

# BIDEN AND TRUMP ON RELIGIOUS LIBERTY

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In 1952, Congress designated the first Thursday in May as the National Day of Prayer; this year it fell on May 2. Predictably, every president since has said something positive about religion on this day. To judge their sincerity, however, we need to look at the policies they initiated that touch on religious liberty.

The National Day of Prayer was meant to be a day when Americans “may turn to God in prayer and meditation.” When Trump gave his Proclamation marking this day on May 4, 2017, he mentioned God four times. When Biden first addressed this day on May 6, 2021, he never mentioned God.

This may seem like small pickings, but in fact it is suggestive of the religious liberty policies that each man issued. For example, we compared Trump’s religious liberty initiatives to the ones promoted by Biden. To read the entire report on this issue, click [here](#).

In his four years as president, Trump addressed religious liberty issues 117 times. From the beginning of his presidency in January 2021 to May 1, 2024, Biden addressed these matters 31 times.

Quantitative data are important, and on this score, Trump wins easily: 117-31. But qualitative analysis is also important: the content of the religious issues that they addressed matters greatly.

The Biden administration's idea of religious liberty centers heavily on discrimination. Within this area of concern, much attention is given to instances of religious discrimination against minority religions. For example, Muslims, Sikhs, Tribal Nations, Buddhists, and Hindus are given more attention than offenses against pro-life Christians and attacks on Christian-run crisis pregnancy centers.

In many cases, religious liberty is not even a key element in the Biden administration's outreach to religious groups: transportation, mental health, nutritious food, drug abuse, suicide prevention, greeting refugee newcomers, "climate smart agriculture," internet service—these and related matters—occupy the centerpiece of their concern.

One of the more striking aspects of the religious liberty issues pursued by the Biden team is their promulgation of new regulations aimed at curtailing the religious liberty protections afforded by the Trump administration. For instance, with regards to federally funded social services, Trump sought to make it easier for faith-based providers to compete for federal grants. Biden is making it harder.

The welfare reform law of 1996 that President Bill Clinton signed was the first presidential attempt to include faith-based social service organizations in federally funded initiatives. But it was President George W. Bush who institutionalized this effort. He launched the White House Office of Faith-Based and Community Initiatives.

President Barack Obama did not end these faith-based programs but he neutered them so badly—secularizing them—that in 2010 I issued a news release titled, "Time To Close Faith-Based Programs." In 2011, my statement said, "Shut Down Faith-Based Programs."

In 2021, the Biden team said that the Office of Faith-Based and Neighborhood Partnerships would not "favor religious over

secular organizations.” That was a polite way of saying that secular social service organizations would continue to be awarded preferential treatment, thus undercutting the *raison d’etre* of faith-based programs.

Since that time, Biden regulations have sought to ensure that faith-based programs will not be used for “explicitly religious purposes.” This beckons the state to police these initiatives, looking to see how “religious” they are, thus creating major First Amendment problems.

The Biden administration also allows a beneficiary to raise religious objections if he feels uncomfortable with the operations of the program. This allows people of one faith who are seeking assistance from a provider of another faith to checkmate the provider’s religious prerogatives. In other words, the mere presence of a religious symbol in a faith-based facility is sufficient grounds to nix it.

In essence, Biden’s idea of faith-based programs is to gut their religious component, in effect secularizing them the way Obama did.

Trump expanded religious liberty—he did not contract it. Here are examples selected from ten different issues (some overlapping is unavoidable).

*Religious Liberty:* In 2017, Trump signed an Executive Order promoting free speech and religious liberty. The order made religious liberty an administrative priority and required all federal agencies to take action to protect it.

*Faith-Based Initiatives:* On May 8, 2018, Trump signed an Executive Order establishing a White House Faith and Opportunity Initiative. The order directed agencies that didn’t already have such an operation to start one.

In 2020, nine federal agencies proposed rules leveling the playing field for faith-based organizations wishing to

participate in grant programs or become a contractor. The rules eliminated two requirements placed on faith-based organizations that were not placed on secular organizations. The rules were finalized on December 19, 2020.

In 2020, the Trump administration announced that Covid relief legislation (the CARES Act) must include churches and religious non-profits in the Paycheck Protection Program. Thus did Trump ensure that these religious entities would not be discriminated against in receiving financial assistance due to pandemic restrictions.

*Conscience Rights:* On January 18, 2018, the Department of Health and Human Services (HHS) launched a new Conscience and Religious Freedom Division within the Office of Civil Rights (OCR). This new unit was established to enforce federal laws that protect conscience rights and religious freedom.

The next day, conscience rights were expanded again when HHS proposed a regulation implementing 25 laws that protect pro-life healthcare entities against discrimination by federal agencies—or state or local governments receiving federal funds. The issue in question was occasioned by attempts to force healthcare workers to participate in abortion, sterilization, and other morally objectionable procedures. The proposal was finalized in 2019.

*Abortion:* The HHS OCR issued a notice of violation to the University of Vermont Medical Center for forcing a nurse to participate in an abortion despite a conscience objection.

On January 24, 2020, Trump became the first sitting president to give remarks in person at the annual March for Life in Washington, D.C.

In 2020, Trump signed an Executive Order that reinforced existing protections for children born prematurely, with disabilities, or in medical distress, including infants who survive an abortion.

*Education:* In 2020, guidelines were issued ensuring that prayer in schools is properly protected and not unconstitutionally prohibited or curtailed.

*HHS Mandate:* In 2017, HHS issued two regulations to deal with Obama's "HHS Contraceptive Mandate" that violated conscience and religious liberty. The new norms exempted organizations with moral or religious objections to purchasing insurance that includes coverage of contraceptives and abortion-causing drugs and devices.

In 2020, the Trump team celebrated the win in the Supreme Court upholding the right of the Little Sisters of the Poor not to buy contraceptive and abortion services.

*Foster Care:* In 2019, HHS issued a rule removing burdensome requirements that all grantees, including faith-based ones, must accept same-sex marriages and profess gender identity as valid in order to be eligible to participate in grant programs. This included adoption and foster care facilities; some were previously shut down because of these draconian measures. The rules were finalized in 2021.

*Gays:* In 2017, the Trump administration filed an amicus brief with the Supreme Court defending the religious liberty of a baker who had been sued after he refused to inscribe a congratulatory message on a wedding cake for two homosexuals.

*Transgenderism:* In 2017, Trump rescinded Obama's dictum that required public schools to allow students who identify as transgender to use the bathrooms and showers of their choice, meaning boys could shower with girls.

*International Issues:* In 2019, Secretary of State Mike Pompeo announced a new global initiative, the International Religious Freedom Alliance. It was meant to provide a way for like-minded countries to work together to advance religious freedom.

On January 19, 2021, the last religious liberty issue addressed by Trump was to declare that China had committed genocide and crimes against humanity in its treatment of Uyghur Muslims.

The Republicans and Democrats used to be on opposite sides on these issues.

When it came to an issue like abortion, the Democrats in the 1960s were mostly opposed. It was the Republicans, led by the Rockefellers, who championed the abortion cause.

In the 1970s, Catholics were pushed out of senior posts in the Democratic Party. Some moved to the Republican Party, some chose to be independent, and many felt homeless. By the time Ronald Reagan was elected in 1980, the Democrats were the party of abortion and the Republicans took up the pro-life cause. In short, the 1970s was the decade when the parties flipped sides on religious liberty and abortion.

Since the 1980s, the leadership in the Democratic Party has become increasingly intolerant of religious liberty. Thoroughly secularized, their passion for abortion rights is off-the-charts.

No one seriously believes that Trump is a man of deep faith. But his policies on religious liberty are a model of excellence. Biden, on the other hand, tries hard to convince the public that he is a "devout Catholic" yet his religious liberty rulings are unimpressive, and in some cases are subversive of this First Amendment right.

Four months after Biden assumed office in January 2021, his executive director of the White House Office of Faith-Based and Neighborhood Partnerships met with leaders of six secular organizations, most of which had expressed virulent anti-Catholic statements for many years. Freedom From Religion Foundation, the American Humanist Association, American Atheists, Center for Inquiry, Ex-Muslims of North America and

the Secular Coalition for America.

All of them are militantly secular and most are quite open about their contempt for religious liberty.

It would be one thing if White House staffers in domestic policy invited these representatives to discuss their concerns. But when an office of the administration that is expressly charged with promoting religious liberty extends the invitation, it would be like the Department of Education inviting the Flat Earth Society to engage them in conversation.

As president of the Catholic League, I was invited to meet with representatives of the Clinton administration in the 1990s. This was after I got a call from a White House staffer who said he did not like what he was reading in *Catalyst*.

When George W. Bush was elected, I, along with a few other Catholics, was invited to meet with him in the White House. I even flew on Air Force One with Bush to Notre Dame when he gave the Commencement Address in 2001.

I never met with Obama, but I did interact with those under him, specifically with regards to an IRS inquiry that sought to intimidate the Catholic League. It failed miserably. Trump wrote a few nice things about me when he was campaigning, but I was not invited to meet with him. No one from the Biden administration has contacted me.

We are positioned right where we should be: we don't endorse candidates but we do address issues of interest to Catholics. It's going to be a rollicking summer and fall with the conventions and the election. Stay tuned.