



**AMERICAN ATHEISTS**

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**Nick Fish**  
President

October 14, 2019

The Honorable William P. Barr  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue NW  
Washington, DC 20530-0001

Dear Attorney General Barr:

I write in response to your recent comments at the University of Notre Dame law school in which you blamed “the growing ascendancy of secularism” for, among other issues, “the wreckage of the family, [...] record levels of depression and mental illness, dispirited young people, soaring suicide rates, increasing numbers of angry and alienated young males, an increase in senseless violence, and a deadly drug epidemic.”<sup>1</sup>

As the president of American Atheists, a national civil rights organization that works to achieve religious equality for all Americans by protecting what Thomas Jefferson called the “wall of separation” between government and religion created by the First Amendment, I feel I am uniquely qualified to comment on your concerns.

American Atheists strives to create an environment where atheism and atheists are accepted as members of our nation’s communities and where casual bigotry against our community is seen as abhorrent and unacceptable. We promote understanding of atheists through education, outreach, and community-building and work to end the stigma associated with being an atheist in America. As advocates for religious liberty and equality, American Atheists opposes laws, policies, and actions from government officials which favor religion over non-religion or provide special privileges to religious organizations.

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<sup>1</sup> *AG Barr Blames Drug Overdoses on Secular Society*, The Hill (October 11, 2019) (online at <https://thehill.com/homenews/administration/465472-ag-barr-blames-drug-overdoses-on-secular-society>).

We represent the growing population of Americans who identify with no religious belief. Recent surveys from the Public Religion Research Institute show that nearly a quarter of Americans don't affiliate with any religion, a number which has increased 8 percentage points in the past five years.<sup>2</sup> All told, we represent the interests of more than 75 million Americans who have, seemingly in your view, fallen victim to this "social pathology."

Your attacks on secularism and non-religious Americans are nothing new. They are as contemptible and outrageous today as they were in 1992 when you called secularists "fanatics" and blamed us for "soaring juvenile crime, widespread drug addiction, skyrocketing rates of venereal disease, 1.5 million children aborted each year."<sup>3</sup>

It is curious that you blame depression and mental illness, suicide, violence, and drug overdoses on the rise of secularism in the United States. To the contrary, as Attorney General, you no doubt know that according to data published by the FBI, the rate of violent crime in the United States has *fallen* by 49% since 1993<sup>4</sup>, the last time you blamed our community for the "moral decline" of the nation. What's more, the timeline of this fall in violent crime correlates to the explosive growth of secularism and non-religion in the United States.<sup>5</sup>

While the evidence surrounding the effects of religiosity on mental health are mixed at best, it is clear that certain religious beliefs can be hugely damaging to adherents. For example, Kenneth Pargament, professor of psychology and an expert on religion and health at Bowling Green State University, reports that when people feel that God has abandoned them or when they question God's love for them, they tend to experience high levels of emotional distress and face an increased risk of death.<sup>6</sup> "These kinds of

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<sup>2</sup> *America's Changing Religious Identity*, PRRI (September 6, 2017) (online at <https://www.prii.org/research/american-religious-landscape-christian-religiously-unaffiliated/>).

<sup>3</sup> *Attorney General Bemoans 'Moral Decline'*, Associated Press (October 7, 1992) (online at <https://www.deseret.com/1992/10/7/19009062/attorney-general-bemoans-moral-decline>)

<sup>4</sup> *5 facts about crime in the U.S.*, Pew Research Center (January 3, 2019) (online at <https://www.pewresearch.org/fact-tank/2019/01/03/5-facts-about-crime-in-the-u-s/>)

<sup>5</sup> *'Nones' on the Rise*, Pew Research Center (October 9, 2012) (online at <https://www.pewforum.org/2012/10/09/nones-on-the-rise/>)

<sup>6</sup> *God Help Us? How Religion is Good (And Bad) For Mental Health*, LiveScience (September 23, 2015) (online at <https://www.livescience.com/52197-religion-mental-health-brain.html>)

struggles have to do with the aspects of life that you hold sacred,” Pargament said. “When you get shaken to that level, then ... it's going to be very distressing.”<sup>7</sup>

Embedded in your rhetoric is an appeal to precisely the sort of religious dogma that, particularly for young LGBTQ people and those of us who choose to leave religion, causes devastating trauma that can last for decades.

The weaponization of religion by those with whom you have consistently aligned the Department of Justice in so-called “religious liberty” cases burdens the targets of religious condemnation with symptoms akin to post-traumatic stress disorder.<sup>8</sup>

You also reference the “wreckage of the family.” Perhaps you mean the declining marriage rates for young people<sup>9</sup> or the increased rates of births outside of marriage.<sup>10</sup>

While I contest that either of these indices have anything to do with the “wreckage” of the American family, it forces me to ask: What has your administration done to address these issues? What has your department done to help ensure that more children are able to grow up in safe, supporting, and loving families? What have you done to create an environment where more families are able to adopt one of the more-than 100,000 foster children eligible for and awaiting adoption?<sup>11</sup>

The unfortunate answer is that your department and this administration have put up even more roadblocks for prospective parents seeking to adopt. You’ve funneled Americans’ tax dollars to agencies and providers that turn away loving, qualified

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<sup>7</sup> *Id.*

<sup>8</sup> *When Religion Leads to Trauma*, The New York Times (February 5, 2019) (online at <https://www.nytimes.com/2019/02/05/well/mind/religion-trauma-lgbt-gay-depression-anxiety.html>)

<sup>9</sup> *Millennials less likely to be married than previous generations at same age*, Pew Research Center (February 13, 2019) (online at [https://www.pewsocialtrends.org/essay/millennial-life-how-young-adulthood-today-compares-with-prior-generations/psdt\\_02-14-19\\_generations-00-06/](https://www.pewsocialtrends.org/essay/millennial-life-how-young-adulthood-today-compares-with-prior-generations/psdt_02-14-19_generations-00-06/))

<sup>10</sup> *Dramatic increase in the proportion of births outside of marriage in the United States from 1990 to 2016*, Child Trends (August 8, 2018) (online at <https://www.childtrends.org/publications/dramatic-increase-in-percentage-of-births-outside-marriage-among-whites-hispanics-and-women-with-higher-education-levels>)

<sup>11</sup> U.S. Department of Health and Human Services, Administration for Children and Families, *The AFCARS Report: Preliminary FY 2017 Estimates* (August 10, 2018) (online at <https://www.acf.hhs.gov/sites/default/files/cb/afcarsreport25.pdf>)

adoptive parents for no other reason than their sexual orientation, gender identity, lack of religious belief, or adherence to the “wrong” religion.<sup>12</sup> You have made it easier for religious providers to use our tax dollars to discriminate against us.

Just last month, the Department of Justice filed a brief in *Payne-Elliott v. Roman Catholic Archdiocese of Indianapolis*, in which your department articulated the claim that any organization, whether for-profit or non-profit, could claim the ability to defy civil rights laws if it “engages in ‘expressive association’” and if prohibiting the organization from discriminating “would significantly affect [the organization’s] ability advocate public or private viewpoints.”<sup>13</sup>

Your brief claims that courts must “give deference to an association’s assertions regarding the nature of its expression.”<sup>14</sup> Put simply, it appears that it is the position of the Department of Justice that any employer can ignore any civil rights law if they have articulated opposition to the rights of the marginalized group at issue and feel that employing a member of that marginalized group undermines that message.

This administration has repeatedly sided with religious extremists who seek to use the cloak of religious freedom to excuse their attacks on vulnerable people, whether they be religious minority groups like my fellow atheists, LGBTQ people, or women seeking access to reproductive healthcare. You have elevated those who would see religion used as an excuse to ignore the law—any law—that they oppose, particularly when that law requires treating LGBTQ people with even a modicum of dignity and respect.

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<sup>12</sup> *Trump administration grants waiver to agency that works only with Christian families*, The Washington Post (January 23, 2019) (online at [https://www.washingtonpost.com/local/education/trump-administration-grants-waiver-to-agency-that-works-only-with-christian-families/2019/01/23/5beafed0-1f30-11e9-8b59-0a28f2191131\\_story.html](https://www.washingtonpost.com/local/education/trump-administration-grants-waiver-to-agency-that-works-only-with-christian-families/2019/01/23/5beafed0-1f30-11e9-8b59-0a28f2191131_story.html))

<sup>13</sup> U.S. Department of Justice, *Justice Department Files Statement of Interest in Indiana Lawsuit Brought by Former Teacher Against Archdiocese* (September 27, 2019) (online at <https://www.justice.gov/opa/pr/justice-department-files-statement-interest-indiana-lawsuit-brought-former-teacher-against>)

<sup>14</sup> *Id.*

You blame secularism for the 70,000 annual deaths from drug overdoses. And yet there is precisely zero correlation between the religiosity of a state and its rate of overdose deaths.<sup>15</sup>

You blame secularism for “soaring suicide rates.” But according to multiple studies, including a 2016 study sponsored by the National Institutes of Health, suicide attempts are more common among depressed patients with a religious affiliation.<sup>16</sup>

As a nation, we face a great many challenges that we must confront together. But rather than bridge the divides within our nation, your divisive language at Notre Dame was another attack on religious *equality* from this administration under the guise of your twisted interpretation of religious liberty and your appeals to outright Christian supremacy.

Atheists and the nonreligious are already among the least trusted demographics in the nation<sup>17</sup> and you have only worsened that distrust. We are often subjected to harassment at our jobs, rejected by our families and loved ones, and forced to confront near-constant examples of religious privilege in our daily lives. Your predecessor, Jeff Sessions, at his confirmation hearing, told Senator Sheldon Whitehouse that he “wasn’t sure” if secular people have as good a claim to understanding the truth as people who are religious.<sup>18</sup>

Your attempts, and the continued attempts by this administration and the leadership of the Department of Justice, to scapegoat the large and growing portion of the American populace who lack religious belief are factually deficient and a betrayal of your pledge to defend the Constitution.

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<sup>15</sup> Centers for Disease Control and Prevention, National Center for Health Statistics, *Stats of the States, Drug Overdose Mortality by State* (January 10, 2019) (online at [https://www.cdc.gov/nchs/pressroom/sosmap/drug\\_poisoning\\_mortality/drug\\_poisoning.htm](https://www.cdc.gov/nchs/pressroom/sosmap/drug_poisoning_mortality/drug_poisoning.htm))

<sup>16</sup> *Religion as a Risk Factor for Suicide Attempt and Suicide Ideation Among Depressed Patients*, *The Journal of Nervous and Mental Disease* (2016)

<sup>17</sup> *The Distrust of Atheists*, *Psychology Today* (May 16, 2018) (online at <https://www.psychologytoday.com/us/blog/pop-psych/201805/the-distrust-atheists>)

<sup>18</sup> *Attorney General Confirmation Hearing, Day 1 Part 2*, C-SPAN (January 10, 2017) (online at <https://www.c-span.org/video/?c4643936/sen-sessions-secular-attorneys-equal-claim-truth>)

In the words of Justice Robert H. Jackson in *West Virginia State Board of Education v. Barnette*, “If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein.”<sup>19</sup>

Rather than blaming the ills of our nation on an already maligned group, I suggest you address the real causes of the challenges we face as a nation and build bridges to those who are best positioned to help you meet those challenges head on. As atheists, we believe that it is only through human action that we can solve human problems. Our nation has already tried “thoughts and prayers.” Now’s the time for action.

Should you be interested in solving the problems you decried in your address to students at Notre Dame, you’re welcome to join us in actually doing something to create a better world.

Sincerely yours,



Nick Fish  
President  
American Atheists

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<sup>19</sup> *Tinker v. Des Moines Independent Community School District*, 319 U.S. 624 (1969)