

FREEDOM FROM RELIGION *foundation*

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June 15, 2022

The Honorable Bennie Thompson
Chairman, Jan. 6 Select Committee
U.S. House of Representatives
2466 Rayburn HOB
Washington, DC 20515

Re: Requesting that religious oaths not be default to testify at hearing

Dear Chairman Thompson and Select Committee Members:

Like most of the nation, the Freedom From Religion Foundation and its members have been gripped by the compelling, harrowing details of the January 6 insurrection that have been revealed by the Select Committee over the past week. We applaud your meticulous work investigating those behind the attack and presenting the case to the American public.

We are writing on behalf of our membership to urge the House Select Committee to give witnesses the option to make a secular affirmation when being sworn in to testify, instead of apparently assuming all witnesses are religious or prefer a religious oath. FFRF is a national educational nonprofit association with more than 36,000 members across the country, including members in all 50 states, the District of Columbia and Puerto Rico. FFRF's purposes are to protect the constitutional separation between state and church and educate about nontheism.

We have heard from many of our members and your constituents across the nation that the apparent decision to automatically present witnesses with a religious oath has seemed incongruous, particularly given the committee's investigation into an event that involved significant participation by white Christian nationalists.

Our members are concerned that witnesses before the Select Committee uniformly have been asked to stand and swear that their testimony is truthful, "so help me God." We would prefer to see the government instead uniformly offer witnesses a secular affirmation, which is offensive to no one and does not require a religious or nonreligious minority to publicly out themselves as unorthodox. Minimally, we ask that you give witnesses a choice, instead of (apparently) assuming they are all religious. The current practice sends an unfortunate (and probably inadvertent) message to the American public that the Committee believes a pledge to a deity is required to ascertain truthfulness, *e.g.*, that nonreligious individuals are not as trustworthy or truthful as religious witnesses.

Providing a secular oath or at least acknowledging a secular option for a witness upholds the fundamental American principle of keeping religion and government separate. The desire of the Framers to honor freedom of conscience is evidenced in the U.S. Constitution's prescribed presidential oath of office, which begins with the language "I do solemnly swear (or affirm)," and does not close with "so help me God." In fact, this add-on at presidential swearing-in ceremonies did not become common until the 20th century. The Constitution's omission of a reference to a deity in the presidential oath was a deliberate choice at the Constitutional Convention, where religious language was considered and rejected. That shows intent.

Further, Article VI of the U.S. Constitution prohibits any religious test for "any office or public trust." Requiring witnesses to swear a religious oath excludes those who do not believe in a deity, effectively amounting to a de facto religious test. It must be pointed out that it is not just the nonreligious whose conscience is violated by religious oaths. Many Baptists and some other sects consider public oaths to a god to be blasphemous or inappropriate. They too are embarrassed to pledge fealty to a deity against their conscience, or else to have to publicly object. And of course, the Establishment Clause of the First Amendment prohibits the government from taking a position on matters of religion, which demands a secular option to any sworn testimony.

Finally, there is a jarring irony in the unwarranted religious oath because the major driving ideology behind the January 6 attack—thus far not mentioned during the hearings—is white Christian nationalism. FFRF and the Baptist Joint Committee published a comprehensive report on white Christian nationalism's role in the January 6 insurrection,¹ documenting a religiously motivated ideology that functioned as an adhesive force of otherwise disparate groups of insurrectionists, and as a permission structure that justified assaulting the capitol and jeopardizing American democracy itself. We invite the Committee to review this objective, succinct and heavily documented report if it has not already done so. Most of the contributors are academic experts in the field.

The Committee shared new January 6 footage that further confirms the prevalence of white Christian nationalism, including Christian flags flown alongside American flags. This highlights the defining characteristic of white Christian nationalism, the unAmerican notion that one must be Christian to be a true American, along with a longing for some idealized time in the past when white Christian supremacy went largely unchallenged. With this backdrop, the exclusionary religious oaths are particularly troublesome.

Nonreligious Americans are the fastest growing segment of the U.S. population by religious identification—three-in-ten adult Americans (29 percent) now identify as religiously unaffiliated.² We respectfully encourage the Select Committee to take the rare

¹ Report available at ffrf.org/uploads/legal/Christian_Nationalism_and_the_Jan6_Insurrection-2-9-22.pdf.

² About Three-in-Ten U.S. Adults are Now Religiously Unaffiliated Pew Research Center (Dec. 14, 2021), available at www.pewresearch.org/religion/2021/12/14/about-three-in-ten-u-s-adults-are-now-religiously-unaffiliated/.

opportunity—with our nation watching the hearings—to demonstrate that all citizens can participate equally in governmental proceedings without professing belief in a deity, or making known their dissent.

Thank you for your time and consideration, and for all of your diligent work on this crucial issue. We are so grateful for your dedication and oversight to the truth and American democracy. We sincerely believe the future of our nation and American democracy hang in the balance.

With appreciation and respect,

Handwritten signature in blue ink, reading "Annie Laurie Gaylor Dan Barker". The signature is written in a cursive style.

Annie Laurie Gaylor & Dan Barker
Co-presidents
ALG/DB:rdj