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A Blueprint for Reclaiming Religious Liberty Post-*Hobby Lobby*

By Donna Barry, Sandhya Bathija, Laura E. Durso, Joshua Field, Carmel Martin, and Sally Steenland

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Introduction and summary

Religious liberty is woven into the very fabric of our nation. It defines the boundaries of our government and serves as a measuring stick for freedom. We are a nation of diverse religious beliefs and of no religious belief. From our nation's earliest days, our Constitution has ensured both the freedom to worship and believe according to one's conscience, as well as freedom from the government imposing religion upon its people or coercing them to follow beliefs that are not their own. This is the very essence of religious liberty.

However, instead of being a shield to protect both religious institutions and individuals' right to worship and believe according to their consciences, the principle of religious liberty is being used as a sword by a range of conservative groups currently engaged in an organized effort to discriminate and impose their doctrinal views on a pluralistic nation.

The U.S. Supreme Court's opinion in *Burwell v. Hobby Lobby Stores, Inc.* and *Conestoga Wood Specialties Corp. v. Burwell* illustrates a product of that effort. In what has simply become known as *Hobby Lobby,* two for-profit companies—the giant craft chain Hobby Lobby and the furniture-maker Conestoga—were fighting for their right to withhold insurance coverage for certain forms of contraception based on religious grounds. The Court's 5-4 ruling provides clear evidence of how the conservative Roberts Court has misinterpreted the free exercise of religion to the point of absurdity by allowing the religious beliefs of the owners of for-profit, secular corporations to be used as justification to deny their employees the contraceptive-health coverage that they are entitled to under federal law.

With *Hobby Lobby*, the Court has imposed the religious beliefs of a few on the many, burdening thousands of employees and creating legal precedence that turns the notion of secular society on its head.

American jurisprudence is rooted a theory of religious liberty—in which the freedom to exercise one's religious beliefs is a fundamental right, but one that is limited when that exercise imposes costs or burdens on others.[1] As the Supreme Court said in *Estate of Thornton v. Caldor*, "The First Amendment … gives no one the right to insist that in pursuit of their own interests others must conform their conduct to his own religious necessities."[2]

The Court's *Hobby Lobby* decision has drastically distorted religious liberty protections as we as a nation have known them. It is time to re-establish religious liberty protections to what they have been throughout our nation's history—a strong shield that protects individuals' right to believe according to their consciences, but a right that is limited from becoming a sword used to impose those beliefs as costs and burdens on others.

This report will examine our pluralistic nation, the roots and recent history of our religious liberty jurisprudence, and where America must go post-*Hobby Lobby*.

Religious liberty: The American experience

Our country was founded on the ideal of religious liberty. Since our earliest days, we have worked to make that ideal a reality. The journey has been uneven, but we can claim significant progress from a time when discrimination against minority religions, including Catholicism and Judaism, was prevalent. To be sure, religious discrimination and bigotry still exist. But we can rightfully be proud of narrowing the gap between ideal and reality—and achieving a society that is more tolerant and respectful toward religious diversity.

Once a vastly majority-Protestant nation,[3] America today claims no majority religion: Protestants constitute 41 percent of the population; Catholics, 24 percent; nonaffiliated, 15 percent; nonspecific Christian, 9 percent; Jews and Mormons, less than 2 percent each; and Muslims, Buddhists, Hindus, Jehovah's Witnesses, and other religions collectively make up 5 percent of the population.

The U.S. Constitution and Bill of Rights translated the ideal of religious liberty into foundational legal principles. The First Amendment guarantees freedom to worship and practice one's religious beliefs, as well as freedom from being coerced into following beliefs that are not one's own.[4] Our founders made it clear that all citizens—whether religious or not—deserve equal treatment under the law.[5]

The fact that we have no official national religion has allowed a diversity of religions to flourish. As our nation has grown increasingly diverse, the principles of religious pluralism have helped guide the participation of these voices within the democratic process. Religious pluralism encourages respect for diverse faith traditions, valuing one's own religious or nonreligious identity, encouraging positive relationships among faith communities, and collaborating on efforts for the common good.

When it comes to religious liberty, the United States is in many ways a beacon of hope for other nations that are struggling for religious tolerance. Our immigrant history and vibrant ethnic, racial, and religious diversity have proven to be an asset in a global world where people of different faiths and ethnicities are increasingly living and working side by side.

Religion as a driving force for progress

Religion today is often portrayed in public debates as a conservative force that is opposed to scientific inquiry, critical thinking,[6] and a range of justice issues, including lesbian, gay, bisexual, and transgender, or LGBT, equality[7] and women's reproductive health and rights.[8] This portrayal is not entirely wrong. For more than three decades, conservative religious forces, supported by right-wing money and clout,[9] have been built formidable opposition to many manifestations of social change.

But religion in the United States has always been more than a judgmental, oppositional force. Religion as a prophetic voice for social justice has a long and proud history that goes back hundreds of years and continues today.[10] The progressive faith movement is comprised of diverse traditions and has been a source of inspiration and strategic power for virtually every social justice victory in our nation's history.[11]

In the 1800s, for instance, faith leaders were integral to the abolitionist movement, preaching that slavery was inherently sinful, as "a gross violation of the most precious and sacred rights of nature" and "utterly inconsistent with the law of God."[12] In addition to preaching against slavery, faith communities supported the Underground Railroad and provided popular support to anti-slavery efforts.[13]

A century later, a Baptist preacher led the civil rights movement. Rev. Dr. Martin Luther King Jr.'s faith inspired the movement's practice of nonviolence—and its persistent dedication to justice and reconciliation.[14] The civil rights movement was unabashedly religious at its core, with black churches serving not only as organizing centers, but also as sources of moral inspiration and inclusive belonging.[15]

Concern for the poor has always been a central issue for people of faith. Journalist and social activist Dorothy Day founded Catholic Worker houses during the Great Depression to work for social justice and live in solidarity with the poor.[16] One of the five pillars of Islam is charity toward those in need. Judaism teaches care for the widow and orphan and forgiveness of debt, connecting charity with justice. Today, the Circle of Protection is a Christian network created to resist budget cuts that would "undermine the lives, dignity, and rights of poor and vulnerable people."[17]

Immigration reform is yet another justice issue with significant religious leadership and participation. The involvement of faith communities includes the sanctuary movement of the 1980s in which hundreds of churches across the country served as sanctuaries for refugees fleeing political turmoil in Central America's totalitarian regimes.[18] More recently, diverse faith communities—including evangelicals, Catholics, mainline Protestants, Jews, and others—have organized to pass comprehensive immigration reform as a basic issue of biblical justice and compassion.[19]

Religious support for LGBT equality has grown measurably over the past several years and includes organized faith advocacy in virtually every religious tradition.[20] Furthermore, religious support for women's reproductive health and rights is becoming stronger and more visible, partly in response to right-wing attacks that claim a monopoly on morality and values.[21]

Whether the issue is poverty,[22] climate change,[23] economic justice,[24] campaigns against torture,[25] or other civil and human rights issues, religion in the past and today has proven itself to be a force for inspiration, justice, compassion, and the common good.

Religion as a political pawn

While religious leaders and organizations have played important roles in the progress our nation has made, religion has also been used as a pawn to achieve political victory on issues that are not directly tied to religion.

Conservatives have manipulated the idea of "religious freedom" for political gain for decades. The late conservative political activist Paul Weyrich, often considered the founding father of the modern conservative movement, first utilized religious freedom as a conservative talking point in the mid- to late 1970s. At the time, Republican political strategists were looking to find a way to convince

Southern white Protestants—a large voting bloc—to leave the Democratic Party and vote for a Republican presidential candidate.[26] Weyrich and conservative strategists achieved this shift in 1980, using religious freedom as a wedge issue to help the Republican candidate, former California Gov. Ronald Reagan, defeat sitting President Jimmy Carter and unseat several incumbent progressive senators, including Sen. Frank Church (D-ID), Sen. George McGovern (D-SD), and Sen. Birch Bayh (D-IN).[27]

The strategy of siphoning off Southern whites from the Democratic Party first worked on the issue of segregation. Conservative evangelical leaders were opposed to interracial marriage, citing the Bible and continental borders as evidence that "God saw fit to segregate and separate the different races by placing each in different lands."[28] According to segregationists, "race mixing would lead to interracial marriage and interracial sex, contravening God's plan."[29] For this reason—staying true to "God's plan"—many religious-based schools refused to integrate their student bodies.

But beginning in 1970, the Internal Revenue Service, or IRS, began stripping tax-exempt status from schools that refused to integrate.[30] Weyrich saw this as an opening and a chance to shift the debate as a way to win over evangelicals. Instead of simply making the argument about opposing integration, conservatives started to reframe the issue in religious freedom terms: The government cannot violate sincerely held religious freedom beliefs and force evangelicals to admit African American students.[31] That very argument was used in the landmark 1983 U.S. Supreme Court case *Bob Jones University v. United States*. The university—which at first did not admit African Americans and, once it did, had a policy banning interracial relationships—lost in an 8-1 decision.[32]

While evangelicals lost in the Court, the Republicans won at the polls. Moreover, one opinion poll credits evangelicals for the change in the GOP's electoral fortunes, finding, for example, that then-President Jimmy Carter would have beaten his Republican opponent former Gov. Ronald Reagan in the popular vote by a margin of 1 percent had it not been for evangelicals showing up at the polls to vote Reagan into office.[33] Staking its claim as the protector of religious freedom has served the conservative movement well, including the advancement of pro-corporate and limited-government interests beginning with the election of President Reagan.[34]

Little has changed today, as exemplified by the *Hobby Lobby* case. For most conservatives, the case is about achieving secular political goals: limiting federal government; chipping away at the Affordable Care Act; and expanding corporate rights. But for conservative evangelicals, the case is about a right of conscience and religious freedom—a much more sympathetic and persuasive notion that sells well with everyday Americans. That is why religious freedom became central to the case, making it clear once again that conservatives use the idea of religious freedom simply as a pawn to advance a larger conservative agenda and impose the costs of that agenda on the American people.[35]

American history, however, is steeped in the notion that while the freedom to participate in the religion of one's choosing must be robust, it is limited when that religious freedom is foisted upon and burdens others.

Legal progression of religious liberty

Similar to how our nation's religious profile has changed over the years and how religion has been used both as an agent of change and justification for imposing religious views on others, the legal history of our religious liberty protections tells an interesting story. With *Hobby Lobby*, the United States has entered a strange new era in which the notion of religious liberty has been expanded so broadly that now secular, for-profit corporations can claim its protections.

Before *Hobby Lobby*, however, who could claim religious liberty protections and how far those protections could go was overwhelmingly limited to individuals and religious institutions so long as the religious exercise did not burden others.

Religion in the time of our founders

One can easily identify the strong role that religion has played in society, politics, and national identity throughout modern human history. Escaping religious persecution was a driving force for some of the earliest European settlers in America.[36] While the American Revolution served as a colonial stand against the British monarchy, it also was fueled by a desire to escape the imposition of England's nationalized religious demands.[37]

Because of this, it is not surprising that religion was also a central consideration when our founders drafted our Constitution, the same document that defines the role that religion plays in our current society. Then, like now, the debates centered about how to balance two important concerns: ensuring that the government cannot impose a particular religion on its citizens, while also ensuring that religious individuals have the right to freely effectuate their religious beliefs. These concerns came to be known as the establishment and free exercise clauses of the First Amendment, respectively.

Consistent throughout the debates on both sides of the issue was an important legal philosophy: the assurance that religion could not be used to impose burdens on others.

In shaping their debates, the framers of the Constitution were cognizant of how religion can be used as a tool to oppress individuals and how the benefits of living in a society—such as employment, guardianship, and physical freedom—could be taken away if an individual's religion were at odds with the dominant religion of the time.[38]

Thomas Paine considered religious liberty to be a "natural right," one of those freedoms that "appertain to man in right of his existence."[39] Paine believed that these natural rights should receive special prominence because they provided the individual with comfort and happiness but also "were not injurious to the natural rights of others."[40]

Thomas Jefferson felt that the government should not disrupt the free expression of religion, so long as it did not impose harms on others[41] nor be used as a means to increase an individual's status in civil society.[42] James Madison believed that the protections of an individual's religious liberty should be of equal strength to the protection of other personal rights and liberties and that those with no religion deserve the same rights as believers.[43] Madison's proposal for a constitutional amendment ensured that "the civil rights of none shall be abridged on account of religious belief or worship."[44]

This philosophy—that the freedom to exercise one's religious beliefs is a fundamental right but is limited when that exercise imposes costs or burdens on others—would later be reflected in First Amendment case law over the decades.

Contemporary free exercise law

Contemporary religious jurisprudence has focused on free exercise claims and whether governmental action went too far and limited individuals' ability to exercise their religious beliefs. In 1963, the Supreme Court established the Sherbert test, used to determine if the government violated an individual's free exercise rights, in its ruling on *Sherbert v. Verner*.[45] The Sherbert test required that to restrict an individual's exercise of religion, the government's action must further a compelling governmental interest pursued in the least restrictive, or least burdensome, manner to religion—indeed, a very strong standard.[46]

Even when using the Sherbert test, however, the Court found limits to the free exercise of religion. For example, the Court held that the government had the right to collect taxes on an Amish employer who felt that the imposition of Social Security taxes violated his religions beliefs.[47] The Court also limited the free exercise of religion when accommodations to that religion would impose burdens on third parties, writing that the "First Amendment … gives no one the right to insist that, in pursuit of their own interests, others must conform their conduct to his own religious necessities."[48] The Court created a rare exception to this "no burden" rule when it carved out a narrow "ministerial exception" that allows religious institutions to make hiring decisions based on their religious beliefs.[49]

In 1990, the Court chipped away at the tough standard to which it had held government when it applied a rationality standard to a state's denial of unemployment benefits to a worker fired for using illegal drugs for religious purposes. In a decision authored by Justice Antonin Scalia, the Court ruled in *Employment Division v. Smith* that a individuals' religious beliefs cannot prevent them from abiding by laws that are neutral and not aimed at restricting religious freedom.[50]

Many religious-related organizations were concerned that *Smith* would hurt the rights of individuals who belong to minority religions.[51] These fears led to a bipartisan effort to enact the Religious Freedom Restoration Act, or RFRA, which codified the strict scrutiny Sherbert test in federal challenges of religious exercise.

The Religious Freedom Restoration Act

After the 1990 *Employment Board v. Smith* Supreme Court ruling made it harder for religious individuals to receive exemptions from government action and generally applicable laws that burden the free exercise of religion, a bipartisan group of members of Congress began working to craft legislation that would restore religious liberty protections to pre-*Smith* levels.[52]

This legislation became the Religious Freedom Restoration Act, which passed both houses by overwhelming margins and was signed into law by President Bill Clinton in 1993. As had been the precedent prior to 1990, however, this important religious liberty standard was intended to protect those who deserve to freely exercise their religious beliefs: individuals and religious nonprofit organizations, not corporations.[53]

If Congress had intended to cover for-profit entities—such as corporations—under RFRA, language identifying the corporate beneficiary would have been intentionally included in the act. Indeed, the word "corporations" was included in some of the earliest versions of RFRA but was purposefully removed and not included in the final version that became law.[54]

RFRA states that the government may substantially burden a person's exercise of religion only if it furthers a compelling governmental interest and is the least restrictive means of furthering that interest.[55] Thus, people can use RFRA as a tool to avoid the imposition of any federal law if they meet the standards set out in the statute.

Because RFRA does not apply to state governmental action,[56] 17 states have adopted RFRA-like legislation of their own.[57] Some states are going even further and considering legislation that provides religious exemptions that would allow businesses and individuals the ability to discriminate and deny services to members of the LGBT community.[58]

Since the passage of RFRA, many have tested how far its scope reaches. With the Court extending its protections to secular, for-profit corporations in *Hobby Lobby*, the reach of the statute's exemptions is incredibly expansive. This ruling has the potential to dramatically transform religious liberty from a fundamental value that protects genuine religious beliefs into a loophole that can be used to discriminate, dictate women's health choices, evade federal protections, and promote unfair advantages in the corporate world.

Where we are now: *Hobby Lobby's* dramatic application of religious liberty

In its *Hobby Lobby* decision this week, the Court ruled that closely-held corporations are entitled to RFRA's religious liberty protections that provide exemptions from federal law.[59] On top of dramatically expanding *who* can claim religious liberty protections, the Court ruled that the Affordable Care Act's mandate that employers provide health care with cost-free contraception coverage substantially burdened the exercise of religion and that the government did not show that the mandate is the least restrictive means of furthering its interest.[60] Because of this, Hobby Lobby Stores, Inc. is exempt from following the Affordable Care Act's contraception mandate.

The *Hobby Lobby* decision has far-reaching implications. By granting religious liberty protections to for-profit corporations, the Court has increased the number powerful entities that can use religious liberty claims to justify avoiding the laws they do not like and empowered employers to impose their religious beliefs on others. While this case dealt directly with the denial of one federal benefit—the contraceptive coverage guaranteed by the Affordable Care Act—its ruling will surely open the door to claims of religious liberty as justification to undermine laws that protect a host of rights and, in so doing, impose different costs on others.

Thousands of women who work for Hobby Lobby have now been denied access to important methods of quality contraception without additional payments as part of their health insurance—despite the fact that reproductive care is crucial to the health of women and families.

Beyond affecting women's health, the Court's ruling may serve as a slippery slope that will go even farther down a road that dramatically transforms religious liberty from a fundamental value into a loophole that can be used to discriminate, dictate women's health choices, evade federal protections, and promote unfair advantages in the corporate world.[61]

Although the Court attempted to distance itself in dicta from how future corporate litigants will abuse the logic in *Hobby Lobby* to avoid laws that are at odds with their religion,[62] it is inevitable that similar suits will arise. Just as thousands of individual Hobby Lobby employees have been instantly affected by this ruling, this decision has the potential to:

- **Empower corporate leadership to make determinations about their employees' health care decisions beyond contraception.** Jehovah's Witnesses do not believe in blood transfusions; Christian Scientists eschew modern medicine entirely; Scientologists are opposed to psychiatry and associated drugs; some evangelical Christians are opposed to the human papilloma virus, or HPV, vaccine; and certain fundamentalist factions of Christianity, Judaism, and Islam are opposed to the use of all vaccinations.[63] Many religions believe that homosexuality is a sin.[64] Secular corporations that claim these religious beliefs could use the *Hobby Lobby* decision to argue that they are exempt from covering their employees for these medical procedures or treatment of those whose family life or health needs diverge from their employers' religious convictions.

- **Serve as a blueprint for codifying discrimination into law.** Although Arizona Gov. Jan Brewer (R) vetoed legislation passed by state lawmakers that would have enabled business owners to discriminate against the LGBT community, this decision by the Court can be used in a similar way to the law that caused such controversy in Arizona.[65] Business owners can use *Hobby Lobby*'s logic to avoid public accommodation laws and deny services to those who they believe are at odds with their religion.[66]

- **Enable corporations to evade federal law.** Because RFRA—the statute at issue in *Hobby Lobby*—applies to federal law and federal government operations, a corporation could argue that its religious beliefs enable it to refuse to comply with many federal laws. Corporations can now argue that they can discriminate in housing decisions protected by the Fair Housing Act,[67] hiring practices protected by Title VII of the Civil Rights Act,[68] or the Pregnancy Discrimination Act.[69] Similar to how some religious organizations currently offer pension plans exempt from federal protections,[70] corporations could also argue that they do not have to follow pension-plan protections required by federal law.

The implications of the *Hobby Lobby* decision are broad and so are the potential burdens that corporations can now foist upon employees and the general public by claiming that their religion allows them to do so. Because of this very real potential, Americans must consider how to re-establish the definition of religious liberty that our founders intended and informed established law prior to the *Hobby Lobby* decision. The golden rule that the freedom to exercise one's religious beliefs is a fundamental right, but one that is limited when that exercise imposes costs or burdens on others, must once again find purchase in American jurisprudence.

How to restore traditional religious liberty protections

Before *Hobby Lobby*, the right to the free exercise of religion was never a right that secular businesses claimed to possess, and the law never allowed businesses to foist its owner's religious views on its employees or customers. With this decision, however, the conservative Roberts Court has changed everything and turned religious liberty from a shield intended to protect individuals and religious organizations to a potentially dangerous sword that can be used to discriminate against those whose views or lifestyles are at odds with the religious views of business owners and for-profit corporate entities.

Efforts must be taken to return the notion of American religious liberty so that it is once again in line with the strong protections that our founders envisioned, that Congress respected, and the majority of Americans had come to know and cherish, instead of the absurdity it has now reached. We as a nation need to ensure that while religious liberty must be strong enough to provide individuals with needed protection to exercise their beliefs, it must be reined in to be consistent with previously existing law in order to ensure that religion can never be used to burden or impose beliefs on others.

Federal lawmakers should consider adding language to RFRA that brings it to the level that Congress intended—providing strong religious liberty protections for those who deserve it, but ensuring that the provided exemptions do not burden others. In states with existing RFRA-like legislation—or states considering RFRA-like legislation—advocates and policymakers should seek to introduce language that will put reasonable restrictions on religious liberty protections, ensuring that religious liberty is not used as a tool to discriminate or deny needed medial care.

The following language is a model to amend RFRA and similar legislation providing for exemptions from generally applicable laws: "This section [referring to the existing statute] does not authorize exemptions that discriminate against, impose costs on, or otherwise harm others, including those who may belong to other religions and/or adhere to other beliefs."

Conclusion

The *Hobby Lobby* decision gives for-profit corporations a power that no employer should ever have—the right to impose a burden on their workers by coercing them to adhere to religious beliefs that are not their own. We as a nation must work to re-establish religious liberty protections to what Americans have known them to be: a strong shield that protects individuals' right to believe and practice but is restrained from becoming a sword used to impose one's beliefs as costs and burdens on others. This standard will ensure that religious liberty protections will defend the fundamental right to believe according to one's conscious while maintaining the freedom of others to live their lives as they choose.

About the authors

Donna Barry serves as the Director of the Women's Health and Rights Program at the Center for American Progress. Most recently, she served as the advocacy and policy director at Partners In Health, or PIH, where she worked from 2001 to 2013 with breaks to work as a nurse practitioner at Massachusetts General Hospital and as Operation Vote director in New Hampshire for the 2012 Obama for America campaign. She led PIH's advocacy and policy efforts related to health and hunger, socioeconomic development in Haiti, increased funding for global health, maternal mortality, tuberculosis, and health system strengthening.

Barry received her R.N. and M.S.N. with certifications in women's and adult health from the Massachusetts General Hospital Institute of Health Professions and earned master's degrees in international affairs and public health—specializing in reproductive health, maternal child health, international development, and the former Soviet Union—from Columbia University in New York. She has a bachelor's degree in Russian and political science from Saint Louis University.

Sandhya Bathija joined Legal Progress in September 2012 as the Campaign Manager. Previously, she worked in the national communications department of the American Civil Liberties Union, where she led media and communications campaigns on the organization's federal policy work, with a specific focus on immigrant rights, voting rights, racial justice, and criminal justice.

Prior to working with the American Civil Liberties Union, Bathija was part of the communications team at Americans United for Separation of Church and State. She has also worked as a reporter for *The National Law Journal*, the nation's leading legal trade publication, and practiced law for a small civil rights firm in Detroit, Michigan, where she represented clients in police misconduct cases. Bathija holds a law degree from The Ohio State University Moritz College of Law and a bachelor of arts in magazine journalism from Syracuse University's S.I. Newhouse School of Public Communications.

Laura E. Durso is Director of the LGBT Research and Communications Project at the Center for American Progress. Using public health and intersectional frameworks, she focuses on the health and well-being of LGBT communities, data collection on sexual orientation and gender identity, and improving the social and economic status of LGBT people through public policy.

Prior to joining the Center for American Progress, Laura was a public policy fellow at the Williams Institute at the University of California, Los Angeles School of Law, where she conducted research on the LGBT community, including LGBT homeless and at-risk youth, poor and low-income LGBT people, and the business impact of LGBT-supportive policies.

She holds a bachelor's degree in psychology from Harvard University and master's and doctoral degrees in clinical psychology from the University of Hawai'i at Mānoa.

Joshua Field serves as the Deputy Director of Legal Progress, the legal policy program at the Center for American Progress. Field is a veteran of both the 2008 and 2012 Obama for America campaigns and joined the Center for American Progress after fulfilling several different roles during the 2012 campaign cycle, including senior advisor at the Presidential Inaugural Committee, Obama for America Nevada voter protection director of special projects, and counsel and director of communications for the Democratic National Convention Host Committee in Charlotte, North Carolina.

Field's legal experience includes nearly three years of work in the courtroom as a public defender in Washington state and appellate practice at the Innocence Project Northwest Clinic. Field received his bachelor's degree in political communication from The George Washington University and his law degree from the University of Washington School of Law.

Carmel Martin is the Executive Vice President for Policy at American Progress. She manages policy across issue areas and is a key member of CAP's executive team.

Before joining American Progress, Martin was the assistant secretary for planning, evaluation, and policy development at the Department of Education. In this position, she led the Department's policy and budget development activities and served as a senior advisor to Secretary of Education Arne Duncan.

Prior to coming to the Department of Education, Martin served as general counsel and deputy staff director for the late Sen. Edward Kennedy (D-MA) as chairman of the Health, Education, Labor and Pensions Committee. She also previously worked at American Progress as the Associate Director for Domestic Policy, and in the Senate as chief counsel and senior policy adviser to former Sen. Jeff Bingaman (D-NM) and special counsel to former Sen. Tom Daschle (D-SD).

Through her years in Congress, she worked on legislation related to education, welfare, health care, and other issues of national importance.

Early in Martin's career, she worked as a trial attorney for the Civil Rights Division of the Educational Opportunities Section at the Department of Justice, as well as in the private sector as a member of Hogan & Hartson's education practice. There she counseled and represented school districts and institutions of higher education across the country. She graduated with a J.D. from the University of Texas School of Law and a master's degree in public affairs from the Lyndon B. Johnson School of Public Affairs. After graduate school, Martin was a law clerk to the Hon. Thomas M. Reavley, judge in the U.S. Court of Appeals for the Fifth Circuit.

Sally Steenland is Director of the Faith and Progressive Policy Initiative at the Center for American Progress. She guides the initiative's work on a variety of policy issues, including religious liberty, economic inequality, reproductive justice, immigration, poverty, health care, LGBT equality, the role of religion in the public square, and cultural and social matters. She also directs the Faith and Reproductive Justice Leadership Institute. She edited *Debating the Divine: Religion in 21st Century American Democracy* and *Pursuing the Global Common Good: Principle and Practice in U.S. Foreign Policy*. In the 1990s, she was a frequent op-ed columnist for *The Philadelphia Inquirer*.

Steenland has written two best-selling books, *The Magnetic Poetry Book* and the award-winning *Kids' Magnetic Book of Poetry*. Her short stories have appeared in many literary journals and anthologies. She was raised in a Dutch Calvinist community in northern New Jersey. She received a bachelor's in English from Calvin College in Grand Rapids, Michigan, and a master's degree in education from Howard University.

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