



February 01, 2022

HB181 - SUPPORT

Declaration of Rights – Religious Freedom, Religious Tests, and Oaths and Affirmations

Dear Chair Pendegrass, Vice-Chair Pena-Melnyk, and Members of the Health and Government Operations Committee,

HB0181 serves the purpose of altering and removing references to God from certain provisions relating to religious freedom, religious tests, and oaths and affirmations by proposing amendments to the Maryland Constitution, Declaration of Rights, Article 36, 37, and 39. In *Torcaso v. Watkins*, 367 U.S. 488 (1961) the U.S. Supreme Court ruled unanimously that the Declaration of Rights, Article 37 of the Maryland Constitution violated the First and Fourteenth Amendments by requiring a citizen to state a belief in God as a qualification for public office in Maryland. The U.S. Constitution, Article VI, Paragraph 3, states, “no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States”. This bill strikes out the offending provisions in Articles 36, 37, and 39. Maryland is one of seven states that have not yet updated their constitutions to remove such illegal provisions.

No one, anywhere in the world, should be discriminated against by government for not believing in a divine being. The failure over the past sixty years of the Maryland General Assembly to forward this amendment to the voters unavoidably communicates a shameful and discriminatory lack of commitment to uphold the 1st and 14th amendments on behalf of the non-theist citizens of this state. Secular Maryland welcomes this bill and insists that all lawmakers have an ethical obligation to vote for this long overdue amendment and to appeal to voters to approve it.

For non-theists this is personal because the text in our state constitution is invidiously denigrating our citizenship status under the color of the authorities uniquely held by the state by endorsing disenfranchising us from important civic roles as witnesses, jurors, and government employees. We will push back against critics of this bill in part by

publicly defending our sincerely held belief in ontological naturalism. If your civic status was similarly targeted by the text of our constitution because of your belief then you would probably react similarly.

We all have a tendency to consider our own beliefs to be superior to competing, mutually exclusive beliefs. Non-theists likewise believe that ontological naturalism is the better belief. You may disagree, this creates the condition for debate. Such disagreement does not justify instrumentalizing the law as a vehicle for promoting your beliefs over our competing, contrary beliefs. This proposed amendment bill is entirely and exclusively about our state acknowledging its responsibility to uphold the No Religious Test, Establishment, and Equal Protection clauses of the federal constitution. People who argue that this is about something else, or anything more, are mistaken.

Respectfully,
Mathew Goldstein
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