

**Statement of the Honorable John Conyers, Jr. for the Hearing on  
“The State of Religious Liberty in America” before the  
Subcommittee on the Constitution and Civil Justice**

**Thursday, February 16, 2017, at 1:00 p.m.  
2141 Rayburn House Office Building**

Today’s hearing on the State of Religious Liberty in America is unfortunately very timely given the fact it comes at a particularly perilous time for religious freedom in our country.

I say this for several reasons.

**To begin with**, President Trump’s January 27<sup>th</sup> Executive Order banning travel from 7 Muslim-majority nations and imposing a refugee ban violates the First Amendment’s Establishment Clause.

Without question, this Executive Order embodies a first-step toward the Administration’s fulfillment of Mr. Trump’s presidential campaign promise to ban Muslims from entering the United States.

The explicit anti-Muslim intent of the order was also verified by his advisor, Rudy Giuliani.

Additionally, President Trump, in an interview with the Christian Broadcasting Network, said he intended to prioritize Christian refugees over others.

Unsurprisingly, his Executive Order’s ban on refugees contains an exception for individuals fleeing religious persecution, *but only if they are not from the majority faith of their nation*. This language is clearly designed to favor Christianity at the expense of other faiths.

Taken together it is clear that, under the terms of the Executive Order, this Administration has intentionally acted to favor Christianity and disfavor Islam in violation of the First Amendment’s Establishment Clause.

**In addition, it appears that the Trump Administration is considering an attack on the rights of women and lesbian, gay, bisexual, transgender and queer – or LGBTQ – individuals, under the guise of the First Amendment’s Free Exercise Clause.**

According to a draft executive order ostensibly designed to protect religious freedom, federal employees and organizations that receive federal funds would be able to refuse to provide services – ranging from the provision of healthcare to adoption services -- to LGBTQ individuals.

In fact, the language is so broad it may even allow individual federal employees to deny processing federal benefits to LGBTQ individuals, even though many of these benefits are derived from their constitutionally-protected right to marry.

In sum, this order is nothing less than a license to discriminate against LGBTQ individuals.

**Finally, this draft executive order also contains language that would undermine women’s access to preventive healthcare services.**

It would direct the Secretary of Health and Human Services to exempt from the Affordable Care Act’s preventive care mandate “all persons and religious organizations that object to complying with the mandate for religious or *moral reasons*.”

This language would permit federal employees or organizations that receive federal funds to deny women access to healthcare services such as contraception because they find someone’s behavior morally objectionable.

Although this executive order still appears to be only a draft, the President’s January 27<sup>th</sup> Muslim travel ban Executive Order clearly means that this Administration is willing to violate the First Amendment’s Establishment Clause when it is an obstacle to implementing policies designed not to keep us safe but to satisfy ugly political objectives.

No Administration, including the current one, may act under apparent authority of the First Amendment to undermine the rights of others.

Accordingly, I very much look forward to discussing these issues with our witnesses today and I thank them for appearing today.