

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

THE INTERFAITH ALLIANCE; and

REV. PAUL BRANDEIS
RAUSHENBUSH; and

MUSLIMS FOR PROGRESSIVE
VALUES; and

SIKH AMERICAN LEGAL DEFENSE
AND EDUCATION FUND; and

HINDUS FOR HUMAN RIGHTS,

Plaintiffs,

v.

DONALD TRUMP, in his official capacity
as President of the United States; and

PAMELA BONDI, in her official capacity
as Attorney General of the United States;
and

THE DEPARTMENT OF JUSTICE; and

THE RELIGIOUS LIBERTY
COMMISSION; and

MARY MARGARET BUSH, in her
official capacity as the designated federal
officer of the Religious Liberty
Commission,

Defendants.

Case No. 26-1075

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Plaintiffs Interfaith Alliance, Rev. Paul Brandeis Raushenbush, Muslims for Progressive
Values, Sikh American Legal Defense and Education Fund, and Hindus for Human Rights
hereby sue President Donald Trump, Attorney General Pamela Bondi, the United States

Department of Justice, the Religious Liberty Commission, and Mary Margaret Bush, the designated federal officer of the Religious Liberty Commission, and allege as follows.

INTRODUCTION

1. Since the nation's earliest days, the values of religious liberty and pluralism have been central to the nation's democratic experiment. When the U.S. Constitution was ratified in 1788 it stated plainly a commitment to religious freedom and an opposition to the favoritism of one religious tradition or viewpoint by the government. The First Amendment declares "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof." U.S. Const. Amend. I. A few years before the Constitution was ratified in a letter to Irish Catholic people who arrived in New York, George Washington, the first President of the United States, declared that the "bosom of America is open to receive not only the opulent & respectable Stranger, but the oppressed & persecuted of all Nations & Religions; whom we shall welcome to a participation in our rights & privileges."¹ He would write similar letters to Jewish communities whose population was, at the time, about 2,000. Correspondence between and among the nation's founders and associates also notes an affirmation of true religious pluralism. For example, Washington observed the nation's openness to "Mahometans (Muslims), Jews or Christian of an[y] Sect," and "Atheists."² Thomas Jefferson would echo similar sentiments. He, himself one of the nation's founders and principal author of the Declaration of Independence, rejected a range of Christian teachings, including the divinity of Jesus. He also

¹ Letter from George Washington to Joshua Holmes (Dec. 2, 1783), *Founders Online*, Nat'l Archives, <https://founders.archives.gov/documents/Washington/99-01-02-12127>.

² Letter from George Washington to Tench Tilghman (Mar. 24, 1784), *Founders Online*, Nat'l Archives, <https://founders.archives.gov/documents/Washington/04-01-02-0174>.

noted the importance of not seeking to “change another’s creed,” believing in a strict wall of separation between church and state and rejecting a national religious tradition.³

2. Like so many of our nation’s values enshrined in the U.S. Constitution, the principles of religious liberty, pluralism, and the separation of church and state are now under accelerated attack.

3. This case challenges the composition and secrecy of the Religious Liberty Commission. While this body is ostensibly designed to defend “religious liberty for all Americans” and celebrate “religious pluralism” it actually represents only a single “Judeo-Christian” viewpoint. It held its first three meetings at the Museum of the Bible and has closed its meetings with a Christian prayer “in Jesus’ name.” Only one of its members is not Christian and the Christian members do not represent the full diversity of the Christian faith. The Commission’s meetings have repeatedly referenced the belief that the United States was founded as a “Judeo-Christian nation” and the membership reflects that viewpoint. All members of the Commission advocate for increased religiosity, and specifically their brand of “Judeo-Christian” religiosity, in public life. The Commission’s members have promoted the primacy of a Judeo-Christian world view in the public sphere, advocated for discrimination against minority groups under the guise of “religious liberty,” and otherwise supported policies that threaten religious freedom for all those who do not conform to their particular worldview.

4. The Commission’s mandate implicates core interests of a wide variety of religious groups from diverse religious backgrounds, including interfaith groups, who are dedicated to promoting an America where the freedom to believe and practice religion is protected for all, as well as minority religions unrepresented by the Commission, and groups who

³ Letter from Thomas Jefferson to Margaret Bayard Smith (Aug. 6, 1816), *Founders Online*, Nat’l Archives, <https://founders.archives.gov/documents/Jefferson/03-10-02-0186>.

are not affiliated with any religion at all. It harms even those in the Judeo-Christian tradition who represent diversity in their faith traditions, are committed to religious freedom and pluralism, and reject Christian Nationalism.

5. Yet the President and the Attorney General established the Commission from a largely homogenous group, without these diverse perspectives. Instead, its members, consisting of almost exclusively Christians with one Orthodox Jewish Rabbi, represent the narrow perspective that America was founded as a “Judeo-Christian” nation and must be guided by Biblical principles. In President Trump’s own words, the Commission is part of his Administration’s efforts to “protect the Judeo-Christian principles of our founding.”

6. No members of the Commission represent other minority religions, such as Islam, Hinduism, or Sikhism, and none of the members on the Commission represent an interfaith organization, despite the Commission’s mandate to celebrate America’s history of religious pluralism.

7. Consistent with the particular perspective of its membership, the Commission’s meetings have expressly promoted “Judeo-Christian” viewpoints. For example, the first three meetings of the Commission were held at the Museum of the Bible, the second meeting of the Commission closed with an overtly Christian prayer, and members have routinely expressed their views during meetings that the United States is a Judeo-Christian or Christian nation. In short, the Commission has, in its meetings and through its speakers, made clear that its current membership represents a particular “Judeo-Christian” viewpoint.

8. The Commission has also disregarded basic transparency requirements, including by failing to disclose transcripts, agendas, and other materials that would allow Plaintiffs and the public to follow and understand the Commission’s work.

9. The composition and operations of the Commission violate the Federal Advisory Committee Act (“FACA”). Congress enacted FACA in 1972 to curb the Executive Branch’s reliance on superfluous, secretive, and biased “advisory committees”: ad hoc, non-federal bodies that counsel governmental decisionmakers on national policy. Accordingly, FACA establishes strict requirements for the creation and conduct of such committees. Every advisory committee must meet public transparency requirements, be in the public interest, be fairly balanced among competing points of view, and be structured to avoid inappropriate influence by special interests.

10. A body meant to advise on religious liberty and celebrate religious pluralism in this country cannot be fairly balanced within the meaning of FACA when all but one of its members represent Christian denominations. It will not be able to represent or reflect the concerns, real-world understanding, and history of America’s diverse array of religious minorities or of interfaith organizations like Plaintiffs.

11. The Commission is tasked with producing a report on religious liberty in America and advising the White House on religious liberty policies. But Defendants’ failure to ensure a fair balance of viewpoints on the Commission, and a complete lack of representation from groups that represent diverse coalitions of minority religious and interfaith organizations, will result in a report and policy recommendations produced without the requisite balance of viewpoints, which makes inevitable a one-sided, ahistorical analysis of American religious pluralism and religious freedom in America.

12. The Commission’s work is already underway. It has met four times and is not scheduled to conclude its work until September 30, 2027, with the potential for additional extension.

13. To stop these violations before the secretive, unfairly imbalanced Commission produces what will inevitably be a biased report and policy recommendations, Plaintiffs respectfully seek relief from this Court in the form of an order declaring that Defendants' creation and administration of the Commission violates FACA by failing to ensure that the Commission's membership is fairly balanced; declaring that the Commission is not properly constituted and any report or recommendation does not reflect the views of a lawfully constituted advisory committee; and enjoining Defendants to attach to any reports or recommendations produced by the Commission a disclaimer stating that the report was produced in violation of FACA's requirement that the Commission's membership be fairly balanced in terms of the points of view represented. In addition, Plaintiffs ask this Court to order the immediate disclosure of all materials prepared for and by the Commission, which FACA requires be made publicly available.

PARTIES

14. **Plaintiff Interfaith Alliance** is an organization dedicated to advocating for religious freedom, social justice, and fostering a diverse and inclusive society. Since 1994, Interfaith Alliance has championed the cause of religious freedom and social justice. It has worked tirelessly to defend the values of inclusion, dignity, and the protection of religious liberty for all. Interfaith Alliance works with a diverse nationwide network of advocates, clergy, and organizations to promote an America where the freedom to believe and practice religion is protected for all, including minority religions.

15. **Plaintiff Rev. Paul Brandeis Raushenbush** is President and CEO of Interfaith Alliance. Rev. Raushenbush has a direct interest in the Commission's work, has sought membership on the Commission, and was constructively denied membership.

16. **Plaintiff Muslims for Progressive Values** is an organization dedicated to inculcating a culture of human rights through public education, advocacy, and the arts. It advocates for women and LGBTQ rights, for the separation of religion and state, and for freedom of conscience by engaging with the media and government entities, public educational forums and cultural events, and by partnering with both Muslim and non-Muslim progressive organizations.

17. **Plaintiff Sikh American Legal Defense and Education Fund** is an organization dedicated to empowering Sikh Americans by building dialogue, deepening understanding, promoting civic and political participation, and upholding social justice and religious freedom for all Americans. Sikh American Legal Defense and Education Fund provides legal referral services for issues including workplace and housing discrimination, protecting Sikh articles of faith, and public accommodation. It conducts community outreach programs to empower Sikh Americans to exercise their constitutional rights, and conducts cultural awareness training for government, law enforcement agencies, and private business. It educates the media, schools, and government agencies about Sikhs and responds to misrepresentations about the Sikh faith and Sikhs.

18. **Plaintiff Hindus for Human Rights** is an organization that advocates for pluralism and civil and human rights, rooted in the values of the Hindu faith. It works to educate elected officials and the public in North America about Hinduism and civil and human rights issues and seeks to represent Hindus who are opposed to bigotry and violence, particularly caste-based bigotry.

19. **Defendant Donald Trump** is the President of the United States. He established the Religious Liberty Commission via Executive Order 14291.

20. **Defendant Pamela Bondi** is the Attorney General of the United States. She is sued in her official capacity. Executive Order 14291 delegates any functions of the President under the Federal Advisory Committee Act, 5 U.S.C. § 1001, *et seq.*, except for those in sections 1005 and 1013 of the Act, to Defendant Bondi, in accordance with the guidelines and procedures established by the Administrator of General Services.

21. **Defendant Department of Justice** is a federal agency headquartered in Washington, D.C. and houses the Commission. Executive Order 14291 directs the Department to provide funding and administrative and technical support to the Commission.

22. **Defendant Religious Liberty Commission** is a federal advisory committee established by Donald Trump on May 1, 2025. The Commission has subsequently and continually been utilized by Defendant Trump.

23. **Defendant Mary Margaret Bush** is the Designated Federal Officer of the Religious Liberty Commission. She is sued in her official capacity.

JURISDICTION AND VENUE

24. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331, because this action arises under federal law, specifically the Federal Advisory Committee Act, 5 U.S.C. § 1001, *et seq.*, and the Mandamus Act, 28 U.S.C. § 1361.

25. Venue is proper in this District under 28 U.S.C. § 1391(e) because Plaintiff Rev. Paul Brandeis Raushenbush resides in this District.

LEGAL FRAMEWORK

I. Federal Advisory Committee Act

26. The Federal Advisory Committee Act (“FACA”) is a “sunshine law” that requires the Executive Branch to be transparent and balanced when it establishes or uses non-federal bodies for the purpose of seeking advice and generating policies.

27. These requirements apply to all “advisory committee[s]” which are defined to include any “committee . . . [or] commission . . . that is established or utilized to obtain advice or recommendations for the President . . . and that is established or utilized by the President[.]” 5 U.S.C. § 1001(2).

28. When Congress enacted FACA, it explained that “[o]ne of the great dangers in th[e] unregulated use of advisory committees is that special interest groups may use their membership on such bodies to promote their private concerns,” citing in particular an Industrial Waste Committee where “only representatives of industry were present,” and “[n]o representatives of conservation, environment, clean water, consumer, or other public interest groups were present.” H.R. Rep. No. 92-1017, at 6 (1972), reprinted in 1972 U.S.C.C.A.N. 3491, 3496. Accordingly, Congress required in FACA that “the membership of [an] advisory committee . . . be fairly balanced in terms of the points of view represented and the functions to be performed by the advisory committee.” 5 U.S.C. § 1004(b)(2), (c). “The ‘fairly balanced’ requirement was ‘designed to ensure that persons or groups directly affected by the work of a particular advisory committee would have some representation on the committee.’” *Nat. Res. Def. Council v. Dep’t of Interior*, 410 F. Supp. 3d 582, 604 (S.D.N.Y. 2019) (quoting *Nat’l Anti-Hunger Coal. v. Exec. Comm. of President’s Private Sector Survey on Cost Control*, 711 F.2d 1071, 1074 n.2 (D.C. Cir. 1983)).

29. Likewise, an advisory committee’s charter must contain appropriate provisions to “assure that the advice and recommendations of the advisory committee will not be inappropriately influenced by the appointing authority or by any special interest, but will instead be the result of the advisory committee’s independent judgment.” 5 U.S.C. § 1004(b)(3), (c).

30. Once established, an advisory committee must include and facilitate public comment and participation. To that end, FACAct requires advisory committee meetings to be transparent. Advisory committee meetings must be “open to the public.” “[T]imely notice of each meeting shall be published in the Federal Register,” and other types of public notice must be given, in accordance with regulations of the General Services Administration, “to insure that all interested persons are notified of each meeting in advance.” Interested persons must also “be permitted to attend, appear before, or file statements with any advisory committee.” *Id.* § 1009(a).

31. FACAct requires “the records, reports, transcripts, minutes, appendixes, working papers, drafts, studies, agenda, or other documents which were made available to or prepared for or by each advisory committee” to be made “available for public inspection,” and directs detailed minutes to be kept of committee meetings. *Id.* § 1009(b), (c). Meetings must be attended by a federal officer or employee designated for that purpose, and only such an officer or employee may call or approve the holding of an advisory committee meeting. *Id.* § 1009(e), (f). Transcripts of advisory committee meetings must be made available to the public. *Id.* § 1010(b).

32. By requiring advisory committees to adhere to these guidelines, Congress has ensured that such committees “possess a kind of political legitimacy as representative bodies.” *Ass’n of Am. Physicians and Surgeons, Inc. v. Clinton*, 997 F.2d 898, 914 (D.C. Cir. 1993). Committees thus “bestow [that] political legitimacy on [the] advice” that they provide to the federal government, which in turn “draws upon the committee’s political legitimacy” when it “endorses its advice and seeks to promote the policy course suggested by the committee.” *Id.*

33. Conversely, when advice is “produced unlawfully by a non-representative body” that has violated FACAct’s requirements, the committee’s political legitimacy is

undermined. *NAACP Legal Def. & Educ. Fund v. Barr*, 2020 WL 6392777, at *4 (D.D.C. Nov. 2, 2020). In such cases, courts often require “a conspicuous disclaimer on the Commission’s report” to “ensur[e] that everyone who views the report learns it was produced unlawfully.” *Id.*; *see also NRDC v. Abraham*, 223 F. Supp. 2d 162, 182-83 (D.D.C. 2002) (explaining that “disclaimer would give [plaintiff] ‘ammunition’ in the arena of public opinion”), *order set aside in part on other grounds sub nom. NRDC v. Dep’t of Energy*, 353 F.3d 40 (D.C. Cir. 2004).

II. The Administrative Procedure Act

34. The APA allows a person “suffering legal wrong because of agency action, or adversely aggrieved by agency action” to seek judicial review of that action. 5 U.S.C. §§ 702-704. Under the APA, a reviewing court may “compel agency action unlawfully withheld or reasonably delayed,” *id.* § 706(1), and “hold unlawful and set aside agency action, findings, and conclusions” that are “arbitrary, capricious, an abuse of discretion, or not otherwise in accordance with law,” *id.* § 706(2). Because FACA does not provide its own standard or scope of review, or a cause of action, claims that an agency has violated FACA are properly brought under the standards set forth in the APA. *See id.* § 701(a).

III. Mandamus Act

35. The Mandamus Act grants district courts original jurisdiction over any action in the nature of mandamus “to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff.” *Binder & Binder PC v. Barnhart*, 399 F.3d 128, 133 (2d Cir. 2005) (quoting 28 U.S.C. § 1361).

36. The Mandamus Act “is often” used as a “vehicle for FACA claims against an advisory committee,” as well as senior officials in the Executive Branch. *Am. First Legal Found. v. Cardona*, 630 F. Supp. 3d 170, 177 (D.D.C. 2022) (citing *NAACP Legal Def. & Educ. Fund v. Barr*, 496 F. Supp. 3d 116, 145 (D.D.C. 2020)); *Jud. Watch, Inc. v. Nat’l Energy Pol’y*

Dev. Grp., 219 F. Supp. 2d 20, 41-42 (D.D.C. 2002) (allowing FACA claims to be brought against advisory committee and Vice President under the Mandamus Act).

FACTUAL ALLEGATIONS

I. The History and Purpose of the Religious Liberty Commission

37. On May 1, 2025, President Trump issued an Executive Order to create the Religious Liberty Commission, an advisory committee focused on “defend[ing] religious liberty for all Americans” and “celebrat[ing] America’s peaceful religious pluralism.”⁴

38. The Executive Order assigns the Commission two tasks to this end: (1) to produce “a comprehensive report” on religious liberty and pluralism, and (2) to “advise the White House” on “religious liberty policies[.]”⁵

39. Both tasks are intended to further the “purpose and policy” established by the Executive Order “to vigorously enforce the historic and robust protections for religious liberty enshrined in Federal law.”⁶ As the Executive Order explains, the “Founders envisioned a nation in which religious voices and views are integral to a vibrant public square and human flourishing and in which religious peoples and institutions are free to practice their faith without fear of discrimination or hostility from the Government.”⁷ Against this background, the “Federal Government will promote citizens’ pride in our foundational history, identify emerging threats to religious liberty, uphold Federal laws that protect all citizens’ full participation in a pluralistic democracy, and protect the free exercise of religion.”⁸

⁴ Establishment of the Religious Liberty Commission, 90 Fed. Reg. 19,417 (May 7, 2025).

⁵ *Id.* at 19,418.

⁶ *Id.* at 19,417.

⁷ *Id.*

⁸ *Id.*

40. The Executive Order also identifies purported threats to religious liberty from various “Federal, State, and local policies.”⁹ Among other things, the Executive Order claims such policies “attempt to infringe upon longstanding conscience protections, prevent parents from sending their children to religious schools, threaten loss of funding or denial of non-profit tax status for faith-based entities, and single out religious groups and institutions for exclusion from governmental programs.”¹⁰

41. The Commission’s two tasks are designed to facilitate the Executive Order’s policy goals.

42. First, the Commission “shall produce a comprehensive report on the foundations of religious liberty in America, the impact of religious liberty on American society, current threats to domestic religious liberty, strategies to preserve and enhance religious liberty protections for future generations, and programs to increase awareness of and celebrate America’s peaceful religious pluralism.”¹¹

43. In so doing, the Commission is directed to consider certain “[s]pecific topics,” including:

- a. the First Amendment rights of pastors, religious leaders, houses of worship, faith-based institutions, and religious speakers;
- b. attacks across America on houses of worship of many religions;
- c. debanking of religious entities;
- d. the First Amendment rights of teachers, students, military chaplains, service members, employers, and employees;
- e. conscience protections in the health care field and concerning vaccine mandates;

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.* at 19,418.

- f. parents' authority to direct the care, upbringing, and education of their children, including the right to choose a religious education;
- g. permitting time for voluntary prayer and religious instruction at public schools;
- h. Government displays of religious imagery; and
- i. the right of all Americans to freely exercise their faith without fear or Government censorship or retaliation.¹²

44. The Commission's second task—"advis[ing] the White House Faith Office and the Domestic Policy Council on religious liberty policies"—includes "recommending steps to secure domestic religious liberty by executive or legislative actions as well as identifying opportunities for the White House Faith Office to partner with the Ambassador at Large for International Religious Freedom to further the cause of religious liberty around the world."¹³

45. To accomplish these tasks, the Executive Order provides that the Commission shall include 14 members from "various sectors of society, including the private sector, employers, educational institutions, religious communities, and States, to offer diverse perspectives on how the Federal Government can defend religious liberty for all Americans."¹⁴

46. The Commission is an advisory committee subject to FACAs requirements because it was "established . . . to obtain advice or recommendations for the President" and was "established . . . by the President." 5 U.S.C. § 1001(2)(A)(ii).

47. Recognizing that statute's requirements, the Executive Order provides that "any functions of the President under [FACA]," except for those in sections 1005 and 1013 of FACAs, "shall be performed by the Attorney General, in accordance with the guidelines and procedures established by [GSA]."¹⁵

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.* at 19,418-19.

¹⁵ *Id.* at 19,419.

48. Among the functions that the Executive Order tasks the Attorney General with performing is the duty to ensure that “the membership of the advisory committee [is] fairly balanced in terms of the points of view represented.” 5 U.S.C. § 1004(b)(2), (c), and the duty to disclose advisory committee materials in a manner that provides for meaningful public participation, *id.* § 1009. Attorney General Pamela Bondi has failed to perform these functions.

II. The Commission’s Membership Is Unlawfully Imbalanced.

49. As noted, FACA requires that advisory committees be (i) “fairly balanced in terms of the points of view represented and the functions to be performed by the [] committee” and (ii) “not be inappropriately influenced . . . by any special interest.” 5 U.S.C. § 1004(b)(2)-(3), (c).

50. The Commission’s membership is far from fairly balanced because it does not represent religious communities aside from Christianity and Judaism. In remarks made to the Commission, Defendant Trump has articulated a commitment to protect what he describes as “the Judeo-Christian principles of our founding.”¹⁶ The Commission’s imbalanced membership reflects a narrow conception of which religious principles, and whose rights, are worth protecting.

The Commission’s Membership

51. Specifically, the Commission is composed of the following individuals, all but one of whom publicly identify as Christian (or represent Christian perspectives) and one of whom is Jewish:

a. *Chair:* Dan Patrick, a Christian and current Texas Lieutenant Governor.¹⁷

¹⁶ Donald J. Trump, *Remarks to the White House Religious Liberty Commission* (Sept. 8, 2025), <https://www.presidency.ucsb.edu/documents/remarks-the-white-house-religious-liberty-commission>.

¹⁷ *Stand for Christ*, www.danpatrick.org (last visited Feb. 6, 2025) (“Dan Patrick is a Christian First, Conservative Second, and Republican third.”); *see also Commissioners and Advisory*

b. *Vice-Chair*: Dr. Ben Carson, a Christian and previous Secretary of Housing and Urban Development.¹⁸

c. *Members*:

- Ryan T. Anderson, a Christian and religious conservative commentator.¹⁹

- Bishop Robert Barron, the bishop of the Diocese of Winona-Rochester who runs a Catholic media nonprofit called Word on Fire Catholic Ministries.²⁰

- Carrie Prejean Boller, a Christian and former Miss California USA.²¹

- Cardinal Timothy Dolan, the former Archbishop of New York.²²

- Pastor Franklin Graham, a Christian clergyman and missionary.²³

- Allyson Ho, a lawyer who has regularly partnered with First Liberty Institute—a nonprofit Christian legal organization—to litigate Free Exercise cases on behalf of religious plaintiffs.²⁴

- Dr. Phil McGraw, a Christian and longtime host of the television show Dr. Phil.²⁵

Board Members, U.S. Dep’t of Just.,

<https://www.justice.gov/religious-liberty-commission/commissioners-and-advisory-board-members> (last visited Feb. 5, 2026).

¹⁸ Rachel Zoll, *Carson opens up about his membership in Seventh-day Adventist Church*, PBS NewsHour (Oct. 31, 2015),

<https://www.pbs.org/newshour/politics/carson-opens-membership-seventh-day-adventist-church>.

¹⁹ Franciscan University Welcomes Catholic Scholar, Ryan T. Anderson, PhD, as Visiting Fellow at the Veritas Center for Ethics in Public Life, Franciscan (Sept. 13, 2017), <https://franciscan.edu/franciscan-university-welcomes-catholic-scholar-ryan-t-anderson-phd-as-visiting-fellow-at-the-veritas-center-for-ethics-in-public-life/>.

²⁰ Bishop Robert Barron, Word on Fire,

https://www.wordonfire.org/about/bishop-robert-barron/?_gl=1*1u335qa*_up*MQ..*_gs*MQ..&gclid=CjwKCAjw_fnFBhB0EiwAH_MfZj8S4ICUGwXvRJliOMFXFWEv6Zp8M07LzfAWrhc4G80665tSh_hPXhoCuZgQAvD_BwE&gbraid=0AAAAACq1njwqI9ZxAiaqen5qHJxSLaMDT (last visited Feb. 5, 2026).

²¹ *Commissioners and Advisory Board Members*, U.S. Dep’t of Just.,

<https://www.justice.gov/religious-liberty-commission/commissioners-and-advisory-board-members> (last visited Feb. 5, 2026).

²² *Id.*

²³ *Id.*

²⁴ *Allyson Newton Ho Biography*, The Federalist Society, <https://fedsoc.org/bio/allyson-ho> (last visited Feb. 5, 2026).

²⁵ Leah MarieAnn Klett, *Dr. Phil tells Ed Young God wants him to speak out against ‘woke mob,’ talks church’s role in society*, The Christian Post (Apr. 30, 2024)

<https://www.christianpost.com/news/dr-phil-says-god-wants-him-to-speak-out-against-woke-mob.html>.

- Eric Metaxas, a Christian and radio talk show host.²⁶
- Kelly Shackelford, a Christian and current President and CEO of First Liberty Institute, a nonprofit Christian legal organization.²⁷
- Pastor Paula White, a Christian clergywoman and current Senior Advisor to the White House Faith Office.²⁸
- Rabbi Meir Soloveichik, an Orthodox Jewish Rabbi and writer.²⁹

b. *Ex Officio* Members:

- Pamela Bondi, a Christian, Chair of the Task Force to Eradicate Anti-Christian Bias in the federal government, and current Attorney General of the United States.

- Scott Turner, a member and former associate pastor of the Prestonwood Baptist Church and current Secretary of Housing and Urban Development.

- Vince Haley, a Christian and current Director of the Domestic Policy Council.³⁰

52. Of the Commission’s members, none are members of a religion that does not fit within Defendant Trump’s “Judeo-Christian” framework. For example, the Commission includes no adherents or representatives of Islam, Hinduism, or Sikhism, several of the most common religions in the United States behind Christianity and Judaism.³¹

53. In his address to the Commission, President Trump, who appointed the members, stated that he sought to “protect the Judeo-Christian principles of our founding” and

²⁶ Who is Eric Metaxas?, <https://ericmetaxas.com/about/> (last visited Feb. 5, 2026).

²⁷ Shackelford Biography, First Liberty Inst., <https://firstliberty.org/team/kelly-shackelford/> (last visited Feb. 5, 2026).

²⁸ Commissioners and Advisory Board Members, U.S. Dep’t of Just., <https://www.justice.gov/religious-liberty-commission/commissioners-and-advisory-board-members> (last visited Feb. 5, 2026).

²⁹ *Id.*

³⁰ Meredith McGraw & Natalie Andrews, *Vince Haley Is the Most Influential Trump Adviser You’ve Probably Never Heard Of*, Wall St. J. (Mar. 21, 2025), https://www.wsj.com/politics/elections/the-most-influential-trump-adviser-youve-probably-never-heard-of-85ac4a3a?st=sTJ93V&reflink=desktopwebshare_permalink.

³¹ Gregory A Smith et al., *Decline of Christianity in the U.S. Has Slowed, May Have Leveled Off*, Pew Research Center (Feb. 26, 2025) <https://www.pewresearch.org/religion/2025/02/26/decline-of-christianity-in-the-us-has-slowed-may-have-leveled-off/>.

“bring back religion in America . . . stronger than ever before.”³² This focus on the “Judeo-Christian” perspective is evident from the President’s choice of Commission members.

54. Moreover, the Commission’s membership is also imbalanced in its representation of views on the relationship between the government and religion, specifically the proper scope of both (1) religious freedom under the Free Exercise Clause and (2) the separation of church and state under the Establishment Clause. These issues are hotly debated with significant implications for federal policymaking, including with respect to balancing protections for the exercise of certain religious beliefs against protection for the sometimes conflicting rights and beliefs of others. For example, whether a government body may require compliance with non-discrimination requirements in order to participate fully in federal funding programs or whether a government may require display of the Ten Commandments in public schools. As currently composed, the Commission’s members represent only views on these issues in support of maximal protection for the exercise of Judeo-Christian religious beliefs without consideration for the rights and beliefs of others.

55. Specifically, each member of the Commission has expressed the view that the law should protect the exercise of religious beliefs over the civil rights of minority groups. For example, several Commission members have expressed the view that the United States is, and should be, a Christian nation and have argued that religious liberty should include the right to discriminate against members of the LGBTQ community in activities such as employment, business, and child rearing, because that is consistent with their religious beliefs.

56. Likewise, many members have advanced a correspondingly limited conception of the separation of church and state, arguing that religion, specifically what they

³² Donald J. Trump, *Remarks to the White House Religious Liberty Commission* (Sept. 8, 2025), <https://www.presidency.ucsb.edu/documents/remarks-the-white-house-religious-liberty-commission>.

would term “Judeo-Christian” values, should be promoted by the government. For example, at least one member has advocated for legislation requiring the Ten Commandments to be posted in public schools. Strikingly, some members have gone beyond promoting “Judeo-Christian” mores and have actively denounced other religions, such as Islam.

57. Two of the Commission’s members—Kelly Shackleford and Allyson Ho—are affiliated with the First Liberty Institute, an organization that has sought to overturn antidiscrimination and antiharassment laws on religious grounds, sought to ban books in schools that discuss LGBTQ topics on religious grounds, and has sought to sanction discrimination against LGBTQ people under the guise of religious liberty.³³

58. The remaining members of the Commission have likewise expressed social and policy positions that are grounded in the belief that the United States is a “Judeo-Christian” nation, with that conception of faith infusing public life. Below are examples from each member:

● **Lieutenant Governor of Texas Dan Patrick:** Mr. Patrick has defended Texas’ now-abrogated ban on same-sex marriage as constitutional³⁴ and has argued that “There is no separation of church and state. It was not in the constitution.”³⁵ He has also promoted legislation that aims to promote Judaism and Christianity in a manner that, under current legal doctrine, violates the Establishment Clause, including a law that would require the Ten Commandments to be posted in public school classrooms.³⁶ He has further claimed that the United States was “birthed by prayer,” was founded on the “Judeo-Christian ethic,” and is “a Christian nation.”³⁷

● **Pastor Franklin Graham:** Pastor Graham strongly promotes the inclusion of “Biblical Christian faith [in] the public square” and believes that “our nation” is “undergirded”

³³ See, e.g., *Archive of Current Cases*, First Liberty Inst., <https://firstliberty.org/cases-status/active/> (last visited Feb 5, 2026).

³⁴ Eli Okun & Terri Langford, *GOP Lawmakers Make Case for Upholding Same-Sex Marriage Ban*, Tex. Trib. (Aug. 6, 2014), <https://www.texastribune.org/2014/08/06/ag-office-files-brief-supporting-same-sex-marriage/>.

³⁵ Katharine Wilson, *Texas Lt. Gov. Dan Patrick to lead Trump’s commission on religious liberty*, Tex. Trib. (May 1, 2025), <https://www.texastribune.org/2025/05/01/dan-patrick-trump-religious-liberty-commission/>.

³⁶ *Id.*

³⁷ *Id.*

by “Judeo-Christian beliefs.”³⁸ Beyond promoting Judeo-Christian beliefs as governing America’s identity, he has long criticized Islam as “a very evil and wicked religion,”³⁹ stating that that “True Islam cannot be practiced in this country” because under U.S. laws “You can’t beat your wife. You cannot murder your children if you think they’ve committed adultery or something like that, which they do practice in these other countries.”⁴⁰ Pastor Graham has supported an amendment to North Carolina’s state constitution that would ban same-sex marriage⁴¹ and accused President Obama of “shak[ing] his fist at god” by supporting same-sex marriage.⁴² He has opposed the Equality Act on religious grounds, which would have recognized sexual orientation and gender identity as protected classes, arguing that such legislation would “force-[feed]” an “immoral, unnatural sexual agenda of the gay, lesbian and transgender movement . . . down the throats of the American public.”⁴³

• **Eric Metaxas:** Mr. Metaxas denies that the separation of church and state is a legitimate doctrine of the Establishment Clause, arguing just this year that “Of course, ‘separation of church and state’ is not in the Constitution.”⁴⁴ He thus opposes the idea that “religion should have no place in government” and that “the state needs to be protected from religion.”⁴⁵ He has argued that we the U.S. “can’t get a free and a just and a self-governing society” if politicians in “the democratic party . . . don’t believe in [the Judeo-Christian] God.”⁴⁶ Beyond advocating for the primacy of Christianity, he has denounced other religions. For

³⁸ Franklin Graham, *Franklin Graham: We stand on the Gospel*, Billy Graham Evangelistic Ass’n of Can. (Apr. 7, 2021),

<https://www.billygraham.ca/stories/franklin-graham-we-stand-on-the-gospel/>.

³⁹ *Evangelist’s views on Islam draw critics in Winnipeg*, CBC News (Oct. 22, 2006, 12:28 EDT), <https://web.archive.org/web/20151019214710/http://www.cbc.ca/news/canada/evangelist-s-views-on-islam-draw-critics-in-winnipeg-1.589396>.

⁴⁰ *Graham disinvented from prayer event over Islam comments*, CNN (Apr. 23, 2010), <https://www.cnn.com/2010/US/04/23/graham.islam.controversy/>.

⁴¹ Anugrah Kumar, *Franklin Graham Backs NC Marriage Amendment*, Christian Post (Apr. 29, 2012),

<https://www.christianpost.com/news/franklin-graham-backs-nc-marriage-amendment.html>.

⁴² Ariel Edwards-Levy, *Franklin Graham: Barack Obama Has ‘Shaken His Fist’ At God With Support For Same-Sex Marriage*, HuffPost (May 10, 2012),

https://www.huffpost.com/entry/franklin-graham-obama-gay-marriage_n_1506922.

⁴³ Franklin Graham, *Franklin Graham: We stand on the Gospel*, Billy Graham Evangelistic Association of Canada (Apr. 7, 2021),

<https://www.billygraham.ca/stories/franklin-graham-we-stand-on-the-gospel/>.

⁴⁴ Eric Metaxas (@ericmetaxas), Instagram (May 16, 2025),

https://www.instagram.com/reels/DJumpR_vonQ/; Eric Metaxas, Facebook (May 16, 2025), <https://www.facebook.com/eric.metaxas/videos/of-course-separation-of-church-and-state-is-not-in-the-constitution-religiouslib/1460248568483821/>.

⁴⁵ Eric Metaxas, *Religious Freedom* (Mar. 16, 2023),

<https://ericmetaxas.com/watch-read/blog/religious-freedom/>.

⁴⁶ *Metaxas claiming a free society can’t function when some politicians do not believe in Judeo-Christian God*, Media Matters for Am. (June 9, 2023),

<https://www.mediamatters.org/media/4007814>.

example, he posted on X just last year that “Islam is a death cult”⁴⁷ and that “[w]e cannot stand against Islam unless we give our lives to JESUS.”⁴⁸ With respect to social issues, he has claimed that “[t]he trans movement is a war on reality and on nature” and “on god.”⁴⁹

• **Rabbi Meir Soloveichik:** Rabbi Soloveichik has argued that the United States “is a religious nation whose very governmental institutions proclaim the existence of God” and that “a basic biblical conception of God and morality ought to be acknowledged by society.”⁵⁰ Rabbi Soloveichik argues for “government-affirmed faith” and that the government ought to recognize a Judeo-Christian god, noting that the “Jewish and Christian communities . . . worship the same god”⁵¹ and “share a distinctly biblical morality.”⁵² He has argued that those “biblical values belong in the public square,” and are “necessary for the moral welfare of society.”⁵³ On social issues, he opposes same-sex marriage on religious grounds, noting that the “notion is nonsensical.”⁵⁴ He has also provided congressional testimony and written op-eds opposing regulations that would require employers to provide insurance that covers contraception, arguing that such regulations would violate the religious liberty of employers.⁵⁵

• **Dr. Ryan T. Anderson:** Dr. Anderson opposes a “completely secular state,” and believes that “institutional separation of church and state does not entail a separation of politics and religion.”⁵⁶

• **Dr. Ben Carson:** Dr. Carson has a history of pushing back on the notion of separation of church state, claiming for example that church and state should “work together to

⁴⁷ Eric Metaxas (@ericmetaxas), X (Feb. 21, 2025), <https://x.com/ericmetaxas/status/1892872665230086619>.

⁴⁸ Eric Metaxas (@ericmetaxas), X (Dec. 14, 2025), <https://x.com/ericmetaxas/status/2000199954598387883>.

⁴⁹ *Metaxas calling trans movement a part of a “war on God”*, Media Matters for Am. (June 19, 2023), <https://www.mediamatters.org/media/4007827>.

⁵⁰ Meir Soloveichik, *A Nation Under God: Jews, Christians, and the American Public Square*, 62 The Torah u-Madda J. 83, 63 (2006), <https://www.yutorah.org/lectures/lecture.cfm/740050>.

⁵¹ *Id.* at 67.

⁵² *Id.* at 81.

⁵³ *Id.* at 73.

⁵⁴ *Id.* at 71.

⁵⁵ Rabbi Meir Soloveichik, *Testimony Before the H. Committee on Oversight and Gov’t Reform*, U.S. House of Representatives (Feb. 16, 2021)

https://oversight.house.gov/wp-content/uploads/2012/02/2-16-12_Full_HC_Mandate_Soloveichik.pdf; Donald Wuerl, Charles Colson & Meir Y. Soloveichik, *United We Stand for Religious Freedom*, Wall St. J. (Feb. 10, 2021), https://www.wsj.com/articles/SB10001424052970204136404577211601075404714?gaa_at=eafs&gaa_n=AWEtsqcP6Ijk3UCd8IAfEl67gPx54YTJjFo5GwHR8NL0YgdqbDSVqcpQ5o6qwrc5vw%3D&gaa_ts=6943175b&gaa_sig=BKSaoOZXardPzErNbeSK1hsJ-VSqoYz8LpRW-IBO8f9IcKQco1biFxVL6uixqbmBLwn9t5L2SWgcpwy-O6VKMw%3D%3D.

⁵⁶ Benedictine College, *Ryan Anderson: What is the Role of Religion in Politics?* (Sep. 18, 2024), <https://media.benedictine.edu/what-is-the-role-of-religion-in-politics>.

promote godly principles”⁵⁷ and that Americans should “not banish God from the public square.”⁵⁸

• **Bishop Robert Barron:** On separation of church and state, the Bishop has advocated for “expressions of religion in the public space and in civic life.”⁵⁹ He also opposes, on religious grounds, both gay marriage⁶⁰ and “gender ideology,” stating that changing one’s gender “is repugnant to the church’s view that gender is part of God’s good creation.”⁶¹ He has argued that a law intended to protect transgender rights effectively amounted to “religious discrimination.”⁶²

• **Pastor Paula White:** Pastor White has advocated that faith play a central role in government, proclaiming that in the Trump administration, faith “has been brought back to where it always belongs, and that is center.”⁶³ She has opposed, as an “attack upon faith [and] Christianity” federal rules that would require foster homes to provide safe and nurturing homes to LGBTQ youth, calling such rules “wickedness and darkness.”⁶⁴ She also opposes abortion on Biblical grounds and “celebrate[d] the Supreme Court’s decision to overturn Roe v. Wade,” saying that she had “prayed for this moment.”⁶⁵

⁵⁷ Elana Schor, *Secular groups decry Carson’s church and state comment*, Associated Press (Oct. 22, 2019), <https://apnews.com/general-news-6dc62d44b0e74ad4bd5528b3d962bbc8>.

⁵⁸ Ben Carson Blasts Separation of Church and State, Washington Times (Feb. 1, 2016), <https://www.washingtontimes.com/news/2016/feb/1/carson-blasts-separation-church-and-state-a-nounce/>.

⁵⁹ Bishop Barron defends taking faith into public space after criticism from ‘liberal’ media, Catholic Herald (June 25, 2025), <https://thecatholicherald.com/article/bishop-barron-defends-taking-faith-into-public-space-after-criticism-from-liberal-columnist>.

⁶⁰ Bishop Barron Says New Vatican Document Affirms Church’s Timeless Teaching on Marriage, United States Conference of Catholic Bishops (Dec. 21, 2023), <https://www.usccb.org/news/2023/bishop-barron-says-new-vatican-document-affirms-churhcs-timeless-teaching-marriage>.

⁶¹ Bishop Barron on Religious Freedom & Gender Ideology in Minnesota at 0:53, Minnesota Catholic Conference (May 6, 2024), https://www.youtube.com/watch?v=HDTG6M7H_-8.

⁶² *Id.* at 1:30-2:06.

⁶³ Peter Smith, *Trump energizes conservative Christians with religious policies and assaults on cultural targets*, PBS News (Aug. 7, 2025), <https://www.pbs.org/newshour/politics/trump-energizes-conservative-christians-with-religious-policies-and-assaults-on-cultural-targets>.

⁶⁴ Troy Matthews, *Trump Faith Advisor: Placing LGBTQ Foster Youth in Safe Homes is ‘Wickedness and Darkness’*, MTN News (June 21, 2024), <https://meidasnews.com/news/trump-faith-advisor-placing-lgbtq-foster-youth-in-safe-homes-is-wickedness-and-darkness>.

⁶⁵ Paula White Cain, *Statement from Paula White Cain: Supreme Court Overturns Roe v. Wade* (June 24, 2022), <https://paulawhite.org/statement-from-paula-white-supreme-court-overturns-roes-v-wade/>.

• **Carrie Prejean Boller:** During the Commission’s hearings, Ms. Prejean Boller advocated for a Christian state, arguing that “It is the duty to prefer Christians” as “rulers.”⁶⁶ She also opposes same-sex marriage on religious grounds, stating during a Miss USA pageant competition that marriage “should be between a man and a woman.”⁶⁷

• **Cardinal Timothy Dolan:** Cardinal Dolan has said that “any sexual expression outside of a man and woman in marriage is contrary to God’s purpose.”⁶⁸ He also opposes abortion on religious grounds, referring to it as “the destruction of the most helpless, the baby in the womb.”⁶⁹

• **Dr. Phil McGraw:** Dr. Phil opposes transgender rights, has said that he believes God wants him to speak out against the “woke mob”⁷⁰ and, during the Commission’s meetings, has said that he does not believe that America’s founders created a secular state.⁷¹

59. The Commission contains no members who represent the perspective of a non “Judeo-Christian” religious tradition. Nor does the Commission have any members who advocate for a robust conception of separation of church and state. And no member of the Commission advocates for a view of religious liberty that both respects the Free Exercise Clause and protects the civil rights of other groups, such as LGBTQ communities.

60. The Commission thus exclusively features the perspectives of individuals who espouse the view that America is a “Judeo-Christian” nation with limited, if any restrictions,

⁶⁶ Statement of Carrie Prejean Boller, *Religious Liberty Commission Hearing* at 4 (June 16, 2025), <https://www.justice.gov/religious-liberty-commission/media/1407716/dl?inline>.

⁶⁷ Christopher Goodwin, *Right-wingers take beauty queen to their hearts over anti-gay marriage stance*, *Guardian* (Apr. 25, 2009), <https://www.theguardian.com/world/2009/apr/25/california-beauty-queen-anti-gay-marriage>.

⁶⁸ *Dolan: Pope’s reported remarks to gay man, while ‘beautiful,’ could require clarification*, Catholic News Agency (May 22, 2018), <https://www.catholicnewsagency.com/news/38471/dolan-popes-reported-remarks-to-gay-man-while-beautiful-could-require-clarification-%C2%A0>.

⁶⁹ *Cardinal Dolan: Catholics more ‘hung up’ on abortion as Biden administration looms*, Catholic News Agency (Jan. 13, 2021), <https://www.catholicnewsagency.com/news/246074/cardinal-dolan-catholics-more-hung-up-on-a-abortion-as-biden-administration-looms>.

⁷⁰ Leah MarieAnn Klett, *Dr. Phil tells Ed Young God wants him to speak out against ‘woke mob,’ talks church’s role in society*, Christian Post (Apr. 30, 2024) <https://www.christianpost.com/news/dr-phil-says-god-wants-him-to-speak-out-against-woke-mob.html>.

⁷¹ Statement of Dr. Phil McGraw, *Religious Liberty Commission Hearing* at 6 (June 16, 2025), <https://www.justice.gov/religious-liberty-commission/media/1407716/dl?inline>.

on infusing their religious values into government. It excludes perspectives that emphasize the full diversity of American religious life, including those faith traditions that value equal dignity for all.

61. These shortcomings render the Commission’s membership imbalanced and unfit for the function it has been directed to perform.

The Commission’s Work

62. The Commission’s function is to “produce a comprehensive report on the foundations of religious liberty in America, the impact of religious liberty on American society, current threats to domestic religious liberty, strategies to preserve and enhance religious liberty protections for future generations, and programs to increase awareness of and celebrate America’s peaceful religious pluralism,” and to advise the White House on religious policy.⁷² Without a fair balance of religious viewpoints represented on the Commission, the Commission is ill-equipped to carry out its function of celebrating America’s peaceful religious pluralism.

63. Indeed, the Executive Order explicitly provides that the Commission “shall include . . . representatives of . . . religious communities . . . to offer *diverse* perspectives on how the Federal Government can defend religious liberty for *all* Americans.”⁷³

64. Specific topics to be considered by the Commission include “the First Amendment rights of pastors, religious leaders, houses of worship, faith-based institutions, and religious speakers; attacks across America on houses of worship of many religions; debanking of religious entities; the First Amendment rights of teachers, students, military chaplains, service members, employers, and employees; conscience protections in the health care field and concerning vaccine mandates; parents’ authority to direct the care, upbringing, and education of

⁷² Exec. Order No. 14291, 90 Fed. Reg. at 19418.

⁷³ *Id.* at 19418-19 (emphases added).

their children, including the right to choose a religious education; permitting time for voluntary prayer and religious instruction at public schools; Government displays with religious imagery; and the right of all Americans to freely exercise their faith without fear or Government censorship or retaliation.”⁷⁴

65. The Commission lacks the diversity of viewpoints to adequately consider, for example, the attacks on houses of worship of “many religions.” For example there have been dozens of attacks on mosques in recent years and one of the deadliest mass shootings at a house of worship in U.S. history took place at a Sikh temple.⁷⁵ Yet, despite the Commission’s mandate to consider attacks on houses of worship, the Commission lacks any members from the minority religious communities that have been the victims of these attacks.

66. Other faiths that were excluded from the Commission bring unique perspectives to other important public policy topics. For example, although the Commission has addressed the issue of prayer in schools many times, the Commission has never studied that issue from the perspective of a Muslim, Hindu, or Sikh student whose prayer needs differ from those of Christian students. Access to clergy in prison is a key religious liberty issue, yet the experiences of minority religions may differ. For example, in 2019, a Muslim death penalty inmate was denied a meeting with his imam but would have been allowed access to Christian chaplains.⁷⁶ And although the Commission is tasked with ensuring that all Americans can

⁷⁴ *Id.*

⁷⁵ *Nationwide Anti-Mosque Activity*, ACLU, <https://www.aclu.org/nationwide-anti-mosque-activity>; Rob Mentzer, *Wisconsin’s Sikh community a decade after fatal temple shooting*, NPR (July 28, 2022), <https://www.npr.org/2022/07/28/1114335390/wisconsins-sikh-community-a-decade-after-fatal-temple-shooting>.

⁷⁶ Matthew S. Schwartz, *Justices Let Alabama Execute Death Row Inmate Who Wanted Imam By His Side*, NPR (Feb. 8, 2019), <https://www.npr.org/2019/02/08/692605056/supreme-court-lets-alabama-execute-muslim-murderer-without-imam-by-his-side>.

practice their religion free from discrimination, it lacks the viewpoint of religious minorities like Sikhs, Muslims, and Hindus, who face some of the most pernicious discrimination. Plaintiffs are harmed by the exclusion of representatives from minority religious groups like theirs from the Commission.

67. The Commission lacks the representative perspective of an interfaith group, such as Plaintiff Interfaith Alliance, which could provide expertise on how multiple religious faiths can support each other and co-exist peacefully; how the Government can ensure that people of all religious backgrounds feel welcome and respected in public life; and why religion cannot be used to justify discrimination against minority groups.

68. Indeed, although the Executive Order officially tasks the Commission with protecting “religious liberty for *all* Americans” and “celebrating America’s peaceful religious pluralism,” Defendant Trump has issued several statements making clear that the Commission is—in actuality—concerned solely with what the Administration terms “Judeo Christian” issues.

69. To have a fair balance of viewpoints and competent deliberation, there must be representatives from more than just the “Judeo-Christian” viewpoint that the President has focused on protecting via the Commission.⁷⁷ With the Commission’s mandate to focus on protecting religious liberty for all Americans without fear of discrimination and celebrating religious pluralism, there is a need for representatives from interfaith groups who are experienced with peaceful cooperation of diverse religious communities and minority religions who face pernicious discrimination and care deeply about creating an America where freedom to worship, or not worship, is respected for all religious traditions.

The Commission’s Meetings Predominate with “Judeo-Christian” Perspectives

⁷⁷ Donald J. Trump, *Remarks to the White House Religious Liberty Commission* (Sept. 8, 2025), <https://www.presidency.ucsb.edu/documents/remarks-the-white-house-religious-liberty-commission>.

70. The Commission’s imbalanced focus on the “Judeo-Christian” perspective has become abundantly clear in the hearings held by the Commission to date. For example, the first three meetings of the Commission were held at the Museum of the Bible, an explicitly Christian institution.⁷⁸

71. During the first meeting, the Commission focused on the historical tradition of Christianity in the United States. Members of the Commission discussed how Christian faith shaped the nation’s understanding of “freedom, law and human dignity” and quoted a statement that the nation should “prefer Christians for [our] rulers.”⁷⁹

72. The Commission opened the September 8 meeting with a Christian prayer⁸⁰ and closed the September 29 hearing with a specifically Christian prayer “in Jesus’ name.”⁸¹

III. The Commission has Failed to Comply with FACA’s Public Notice, Transparency, and Recordkeeping Requirements.

73. The Commission held public meetings on June 16, 2025, September 8, 2025, September 29, 2025, and December 10, 2025.

74. Each of those meetings was publicly announced in the Federal Register. *See* Meeting of the Religious Liberty Commission, 90 Fed. Reg. 22514 (May 28, 2025); Meeting of the Religious Liberty Commission, 90 Fed. Reg. 35934 (July 30, 2025); Meeting of the Religious Liberty Commission, 91 Fed. Reg. 725 (Jan. 8, 2026).

⁷⁸ *See* Meeting of the Religious Liberty Commission, 90 Fed. Reg. 22514 (Jan. 8, 2026); Meeting of the Religious Liberty Commission, 90 Fed. Reg. 35934 (July 30, 2025); Meeting of the Religious Liberty Commission, 90 Fed. Reg. 41124 (Aug. 22, 2025). The Commission’s fourth meeting is also scheduled to take place at the Museum of the Bible. *See* Meeting of the Religious Liberty Commission, 91 Fed. Reg. 725 (Jan. 8, 2026).

⁷⁹ Statement of Carrie Prejean Boller, *Religious Liberty Commission Hearing*, at 4 (June 16, 2025), <https://www.justice.gov/religious-liberty-commission/media/1407716/dl?inline>; see also Statement of Mark David Hall, *Religious Liberty Commission Hearing*, at 34 (June 16, 2025), <https://www.justice.gov/religious-liberty-commission/media/1407716/dl?inline>.

⁸⁰ Dep’t of Just., *Second Hearing of the Religious Liberty Commission, Part 1*, at 5:30 (YouTube, Sept. 9, 2025) <https://www.youtube.com/watch?v=Dkk9wt9Tjw4>.

⁸¹ Dep’t of Just., *Third Hearing of the Religious Liberty Commission, Part 2*, at 2:01:04 (YouTube, Oct. 1, 2025) <https://www.youtube.com/watch?v=H4o2Q6PUKZs>.

Liberty Commission, 90 Fed. Reg. 41124 (Aug. 22, 2025); Meeting of the Religious Liberty Commission, 90 Fed. Reg. 53000 (Nov. 24, 2025).

75. FACA requires Defendants to make available, in advance of the public meetings where their content will be relevant, “the records, reports, transcripts, minutes, appendixes, working papers, drafts, studies, agenda, [and] other documents . . . made available to or prepared for or by” the Commission. 5 U.S.C. § 1009(b).

76. Defendants did not provide advance notice of witness lists or other documents made available to the Commission in advance of these meetings.

77. Defendants did not provide agendas for the meetings in advance.

78. Defendants have also not produced complete transcripts for the September 8, September 29, or December 10, 2025 meetings. Defendants also appear to have edited the videos for at least one meeting and posted incomplete video on their website.⁸²

79. None of the witness statements made to the Commission have been made publicly available in written form.

80. Detailed meeting minutes for the meetings have not been made publicly available.

⁸² Compare Press Release, Dept' of Just., *Religious Liberty Commission Hosts Fourth Hearing on Religious Liberty in the Military* (Dec. 11, 2025), <https://www.justice.gov/opa/pr/religious-liberty-commission-hosts-fourth-hearing-religious-liberty-military> (listing Capt. Sukhbir Singh Toor, USMC, Ret., as a witness), with Dept. of Just., *Fourth Hearing of the Religious Liberty Commission: Part 1* (Dec. 10, 2025), <https://www.justice.gov/opa/video/fourth-hearing-religious-liberty-commission-part-1>, and Dept. of Just., *Fourth Hearing of the Religious Liberty Commission: Part 2* (Dec. 10, 2025), <https://www.justice.gov/opa/video/fourth-hearing-religious-liberty-commission-part-2> (no video of witness Toor's testimony).

81. In the December 10 meeting, one witness, Chaplain Rabbi Colonel Dressin referenced packets that Commission members would receive.⁸³ To date, those packets of testimonies have not been made publicly available.

82. The lack of access to Commission records in advance of or even at the meetings, especially with respect to witness remarks, has made it more difficult for the interested public, including Plaintiffs, to prepare to attend and participate in the public meetings and to stay abreast of the Commission's work.

IV. The Commission's Composition and Operations Are Harmful to the Plaintiffs.

83. Because of the opaque process with which the Commission has operated and its failure to provide a balanced composition, the Commission is already causing Plaintiffs to suffer harm by impeding their missions and forcing them to divert resources in response. The Commission's lack of fair balance has also limited Plaintiffs' ability and right to have a representative voice on the Commission on an issue with which Plaintiffs are engaged. And, once completed, the Commission's report and recommendations will inflict further harm on Plaintiffs.

Plaintiffs Interfaith Alliance and Paul Raushenbush

84. Plaintiff Rev. Paul Brandeis Raushenbush, the President of Interfaith Alliance, requested to be appointed to the Commission so that the Commission would include a viewpoint from the interfaith community, and representing the perspective of an organization that advocates for religious pluralism of multiple minority religions. Plaintiff Raushenbush's request was constructively denied when he failed to receive a response to his request. Plaintiff Raushenbush is injured by the Commission's failure to fairly adjudicate his request for

⁸³ *Religious Liberty Commission Hearing*, at 9 (Dec. 10, 2025), <https://www.justice.gov/opa/media/1421006/dl?inline> (referencing "Testimonies in the packet you will receive").

membership on the Commission and his denial of the opportunity to serve as a representative voice on the Commission.

85. As a result, Plaintiff Raushenbush must increase his efforts to counteract the unfair bias of the Commission through advocacy and expend additional resources monitoring the Commission's work and endeavoring to obtain access to the Commission's materials. Since its inception in 1992, Interfaith Alliance has championed the cause of religious freedom and social justice. Interfaith Alliance is dedicated to the belief that religion should not be used to legitimize discrimination.

86. Key components of Plaintiff Interfaith Alliance's organizational mission include building a resilient, inclusive democracy which respects the inherent dignity of all people, affords each person the freedoms of belief and religious practice, and guarantees that all have the opportunity to thrive.

87. Interfaith Alliance believes in democracy, not theocracy, and works to counter the threat of authoritarian theocracy in American politics by advocating for healthy boundaries between religion and government. Interfaith Alliance works with religious leaders and people of faith to promote equal rights for all, and to ensure that all people have the right to practice their faith free from fear.

88. The ability of Interfaith Alliance to carry out its mission to promote a healthy boundary between religion and government, ensure that religion is not used to discriminate against others, and to guarantee to all, including minority religions, the opportunity to practice their faith free from fear, has been compromised by the Religious Liberty Commission's skewed and imbalanced Commission membership and failure to comply with transparency and recordkeeping requirements. In turn, Interfaith Alliance's ability to

meaningfully participate and advocate for policies consistent with their interests has been, and will continue to be, compromised by Defendants' noncompliance with FACA.

Plaintiff Muslims for Progressive Values

89. Plaintiff Muslims for Progressive Values is injured by the Commission's failure to include a fair balance of viewpoints and failure to comply with transparency requirements. Muslims for Progressive Values believes that freedom of conscience is integral to the Qur'anic view of humanity, and that secular government is essential to achieving the Islamic ideal of freedom from compulsion in matters of faith. To accomplish its mission, Muslims for Progressive Values participates in civil discourse, government advocacy, and public educational forums, and engages with the media and government entities on interests such as the freedom to worship, women's rights, LGBTQ rights, and the separation of church and state. Muslims for Progressive Values' advocacy takes place at the grassroots, national, and international levels. Muslims for Progressive Values also monitors ongoing issues that affect equal rights and human rights, as well as issues affecting vulnerable members of religious communities that impact their religious beliefs and liberty.

90. Consistent with its mission, Muslims for Progressive Values has a significant interest in the Commission's activities, including the Commission's work on the role of religion in government and the intersection between religious freedom and anti-discrimination protections. Muslims for Progressive Values is injured by the lack of diverse viewpoints on the Commission that fail to reflect the interests of minority religious groups. Muslims for Progressive Values' ability to meaningfully participate and advocate for policies consistent with their interests has been, and will continue to be, compromised by Defendants' noncompliance with FACA's records requirements. If the Commission were operated transparently and in

compliance with FACA, Muslims for Progressive Values would be better able to monitor its activities, attend its meetings, participate in those meetings to advance its interests to the extent possible, and educate its stakeholders on the Commission’s work.

Plaintiff Hindus for Human Rights

91. Plaintiff Hindus for Human Rights is injured by the Commission’s failure to include a fair balance of viewpoints and its failure to comply with transparency requirements. Hindus for Human Rights advocates for pluralism and civil and human rights rooted in the values of Hinduism. Hindus for Human Rights works with coalitions of partners to educate elected officials and the public about Hinduism and civil and human rights, including by engaging in government briefings, webinars, conferences, and media.

92. Consistent with Hindus for Human Rights’ mission to educate government on the diversity of Hindu traditions and the Hindu value of peace among all people, and to inform policies grounded in resisting all forms of bigotry and oppression, it has a significant interest in the Commission’s work. It is injured by the Commission’s lack of a fair balance of viewpoints and failure to meet FACA’s transparency requirements. If the Commission were operated transparently and in compliance with FACA, Hindus for Human Rights and its stakeholders would be better able to monitor the Commission’s activities, participate in those meetings to advance the Hindu values of equality, anti-bigotry, and peace among diverse groups of people, and educate its stakeholders on the Commission’s work.

Plaintiff Sikh American Legal Defense and Education Fund

93. The Sikh American Legal Defense and Education Fund (“SALDEF”) is the nation’s oldest Sikh organization focused on building leadership and capacity in the Sikh-American community. Its mission is to build dialogue, promote civic and political

participation, and uphold social justice and religious freedom for all Americans. It strives to achieve a United States where Sikh Americans are respected and recognized as a vibrant and integral part of the fabric of the nation, and are not discriminated against for their beliefs.

94. SALDEF provides legal referral services for issues including workplace and housing discrimination, protecting Sikh articles of faith, and public accommodation. It is also a leader in the effort to formulate and support legislation directly benefiting the Sikh community. It conducts cultural awareness training for government, law enforcement agencies, and private businesses. It also creates and distributes educational resources to inform media, schools, and government agencies about Sikhs.

95. Consistent with this long track record of advocating for religious freedom and freedom from discrimination, SALDEF has a significant interest in the Commission's activities. SALDEF has a significant interest in the Commission's work to eradicate religious discrimination and celebrate religious pluralism, and in its work towards creating an America where people of all faiths can practice their religion free from discrimination. It is injured by the Commission's lack of a fair balance of viewpoints and failure to comply with FACA's transparency requirements. If the Commission were operated transparently and in compliance with FACA, SALDEF would be better able to monitor its activities, attend its meetings, participate in those meetings to advance its interests to the extent possible, and educate its stakeholders on the Commission's work.

Additional Harms to All Plaintiffs

96. All Plaintiffs' harms are exacerbated because the Commission does not include a member who represents the interests of the interfaith community and the interests of a

diverse community including minority religions, like Interfaith Alliance’s President and CEO Paul Brandeis Raushenbush.

97. Upon issuance of the Commission’s report, which is intended to guide U.S. Policy, Plaintiffs will need to divert further resources to advocate for pluralistic democracy and fight back against extremists who would privilege those who hold a narrow set of Judeo-Christian beliefs above all other Americans, and who would permit those holding such beliefs to use faith as a grounds for discrimination against minority viewpoints. Plaintiffs will be forced to expend resources countering a report and recommendations that were produced without informed, representative viewpoints protecting the rights of minority religions from efforts to codify the religious beliefs of majority religions into law.

98. Plaintiffs will also need to divert resources to analyze and understand the impact of the Commission’s report and recommendations, including by analyzing how it will be used to justify discrimination against religious minorities and other minority communities as well as how it will be used to facilitate the encroachment of the Commission’s “Judeo-Christian” viewpoint into the government, eroding the separation between church and state.

99. Each of these injuries is caused by Defendants, who collectively exercise control over the Commission’s membership and, therefore, the Commission’s policy recommendations.

CLAIMS FOR RELIEF

Count One

Administrative Procedure Act, 5 U.S.C. § 706

Violation of FACA 5 U.S.C. § 1004(b)(2), (c) – Fairly Balanced Commission Free of Inappropriate Influence

Against Defendants Department of Justice and Bondi

100. Plaintiff realleges all paragraphs above as if fully set forth here.

101. The Commission is an advisory committee subject to the requirements of FACA.

102. FACA requires “the membership of the advisory committee to be fairly balanced in terms of the points of view represented and the functions to be performed by the advisory committee.” 5 U.S.C. § 1004(b)(2).

103. FACA, *id.* § 1004(c), requires that the “President, agency heads, or other Federal officials” “shall . . . follow[]” the applicable guidelines outlined in section 1004(b)(2), including the “require[ment] [that] the membership of the advisory committee [] be fairly balanced in terms of the points of view represented and the functions to be performed,” *id.* § 1004(b)(2).

104. FACA thus imposes a nondiscretionary duty to ensure that the membership of the Commission is fairly balanced in terms of the points of view represented.

105. The Executive Order establishing the Commission delegates to Defendant Bondi the duty to perform any functions of the President *except for* those in sections 1005 and 1013 of the Act, in accordance with the guidelines and procedures established by the Administrator of General Services.

106. Defendant Bondi has failed to require that the membership of the Commission is fairly balanced in terms of the points of view represented and the functions to be performed. The Executive Order establishing the Commission directs the Attorney General to carry out the functions of the President under FACA, including the obligation to ensure that the Commission reflects a fair balance of points of view. Defendant Bondi has failed to ensure that the Commission reflects a fair balance of viewpoints.

107. The Commission includes exclusively viewpoints falling within Defendant Trump's "Judeo-Christian" framework. Every member of the commission identifies as a Christian except for one member who identifies as Jewish. The Commission excludes all other viewpoints, including those of interfaith organizations and religious minorities falling outside Defendant Trump's "Judeo-Christian" umbrella.

108. The composition of the Commission thus lacks a fair balance of viewpoints in violation of FACA. 5 U.S.C. § 1004(b)(2).

109. By violating FACA, Defendant Bondi and Defendant DOJ are acting in a manner that is arbitrary, capricious, and contrary to law, in violation of the Administrative Procedure Act. 5 U.S.C. § 706(2)(A), (B), (D).

110. Defendants' violation of FACA and the APA have injured Plaintiffs by limiting Plaintiffs' ability and right to have a representative voice on the Commission on issues which the Commission is tasked with addressing and which are integral to Plaintiffs' interests.

111. Plaintiffs will further be injured by the issuance of the Commission's final report, which will fail to reflect the viewpoints of a fairly balanced membership on the Commission.

112. The injuries to Plaintiffs are likely to continue as long as Defendants continue to operate and direct the operation of the Commission out of compliance with FACA.

113. The decision to fail to ensure that the membership of the Commission complies with FACA's requirements constitutes final agency action under the APA. 5 U.S.C. § 706.

Count Two

Mandamus, 28 U.S.C. § 1361

Violation of FACA 5 U.S.C. § 1004(b)(2), (c) – Fairly Balanced Commission Free of Inappropriate Influence

Against Defendants Trump, Religious Liberty Commission, and Bush

114. Plaintiff realleges all paragraphs above as if fully set forth here.

115. The Commission is an advisory committee subject to the requirements of FACA.

116. FACA requires “the membership of the advisory committee to be fairly balanced in terms of the points of view represented and the functions to be performed by the advisory committee.” 5 U.S.C. § 1004(b)(2).

117. FACA, 5 U.S.C. § 1004(c), requires that the “President, agency head[s], or other Federal officials” “shall . . . follow[]” the applicable guidelines outlined in section 1004(b)(2), including the “require[ment] [that] the membership of the advisory committee [] be fairly balanced in terms of the points of view represented and the functions to be performed,” *id.* § 1004(b)(2).

118. FACA imposes a nondiscretionary duty to ensure that the membership of the Commission is fairly balanced in terms of the points of view represented.

119. Defendants have failed to select members of the Commission sufficient to ensure that its membership is fairly balanced in terms of the points of view represented and the functions to be performed.

120. The Commission includes exclusively viewpoints falling with Defendant Trump’s “Judeo-Christian” framework. Every member of the commission identifies as a Christian except for one member who identifies as Jewish. The Commission excludes all other

viewpoints, including those of interfaith organizations and religious minorities falling outside Defendant Trump's "Judeo-Christian" umbrella.

121. The composition of the Commission thus lacks a fair balance of viewpoints in violation of FACA. 5 U.S.C. § 1004(b)(2)

122. Defendants' violations of FACA have injured Plaintiffs by limiting Plaintiffs' ability and right to have a representative voice on the Commission on issues which the Commission is tasked with addressing and which are integral to Plaintiffs' interests.

123. Plaintiffs will further be injured by the issuance of the Commission's final report, which will fail to reflect the viewpoints of a fairly balanced membership on the Commission.

124. These injuries to Plaintiffs are likely to continue as long as Defendants continue to operate and direct the operation of the Commission out of compliance with FACA.

Count Three
Administrative Procedure Act, 5 U.S.C. § 706
Violation of FACA 5 U.S.C. § 1009(b) – Failure to Disclose Advisory Committee Materials
In a Manner That Provides for Meaningful Public Participation
Against Defendants Department of Justice and Bondi

125. Plaintiff realleges all paragraphs above as if fully set forth here.

126. The Commission is an advisory committee subject to the requirements of FACA.

127. FACA requires that Defendants be transparent when conducting advisory committee business. Yet, the Commission has unlawfully failed to comply with the lawful disclosure of Commission materials in a timely manner.

128. Specifically, Defendants have failed to make available to the public the "[r]ecords, reports, transcripts, minutes, appendixes, working papers, drafts, studies, agenda,

[and] other documents . . . made available to or prepared for or by" the Commission. 5 U.S.C. § 1009(b).

129. Moreover, Defendants have failed to make these Commission materials available sufficiently far in advance of the public meetings, such that members of the public, including Plaintiffs, could meaningfully prepare themselves to follow the Commission's work at those meetings, and to ask questions and deliver statements relevant to the topics being addressed. 5 U.S.C. § 1009(b).

130. These failures of Defendants Bondi, Department of Justice, and Mary Margaret Bush, described above, are arbitrary and capricious, an abuse of discretion, not in accordance with law, and in excess of statutory authority, and/or constitute agency action unlawfully withheld. 5 U.S.C. § 706(1), (2).

Count Four

Mandamus, 28 U.S.C. § 1361

Violation of FACA, 5 U.S.C. § 1009(b) – Failure to Disclose Advisory Committee Materials In a Manner That Provides for Meaningful Public Participation Against Defendants Trump, Religious Liberty Commission, and Bush

131. Plaintiff realleges all paragraphs above as if fully set forth here.

132. The Commission is an advisory committee subject to the requirements of FACA.

133. FACA requires that Defendants be transparent when conducting advisory committee business. Yet, the Commission has unlawfully failed to comply with the lawful disclosure of Commission materials in a timely manner.

134. Specifically, Defendants have failed to make available to the public the "[r]ecords, reports, transcripts, minutes, appendixes, working papers, drafts, studies, agenda,

[and] other documents . . . made available to or prepared for or by" the Commission. 5 U.S.C. § 1009(b).

135. Moreover, Defendants have failed to make these Commission materials available sufficiently far in advance of the public meetings, such that members of the public, including Plaintiffs, could meaningfully prepare themselves to follow the Commission's work at those meetings, and to ask questions and deliver statements relevant to the topics being addressed. 5 U.S.C. § 1009(b).

PRAYER FOR RELIEF

Plaintiffs request that the Court enter the following relief:

- a. Declare that Defendants' creation and administration of the Commission violates FACA by failing to ensure that the Commission's membership is fairly balanced;
- b. Order Defendants to employ good faith efforts to appoint a properly qualified representative from the excluded viewpoints;
- c. Declare that the Defendants DOJ and Bondi's administration of the Commission is arbitrary and capricious and contrary to law;
- d. Declare that the Commission is not properly constituted and any report or recommendation does not reflect the views of a lawfully constituted advisory committee;
- e. Enjoin Defendants to attach to any reports or recommendations produced by the Commission a disclaimer stating that the report was produced in violation of FACA's requirement that the Commission's membership be fairly balanced in terms of the points of view represented;

- f. Order Defendants to immediately release all materials prepared for the Commission and to provide a *Vaughn* index for such material and those withheld from production for any reason;
- g. Award Plaintiffs their costs and reasonable attorney's fees;
- h. Grant such other relief as the Court deems necessary, just, and proper.

Dated: February 9, 2026

Respectfully submitted,

/s/ Anna L. Deffebach

Anna L. Deffebach+
Ayesha Khan+
Robin Thurston+
Skye L. Perryman+
Democracy Forward Foundation
P.O. Box 34553
Washington, D.C. 20043
Tel: (202) 448-9090
Fax: (202) 796-4426
adeffebach@democracyforward.org

+ *Application for pro hac vice forthcoming.*

Jenny Samuels*
Americans United for Separation of Church and
State
1310 L Street NW, Suite 200
Washington, D.C. 20005
Tel: (202) 466-7308
samuels@au.org

**Admission to the Southern District of New York
pending in-person admission ceremony.*

CERTIFICATE OF SERVICE

On February 9, 2026, I caused the foregoing to be served by certified mail on Defendants, the Attorney General, and the U.S. Attorney's Office for the Southern District of New York at the below addresses

Donald Trump
1600 Pennsylvania Ave, N.W.
Washington, DC 20250

Religious Liberty Commission and
Designated Federal Officer Mary
Margaret Bush
950 Pennsylvania Avenue, NW
Washington, DC 20530

Department of Justice and Attorney
General Pam Bondi
950 Pennsylvania Avenue, NW,
Washington, DC 20530

United States Attorney's Office
Southern District of New York
86 Chambers Street, 3rd Floor
New York, NY 10007

/s/ Anna L. Deffebach

Anna L. Deffebach