

FAVORABLE

HB871 - Declaration of Rights - Religious Freedom, Religious Tests, and Oaths and Affirmations

Chair Pena-Melnyk, Vice-Chair Cullison, and Members of the Committee

My name is Herb Silverman, and I'm writing to support Delegate Hill's Bill, HB871. Nobody should ever be told they have to swear to God in court, especially if they would have to lie about their religious beliefs.

I am familiar with the Torcaso case in Maryland, where he was initially denied public office because he was an atheist. I had a similar situation in South Carolina because South Carolina's Constitution contains similar language to Maryland's. The details can be found here:

https://en.wikipedia.org/wiki/Silverman_v._Campbell

I applied to become a notary public, but my application was rejected because I crossed out the phrase "So help me God" on the application form, because I don't believe and couldn't in good conscience take that oath. I sued and won my case in a lower court.

Sadly, South Carolina rejected this decision and appealed all the way up to the South Carolina Supreme Court. The South Carolina Supreme Court, in an unanimous decision, ruled that the portion of the South Carolina Constitution, which says, "No person who denies the existence of a Supreme Being shall hold any office under this Constitution" could not be enforced because it violates the First Amendment protection of free exercise of religion, and Article VI of the United States Constitution bans the use of a religious test for public office.

During your deliberations, I urge you to look to the United States Constitution and the Bill of Rights, which has supremacy in these matters, when you make a decision.

Sincerely,

Herb Silverman
21 George St
Charleston, SC 29401