



July 10, 2026

(Via email to RLC@usdoj.gov)

Religious Liberty Commission
Office of the Associate Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Re: PUBLIC COMMENT – DRAFT REPORT – AMERICAN ATHEISTS.

Chairperson Patrick:

American Atheists writes in opposition to the farce that the deceptively named Presidential Religious Liberty Commission is engaged in by publishing this draft report (the “Report”).

After conducting a shamelessly one-side series of hearings, the Commission has produced a document that does little more than air tired white Christian Nationalist grievances that amount to little more than a continuation of attacks on the rights of the LGBTQ+ community, opposition to efforts to make American public life more diverse and inclusive, and bemoaning the decline of religion’s hold on American society – and particularly Christianity’s hold on the day-to-day lives of Americans. The draft report aims to construe this decline in social relevance and the increasing rejection of conservative Christian demands as a form of persecution. It would be comical if it weren’t for the fact that white Christian Nationalists are holding all the levers of power in our federal government.

Nowhere in either its hearings or the draft report it produced does the Commission attempt to even acknowledge, let alone actually grapple with, the discrimination, mistreatment, and ostracization faced by nonreligious Americans around the country at the hands of their government.

In a moment when some states are forcing displays of sectarian, evangelical Christian formulations of the Ten Commandments into every public school classroom, the voices and experiences of atheist students and families are conspicuously absent. No mention is made of the countless atheist students harassed, *by students and faculty alike*, for refusing to recite the Pledge of Allegiance’s dishonest assertion that the United States is “One nation, under God.”¹ The Commission made no attempt to hear those who have faced religious proselytizing from teachers.² The Commission could have heard from Victoria Anderson who, with her family, was driven from her home in Milton, West Virginia, by incessant harassment, damage to property, and even death threats after

¹ *Oliver v. Klein Indep. Sch. Dist.*, 448 F. Supp. 3d 673 (S.D.Tex., 2020).

² Eleanor J. Bader, “Amid a Rising Christian Nationalism, Being Non-Religious Is a Perilous Choice for Many Americans,” *The Independent* (Oct 31, 2024), <https://independent.org/2024/10/amid-a-rising-christian-nationalism-being-non-religious-is-a-perilous-choice-for-many-americans/>.

the family publicly called out a teacher for proselytizing to their daughter in health class.³ Their daughter was forced to complete the school year online.⁴ Rather than seek the input of people like Victoria, the Commission instead outright encourages teachers to engage in exactly that sort of coercive, abusive, discriminatory behavior that actively harms students and their families.⁵

When discussing healthcare, the Commission is preoccupied with conservative Christian hobbyhorses like objections to COVID-19 vaccination mandates and the demand that doctors be allowed to put their own religious beliefs above the interests of their patients where reproductive rights are concerned. At the same time, the Commission makes no attempt to address the problem of individuals who suffer from substance use disorders being forced by the government into worship services or religious recovery programs. Had it cared to learn about the experiences of nonreligious people, American Atheists and its coalition partners could have provided the Commission with hours of relevant testimony.

The Commission could have heard from Andrew Miller, a man formerly incarcerated in West Virginia who was repeatedly denied parole for the sole reason that he refused to complete a pervasively religious, federally funded, 12-step “Residential Substance Abuse Treatment” program.⁶ He sought permission to take part in a secular recovery program instead but was repeatedly denied that accommodation.⁷ It took a court order to force the West Virginia Division of Corrections and Rehabilitation to meet its constitutional obligations and remove the completion of the religious RSAT program from his requirements for granting parole:

Had Mr. Miller simply submitted to Defendants' coercion and completed RSAT, he likely would no longer be incarcerated, and WVDCR could continue its patently impermissible practices for years to come. Mr. Miller should not be further punished for bringing this troubling policy to light.⁸

Perhaps Mr. Miller should be a candidate for the Presidential Medal of Religious Liberty the Commission seeks to establish.⁹

Similarly, had the Commission engaged in an honest, good-faith effort to fully understand the issue of religious liberty and religious equality, American Atheists would have informed it of a Colorado resident, T.M., who was involuntarily committed to a 30-day religious substance use disorder treatment program by the Colorado Behavioral Health Administration (BHA). The program, New Beginnings Recovery Center (NBRC), consisted of complete confinement and supervision and *required him to pay rent* for the government-mandated program while also forcing him to engage in daily Bible study and regular church attendance. He sought an accommodation from BHA, in the form of participation in a secular recovery program, but was ignored. NBRC's President, Mary Brewer, berated him for contacting OBA to seek an accommodation and punished him for doing so by requiring him to attend more religious meetings. The U.S. Department of Health and Human Services' Office of Civil Rights rejected T.M.'s discrimination claim, saying it lacked jurisdiction to hear the claim, despite the Colorado OBA receiving federal funding from HHS.

³ *Id.*

⁴ *Id.*

⁵ Report at 93-94.

⁶ *Miller v. Marshall*, 682 F. Supp. 3d 559 (S.D.W.V., 2023).

⁷ *Id.* at 593-94.

⁸ *Id.* at 593.

⁹ Report at 183.

The Commission's incuriosity toward anything that doesn't align with its white Christian Nationalist ideology was also demonstrated by its complete lack of interest in violations of the free speech rights of nonreligious individuals. Had the Commission been genuinely interested in strengthening freedom of speech, regardless of religious viewpoint, it could have heard from numerous nonreligious individuals who have been censored by government officials for either voicing their nonreligious beliefs or criticizing those government officials for abusing their positions of authority by imposing their own religious beliefs on the people they are meant to serve. The Commission could have heard the testimony of several Arkansas residents who were censored by an Arkansas state lawmaker, Jason Rapert, for criticizing his attempts to force his religion on the people of Arkansas.¹⁰ The Commission could have heard their testimony about Rapert's attacks on them, labeling them "extremists" and accusing them of "ad hominem attacks, defamation or threatening communications."¹¹

The unconstitutional abuse that nonreligious Americans are regularly subjected to by officials at every level of government has serious ramifications for people in their day-to-day lives. In 2019, American Atheists conducted the US Secular Survey, an unprecedented effort to develop quantitative and qualitative data about the nonreligious community in the United States. The Secular Survey garnered nearly 34,000 responses and the data demonstrates that abuse of nonreligious Americans is widespread and has ramifications far beyond the unconstitutional acts themselves.

When asked whether they experienced negative treatment in particular settings, the response was overwhelming. Nearly half (46.5%) of those responding reported negative treatment while serving in the military.¹² Over a quarter of respondents (29.4%) reported negative treatment in education.¹³ Nearly one in five (17.7%) reported negative experiences in mental health services generally and 15.2% reported such experiences specifically regarding substance use disorder services.¹⁴ One in ten (10.7%) reported being subjected to negative treatment in healthcare services outside the context of mental health and 14.6% reported negative experiences when receiving reproductive health care.¹⁵ More than one in ten respondents (11.0%) reported negative treatment in the judicial system.¹⁶ Over one in twenty (6.2%) reported negative treatment when receiving public benefits.¹⁷ A similar number of respondents (6.0%) reported negative treatment from the police.¹⁸

The data also revealed that "participants living in very religious communities were nearly 2.5 times more likely to experience negative events in education than in nonreligious communities, nearly 2.5 times more likely to experience negative events in public services (for example, voting, jury duty, poll work)."¹⁹ Furthermore, "[o]ur data shows that participants who experienced discrimination or high levels of stigmatization because of their nonreligious identity were more likely to screen positive for depression and to experience greater loneliness."²⁰ Those who experienced negative treatment in the education were over 20% more likely to screen positive for

10 *Am. Atheists v. Rapert*, No. 4:19-cv-00017-KGB, 2019 U.S. Dist. LEXIS 230493 (E.D. Ark., Sep. 30, 2019).

11 *Id.* at 72.

12 Frazer, S., El-Shafei, A., Gill, A.M., *Reality Check: Being Nonreligious in America*, American Atheists, 24 (2020) <https://static1.squarespace.com/static/5d824da4727dfb5bd9e59d0c/t/6233b4f4e004142a2cbde9b0/1647555829870/Reality+Check+-+Being+Nonreligious+in+America.pdf>.

13 *Id.*

14 *Id.*

15 *Id.*

16 *Id.*

17 *Id.*

18 *Id.*

19 *Id.* at 8.

20 *Id.* at 30.

depression; those who experienced such treatment in the military were 25.0% more likely to screen positive for depression, at the hands of the police or the court system, 43% more likely, in the context of public benefits 99.6% more likely.²¹ Negative treatment in health services of all stripes resulted in between 53.3 and 94.4% higher rates of depression.²² The cost of ignoring these abuses inflicted on nonreligious Americans by the government, as the Religious Liberty Commission has done in the Report, cannot be overstated.

For all these reasons, American Atheists asks the Commission to withdraw the Report in its entirety and instead engage in a good-faith effort to examine the important issue of religious liberty in America with the care and objectivity it deserves. The Commission's efforts to date have been an insult to all Americans. The members of Commission and its advisory boards should feel ashamed for engaging in this performative, grievance-fueled process.

Sincerely,

A handwritten signature in black ink, appearing to read 'G. Blackwell', written over a horizontal line.

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²¹ *Id.*
²² *Id.*