

**House Judiciary Committee
Testimony of Murray G. Sagsveen Concerning House Bill 1145
January 14, 2025**

Chairman Klemin and members of the Judiciary Committee.

I am Murray Sagsveen, a resident of Bismarck. This is my personal testimony. I am NOT testifying on behalf of any church, synod, commission or other organization. Also, I am not testifying in support or opposition to this bill; instead, I am providing historical information that may be helpful to the Committee. I will not be testifying in person.

In 1927, North Dakota mandated the posting of the Ten Commandments in public schools (S.L. 1927, Chap. 247). That law was later amended and codified as N.D.C.C. § 15-47-10:

The school board of every school district, and the president of every institution of higher education in the state which is supported by appropriations or by tax levies, shall cause a placard containing the ten commandments of the Christian religion to be displayed in a conspicuous place in every schoolroom, classroom, or other place where classes convene for instruction. The superintendent of public instruction may cause such placards to be printed and may charge an amount therefor that will cover the cost of printing and distribution.

In 1979, Benjamin Ring and others sued the Grand Forks Public School District No. 1 seeking declaratory and injunctive relief against the operation and enforcement of this law. Attorney General Allen I. Olson assigned the case to me (I was an assistant attorney general in the Office of the Attorney General at the time).

On December 11, 1979, the U.S. District Court, Chief Judge Paul Benson presiding, conducted a hearing on the parties' cross motions for summary judgment. I attended the December 1979 hearing and argued in defense of the 1927 state law.

Following the hearing, the court entered an order that stated, in part: "IT IS FURTHER ORDERED judgment be entered declaring North Dakota Century Code § 15-47-10 to be a violation of the First and Fourteen Amendments to the Constitution of the United States." *Ring v. Grand Forks Public Sch. Dist. No. 1*, 483 F. Supp. 272 (D.N.D. 1980). The North Dakota Attorney General did not appeal the court's order.

The U.S. Supreme Court subsequently addressed this and other similar issues in other cases. See, for example, *Stone v. Graham*, 449 U.S. 39 (1980); *McCreary County v. ACLA of Kentucky*, 545 U.S. 844 (2005); *Van Orden v. Perry*, 545 U.S. 677 (2005); and *Pleasant Grove City v. Summum*, 555 U.S. 460 (2009).

In 2021, the Legislative Assembly considered Senate Bill 2308, which (in its final version) would amend section 15.1-09-33 to: "Authorize schools within the district to

display the ten commandments with a display of other historical documents in the school and in a classroom.”

Senate Bill 2308 (in its final version) also provided immunity to individuals who would comply with the law:

The superintendent of public instruction, school districts, schools, school boards and individual school board members, governing boards and individual governing board members, administrators, principals, teachers, and any other school district employed personnel are immune from any liability for damages resulting from a school’s decision to display the ten commandments or permit students to recite the pledge of allegiance...”

I testified in opposition to Senate Bill 2308 in both committee hearings. I explained that the federal district court had declared the somewhat similar 1927 legislation unconstitutional.

The Senate and House committees voted “due pass,” the Senate and House approved Senate Bill 2308, and Governor Burgum signed the bill into law. The legislation is codified as sections 15.1-09-33(35) and 15.1-09-33.5.

House Bill 1145, as introduced, is remarkably similar to the unconstitutional 1927 law. It states:

- “The state board of higher education shall display the ten commandments in each classroom on the campus of each stated educational institution under its control and administration.”
- “A board of a school district shall display the ten commandments in each classroom and building on school grounds in the school district.”
- “A board of a school district may spend its funds or donated funds to purchase displays and may accept donated displays.”

House Bill 1145 also specifies the size of the displayed document and text of the commandments, which has been quoted from the King James version of the Bible at Exodus chapter 20.

If House Bill 1145 is enacted in its present form, it will likely be successfully challenged as unconstitutional (as was the similar 1927 law).

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