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Gerald Dryden · 3 days ago · 3 min read

Does Speaker Johnson's Election Forewarn Federal Anti-LGBT Legislation?

On October 25, 2023, fourth-term Representative of Louisiana Mike Johnson was elected Speaker of the House. [1] Within three weeks, he laid the groundwork to avoid the feared projected partial government shut down. [2] So why does Johnson consistently score a zero on the Human Rights Campaign's Congressional Scorecard? [3] The answer has long caused controversy: Speaker Johnson is ardently anti-LGBTQ+. [4]

It goes beyond calling homosexuals "deviant," "sinful," "morally wrong," or "dangerous," (which Johnson has done); [5] Johnson's life work seems to be dedicated to promoting anti-LGBTQ+ beliefs. [6] Before joining Congress, Johnson worked for Alliance Defending Freedom (ADF), a designated hate group dedicated to criminalizing same-sex activity. [7] Among other things, ADF advocates against same-sex marriage, argues in favor of private businesses discriminating against LGBTQ+ people, and asserts that transgender people should not be allowed to use the bathrooms corresponding to their gender identities. [8]

Johnson wrote several works advocating against the LGBTQ+ community. [9] In an amicus brief to the Supreme Court during *Lawrence v. Texas* (the case that "struck down the nation's remaining anti-sodomy laws"), [10] Johnson argued to keep same-sex sodomy criminalized on the basis that homosexuals would spread more sexually transmitted diseases, thus constituting a "distinct public health problem." [11] Additionally, he authored two editorials: one explaining the lack of a "right to sodomy in the Constitution," [12] and the other categorizing gay marriage as a steppingstone to inter-species relationships—suggesting that homosexuality is "inherently unnatural... [and] ultimately harmful and costly for everyone." [13] In a third op-ed, Johnson outright declared "homosexual marriage [as] the dark harbinger of chaos and sexual anarchy that could doom even the strongest republic." [14]

In 2015, as a Representative in the House, Johnson introduced the Marriage and Conscience Act which would effectively permit the discrimination of same-sex couples in Louisiana. [15] Recently, he proposed a federal equivalent to Florida's "Don't Say Gay" bill. [16] Speaker Johnson tethers his actions to his religion: "Go pick up a bible," he maintains. "That's my world view. That's what I believe and so I make no apologies for it." [17]

Yet Johnson claims, in response to "criticism for his previous comments on same-sex marriage," that he is "a rule of law guy." [18] The law is the law and he'll act in accordance, he says, acknowledging the Supreme Court's legalization of same-sex marriage in *Obergefell v. Hodges*. [19] How can we square these comments with Johnson's history?

The LGBTQ+ Community faced a record-breaking number of anti-LGBTQ+ legislation these past few years. [20] State legislatures introduced 520 bills and enacted at least 75 this year alone. [21] The Human Rights Campaign placed the community under a state of emergency since June 6, 2023. [22] People may see Speaker Johnson in an optimistic, forward-looking light because of his pragmatic work to avoid a government shutdown. But a look at his past record should leave the LGBTQ+ community and its allies, at a minimum, concerned.

- [1] Matt Lavietes, *New House Speaker’s Views on LGBTQ Issues Come Under Fresh Scrutiny*, NBC NEWS (Oct. 26, 2023), <https://www.nbcnews.com/nbc-out/out-politics-and-policy/mike-johnson-house-speaker-lgbtq-views-scrutiny-rcna122317>.
- [2] Eric Katz, *New House Speaker has a Plan to Avoid a Shutdown—And to Overhaul the Civil Service*, GOV’T EXEC. (Oct. 26, 2023), <https://www.govexec.com/workforce/2023/10/new-house-speaker-has-plan-avoid-shutdown-and-overhaul-civil-service/391542/>.
- [3] Delphine Luneau, *As Extreme as It Gets: Supposed ‘Moderates in GOP Conference Choose as Speaker an Election Denier Who Called LGBTQ+ People a ‘Deviant Group,’* HUM. RTS. CAMPAIGN (Oct. 25, 2023), <https://www.hrc.org/press-releases/as-extreme-as-it-gets-supposed-moderates-in-gop-conference-choose-as-speaker-an-election-denier-who-called-lgbtq-people-a-deviant-group> (“Johnson has earned nothing but zeroes on the Human Rights Campaign’s Congressional Scorecard, which rates lawmakers on how they vote on bills of importance to the LGBTQ+ community.”).
- [4] Guthrie Graves-Fitzsimmons, *I’ve picked Up Plenty of Bibles, Mike Jonson. I Didn’t See Your Hate Anywhere*, MSNBC (Oct. 28, 2023), <https://www.msnbc.com/opinion/msnbc-opinion/mike-johnson-lgbtq-rcna122550>.
- [5] *Id.*
- [6] Lavietes, *supra* note 1.
- [7] *Alliance Defending Freedom*, SOUTHERN POVERTY L. CTR. (2023), <https://www.splcenter.org/fighting-hate/extremist-files/group/alliance-defending-freedom>.
- [8] *Id.*
- [9] Lavietes, *supra* note 1; see also Katz, *supra* note 2; Graves-Fitzsimmons, *supra* note 4.
- [10] Graves-Fitzsimmons, *supra* note 4.
- [11] Lavietes, *supra* note 1.
- [12] Mike Johnson, *Justices Take Swipe at American Values*, THE TIMES, Jul. 8, 2003, at 7, available at [https://www.newspapers.com/image/219932335/?fcfToken=eyJhbGciOiJIUzI1NiIsInR5cCI6IkpXVCJ9.eyJmcmVlZXpZXctaWQiOiJlOTkzZmZNSWiaWFoIjoxNjk5NjQ4MzAwLCJleHAiOiJlOTk3ZmZmMDk3MzQ4OTk3MzQ4ODZ9.JJBENAAOHHdV_AV9u8q4ZLljgmRdFRgHCVmYcpGXrZU](https://www.newspapers.com/image/219932335/?fcfToken=eyJhbGciOiJIUzI1NiIsInR5cCI6IkpXVCJ9.eyJmcmVlZXpZXctaWQiOiJlOTkzZmZNSWiaWFoIjoxNjk5NjQ4MzAwLCJleHAiOiJlOTk3ZmZmMDk3MzQ4OTk3MzQ4OTk3MzQ4ODZ9.JJBENAAOHHdV_AV9u8q4ZLljgmRdFRgHCVmYcpGXrZU).
- [13] Mike Johnson, *Marriage Amendment Deserves Strong Support*, THE TIMES, Sept. 12, 2004, at 113, available at https://www.newspapers.com/image/220164426/?clipping_id=134019997&fcfToken=eyJhbGciOiJIUzI1NiIsInR5cCI6IkpXVCJ9.eyJmcmVlZXpZXctaWQiOiJlOTk3MzQ4ODZ9.JJBENAAOHHdV_AV9u8q4ZLljgmRdFRgHCVmYcpGXrZU.
- [14] Mike Johnson, *Same-Sex Marriage Must Be Opposed*, THE TIMES, Feb. 22, 2004, at 91, available at https://www.newspapers.com/image/219973619/?clipping_id=134049583&fcfToken=eyJhbGciOiJIUzI1NiIsInR5cCI6IkpXVCJ9.eyJmcmVlZXpZXctaWQiOiJlOTk3MzYxOSwiaWFoIjoxNjk5NjQ4NzEoLCJleHAiOiJlOTk3MzUxMTR9.vWLaCbHQQpyOeqs1lAQnz81IPKlsznRfu094xjgJIVc.
- [15] Brian Slodysko, *House Speaker Mike Johnson was once the dean of a Christian law school. It never opened its doors.*, ASSOC. PRESS (Oct. 31, 2023), <https://apnews.com/article/mike-johnson-house-speaker-2d1a3399e8fe61bf0619d66ba29a1520> (“The Marriage and Conscience Act . . . would have effectively blocked Louisiana from punishing [businesses] who discriminated against gay couples, so long as it was for religious reasons—similar to arguments invoked during the Civil Rights era against interracial marriage. The bill was rejected.”).
- [16] Graves-Fitzsimmons, *supra* note 4.
- [17] Lauren Irwin, *Speaker Johnson on Same-Sex Marriage: ‘I Am a Rule of Law Guy,’* THE HILL (Oct. 26, 2023), <https://thehill.com/homenews/house/4278796-speaker-johnson-on-same-sex-marriage-i-am-a-rule-of-law-guy/>.
- [18] *Id.*
- [19] *Id.*
- [20] Cullen Peele, *Roundup of Anti-LGBTQ+ Legislation Advances in States Across the Country*, HUM. RTS. CAMPAIGN (May 23, 2023), <https://www.hrc.org/press-releases/roundup-of-anti-lgbtq-legislation-advancing-in-states-across-the-country>.
- [21] *Id.*
- [22] Holly Yan, *Human Rights Campaign declares national state of emergency for LGBTQ+ people*, CNN (June 6, 2023), <https://www.cnn.com/2023/06/06/us/hrc-lgbtq-emergency-declared/index.html>.