

New DOJ Guidance Strengthens Religious Groups' Funding Rights

Justice Department lawyers concluded this week that federal rules prohibiting faith-based groups from using funds for worship, instruction, or proselytization violate the First Amendment.

In a new opinion called "Constitutionality of Religious Restrictions on the Use of Federal Funds," the DOJ found, "Federal statutory provisions and regulations that restrict federal funding based on either the religious status of a program provider or anticipated religious uses of the funds are not required under the Establishment Clause."

"Because the statutory and regulatory religious restrictions applicable to programs administered by the Department of Health and Human Services discriminate based on anticipated religious use without any compelling governmental interest, they violate the Free Exercise Clause," the opinion says. "Use-based religious restrictions on generally available federal funding programs are presumptively unconstitutional."



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The new opinion aligns with guidance issued by the DOJ in June which recommended that the Trump administration take action on the establishment clause. "The truth is that the phrase 'wall of separation between church and state' appears neither in the First Amendment nor anywhere else in the Constitution," the report declared.

Earlier this year, the Department of Justice released a 200-

page report exposing the Biden administration's anti-Christian bias, detailing prosecutions, policies, and actions taken across the federal government targeting the group. The report corresponded with President Trump's February 2025 executive order to "protect the religious freedoms of Americans and end the anti-Christian weaponization of government."

Discussing the "grim reality" of anti-Christian bias, the April report noted, "Even when our hearts are troubled, American freedoms must be strengthened, and our constitutional republic must steadfastly preserve them," it declares.

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