

FREEDOM FROM RELIGION *foundation*

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SENT VIA EMAIL & U.S. MAIL

difs-info@michigan.gov

Anita Fox
Director
Michigan Department of Insurance and Financial Services
530 W. Allegan Street, 7th Floor
Lansing, MI 48933

Re: Unconstitutional promotion of religion

Dear Director Fox:

I am writing on behalf of the Freedom From Religion Foundation to alert you to constitutional concerns regarding the Michigan Department of Insurance and Financial Services's (MDIFS) promotion of religion. FFRF is a nationwide nonprofit organization with more than 30,000 members across the country, including more than 700 members in Michigan. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public about matters relating to nontheism.

A concerned Michigan citizen contacted FFRF to report that MDIFS's official study materials for an ethics exam required for those who wish to become licenced insurance agents promotes religiosity and discriminates against the nonreligious. According to the complainant the study materials cite religion as a source of ethics and states:

“Virtually all the world's religions teach essentially similar codes of ethics that emphasize honesty, respect for others and their rights, and selflessness. Therefore, in both business and personal situations, highly religious people are likely to act in ways that most of us will regard as highly ethical. Their religion will give them highly explicit, generally internally consistent, guides to “good” personal conduct. These guidelines usually can be broadened to apply quite well to business activity. Moreover, those for whom religion is not a central force in their lives are more likely to act in self-centered, ethically questionable ways.”

The study materials also hold out “religious leaders” as being the opposite of “gangsters and serial killers,” and claims that under “duty theories” of ethics “Individuals have duties to God.”

We write to request that these passages be removed or rewritten so that they no longer promote religion and repeat baseless and harmful stereotypes about atheists and agnostics.

The Supreme Court has long recognized that the “First Amendment mandates government 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). By claiming that all the world’s religions have “essentially similar” codes of ethics that are “internally consistent” and that people for whom religion is unimportant are “more likely to act in self-centered, ethically questionable ways,” the MDIFS is violating this basic constitutional stricture.

Legal arguments aside, the notion that ethicality is a result of religiosity is not supported by scientific evidence.¹ Despite this, Americans continue to believe that atheists are immoral, untrustworthy, sexually deviant, more likely to be serial killers, and would not vote for an otherwise qualified atheist running for president.² By teaching test takers that people who are less religious are more likely to act in “ethically questionable ways” MDIFS is perpetuating and lending government approval to these harmful misconceptions about nonreligious Americans, who now constitute one in four Michiganders.³

In order to protect the rights of conscious of all Michigan citizens the MDIFS must remove or modify the above quoted passages from its study materials so that they no longer promote religion and spread harmful misconceptions that denigrate non-religious Americans. Please inform us in writing of the steps you are taking to remedy this violation.

Sincerely,



Dante CH Harootunian
Patrick O'Reiley Legal Fellow
Freedom From Religion Foundation

¹ Ryan McKay & Harvey Whitehouse *Religion and Morality* 141(2) *PSYCHOL. BULL.* 447, 448 (2015) (scientific investigations of the connection between religion and morality have so far produced mixed results).

² Gervais, W. M., Shariff, A. F., & Norenzayan, A. (2011). Do you believe in atheists? Distrust is central to anti-atheist prejudice. *Journal of Personality and Social Psychology*, 101, 1189–1206. *See also* Jaimie Arona Krems and Jordan W. Moon *Prejudice Towards Atheists Means Some People Don't Trust Them on Sex and Relationships* Newsweek (2019)

³ Robert P. Jones & Daniel Cox, *America's Changing Religious Identity*, Public Religion Research Institute (Sept. 6, 2017), available at www.ppri.org/wp-content/uploads/2017/09/PRRI-Religion-Report.pdf.