



1 **NDCEL Testimony in Opposition to House Bill No. 1145 on the 10 Commandments in**  
2 **Public Schools and State Institutions**

3 **Chairperson and Members of the Committee:**

4 I appreciate the opportunity to provide testimony in opposition to House Bill No. 1145. This bill  
5 proposes the mandatory display of the Ten Commandments in each classroom across North  
6 Dakota's public schools and state educational institutions. While I understand the historical and  
7 cultural significance that religious texts such as the Ten Commandments may hold for many, this  
8 bill raises significant constitutional and statutory concerns at both the federal and state levels.

9 **1. Constitutional Concerns**

10 **A. Federal Constitution: Establishment Clause (First Amendment)** The First Amendment of  
11 the United States Constitution prohibits the government from enacting laws "respecting an  
12 establishment of religion." In *Stone v. Graham* (1980), the U.S. Supreme Court struck down a  
13 Kentucky statute requiring the posting of the Ten Commandments in public school classrooms.  
14 Notably, in 2024, a federal court in Louisiana reaffirmed this precedent by striking down a  
15 similar law, demonstrating that courts continue to interpret the Establishment Clause in cases  
16 involving religious displays. The Court reasoned that the primary purpose of the display was  
17 religious and, therefore, violated the Establishment Clause. By requiring the display of a  
18 distinctly religious text, HB 1145 mirrors the very type of legislative mandate that the Court  
19 deemed unconstitutional.

20 The proposed text in HB 1145 is inherently religious, declaring divine authority ("I AM the  
21 LORD thy God"), which cannot be interpreted as merely historical or moral in a neutral context.  
22 Public schools, as government institutions, must remain religiously neutral to respect the rights  
23 and beliefs of all students and families.

24 **B. North Dakota Constitution: Article I, Section 3** The North Dakota Constitution mirrors  
25 federal protections, stating that "no preference shall be given by law to any religious creed or  
26 mode of worship." By mandating the prominent display of a specific religious doctrine, this bill  
27 imposes a preference and violates the state's commitment to religious freedom and neutrality.

28 **2. Practical and Educational Considerations**

29 **A. Promotion of Inclusive Learning Environments** Public educational institutions are tasked  
30 with fostering inclusive and welcoming environments for all students, regardless of their faith or  
31 beliefs. It is important to acknowledge that North Dakota Century Code already provides for

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for all students in North Dakota.*

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1 voluntary religious expression, such as NDCC 15.1-19-03.1, allowing students to engage in  
2 religious activities in a way that respects individual choice and maintains inclusivity. This bill  
3 risks alienating students and families who may not adhere to Judeo-Christian teachings. Such  
4 actions can lead to division and feelings of exclusion, rather than promoting the unity and respect  
5 that our schools strive to achieve.

6 **B. Legal Risks and Potential Litigation** Enacting HB 1145 would likely expose school districts  
7 and the state to costly litigation. Legal challenges would almost certainly arise, as evidenced by  
8 prior cases across the country, including the aforementioned 2024 federal ruling in Louisiana that  
9 struck down a similar Ten Commandments display law as unconstitutional. This recent decision  
10 again reinforces the legal risks and demonstrates that even modern attempts to mandate religious  
11 displays have been met with judicial opposition. These legal battles would divert significant  
12 financial resources and administrative time away from educational priorities. Enacting HB 1145  
13 would likely expose school districts and the state to costly litigation. Legal challenges would  
14 almost certainly arise, as evidenced by prior cases across the country. These legal battles would  
15 divert significant financial resources and administrative time away from educational  
16 priorities. As North Dakota grows in diversity - the likelihood of such lawsuit grows with it.

17 **3. Alternatives to Promote Moral and Civic Values** The values outlined in the Ten  
18 Commandments—such as honesty, respect, and responsibility—are fundamental to character  
19 education. However, there are more constitutionally sound approaches to promoting these values  
20 within our schools, such as implementing civic education programs, character development  
21 curricula, and school-wide behavioral expectations that do not associate morality with a  
22 particular religious tradition.

23 **Conclusion** In conclusion, House Bill No. 1145 poses serious constitutional concerns under both  
24 federal and state law and presents significant risks for North Dakota's educational system. I  
25 respectfully urge the committee to reconsider the implications of this bill and to prioritize  
26 approaches that uphold the principles of religious freedom and inclusivity while fostering strong  
27 moral and civic values in our schools.

28 Thank you for your time and consideration. I am happy to answer any questions the committee  
29 may have.

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