

Secular Connecticut

**Representing the interests of the non-religious
in the Constitution State**

**H.B.5654 – Support – Please Extend to Make Oaths in Forms U.S. Constitutional
General Administration and Elections Luther Weeks, Chair
Testimony – March 19, 2021 Luther@Weeks1.net**

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Chairs and members of the Committee, my name is Luther Weeks. Testifying for **Secular Connecticut**.¹ We represent the interests of the 42%² of Connecticut voters that are **non-religious**. Our positions are based on the U.S. Constitution's guarantee of separation of church and state, along with **Humanist values**, guided by science and reason.

H.B.5654 would require all state agency forms, applications and methods of identification to be updated with a non-binary gender option. We applaud that. Yet, the scope should be enlarged to make oaths in such forms and applications comply with the U.S. Constitution. We request and suggest bill text:

Each state agency shall update all printed and electronic forms and applications used by the public that require the individual who is filling out such form or application to indicate a sex or gender to include a nonbinary sex or gender option, which shall be an "X" in lieu of the options for indicating as male or female and replace any religious only oath in such forms or applications with a universal oath beginning with "I solemnly swear or affirm, as the case may be" and ending with "so help you God or upon the penalty of perjury" or an oath that otherwise complies with the mandates of U.S. Supreme Court decision in Torcaso v. Watkins 1961.

A little history. The U.S. Constitution prohibits a religious test for public office³, other provisions, in the 1st and 14th amendments also prohibit discrimination on the basis of religion or non-religion. In 1961, the U.S. Supreme Court in *Torcaso v. Watkins*⁴ confirmed that oaths must not require a religious test and confirmed this statement from *Everson v. Board of Education* (1947)⁵ that even the act of asking for an exceptional oath violates the U.S. Constitution because it forces one to profess their disbelief in a religion:

¹ Text in **bold** are prepared remarks intended for delivery in oral testimony

² <https://news.gallup.com/poll/232223/religious-regions.aspx>

³ Article VI: "no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States."

⁴ The Decision by Justice Black: <http://caselaw.findlaw.com/us-supreme-court/367/488.html>

⁵ <https://www.mtsu.edu/first-amendment/article/435/everson-v-board-of-education>

Neither can [the government] force nor influence a person to go to or to remain away from church against his will or force him to profess a belief or disbelief in any religion.

Connecticut has 21 oaths detailed in statute. In 2002, several were changed to universal oaths, leaving just 6 as un-US-constitutional. For several years we have been advocating for updating that law, as yet to no avail^{6 7}.

One small step in the right direction would be to make all State Forms and applications that have oaths be U.S. Constitutional.

We know of at least one form with an oath that is un-U.S.-constitutional, unless it has been changed recently, the form signed to become a Notary. We know of an instance, which shall remain anonymous, of a person waiting weeks for the state to come up with an alternate form, while she tried to hold off her boss who was upset that she was not complying with a simple requirement of her job. For whatever reason she wished to avoid disclosing her non-religion to her employer.

We know of one Connecticut form that is U.S. Constitutional in defiance of Connecticut law, appropriately so. That is the Voter Registration Form (including the Online Voter Registration System). Hats off to whichever Secretary of the State was responsible for that!

Please take this small step to make the Constitution State, just a bit more Constitutional.

Thank you.

⁶ Bill from 2017:

https://www.cga.ct.gov/asp/cgabillstatus/cgabillstatus.asp?selBillType=Bill&which_year=2017&bill_num=740

⁷ My testimony including our suggested bill text and testimony from the ACLU.

https://www.cga.ct.gov/asp/menu/CommDocTmyBill.asp?comm_code=gae&bill=SB-00740&doc_year=2017