



July 13, 2026

Electronically Submitted

Presidential Religious Liberty Commission
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

**RE: Comments on June 2026 Proposed Report of the Presidential Religious Liberty
Commission**

Dear Sir or Madam:

The Ethics & Religious Liberty Commission (ERLC) of the Southern Baptist Convention (SBC) respectfully submits the following comments in response to the Proposed Report of the Presidential Religious Liberty Commission published on June 26, 2026.

I write to you as President of the ERLC, the ethics entity of the SBC. The SBC is the nation's largest protestant denomination with nearly 13 million members in over 45,000 churches. We are charged by the SBC with addressing public policy issues such as religious liberty, marriage and family, the sanctity of human life, the respect of human dignity, and Christian ethics.

Since the creation of the Presidential Religious Liberty Commission by Executive Order 14291 on May 1, 2025, the ERLC has been encouraged by the purpose and intent of the Commission.¹ The inquisitive objective of the Commission through hosting hearings and creating recommendations for departments and agencies demonstrates a commitment to ensuring the retention and protection of the American value of religious liberty.

Our government's protection of and posture toward religious liberty is a direct representation of our citizenry's perspective on freedom of thought and action. Without robust protections for religious liberty, our nation abandons an essential freedom tied to America's founding.

During the 2026 Annual Meeting of the SBC, Southern Baptists overwhelmingly passed a resolution commemorating the 250th anniversary of the United States, specifically honoring

¹ 90 Fed. Reg. 19417 (May 1, 2025).



Baptist contributions to religious liberty.² Through this resolution, our churches celebrated and reflected on America's history, religious liberty, and the Baptist influence in authoring and passing the First Amendment. We also reaffirmed our country's need for continued protections of religious liberty for all people, because this freedom is our God-given right grounded in the dignity of all people created in the image of God.

Through the following comments, the ERLC commends and supports many of the recommendations included in the June 2026 Proposed Report of the Presidential Religious Liberty Commission, while offering a distinctly Baptist perspective of religious liberty.

Among our conclusions below, we believe that safeguarding religious liberty requires more than defending legal rights after they have been violated. It requires cultivating a culture that understands why those rights exist in the first place.

Chapter 1: Religion as an Indispensable Support

At the start of the report, the Commission rightly endeavored to define religious liberty on page 34, offering that religious liberty is “understood as the proper allocation of authority between religion ... and government power.” While a proper “allocation” of authority between religious and government power is an important outcome to religious liberty, the ERLC disagrees with the characterization of religious liberty being allocated.

At our nation's founding 250 years ago, the framers conceived a radical idea: Our rights are unalienable, endowed by our Creator, not apportioned or granted to us by some civil power. We are not allocated our liberties. We exercise them freely because our government rightly acknowledges it has no place in the sphere of religion to restrict man's access to God or impose penalties for worship.

Religious liberty is recognizing that one's belief and faith is a God-given right grounded in the dignity of every human being made in the image of God. Religious liberty has no consideration for an allocation of influence or permission by a government, as no government has the right or authority to alter, supplant, or limit what God has bestowed upon his creation.

² “On the 250th Anniversary of the United States and the Baptist Contribution to Religious Liberty.” SBC.net. Accessed July 10, 2026.

<https://www.sbc.net/resource-library/resolutions/on-the-250th-anniversary-of-the-united-states-and-the-baptist-contribution-to-religious-liberty/>.



As Article XVII on religious liberty in the *Baptist Faith & Message* expresses, “A free church in a free state is the Christian ideal, and this implies the right of free and unhindered access to God on the part of all men, and the right to form and propagate opinions in the sphere of religion without interference by the civil power.”³ The idea that any civil power or some other authority beside God Almighty can allocate our liberties is contrary to a historic American understanding of religious liberty.

As the American Baptist John Leland wrote,

“Every man must give an account of himself to God, and therefore every man ought to be at liberty to serve God in that way that he can best reconcile it to his conscience. If government can answer for individuals at the day of judgment, let men be controlled by it in religious matters; otherwise let men be free.”⁴

Therefore, the ERLC asks the Commission to amend its definition of religious liberty on page 34 to reflect our God-given freedom to exercise religion, which is then recognized and not infringed upon by the government. The ERLC asserts that this change is necessary to avoid the perilous implications of articulating that religious liberty is something to be allocated by the State.

Chapter 2: Religious Liberty and the American Story

The ERLC was encouraged to see the proposed report recount the integral nature of religious liberty at the American founding, consider its development throughout American history, and reflect on its necessity today.

The Baptist influence on James Madison and the Bill of Rights is engrained in our national history. Baptist preacher John Leland worked closely with Madison to ensure that religious liberty was included in the Bill of Rights, eventually becoming our first freedom. Further, the influence of Baptist minister Isaac Backus in advocating against a state-mandated religion was instrumental to our balance of the Christian ideal: a free Church in a free state.

Southern Baptists know that religious liberty is not just a political principle like the “wall of separation,” but a biblical conviction born out of our belief in individual soul liberty—the idea

³ Southern Baptist Convention, *The Baptist Faith and Message* (Nashville, TN: Southern Baptist Convention, 2000), under “Article XVII: Religious Liberty,” <https://bfm.sbc.net/bfm2000/#xvii>.

⁴ John Leland, *The Rights of Conscience Inalienable* (1791).



that each person is directly accountable to God and must have the freedom to make their own religious choices without coercion from the state or other religious authorities.

While mainstream American culture often fails to understand what Thomas Jefferson meant by the wall of separation in his letter to the Danbury Baptists, we rightly understand that this wall, the First Amendment, serves to keep the government out of the Church by preventing a state established religion. It does not serve to keep the Church from participating in government through active involvement in the public square. Any assertion otherwise undermines the integrity of the First Amendment's promise of free exercise of religion.

Chapter 3: Faith-Based Institutions and the Enduring Fight for Religious Identity, Mission, and Integrity

People of faith often stand in the gap of where the government does not, cannot, or should not go, addressing the primary needs of their communities. Motivated by being the hands and the feet of Christ, Southern Baptist efforts in pregnancy resource centers, adoption and foster care agencies, and disaster relief programs demonstrate our commitment to serving the vulnerable and marginalized as we carry out the Great Commission.

The ERLC was encouraged by many of the recommendations highlighted in this chapter, especially the call to address concerning trends of discriminating against faith-based foster care providers and parents.

Under the Biden administration, the ERLC filed comments opposing a rule from the Department of Health and Human Services (HHS) that deemed faith-based foster care agencies and religious foster parents as unsafe and improper for LGBTQ-identifying children.⁵ In these comments, the ERLC expressed that, “The proposed rule will lead to religious discrimination of otherwise qualified foster families and will result in a catastrophic lack of foster care placements for the vulnerable children who need them most.” Southern Baptists explicitly spoke in support of adoption and foster care in a 2022 resolution, resolving “to continue and increase their efforts to

⁵ ERLC. *Public Comments - HHS - Safe and Appropriate Foster Care Placement Requirements for Titles IV-E and IV-B* (November 27, 2023), <https://erlc.com/wp-content/uploads/2023/11/Public-Comments-HHS-Safe-and-Appropriate-Foster-Care-Placement-Requirements-for-Titles-IV-E-and-IV-B.pdf>



serve and support ... foster-care and adoptive families, doing invaluable and often under-recognized work in the care of women and children at every stage of life.”⁶

The ERLC is thankful that HHS has initiated the process to remove the discriminatory and harmful Biden-era rule from the federal regulatory code.⁷ Furthermore, the ERLC appreciates the recommendation from the Commission to issue a new rule that ensures religious agencies and families are not discriminated against in Title IV-E and Title IV-B programs.

Whether it is accessing religious education, preserving church autonomy, or ensuring compliance with the Religious Land Use and Institutionalized Persons Act (RLUIPA), the ERLC is grateful to see recommendations that uphold the integrity of religious liberty in America that allow ministries and people of faith to remain on mission in service and worship of Christ.

Chapter 5: The Fight for Faith on College Campuses

The ERLC is grateful for the Commission’s recognition of the contested and tumultuous atmosphere on college campuses which can leave young people of faith in fear of living out and expressing their beliefs. It is even more discouraging when such an atmosphere is condoned, facilitated, and perpetuated by university leadership.

The Commission rightly recommends the expansion of the Equal Access Act. In conjunction, the ERLC recommends the expansion of such a recommendation to support the passing of the Equal Campus Access Act, which would prevent funds given under the Higher Education Act from going to schools that discriminate against religious student groups by denying them access to facilities and resources otherwise available to them. The potential cohesive reach of these two distinct pieces of federal legislation have the potential to jointly expand religious liberty protections on primary and secondary education and college campuses across the country.

On June 18, 2026, the ERLC sent a letter to Chairman Wahlberg and Ranking Member Scott on the Committee on Education and the Workforce, encouraging the congressmen to schedule a

⁶ “On Anticipation of a Historic Moment in the Pro-Life Movement.” SBC.net. Accessed July 10, 2026.
<https://www.sbc.net/resource-library/resolutions/on-anticipation-of-a-historic-moment-in-the-pro-life-movement/>.

⁷ ERLC. *Public Comments - HHS - Designated Placement Requirements Under Titles IV-E and IV-B for LGBTQI+ Children; Rescission*. (April 6, 2026),
<https://erlc.com/policy-content/protecting-religious-foster-families-erlc-urges-hhs-to-remove-unlawful-biden-era-rule/>.



markup for the Equal Campus Access Act.⁸ In the letter, I shared my personal experience as a college educator and administrator, saying,

“Faith-based student groups not only serve as avenues for fellowship with people of shared religious belief, but they also provide foundational learning and leadership development opportunities during a college student’s formative years. As Southern Baptists, we specifically see these benefits through our Baptist Collegiate Ministries on campuses nationwide, which create a sense of community for students, form them in their faith, and facilitate the sharing of the good news of the gospel.”

With the Commission’s urging, Congress may take the necessary steps in passing the Equal Campus Access Act to safeguard religious student organizations against discrimination on college campuses, enabling students to live out and share their religious ideas and values.

Chapter 6: The Rights and Roles of Parents and Teachers

The abhorrent reality of state and local governments attempting to usurp the role of parents in the upbringing of their children and to remove religious Americans out of public life is no more prevalent than in public education. The effort to reestablish the rightful role of primary instructor of children back to parents has been marked by varied successes and distressing set-backs.

In June 2024, Southern Baptists passed a resolution “On the God-Given Rights and Responsibilities of Parents,” recognizing that parents are instituted by God to be the primary stewards and educators of their children and encouraging states and local governments to come alongside parents to act in cohesion with familial units, giving rightful respect to parental roles and responsibilities.⁹

We come alongside the Commission in calling upon Congress to pass the Families’ Rights and Responsibilities Act to protect the right of parents to “direct the upbringing, education, and health care of their children” by requiring the Supreme Court to review all parental rights cases involving the federal government under “strict scrutiny.” We have seen encouraging progress on this front, witnessed in the 2025 Supreme Court decision in *Mahmoud v. Taylor*.¹⁰

⁸ ERLC, *ERLC Advocates for Equal Campus Access Act* (June 18, 2026), <https://erlc.com/policy-content/erlc-advocates-for-equal-campus-access-act/>

⁹ “On the God-Given Rights and Responsibilities of Parents.” [SBC.net](https://www.sbc.net/resource-library/resolutions/on-the-god-given-rights-and-responsibilities-of-parents/). Accessed July 10, 2026.

¹⁰ *Mahmoud v. Taylor*, 606 U.S. 522 (2025).



The ERLC is encouraged by the Commission’s recommendations to investigate and litigate parental rights violations, support legislation that secures parental rights, and issue updated religious liberty guidance to public educators. In addition to the currently listed recommendations, the ERLC asks the Commission to recommend that the Department of Justice support litigation where the religious rights of parents and teachers have been violated by public school officials in the secret “gender transitions” of minor children.

Chapter 8: Religious Liberty for Religious Leaders

The Commission rightly recognizes the common concern of First Amendment protections not being applied consistently across the different roles that pastors and religious leaders occupy. Our pastors are accountable before God as teachers of the Word of God. This often requires them to communicate truthfully about issues that many non-believers find to be inherently political.

However, many pastors are required to tailor their speech to the confines of what the government and the Internal Revenue Service (IRS) find permissible because of the Johnson Amendment. The Johnson Amendment permits the government to police speech from the pulpit, violating not only the free exercise and free speech clauses, but also the principles of church autonomy.

If pastors cannot speak to the culture, they abandon a key component of their ministry assignment, which is to shepherd their churches through the real moral and ethical issues in a fallen world and teach the whole counsel of God’s Word.

The ERLC is grateful for the Commission’s recognition of how federal legislation can improperly burden and restrict rightful speech. The SBC affirmatively states that if pastors and church leaders are unable to speak on issues of culture, they are forced to abandon a key component of their ministry assignment of addressing real and pressing moral and ethical issues that Christians face in a complex world.

The ERLC is also grateful for the report’s inclusion of the Safeguarding Charity Act, which would protect nonprofits and religious organizations by making clear that their tax-exempt status is not equivalent to accepting “federal financial assistance” and, therefore, ensuring they are not subject to certain conditions attached to federal funding.¹¹ This bill would properly differentiate distinct entities and protect churches from improper and burdensome compliance mandates.

¹¹ ERLC, *Support the Safeguarding Charity Act* (2026).
<https://erlc.com/policy-center/support-the-safeguarding-charity-act/>.



Additionally, the ERLC encourages the Commission to recommend the Fair Treatment for Religious Organizations Act, a bill that would protect the tax-exempt status of religious organizations from predatory administrations targeting the religious organization's beliefs surrounding marriage, gender, and sexuality, even if those beliefs are inconsistent with the law.

Chapter 9: First Do No Harm – Religious Liberty in Healthcare

The tragic commonality of discrimination against and harassment of medical professionals in relation to their religious beliefs is disheartening and demeaning to those who endeavor to serve their communities with the gifts God has given them. Such behavior is contrary to First Amendment rights and hinders the services that religious medical professionals can provide to the public, which inextricably benefit their communities.

The ERLC comes alongside the Commission in urging Congress to pass both the Conscience Protection Act¹² and the Conscience Protections for Medical Residents Act.¹³ Each of these legislative proposals would ensure that medical professionals are not coerced into violating their religious beliefs and would offer robust protections for those who abhor the realities of abortion and desire to honor the sanctity of human life.

Chapter 12: Faith Under Fire in America's Houses of Worship

Every Sunday, over 45,000 Southern Baptist congregations in North America gather to honor and praise the only one who is worthy, Jesus Christ. This sacred time of worship is critical for Christians, yet we have seen a disturbing rise in disruptions and attacks on houses of worship.

For many Southern Baptists, affronts against the sanctity of the gathered church became personal when protests disrupted a Sunday morning service at Cities Church, in St. Paul, Minnesota.¹⁴ This event was a heartbreaking reminder of the brokenness of our world and of the unfortunate reality that some Americans are apathetic at best and hostile at worst to things of God.

The SBC has created various resources to aid churches in reflectively preparing church safety measures and mindfully implementing security protocols to best ensure the safety of congregants

¹² ERLC, *Support Conscience Protections* (2026). <https://erlc.com/policy-center/support-conscience-protections/>.

¹³ ERLC, *ERLC Supports the Conscience Protections for Medical Residents Act* (November 21, 2025). <https://erlc.com/policy-content/erlc-supports-the-conscience-protections-for-medical-residents-act/>.

¹⁴ ERLC, *ERLC Decries Disruption of Minnesota SBC Worship Service* (Jan. 18, 2026). <https://erlc.com/press/erlc-decries-disruption-of-minnesota-sbc-worship-service/>



and guests.¹⁵ It is a harsh reflection of the impact of sin on our world when churches and diverse places of worship have to consider such measures to ensure their right to peacefully worship. The ERLC is grateful for the Commission's recommendations to help protect places of worship.

Conclusion

In summary, the ERLC is pleased to see the Presidential Religious Liberty Commission thoughtfully engage with such weighty and significant issues which limit the flourishing of our society. The Commission's recommendations thoughtfully urge departments and agencies to consider how to bring their existing policies and rules into greater alignment with our nation's founding principle of religious liberty.

Many of these recommendations can be pursued through executive action by President Trump, while others can be implemented across federal agencies. The remainder require Congress to pass legislation. For this reason, we ask the Commission and President Trump not only to consider actions pertinent for the executive branch, but also to clearly communicate the legislative recommendations included in this report to Congress, so that we may see swift action taken to secure our most sacred right.

Thank you for the opportunity to comment.

Respectfully submitted,

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President
Ethics & Religious Liberty Commission
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¹⁵ "Church Safety and Security." SBC.net. Accessed July 10, 2026.
<https://www.sbc.net/resources/resources-for-church-safety-and-security/>.