



July 13, 2026

Members of the Presidential Religious Liberty Commission

Re: Public Comment on the Draft Report of the Presidential Religious Liberty Commission

Dear Chairman Patrick, Vice Chairman Carson, and Members of the Commission:

The American Center for Law and Justice (“ACLJ”) respectfully submits these comments on the Draft Report of the Presidential Religious Liberty Commission. We commend the Commission for producing a comprehensive examination of religious liberty in America and for inviting public comment before finalizing its recommendations. The report thoughtfully examines the legal, historical, and cultural foundations of religious liberty while identifying practical steps that the federal government can take to strengthen protections for the free exercise of religion.

For more than three decades, the ACLJ has defended religious liberty, free speech, parental rights, and other constitutional freedoms through litigation, appellate advocacy, public policy, and public education.¹ Our attorneys have represented religious and educational organizations, as well as individuals, whose constitutional rights were burdened by government action.

The Commission rightly observes that conflicts involving religious liberty continue to arise in areas of public life. Too often it is because officials view religious expression as constitutionally suspect rather than constitutionally protected. The ACLJ agrees that improving public understanding of the First Amendment is essential to preventing these disputes before litigation becomes necessary.

The Commission also correctly recognizes that protecting religious liberty requires more than defending constitutional rights after they have been violated. The government should proactively

¹ See, e.g., *Pleasant Grove City v. Summum*, 555 U.S. 460 (2009); *Livingwell Med. Clinic, Inc. v. Becerra*, 138 S. Ct. 2701 (2018); *Dobbs v. Jackson Women's Health Org.*, 142 S. Ct. 2228 (2022); *June Medical Servs. v. Russo*, 140 S. Ct. 2103 (2020); *Nat'l Inst. of Family & Life Advocates v. Becerra*, 138 S. Ct. 2361, 2368 (2018); *Whole Woman's Health v. Hellerstedt*, 579 U.S. 582 (2016); *Gonzales v. Carhart*, 550 U.S. 124 (2007); *Schenck v. Pro-Choice Network*, 519 U.S. 357 (1997); *Groff v. DeJoy*, 600 U.S. 447 (2023); *Trump v. CASA, Inc.*, 606 U.S. 831 (2025); *Mahmoud v. Taylor*, 145 S. Ct. 1123 (2025); *Medina v. Planned Parenthood S. Atl.*, 606 U.S. 357 (2025); *Olivier v. City of Brandon*, 607 U.S. 552 (2026); *Students Engaged in Advancing Tex. v. Paxton*, 2026 U.S. LEXIS 2917 (July 6, 2026).

educate and provide guidance on existing law. Additionally, it should enforce statutory protections consistently to ensure religious institutions and people of faith receive the same treatment that is afforded to everyone else. The ACLJ strongly agrees with this approach—preventing constitutional violations is far preferable to remedying them after citizens have already suffered injury, particularly in practicality.

I. Strengthening Federal Guidance and Coordination

One of the report’s greatest strengths is its emphasis on practical implementation. Rather than limiting itself to broad constitutional principles, the Commission repeatedly recommends that federal agencies provide guidance, improve training, coordinate enforcement, and educate public officials regarding religious liberty. The ACLJ believes these recommendations deserve priority consideration because they address the underlying causes of many constitutional disputes.

Public servants routinely confront questions involving religious liberty without access to practical guidance reflecting current Supreme Court precedent. As a result, decisions are often made based upon outdated assumptions about the Establishment Clause or an overly restrictive understanding of the Free Exercise Clause.

The ACLJ therefore recommends that the Department of Justice (“DOJ”) publish a comprehensive Religious Liberty Guidance Manual that consolidates existing federal guidance into a single, publicly available resource. Rather than requiring public officials to navigate multiple memoranda issued over many years, the Department should provide one authoritative guide reflecting current constitutional doctrine and federal statutory protections. Its guidance should include practical examples addressing recurring issues involving student religious expression, Equal Access Act compliance, religious accommodations in public employment, faith-based organizations participating in government programs, healthcare conscience protections, military accommodations, houses of worship, and religious expression in public settings. Practical examples will provide significantly greater value than abstract legal standards, and these examples will assist government officials in resolving questions before constitutional disputes arise.

The ACLJ also supports the Commission’s recommendation that federal agencies expand public education concerning religious liberty. Americans cannot effectively exercise constitutional rights they do not understand. The DOJ should therefore develop standardized “Know Your Rights” materials tailored for different audiences in various fields, like education and the military. These materials should explain constitutional protections in plain language, summarize applicable federal statutes, identify available administrative remedies, and direct individuals to appropriate sources of assistance. Similarly, the ACLJ supports the Commission’s recommendation that federal agencies establish reporting mechanisms for alleged religious liberty violations.

The Commission has produced a thoughtful framework for strengthening religious liberty through executive action. The ACLJ respectfully offers several additional recommendations that would further assist implementation.

The DOJ should:

- 1) Designate a senior official within the Civil Rights Division to coordinate religious liberty matters across the Department. Centralized leadership would improve consistency in litigation, guidance, interagency coordination, and public outreach.
- 2) Establish a regular process for reviewing and updating religious liberty guidance following significant Supreme Court decisions or statutory changes. Constitutional doctrine continues to develop, and federal guidance should evolve accordingly. Periodic review will reduce reliance upon outdated legal standards while also promoting greater consistency across the federal government.
- 3) Continue its use of Statements of Interest in cases presenting significant questions concerning the Free Exercise Clause, the Religious Freedom Restoration Act, religious accommodations, and equal treatment of religious organizations. Early participation by the United States often assists courts while promoting consistent interpretation of federal law.
- 4) Develop voluntary model policies addressing recurring religious liberty issues encountered by state and local governments. Practical guidance concerning student religious expression, public employment, religious accommodations, interactions with faith-based organizations, and houses of worship would assist government officials while reducing unnecessary constitutional disputes.
- 5) Create a centralized Religious Liberty Complaint Portal within the Civil Rights Division capable of directing complaints to the appropriate federal agency or Department component. A centralized intake process would simplify access for citizens, improve coordination among agencies, and enable the Department to identify recurring patterns of religious discrimination.
- 6) Periodically report on implementation of the Commission's recommendations. Public reporting will promote accountability, allow policymakers to measure progress, identify areas requiring additional attention, and ensure that the Commission's work continues to inform federal policy beyond publication of the final report.

Taken together, these recommendations would significantly improve implementation of the Commission's report. These steps will prevent many constitutional conflicts before they arise and strengthen protection for religious liberty across every area of public life.

II. Religious Liberty in Education

The Commission correctly identifies public education as one of the areas in which religious liberty is most frequently misunderstood. Despite decades of constitutional precedent, disputes involving

student religious expression, equal access, parental rights, and religious accommodations continue to arise in educational institutions from elementary schools to colleges. In many instances, these disputes do not result from uncertainty in the law, but from persistent misconceptions about the relationship between the Establishment Clause and the Free Exercise Clause.

The ACLJ agrees with the Commission that the federal government should prioritize educating school officials about existing constitutional protections. Students do not surrender their First Amendment rights when they enter the schoolhouse gate.² They remain free to engage in voluntary prayer during noninstructional time, organize religious student groups on the same basis as other student organizations, distribute religious literature where comparable materials are permitted, and express religious viewpoints in classroom assignments and discussions when relevant to the subject matter.³ These are constitutional guarantees entitled to the same protection afforded to every other form of protected expression.⁴ Yet, all too often, the ACLJ finds itself representing Americans who are denied their most basic religious liberties.

The Commission appropriately recommends updated guidance for school districts, increased educator training, and strategic enforcement where constitutional violations occur. The ACLJ supports these recommendations and encourages the DOJ to publish comprehensive guidance addressing the issues that most frequently generate disputes in public schools.

That guidance should address, at a minimum:

- Student prayer and voluntary religious expression.
- Equal Access Act compliance for student religious organizations.
- Distribution of religious literature.
- Religious expression during graduation ceremonies and extracurricular activities.
- Equal access to school facilities by religious organizations.
- Religious accommodations for students.
- Released-time religious instruction programs.
- The distinction between government speech and constitutionally protected private religious expression.

Providing practical examples alongside legal standards would significantly improve compliance while reducing unnecessary litigation. The ACLJ has repeatedly represented students and parents whose constitutional rights were violated because school officials misunderstood or ignored longstanding First Amendment principles. These matters have included student Bible clubs that

² See *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 506 (1969) (“It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.”)

³ Shaheryar Gill, *Know Your Rights: School Prayer*, ACLJ (Feb. 22, 2023), <https://aclj.org/religious-liberty/know-your-rights-school-prayer>.

⁴ See *id.*

were denied equal access to school facilities,⁵ students who were prohibited from expressing religious viewpoints in classroom assignments,⁶ and students who were disciplined for engaging in constitutionally protected religious expression.⁷

In 2025 alone, the ACLJ represented multiple students who wanted to start Christian clubs at their public high schools but were met with hostility as opposed to neutrality:

- A Minnesota public high school prohibited a student from hosting prayer gatherings and charged her Christian club rental fees to use school property while freely granting access to secular student groups.⁸
- A New York public high school treated a student Christian club, called the “Good News Club,” with similar hostility by removing the club’s posters from school hallways and forcing the club to change its name, remove all religious imagery from its posters, and submit all religious content to the school for review.⁹
- Another New York public high school continuously delayed the approval of a Christian club called the “Jesus Club” for nine months. Meanwhile, a secular club that applied at the same time was approved within days. The school also compelled the group to change its religious name because it wasn’t “inclusive” enough and denied it equal access to meeting times granted to secular groups.¹⁰

Many of these disputes were resolved after school officials received a clearer explanation of their legal obligations, demonstrating the value of proactive guidance before litigation becomes necessary. On other occasions, the ACLJ has been forced to revisit repeat violations in a single school district. Just this past month, a sixth-grade girl had her religious liberties violated by a Washington middle school for the third time. As a second grader, she had her Bible and Gospel tracts confiscated. Earlier this year, she was scolded for talking to her classmates about Jesus. Now, she was forced to return to an assembly that she believed violated her religion. Whether judicial intervention ultimately becomes necessary or the ACLJ’s demand letter¹¹ leads the school to

⁵ Letter from the Am. Ctr. for L. and Just., to Jay C. Lebrun, Superintendent of Schs., Plattsburgh City Sch. Dist. (Nov. 6, 2025), <https://aclj.org/religious-liberty/aclj-demand-letter-to-plattsburgh-school-district-superintendent>.

⁶ Abigail A. Southerland, *ACLJ Assists College Student After English Professor Refuses to Accept Her Essay on Jesus*, ACLJ (Dec. 14, 2021), <https://aclj.org/religious-liberty/aclj-assists-college-student-after-english-professor-refuses-to-accept-her-essay-on-jesus>.

⁷ Nathan Moelker, *ACLJ Wins Major Victory on Behalf of 9-Year-Old Students Banned from Sharing Easter Eggs with Bible Verses in Them*, ACLJ (May 9, 2024), <https://aclj.org/religious-liberty/aclj-wins-major-victory-on-behalf-of-9-year-old-students-banned-from-sharing-easter-eggs-with-bible-verses-in-them>.

⁸ Letter from the Am. Ctr. for L. and Just., to Chris Swenson, Superintendent of Schs. of Holdingford Pub. Sch. Dist. (Oct. 1, 2025), <https://aclj.org/religious-liberty/aclj-demand-letter-to-holdingford-public-school-district>.

⁹ Letter from the Am. Ctr. for L. and Just., to Dr. Erin Meehan-Fairben, Superintendent of Schools of Carmel Central School District, (June 9, 2025), <https://aclj.org/religious-liberty/aclj-demand-letter-on-behalf-of-censored-christian-student-club>.

¹⁰ Letter from the Am. Ctr. for L. and Just., to Jay Lebrun, Superintendent of Schs. of Plattsburgh City Pub. Schs., (Nov. 6, 2025), <https://aclj.org/religious-liberty/aclj-demand-letter-to-plattsburgh-school-district-superintendent>.

¹¹ Christina Compagnone, *“YOU HAVE NO CHOICE” – After Backpack Searches for Bibles and Scolding for Mentioning Jesus, School District Forces Christian Girl to Violate Her Faith*, ACLJ (June 18, 2026),

reverse course, cases such as this clarify that public school officials need further guidance on the First Amendment rights of their students.

The Commission emphasizes the importance of accountability when school districts fail to respect students' constitutional rights. The ACLJ agrees that federal agencies should continue investigating credible allegations of unlawful religious discrimination and, where appropriate, pursue enforcement actions to ensure compliance with federal law. This past month, the ACLJ filed a Freedom of Information Act ("FOIA") Request¹² demanding answers as to whether the Biden Administration's Department of Education ("DOE") systematically targeted Christian colleges and universities while ignoring comparable misconduct at secular universities. A report by the American Principles Project revealed that approximately 70% of enforcement actions were directed at faith-based or career-education schools.¹³ Yet not a single Ivy League university faced an enforcement action.¹⁴ The ACLJ is demanding answers for why Christian colleges and universities were targeted by DOE investigations and enforcement actions.

At the same time, enforcement should remain coupled with technical assistance. Many disputes can be resolved through education and voluntary compliance before formal litigation becomes necessary. The ACLJ has dealt with several conflicts that were successfully resolved after clear guidance was provided. One such conflict involved Southern Illinois University ("SIU") forcing a pastor to relocate to a designated free speech zone just for sharing his faith with students. This pastor had been peacefully sharing his faith with willing participants on SIU's public campus for thirty years, but in 2021, he was threatened with arrest and forced to relocate if he wanted to continue to engage in religious conversations. However, after the ACLJ sent SIU a demand letter¹⁵ educating them on the pastor's First Amendment rights, the university backed down.

Educational employees likewise retain constitutional protections, subject to the unique responsibilities of public employment. The Commission correctly notes that educators often face uncertainty regarding the scope of their own religious expression and accommodations. For example, the ACLJ recently represented Staci Barber,¹⁶ a public-school teacher in Texas, who was told by the school principal that she was not allowed to pray anywhere students might see her. This was after she was seen quietly praying at a "See You at the Pole" prayer event before the school

<https://aclj.org/religious-liberty/you-have-no-choice-after-backpack-searches-for-bibles-and-scolding-for-mentioning-jesus-school-district-forces-christian-girl-to-violate-her-faith>.

¹² Letter from Jordan Sekulow, Exec. Dir., Benjamin P. Sisney, Senior Litig. Couns., and John A. Monaghan, Senior Litig. Couns., of the Am. Ctr. for L. and Just., to the Off. of the Deputy Sec'y, U.S. Dep't of Educ. (June 23, 2026), http://media.aclj.org/pdf/ACLJ-FOIA-to-DOE-Final_Redacted.pdf.

¹³ Jon Schweppe, *The Department of Education's Office of Enforcement: The Obscure Agency Leading a Crusade Against Christian Colleges and How New Data Proves the Bias*, AM. PRINCIPLES PROJECT 14 (Nov. 2024).

¹⁴ *Id.*

¹⁵ Letter from Garrett Taylor, Assoc. Couns., and Nathan Moelker, Senior Assoc. Couns., of the Am. Ctr. for L. and Just., to Austin A. Lane, Chancellor S. Ill. Univ. (Jan. 15, 2026), http://media.aclj.org/pdf/1.15.26-ACLJ-Ltr.-to-SIU_Redacted.pdf.

¹⁶ Brief of the American Center for Law and Justice as Amicus Curiae Supporting Petitioners, *Staci Barber v. Bryan Scott Rounds*, 169 F.4th 577 (5th Cir. 2026) (No. 25-20125).

day began. The fifth circuit, relying on *Kennedy v. Bremerton School District*,¹⁷ held that the principal imposed an unconstitutional, visibility-based prohibition on Staci’s private religious expression—a ban with no basis in law.¹⁸

Updated guidance should therefore include practical instruction regarding employee religious accommodations, and personal religious expression outside official duties. Guidance should also distinguish between private speech and government speech. Clear standards will benefit educators and school districts alike by reducing uncertainty and promoting consistent application of the law.

Public colleges and universities deserve similar attention. Institutions dedicated to the free exchange of ideas should not treat religious viewpoints as disfavored perspectives. For example, the Virginia Tuition Assistance Grant Program (“VTAG”) provides tuition assistance to students in Virginia who are attending private universities, unless those students are pursuing degrees where the primary purpose is “religious training or theological education.”¹⁹ The restriction does not exclude one type of degree; it excludes entire institutions. Students at Liberty University are challenging this unconstitutional exclusion at the U.S. Court of Appeals for the Fourth Circuit. The ACLJ has filed an amicus brief defending the students at Liberty University,²⁰ saying the government cannot exclude individuals from a public benefit because of their religious beliefs.

Campus policies should be administered in a viewpoint-neutral manner that affords religious organizations the same opportunities available to secular organizations. Federal agencies should continue monitoring compliance with these constitutional requirements and should provide guidance to public institutions when recurring legal issues emerge.

The Commission also appropriately emphasizes the central role parents play in directing the upbringing and education of their children. A recent ACLJ case illustrates how government officials have attempted to take control of a child’s moral and religious upbringing, effectively replacing the child’s parents.²¹ A Massachusetts parent requested that the school allow his kindergartener to be excused from certain class lessons that went against his family’s deeply held religious beliefs. He additionally requested that the school give him the opportunity to review the curriculum. The school, however, failed to provide the parent with the curriculum and forced the

¹⁷ *Kennedy v. Bremerton School District*, 597 U.S. 507 (2022).

¹⁸ *Barber v. Rounds*, 169 F.4th 577, 584 (5th Cir. 2026) (“*Kennedy* clearly established that school officials may not impose categorical, visibility-based restrictions on an employee’s private religious expression or exercise outside official duties.”).

¹⁹ 8 VA. ADMIN. CODE § 40-71-10 (LEXIS through June 4, 2026).

²⁰ Brief of Amici Curiae the American Center for Law and Justice and Joshua Davey in Support of Plaintiffs-Appellants and Reversal, *Johnson v. Fleming*, No. 26-1437 (4th Cir. 2026), http://media.aclj.org/pdf/JohnsonvFlemingAmicusFiled_Redacted.pdf.

²¹ Olivia Summers, *Massachusetts School Violates Parental Rights by Ignoring Religious Opt-Out Request*, ACLJ (Oct. 7, 2025), <https://aclj.org/school-choice/massachusetts-school-violates-parental-rights-by-ignoring-religious-opt-out-request>.

child to participate in the lessons. But this is not the school's decision to make; parents have a constitutional right to direct the upbringing of their children.

Religious liberty and parental rights are closely connected constitutional principles. Parents seeking to raise their children consistent with their religious convictions depend upon transparent communication with public institutions and meaningful opportunities to participate in important decisions affecting their children. The ACLJ therefore supports the Commission's recommendation that the DOJ issue guidance concerning parental rights and work with the Department of Health and Human Services ("HHS") to improve coordination across the federal government.

Any guidance concerning parental rights should emphasize several fundamental principles. Parents should receive timely notice regarding significant educational decisions affecting their minor children. Public schools should also encourage meaningful communication with families and recognize parents as partners in the educational process. Requests for religious accommodations should be evaluated with appropriate consideration for the important role parents play in directing the religious upbringing of their children. These measures strengthen public confidence while reducing unnecessary conflict between families and schools.

The ACLJ also supports the Commission's recommendation that federal agencies explore reporting mechanisms through which students, parents, and educators may seek assistance when constitutional rights are violated. Any reporting system should serve not only as an enforcement tool but also as an educational resource. Individuals seeking assistance should have immediate access to guidance explaining their rights and available avenues, as well as model policies, for informal resolution where appropriate. Providing accurate information at the outset may prevent many disputes from escalating into litigation.

Finally, the ACLJ recommends that the DOJ periodically review educational guidance to ensure it reflects current constitutional doctrine. School administrators frequently rely on training materials that remain in circulation long after significant developments in First Amendment jurisprudence. Regular review and revision of federal guidance will help ensure that educators receive accurate legal instruction while reducing reliance on outdated constitutional interpretations.

The Commission correctly notes that schools are often where Americans first encounter the practical meaning of the First Amendment. When students, parents, and educators understand both the rights and responsibilities protected by the Constitution, religious liberty is strengthened not only within our educational institutions but throughout American civic life.

III. Religious Liberty for the Public Good

Religious liberty protects the ability of individuals and institutions to live out sincerely held religious convictions while serving their communities. These institutions and individuals all

contribute immeasurably to the public good. Their continued participation depends upon a legal framework that respects religious exercise while allowing the government to pursue legitimate public interests through constitutionally appropriate means.

The Commission correctly observes that many recent conflicts have arisen because religious organizations and individuals have been asked to choose between remaining faithful to their religious convictions and continuing to participate fully in public life. The ACLJ agrees that the government should seek reasonable accommodations and equal treatment whenever possible rather than creating unnecessary conflicts between public service and religious conviction.

A. Faith-Based Institutions

Faith-based organizations have long served communities through countless charitable programs. These institutions often provide services that government alone could not effectively deliver, while remaining motivated by religious convictions that define their missions and identities. However, such institutions have continuously been the target of hostile government action.

In Colorado, for example, a local ordinance targeted three church ministry programs to aid the homeless. The churches gather on Tuesdays and Thursdays in a local park to provide meals for the homeless accompanied with Bible study and worship. In July 2024, the local Chief of Police shut down the distribution of food. After a meeting was called with local pastors, the churches were notified of a new ordinance that prevented them from distributing meals to the homeless. The ACLJ has filed a federal lawsuit against the city to strike down this ordinance, stating that it directly violates the First Amendment by targeting church activity.²²

Additionally, a federal court decision in Phoenix recently reinforced that the First Amendment does not allow cities to punish groups or individuals for simply exercising their faith. Like the local ordinance in Colorado, the Phoenix ordinance prevented a local church from continuing its weekly assistance for the homeless. The church held meetings in a public park that gave meals to the homeless in tandem with a Bible study and worship. The Phoenix federal court issued a temporary restraining order, blocking the enforcement of this ordinance.²³ The court stated that the ordinance directly targeted the church and, therefore, the church would likely succeed on its First Amendment claim. This decision not only has a direct impact on the ACLJ's lawsuit in Colorado but also reinforces an important principle: laws that single out conduct based on religious motivation are unconstitutional.

The ACLJ has also represented churches and religious ministries facing zoning restrictions, unequal treatment under local land use regulations, and limitations on religious gatherings. Mr.

²² Complaint at 9, *Baca v. City of Northglenn*, No. 1:25-cv-03678 (D. Colo. filed Nov. 14, 2025).

²³ Garrett Taylor, *Phoenix Tried to Silence a Church Ministry—Ruling Could Bolster ACLJ's Defense of Pastors in Colorado*, ACLJ (June 17, 2025), <https://aclj.org/religious-liberty/phoenix-tried-to-silence-a-church-ministry-ruling-could-bolster-acljs-defense-of-pastors-in-colorado>.

Grand, an Orthodox Jew in Ohio, applied for a permit to host a minyan—a prayer quorum of 10 or more—in his home. Mr. Grand was met with a severe government pressure campaign including neighbor surveillance, antisemitic intimidation, and quasi-judicial hearings. The pressure was so intense that Mr. Grand removed his application. The Sixth Circuit ruled against Mr. Grand, instructing him to use the administrative process to seek relief²⁴—the very same process that administered a pressure campaign against him. After Mr. Grand appealed, the ACLJ filed an amicus brief asking the Supreme Court to reverse the Sixth Circuit decision against him and grant relief.²⁵ The Supreme Court recently granted the petition for writ of certiorari,²⁶ which reinforces the Commission’s conclusion that equal treatment, rather than special treatment, remains the governing constitutional principle.

The Commission appropriately concludes that these organizations should not be excluded from public programs or denied opportunities solely because they maintain a religious identity. Equal participation by religious organizations is not a governmental preference for religion. It is a constitutional requirement that the government not discriminate against religious exercise.

One recent case further illustrates this: the Ninth Circuit upheld a California regulation that requires religious schools to allow students to opt out of religious services and activities.²⁷ This regulation undermines the purpose of religious schools—to teach according to their faith. Further, it creates unconstitutional government entanglement with religion by requiring state inspectors to evaluate religious practices, communal worship, and spiritual formation to determine whether the students feel free to opt out of the religious activity. Entanglement such as this is a violation of the Establishment Clause and goes against the holdings of *Hosanna-Tabor* and *Our Lady of Guadalupe*, which protect the right of religious institutions to decide who teaches the faith and, therefore, what is being taught.²⁸

The ACLJ therefore supports the Commission’s recommendation that faith-based organizations be permitted to compete equally for public benefits without being required to abandon their religious character. Federal agencies should review existing grant conditions, regulations, and guidance documents to ensure that religious organizations receive the same treatment afforded to similarly situated secular organizations.

To promote consistency across the Executive Branch, the ACLJ recommends that the DOJ develop model nondiscrimination policies for agencies administering federal funding programs. Those

²⁴ *Grand v. City of Univ. Heights*, 159 F.4th 507, 512 (6th Cir. 2025).

²⁵ Brief for the American Center for Law and Justice as Amicus Curiae Supporting Petitioners, *Grand v. City of Univ. Heights*, 159 F.4th 507 (6th Cir. 2025) (No. 25-802).

²⁶ *Grand v. City of Univ. Heights*, No. 25-965, 2026 U.S. LEXIS at *2901 (June 30, 2026).

²⁷ *Foothills Christian Ministries v. Johnson*, 148 F.4th 1040, 1048–49 (9th Cir. 2025).

²⁸ See *Hosanna-Tabor Evangelical Lutheran Church & Sch. v. EEOC*, 565 U.S. 171, 196 (2012) (“The church must be free to choose those who will guide it on its way.”); *Our Lady of Guadalupe Sch. v. Morrissey-Berru*, 591 U.S. 732, 762 (2020).

policies should clearly explain that religious organizations remain eligible to participate in generally available public programs while continuing to operate in accordance with their sincerely held religious beliefs, consistent with applicable constitutional and statutory protections.

The Commission also recommends greater transparency when government officials allege that religious expression violates applicable law. The ACLJ supports this recommendation. Requiring written explanations that identify the specific constitutional or statutory basis for enforcement decisions promotes accountability and improves public confidence. This requirement would also encourage careful legal analysis before a government action burdens religious exercise. This would also require regulators to evaluate their proposals when demanding such regulations on the religious exercise of our nation's heroic service members.

B. Religious Liberty in the Armed Forces

The country asks extraordinary sacrifices of the men and women who serve in uniform. Those who volunteer to defend the Constitution should not be required to surrender their constitutional freedoms they have sworn to protect. Religious liberty and military readiness, when properly understood, reinforce one another by strengthening morale, integrity, and trust within the armed forces.

The ACLJ agrees with the Commission that the Pentagon should continue improving its religious accommodation process and provide updated guidance to commanders and Judge Advocate General officers regarding applicable constitutional and statutory protections. For example, Walter Reed National Military Medical Center, the largest military medical facility in the country, issued a cease-and-desist order preventing the Franciscan Order, a Catholic group, from providing religious services to U.S. military personnel, their families, and the staff at the hospital just two days before the start of Holy Week.²⁹ The Franciscan Order had provided pastoral care at Walter Reed National Medical Center for 20 years.³⁰ This decision left thousands without religious care, because they are unable to travel to church for services due to medical treatment. The Franciscans were told their contract expired, there was no intention of renewing, and there was no plan for Mass or confessions for the entirety of Holy Week. Instead, the contract was given to Mack Global, which does not employ a Catholic priest. The ACLJ filed a FOIA Request³¹ demanding answers regarding why the U.S. Defense Health Agency ("DHA") did not renew the Franciscan Order's contract and instead hired a secular, for-profit business. This decision leaves service members,

²⁹ Wesley Smith, *Is Walter Reed National Medical Center Violating Free Exercise of Religion?*, ACLJ (Apr. 20, 2023), <https://aclj.org/us-military/is-walter-reed-national-military-medical-center-violating-free-exercise-of-religion>.

³⁰ Jordan Sekulow, *ACLJ Files Urgent FOIA Demand After Christian Clergy Blocked From Ministering to Soldiers at Walter Reed at Easter, Replaced by Secular, For-Profit Service Provider*, ACLJ (May 3, 2023), <https://aclj.org/religious-liberty/aclj-files-urgent-foia-demand-after-christian-clergy-blocked-from-ministering-to-soldiers-at-walter-reed-at-easter-replaced-by-secular-for-profit-service-provider>.

³¹ Letter from Jordan Sekulow, Exec. Dir., Benjamin P. Sisney, Senior Litig. Couns., and John A. Monaghan, Senior Litig. Couns., of the Am. Ctr. for L. and Just., to the DHA FOIA Service Center (Apr. 28, 2023), http://media.aclj.org/pdf/Walter-Reed-Request_Redacted.pdf.

veterans, and their families without religious services just days before the most important week of the year for Catholics. Consistent standards promote fairness for service members while providing commanders with clear expectations when evaluating accommodation requests.

The Secretary should establish uniform procedures governing requests for religious accommodation across all military branches, including reasonable timelines for decisions, written explanations supporting approvals or denials, and meaningful opportunities for administrative review. Such procedures would improve consistency while preserving the flexibility necessary to address unique operational requirements. The ACLJ recently represented a service member who faced threats of disciplinary action, including termination, because he wanted to be exempt from answering a single training question that violated his deeply held religious beliefs during the Biden-era. Now under the Trump Administration, the United States Army has now signed a binding legal document stating the service member did not engage in any discrimination and expunged the incident from his otherwise unblemished 22-year service record.³²

The Commission also appropriately emphasizes the indispensable role that military chaplains play in supporting the spiritual well-being of service members. Chaplains serve personnel from many faith traditions while remaining faithful to the religious traditions that endorse and commission them. Preserving both responsibilities strengthens religious liberty throughout the Armed Forces.

Finally, the ACLJ recommends incorporating practical instruction regarding religious liberty into professional military education programs. Commanders regularly confront questions involving religious exercise. Early education will better prepare military leaders to resolve these matters consistently while reducing avoidable disputes in the armed forces' critical missions. This further applies to the frontlines of healthcare.

C. Religious Liberty and Conscience Protections in Healthcare

Healthcare presents some of the most sensitive questions involving religious liberty because medical decisions frequently implicate deeply held moral and religious convictions. Congress has long recognized that preserving diversity within the healthcare profession requires protecting the rights of individuals and institutions whose religious beliefs prevent participation in certain medical procedures.

The ACLJ has represented healthcare providers and filed comments opposing federal regulations that inadequately protect religious conscience rights. Our experience demonstrates that clear administrative guidance and consistent enforcement reduce conflict while protecting patients and providers alike. The ACLJ therefore supports the Commission's recommendation that federal

³² Nathan Moelker, *ACLJ Wins Major Religious Liberty Victory: Army Employee Vindicated After Years of Fighting for His Faith Against Biden Administration*, ACLJ (Mar. 4, 2026), <https://aclj.org/religious-liberty/aclj-wins-major-religious-liberty-victory-army-employee-vindicated-after-years-of-fighting-for-his-faith-against-biden-administration>.

agencies strengthen enforcement of existing conscience protections and restore specialized expertise within HHS dedicated to religious liberty and conscience rights. Healthcare professionals should not be forced to choose between faithfully practicing their profession and faithfully practicing their religion.

The Commission also recommends expanding educational resources and reporting mechanisms for healthcare workers. The ACLJ agrees that these measures would significantly improve awareness of existing federal protections while encouraging early resolution of disputes before litigation becomes necessary.

To complement the Commission’s recommendations, the ACLJ encourages HHS to publish a comprehensive guide explaining the principal federal conscience statutes, including the Church Amendments, the Weldon Amendment, the Coats-Snowe Amendment, and the Religious Freedom Restoration Act. A single reference document would assist healthcare institutions in understanding their respective rights and obligations.

Healthcare institutions participating in federal programs should likewise be encouraged to adopt transparent procedures for evaluating requests for religious accommodation. Institutions that establish clear internal policies are often able to resolve concerns through dialogue and reasonable accommodation rather than litigation. Finally, federal agencies should provide regular training for investigators, compliance personnel, and attorneys responsible for administering federal conscience protections. Consistent enforcement depends upon a thorough understanding of both the constitutional principles and statutory frameworks governing religious accommodations in healthcare.

Recent victories secured by the ACLJ further demonstrate the real-world impact of robust conscience protections. For instance, the ACLJ successfully advocated for five ultrasound technicians at a New Mexico hospital who faced pressure to assist in abortion procedures contrary to their religious beliefs.³³ Following a demand letter, the hospital granted full religious accommodations to each technician, allowing them to continue their professional roles without violating their faith.

Similarly, at Baptist Health Lexington, two nurses—Judy and Amy—faced requirements to participate in abortion-related procedures, including Dilation and Evacuation (“D&E”) processes. With ACLJ support, both received comprehensive religious accommodations. Judy obtained a full exemption aligning with her calling to heal rather than harm, while Amy was relieved from any involvement in D&E procedures, including post-procedure tasks that conflicted with her Christian

³³ Olivia Summers, *ACLJ Sends Demand Letter to Hospital to Prevent 5 Ultrasound Technicians From Being Forced to Assist in Abortions*, ACLJ (Feb. 18, 2025), <https://aclj.org/pro-life/aclj-sends-demand-letter-to-hospital-to-prevent-5-ultrasound-technicians-from-being-forced-to-assist-in-abortions>.

convictions.³⁴ These outcomes highlight how proactive legal advocacy and institutional cooperation can resolve conflicts without litigation.

In addition to those victories, the ACLJ currently represents medical professionals still facing discrimination because of their religious beliefs.

Dr. Gennaro Polverino was denied a job for refusing to refer patients for an abortion. Dr. Polverino is a licensed medical professional with eight years of experience at Rochester Regional Health (“RRH”). As part of his faith, he does not perform or refer patients for contraceptives, abortion-inducing drugs, or abortions. Dr. Polverino sought to return to RRH, where he saw a clause in his employment agreement that required him to refer patients to another medical professional when there was a conflict with his religious beliefs. He requested this clause be removed or that he be granted a religious exemption. A new contract had an identical clause. Dr. Polverino refused to sign the contract, and his employment start date was canceled. The ACLJ has filed a formal complaint with the HHS’s Office for Civil Rights.³⁵ Preventing unlawful discrimination begins with understanding the law. Accordingly, the Department should continue publishing practical educational materials explaining reasonable religious accommodations, prohibited religious discrimination, and available administrative remedies.

A parallel case underscores ongoing challenges in federal facilities. The ACLJ filed a formal complaint with the HHS Office for Civil Rights on behalf of a board-certified internal medicine physician at a Veterans Affairs (“VA”) medical center. The physician, who holds sincere Christian beliefs opposing participation in abortion-related activities, faced coercion and retaliation—including rescission of a return offer—after invoking federal conscience protections.³⁶ These incidents illustrate how even highly qualified professionals can be forced out or blocked when institutions fail to honor statutory safeguards such as the Church Amendments and Weldon Amendment.

Faith-based healthcare institutions also face increased pressure when government actors disregard federal conscience protections. The ACLJ recently filed a complaint with the HHS Office for Civil Rights on behalf of A Woman’s Concern, doing business as Your Options Medical, a Christian nonprofit pregnancy resource center and licensed medical clinic in Massachusetts. The complaint challenged actions by state officials who targeted the organization because of its religious beliefs and pro-life mission, including efforts to pressure healthcare providers and affiliated institutions

³⁴ Olivia Summers, *Victory: Second Medical Professional at the Same Hospital Receives Life-Affirming Religious Accommodation*, ACLJ (Apr. 28, 2025), <https://aclj.org/pro-life/victory-second-medical-professional-at-the-same-hospital-receives-life-affirming-religious-accommodation>.

³⁵ Letter from Olivia Summers, Senior Litig. Couns., and Nathan Moelker, Senior Assoc. Couns., Am. Ctr. for L. and Just., to the U.S. Dep’t of Health and Hum. Servs. (June 3, 2026), http://media.aclj.org/pdf/Polverino-Complaint_Redacted.pdf.

³⁶ *ACLJ HHS Complaint Regarding VA Facility Forcing Physician Out Over Conscience Objections on Abortion*, ACLJ (May 20, 2026), <https://aclj.org/pro-life/aclj-hhs-complaint-regarding-va-facility-forcing-physician-out-over-conscience-objections-on-abortion>.

to sever relationships with the clinic. These actions threatened the ability of a faith-based medical provider to continue serving women and families in accordance with its religious convictions. The matter underscores the importance of vigorous federal enforcement of conscience and religious liberty protections, not only for individual healthcare professionals but also for religious healthcare organizations whose ability to participate in federally funded healthcare programs depends upon equal treatment under the law.³⁷

Preventing unlawful discrimination begins with understanding the law. Accordingly, the Department should continue publishing practical educational materials explaining reasonable religious accommodations, prohibited religious discrimination, and available administrative remedies.

Faith-based healthcare professionals and organizations have served American communities for generations. The report correctly notes that religious liberty within these institutions is not simply a matter of individual rights; it also preserves a diverse network of organizations and professionals whose service has long strengthened communities throughout the Nation. The ACLJ encourages the Commission to retain these recommendations while emphasizing practical implementation through clear guidance, consistent enforcement, and ongoing education across the federal government.

IV. Combating Religious Discrimination

The Commission appropriately concludes that protecting religious liberty requires more than safeguarding constitutional rights in the abstract. Those protections must be enforced consistently and applied equally to Americans of every faith. The ACLJ therefore supports the Commission's recommendations addressing religious discrimination and antisemitism, while encouraging continued emphasis on education, coordination, and faithful enforcement of existing law.

The Commission correctly identifies the rise in antisemitism as one of the most serious religious liberty challenges confronting the nation. Jewish Americans should be able to participate in every aspect of American life without fear of harassment, intimidation, discrimination, or violence.

A recent ACLJ case illustrates the hostilities Jewish Americans face.³⁸ Our client—a student at a prestigious New York law school—faced discrimination, harassment, and exclusion based on her Jewish identity and Israeli heritage after the October 7 attack. The school environment became hostile and she became uncomfortable sharing her identity as she watched student organizations

³⁷ *ACLJ Complaint to HHS Regarding Discrimination Violation at A Woman's Concern d/b/a Your Options Medical Centers*, ACLJ (Apr. 21, 2026), <https://aclj.org/pro-life/aclj-complaint-to-hhs-regarding-discrimination-violation-at-a-womans-concern-dba-your-options-medical-centers>.

³⁸ Jordan Sekulow, *MAJOR VICTORY: New York Law School Orders Removal of Antisemitic Social Media Posts Following ACLJ Representation*, ACLJ (Oct. 22, 2025), <https://aclj.org/battling-antisemitism/major-victory-new-york-law-school-orders-removal-of-antisemitic-social-media-posts-following-aclj-representation>.

celebrate Jewish deaths and glorify Hamas. School administrators took minimal action to help—not even explicitly condemning the actions of Hamas immediately following the October 7 attack. It took significant pressure from Jewish students for the administration to condemn Hamas, but still nothing was done about the rampant antisemitism spread by student organizations. The ACLJ stepped in and represented our client through an investigation with outside counsel before the school recognized these posts as problematic and ordered the organizations to take them down or face consequences. The federal government has both the authority and the responsibility to enforce existing civil rights laws vigorously where unlawful conduct occurs.

The ACLJ supports the Commission's recommendations that the DOJ strengthen coordination with federal, state, and local law enforcement, to improve the collection of reliable data concerning antisemitic incidents and ensure prompt enforcement of applicable federal law. Accurate reporting and consistent enforcement will improve public safety while providing policymakers with a clearer understanding of emerging threats.

The Commission also recommends improving enforcement of Titles VI and VII and expanding educational resources concerning religious discrimination. The ACLJ agrees that many employers, educational institutions, and public officials would benefit from additional guidance regarding their obligations under existing law.

Recent ACLJ cases demonstrate that religious discrimination in the workplace remains a persistent concern. For example, the ACLJ filed a charge with the Equal Employment Opportunity Commission (“EEOC”) on behalf of a Christian employee who alleged that Timken terminated his employment after he sought a religious accommodation and raised concerns regarding the company’s treatment of his faith-based beliefs.³⁹ In another matter, the ACLJ represented a hospital employee who was prohibited from leading a voluntary Bible study during nonworking break periods, despite the absence of any evidence that the activity disrupted hospital operations or interfered with patient care.⁴⁰ Following ACLJ intervention, the hospital reversed course and permitted the employee's religious activity. Likewise, the ACLJ secured a favorable resolution for a United States Postal Service (“USPS”) employee who sought a religious accommodation allowing him to attend Sunday church services.⁴¹ After initially denying the request, USPS ultimately granted the accommodation, enabling the employee to continue both his employment and his religious observance. These cases illustrate that many religious-liberty disputes arise not

³⁹ Kelsey E. McGee, *ACLJ Files EEOC Complaint After Timken’s Retaliatory Firing of Christian Employee and “Ghosting” the ACLJ*, ACLJ (Oct. 21, 2025), <https://aclj.org/religious-liberty/aclj-files-eeoc-complaint-after-timkens-retaliatory-firing-of-christian-employee-and-ghosting-the-aclj>.

⁴⁰ Garrett Taylor, *Major Hospital Bans Employee from Having Bible Study During Break Time – ACLJ Prepares for Lawsuit If They Don’t Back Down*, ACLJ (May 3, 2024), <https://aclj.org/religious-liberty/major-hospital-bans-employee-from-having-bible-study-during-break-time-aclj-prepares-for-lawsuit-if-they-dont-back-down>.

⁴¹ Abigail A. Southerland & Nathan Moelker, *Victory for Religious Freedom: USPS Backtracks, Grants Our Client Religious Accommodation to Go to Church on Sunday*, ACLJ (June 3, 2025), <https://aclj.org/religious-liberty/victory-for-religious-freedom-usps-backtracks-grants-our-client-religious-accommodation-to-go-to-church-on-sunday>.

from uncertainty in the law, but from a failure to properly apply longstanding protections against religious discrimination and to reasonably accommodate sincerely held religious beliefs.

Increased education regarding Title VII obligations, coupled with consistent enforcement, would help prevent many of these conflicts before they require administrative complaints or litigation. At the same time, enforcement efforts should remain faithful to the Constitution's dual commitment to religious liberty and freedom of speech. Vigorous enforcement of civil rights laws and robust protection of constitutional freedoms are complementary objectives. Both are essential to preserving a society in which individuals of differing religious beliefs may participate fully in public life without fear of discrimination or governmental overreach.

V. Religious Liberty in the Public Square and the Private Sector

The Commission correctly recognizes that religious liberty challenges increasingly arise not only from direct government action but also from the growing influence of private entities that control access to modern channels of communication, commerce, and public engagement. As public discourse moves onto digital platforms and private companies exercise unprecedented control over advertising, content distribution, and public visibility, religious organizations and people of faith face new forms of discrimination that can substantially burden their ability to participate in public life.

The ACLJ agrees with the Commission that religious liberty protections must account for the realities of the modern public square. While private companies generally possess their own constitutional rights, concentrated control over essential communication platforms creates opportunities for viewpoint-based discrimination that can silence religious perspectives and exclude faith-based organizations from public discourse. Such discrimination is particularly concerning when dominant platforms apply policies inconsistently or selectively against religious viewpoints while permitting comparable secular speech.

The ACLJ has repeatedly confronted such concerns. Recently, the ACLJ called upon Congress to investigate evidence that major technology platforms, including Google and TikTok, systematically censored Christian content through opaque moderation practices and advertising restrictions. These platforms increasingly serve as the primary means through which religious organizations communicate with the public, raise awareness regarding their missions, and engage in protected religious expression.⁴² When access to these platforms is restricted based upon religious viewpoint, the practical effect can be the exclusion of faith-based voices from significant portions of modern civic discourse.

⁴² Nathan Moelker, *ACLJ Calls on Congress to Confront Google and TikTok's Systematic Censorship of Christian Content*, ACLJ (Jan. 21, 2026), <https://aclj.org/religious-liberty/aclj-calls-on-congress-to-confront-google-and-tiktoks-systematic-censorship-of-christian-content>.

The ACLJ similarly urged congressional oversight regarding evidence that pro-life pregnancy resource centers were being systematically suppressed by major technology companies through search engine practices, advertising restrictions, and content moderation decisions. Pregnancy resource centers provide lawful services and constitutionally protected speech, yet many have faced obstacles that limit their ability to communicate with women seeking assistance. The selective suppression of faith-based and pro-life viewpoints undermines the principles of viewpoint neutrality that are essential to a free society.⁴³

Discrimination against religious viewpoints is not limited to online platforms. The ACLJ recently secured a victory after a billboard company reversed its decision to prohibit advertisements promoting Abortion Pill Reversal.⁴⁴ The company initially rejected the advertisements based on disagreement with the message despite permitting other advocacy-oriented content. Following ACLJ intervention, the company reversed course and approved the advertisements.⁴⁵ This matter illustrates how private entities that control significant channels of public communication can effectively silence religious and pro-life viewpoints when policies are applied selectively or inconsistently.

The Commission appropriately emphasizes the importance of preserving a public square in which religious viewpoints receive equal treatment. The ACLJ therefore encourages federal agencies and policymakers to continue examining discriminatory practices by dominant private actors, promote transparency in content moderation and advertising decisions, and ensure that religious organizations are not excluded from modern channels of communication because of their faith-based perspectives. Religious liberty cannot be fully protected if people of faith are free to speak in theory but are systematically denied meaningful access to the forums where public discourse now occurs.

Conclusion

Religious liberty does not require new constitutional protections. It requires faithful application of the protections Americans already possess. The Commission's report offers an important opportunity to improve that application through better guidance, more consistent enforcement, and

⁴³ Letter from Jordan Sekulow, Exec. Dir., Am. Ctr. for L. and Just., & Olivia F. Summers, Senior Litig. Couns., Am. Ctr. for L. and Just., to Jim Jordan, Chairman, House Comm. on the Judiciary (Oct. 15, 2025), http://media.aclj.org/pdf/10.15.25-ACLJ-Letter-to-Chairman-Jordan-of-the-House-Judiciary-Committee_Redacted.pdf; Olivia Summers, *ACLJ Calls on Congress and the White House to Confront the Systematic Censorship of Pro-Life Pregnancy Centers*, ACLJ (Oct. 15, 2025), <https://aclj.org/pro-life/aclj-calls-on-congress-and-the-white-house-to-confront-the-systematic-censorship-of-pro-life-pregnancy-centers>.

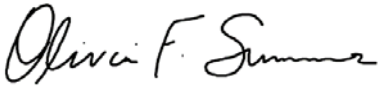
⁴⁴ Olivia Summers, *Victory: Billboard Company Reverses Course, Allows Lifesaving Abortion Pill Reversal Ads*, ACLJ (Apr. 24, 2026), <https://aclj.org/pro-life/victory-billboard-company-reverses-course-allows-lifesaving-abortion-pill-reversal-ads>.

⁴⁵ *Id.*

renewed commitment to the First Amendment. Citizens should not be required to vindicate well-established constitutional rights only after suffering preventable violations.

The ACLJ appreciates the opportunity to submit these comments and stands ready to assist the Commission and the Department as they continue this important work.

Respectfully submitted,



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