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Date: July 13, 2026

To: U.S. Religious Liberty Commission

From: Louis Brown Jr. J.D., Exec. Dir., Christ Medicus Foundation (CMF); Michael Vacca, J.D., CMF

Re: Public Comment on Draft Report of the U.S. Religious Liberty Commission

Executive Summary

Religious freedom in its highest form is the freedom to love, the freedom to love God and to love neighbor consistent with one's well-formed moral and religious convictions. The protection of religious freedom guarantees the freedom of all persons to love God and love their fellow citizens actively in civil society. Religious freedom is a basic human and civil right and one of three pillars, along with the right to life and right of conscience, that uphold human dignity in American civil society. The U.S. Religious Liberty Commission's work to restore the legal protection of and respect for religious liberty is vital to the United States because ultimately religious freedom helps secure the human dignity of all people. The Christ Medicus Foundation (CMF) commends the Commission for its Draft Report. We urge the Commission, the federal executive branch, and Congress to make the report the first stage of a whole of government mission to restore religious freedom and human dignity in health care and American society.

Thankfully, U.S. Supreme Court has helped to return freedom of religion to its foundational place in law and civil society. However, due to years of religious discrimination in law, culture, health care, education, and business, our country has work to do to live up to the promise of religious freedom in the Constitution. First, much of our country's health care system continues to undermine the religious freedom rights, medical conscience rights, and the religious exercise of patients, medical professionals, and religious health care entities. Second, despite numerous U.S. Supreme Court decisions to the contrary, states like Colorado continue to pass legislation or engage in regulatory actions that violate the religious freedom rights of health care professionals and impede the religious freedom of patients. Furthermore, some public school systems continue to disfavor religious freedom rights and parental rights that uphold the authority of parents to control their children's upbringing, including the directing of their children's health care.

CMF applauds the Commission's 12 Recommendations to Strengthen Religious Liberty for All Americans. We urge the presidential Administration, the federal executive branch, Congress, states, religious institutions, the academy, and civic groups to move forward to secure religious freedom and human dignity across the country. To further defend religious freedom in our nation's health care system, we encourage the presidential Administration, the U.S. Department of Health and Human Services, and Congress to enact the actions in CMF's Policy Agenda for Life and Religious Freedom in Health Care.

Finally, while the judicial branch is responsible for interpreting the Constitution according to the express will of Congress and, through Congress, the American people as a whole, the Executive branch can and should issue clarifying guidance as to the proper interpretation and scope of constitutional rights, particularly when it is a matter of protecting foundational rights such as the right to religious freedom that are firmly rooted in the natural moral law. This is the approach President Lincoln took in the Dred Scott case. He made his position clear that the Supreme Court was wrong to exclude African American slaves from the protections of the Declaration of Independence. Likewise, this presidential Administration should be unafraid to point out when the courts error in matters of fundamental human rights.

Religious Liberty in Health Care

The foundation of health care today in the United States and around the world is religious exercise: the belief that we as individuals, families, and communities have a religious and moral duty to care for the life and health of the sick and suffering, though it has no direct bearing on our personal wellbeing, because every person has inherent God-given sanctity and dignity. When the federal or state governments attack the religious exercise of patients and health care professionals or when secular health care systems or secular medical schools or nursing schools demonstrate hostility to the practice of religion, these government actors, regulators, health administrators, and higher education officials are actually attacking the very basis of health care and medicine itself.

During the presidential administrations of then President Obama and subsequently President Biden, the federal government and some state governments engaged in egregious religious freedom violations in the health care sector that harmed medical professionals, patients, and religious organizations while accelerating the already rampant religious and conscience-based discrimination in the health care industry. These two previous presidential administrations so damaged religious exercise in health care and compounded pre-existing hostility to religious faith in the health care space, that it may take many years to fully restore freedom of religion in the health care industry. The Draft Report's findings and recommendations demonstrate the gravity of these violations of religious freedom that have bolstered a culture of disregard, at best, and aggressive hostility towards the free exercise of religion in health care.

In this context, CMF firmly supports the Draft Report's recommendations. In addition to carrying out the Draft Report's recommendations, we encourage the presidential Administration and Congress to enact policy actions articulated in the Christ Medicus Foundation's attached Policy Agenda for Life and Religious Freedom in Health Care. Announced in February of 2026, CMF issued this Policy Agenda to advance the protection of human dignity and religious exercise in our nation's health care system.

The following are our more detailed comments on issues raised by the Draft Report:

First, without a private right of action to sue for violations of conscience and religious freedom, our country is unlikely to adequately protect the human and civil rights of religious freedom and conscience. Congress and states should pass laws which allow anyone with a legitimate well-formed concern about their conscience and religious freedom rights to seek a remedy in courts of law. Without the remedy of a possible civil lawsuit and damages, states and secular health care entities are likely to continue to disregard the civil rights of religious freedom and conscience.

Secondly, the COVID-19 pandemic illustrated the magnitude of the threat to religious liberty. Innocent Americans were coerced into taking a medical intervention against their conscience, including those who serve in our U.S. Armed Forces. During the COVID-19 pandemic, on numerous occasions individuals reached out to the Christ Medicus Foundation for help in securing religious exemptions from COVID-19 vaccines. These individuals, generally, were people of faith who were desperate to follow their conscience due to their religious objections to this medical intervention. Regardless of one's beliefs about the medical efficacy of the vaccines themselves, it is unjust that American workers, including members of the military and nurses and doctors, were penalized for their religious or conscience objections to taking a COVID-19 vaccine. In short, during the recent pandemic, the field of medicine became a hotbed of ideology and coercion that undermined the very objectivity of science and the sacred right to conscience.

and religious liberty. This coercion should never happen again. The Christ Medicus Foundation urges Congress to pass a law which upholds the right of individuals to exercise religious based and conscience-based objections to medical interventions consistent with the legitimate needs of states and the federal government to protect the health and safety of the nation.

Thirdly, the pandemic also illustrated the tenuous and inadequate respect for the Church and her mission of saving souls. During the pandemic, casinos (in Nevada) and other public establishments were open in some locations, but Churches were pressured to shut their doors or severely limit the number of those who could attend. What this reveals is a bias in some state governments and in the popular culture against people of faith and their need to receive the Sacraments of eternal life. At the heart of the Free Exercise Clause of the First Amendment is the right to worship God. This right was denied many Americans, and this too should never happen again. The Christ Medicus Foundation urges Congress and the Administration to secure respect for all Americans to worship God and practice their faith in the public sphere. In the Founding generation of America, there existed extraordinary conviction that religion was central to the survival of the American constitutional project, as evidenced by the Northwest Ordinance. Therefore, Congress and the Administration should make clear that the Establishment Clause is in the service of the Free Exercise Clause, and that its meaning does not extend beyond the literal meaning that the federal government cannot mandate one official religion for the United States of America. This is all that was intended and it is within the scope of the Administration and Congress to ensure respect for the freedom to worship and for religious freedom.

Fourth, without respect for parental rights, which is firmly rooted in the natural moral law and the history and tradition of the United States, there cannot be true religious freedom and conscience rights. No child should be socially transitioned to another gender without parental consent. Furthermore, as the Supreme Court correctly ruled in *United States v. Skrametti*, states have a right to ban harmful gender transition procedures that cause irreparable harm to children, violate parental rights, attack the proper autonomy of the family, and often violate the religious convictions of parents.

Religious Liberty at the State Level

Religious liberty is under grave threats within those state governments that are captive to gender ideology, abortion radicalism, and a throwaway culture of death in health care. For example, in Colorado, state government actions have seriously threatened the religious freedom rights of health care professionals, parents and families, religious nonprofits, and people of faith generally. Over the last several years, the Colorado state government has:

- undermined the religious freedom and medical conscience rights of patients and health care professionals;
- violated parental rights to determine their children's health care and wellbeing;
- pushed unethical and harmful gender ideology in health care that has seriously harmed young people and damaged the religious freedom rights of individuals and families; and
- undermined the family unit and parental authority.

In this year's legislative session alone, the Colorado state legislature passed the following which collectively violate the religious freedom rights of students (HB 26-1141), religious nonprofits that serve students (HB 26-1141), young people (HB 26-1322), and mental health therapists (HB 26-1322):

- HB 26-1141, Discriminatory Practices in Public Schools, which violates the religious freedom and freedom of speech rights of students, staff, and nonprofits at K-12 schools and even higher educational institutions who have Christian views on marriage, sexuality, and the human life of unborn children.¹
- HB 26-1322, Civil Actions for Conversion Therapy Survivors, permitting mental health therapists to be sued if they practice their mental health therapy consistent with a Christian and biologically based understanding of marriage and sexuality.²

Christ Medicus Foundation Recommendations

CMF strongly supports the recommendations of U.S. Religious Liberty Commission's Draft Report and encourages the Commission to consider our public comments and our law and policy guidance, herein. Above all, we encourage the presidential Administration, the federal executive branch, and Congress to enact the following actions in the near term:

- 1) White House: An Executive Order Promoting Religious Freedom in Health Care;
- 2) U.S. Department of Health and Human Services: a multi-year HHS Religious Freedom Educational Initiative to advance religious exercise, religious freedom rights, and conscience rights in health care and to educate students studying in health care fields, health care workers, and health care entities about the religious liberty foundations of health care;
- 3) Congress: The Passage of the Conscience Protection Act;
- 4) HHS and U.S. Department of Education: A Multi-Year Joint HHS and Department of Education Parental Rights Campaign to educate parents, health care entities, and public education entities about constitutionally protected parental rights in health care;
- 5) Department of Education: The creation of Religious Freedom and Parental Rights Divisions, potentially within the Office of Civil Rights or within another pertinent office at the Department of Education, to enforce constitutionally protected religious freedom rights and parental rights in the public education system that dramatically impact the health and wellbeing of students nationwide.

¹ See HB 26-1141, <https://leg.colorado.gov/bills/HB26-1141>; see also Colorado Catholic Conference, *Ask Governor Polis to VETO HB26-1141*, Action Alert, <https://www.cocatholic.org/take-action/action-alerts>.

² See HB 26-1322, <https://leg.colorado.gov/bills/HB26-1322>; see also Colorado Catholic Conference, *Tell Governor Polis to VETO HB 26-1322*, Action Alert, <https://www.cocatholic.org/take-action/action-alerts>.