



Moving Forward: First Priorities for the Incoming Administration

Interfaith Alliance Foundation works to promote true religious freedom and strengthen the separation of religion and government – for the benefit of all. Through policy research, public education, grassroots activism, and advocacy on Capitol Hill, we bring together a diverse network of religious and secular Americans to advance federal policy initiatives that protect freedom of belief and ensure that every person receives equal treatment under law.

The inauguration of President Joe Biden and Vice President Kamala Harris will herald a new era for our nation. As the transition team prepares for this historic moment, Interfaith Alliance is working to ensure that the constitutional right of religious freedom — cruelly manipulated by the outgoing administration to serve a political and ideological agenda — is restored to its true meaning and figures as a central consideration over the next four years.

Religious freedom is the first of several fundamental rights outlined in the First Amendment of the U.S. Constitution. The ability to believe as we choose - sometimes referred to as *freedom of conscience* - is a foundation upon which our freedoms of speech, assembly, press, and protest depend.

And yet there is a concerted effort underway by the Religious Right to distort the meaning of religious freedom. Members of this movement seek to enshrine their beliefs into law, undermine basic nondiscrimination protections, and concentrate power in the hands of a select few — at the expense of everyone else. And, for the past four years, the outgoing administration has lent the power of the federal government to this anti-democratic undertaking.

There is tremendous work to be done to undo the harms perpetrated and condoned by the Trump administration. President-elect Biden and Vice President-elect Harris's leadership must be restorative as well as forward-thinking, guided by a positive vision of religious freedom that celebrates Americans of all beliefs and experiences. Our diversity will be a source of strength as we work together to meet the challenges of the current moment and labor toward a more just world for all of us. These action items are a starting point in that endeavor.

1. Issue a clarion call for true religious freedom that affirms the rights of people of all faiths and the nonreligious.

Every resident of our great nation brings a unique perspective and set of experiences to bear on our democratic project. The freedom to believe as we choose - to explore our faith or nonreligious identity individually or in community - is a central component of our American character. But, as we are acutely aware, the promise of religious freedom has often fallen short of its practice.

Under President Trump's leadership, the federal government has dramatically expanded religious exemptions and other protections for certain groups while ignoring the harms imposed. For example, these exemptions have been used to undermine LGBTQ+ nondiscrimination protections and deny access to healthcare, disproportionately impacting communities of color. Turning religious freedom on its head, these exemptions have even been used to discriminate against religious minorities and the nonreligious.

It will not be enough to undo the harms of the past four years. Long after the current administration has left office, racism, xenophobia, and other forms of bigotry will continue to inform the lived experiences of so many. By issuing a clarion call for true religious freedom, clearly outlining the co-equal relationship between our first freedom and other constitutional rights, the Biden-Harris administration can set an agenda that ensures the Religious Freedom Restoration Act (RFRA) is used as a shield to protect personal belief - not sword to restrict the freedoms of others.

And, in all aspects of governing, the incoming administration should celebrate our national diversity through policies and language. Whenever possible, the federal government under their leadership should hire staff and develop partnerships that are inclusive and consistent with the separation of religion and government.

2. Advance coronavirus relief measures that are guided by public health experts, consistent with the Establishment Clause, and rooted in justice.

Months have passed since the coronavirus began spreading through our communities and millions are struggling - to make ends meet, to care for loved ones, to access healthcare, and to draw strength from one another. Despite the pandemic, the attendant economic crisis, and deliberate attempts to make it harder to make our voices heard, Americans spoke out in overwhelming numbers this fall. Now, it will take the full force of the federal government to deliver meaningful relief for everyday people and small businesses so we can move forward together.

The Biden-Harris administration will inherit a federal pandemic response in desperate need of public health expertise and compassion. Recommendations to slow the spread of the virus should be clearly communicated and consistently applied. One set of expectations for both secular and religious entities will be vital, as COVID-19 is equally dangerous regardless of the type of gathering. Partnerships at the state, local, and community level will be critical for communicating effectively until a vaccine can be equitably distributed.

The White House should also direct the Treasury Department to clarify eligibility standards under the Paycheck Protection Program and other grant programs created under federal relief efforts to ensure public funds are not used for religious activities in violation of the Establishment Clause. This move would bring our federal crisis response in line with established requirements under administrative law and promote accountability for programs financed by taxpayers. New assistance programs and initiatives should include similar safeguards.

3. Rescind President Trump's Muslim and African Bans and restore our international reputation as a beacon of opportunity for all.

People of all faiths, philosophies, and experiences believe in a just vision for immigration. Restrictions on travel based on one's religious affiliation or country of origin runs directly counter to our national identity and harms our reputation around the world. Today, nearly four years after President Trump took office, families remain apart under his Muslim and African bans. These restrictions, enacted through executive authority, can and should be rescinded by President-elect Biden as soon as possible. At the same time the incoming 117th Congress will again take up the NO BAN Act, a historic bill to prohibit similar action by a future administration and affirm the meaning of true religious freedom in immigration.

The xenophobic rhetoric employed by President Trump often translated directly into policy, galvanizing diverse communities to demand immigration justice. The devastation wrought by family separation, involuntary medical interventions, exposure to COVID-19, and more will be felt

well beyond the Biden-Harris administration. Starting in January 2021, incoming leadership should engage meaningfully and collaboratively with those targeted under President Trump - and under draconian policies in years past - to advance an immigration agenda that celebrates and honors new Americans.

4. Champion our public schools and reinstate nondiscrimination protections for students, educators, and staff.

Our public schools are entrusted with the development of children and young people with diverse backgrounds, experiences, and needs. No child should feel unsafe or unwelcome at school because of who they are, what they believe, or how they learn. But instead of working to strengthen these community institutions and promote inclusive environments, the Department of Education - led by outgoing Secretary Betsy DeVos - has channeled limited resources toward private (often religious) schools and weakened nondiscrimination protections.

The Biden-Harris administration has indicated that education will be a top priority, guided by experts with personal experience in the field. And, as families across the country navigate the challenges posed by COVID-related school closures, students and educators seek equitable solutions that are sensitive to the trauma many will bring with them once they return to the classroom.

With federal funds authorized by Congress, the Department of Education can help close the gaps facing state and local school systems. Furthermore, the Department should ensure that returning and future students receive the support they need by rescinding changes made under Sec. DeVos to Title IX that weakened protections for survivors of sexual harassment and assault. In addition, the incoming administration should reinstate protections for trans and gender non-conforming students and require disclosure of any exemptions claimed by religious institutions.

5. Enable patients to access the healthcare they need, regardless of their source of insurance or the beliefs of their provider.

We are often at our most vulnerable when we seek the care and support of a healthcare provider. And, as the coronavirus pandemic strains our nation's resources, it is critically important that individuals in every community can access the services they need.

In May 2016, the Department of Health and Human Services finalized Section 1557 of the Affordable Care Act, prohibiting discrimination in federally-funded health care programs or activities on the basis of race, color, national origin, sex (including sexual orientation and gender identity), age, or disability. These rules included limited religious accommodations for healthcare workers without inhibiting patients' access to care. Under the Trump administration, HHS repealed many of these protections and created expansive religious exemptions that prioritized workers' beliefs over patient care. Under new leadership, the HHS Office for Civil Rights should act quickly to reinstate these critical protections to ensure that all patients are treated with dignity and respect.

The ACA also facilitated access to birth control without cost, enabling employees and their families to make healthcare decisions consistent with their own beliefs and needs. But the outgoing administration has made it easier for employers and universities to opt out of this requirement. These new rules allow bosses to impose their religious beliefs on anyone covered by their insurance plan, depriving workers and their families of *their* freedom of belief and exercise. The Biden-Harris administration should take decisive action - and urge Congress to act in kind -

to protect patients' ability to access the care that is right for them, without interference by their employer.

6. Implement strategic measures to address the rise of violent white supremacy.

In November 2020, the FBI confirmed what many Americans already knew: hate crimes are on rise - and with deadly consequences. The majority of perpetrators targeted their victims because of their actual or perceived race or ethnicity, while others acted out of religious, sexual orientation, disability, or gender identity bias. Little data is available to understand how often victims were targeted because of multiple marginalized identities or where the victim's identity was a contributing - but not the sole cause - for an attack.

The systems currently in place for reporting, tracking, and prosecuting these crimes are underdeveloped and under resourced. The incoming administration, through the Department of Justice and other entities, should prioritize investment in hate crimes response and prevention by partnering with targeted communities. Only by working together can we implement strategies that avoid overpolicing of historically marginalized communities while keeping individuals, houses of worship, and other institutions safe.

Delivering on a Constitutional Promise

The past four years have tested our nation in ways we never could have imagined. Through this political transition, our democracy - our constitutional freedoms, access to opportunity, and fair and equal treatment under the law - depends on our shared commitment to building a more just world.

There is tremendous work to be done to undo the harms perpetrated and condoned by the Trump administration. President-elect Biden and Vice President-elect Harris's leadership must be restorative as well as forward-thinking, guided by a positive vision of religious freedom that celebrates Americans of all beliefs and experiences. We look forward to partnering with the White House, federal agencies, and members of Congress to deliver on these promises.

To learn more about Interfaith Alliance's federal policy and legislative priorities please contact Katy Joseph, Director of Policy and Advocacy, at kjoseph@interfaithalliance.org.