

FREEDOM FROM RELIGION *foundation*

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August 17 , 2021

**SENT VIA U.S. MAIL AND FAX:
202-224-2575**

The Honorable Jon Ossoff
Russell Senate Office Building
Suite 455
Washington, DC 20510

Re: 2021 Senate Resolution 309 should not have passed by unanimous consent

Dear Senator Ossoff:

We are writing on behalf of the Freedom From Religion Foundation to object to the passage of Senate Resolution 309 by unanimous consent, which occurred while you were presiding over the Senate. FFRF is a national nonprofit organization with more than 35,000 members across the country, including more than 550 members in Georgia. FFRF protects the constitutional separation between state and church and educates the public about nontheism.

FFRF is disappointed by passage of the resolution praising the inclusion of “under God” in the Pledge of Allegiance. On July 21, 2021, Senate Resolution 309, which supported the religious component of the Pledge of Allegiance, passed a nearly empty chamber via unanimous consent under your watch.¹ This was a historically inaccurate and divisive resolution, which should not have been adopted, much less in this manner.

The 2021 resolution was the 17th iteration of the now annual Senate tradition to display public piety by reaffirming support for the pledge’s godly message. The practice started in 2004 when the Senate unfortunately decided to weigh in on the Supreme Court’s opinion in *Elk Grove Unified School District v. Newdow*,² which dismissed on procedural grounds a challenge to the “under God” portion of the Pledge of Allegiance in a California public school. The resolution has been authored

¹ Text available at: www.congress.gov/bill/117th-congress/senate-resolution/309.

² 542 U.S. 1 (2004).

and advanced by vocal Christian members of the Senate, and the text of the resolution clearly serves to promote the inclusion of a religious reference in the pledge rather than to affirm the overall unifying and patriotic message.

S.R. 309 camouflages itself as an innocuous affirmation of the Pledge of Allegiance. However, there are a number of clear falsehoods, historical exaggerations, and constitutionally incorrect assumptions in the text of the resolution that taint it and should preclude it from receiving unanimous support in the future.

First, the resolution claims that “many” of the founders of the United States were “deeply religious.” While a few of the signers of the Declaration and Constitution were demonstrably religious, all of the traditional major founders, including Washington, Jefferson, Adams, Franklin and Hamilton, were either openly skeptical, dismissive of religion, or deeply private about their personal convictions. It is a myth that our country was founded on “Judeo-Christian” values. In fact, the Framers of the Constitution were first among nations to adopt a godless and entirely secular Constitution, whose only references to religion are exclusionary, and which bars a religious test for public office. The First Amendment’s Establishment Clause separates religion and government—a bold and original American tradition. This principle is far more worthy of Senate commemoration than the 1950s-era intrusion of religion into an otherwise secular Pledge of Allegiance.

Second, S.R. 309 glorifies the “60 years” that the pledge has acknowledged the United States as a union established “under God” and claims a “secular purpose” for the use of that phrase. That supposed secular purpose is a false pretense created during the Cold War. Congress added the words “under God” at the height of McCarthyism, to reaffirm the core difference between American society and “atheistic communism.” As President Eisenhower explained during the act’s signing ceremony, daily recitation of the pledge was intended to proclaim “the dedication of our Nation and our people to the Almighty.”³ That was an invalid and inappropriate purpose. As President Thomas Jefferson noted, in refusing to issue proclamations of prayer while he was in office, “I consider the government of the U.S. as interdicted by the constitution from intermeddling with religious institutions, their doctrines, or exercises. . . . everyone must act according to the dictates of his own reason, &

³ Available at <https://bit.ly/2UuZjoQ>.

mine tells me that civil powers alone have been given to the President of the U.S. and no authority to direct the religious exercises of his constituents.”⁴

Finally, and most significantly, the constitutionality of “under God” in the Pledge remains dubious and suspect and its continued presence does not reflect the changing religious demographics and diversity of the United States. Non-religious 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 identifies as religiously unaffiliated.⁵ Younger Americans who are religiously unaffiliated are largely atheist or agnostic. A recent survey found that 21 percent of Americans born after 1999 are atheist or agnostic.⁶

Whole generations of schoolchildren have been miseducated, thanks to the tampering with the original secular pledge, to falsely equate religiosity with patriotism. In the United States, citizens are free to embrace any religion they like, or none at all. Justice Sandra Day O’Connor wrote: “government cannot endorse the religious practices and beliefs of some citizens without sending a clear message to nonadherents that they are outsiders or less than full members of the political community.” *Allegheny*, 492 U.S. at 627 (O’Connor, J., concurring); see also *Santa Fe*, 530 U.S. at 309–10 (“[S]ponsorship of a religious message is impermissible because it sends the ancillary message to members of the audience who are nonadherents that they are outsiders, not full members of the political community, and an accompanying message to adherents that they are insiders, favored members of the political community.”) (internal quotations omitted).

Sadly, the harm of pledging a secular nation to a particular god extends beyond mere miseducation. With this unAmerican addition to the pledge, our public schools are dividing children along religious lines, cleaving classrooms into groups who adhere to this Christian vision of the United States, and those who don’t. Non-Christian children are alienated and made outsiders in an environment already rife with peer pressure and bullying. Schoolchildren throughout the nation today are being made to feel like second-class citizens because their families are not

⁴ Letter from Thomas Jefferson to Samuel Miller, 23 January 1808, National Archives, *available at* founders.archives.gov/documents/Jefferson/99-01-02-7257.

⁵ Pew Research Center, “In U.S., Decline of Christianity Continues at Rapid Pace,” (Oct. 17, 2019) *available at* [pewrsr.ch/2VPiFS7](https://www.pewrsr.ch/2VPiFS7).

⁶ Atheism Doubles Among Generation Z, The Barna Group (Jan. 24, 2018), *available at* www.barna.com/research/atheism-doubles-among-generation-z/.

religious, and children of believers are being made to feel like they are privileged citizens.

It is not a sign of weakness but rather a sign of strength when “the world’s greatest deliberative body” is willing to reexamine the past and turn the country back to a path of constitutional and secular values. The addition of the words “under God” in 1954 quite literally divided “one Nation” from “indivisible” and has helped maintain religious divisiveness ever since.

We trust this divisive, controversial and unfactual resolution will not be offered for unanimous consent in the future. May we hear from you about this important matter at your earliest convenience? Thank you for your time and attention.

Very truly,

Handwritten signatures of Annie Laurie Gaylor and Dan Barker in blue ink. The signatures are written in a cursive style and are positioned above the typed names.

Annie Laurie Gaylor & Dan Barker
Co-Presidents