



Comments From the Secular Coalition for America on the Religious Liberty Commission's Draft Report

The Secular Coalition for America agrees with the Religious Liberty Commission on one fundamental point: religious liberty is one of America's greatest constitutional achievements. It protects every person's freedom of conscience - the right to practice a religion, change one's religion, practice no religion at all, or reject religion entirely without government coercion.

Unfortunately, the Commission's final draft departs from that constitutional principle almost immediately.

Rather than presenting religious liberty as a universal right belonging equally to every American, the report repeatedly suggests that religious liberty exists because religion itself is indispensable to society. It argues that religion is the foundation of civic life, moral formation, and national flourishing. In doing so, the Commission subtly but unmistakably elevates religious belief above the equally valid moral convictions of millions of Americans who do not ground their ethics or values in religion.

The Constitution does not make that distinction.

The Founders did not protect religious liberty because they believed government should encourage religion. They protected it because they understood that questions of faith and conscience belong to individuals - not the state. The First Amendment both guarantees the free exercise of religion and prohibits government establishment of religion because these principles work together to protect the freedom of every American, regardless of what they believe.

Throughout the final draft, the Commission repeatedly characterizes religion as being under attack while giving little attention to the equally important constitutional requirement that government remain neutral among religions and between religion and nonreligion. Religious liberty is not threatened when government declines to endorse a particular faith or when public institutions remain religiously neutral. Government neutrality is not hostility toward religion. It is the constitutional mechanism that allows Americans with profoundly different religious and philosophical beliefs to coexist as equal citizens.

The Commission also presents a false choice between welcoming religious voices into public life and maintaining the separation of church and state. No serious defender of church-state separation argues that religious Americans should be excluded from public debate. Religious individuals have every right to advocate for their beliefs, run for office, organize their communities, and participate fully in civic life. The constitutional principle of church-state

separation does not silence religious voices; it prevents the government from favoring one set of religious beliefs over others.

Equally concerning is the Commission's repeated suggestion that religious liberty is uniquely endangered while overlooking the rights of those who are harmed when religious exemptions and accommodations are expanded without meaningful limits. Religious liberty protects the freedom to live according to one's own conscience. It does not include the power to impose one's religious beliefs on others or to deny them equal treatment under the law.

America's remarkable religious diversity, and its growing population of nonreligious citizens, demonstrates why government neutrality remains essential. Christians, Jews, Muslims, Hindus, Buddhists, Sikhs, Humanists, atheists, agnostics, and countless others disagree profoundly about matters of theology and morality. Our constitutional system does not ask government to resolve those disagreements. Instead, it protects the equal rights of every individual to follow the dictates of their own conscience.

The Commission is correct that religious liberty deserves renewed attention. But preserving religious liberty requires defending it as the Founders designed it: as a guarantee of equal freedom, not special privilege; as a protection for conscience, not a preference for religion; and as a constitutional promise that government belongs equally to every American, regardless of faith or belief.

The Secular Coalition for America respectfully urges the Religious Liberty Commission to revise or eliminate those portions of the report that would redefine the Establishment Clause, diminish governmental neutrality toward religion, and recommend policies that would privilege religious beliefs through governmental action. The final report should accurately reflect the constitutional text, the historical record, and the equal rights of all Americans, regardless of their religious beliefs or lack thereof.

The Secular Coalition for America is comprised of:

American Atheists American Humanist Association

Atheist Alliance of America Black Nonbelievers

Center For Inquiry/Richard Dawkins Foundation for Reason and Science

Camp Quest Ex-Muslims of North America

Freedom From Religion Foundation Action Fund Freethought Society

Hispanic American Freethinkers Recovering From Religion

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