



# AMERICAN ATHEISTS

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February 1, 2022

The Honorable Del. Shane Pendergrass  
Chairperson  
House Health and Government Operations Committee  
House Office Building, Room 101  
Annapolis, Maryland 21401

**Re: SUPPORT for HB 181, Testimony from American Atheists in support of bill to amend the Maryland Constitution to remove improper religious tests**

Dear Chairperson Pendergrass and Members of the House Health and Government Operations Committee:

American Atheists, on behalf of its nearly 1,100 constituents in Maryland, writes in support of HB 181, a measure that promotes religious equality by removing improper religious tests for office from the Maryland Constitution. For more than two centuries, atheists and nonreligious people in America have been subjected to repeated, systemic, and genuine hostility from government officials. This legislation is an important step forward in protecting nonreligious people in Maryland from discrimination from their own state government. We urge you to swiftly pass this important bill.

American Atheists is a national civil rights organization that works to achieve religious equality for all Americans by protecting what Thomas Jefferson called the "wall of separation" between government and religion created by the First Amendment. We strive to create an environment where atheism and atheists are accepted as members of our nation's communities and where casual bigotry against our community is seen as abhorrent and unacceptable. We promote understanding of atheists through education, outreach, and community-building and work to end the stigma associated with being an atheist in America.

HB 181 would remove references to God from certain provisions in the Maryland Constitution Declaration of Rights under Articles 36, 37,<sup>1</sup> and 39. In particular, it would remove the requirement that officials running for public office must declare a "belief in the existence of God." This requirement was specifically declared unconstitutional by the U.S. Supreme Court in the landmark 1961 case *Torasco v. Watkins*,<sup>2</sup> because it conflicts with the US Constitutional requirement that "no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States."<sup>3</sup>

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<sup>1</sup> "[N]o religious test ought ever to be required as a qualification for any office of profit or trust in this State, other than a declaration of belief in the existence of God. . . ." Maryland Constitution, Declaration of Rights, Art. 37.

<sup>2</sup> *Torcaso v. Watkins*, 367 U.S. 488 (1961).

<sup>3</sup> U.S. Constitution, Art. VI.

The continued existence of these provisions in the Maryland Constitution stigmatizes atheists by conveying the idea that without religion or declaring a belief in God, a person is not qualified for public office. The requirement perpetuates longstanding hostility toward atheistic belief systems in American governance and law. For example, many states (including Maryland), for a significant portion of the United States' history, have not permitted nonbelievers to give testimony in court.<sup>4</sup>

Removing this language from Maryland's Constitution will help reduce stigma faced by nonreligious people. In a 2019 survey of nearly 34,000 nonreligious people living in the United States to learn more about their experiences, American Atheists found that nonreligious people routinely face discrimination and stigmatization because of their nonreligious identity.<sup>5</sup> Nearly two in five survey participants (37.9%) reported at least sometimes being treated like they did not understand the difference between right and wrong because of their nonreligious beliefs. Similarly, a quarter of respondents (25.4%) reported being told, sometimes or more frequently, that they are not a "good person" because of their nonreligious beliefs.

By retaining these exclusionary provisions in its constitution, Maryland exacerbates the exclusion and stigmatization of nonreligious people. By adopting HB 181, Maryland will foster religious equality – the foundational American principle that government should treat everyone equally regardless of their religious perspective – and help to reduce stigma against nonreligious people. Thank you for the opportunity to testify in favor of this critical bill. If you should have any questions regarding American Atheists' support for HB 181, please contact Brett Parker, American Atheists State Policy Manager, at [bparker@atheists.org](mailto:bparker@atheists.org).

Sincerely,



Geoffrey T. Blackwell

Litigation Counsel

American Atheists

cc: All Members of the House Health and Government Operations Committee

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<sup>4</sup> *Curtiss v. Strong*, 4 Day 51 (Conn. 1809); *Arnd v. Amling*, 53 Md. 192 (1880); *Thurston v. Whitney*, 56 Mass. 104, 110 (1848); *Phoebe v. Prince & Prince*, 1 Miss. 131, 131 (1822); *Jackson v. Griddley*, 18 Johns. 98, 103 (N.Y. 1820); *Brock v. Milligan*, 10 Ohio 121, 125-26 (1840).

<sup>5</sup> S. Frazer, A. El-Shafei, & Alison Gill, *Reality Check: Being Nonreligious in America*, 14 (2020).