattle Hebrew Academy</u>	<p>This OLC memo clarifies that “The Stafford Disaster Relief and Emergency Assistance Act of 1974 and its implementing regulations permit FEMA to provide federal disaster assistance for the reconstruction of Seattle Hebrew Academy, a private religious school that was damaged in an earthquake in 2001. The Establishment</p>

	Clause of the First Amendment does not pose a barrier to the Academy's receipt of such aid."
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U.S. Department of Labor

Equal Participation of Faith-Based Organizations in the Department of Labor's Programs and Activities: Implementation of Executive Order 13831	This proposed rule would rescind Obama-Biden nondiscrimination protections for beneficiaries receiving services from federally contracted religious organizations.
Implementing Legal Requirements Regarding the Equal Opportunity Clause's Religious Exemption	This proposed rule would expand nondiscrimination exemptions to Title VII for religious organizations.
Guidance Regarding Federal Grants and Executive Order 13798	This guidance warns that "any grant rule or policy that penalizes or disqualifies a religious organization from the right to compete for a grant or contract because of that organization's religious character could violate the Free Exercise Clause...A rule or policy that imposes a substantial burden on an organization's exercise of religion may also, depending on the circumstances, violate RFRA."
Directive 2018-03	This directive of the Office of Federal Contract Compliance Programs warns that "that government must permit individuals and organizations, in all but the narrowest circumstances, to participate in a government program 'without having to disavow [their] religious character'" regarding federal contracts.

U.S. Department of State

Commission on Unalienable Rights	This unnecessary Commission was established to prioritize the concerns of the religious right and to challenge aspects of universal human rights that Christian nationalists find objectionable. Secretary of State Mike Pompeo said he hoped that it would "generate a serious debate about human rights."
Final Report of the Commission on Unalienable Rights	The Commission's final report falsely claimed that Protestant Christianity is one of the three major influences that shaped the founding of the United States. It also distinguishes between "unalienable rights" and what it deems "social and political controversies," including abortion, affirmative action, and same-sex marriage.

Protecting Life in Global Health Assistance	This implementation plan expanded the Mexico City Policy (“global gag rule”) to ban the provision of abortion from family planning assistance to all foreign health assistance.
May 2019 Global Gag Rule Expansion	This guidance extended the Mexico City Policy (“global gag rule”) to apply to foreign sub-recipients of “gagged” organizations, even if they do not receive any U.S. foreign assistance.

U.S. Department of the Interior

Political retaliation against Interior employees for speaking about climate change	A senior whistleblower alleged that more than 50 science personnel in the Department were transferred to issues outside their field of expertise as retaliation for speaking up about the science of climate change and its impact on domestic populations.
Order No. 3355: Streamlining National Environmental Policy Act Reviews and Implementation of Executive Order 13807	Under the guise of “streamlining,” this Order set arbitrary limits on scientific review of the environmental impacts of government projects, undermining our government’s ability to make data-driven and evidence-based decisions that have a profound impact on the environment.

U.S. Department of Veterans Affairs

Equal Participation of Faith-Based Organizations in Veterans Affairs Programs and Activities: Implementation of Executive Order 13831	This proposed rule would rescind Obama-Biden nondiscrimination protections for beneficiaries receiving services from federally contracted religious organizations.
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U.S. Agency for International Development (USAID)

Equal Participation of Faith-Based Organizations in USAID's Programs and Activities: Implementation of Executive Order 13831	This proposed rule would rescind Obama-Biden nondiscrimination protections for beneficiaries receiving services from federally contracted religious organizations.
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Small Business Administration

IFR issued by SBA regarding the Paycheck Protection Program and special exemptions granted to religious organizations 1	This interim rule included religious organizations in the Paycheck Protection Program.
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IFR issued by SBA regarding the Paycheck Protection Program and special exemptions granted to religious organizations 2	<p>This interim rule exempted faith-based organizations from the SBA’s affiliate rules for the Paycheck Protection Program.</p>
IFR issued by SBA regarding the Paycheck Protection Program and special exemptions granted to religious organizations 3	<p>This interim rule exempted religious organizations that received PPP loans from complying with federal anti-discrimination laws, typically a condition of receiving such loans.</p>
Frequently Asked Questions Regarding Participation of Faith-Based Organizations in the Paycheck Protection Program (PPP) and the Economic Injury Disaster Loan Program (EIDL)	<p>This guidance expands the circumstances in which houses of worship are eligible for federal economic relief.</p>

Congressional Freethought Caucus Membership

Rep. Jared Huffman (Co-Chair and Founding Member)

Rep. Jamie Raskin (Co-Chair and Founding Member)

Rep. Dan Kildee (Founding Member)

Rep. Jerry McNerney (Founding Member)

Rep. Don Beyer

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Del. Eleanor Holmes Norton

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Rep. Rashida Tlaib

Rep. Susan Wild

Humanists for Biden Advisory Council Endorsements

The following individuals serve on the Secular Democrats of America's Humanists for Biden Advisory Council and have endorsed this document:

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