



AMERICAN ATHEISTS

March 4, 2025

The Honorable Del. Joseline A. Pena-Melnyk
Chair, House Health and Government Operations Committee
6 Bladen Street
Annapolis, Maryland 21404

Re: SUPPORT HB 822, Removing Unconstitutional Religious Tests

Dear Chairperson Pena-Melnyk and Members of the House Health and Government Operations Committee:

As a Maryland resident and Director of Grassroots Organizing & Advocacy for American Atheists, which has over 1,000 constituents in Maryland, I thank you for considering HB 822, a measure that upholds the separation of church and state by removing the requirement that public officials “declare a belief in the existence of God” from the Maryland Constitution. For more than two centuries, atheists and nonreligious people in America have been subjected to systemic hostility from government officials. This legislation is an important step toward protecting nonreligious Marylanders from state-sanctioned discrimination. We strongly urge you to support 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 atheists are accepted as members of our nation’s communities and where 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. Religious liberty is an individual right guaranteed by the First Amendment, and American Atheists supports efforts to strengthen these constitutional protections and ensure equality and justice for all.

HB 822 would remove references to God from Articles 36, 37, and 39 of the Maryland Constitution Declaration of Rights. More specifically, it would remove the requirement that individuals running for public office must declare a “belief in the existence of God” and explicitly expand freedom of religion to all Marylanders, regardless of their belief or nonbelief. Requiring a religious oath from public servants was declared unconstitutional by

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the Supreme Court over sixty years ago in *Torcaso v. Watkins*.¹ More specifically, the *Torcaso* case unanimously struck down the very provisions that HB 822 would remove from the state's Constitution. By striking these mandates down, the Court rejected the bigoted presumption that a nonreligious person cannot be qualified for public office.

Religious oaths for public office perpetuate the long-standing marginalization and stigmatization of atheists, agnostics, and other nonreligious people in public life. For example, throughout a significant portion of the United States' history, many states, including Maryland, did not permit nonbelievers to give testimony in court under the false assumption that credible testimony could only be provided by those who believe they will be held accountable by a higher power.² The 1956 adoption of the phrase "In God We Trust" as the national motto was driven by anti-atheists seeking to differentiate the United States from "godless Communists."³ In recent years, lawmakers in states around the country have introduced bills that are expressly hostile to atheists and nonreligious people, including denouncing secular humanism as a religion that "tends to erode community standards of decency."⁴

Removing this prejudicial language from Maryland's Constitution will help reduce stigma and discrimination against nonreligious people. In 2019, American Atheists surveyed nearly 34,000 nonreligious people in the United States to learn more about their experiences.⁵ We found nonreligious Americans routinely face discrimination and stigma because of their nonreligious identity: Nearly two in five respondents (37.9%) reported being treated like they did not understand the difference between right and wrong, and a quarter of respondents (25.4%) reported being explicitly told that they are not a "good person" because of their secular or nonreligious beliefs. Atheists and nonreligious Americans also frequently face discrimination, particularly in educational settings. Nearly one-third of respondents (29.4%) reported experiencing negative interactions in schools and universities as a result of their nonbelief. Additionally, one in five (21.7%) had negative experiences at work, and one in ten (11%) reported being subjected to discrimination by the

¹ *Torcaso v. Watkins*, 367 U.S. 488 (1961).

² *Curtiss v. Strong*, 4 Day 51 (Conn. 1809); *Arnd v. Amling*, 53 Md. 192 (1880); *Thurston v. Whitney*, 56 Mass. 104, 110 (1848); *Phebe 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).

³ 102 Cong. Rec. at 5907 (1956).

⁴ H.B. 2318, 88th Leg., Reg. Sess. § 2:18-38 (Kan. 2019); H.B. 2320, 88th Leg., Reg. Sess. §§ 2(g), 5(a) (Kan. 2019); Assemb. B. 8077, 242d Leg., Reg. Sess. § 2:32-54 (N.Y. 2019); Assemb. Res. 293, 242d Leg., Reg. Sess. (N.Y. 2019); S.B. 778, 57th Leg., 1st Reg. Sess. §§ 2(15)-(20) (Okla. 2019); H.B. 7879, 2019-20 Leg., Reg. Sess. §§ 3:16-19 (R.I. 2019); H.B. 1490, 111th Gen. Assemb., Reg. Sess. §§ 3(15)-(20), 6(3)-(7) (Tenn. 2019); H.B. 2935, 66th Leg., 2020 Reg. Sess. (Wash. 2020); H.C.R. 95, 84th Leg., 1st Reg. Sess. (W. Va. 2020), "promote[s] licentiousness," Wash. H.B. 2935 § 1(29), or "desensitize[s], divides, dehumanize[s], depersonalize[s], and has been shown to increase[] suicide rates[.]" W. Va. H.C.R. 95, 84th Leg., 1st Reg. Sess. (W. Va. 2020). None of these bills were enacted.

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

court system. No one should be forced to endure stigmatization and discrimination because of their religious belief or lack thereof.

Enacting HB 822 and removing the requirement for a sworn affirmation of religious belief from Maryland's Constitution will not only help end the stigma against nonreligious people but also help ensure the government neither favors nor disfavors any single religious perspective. It is time for Maryland to join the other forty-three states that do not consider nonreligion to be disqualifying. We strongly urge you to protect and expand Marylanders' religious freedom by supporting this bill.

Should you have any questions regarding American Atheists' support for HB 822, please contact Victoria Anderson, State Policy Counsel for American Atheists, at vanderson@atheists.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Sam McGuire", with a long horizontal flourish extending to the right.

Sam McGuire
Director of Grassroots Organizing & Advocacy
American Atheists