

FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 • MADISON, WI 53701 • (608) 256-8900 • WWW.FFRF.ORG

August 11, 2025

SENT VIA EMAIL & U.S. MAIL: sean.duffy@dot.gov

The Honorable Sean Duffy
Secretary of Transportation
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

Re: Protect cadets' First Amendment rights by removing devotional painting

Dear Secretary Duffy:

We are writing on behalf of the Freedom From Religion Foundation (FFRF) to protest your decision to move the mural-sized sectarian painting, “Christ on the Water” (also known as “Jesus and Lifeboat”),¹ from the basement chapel to a place of prominence in the U.S. Merchant Marine Academy (USMMA). FFRF is a national nonprofit organization with more than 42,000 current members across the country, including many active-duty personnel and veterans. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

On May 15, 2025, you announced that the “Christ on the Water” painting would be moved “out of the basement” and returned to its “original location in the Elliot M. See Room at the United States Merchant Marine Academy’s (USMMA) Wiley Hall.”² In response to the painting being moved, you tweeted, “All glory to God! ‘Christ on the Water’ is out of the basement. Work will continue to get it fully restored and back into a place of prominence. To our amazing men and women at [USMMA] — religious expression is something we celebrate, not condemn.”³

In July, U.S. Rep. Jared Huffman appropriately challenged your decision to display a Christian painting in a public room during a Transportation and Infrastructure Committee hearing,⁴ where he pointed out that moving the painting to a place of prominence sends a troubling message to cadets who are not Christian, are nonreligious, or belong to Christian sects that object to this depiction of Jesus. Rep. Huffman noted that the Elliot M. See room is where there are mandatory meetings for cadets such as honor code hearings and disciplinary hearings.

When asked about this decision, you stated, “We have freedom of religion, not freedom from religion.” Your statement is incorrect. It is an axiom of our nearly 50-year-old organization that, as FFRF’s principal founder Anne Nicol Gaylor put it, “There can be no freedom of religion without the freedom to dissent.” Freedom of religion necessarily requires the government to be free from religion, as our godless and entirely secular U.S. Constitution demands. In order for the First Amendment to guarantee both the free

¹ <https://www.usmma.edu/about/museum/christ-water-painting>.

² <https://bit.ly/4mGUvUP>.

³ <https://x.com/SecDuffy/status/1953902736958718357>.

⁴ <https://www.youtube.com/watch?v=JzB6p7CmkJs>.

exercise of religion and the right to be free from government-imposed religion, the government necessarily must be neutral about religion. As the Supreme Court has put it, “the First Amendment mandates governmental neutrality between religion and religion, and between religion and nonreligion.” *McCreary Cty. v. ACLU*, 545 U.S. 844, 860 (2005); *Wallace v. Jaffree*, 472 U.S. 38, 53 (1985); *Epperson v. Arkansas*, 393 U.S. 97, 104 (1968); *Everson v. Bd. of Educ. of Ewing*, 330 U.S. 1, 15–16 (1947). That is why, in 2023, the painting was moved to the chapel as part of a resolution to a complaint filed by 18 midshipmen, including five Jewish cadets.⁵

We write to request that the painting be removed from the academy altogether, or at least returned to the chapel.

The Supreme Court has held that public officials may not seek to advance or promote religion, specifically stating, “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 or force citizens to confess by word or act their faith therein. If there are any circumstances which permit an exception, they do not now occur to us.” *W. Va. Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 (1943). As a representative of the federal government, you too are bound by our secular Constitution to remain neutral on matters of religion. Instead, when you moved this devotional painting to a place of prominence and promoted it using religious rhetoric (“All Glory to God”), you confirmed the painting is meant as “religious expression.” As a form of governmental expression, this action has sent an exclusionary message to non-religious cadets, who are in a generation in which 43 percent have no religious preference,⁶ as well as to other non-Christian cadets, including Jews, Muslims and others who have chosen to serve their country with distinction, integrity and courage.

Cadets have the right to attend the Merchant Marine Academy without being exposed to prominent Christian imagery placed there at the direction of a high-ranking government official seeking to impose his personal Catholic beliefs on everyone else.

We urge you to uphold the Establishment Clause and either remove the painting or return it to the chapel, where its religious nature is appropriately contextualized, and to reaffirm USMMA’s commitment to respecting the First Amendment rights of *all* cadets.

Very truly,



Annie Laurie Gaylor & Dan Barker
Co-Presidents

ALG/DB:cal

⁵ <https://www.foxnews.com/us/us-merchant-marine-academy-hides-jesus-painting-curtain-complaint-advocacy-group>.

⁶ “Findings from the 2023–24 Religious Landscape Survey, Pew Research Center:
<https://www.pewresearch.org/religion/2025/02/26/decline-of-christianity-in-the-us-has-slowed-may-have-leveled-off/>.