

FREEDOM FROM RELIGION *foundation*

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July 15, 2025

SENT VIA EMAIL & U.S. MAIL: Mike.Johnson@mail.house.gov

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
521 Cannon House Office Building
Washington, DC 20515

Re: In defense of the Johnson Amendment and secular government

Dear Speaker Johnson:

We are writing on behalf of the Freedom From Religion Foundation (FFRF) to express our strong objection to your deeply flawed and historically inaccurate op-ed regarding the Johnson Amendment and the role of religion in American public life. FFRF is a national nonprofit association with more than 42,000 members across the country. FFRF protects the constitutional separation between state and church and educates about nontheism.

On July 12, 2025, you posted an “op-ed” on X, titled, “The True Meaning of ‘The Separation of Church and State.’”¹ In the piece, you urge a federal court in Texas to “quickly approve [a] proposed settlement of a lawsuit” brought to overturn the Johnson Amendment, a 1954 law that prohibits tax-exempt nonprofits, including churches, from engaging in partisan political campaigns. You note that as “a former constitutional law litigator,” you have “long argued that the Johnson Amendment is unconstitutional,” and suggest that “most people who insist on a rigid ‘separation between church and state’ are unaware the phrase” doesn’t appear in the Constitution.

In your piece, you claim the Johnson Amendment is unconstitutional and mischaracterize it as a form of censorship. In doing so, you intentionally ignore the law’s equal application to religious and secular organizations alike and its vital role in maintaining both electoral integrity and religious neutrality in government.

The Johnson Amendment does not silence churches. Religious leaders are fully free to preach, teach, and express opinions. What they may not do is endorse political candidates while receiving the benefit of tax exemption funded by all taxpayers, regardless of belief. Citizens may not deduct from taxes their political contributions. It logically follows that any entity subsidized via tax exemptions may not use such funds, intended for charity, for political purposes.

¹<https://www.speaker.gov/2025/07/12/speaker-johnson-op-ed-the-true-meaning-of-the-separation-of-church-and-state/>

In your op-ed, you rely on a series of misleading historical references to suggest that the Founders intended a government united with religion. This is simply false. The Founders, well aware of the dangers posed by religious entanglement with government, deliberately created the first entirely secular Constitution in history. It contains no reference to God, the Ten Commandments or Christianity and explicitly forbids religious tests for public office. The very first clause of the First Amendment bars any law “respecting an establishment of religion.”

Your selective quoting of Washington and Adams ignores their consistent support for religious liberty through government neutrality:

In his historic Farewell Address, “the Father of our Country,” George Washington, declared: “Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports.” John Adams warned directly: “Our Constitution is made only for a moral and religious people. It is wholly inadequate to the government of any other.”

Regardless of their personal religious views, many of the most influential Founders, including Washington and Adams, were particularly wary of forming a country that commingled religion with government. This is perfectly exemplified in George Washington’s response to a letter from Presbyterian Ministers in Massachusetts and New Hampshire expressing their disappointment in the absence of “some Explicit acknowledgement of the only true God and Jesus Christ” in the Constitution. Washington replied “that the path of true piety is so plain as to require but little political direction. To this consideration we ought to ascribe the absence of any regulation, respecting religion, from the [Constitution] of our country.”²

In 1791, America famously signed a treaty with Tripoli declaring that the “government of the United States is not, in any sense, founded on the Christian religion.” This treaty—drafted during George Washington’s presidency, approved unanimously by the Senate, and signed by John Adams—is a reminder that the Founders explicitly held out the United States as a government that separated state from church. It is pure misinformation to suggest that our nation is founded on Christian principles. The Bill of Rights was adopted the same year, with its First Amendment barring any religious establishment of religion by government and protecting rights of conscience.

Your insistence that Thomas Jefferson’s “wall of separation between church and state” was only intended to protect religion from government interference disregards his actual words and his actions. Jefferson, who refused to issue Thanksgiving proclamations as president,³ made clear that the government must not involve itself in religious affairs. James Madison, the principal author of the First Amendment, went further — at the end of his career opposing even the use of congressional chaplains and religious proclamations as inappropriate entanglements.

The constitutional principle separating religion from government was the uniquely American vision of our revolutionary Founders. After centuries of bloody religious wars, inquisitions,

² Letter from George Washington to Presbyterian Ministers of Massachusetts and New Hampshire (Nov. 2, 1789).

³ <https://www.monticello.org/research-education/thomas-jefferson-encyclopedia/day-thanksgiving-and-prayer/>

crusades and pogroms in the Old World, and of the persecutions in the name of religion in most of the original colonies, the Framers were acutely aware of the danger and folly of mixing state and church.

Every reference to religion in the U.S. Constitution is exclusionary, including: a direct prohibition on religious tests for public office, an implicit prohibition in the godless oath of office prescribed for the presidency and later, in the First Amendment's historic bar of any establishment of religion by the government. The Framers of the Constitution made the United States first among nations to invest sovereignty not in a deity, but in "We the People." The proscription against religion in government has served our nation well, with the U.S. Constitution now the longest living constitution in history, and our nation spared the constant religious wars afflicting theocratic regions around the world.

This wise separation between religion and government embodied in the Establishment Clause has largely protected the United States from the religious slaughter and persecution rife around the world and historically whenever the government and religion are aligned:

"There is no such source and cause of strife, quarrel, fights, malignant opposition, persecution, and war, and all evil in the state, as religion. Let it once enter our civil affairs, our government would soon be destroyed. Let it once enter our common schools, they would be destroyed." *State ex rel. Weiss v. Dist. Bd. of Sch. Dist. No. 8 of City of Edgerton*, 76 Wis. 177, 44 N.W. 967, 981 (1890).

Christianity and religion in general are inherently divisive. Keeping religion out of the government is a fundamental American ideal, essential for true religious freedom, and has been a tremendous asset to our society. This is a principle to revere. Your advocacy for Christian theocracy is unAmerican.

The notion that America's moral compass requires religious belief is offensive to the millions of ethical Americans who live good lives without faith. Non-religious Americans are the fastest growing segment of the U.S. population by religious identification—37 percent of Americans are non-Christians, and this includes the nearly one in three Americans who are religiously unaffiliated.⁴ You represent *all* of the constituents in your district, including those who do not share your personal religious beliefs. Your statements convey that you consider non-Christians second-class citizens simply because of their religious identity or nonreligious identity.

Your statement that "religious principles and viewpoints must not be separated from public affairs" runs directly counter to Supreme Court precedent. The Supreme Court has long held that the Establishment Clause "mandates government neutrality between religion and religion, and between religion and nonreligion." *McCreary Cty., Ky. v. Am. Civil Liberties Union of Ky.*, 545 U.S. 844, 860 (2005); *Wallace v. Jaffree*, 472 U.S. 38, 53 (1985); *Epperson v. Ark.*, 393 U.S. 97, 104 (1968); *Everson v. Bd. of Educ. of Ewing*, 330 U.S. 1, 15–16 (1947).

⁴ Gregory A. Smith, *Religious 'Nones' in America: Who They Are and What They Believe*, Pew Research Center, Jan. 24, 2024, <https://www.pewresearch.org/religion/2024/01/24/religious-nones-in-america-who-they-are-and-what-they-believe/>.

The Supreme Court has also stated, “If there is any fixed star in our constitutional constellation, it is that **no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion . . .**” *West Virginia Board of Education v. Barnette*, 319 U.S. 624, 642 (1943) (emphasis added)..

Speaker Johnson, it is particularly troubling to hear the third-highest constitutional officer in the land suggest that the solution to our political problems lies not in reason, debate, or law, but in “fear of eternal judgment.” That is a prescription for theocracy, not democracy.

As Speaker of the House, your duty is to support the Constitution and to protect the rights of conscience of your constituents, not to promote your personal religious views. Your oath of office has charged you with great responsibility over citizens, including those citizens who may not or do not share your personal religious viewpoints. If you cannot uphold the law without regard to whether it comports with your personal religious beliefs, then you should resign immediately.

Very truly,

A handwritten signature in blue ink, reading "Annie Laurie Gaylor Dan Barker". The signature is written in a cursive, flowing style.

Annie Laurie Gaylor & Dan Barker
Co-presidents
ALG/DB:cal