



The United States Department of Justice Religious Liberty Commission

Summary of the First Hearing

June 16, 2025

The first hearing created a foundation for the subsequent hearings by establishing that religious liberty—and the religious piety of the American people that it enabled to flourish—has been paramount to our republic since our nation’s founding. The following summarizes witnesses’ recommendations to the Commission.

BACKGROUND AND PURPOSE

The U.S. Department of Justice (DOJ) Religious Liberty Commission (RLC) held a meeting on June 16, 2025, at the museum of the Bible in Washington, DC. RLC Chairman, Lt. Gov. Dan Patrick, led the meeting in furtherance of and alignment with the RLC’s charter and mission.¹

All Commission Members attended except Eric Metaxas, Pastor Franklin Graham, and Cardinal Timothy Dolan, who were unable to attend due to travel conflicts.

This synopsis includes key highlights from the meeting.

OPENING AND WELCOMING REMARKS

Mrs. Mary Margaret Bush, the RLC Director and Designated Federal Official (DFO) opened the meeting, as required by the Federal Advisory Committee Act.

Chairman Lt. Gov. Dan Patrick began the meeting and introduced Commission Members. Following the introductions, each Commission Member provided a brief statement explaining his or her hopes and objectives for the Commission.

¹ Additional information regarding RLC can be found at <https://www.whitehouse.gov/presidential-actions/2025/05/establishment-of-the-religious-liberty-commission/>.

CO-CHAIRMEN AND COMMISSION MEMBERS REMARKS

Chairman Dan Patrick provided an introduction and an overview of the origins of the Commission in a conversation between himself and President Donald J. Trump. Chairman Patrick introduced the Advisory Boards and thanked to the numerous parties who made the Commission possible.

Chairman Patrick announced the two roles of the Commission as set forth in the charter: (1) to advise the Domestic Policy Council and the White House Faith Office on religious liberty policies of the United States, and (2) to prepare a report on religious liberty in America. He concluded by noting that the Commission would likely hold seven to nine additional hearings.

Co-chairman Dr. Benjamin Carson opened with a few words about the unique spiritual component of the human person and the responsibilities that accompany that spiritual component.

- Bishop Robert Barron expressed gratitude for the opportunity to serve on the Commission and for the role a clergy member can play in conversations about religious liberty. The Bishop added the additional context that the present opposition to religious liberty comes from “dictatorship of relativism.” These secular attempts to push religion out of public life, in areas such as healthcare and education, resonate with his experience as a church leader.
- Mrs. Carrie Prejean Boller expressed conviction about the foundational role religious liberty plays in political prosperity. She cited to comments by the Founders on the importance of Christianity in American government.
- Dr. Ryan Anderson expressed gratitude for his appointment to the religious liberty commission and expressed hope that the Commission could explore the philosophical roots of religious liberty, as the duty of creatures to their creator, explore a robust and broad scope of religious liberty, and finally a counter to the rise of antisemitism, explore the new threats to religious liberty, and the ability to bring religious to the public square.
- Mr. Kelly Shackelford expressed that we live in the greatest country because of the way in which we were created. Mr. Shackelford noted that religious freedom is the first freedom and the one which no totalitarian government would allow.
- Dr. Phil McGraw referenced the nation’s reliance on God, since the time of the Founding. He referenced God as the origin of all rights, and religion as a guardian of freedom. He noted that if religious liberty goes, everything else goes. He expressed pride in the important directive of the Commission and its universal support. He thanked the Commissioners and President and said he hoped all would rise to the occasion.
- Pastor Paula White thanked the leadership of President Trump in establishing a White House Faith Office and Jenny Korn, the White House Faith Director and a Commission Advisory Board Member. Pastor White noted that the hearings held and research gathered would be of great help to the President in establishing protections for all Americans at all times.
- Rabbi Meir Soloveichik began by thanking the President for entrusting the Commission with the important task of protecting religious liberty. He told the story of how, in 1788, Benjamin Rush attended a parade commemorating the Declaration of Independence, and noted the scene of a Rabbi marching in the parade, arm-in-arm with Christian ministers. Rabbi Soloveichik highlighted how faith inspires and fuels engagement with public realm. He distinguished between narrow freedom of worship and genuine, robust religious liberty.

- Mrs. Allyson Ho expressed profound gratitude to President Trump for establishing the Commission. Courage, the first virtue, that guarantees all the rest; religious liberty, the first freedom. She exhorted the Commission Members to work with courage.

Chairman Patrick recapped the discussion by highlighting the charitable work inspired by religion and connecting it with the establishment of a government based on freedom.

Chairman Patrick then introduced witnesses Mark Rienzi and Prof. Gerard Bradley.

PRESENTATION TOPIC: Religion and Morality are Indispensable Supports

- **Mark Rienzi**, *President and CEO, Becket*
- **Gerard Bradley**, *Professor of Law at Notre Dame Law School*

Mr. Mark Rienzi opened by observing the unique nature of the human person and the natural instinct to search for answers to questions government can't answer. He highlighted that America was founded by religious refugees. He called religious liberty the "basis and the bellwether" for all other human rights, noting that where religious liberty is protected, other rights flourish. He congratulated the Commission on its opportunity to defend a right that matters to everyone. He noted that American's execution has been imperfect but that we can learn from our mistakes. He highlighted the *Minersville School District v. Gobitis Case* as an illustration of the danger of government attempting to control religion. Do not rank other values higher than religious freedom; please do not sacrifice religious liberty for political convenience.

Mr. Rienzi outlined three areas where he saw religious liberty falling short: (1) the rise of on-campus antisemitism; (2) court recently declined to protect the Apache sacred site of Oak Flat; and (3) the plight of Little Sisters of the Poor, subjected to more than a decade of pressure to distribute abortion-induced drugs.

Mr. Rienzi cited as a standard the legacy of George Washington, who respected the conscience rights of Quakers, even during the Revolutionary War.

Mr. Rienzi closed by noting that the entire rights infrastructure of the United States flows from a belief that we are created in God's image and have dignity flowing from that. There is no guarantee we will stay true to commitment to human dignity if religious liberty and our religious foundation is eroded.

Chairman Patrick recognized Professor Gerard Bradley.

Prof. Bradley opened with a historical look at religious belief and faith during the time of the Founding. He noted that the Founders rejected an either/or approach between freedom or public religion in favor of believing both in freedom and public religion. Founders wrote that religion was necessary to the happiness of mankind and to good government. They had the political courage to let religion be free, despite the great power available if they structured the government to oversee religion. Prof. Bradley then noted the moral foundations of religious liberty. He noted the inalienability of religious freedom—that no man can dictate the conscience of another man without tyranny ensuing. The Founders held these as truths, as such, not religious truths. Believing in the truth of religious liberty is

not, itself, a religious claim, but rather a political truth-claim. Religious freedom comes with risks; it is dangerous to the consolidation of power. Virtue is necessary to freedom, and religion is the forming ground of virtue. He noted that opening the door to religion serves the secular purpose of public prosperity. In other words, proper government care of the temporal common good included the encouragement of religion, while respecting individual and church autonomy.

RLC Member Question and Answer

Chairman Patrick recognized Mr. Kelly Shackelford. Mr. Shackelford asked Mr. Rienzi whether he was concerned with judges avoiding ruling on difficult issues. Mr. Rienzi called the Commission to remind public servants of their duty to advance religious liberty for everyone.

Mr. Shackelford asked Prof. Bradley what he believed the next big battleground for religious liberty would be. Prof. Bradley responded by asserting that the next step would be fully clarifying that promoting religion for the sake of religion and its temporal benefits is acceptable and, in fact, a duty of government.

Dr. Anderson highlighted the natural limits of liberty and asked Mr. Rienzi what the natural limits of religious liberty would be. Mr. Rienzi said it should be rare, and for a compelling reason (usually life or death) when there is no other option for the government. Mr. Rienzi noted that, with the very large size of the government, it is very rare that a compromise on religious freedom would be necessary.

Dr. Anderson asked Prof. Bradley how, historically, the country had promoted both a free public square and religious liberty. Prof. Bradley said a reacknowledgement of the need for prayer would be a start at animating religious freedom, while also continuing tradition of government and religious partnerships.

Dr. Carson asked Mr. Rienzi what we can learn from the intolerance of the Puritans today. He asked Prof. Bradley whether it would be possible for the government to promote the good of religion without infringing on the rights of some parties.

Mr. Rienzi acknowledged that the Puritans succumbed to the danger of providing religious freedom to themselves and not others. He noted that there is a struggle and tension that once someone subscribes to religious truth there is a temptation to want to stop others from believing differently. But, structurally, the US has been set up not to cave to that. Today, that spirit of intolerance comes from anti- or a- religious individuals and groups who want to wield government power to stamp out religious views.

Prof. Bradley noted the high level of care and skill required to permit religion or even encourage it in the public square. He noted that compelled approbation of religion does not achieve the goal of religious freedom. Prof. Bradley recommended as a first step recognizing religion as a common good, like education or physical health. He drew the analogy with education; it is viewed as good for everyone, even those who does not prioritize education for themselves.

Dr. McGraw noted the danger of promoting religion because of the innate bias in human nature. He asked whether the conversation is about promoting religion or promoting choice and liberty in religious behavior. Prof. Bradley respectfully countered by noting the common good of marriage, which does not compel people to marry but also fosters it as a behavior beneficial for society.

Rabbi Soloveichik invited the witnesses to further explore the link between religious freedom and other rights protected in the Bill of Rights. He noted that often religious freedom is exercised along with other freedoms. He observed that George Washington would likely be unpleasantly surprised by the current Supreme Court view of faith in the public square.

Mr. Rienzi agreed that free speech without religious liberty, you endanger all freedoms.

Mrs. Ho noted the danger of a misconception that the First Amendment is limited to Houses of Worship. She asked the witnesses to speak to that problem and make recommendations to restore a right understanding of religion.

Mr. Rienzi noted that correcting that misconception would be an important task for the Commission. Prof. Bradley noted that while religious worship was a primary hallmark of religious exercise at the time of the Founding but certainly not the only form.

Bishop Barron cited John Courtney Murray's thought in *Dignitatis Humane*, the Catholic basis for religious freedom. Bishop Barron asked about finding a balance between "I decide everything" and religious freedom—when the natural law consensus has eroded. Mr. Rienzi countered by exhorting the committee to fight back with truth. Mr. Rienzi said the root issue of the problems we have would be a stingy understanding of religious activity.

Mrs. Boller asked about the Supreme Court prayer case, *Engle v. Vitale*, from 1947.

Chairman Patrick closed with a question noting that every decision impacting religious liberty for the worse came from the courts and that the founders believed these questions belonged to the states and state legislatures. He asked whether, if the courts had stayed out of this, religious liberty would be better off. Mr. Rienzi responded by noting the Court's role in protecting religious liberty and the bill of rights, while conceding that courts also get it wrong at times. Prof. Bradley concluded by saying that he did believe that greater involvement from the states.

Chairman Patrick introduced Dr. Mark David Hall.

PRESENTATION TOPIC: Religion and Morality are Indispensable Supports, Con't.

Dr. Hall opened by noting that all judges are originalists when it comes to interpreting the religious clauses. However, the judges do not always get it right.

Dr. Hall warned against the risks of a denomination using political power to favor its own religion. Dr. Hall noted that the Christianity of early America and its Biblical worldview greatly supported religious freedom. He noted that, while, originally Catholics and Jews were banned from certain colonies, toleration soon prevailed. He cites George Mason's writing on the right of religious freedom, which defines religion as the discharge of the duty owed to the Creator. Dr. Hall continues noting that Mason wrote that such a duty can only be discharged freely, not by force or violence. He emphasized that the First Amendment clearly goes beyond mere protections for religious worship. He cited the early protections for conscientious objectors as evidence of America's unique commitment to religious liberty. ++

RLC Member Question and Answer

Chairman Patrick recognized Pastor Paula White. Pastor White asked Dr. Hall to define the Establishment Clause and opine on whether current jurisprudence has misinterpreted it. Dr. Hall noted that the misunderstanding of the *Lemon* test was the likely culprit for much misunderstanding.

Dr. Ryan Anderson asked Dr. Hall about Dr. King's references to St. Augustine and St. Thomas Aquinas's writing on just and unjust law. Dr. King clearly thought that the Church could speak to the state and vice versa. Dr. Hall agreed with Dr. Anderson's question, noting this would be contrary the Founders' worldview.

Rabbi Soloveichik asked about what a healthy understanding of the Establishment Clause should mean. Dr. Hall noted favoring one religion over another, funding one religion over another. Another violation would be violation of Church autonomy. Dr. Hall concluded that the Establishment Clause functions to protect religion, rather than quarantine it.

Bishop Barron asked about the "wall of separation of church and state" and why Jefferson put that forward. Dr. Hall confirmed that Jefferson was likely enamored with the Enlightenment thinking, but that he ultimately did support religion.

Dr. McGraw cited the incorporation doctrine, applying the Establishment Clause to the states. Dr. Hall responded by agreeing that governing state religious freedom under the Establishment Clause may have drawbacks, but he ultimately concluded that the incorporation doctrine has been in place so long a challenge seems imprudent.

Mr. Shackelford asked Dr. Hall what cases on Establishment Clause need to be changed or updated, particularly concluding by asking for recommendations to advance and secure religious liberty. Dr. Hall responded by citing *Pierce v. Society of Sisters of Jesus*, a victory for both religious freedom and parental rights.

Chairman Patrick introduced Attorney General Pam Bondi.

PRESENTATION TOPIC: Attorney General Pam Bondi Speaks on Religious Liberty

Attorney General Pam Bondi addressed the Commission and audience on the crucial importance of government support of religious liberty. AG Bondi commended the work of the Commission as vital to protecting Americans' First Amendment rights and the Chairman on his unique qualifications and commitment to religious liberty. She thanked the Commissioners and advisory board members for their service.

She alluded to James Madison's commitment to conscience as the most sacred of property. She cited President Trump's support of the Commission and his directive to protect religious liberty against emerging threats.

The AG noted actions taken so far to protect religious freedom by the Administration.

She highlighted that in the last administration the government did not protect religious liberty against threats and ultimately became a threat itself.

The AG noted that the Religious Liberty Commission will be the tip of the spear and an administration-wide commitment to religious liberty, and she re-emphasized the DOJ's commitment use all available legal and constitutional tools to defend religious liberty for all Americans.

PRESENTATION TOPIC: Religion and Morality are Indispensable Supports, Con't.

Chairman Patrick introduced Prof. Barbara Elliott.

- **Barbara Elliott**, *Fellow of the Dominican School of Philosophy and Theology and Assistant Professor of Liberal Arts at Houston Christian University*

Prof. Elliott opened by noting the unique strength that faith provides to temporal endeavors and civic order. She outlined all the voluntary associations, from schools to hospitals, in which government and Church collaborated. She mentioned how civic order and flourishing rest on moral and spiritual strength in the citizenry, with the family at the core. She noted the question of how to measure the effectiveness of faith-based organizations was answered by Peter Drucker as “changed human hearts.” She discussed the interviews she conducted for her book *Street Saints*, and the insights provided. She told stories of drug addicts and others whose lives were transformed through faith-based community programs. She told the story of a man who felt he had lived like an animal his whole life, but found dignity through the love of a faith-based program.

RLC Member Question and Answer

Chairman Patrick recognized Pastor Paula White. Pastor Paula White observed that humanitarian outcomes are demonstrably higher than secular-only humanitarian relief programs. She noted the success of people of faith and the ground level. Pastor White asked Prof. Elliott what the government could do to empower the success of humanitarian organizations and not discriminate on those with faith identities. Prof. Elliot responded by saying the most effective step would be to stop trying to silence the faith factor in organizations that are doing good work. She noted the historic set up of giving organizations federal funding only if the organization keeps faith silent. She noted that the way her organizations got around it was to have offsite groups praying for the program aid recipients. She noted that the limitation was quite ludicrous.

Bishop Barron noted the religious origins of hospitals and schools. He asked whether perhaps faith communities have been too sheepish about sharing the faith, rather than receding into bubbles. Prof. Elliott noted that the wall of separation was meant to protect churches, not hamper them.

Dr. Carson noted with appreciation the positive tone of Prof. Elliott's presentation of the goods and things that religion can do.

Mrs. Boller noted that many mothers are burdened by the idea that truth is subjective. Prof. Elliott emphasized that we must teach our children that truth exists, while making sure to do so in a positive way. She advised that the best way to do so would be to share with them witnesses of people who are living heroic lives.

Chairman Patrick closed by asking Prof. Elliott what her recommendation would be to the President. Let faith-based groups be true to their mission and calling and not be hindered by the government. Don't make the mistake of thinking that funding is the most valuable government support; often, getting out of the way is the best support the government can provide.

Chairman Patrick announced a recess for lunch, with proceedings to resume promptly at 1:00 pm ET.

PRESENTATION TOPIC: The Aitken Bible

Chairman Patrick introduced Dr. Anthony Schmidt and provided an overview on why the museum of the Bible was chosen as the site of the first hearing.

- **Dr. Anthony Daved Schmidt**, *Museum of the Bible*

Dr. Anthony Schmidt provided a brief summary of the Aitken Bible, the only Bible authorized by the United States Congress, and its relevance to religious liberty and American history. He explained how Congress acted to fill a gap in the supply of Bibles due to the Britian embargo. The result was that Aitken triggered a deluge of Bible printings, and the early American country was flooded with Bibles.

PRESENTATION TOPIC: A History of Religious Liberty in America

Chairman Patrick introduced afternoon witnesses Prof. Stephanie Barclay, Prof. Joshua Blackman, and Kristen Waggoner.

Panelists:

- **Josh Blackman**, *Associate Professor of Law at South Texas College of Law*
- **Stephanie Barclay**, *Professor of Law at Georgetown Law School*
- **Kristen Waggoner**, *CEO and President of Alliance Defending Freedom*

Chairman Patrick recognized Prof. Barclay.

Prof. Barclay introduced her comments on the original meaning of the First Amendment Religious Clauses, noting that the Founders intended the Establishment and Free Exercise Clauses to be read together, not in tension. She cited Madison's observance that, in the Old World, torrents of blood were shed when secular powers attempted to control or extinguish religious discourse. She cited practices in Virginia of licensing preachers and other dysfunctional inhibitions on Free Exercise. Prof. Barclay then discussed *People v. Phillips*, the first case of a religious exemption being granted. The case focused on whether a Catholic priest could be forced to disclose information received in the seal of confession. The judges realized that the case presented a conflict between an oath to God and a duty to state. The court was unpersuaded by the states arguments. She noted that Madison distinguished between productive collaboration between government and Church, such as funding of schools, and coercion. She observed that, while the Supreme Court precedent is increasingly clear and accurate, lower courts are not as consistent. She highlighted today's challenges as

- (1) Identify and apply the original meaning of the religion clauses.

Chairman Patrick recognized Prof. Blackman.

Prof. Blackman led the Commission through ten core cases, starting with *Everson v. Board of Education* in 1947. Justice Black incorporated by reference Jefferson’s “separation of church and state” as the meaning of the Establishment Clause. In *Engle v. Vitale*, Justice Black again rose up the “wall of separation” to forbid a nondenominational prayer in schools. The Warren court continued with progressive jurisprudence, forgetting originalism. *Lemon v. Kurtzman* created a test: (1) non-religious purpose, (2) if the law advances religion, can’t have it, and (3) no excessive entanglement. Created reign of terror for religion clauses, spawning *Stone v. Graham*, forbidding Ten Commandments, *Wallace v. Jaffree*, no moments of silence, and then, 1992, *Lee v. Weisman*, forbidding a nondenominational prayer at a graduation. We began to see improvement in 2014, with *Town of Greece v. Galloway*. He made the recommendation: don’t treat secular organizations more favorably than religious organizations. Prof. Blackman outlined the role *Kennedy v. Bremerton* played in retiring the *Lemon* test in favor of a history and tradition test. He closed with the recommendation that merely being exposed to prayer is not a violation of the Establishment Clause.

RLC Member Question and Answer

Chairman Patrick recognized Mr. Kelly Shackelford. Mr. Shackelford asked “what’s next” for religious liberty jurisprudence. He mentioned the danger of *Smith*, where, if the government sets a neutral law impacting religious liberty, there is no violation. He asked Prof. Barclay if overturning *Smith* should be the next priority. Prof. Barclay advocated replacing *Smith* with strict scrutiny standard, following the lead of Justice Alito. She also advocated a greater exploration of the opportunities of church autonomy, which lies at the intersection of both religion clauses. Prof. Barclay recommended that the government step out of the business of policing religious displays and other areas of expression in the public square. Prof. Blackman seconded Prof. Barclay’s comments and recommendations, closing by noting that there is still work to do to shore up the clarifications in *Fulton v. Philadelphia* and *Catholic Charities*.

Dr. Anderson asked Prof. Barclay about the Supreme Court’s denial of certiorari in the *Apache Stronghold* case and what her recommendations would be to the Administration. Prof. Barclay explained that Oak Flat was threatened by a law passed during the Obama Administration, and she recommended the Administration review the deal at issue and whether it would be the best deal for the United States. She recommended that the Administration step up where the prior Administrations failed, through an exercise of the Secretary of Agriculture’s discretion. The President could also walk back the deal.

Dr. Anderson asked Prof. Blackman what he would have decided and why had he been on the bench in *St. Isidore*. The case was an online charter school run by the diocese of Oklahoma City. Prof. Blackman said he would favored in favor of the school’s charter because Oklahoma granted similar charters to other special interest groups, and was singling out a religious school for exclusion. Supreme Court precedent clearly prohibits this.

Dr. Carson asked about the Establishment Clause. He noted that general consensus is that to kill or steal or lie is not a good thing for society. Yet, part of society objects to posting the Ten Commandments. He asked why that would be viewed as an Establishment Clause issue. Prof. Blackman, noted that, the Ten Commandments do include certain religious statements to which some people object. He cited the resistance to the Ten Commandments as a cultural issue: in our culture, if

you see something you do not like, you try to delete or cancel it. He recommended, as a policy question, shifting toward a more tolerant culture, in which people do not try to extinguish views that are not their own. Prof. Barclay followed up by noting that the Ten Commandments are central to instruction in basic virtue ethics and that religious displays in public life should be permissible as long as they are not showing government favoritism.

Rabbi Soloveichik thanked Prof. Blackman for recalling those currently living under war in Israel. He then asked about the course of the development of case law, noting that Free Exercise seems to be flourishing but Establishment Clause seems to be a bit slower to progress. He noted that *Lee v. Weisman* seems to still be good law. He asked why the progress is slow—whether simply due to the facts that the right cases have not come up or because the government has not acted efficiently to implement new developments? He asked whether there is a recommendation the Commission should make. Prof. Blackman responded by noting that the best way to move the law forward is for legislatures to pass laws that are in tension with bad precedent in order to seek cert and accelerate the overturn of bad precedent. Prof. Barclay agreed and further noted that directly opposing the precedent may not be necessary; it may be sufficient to take the position and cite to the precedent the party believes supports the position. She gave the example of the *Kennedy* case, which she believes calls into question *Lee v. Weisman*, which a school district could cite in support of having a rabbi offer a prayer at a graduation.

Chairman Patrick recognized Mrs. Ho. Mrs. Ho asked Prof. Barclay and Prof. Blackman about *Employment Division v. Smith* and whether she could talk a bit more about the human cost of not clarifying the law after a precedent is undermined but not expressly overruled. Prof. Barclay affirmed the high human cost in cases where religious freedom protections were left ambiguous, citing a request from a woman seeking a medical procedure without a blood transfusion. The woman passed away while waiting for a court ruling. Prof. Blackman affirmed, recommending that the Commission encourage more amicus briefs from the Department of Justice taking positions on religious liberty issues. Prof. Barclay seconded the recommendation for the Department of Justice to begin filing more amicus briefs and joining cases to overrule *Smith* and similar Establishment Clause cases.

Chairman Patrick recognized panelist Kristen Waggoner. Mrs. Waggoner echoed the human cost of multi-year religious liberty litigation. She affirmed the recommendation for more Department of Justice support for religious freedom cases but also added that the cultural aspect is critical as well. She added the recommendation that people would focus on educating children and emphasizing these issues in the workplace in order to solve this problem at the most fundamental level.

Chairman Patrick recognized Bishop Robert Barron. Bishop Barron raised the issue of a Washington state law trying to compel priests to violate the seal of confession. He asked the panelists to explain how such a law could enjoy any legal support at all. Mrs. Waggoner responded by noting that the case is a violation of free exercise, but noted that, lamentably, these situations are not uncommon. She noted that these bad laws are a bit contagious. Mrs. Waggoner noted that Washington had been attempting to attack the priest-penitent privilege for multiple decades.

Mr. Shackelford weighed in on the case and noted the theme that, while there have been some high profile religious liberty victories at the high court, there are many thousands of losses at lower courts.

Chairman Patrick recognized Pastor Paula White. Pastor White noted that the process really is the punishment in many of the religious freedom litigation cases. Pastor White asked Mrs. Waggoner about the importance of people of faith standing up when their rights are violated and what the

obstacles to that courage are. Pastor White noted that two causes are fear of the government and also ignorance, people's lack of knowledge of their own rights. Pastor White asked Mrs. Waggoner for recommendations to improve awareness. Mrs. Waggoner recommended to the President to use his platform to help Americans understand the thread and the goodness of practicing faith and on their religious freedom rights. Mrs. Waggoner noted that cases like the Jack Phillips case scared others from standing up as he did. She noted that there is a shift now, a more favorable attitude toward religious freedom, but she emphasized that, if people do not experience a change of heart, that shift will be short-lived. Mrs. Waggoner noted that, while some minority faiths were active in defending their rights, mainline Protestants and Catholics were much slower on the draw.

PRESENTATION TOPIC: A History of Religious Liberty in America

Chairman Patrick recognized Mrs. Waggoner. Mrs. Waggoner thanked the Commission for their service and the opportunity to speak. She opened by citing to Alexander Solzhenitsyn, noting that he referenced the fact that the deepest rot in Soviet society was not just the government itself but the people who failed to confront it and tolerated it. He viewed that spiritual malaise and cowardice as the deepest form of human slavery. Mrs. Waggoner noted that the United States is the last Western Country in the world to provide robust religious freedom and free speech protections. She noted that relying on a courtroom for basic justice is a red flag. She noted that, while we may hold the line know, if we are not zealous, we will fail the next generation and the soul of liberty itself. She observed that authoritarian regimes begin by silencing the soul. She called out the type of soft tyrants who sit on school board and civil rights commissions and threaten jail time to their fellow citizens who hold different beliefs, particularly on the dignity of life, God's design for marriage, or what it means to be a woman. She asserted that no nation can survive if its officials believe they can regulate the soul and excise beliefs long held sacred.

Mrs. Waggoner closed with recommendations:

1. Restore the Conscience and Religious Freedom Division at the Department of Health and Human Services and develop similar offices at other agencies; Ensure equal access to federal funding, consistent with recent supreme Court precedent; Enforce federal conscience laws and hold violators accountable; Support the Families Rights and Responsibilities Act;
2. End the financial targeting of people of faith, ensuring the IRS does not discriminate or impose unjust penalties; Guarantee that the weaponization of financial regulations and institutions against people of faith does not reoccur; support the Safeguarding Charity Act;
3. Protect people of faith from the regulatory state; ensure future administrations do not label them as domestic terrorists;
4. Promote religious freedom on the international stage, implementing President Trump's 2020 Executive Order of Advancing International Religious Freedom; and
5. Appoint judges who are originalists, with a record of courage, character, and conviction.

RLC Member Question and Answer

Chairman Patrick recognized Dr. Anderson. Dr. Anderson noted that there are two types of laws burdening religious freedom: (1) just laws that require accommodations, and (2) fundamentally unjust laws. He asked Mrs. Waggoner how we should think about cases that do not just require exemption but actually present an authentic problem that is a problem for everyone. He also asked about religious

persecution in the private sector, through debanking, censorship, and other issues, especially where the government is nudging the private sector to do something the government could not do.

Mrs. Waggoner agreed and noted particularly the violations that occur through state and local level laws and regulations. She also encouraged the Department of Justice to stand up for children experiencing gender dysphoria. She noted that, in the private sector, the First Amendment does not really apply, so there is a need for public pressure to teach these corporations that their censorship is unacceptable.

Rabbi Soloveichik asked Mrs. Waggoner about the intersection between law and society. He noted that religious liberty rises and falls together, citing a cases which protected both Catholic churches and synagogues granted on the same day. He asked for recommendations to ensure those standing up for freedom do not feel they are alone and also to motivate other communities to understand that persecution anywhere impacts those everywhere. Prof. Blackman highlighted the dangers of cases where the government knows its acting wrongly and constantly makes changes in policy to avoid getting caught in court (claiming mootness). He recommended the Commission look at the COVID days as a study in what can go wrong.

Mrs. Boller asked Mrs. Waggoner to speak briefly on the Johnson Amendment and what needs to be done there. Mrs. Waggoner agreed that the Johnson Amendment should be challenged, and she asserted that the IRS may have been playing a game in ensuring the Amendment avoid being challenged. She noted that the Amendment has fostered a lack of courage in clergy, creating a hiding place, where people do not stand up for what is right.

Mrs. Ho thanked Mrs. Waggoner for noting that we need stand not only against government and communism but also against toxic culture. She asked how we can learn to equip and empower the next generation to love the First Amendment and continue the fight. Mrs. Waggoner responded by recommending that the Commission suggested that the federal government do more to promote constitutional literacy, human dignity, and limitation of power. She also noted that we need to expand educational choice. She closed by noting that each citizen has the responsibility to play a role on this in our own homes, educating our own families. Mrs. Waggoner suggested that the Commission should encourage that as well in its recommendations to the President.

Chairman Patrick closed by asked Mrs. Waggoner whether there would be one “big, beautiful court case” that could restore good order to religious liberty in our country. The panelists all three agreed that one single case would not be able to restore all the issues. Prof. Barclay noted that the incorporation of the First Amendment came about because states were not robustly protecting religious freedom. Mrs. Waggoner noted that issues are bubbling up at the state and local level, and that the Supreme Court has actually been fairly protective.

Chairman’s Closing Remarks

Chairman Patrick noted that the report should include in the title that the United States is the last Western country in the world protecting religious freedom. Chairman Patrick closed the meeting by thanking everyone for their time, efforts, and devotion. He noted that the next meeting will likely be held September 8, 2025, with more details to follow soon.

Chairman Patrick adjourned the meeting – 3:03 p.m., ET