

Congress of the United States

House of Representatives

Washington, DC 20515-0506

June 13, 2025

M. Ashleigh Bondoc
Acting Designated Federal Official
Religious Liberty Commission
U.S. Department of Justice
Office of the Associate Attorney General
950 Pennsylvania Avenue NW, Room 5706
Washington, DC 20530

Re: Written Comment on Notice of Meeting: Federal Advisory Committee—Religious Liberty Commission (Docket No. 2025-09557; 90 FR 22514, May 28, 2025)

Acting Designated Federal Official Bondoc and Members of the Religious Liberty Commission:

We appreciate the Department of Justice’s announcement of the Religious Liberty Commission’s inaugural public meeting on June 16, 2025. As concerned Members of the Congressional Freethought Caucus, we write to submit the comments below to offer constructive input for consideration during the Commission’s deliberations.

1. True Religious Freedom: *The Foundations of Religious Liberty in America*

The United States was founded on the Enlightenment era concept of religious freedom—both freedom *of* religion and freedom *from* religion—and what Thomas Jefferson described as a “wall of separation” between church and state to prevent our secular government from establishing or favoring any religious sect or religion. Increasingly, this foundational principle is being questioned, threatened, and opposed by extremists who want to fuse their religion into our public laws and institutions.

Our Nation’s Founders envisioned a republic in which every individual is free to practice their own religion – or to have no religion – without fear of discrimination or interference from the Government. This is true religious freedom and it is a core American value.

This foundational understanding is enshrined in the Constitution, specifically the prohibition on any “religious test” for public officials in Article VI, and the First Amendment’s Establishment and Free Exercise Clauses.

In contrast to the European governments at the time, which merged civil authority with an official, state-sponsored church, our American Founders intentionally crafted a secular government with no religious affiliation. That is why the First Amendment, in addition to guaranteeing the free *exercise* of religion, forbids the government from *establishing* any religion, which includes favoring one faith over others or preferring religious belief over non-belief.

President James Madison, often called the “Father of the Constitution,” played a crucial role in shaping the First Amendment. He was a strong advocate for religious freedom and believed that religion must

remain a matter of individual conscience, not state control. In 1785, as the Virginia legislature debated whether to continue to fund churches with tax money, Delegate Madison wrote the influential “Memorial and Remonstrance” petition which clearly laid out 15 arguments against government support of churches. He emphasized that religion was a matter of individual conscience and could not be directed by the government in any way¹.

Madison’s thinking and arguments in the Virginia legislature directly influenced the Constitution’s clauses on religion. At the Constitutional Convention, he again argued for complete religious liberty and against government support of religion in any form. Jefferson was equally passionate about this and insisted that the individual rights he and Madison championed be incorporated into the Constitution. In his 1802 letter to the Danbury Baptist Association, Jefferson declared that when the American people adopted the Establishment Clause, they built a “wall of separation between the church and state.”

As we approach the celebration of our nation’s 250th year of independence, we must reaffirm the foundational principles of church-state separation and true religious freedom that the vast majority of Americans cherish as a fundamental principle. Nearly three-quarters of U.S. adults (73%) say religion should be kept separate from government policies, according to a Pew Research Center survey conducted in spring 2022.²

2. Weaponizing Government to Favor One Religion

The Religious Liberty Commission, along with President Trump’s Task Force to Eradicate Anti-Christian Bias, seems to be on a collision course with our constitutional rights as well as the writings of our Founding Fathers. It is hard to discern any credible, legitimate rationale motivating the Commission’s creation. Rather, it appears to function primarily as a pretext for the MAGA Christian nationalist political agenda, namely suppressing, intimidating, and purging religious minorities, nonbelievers, LGBTQ+ Americans, political opponents, and other individuals who choose to believe in something different. Rather than protecting genuine religious freedom, the Commission is focused on undermining a commitment to religious pluralism and instead using the pretext of religion as a tool to restrict healthcare, divert public school funding to private and religious schools (mainly to the benefit wealthy Christians), and blur the line between religious and governmental institutions.

President Trump claims government has somehow been “weaponized” against Christians. However, the longstanding social, cultural, and political predominance of Christians in this country, including in our government, is beyond serious debate. The Pew Research Center, in a report issued in June 2025, shows that about 64% of the U.S. population identifies as Christian (across all denominations)³ while an estimated 87% of Congress identifies as Christian⁴, and nearly the entire Trump cabinet is Christian.⁵ Indeed, individuals who identify as Christian currently comprise the majority of elected positions in Congress, the Executive Branch, in addition to eight of the nine Justices on the Supreme Court. Given the obvious predominance of Christians in society and at every level of government, President Trump’s claim – and the entire premise of this Commission – is specious.

¹ <https://www.montpelier.org/religious-freedom/>

² <https://www.pewresearch.org/short-reads/2022/07/05/10-facts-about-religion-and-government-in-the-united-states/>

³ <https://www.pewresearch.org/religion/2025/06/09/how-the-global-religious-landscape-changed-from-2010-to-2020/>

⁴ <https://www.pewresearch.org/religion/2025/01/02/faith-on-the-hill-2025/>

⁵ <https://religionnews.com/2024/12/16/trumps-cabinet-selections-represent-an-unusual-slice-of-american-religious-life/>

On the other hand, there is ample, unmistakable evidence that in the name of “Religious Liberty,” the Trump administration and this Commission are on a path to weaponize government power in ways that further privilege conservative Christians and discriminate against non-Christians. This Commission—composed mainly of affluent, conservative, white, Christian men—seems bent on providing special protections and favoritism for themselves and their fellow conservative Christians, flouting the foundational principle of church-state separation and genuine religious freedom.

Our government is not and cannot be the guardian of Christianity; it is and must always be the neutral, secular guarantor of religious liberty for all Americans. The separation of church and state has allowed many diverse religious faiths to thrive in America for the past 250 years. Now, with our country becoming more religiously diverse and less religious overall than at any time in our history, our constitutional imperative to protect church-state separation is more vital than ever.

3. Transparency, accountability, and balanced perspectives as legally required by the Federal Advisory Committee Act (FACA)

Finally, we are deeply concerned by the Commission’s apparent noncompliance with the Federal Advisory Committee Act (FACA) of 1972⁶—a law enacted to ensure transparency, accountability, and public participation in federal advisory committees. The Commission’s conduct suggests a deliberate attempt to operate behind closed doors, shielded from public scrutiny and meaningful oversight. This not only violates the letter and spirit of the law but undermines public trust in the integrity of the process.

FACA rules stipulate that the public must be permitted to present their views at your Commission meetings. Yet there is no indication that the public will be afforded an opportunity to address the Commission other than through written comments like this letter.

FACA rules also dictate that advisory committee membership must be “fairly balanced” in both the viewpoints held by the commission’s members and the functions they perform. In April 2024, the General Services Administration issued a final rule to update the Federal Advisory Committee Management regulations. The rule noted that FACA’s “legislative history makes clear that the fairly balanced requirement was designed to ensure that persons or groups directly affected by the work of a particular advisory committee would have some representation on the committee.” It clarified that “a cross-section of those directly affected, interested, and qualified, as appropriate to the nature and functions of the committee,” which should “include persons with demonstrated professional or personal qualifications and experience relevant to the functions and tasks to be performed” by the advisory committee.

The Religious Liberty Commission as currently constructed is not fairly balanced. While about 64% of the U.S. population identifies as Christian (all denominations), nearly all (92%) Commission members are Christian and all identify from the more conservative branches of their denominations. Only one member identifies as Jewish and no members identify as Muslim, Hindu, or Buddhist. No Commission members represent the progressive branches of their faith or denomination.

⁶ <https://www.gsa.gov/policy-regulations/policy/federal-advisory-committee-management/legislation-and-regulations/federal-advisory-committee-act>

Moreover, no member of the Commission represents our country’s non-religious population – the largest and fastest growing religious demographic in America. The June 2025 Pew Research Center report notes that nearly 33% or one-third of Americans identify as religious “nones” and that number is quickly growing (101 million in 2020, up 97% from a decade earlier.)⁷ The Commission completely ignores the important perspectives of this community.

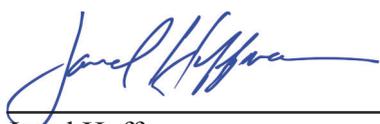
In 2001, GSA provided guidance⁸ on how to achieve balanced committee membership. GSA encouraged agencies to consider several factors, including the types of specific perspectives required and the need to solicit divergent points of view on the issues before the advisory committee. GSA has long required agencies to submit “a description of the agency's plan to attain balanced membership,” 48 FR 19324 (Apr. 28, 1983). Members of the Freethought Caucus request a copy of the plan as it was submitted.

Pursuant to several of the organizational requirements of FACA, we request a prompt reply to the following:

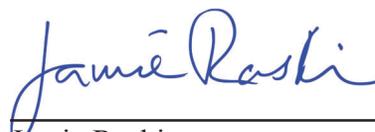
- i. Please provide a copy of the Commission’s plan to attain balanced Membership as required by FACA.
- ii. Please explain how the Commission plans to keep detailed records and make them available for public inspection.
- iii. Please provide all reports, transcripts, working papers, and other materials made available to or prepared for or by the Commission and explain how these reports can be found by the public.
- iv. Please detail your plans to provide annual report detailing meetings, recommendations, travel, and other relevant information.

Thank you for the opportunity to provide comments on the Commission’s work and for considering the issues we raised. We look forward to your responses to our information requests.

Sincerely,



Jared Huffman
Member of Congress



Jamie Raskin
Member of Congress



Sean Casten
Member of Congress



Yassamin Ansari
Member of Congress

⁷ <https://www.pewresearch.org/religion/feature/religious-composition-by-country-2010-2020/>

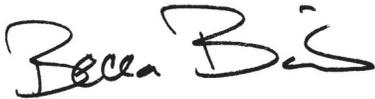
⁸ <https://www.federalregister.gov/documents/2024/04/18/2024-08215/federal-management-regulation-federal-advisory-committee-management>



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