



NORTH DAKOTA

Family Alliance LEGISLATIVE ACTION

Testimony in Support of House Bill 1145

Mark Jorritsma, Executive Director
North Dakota Family Alliance Legislative Action
January 14, 2025

Dear Chairman Klemin and honorable members of the House Judiciary Committee,

My name is Mark Jorritsma and I am the Executive Director of North Dakota Family Alliance Legislative Action. I am testifying on behalf of our organization in support of House Bill 1145 and respectfully request that you render a “DO PASS” on this bill.

HB 1145 would require the posting of the 10 Commandments in classrooms, both in public schools and in colleges and universities under the control of the State Board of Education. I do not plan to go through a litany of arguments comparing and contrasting perspectives on the posting of the 10 Commandments – that sounds too much like a term paper, and nobody wants to read a term paper. What I *will* present are important considerations why this committee should render a “DO PASS” on this bill.

Legal Status: As you are undoubtedly aware, in 1980 the U.S. Supreme Court decided in *Stone v. Graham* that the State of Kentucky requiring the posting of the 10 Commandments in classrooms “had no secular legislative purpose” and was “plainly religious in nature.” This case is often the basis for stating that the posting of the 10 Commandments is simply illegal. However, the Lemon Test was overturned by the Supreme Court in 2022 in the case *Kennedy v. Bremerton School District* and may serve as an indicator pointing to a possible shift in court decisions favoring a more accommodating approach toward religion in the public sphere. The overturning of the Lemon Test now points to a new standard which will find the courts looking to “historical practices and understandings”¹ to determine a violation of the First Amendment’s Establishment Clause. Further, the current composition of SCOTUS strongly points to more conservative decisions in the future.

Historical Precedent: There is voluminous evidence that the 10 Commandments represented an integral part of the Judeo-Christian foundation of American society from its inception. This included being featured in early American textbooks, posting the Ten Commandments on walls of classrooms in American schools prior to *Stone v. Graham*, and the original thirteen colonies adopting the entire Decalogue into their civil and criminal laws. For almost two hundred years,

¹ Kennedy v. Bremerton School District, 597 U.S. 413 (2022)

the Commandments provided the organizing principles for life, family, education, law, and government. The Commandments were universally recognized as the finest principles upon which to organize a just, humane, and civil society.²

Biblical Basis: The biblical basis of the 10 Commandments is without debate. Moses received the 10 Commandments from God as a guide for the people to live by, in relationship to God and their fellow man. Many if not most of you were raised in Christian households and/or are professing Christians today, so the biblical basis for posting the 10 Commandments is personal for many of us.

Practicality: Aside from the biblical basis, the 10 Commandments represent a set of very practical and widely accepted rules for life that have in one form or another been adopted in many cultures. They represent a foundation for religious and societal harmony that all countries and peoples desire.

Consistency: There is ample evidence that the 10 Commandments are an integral part of our American society. They can be found in the following places.

- **U.S. Supreme Court** – Multiple places (about 50 instances inside and outside): engraved into outside of building structure in what is known as the East Pediment, it is the central feature, with Moses holding the 10 commandments. They are also engraved in the lower parts of the oak double doors within the chambers.
- **Library of Congress** – Prominent display of Moses with the 10 commandments.
- **National Archives** – The 10 commandments are engraved in bronze on the floor.
- **Ronald Reagan International Trade Building** – Moses with the 10 commandments is on the outside of the building.
- **U. S. House of Representatives** – Moses' face is engraved in stone over the Speaker of the U.S. House of Representatives.
- **Ninth Circuit Court of Appeals (San Francisco, CA)** – The 10 Commandments are in the seal of the court.

For these reasons, North Dakota Family Alliance Legislative Action requests that you render a “DO PASS” on House Bill 1145. Thank you for the opportunity to provide this testimony, and feel free to contact us if you have any questions.

Mark Jorritsma
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² Family Research Council. <https://downloads.frc.org/EF/EF10I86.pdf>