

February 28, 2025

FAV: HB 822

Delegate Joseline A. Pena-Melnyk
Chair, Health and Government Operations Committee
Maryland House of Delegates
240 Taylor House Office Building
Annapolis, MD 21401

Dear Chair Pena-Melnyk:

The Center for Inquiry (CFI) writes to urge the Health and Government Operations Committee to vote in favor of HB 822, legislation that would remove references to belief in a deity from the Maryland Constitution.

CFI is a national nonprofit organization dedicated to advancing science, reason, and secularism in American law and policy. We have numerous supporters in Maryland.

Key Elements of the Bill

HB 822 would amend Articles 36, 37, and 39 of the Maryland Constitution to remove language that currently states, for instance: “That as it is the duty of every man to worship God in such a manner as he thinks most acceptable to Him.” (This provision relates to the religious liberty protections afforded to every resident of Maryland.)

The bill 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.” (This provision serves as a religious test for individuals before they can be jurors or witnesses in a court of law.)

Additionally, HB 822 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 currently subject to the qualification, “other than a declaration of belief in the existence of God.” The bill would entirely remove this qualification.

CFI’s Analysis

CFI supports this bill because the state of Maryland must, consistent with legal precedent, remove religious qualifications and tests from requirements for state service found in the Maryland Constitution. **The core American legal principle of separation of church and state is clear on this issue and demands these changes to the state constitution.**



CFI considers the continued existence of the constitutional provisions discussed above to be an ongoing act of discrimination against atheists, agnostics, and other nonbelievers (or “nones”). These provisions treat nonbelievers as second-class citizens in their own state, as it relates to serving as jurors, witnesses, and government employees. It goes without saying that no person—anywhere, least of all in the United States—should face unequal treatment from the government for not believing in a deity.

This is especially true in a state as religiously diverse as Maryland. Roughly 32 percent of surveyed adults in Maryland are “religiously unaffiliated,” a figure that includes atheists (6 percent), agnostics (7 percent), and those who identify as “nothing in particular” (19 percent).¹ Approximately 14 percent of surveyed adults in Maryland do not believe in God or a universal spirit.² Given these demographic trends, HB 822 is necessary to vindicate the rights of a significant portion of the state’s population.

Secondly, these constitutional provisions violate longstanding, directly controlling Supreme Court precedent. The Court 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 unanimous Court, Justice Hugo L. Black expressed 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 fact that these constitutional provisions, violating directly controlling legal precedent, have remained in place for more than 60 years since the *Torcaso v. Watkins* decision is a significant problem. In addition, they contradict 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.”

The Maryland General Assembly can take a long-overdue step in the right direction by removing this impermissible language from the state constitution, consistent with the foundational American principle of the separation of church and state.

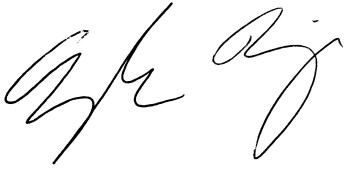
Conclusion

For the reasons provided above, CFI urges the Health and Government Operations Committee to vote in favor of HB 822. Thank you for your time.

Sincerely,

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

² *Id.*



Azhar Majeed
Director of Government Affairs

cc:
Members, Health and Government Operations Committee