

**Congress of the United States**  
**Washington, DC 20515**

September 19, 2018

The Honorable Jeff Sessions  
Attorney General of the United States  
U.S. Department of Justice  
950 Pennsylvania Avenue NW  
Washington, DC 20530

Dear Attorney General Sessions:

We, the Members of the Congressional Freethought Caucus (CFC), are writing to express our serious concerns about the Religious Liberty Task Force (RLTF), which you announced on July 30, 2018. The CFC is dedicated to promoting public policy on the basis of reason, science, and moral values, protecting the Constitutional principle of separation of church and state, opposing discrimination on the basis of religious belief or non-belief, and championing the value of freedom of thought and conscience around the globe.

We are concerned that the RLTF could undermine religious liberty by promoting policies that come at the expense of non-religious Americans and other vulnerable communities by imposing a specific set of religious viewpoints through the law. Moreover, we are concerned about efforts to allow individuals and organizations to ignore neutral and universally applicable laws that conflict with their religious beliefs, creating chaos and unconstitutional burdens on third parties.

The historical understanding of religious liberty is built on the idea that government entanglement with religion can be a great threat to individual rights, often leading to religious oppression and tyranny.<sup>1</sup> The principle of separation between religion and government is grounded in the understanding that freedom of belief is an essential component of religious liberty and has deep roots in the political philosophy of human rights and democracy.

Our Founders sought to create a government for people of diverse origins and faiths. They knew that the separation of religion and government was essential to the newborn nation's survival. Thomas Jefferson explained that "the clergy, by getting themselves established by law & ingrafted into the machine of government, have been a very formidable engine against the civil & religious rights of man."<sup>2</sup> James Madison concluded that the establishment of state religions historically led to "ignorance and servility in the laity; in both, superstition, bigotry, and persecution."<sup>3</sup>

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<sup>1</sup> "What influence in fact have ecclesiastical establishments had on Civil Society? In some instances they have been seen to erect a spiritual tyranny on the ruins of the Civil authority; in many instances they have been seen upholding the thrones of political tyranny: in no instance have they been seen the guardians of the liberties of the people. Rulers who wished to subvert the public liberty, may have found an established Clergy convenient auxiliaries. A just Government instituted to secure & perpetuate it needs them not." James Madison, Memorial and Remonstrance Against Religious Assessments § 8 (1785).

<sup>2</sup> Letter from Thomas Jefferson to Jeremiah Moore (August 14, 1800), NATIONAL ARCHIVES, <https://founders.archives.gov/documents/Jefferson/01-32-02-0066>.

<sup>3</sup> James Madison, Memorial and Remonstrance Against Religious Assessments § 7 (1785).

*Religious Freedom* means the right to freely choose a religion, or to freely choose none at all, without interference by the government. It simultaneously prevents religious authorities from interfering with our system of government and law. If religious practices were used to excuse oneself from the law, it would “make the professed doctrines of religious belief the law of the land, and in effect to permit every citizen to become a law unto himself.”<sup>4</sup> Justice Scalia echoed this sentiment, writing that religious liberty protections do not extend to “otherwise prohibitable conduct [that] is accompanied by religious convictions.”<sup>5</sup>

Accordingly, we request answers to the following questions:

1. Is there precedent for the establishment of a government-sanctioned task force on religious liberty?
2. Will the Religious Liberty Task Force’s decisions be legally binding?
  - a. How will the Task Force’s decisions and recommendations be enforced?
3. How and by whom are members of the Religious Liberty Task Force being chosen?
4. Will specific religious viewpoints be represented on the Religious Liberty Task Force?
  - a. Will representatives of the community of atheists, agnostics, humanists and other non-theists be invited to be members of the Religious Liberty Task Force?
  - b. Will specific religious viewpoints be granted a predetermined number or quota of seats on the Task Forces?
5. Who wields final authority on which members of the Religious Liberty Task Force will be chosen?
6. What Department of Justice resources will be used to support the Religious Liberty Task Force?
  - a. Will there be any career civil servants on the Religious Liberty Task Force or serving as staff?
  - b. Will members of the Religious Liberty Task Force receive a stipend or be reimbursed for costs?
7. Will meetings of the Religious Liberty Task Force be open to the public?
8. Will meetings of the Religious Liberty Task Force be open to the media? If so, who selects press credentials?
9. When will an agenda for the Religious Liberty Task Force be made publicly available before a meeting?
10. How will decisions be made on the Religious Liberty Task Force?

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<sup>4</sup> *Reynolds v. United States*, 98 U.S. 145, 166–67 (1878).

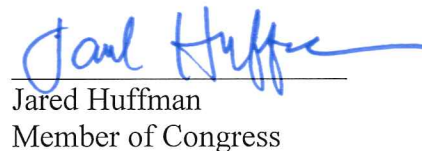
<sup>5</sup> *Employment Div. v. Smith*, 494 U.S. 872, 882 (1990).

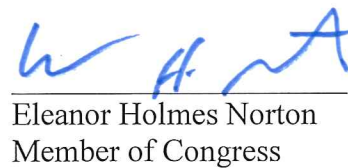
11. Will the Religious Liberty Task Force have authority to direct the actions of other Departments or Agencies?
- Will the Religious Liberty Task force have the authority to hold other Departments and Agencies accountable for not following a directive of the Religious Liberty Task Force?
12. In your remarks announcing the Religious Liberty Task Force, the Department of Justice plans to continue to “remain in contact with religious groups across America to ensure that their rights are being protected.”
- What religious groups has the Department contacted and what additional groups does the Department intend to contact?
  - Will this contact include non-theistic and non-religious groups, whose right to freedom from religion is equally protected by the Constitution’s Establishment Clause?

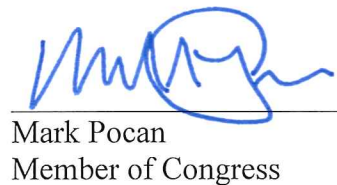
We ask that you respond to each of the above questions by October 5, 2018. Thank you for your prompt attention to this matter.

Sincerely,

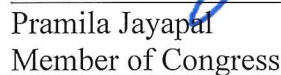
  
Jamie Raskin  
Member of Congress

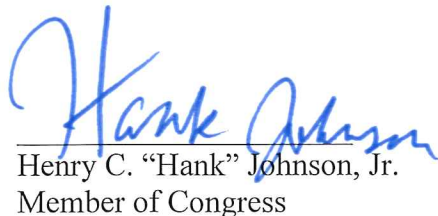
  
Jared Huffman  
Member of Congress

  
Eleanor Holmes Norton  
Member of Congress

  
Mark Pocan  
Member of Congress

  
Jerry McNerney  
Member of Congress

  
Pramila Jayapal  
Member of Congress

  
Henry C. “Hank” Johnson, Jr.  
Member of Congress

  
Steve Cohen  
Member of Congress