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PROTECTING FAITH AND FREEDOM

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October 26, 2021

The Honorable Alma S. Adams, Chair
The Honorable Fred Keller, Ranking Member
Workforce Protections Subcommittee

The Honorable Suzanne Bonamici, Chair
The Honorable Russ Fulcher, Ranking Member
Civil Rights & Human Services Subcommittee

Education and Labor Committee
U.S. House of Representatives
2176 Rayburn House Office Building
Washington, DC 20515

Via Email: Theresa.Thompson@mail.house.gov

RE: Joint Subcommittee Hearing, “Protecting Lives and Livelihoods: Vaccine Requirements and Employee Accommodations”

Dear Chairs Adams and Bonamici, Ranking Members Keller and Fulcher, and Distinguished Members of the Committee:

It is my distinct honor to submit the following testimony on the overwhelming support for COVID-19 vaccination among people of faith as part of the Subcommittees’ upcoming joint hearing entitled “Protecting Lives and Livelihoods: Vaccine Requirements and Employee Accommodations.” My name is Katy Joseph and I serve as the Director of Policy and Advocacy for Interfaith Alliance Foundation, a national nonpartisan organization that champions an inclusive vision of religious freedom and works to advance policies that ensure all Americans receive equal treatment under the law.

Religious freedom is the first freedom guaranteed by the Constitution through the First Amendment’s Free Exercise and Establishment Clauses. In recognition of the primacy of personal conscience, it is the freedom on which all others depend. But as with other enumerated rights and liberties, religious freedom is not without limits, particularly at a moment when our ability to address the devastating COVID-19 pandemic calls us to act collectively to protect the most vulnerable.

Across faiths and philosophies, we are united by a shared obligation to care for one another. Despite small groups and individuals seeking religious exemptions from public health measures, religious denominations and people of faith are overwhelmingly supportive of vaccines and continue to report increased vaccine acceptance. Simply put, the freedom to believe as we choose (about medical decision-making and all other matters of conscience) is protected under the First Amendment. The ability to exercise those beliefs in ways that harm others is neither protected nor warranted.

Religious Freedom Does Not Include the Right to Endanger Others

Religious freedom has a specific meaning, rooted in our rich but imperfect history. The First Amendment guarantees every American the ability to make our own decisions about religion,



including the freedom to follow the faith tradition of our choosing or to be secular or nonreligious without fear of discrimination or harm. For people of all faiths and none, this right protects us from government intrusion into our inward beliefs and our outward religious expression – up to a point.

As early as 1878, the U.S. Supreme Court recognized that one person’s free exercise of religion depends on necessary limits to our neighbors’ ability to do the same, saying, “laws are made for the government of actions, and while they cannot interfere with mere religious belief and opinions, they may with practices.”ⁱ In short, I cannot live out my faith if my friend or coworker mandates that I live by theirs. Beyond a certain point, the Court noted, enabling certain people of faith to disobey laws that bind everyone else would undermine our pluralist democracy and create unique privileges for some over others. Permitting these opt-outs, the justices warned, “would be to make the professed doctrines of religious belief superior to the law of the land, and in effect to permit every citizen to become a law unto himself.”ⁱⁱ

The state of free exercise jurisprudence has evolved in the intervening decades, first requiring the government to articulate a compelling interest to place a significant burden on religionⁱⁱⁱ and ultimately turning over exceptions to religiously-neutral and generally-applicable laws to the “political process.”^{iv} Congress obliged with the passage of the Religious Freedom Restoration Act (RFRA) in 1993,^v with many states following suit. But the COVID crisis has created opportunities for some groups to test the boundaries of these exemptions in dangerous ways.

Religious Organizations and People of Faith Overwhelmingly Support COVID Vaccinations

Times of public crisis demand that all community leaders—religious, secular, and governmental—work together to find solutions. And as many return to in-person gatherings, faith communities across the country continue to care for and sustain one another without endangering public health. Our congregations, religious schools, and service organizations bear a duty to their employees and to the larger communities that they serve. We can, and we continue to, live out our faith without putting others at risk.

Since the start of the pandemic, every major religious denomination in the United States has spoken out in support of getting vaccinated to slow the spread of COVID-19.^{vi} Some have even instituted requirements for their staff to do so while others have stated that there is no basis for religious exemptions within their doctrine.^{vii} Within faith traditions that encompass various schools of thoughts or points of authority on the topic, leading organizations developed guidance tailored to their community.^{viii} Prominent figures have also urged adherents to get the vaccine as to protect life and care for the wellbeing of others. The Rev. Robert Jeffress of First Baptist Dallas, for instance, said that he and his staff “are neither offering nor encouraging members to seek religious exemptions from the vaccine mandates....[From my perspective,] there is no credible religious argument against the vaccines.”^{ix}

Even in this period of instability, clergy and other faith leaders remain trusted sources of information. The Pew Research Center recently found that six in ten Americans who attend a house of worship say they have “a fair amount” or “a great deal” of confidence in their religious leaders to provide reliable guidance about getting a vaccine. Black Americans who attend religious services on a regular basis are especially likely to express confidence in their clergy’s guidance, with 77% expressing at least a fair amount of confidence in religious leaders to do so compared with 62% of Hispanic and 59% of white attendees.^x

So it should come as no surprise that people of faith are listening. The Public Religion Research Institute found that vaccine hesitancy decreased significantly between March and June of 2021. In June, more than seven in ten Americans (71%) identified as vaccine accepters, including two-thirds of respondents (67%) who reported that they have received at least one dose and an additional 4% who said they would get vaccinated as soon as they were able.



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In the same period, Hispanic Catholics saw the greatest increase in vaccine acceptance, from 56% to 80%. White Catholics, white mainline Protestants, Black Protestants, Latter-day Saints, and the religiously unaffiliated also saw increases of eleven to fifteen percentage points. Hispanic Protestants and white evangelical Protestants remained the least likely religious groups to be vaccine accepters (56% for both groups), but both groups still saw significant increases between March and June (from 43% and 45%, respectively).^{xi}

In research like this and through Interfaith Alliance's network of state and local affiliates, we regularly witness the critical ways that religious communities are playing a central role the pandemic response. While much attention may be given to those seeking exemptions under the guise of religious freedom, the message from religious leaders and the people in the pews is overwhelmingly clear: getting vaccinated is an act of faith.

Ending This Pandemic Will Require Us to Act Collectively – For the Health and Safety of All

Central to every faith community is the obligation to care for one another. In our congregations and in our communities, we put our beliefs into practice when we abide by public health guidelines. Under the First Amendment, we have the right to believe as we choose. We do not have the right to place others at risk.

As the Workforce Protections and Civil and Human Services Subcommittees consider employee objections to vaccine requirements, I invite you to place these policies in their broader context. Earlier this year, in statehouses across the country, lawmakers introduced bills seeking to create permanent religious exemptions to emergency orders. Vaccines – and even public health emergencies – are only a small piece of these sweeping proposals that threaten to undermine crisis preparedness of all kinds.

Interfaith Alliance led twenty-six national religious organizations and denominations in a joint statement released on April 12, 2021, opposing these efforts. Signers celebrated the many “creative ways [we have found] to provide opportunities for worship during the pandemic, recognizing the spiritual sustenance and sense of community that religious practices provide.”^{xii} We continue to keep a close eye on these bills as well as legal challenges to vaccine requirements currently moving through the courts.^{xiii} Across belief and practice, we are united by “a deeply-held commitment to protecting life and the most vulnerable among us.”^{xiv}

This letter, alongside persistent advocacy by faith leaders before all levels of government, makes abundantly clear that religious communities are committed to working in partnership to promote our shared safety. Through the COVID-19 pandemic and beyond, we will continue to prioritize the health and safety of our communities and lead by example. Broad religious exemptions to vaccine requirements are unnecessary and would further endanger our communities. The right to believe as we choose is sacred – the ability to harm others is not.

Respectfully,

Katy Joseph
Director of Policy & Advocacy
Interfaith Alliance



ⁱ Reynolds v. United States, 98 U.S. 145 (1878).

ⁱⁱ *Id.*

ⁱⁱⁱ Sherbert v. Verner, 374 U.S. 398 (1963).

^{iv} Employment Division, Dept. of Human Resources of Oregon v. Smith, 494 U.S. 872 (1990).

^v 42 U.S.C. § 2000bb *et seq.* (1993).

^{vi} See, e.g., Chairmen of the Committee on Doctrine and the Committee on Pro-Life Activities, United States Conference of Catholic Bishops, MORAL CONSIDERATIONS REGARDING THE NEW COVID-19 VACCINES at 4 (Dec. 11, 2020), <https://www.usccb.org/resources/moral-considerations-covid-vaccines.pdf>; The Orthodox Union and the Rabbinical Council of America, COVID-19 Vaccine Guidance (Dec. 15, 2020), <https://www.ou.org/assets/Guidance-re-Vaccines.pdf>; First Presidency Message, The Church of Jesus Christ of Latter-Day Saints, The First Presidency Urges Latter-Day Saints to Wear Face Masks When Needed and Get Vaccinated Against Covid-19 (Aug. 12, 2021), <https://newsroom.churchofjesuschrist.org/article/first-presidency-message-covid-19-august-2021>. Please contact me for access to Interfaith Alliance's database of vaccine statements from U.S. religious denominations and organizations (kjoseph@interfaithalliance.org).

^{vii} See, e.g., International Mission Board, Southern Baptist Convention, IMB updates vaccination policy to maximize access to unreached peoples (Sept. 8, 2021), <https://www.imb.org/2021/09/08/imb-updates-vaccination-policy-maximize-access-unreached-peoples/>; Connie Larkman, UCC National Mandates COVID-19 Vaccination for Staff (Oct. 13, 2021), <https://www.ucc.org/ucc-national-mandates-covid-19-vaccines-for-staff/>.

^{viii} See, e.g., National Muslim Task Force on COVID-19 and National Black Muslim COVID Coalition, Statement Regarding COVID-19 Vaccines (Oct. 22, 2020), <https://isna.net/wp-content/uploads/2020/04/Press-Release-NMCTF-COVID-Vaccines-12.22.2020.pdf>.

^{ix} Peter Smith, Many Faith Leaders Say No to Endorsing Religious Exemptions, AP (Sept. 17, 2021), <https://apnews.com/article/health-religion-united-states-coronavirus-pandemic-coronavirus-vaccine-9c947acecd6ba26b4c78827b7b87c185>.

^x Pew Research Center, Most Americans Who Go to Religious Services Say They Would Trust Their Clergy's Advice on COVID-19 Vaccines (Oct. 15, 2021), <https://www.pewforum.org/2021/10/15/most-americans-who-go-to-religious-services-say-they-would-trust-their-clergys-advice-on-covid-19-vaccines/>.

^{xi} Public Religion Research Institute, Religious Identities and the Race Against the Virus: Wave 2: June 2021 (July 27, 2021), <https://www.prii.org/wp-content/uploads/2021/07/PRRI-IFYC-Jul-2021-Vaccine.pdf>.

^{xii} Interfaith Alliance Foundation, 27 DENOMINATIONS AND RELIGIOUS ORGANIZATIONS RELEASE STATEMENT OPPOSING EXEMPTIONS TO EMERGENCY ORDERS (April 12, 2021), <https://interfaithalliance.org/news/27-religious-orgs-release-statement-opposing-exemptions-to-emergency-orders/>.

^{xiii} Mills v. Does, No. 21-1826 (1st Cir. Oct. 21, 2021).

^{xiv} See *supra*, note xii.