



January 28, 2022

Submitted via email

Del. Shane E. Pendergrass
Chair, Health and Government Operations Committee
Room 241
House Office Building
Annapolis, MD 21401

Del. Joseline A. Pena-Melnyk
Vice Chair, Health and Government Operations Committee
Room 241
House Office Building
Annapolis, MD 21401

Re: Testimony in support of H.B. 181

Dear Delegates:

The Center for Inquiry (CFI) writes to express its support for Maryland state bill H.B. 181 (“Declaration of Rights – Religious Freedom, Religious Tests, and Oaths and Affirmations”).

CFI is a national nonprofit organization headquartered in Amherst, New York, dedicated to advancing science, reason, and secularism in American law and public policy.

CFI urges the Maryland General Assembly to pass this legislation because it is long past time for the state of Maryland to remove religious qualifications and religion-based language from any requirement for state service. **The bedrock American principle of separation of church and state demands as much.** Additionally, CFI commends Delegate Terri L. Hill for sponsoring the bill.

If passed and approved by Maryland voters, H.B. 181 would amend Articles 36, 37, and 39 of the Maryland Constitution to, among other things, remove the language: “That as it is the duty of every man to worship God in such manner as he thinks most acceptable to Him.” The legislation would likewise remove the following: “provided, he believes in the existence of God, and that under His dispensation such person will be held morally accountable for his acts, and be rewarded or punished therefor either in this world or in the world to come.” (The latter provision relates to the ability of individuals to serve as jurors or witnesses.)

Furthermore, H.B. 181 would alter the state constitutional provision that “no religious test ought ever to be required as a qualification for any office of profit or trust in this State,” which is subject to the qualification, “other than a declaration of belief in the existence of God.” Specifically, the bill would entirely rescind that qualification.

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CFI considers the continued existence of these provisions an ongoing act of discrimination against atheists, agnostics, and other nonbelievers. These provisions essentially treat nonbelievers as second-class citizens when it comes to serving as jurors, witnesses, and government employees. It should go without saying that no person — anywhere, least of all in the United States — should face discrimination from the government for not believing in a divine being.

According to the Pew Research Center, 14 percent of surveyed adults in Maryland either do not believe in God (10 percent) or “don’t know” if they believe in God (4 percent).¹ Overall, 3 percent of surveyed adults in Maryland self-identify as atheist, another 3 percent identify as agnostic, and a robust 17 percent identify as “nothing in particular” when it comes to their religious views.² Thus, H.B. 181 is necessary to vindicate the rights of a significant portion of the state’s population. Moreover, the number of nonbelievers continues to grow nationally, and increasingly the provisions corrected by this bill are out of step with the views and belief systems of Maryland residents.

The Supreme Court of the United States unanimously ruled in *Torcaso v. Watkins*, 367 U.S. 488 (1961) that the Declaration of Rights, Article 37, of the Maryland Constitution violated the First and Fourteenth Amendments of the U.S Constitution by requiring citizens to state a belief in God as a qualification for public office in the state.

Writing for the Court, Justice Hugo L. Black opined that this requirement places the “power and authority of the State of Maryland ... on the side of one particular sort of believers — those who are willing to say they believe in ‘the existence of God.’” Justice Black’s opinion added that neither a state government nor the federal government “can constitutionally pass laws or impose requirements which aid all religions against nonbelievers, and neither can aid those religions based on a belief in the existence of God as against those religions founded on different beliefs.”

The provisions discussed above, which have remained in the state constitution for more than 60 years since that decision, are therefore in defiance of directly controlling Supreme Court precedent.

Not only that, the Maryland Constitution flatly contradicts the U.S. Constitution’s Article VI, Paragraph 3, which declares that “no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.”

It is long past due for the Maryland General Assembly to remove the offending language from the state constitution. The foundational American principle of separation of church and state demands no less.

CFI hopes to see the Maryland General Assembly vote in favor of this important bill. Thank you for your time.

Sincerely,

¹ <https://www.pewforum.org/religious-landscape-study/state/maryland>

² *Id.*



Azhar Majeed
Director of Government Affairs
Center for Inquiry

cc:
Del. Terri L. Hill, Maryland House of Delegates