

United States Senate

WASHINGTON, DC 20510

July 23, 2020

The Honorable Donald J. Trump
President of the United States
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear Mr. President,

At any point, but particularly during the COVID-19 pandemic, it is imperative that we protect our First Amendment's guarantee of religious freedom. Regrettably, this fundamental right—enjoyed by Americans throughout our history—has been infringed by troubling policies implemented during this crisis by many state and local government leaders.ⁱ

As you are aware, there continue to be reported cases of states and localities prohibiting religious entities, including houses of worship, from reopening safely despite compliance with safety precautions found in Centers for Disease Control and Prevention (CDC) guidance such as social distancing, building and surface sanitization, use of masks, etc. This discriminatory behavior violates our Constitution's guarantee of religious freedom, specifically the free exercise guarantee. On May 22, you appropriately identified “houses of worship . . . as essential places that provide essential services” and called on all governors “to allow our churches and places of worship to open right now.” However, this call for action appears to have fallen on deaf ears in many of our cities and states. Our nation needs its houses of worship now more than ever.

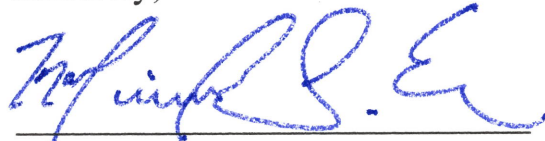
While Attorney General Barr has appropriately indicated that the Department of Justice would seek to protect religious freedom, these efforts may be too little, too late, as it would require litigating the issues in the courts. As Attorney General Barr recently stated, “even in times of emergency, when reasonable and temporary restrictions are placed on rights, the First Amendment and federal statutory law prohibit discrimination against religious institutions and religious believers. Thus,

government may not impose special restrictions on religious activity that do not apply also to similar nonreligious activity.”ⁱⁱ Indeed, there is no “pandemic” exception to constitutionally protected rights.

We, therefore, respectfully request that you consider taking additional measures within your authority to ensure churches, houses of worship, and religious institutions are able to reopen with appropriate CDC implemented guidelines. Additionally, we ask you to support proposals in Congress to place restrictions on any forthcoming COVID-19 relief funding to states and localities that prevent churches, houses of worship, and religious schools and institutions from reopening.

Such executive action would send the nation and government leaders a clear and unequivocal message that religious liberty matters, and that no state or locality can unilaterally strip away protected constitutional rights. Your resolve and leadership on this issue would deliver a strong message in these most troubling times. We appreciate your commitment to protecting American citizens’ right to exercise their faith, their right to pray for peace, and to healing a deeply divided nation.

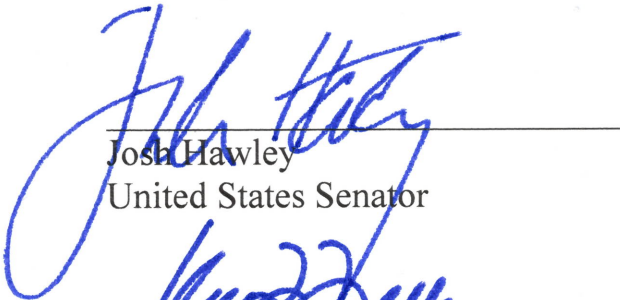
Sincerely,



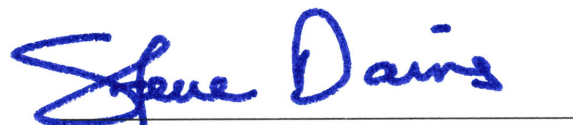
Mike Lee
United States Senator



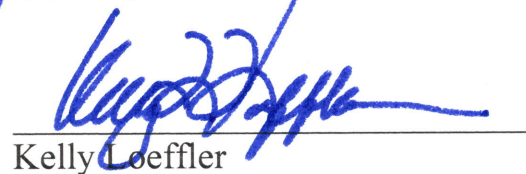
Mike Braun
United States Senator



Josh Hawley
United States Senator



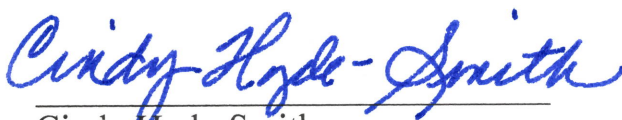
Steve Daines
United States Senator



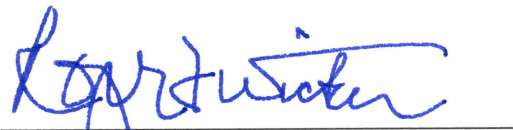
Kelly Loeffler
United States Senator



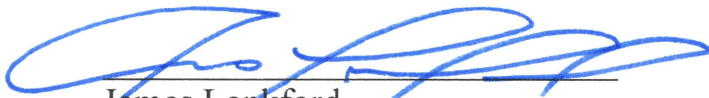
Thom Tillis
United States Senator



Cindy Hyde-Smith
United States Senator



Roger Wicker
United States Senator



James Lankford
United States Senator



Tom Cotton
United States Senator

ⁱ Many, including yourself, have properly expressed concern over the recent appearance of a double-standard in allowing large gatherings for peaceful protesting but still prohibiting gatherings for religious worship or education.

ⁱⁱ <https://www.justice.gov/opa/pr/attorney-general-william-p-barr-issues-statement-religious-practice-and-social-distancing-0>