

**Senate Judiciary Committee**  
**Testimony of Murray G. Sagsveen on Senate Bill 2308**

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.

The U.S. District Court, Chief Judge Paul Benson president, conducted a hearing on December 11, 1979, on the parties' cross motions for summary judgment. 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).

I represented the State of North Dakota in that action and attended the December 1979 hearing.

The U.S. Supreme Court has 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. Sumnum*, 555 U.S. 460 (2009).

It is my recommendation that this committee vote a "do not pass" recommendation concerning this bill.

Murray G. Sagsveen  
1277 Eagle Crest Loop  
Bismarck, ND 58503-8849  
[mgsagsveen@gmail.com](mailto:mgsagsveen@gmail.com)  
701-426-1905