

July 13, 2026

To the Religious Liberty Commission,

Thank you for the opportunity to provide comments on your June 2026 draft report.

Baptist Joint Committee for Religious Liberty (BJC) is an organization that, for 90 years, has supported faith freedom for all. Rooted in a Baptist commitment to soul liberty, we work to cultivate and expand religious freedom for everyone. We believe religion must be freely exercised and that the government should refrain from promoting or denigrating religion.

With nearly a century of experience advocating for these principles, we are deeply concerned that the draft report misunderstands and misrepresents the foundation of religious freedom upon which this country was built, and it offers recommendations that would harm rather than help the cause of religious freedom. In that spirit, we offer the following comments.

Separation of Church and State

The draft report describes the “wall of separation” between church and state as a “myth” perpetuated by the Supreme Court. To be sure, that language does not appear in the First Amendment or elsewhere in the Constitution. But a number of essential constitutional concepts do not appear in the Constitution's text, such as the separation of powers and the right to a fair trial.

The idea of church-state separation is a way of expressing the spirit and structure of the Constitution, which mentions religion only to ban religious tests for office, and protects religious freedom through the First Amendment's guarantees of free exercise and no establishment. That “separation” language is shorthand for the structure created by our wise Founders in our Constitution.

That's how Thomas Jefferson, one of the First Amendment's champions, understood it. He wrote about a “wall of separation between church and state” in his famous 1802 letter to the Danbury Baptists to emphasize the Constitution's protection of religion from government interference. A century and a half *earlier*, Baptist pioneer Roger Williams advocated for a “wall of separation between the garden of church and the wilderness of the world” to protect religion from government's corrupting influence.

James Madison, “Father of the Constitution,” made several arguments for separation and disestablishment in his “Memorial and Remonstrance,” written in 1785 in opposition to a Virginia bill that would provide government funding for teachers of the Christian religion. His reasoning touched on the harms to both pluralistic society and the flourishing of Christianity if the state endeavors to support or otherwise involve itself with religion.

The idea of separation is not a historical fluke that the Commission can dismiss as merely a “belabored metaphor.” Church-state separation is the basis for demanding that the government cannot coerce religious activity or favor one religion over another. It means that houses of worship remain free from government interference, and the government treats all people fairly, regardless of their religion. It lets religion thrive in this country, as it has done for centuries.

We agree with the Commission that the Constitution supports the right of “people of faith [to] exercise their religious liberty by living that faith.” Church-state separation is a fundamental principle undergirding that very freedom. Our Founders recognized that religion thrives when untouched by the state, and the state functions best when divorced from religious preferentialism.

We ask that the Commission’s final report not degrade church-state separation as a fringe theory or myth but recognize it as vital to protecting the religious freedom we all hold dear.

The Johnson Amendment

The Commission misguidedly calls for the outright repeal of the tax code provision known as the Johnson Amendment. BJC has a longstanding commitment to defending this law because it protects houses of worship from divisive partisan political pressure. We are deeply concerned by the Commission’s explicit call to undermine this law through IRS guidance, legal challenges, and legislative repeal.

Current law protects nonpartisan political speech from the pulpit, and clergy may contribute to or participate in electoral politics in their individual capacity. The Johnson Amendment preserves the nonpartisan character of the entire 501(c)(3) charitable sector, including religious institutions. Tax-deductible contributions should support only tax-deductible purposes, not partisan activities. Faith leaders and nonprofits consistently support the law as it is, and the [majority](#) of worshipers in the pew do not want religious leaders telling them how to vote or funneling faithful donations into partisan candidates’ coffers.

Under the guise of “freeing the pulpit,” those advocating for abolishing the Johnson Amendment ignore the free speech rights and wide berth for influence in political debate that religious institutions and clergy already possess – not to mention the most favorable tax treatment they enjoy. If churches and clergy want to be foot soldiers for political parties, there’s an easy answer: stop claiming the special tax-exempt status that presumes charitable purposes. No one is preventing that from happening.

We urge the Commission to avoid finding a “fix” for something that’s not broken. Repealing the Johnson Amendment invites charitable donations to be misdirected for electioneering and congregations to be fractured along partisan faultlines.

Religion in Public Schools

The Commission’s draft report cherry-picks anecdotal evidence to suggest that religious freedom is broadly under attack in public schools. But existing law and policy protect students’ rights to prayer and other religious expression while at public school. The specific grievances catalogued in the Commission’s report can and should be addressed – and, where appropriate, redressed – through existing legal protections and procedures.

The Commission’s recommendations go well beyond necessary solutions and instead propose expanding school vouchers, affirming release-time programs for religious instruction, and pursuing litigation to support the display of Ten Commandments posters in schools. Rather than securing students’ First Amendment rights, these recommendations undermine public schools and threaten religious freedom.

Voucher – or so-called “school choice” – programs funnel public money to private, often religious schools, without protections against religious discrimination. They result in even worse underfunding of public schools, which educate nearly 90% of American students and uniquely protect their First Amendment rights. Under the guise of helping public school students, the vast majority of this funding goes to students already in private schools, effectively offering a handout to private school families rather than a hand up for public school students.

Release-time for religious instruction places administrative burdens on educators and social burdens on students resulting from peer pressure. Although students can opt out, that choice can carry a stigma that ostracizes students who aren’t part of the majority religion being taught. The program fosters religious divisiveness on campuses, not an environment that embraces religious freedom for all.

Worse yet, state-mandated Ten Commandments displays do exactly what the Commission itself says the Establishment Clause forbids: “officially prefer one religion over another.” By choosing a foundational religious text and, importantly, a Protestant Christian translation (the King James Version), the state governments that require Ten Commandments displays are selecting one religion for official preference. Rather than ensuring religious freedom, these mandates trample on the Establishment Clause and threaten the very religious freedom that the Commission claims to support.

We ask the Commission to avoid overreaching by suggesting unnecessary solutions to problems that can be resolved under existing laws and policies protecting students’ First Amendment rights.

Religion in the Military

BJC has long supported military chaplaincy because it supports the free exercise of service members who are disconnected from their usual faith community resources during training and deployment. This is a great example of the government using its power and resources to meet various religious needs. The Commission’s emphasis on shoring up chaplains’ rights is misplaced and in tension with the Commission’s concern for the religious exercise of service members.

Chaplains recognize that ministry in the military takes place in a pluralistic setting. They know their focus should be on the armed service members and the soldiers’ freedom to freely express their faith. Under current law and regulations, military chaplains are permitted to pray in a manner fitting their individual religious tradition in the voluntary worship services they lead for armed services members. On the occasion a prayer is called for in a large-group setting or “command ceremony” where attendance may not be voluntary, chaplains should pray in a more inclusive manner. If a chaplain does not feel comfortable offering a non-sectarian, inclusive prayer in such a setting, he or she may refuse to participate without negative consequences.

The Commission’s recommendations would turn this approach on its head, prioritizing chaplains’ personal faith over the service members they’re called to serve. Minority faiths would suffer the most, since they are less likely to have access to a chaplain of their same tradition.

We ask the Commission to reaffirm existing laws and regulations defining military chaplains' roles and responsibilities with regard to the spiritual care of service members.

Conclusion

From the start, the Religious Liberty Commission has been tainted by religious chauvinism in its makeup and selective grievances aired during its hearings. The final draft report embodies those problems. As outlined above regarding our particular concerns, Baptist Joint Committee for Religious Liberty (BJC) strongly opposes the Commission's analysis and recommendations.

Thank you for considering this input as part of the public comment process.

Sincerely,

Amanda Tyler

Executive Director

Baptist Joint Committee for Religious Liberty

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