

January 25, 2021

SENT VIA U.S. MAIL AND EMAIL

The Honorable James Clyburn
Room 274, Cannon House Office Building
United States House of Representatives
Washington, D.C. 20515-4006

Re: National Hymn Proposal

Dear Rep. Clyburn:

We are writing on behalf of Black Nonbelievers (BN) and the Freedom From Religion Foundation (FFRF) to object to the proposal that the United States adopt a national hymn. BN is a national group that provides a caring, friendly and informative community for Blacks (and allies) who are living free of religion and might otherwise be shunned by family and friends. Instead of embracing dogma, members of BN determine truth and morality through reason and evidence. FFRF is a national nonprofit organization with more than 33,000 nonreligious members across the country, including in South Carolina. FFRF works to protect and defend the constitutional principle of separation between state and church, and to educate the public about nontheism.

First, we thank you for your swift call to impeach Donald Trump after our U.S. Capitol was attacked, and for your distinguished record in pursuit of civil liberties and equality in the United States.

We respectfully request that you reconsider your proposal¹ that Congress adopt a “national hymn of the United States,” which, in a secular democracy, is a contradiction in terms. Equally important, this will be counterproductive to a goal to bring the country together.

Ignoring one constitutional principle encourages violations of others.

Our objection is not to this hymn in particular, but to our nation adopting *any* official hymn because, by definition, a hymn is a worship song, “a song of praise to God.”²

¹ HR 301. Available at <https://www.congress.gov/bill/117th-congress/house-bill/301?s=1&r=1>.

² Merriam-Webster dictionary online. <https://www.merriam-webster.com/dictionary/hymn>

There are significant constitutional problems with declaring a “national hymn” for a government that is based on a separation between state and church. Many of these concerns are rooted in the alienation that inevitably flows from the government declaring one religion or one religious belief to be more worthy of recognition.

This tells “nonadherents that they are outsiders, not full members of the political community, and [sends] an accompanying message to adherents that they are insiders, favored members.” *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 309–10 (2000) (quoting *Lynch v. Donnelly*, 465 U.S. 668, 688 (1984) (O’Connor, J., concurring)). Avoiding that alienation and divisiveness is precisely why the Supreme Court has said time and again that the First Amendment “mandates governmental neutrality between religion and religion, and between religion and nonreligion.” *McCreary Cty., Ky. v. Am. Civil Liberties Union of Ky.*, 545 U.S. 844, 860 (2005); *Wallace v. Jaffree*, 472 U.S. 38, 53 (1985); *Epperson v. Arkansas*, 393 U.S. 97, 104 (1968); *Everson v. Bd. of Educ. of Ewing*, 330 U.S. 1, 15–16 (1947).

There is also the simple fact that our secular government does not have the authority to adopt a particular holy song as its official song, any more than it has the power to adopt a particular holy book or translation as its official holy book. Similarly, our federal government is interdicted from naming a religious song as its “national hymn.” The office you occupy — indeed every office established by our Constitution — has constitutional limits. Government may have “no particle of spiritual jurisdiction,” to borrow from the Federalist Papers.³

The final stanza of “Lift Every Voice and Sing” is purely devotional:

God of our weary years
God of our silent tears
Thou who has brought us thus far on the way
Thou who has by Thy might Led us into the light
Keep us forever in the path, we pray
Lest our feet stray from the places, our God, where we met Thee
Lest, our hearts drunk with the wine of the world, we forget Thee
Shadowed beneath Thy hand
May we forever stand
True to our God
True to our native land
Our native land

³ *The Federalist* #69.

It is indeed a hymn because it explicitly addresses a deity. While it is appropriate for a private group, such as the revered NAACP, to adopt this hymn as its official song, it is entirely improper for the United States of America to adopt a “national hymn” that by definition excludes many Americans who do not believe in a deity.

Creating such precedent would lead to many fraught legal complications, such as: Would Congress need to adopt a hymn for every religion, sect or religious identity? Would Congress now be required to adopt a national *atheist* anthem?

Healing must include all Americans, not just believers.

You have stated that this proposal is an “act of healing.” We fully understand why a civil rights activist and the son of a minister might feel that turning to this hymn is an act of healing for you personally. But this would not be true for many Americans.

Nonreligious Americans are the fastest growing segment of the U.S. population by religious identification — 35 percent of Americans are non-Christians, and this includes the more than one in four Americans who now identify as religiously unaffiliated.⁴ Younger Americans are not just religiously unaffiliated, they are largely atheist or agnostic. A recent survey found that 21 percent of Americans born after 1999 are atheist or agnostic.⁵ *At least 9 percent of Black Americans are religiously unaffiliated.*⁶ The ranks of the civil rights movement boast many prominent nonbelievers or skeptics, including James Baldwin, W.E.B. Du Bois, Julian Bond, Ta-Nehisi Coates, Frederick Douglass, Lorraine Hansberry, Hubert Harrison, Langston Hughes, Zora Neale Hurston, Alain Locke, Asa Philip Randolph, Paul Robeson and Richard Wright.⁷ In short, even if our Constitution did not expressly forbid the adoption of a national religion or national hymn, doing so would wrongly exclude many Black and non-Black Americans.

BN in particular urges you not to assume that these words and this hymn will unite all Black Americans. Though we acknowledge the role that the church has played in the support for many in the Black community, Christian doctrine — with passages such as “Slaves, obey your masters,” the language of submission, and the constant appeal to divine intervention among many Black Christians — has rendered this a crippling agent for our community. Those who dare to question, doubt, and even openly express their nonbelief are ostracized. This alienation is precisely why BN exists: to provide a community for those who follow their conscience. The government should not make that task more difficult.

⁴ Pew Research Center, “In U.S., Decline of Christianity Continues at Rapid Pace,” (Oct. 17, 2019) at <https://pewrsr.ch/2VPiES7>.

⁵ *Atheism Doubles Among Generation Z*, The Barna Group (Jan. 24, 2018) at <https://bit.ly/3qwtqX8>.

⁶ Betsy Cooper, Daniel Cox, Rachel Lienesch, Robert P. Jones, Ph.D., “Exodus: Why Americans are Leaving Religion — and Why They’re Unlikely to Come Back,” PRRI (Sept., 22 2016) at <https://bit.ly/39RvL8f>.

⁷ “FFRF salutes Black History and Secularism,” *Freethought Now!* (Feb., 5, 2020) at <https://bit.ly/3o2bthJ>.

Religion only unites co-religionists; otherwise it is divisive. If Congress were to adopt a national hymn, officially turning to religion for healing as a nation, it would create a new wound by segregating those who do not share that faith.

Our country can never truly unite as long as our government believes it's acceptable to divide citizens along religious lines. Martin Luther King Jr. defended the Supreme Court's decision halting organized prayer because using the machinery of the state to promote religion is necessarily divisive:

"I endorse it. I think it was correct. Contrary to what many have said, it sought to outlaw neither prayer nor belief in God. In a pluralistic society such as ours, who is to determine what prayer shall be spoken and by whom? Legally, constitutionally or otherwise, the state certainly has no such right."⁸

This same rationale applies to adopting a prayerful national hymn. Ours is meant to be a government of "We the People," not "We the Christians" or even "We the Religious." This will not bring the country together. It will further divide us.

Meaningful action is required to acknowledge and remediate the legacy of slavery and ongoing racial discrimination, such as reparations and other policies to redress systemic inequality and the Black/white economic divide. A "national hymn" does none of these things, while creating a disastrous state/church precedent.

While acknowledging the beauty of the music and the emotional significance of "Lift Every Voice and Sing," we respectfully request that you withdraw this bill and lift up symbols that unite us all. Please work to uphold and honor the principle that promises equality among Americans: a government free from religion.

Very truly,



Mandisa L. Thomas
President
Black Nonbelievers
ALG/DB/MT:als



Annie Laurie Gaylor & Dan Barker
Co-presidents
Freedom From Religion Foundation

⁸ January 1965 interview at <https://ffrf.org/news/day/18/01/freethought/#martin-luther-king-jr-federal-holiday>.