

**2025 HOUSE JUDICIARY**

**HB 1145**

# 2025 HOUSE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Room JW327B, State Capitol

HB 1145  
1/14/2025

A BILL for an Act to create and enact a new section to chapter 15-10 and a new section to chapter 15.1-09 of the North Dakota Century Code, relating to displays of the ten commandments in state educational institutions and public schools.

10:15 a.m. Chairman Klemin opened the hearing.

Members Present: Chairman Klemin, Vice-Chairman Karls, Vice-Chairman Vetter, Representatives Christianson, Henderson, Hoverson, Johnston, McLeod, Satrom, Tveit, VanWinkle, Wolff, Schneider

Members Absent: Representative Olson

## **Discussion Topics:**

- Supreme Court Lemon Test
- Kennedy vs. Bremerton School District
- Separation of church and state
- Ten Commandments historical value and tradition
- Religious expression in schools

10:16 a.m. Representative Hoverson, North Dakota Representative for District 3, introduced the bill.

10:21 a.m. Tim Barton, President of WallBuilders, testified in favor and provided testimony #28880.

10:32 a.m. Pat Dean, former North Dakota principal, testified in favor.

10:43 a.m. Janice Lorrach, Attorney/Legislative Counsel for the Pacific Justice Institute - Center for Public Policy, testified in favor and provided testimony #28839.

10:54 a.m. Jim Tweeton, Pastor at Cornerstone Baptist Church, testified in favor.

11:01 a.m. Michael Rosario, Executive Director of Nevaah's Boxing Ministry, testified in favor.

11:08 a.m. KrisAnn Norby-Jahner, in-house Legal Counsel for the North Dakota School Boards Association, testified in opposition and provided testimony #28710.

11:28 a.m. Cody Schuler, Advocacy Manager for the North Dakota American Civil Liberties Union, testified in opposition and provided testimony #28907.

11:47 a.m. Olivia Data, North Dakota resident, testified in opposition and provided testimony #29046.

11:56 a.m. Christopher Scott, Director of Policy, Advocacy, and Research for the North Dakota Student Association, testified in opposition and provided testimony #28898.

11:59 a.m. Don Morrison, President of the Board of Trustees of the Bismarck Mandan Unitarian Universalist Church, testified in opposition and provided testimony #29279.

12:03 p.m. Carol Two-Eagles, North Dakota Resident, testified in opposition.

**Additional written testimony:**

Samantha Fannik, Minot, North Dakota, submitted testimony in favor #28581

Julie Hess, Jud, North Dakota, submitted testimony in favor #28664

Robert Costello, Tioga, North Dakota, submitted testimony in favor #28758

Kurt Chaffee, Senior Pastor at Pastor New Song Church, submitted testimony in favor #28761

Shelley Hammer, Glenburn, North Dakota, submitted testimony in favor #28810

Marilyn Sauer, Retired Teacher, submitted testimony in favor #28825

Kolette Kramer, District 6 Resident, submitted testimony in favor #28844

Mary Marmon, District 6 Resident, submitted testimony in favor #28882

Tammy Delzer, Max, North Dakota, submitted testimony in favor #28885

Catherine Cartier, Williston, North Dakota, submitted testimony in favor #28891

Tam Wisthoff, Berthold, North Dakota, submitted testimony in favor #28892

Travis Zabloutney, Individual, submitted testimony in favor #28901

Matt Krause, First Liberty Institute, submitted testimony in favor #28908

Jerol Gohrick, Chairman of D2, submitted testimony in favor #28925

Mark Jorritsma, Executive Director of the North Dakota Family Alliance Legislative Action, submitted testimony in favor #28927

Loren Delzer, Max, North Dakota, submitted testimony in favor #29012

Angela York, Grand Forks, North Dakota, submitted testimony in opposition #28354

William Brandt, Horace, North Dakota, submitted testimony in opposition #28436

Susan Dingle, Bismarck, North Dakota, submitted testimony in opposition #28455

Terri Hedman, Fargo, North Dakota, submitted testimony in opposition # 28465

Laura Ackerman, Mandan, North Dakota, submitted testimony in opposition #28501

Gretchen Deeg, Bismarck, North Dakota, submitted testimony in opposition #28508

Daniel Rice, Fargo, North Dakota, submitted testimony in opposition #28548

Naomi Franek, Fargo, North Dakota, submitted testimony in opposition #28580

Julie Anderson, Bismarck, North Dakota, submitted testimony in opposition #28671

Sylvia Bull, Bismarck, North Dakota, submitted testimony in opposition #28679

Anastassiya Andrianova, Fargo, North Dakota, submitted testimony in favor #28718

Heather Szklarski, Grafton, North Dakota, submitted testimony in opposition #28747

Elizabth Loos, Lobbyist for National Association of Social Workers - North Dakota Chapter, submitted testimony in opposition #28750

Phyllis Johnson, Intern Pastor for Gift of Grace Parish, ELCA, submitted testimony in opposition #28766

Martin Toepke-Floyd, Jamestown, North Dakota, submitted testimony in opposition #28774  
Nick Archuleta, President of ND United, submitted testimony in opposition #28793  
Alexandra Deufel, Minot, North Dakota, submitted testimony in opposition #28805  
Elizabeth Walch, Bismarck, North Dakota, submitted testimony in opposition #28806  
Tamara Toepke-Floyd, Jamestown, North Dakota, submitted testimony in opposition #28834  
Kristin Nelson, Fargo, North Dakota, submitted testimony in opposition #28840  
Kristy Rose, Bismarck, North Dakota, submitted testimony in opposition #28843  
Kimberly Halvorson, Fargo, North Dakota, submitted testimony in opposition #28867  
John Streccius, Bismarck, North Dakota, submitted testimony in opposition #28874  
Ellery Dykeman, Minot, North Dakota, submitted testimony in opposition #28875  
Kaaren Stuck, Minot, North Dakota, submitted testimony in opposition #28876  
Denise Dykeman, Minot, North Dakota, submitted testimony in opposition #28878  
Catherine Benton, Grand Forks, North Dakota, submitted testimony in opposition #28879  
Jean Burke, Minot, North Dakota, submitted testimony in opposition #28895  
Troy Kuntz, Elementary Library Media Specialist, submitted testimony in opposition #28900  
Ciara Gonzalez, Minot, North Dakota, submitted testimony in opposition #28903  
Aimee Copas, Executive Director of NDCEL, submitted testimony in opposition #28906  
Andrew Alexis Varvel, Bismarck, North Dakota, submitted testimony in opposition #28932  
Representative Lisa Finley-DeVile, North Dakota Representative or District 4A, submitted testimony in opposition #30268  
Murray Sagsveen, Bismarck Citizen, submitted neutral testimony #28449  
Jerry Rostad, Vice Chancellor of the North Dakota University System, submitted neutral testimony #29016

12:05 p.m. Chairman Klemin closed the hearing.

*Wyatt Armstrong, Committee Clerk*



Angela York

Regarding House Bill No. 1145

9 January 2025

My name is Angela York. I am a North Dakota resident testifying in opposition to House Bill No. 1145, which would mandate Ten Commandments displays in public educational institutions.

I am a North Dakota native who grew up in our public schools. I was raised by my family to be Lutheran, but knew from a young age that I was not religiously inclined. I experienced discrimination from my family and others due to my lack of religion, but I always found school to be a safe space where my religion, or lack thereof, did not make me a secondary citizen. That feeling of safety allowed me to thrive despite other hardships. This bill would intentionally introduce religious discrimination into the classroom, privileging those who are aligned with particular religions. I want to be proud of my state, but this legislation would intentionally harm North Dakota students. North Dakota, at its best, should be welcoming and inclusive of students of all faiths and backgrounds, so that we can continue to grow and benefit from the contributions of a diverse populace.

This bill also conflicts with the principles of religious freedom in the U.S. Constitution and North Dakota's Declaration of Rights, which prohibits religious discrimination. Mandating the Ten Commandments displays clearly shows preference for one set of religions and discriminates against those of different faiths or no faith at all.

I believe the North Dakota Legislative Assembly should reject this bill and instead focus on legislation that addresses pressing issues affecting our quality of life, such as economic opportunity and healthcare access. These are areas where legislative action can make a meaningful difference in the lives of North Dakotans without infringing on constitutional rights or promoting religious preferences in public institutions. I am grateful to Representatives Zachary Ista and Eric Murphy for their very quick and positive response to my concerns.

To solve this issue, I suggest the following:

1. Vote "No" on House Bill No. 1145.
2. Redirect legislative efforts toward addressing tangible quality-of-life issues that impact all North Dakota residents.

Thank you for reading my testimony. I sincerely hope you will consider my concerns and the solutions I have suggested. Your thoughtful consideration of these matters is greatly appreciated.

Angela York

I urge a do not pass recommendation on HB 1145. This bill represents an encroachment on the separation of church and state by requiring posting of Christian religious doctrine only. While religious doctrine can serve as a teaching tool, this bill is architected in such a way that there is a clear bias toward Christianity. It is apparent that the aim is not to educate students in an objective way, but to establish Christian principles as a foundational element of public classrooms.

Aside from the bias toward Christianity, the bill places the financial responsibility on the school systems, further encroaching on separation of church and state by using public funds to display only Christian religious doctrine.

Thank you for considering this testimony.

A concerned resident,

William J Brandt

7874 Firefly Ln

Horace, ND 58047

**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. ACLU 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).

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

My name is Susan Dingle. I live in District 35 and I vote in every election. Please DO NOT PASS HB1145 to require display of the ten commandments in every classroom in North Dakota public schools. Our country is based on separation of church and state—in the U.S. Constitution and opposition to government imposition of a state religion is part of the bill of rights. This bill directly contravenes the provisions and intentions of the US Constitution and its bill of rights. Posting a notice—of any sort—does not guarantee that it will be read or obeyed. It does not guarantee behavior. If the intention of this bill is to promote ethical, moral, “do unto others as you would do unto yourselves” behavior [a basic principle in many world religions, not just Christianity], it may be admirable, but it is flawed and wrong, in addition to violating key precepts our country is based on. If you want to promote morality and accountability, do it at the ballot box, do it by walking the walk and talking the talk [we might discover that some members would need to exit, I believe], and do it by how you act, every day, in every way. You cannot legislate morality or behavior, much as you might wish to.

VOTE DO NOT PASS on this perhaps well-intentioned bill that violates the constitution and the basis of this country.

Terri Hedman, 5524 16 Street South, Fargo, ND 58104

Oppose HB 1145

Freedom of religion is one of the most important principles of our democracy. Please do not support the posting of the Ten Commandments in K-12 or university classrooms. As we love our neighbor, it is imperative that no child in a classroom is othered because their parents have a belief system that is not Christian. Remember they will know we are Christians by our love?

Passage of this bill will lead to expensive legal battles and as a citizen of this state I implore you not to waste taxpayers' money on this hateful legislation.

Please oppose HB 1145

Terri Hedman

5524 16 Street South

Fargo, ND 58104

From: Laura Ackerman

To: House Judiciary Committee

Subject: House Bill 1145, relating to displays of the ten commandments in state educational institutions and public schools

Date: January 11, 2025

My name is Laura Ackerman and I am resident of Mandan, North Dakota, residing in District 31. The purpose of my testimony is to urge the House Judiciary Committee to vote **no** on **House Bill 1145**.

This bill violates the First Amendment of the U.S. Constitution, which directs the government to be neutral on religion or personal beliefs. The Ten Commandments is a religious document (with multiple versions) and reflects the beliefs of some people. Requiring it to be displayed in public institutions and schools subjects students to government-endorsed religious coercion, infringes on our right to religious freedom, and interferes with a parent's ability to direct their child's religious upbringing.

If this bill was about displaying the commandments or doctrine of many religions (e.g., Judaism, Christianity, Islam, Hinduism, etc), for the purposes of educating people on the variety of religious beliefs, this would be a different matter. However, this bill chooses one version of the Ten Commandments as the official or favored version endorsed by the government. With this bill, the government would be providing preferential treatment towards one religious belief system, and making subordinate, those with differing religious beliefs and those that are agnostic or atheist.

I will also add that I do not oppose private educational institutions displaying religious documents. Public schools, however, are funded by public dollars and this is not how I want my tax dollars spent. Religious organizations and churches do not contribute taxes. I happily support public schools because they are subject to public accountability and cannot discriminate against who is allowed to attend.

If you respect the U.S. Constitution, religious freedom for all people, and less government infringement in our personal lives, you should reject this bill. Please focus on bills that promote equality, protect freedoms, wisely spend taxpayer dollars, responsibly manage our natural resources, and improve quality of life for all people.

Thank you for considering this testimony.

Sincerely,

Laura Ackerman

Regarding HB 1145

January 12, 2025

I am local church pastor and I strongly urge a Do NOT Pass on HB 1145. Requiring the 10 Commandments to be posted in state educational institutions and public schools is inappropriate for people of Christian faith, people of non-Christian faith traditions, and people of no faith. The 10 Commandments are sacred to Christians and Jews. It is inappropriate for public institutions to use the sacred texts of our Christian and Jewish traditions in a public education setting. The appropriate place for education about the 10 Commandments is in religious institutions, churches, and synagogues.

Furthermore, it is entirely inappropriate to require the 10 Commandment be posted using the outdated wording of the King James Version. The King James Version was translated in the early 17<sup>th</sup> century and the English language has changed dramatically in the past 400 years. The archaic wording of the King James Version leads to misunderstanding and misappropriation of the Christian sacred texts. Requiring the King James Version be posted in public schools forces a specific understanding of Christianity upon all people. This violates the freedom of religion of all Christians, people of other faith traditions, and people of no faith.

It is a direct violation of freedom of religion to require the posting of the 10 Commandments in state educational institutions or public schools. As a Christian pastor who holds the 10 Commandments and the entirety of the Christian sacred text in high esteem, I strongly urge a do NOT Pass on HB 1145.

Sincerely,

Rev. Gretchen Deeg  
Local Church Pastor - Christian  
Bismarck, ND



**Testimony on HB 1145**  
**January 14, 2024**  
**Daniel Rice (Fargo, ND)**

Chairman Klemin and Members of the House Judiciary Committee:

I am a person of faith and regular churchgoer and I write in opposition to HB 1145 which mandates that the ten commandments be posted in all public classrooms in North Dakota. I oppose the bill for the following reasons.

1. The ten commandments are entirely and exclusively a religious statement. The version quoted in the bill is from the King James version of the Christian Bible and originated in the Torah of Judaism. To claim it is a neutral historical document is false and should offend all followers of Judaism and Christianity.
2. To claim that the ten commandments is the sole or primary source of U.S. civil law is historically false. U.S. law was influenced by British Common Law and the development of case law in Britain. British law was influenced by other legal traditions in Europe, especially Roman Law. The development of U.S. law is complex and somewhat unique to this country and the claim that it is dependent on the ten commandments is a myth promoted by evangelical Christians, Christian nationalists and others with a religious agenda.
3. The tenants of the ten commandments are included in several other legal traditions that preceded the ten commandments and, in fact, many scholars believe that those ancient traditions influenced the formation of the ten commandments.

Which raises the question of the intent of the sponsors of this bill. One answer is that they are, as is often the case, simply copying the bills from other “red state” legislators who have proposed similar bills.

Which leads to the conclusion that this bill is intended to impose a particular religious view on all the students, teachers, and staff in the public schools, colleges and universities in the state.

For all of these reasons, if you value religious freedom, historical truth, and sound educational practice I urge you to oppose this bill.

Thank you for reading my testimony and **I urge the Judiciary Committee to vote Do Not Pass on HB 1145.**

To the Judiciary Committee:

I am a 70 yr. old Lutheran Christian who is totally opposed to this bill. The bill is unconstitutional and will require a lot of time and money that our state does not need to spend in litigation. It is a conflict of church and state, plain and simple. The USA is a melting pot of many religious expressions. North Dakota Legislature's job is **not to promote** religious writings of any kind, much less mandate the posting of it in public schools. It's job is to **protect** our religious freedom. As an American and a Christian this bill is offensive to me.

Thank you for the opportunity to express my opinion and thanks for your service in the legislature.

Sincerely,

Naomi Franek  
Fargo, ND

Samantha Fannik  
Regarding House Bill No. 1145  
January 12, 2025

Dear Committee Members,

First of all, thank you for taking the time to read what I have to say. I'm not able to be there in person, so I am thankful to be able to share my thoughts with you this way. I am writing in favor of House Bill No. 1145 which would bring the Ten Commandments back into our schools. The 10 Commandments haven't been displayed since 1980 and they were part of the foundation of our country.

The Ten Commandments is a historical document that deserves to be on the walls in classrooms and hallways. There has been an increase of young people that don't know right from wrong. Why is this? Where do we get our morals from? The foundation of morality comes from the Ten Commandments, and it is crucial to have a moral foundation to continue as a society. No matter your religion or lack thereof, we all can agree that it is important to listen to your mom and dad/guardian and that we shouldn't kill/hate people, cheat, steal, or lie. Why wouldn't we want students to see that on a document in the school?

What about the other commandments that have to do with God? The Ten Commandments will be posted on the wall, but they aren't required to be taught. This means that someone who believes in Buddha could look at the first commandment and think that their god is number one. It is not forcing my God on them. Christianity is not being forced or even talked about in public schools. Do you know what is though? Hinduism, Buddhism, Greek gods and goddesses, Egyptian gods, etc. I know because I am a teacher in the public school system. Those subjects are being forced onto students, and the majority of people don't have a problem with those things. They have nothing to do with the foundation of our country or its principles, yet it supposedly is so important to learn.

Why do kids go to school? They go to school to learn academics, gain social skills, prepare them for future careers, and understand responsible citizenship. The Ten Commandments provide morality which enhances learning as well as provides guidance on how to be a good person and a responsible citizen. This is why I believe the Ten Commandments should be on the walls in classrooms and hallways of our North Dakota schools.

In closing, the Ten Commandments will:

- increase the morality of students and staff in the schools
- not force religion on anyone
- bring an important historical document back into the schools

I feel blessed to live in the great state of North Dakota! Let's get back to the basis of what our country and state were founded on. Please allow the Ten Commandments to be posted on the walls and classrooms of schools by passing House Bill 1145. Thank you for your time.

The Ten Commandments have been a cornerstone of the Laws of the United States since its inception. They provide in the most basic terms ideals of right and wrong upon which any society can function. But, even more importantly, they remind us of the higher power and transcendent nature and loftier purposes for which we have been designed by our Creator.

## Testimony in Opposition to HB 1145

The posting of the Ten Commandments in classrooms I feel will not serve the educational process well.

- Posting something with no further education or explanation leaves it up for individual interpretation that is not informed. The Ten Commandments has been open to interpretation since they were first given. They were meant to define what it meant to be God's chosen people. It was a means of structuring how the community was to be.
- There are several different understandings of how the Ten Commandments are listed. There is a Catholic and Reformed parsing that creates different emphasis. Which one will be used or will that depend on the school district?
- My understanding of the separation of Church and State was to allow for open religious expression. The USA has been a nation of multiple religious expressions from the beginning and it has allowed for a broader and deeper understanding of a divine force greater than any single religion or person.
- The event that significantly changed the Church and its mission was when the government of Constantine recognized Christianity as the religion of the empire. The Church took on an administrative duty for the empire and the empire "helped" spread the Christian mission. The Church does best when left to its own means and is not legislated.
- The home is where the principles of the Ten Commandments should be taught and the schools and government should support such teaching.

I oppose this bill for I see it creating more confusion and misunderstanding for young people. A person's religious faith should inform their decisions about legislation, not be the legislation.

Sincerely,  
Rev. Dr. Julie A Kurtz Anderson

Sylvia Bull

Regarding House Bill No. 1145

13 January 2025

To the members of the House Judiciary Committee,

I urge a strong NO vote on this bill requiring the displaying of the Ten Commandments in public educational settings. As a Christian, and a local pastor in Bismarck, the Ten Commandments are an important component of my religious belief and practice. However, there are many other residents of North Dakota who practice other religions (or none!) and who have other texts, traditions, and values that are important to them. By privileging Christian religious texts in the classroom, the State would be infringing on their right to free exercise of their religion and beliefs. This is wrong.

Secondarily, public teachers are not trained and should not be expected to answer questions from students about these commandments, which may naturally arise. That is the purview of families, pastors, and faith communities. The State would infringe on our rights to teach and share our beliefs in appropriate ways by presuming to take on this role. This is also wrong.

In Daniel chapter 3, the Bible shows the dangers of the State enforcing religious beliefs and practices on minorities. In that story, Shadrach, Meshach, and Abednego did what all people of conviction and integrity are called to do in such a situation, they stood up to the State and said, "No. No, you cannot and will not dictate my faith to me."

As a person of faith, I say no, too. And I encourage you to say no with me. Say no to this overreach that violates the rights and free conscience of our neighbors. We can and must do better as North Dakotans.

Again, I urge you to vote NO on House Bill 1145. Please direct your efforts to legislation that serves and benefits the lives of all North Dakotans, irrespective of faith tradition or belief.

In Christ,  
Rev. Sylvia Bull  
Bismarck



**NDSBA**  
**NORTH DAKOTA SCHOOL**  
**BOARDS ASSOCIATION**

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[HB 1145](#)

**Testimony of KrisAn Norby-Jahner**  
**House Judiciary**  
**January 14, 2025**

Chair Klemin and members of the House Judiciary Committee, for the record my name is KrisAnn Norby-Jahner. I am in-house legal counsel for the North Dakota School Boards Association. The NDSBA represents all 168 North Dakota public school districts and their boards. I am here today in opposition to HB 1145.

HB 1145 seeks to add a new section to N.D.C.C. ch. 15.1-09, which is a chapter outlining public school boards' duties, powers, and various legal obligations. HB 1145 would require school boards to display the ten commandments in each classroom and building on school grounds, and the Bill mandates specific display and text version requirements. The NDSBA opposes HB 1145 because it would cause public school districts to violate the Establishment Clause of the First Amendment of the U.S. Constitution, likely subjecting our schools to costly litigation and legal challenges. The Establishment Clause is central to the analysis of cases addressing religious instruction or materials in public schools. Under the Establishment Clause, "...Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof...." The Establishment Clause has formed the basis for numerous challenges to state laws mandating that public school districts display the Ten Commandments.

Most recently, when the State of Louisiana passed a law similar to HB 1145, a coalition of parents swiftly filed a lawsuit, asserting facial challenges under the Establishment Clause and Free Exercise Clause of the U.S. Constitution. The U.S. District Court issued a preliminary injunction in November 2024 and specifically found that there is no "constitutional way to display the Ten Commandments" under a state law that contains almost the exact same requirements as those proposed in HB 1145. Specifically, like the Louisiana law, HB 1145 violates the Establishment Clause as outlined by the still-controlling U.S. Supreme Court case, *Stone v. Graham* in 1980. Even though *Stone* based its decision on the test established by *Lemon v. Kurtzman* (1971), which has since been abrogated, district courts remain bound to follow *Stone* until the Supreme Court specifically overrules it. The state law found to be unconstitutional in *Stone* shares the following similarities with HB 1145 that make them legally indistinguishable: (1) both require the Ten Commandments to be

displayed in every school classroom and building; (2) both impose comparable minimum size requirements for the display; (3) both allow for financing by private/ donated contributions; (4) both require the Ten Commandments to be the “*central*” focus or display, while failing to give preferential treatment to foundational documents like the U.S. Constitution, the Declaration of Independence, or the Magna Carta; and (5) neither require the Ten Commandments to be “integrated into the school curriculum, where the Bible may constitutionally be used in an appropriate study of history, civilization, ethics, comparative religion, or the like,” *Stone*, 449 U.S. at 42.

HB 1145 is analogous to the unconstitutional law in *Stone*, where the U.S. Supreme Court held, “[i]f the posted copies of the Ten Commandments are to have any effect at all, it will be to induce the schoolchildren to read, meditate upon, perhaps to venerate and obey, the Commandments,” and that “is not a permissible state objective under the Establishment Clause.” Cases that have been heard in federal courts across the country since *Stone* have consistently emphasized the impressionability of young students and the fact that they are captive audiences in a school building who are significantly influenced.

Even if *Stone* did not control, HB 1145 would still be unconstitutional under the U.S. Supreme Court’s 2022 decision in *Kennedy v. Bremerton School District* (where a football coach lost his job after kneeling midfield after games to offer a quiet, personal prayer). A school employee choosing to exercise a constitutional right is different from a public school being required to adopt and display a specific religious observation. The current standard for determining the constitutionality of religious display in a public school is whether the practice at issue “fits within” or is “consistent with a broader tradition,” which is determined by looking at “reference to historical practices and understandings.” In Louisiana, the U.S. District Court found that even if the practice of posting the Ten Commandments in public-school classrooms did fit within a broader tradition at the time of the Founding or incorporation of the First Amendment, the state law mandating a specific display of the Ten Commandments as a focus was still unconstitutional. HB 1145, like the state law in Louisiana, is unconstitutional because it fails to select historical documents generally and it mandates a specific version of a document “without regard for belief,” which make the practice discriminatory.

Most critically, however, HB 1145’s mandatory practice is coercive. Requiring public school boards to permanently post a specific version and display of the Ten Commandments in every public-school classroom and building unconstitutionally pressures students into religious observance of a specific religious scripture. Under the U.S. Supreme Court test laid out in *Kennedy*, this message coerces students to adopt a specific version of the Ten Commandments and refrain from expressing any individual faith practices or beliefs that are not aligned with the State’s religious preferences. This is a substantial interference with and burden on the rights of parents to direct the religious education and upbringing of their children (which also establishes a



viable Free Exercise claim that parents may bring in court). HB 1145 presents a real and substantial likelihood of coercion because students will be compelled to participate and prescribe to specific religious exercise in their school classrooms and buildings. Overall, it is highly unlikely that any North Dakota public school will be able to prove that it has a “compelling State interest” (e.g., for education or history) when following the requirements of HB 1145 in displaying a specific text/ version of the Ten Commandments in its classrooms and buildings.

A lawsuit brought forth as a result of HB 1145 will likely end with the same result as a lawsuit that was brought in North Dakota in 1980, where a **1927 North Dakota statute requiring Ten Commandment displays was invalidated**. The 1927 statute directed local school boards as well as public institutions of higher education to “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 federal district court in that case, as in *Stone* and other cases, struck down the state law and found “not even a pretense of a secular purpose in the statute” that clearly only served to advance a particular religious purpose. It is clear that if HB 1145 were to pass and were challenged (as it almost certainly would be), it would suffer the same fate as other state statutes directed at the same goal. State laws cannot mandate displays that the U.S. Constitution already forbids. For this reason, the NDSBA opposes HB 1145.

Based on the foregoing reasons, NDSBA asks this Committee to issue a **do not pass** recommendation on HB 1145. Thank you for your time, and I would be happy to stand for any questions.

January 13, 2025

**VOTE NO on HB 1145 (Ten Commandments)**

Dear Members of the Judiciary Committee:

My name is Anastassiya Andrianova. I hold a PhD in Comparative Literature and am Full Professor of English at North Dakota State University, where I also served as Faculty Senate President in 2022-2023. I write on my own personal behalf, not on behalf of the university.

As a professor at one of our state's educational institutions under the control of the North Dakota State Board of Higher Education (SBHE), **I urge you to VOTE NO on proposed House Bill 1145**, "relating to displays of the ten commandments in state educational institutions and public schools."

I am a product of public schools: I went to secondary public schools. I earned a BA from the City College of New York and an MA, MPhil, and PhD from the Graduate Center of the City University of New York. I have taught countless students in a myriad classrooms at various public institutions, including at Queens College, City College, Borough of Manhattan Community College (all part of the NYC public university system), and for over 11 years here at NDSU. **No classroom in my 20+ years of experience in academia had the ten commandments displayed.**

The Ten Commandments should NOT be displayed in public institutions of learning for the following fundamental reason: **that would be unconstitutional.**

Specifically, by mandating such "displays," HB 1145 would violate the Establishment Clause of the First Amendment of the U.S. Constitution, commonly known as "the separation of church and state." The Establishment Clause protects freedom of religion by prohibiting the government from establishing a religion. A mandate to display a religious document in a public space could reasonably be construed as "establishment."

As such, HB 1145 would also **violate academic freedom**, defined as "the expression of diverse points of view by faculty, students and guests of the University, **free from interference** by administrators, SBHE members or other **government officials**," as per NDSU Policy 325 and SBHE Policy Manual, Section 401.1.

In addition, by mandating the displays of the ten commandments "in each classroom on the campus of each state educational institution under [SBHE] control and administration," **the legislature would be overstepping its power.** The SBHE, not the state legislature, is "the governing body for North Dakota's 11 public universities and colleges" that "is responsible for setting policy, advocacy, and overseeing the NDSU Extension Service, Agricultural Research Stations, and other organizations."

I strongly urge you to **Vote NO on House Bill No. 1145.**

Further, I urge you to redirect legislative efforts and taxpayer funds toward addressing tangible quality-of-life issues that impact all North Dakota residents.

Thank you for reading my testimony. Your thoughtful consideration is greatly appreciated.

Dr. Anastassiya Andrianova, PhD  
Professor of English, North Dakota State University

Heather Szklarski  
Grafton, ND - District 19  
January 13, 2025

Committee Chair and members of the House Judiciary Committee,  
My name is Heather Szklarski and I am writing in opposition of House Bill 1145 which would mandate posting the ten commandments in public educational institutions.

I am a ND native and mother-of-two, who attended public school and was raised in the Catholic Church in Grafton, ND. In high school, I was a member of a Christian youth group and was active in my faith. I never felt pressure from teachers or administrators FOR OR AGAINST our meeting up, praying, or discussing religious topics among students. This was as it should be. The school did not try to influence students into or away from any religious belief.

As a parent, I have chosen to homeschool my own kids for a variety of reasons. We choose to educate our kids in the basic tenets and customs of a variety of religions from around the world as part of our history/geography and cultural studies. This has been an excellent example of how many cultures are more alike than we might realize and, I hope, has instilled a respect for others who may believe differently than our own family. It has been one of our favorite subjects as we relate other religions to the places where they developed, their holidays, special foods and cultures associated with each religion.

HB 1145 shows preference to a particular religious belief and therefore seems unconstitutional at worst and an infringement of parental rights at best. If this bill were re-written in a way that would mandate education on the major world religions as part of Social Studies in public schools it could potentially be worthwhile.

As it is written, I would ask the Committee to suggest a "DO NOT PASS" on House Bill 1145.

Thank you for your consideration.  
Heather Szklarski

701.557.1500 » info.naswnd@socialworkers.org » naswnd.socialworkers.org



**Testimony on HB 1145**  
**National Association of Social Workers – North Dakota Chapter**  
**House Judiciary Committee**  
**January 14, 2025**

Chairman Klemin and Members of the House Judiciary Committee:

**The North Dakota Chapter of the National Association of Social Workers opposes HB 1145 for the following reasons:**

Displays of the ten commandments in public schools and universities are an endorsement of a particular religious belief, namely Judeo-Christian beliefs. Social workers believe that “educational institutions should create pluralistic environments; they should provide for, and facilitate interaction among, students and faculty of diverse racial, cultural, religious, spiritual, and ethnic backgrounds.”<sup>1</sup> **HB 1145 would prevent public schools and universities from creating and maintaining pluralistic environments** by creating or increasing the discomfort and vulnerability of students or others who do not hold Judeo-Christian beliefs and who would then feel deterred from expressing or discussing their own beliefs.

Embedded in the core values and practice of social work is respect for the inherent dignity and worth of each person.<sup>2</sup> HB 1145 clearly intends to send a message to students, teachers, and others, that persons who adhere to a Judeo-Christian belief system have a privileged position relative to individuals who believe in a non-Judeo-Christian religion, or no religion at all. **HB 1145 profoundly disrespects the inherent dignity and worth of each person in an educational setting.**

HB 1145 represents a threat to safe, open, and respectful educational settings, and NASW-ND strongly urges committee members to give HB 1145 a **Do Not Pass** recommendation.

Respectfully,

Elizabeth Loos  
 Lobbyist  
 North Dakota Chapter of the National Association of Social Workers

<sup>1</sup> NASW, *Social Work Speaks*, 2025

<sup>2</sup> [NASW Code of Ethics](#)

Chair Klemin and members of the House Judiciary Committee. For the record, my name is Bobby Costello. I am a North Dakota resident, and Delegate for District 2 of The North Dakota Republican Party. My testimony is in support of HB 1145.

In George Washington's Farewell Address (1796), he emphasized the importance of religion and morality for the success of the American republic. Washington argued that religion and morality were essential supports for political prosperity, as they help cultivate good character, self-restraint, and civic responsibility among citizens. He warned that without these guiding principles, the nation could fall into corruption, weaken its societal bonds, and be vulnerable to foreign influence or domestic strife.

Washington also suggested that religion, particularly Christianity, had a positive influence on public and private life, urging citizens to promote these values for the stability of the republic. He believed that morality, based on religious teachings, was a key element in maintaining public order and ensuring the moral character of the nation's leaders.

Thus, Washington's farewell message encouraged Americans to hold fast to these virtues as a foundation for the nation's future success and unity.

To summarize George Washington's thoughts and views he expressed in his farewell address to our nation; The two pillars that no society can stand without are religion and morality. His forethought and wisdom have now proven themselves out as we see the corruption that governs our land, the societal bonds that have been shredded, and the depth of foreign influence and domestic strife that now exists here in a quantity that is incomprehensible.

From an historical view, The Ten Commandments are a document with which our country was founded upon.

From a religious point of view The Ten Commandments, a set of ethical guidelines, hold significant importance in the three major Abrahamic religions: Judaism, Christianity, and Islam. While each religion holds the Ten Commandments in different ways, they all regard them as essential moral and spiritual principles.

## **1. Judaism:**

- **Source:** The Ten Commandments are found in the Hebrew Bible (the Old Testament) in the books of Exodus (20:1-17) and Deuteronomy (5:6-21).
- **Role:** In Judaism, the Ten Commandments are considered a covenant between God and the Israelites. They form the foundation of Jewish law, known as the Torah, and guide both personal and communal ethical conduct.
- **Significance:** The commandments focus on the worship of one God, honoring parents, prohibiting murder, theft, adultery, and bearing false witness, among other moral imperatives.

## **2. Christianity:**

- **Source:** The Ten Commandments are included in the Christian Bible, in the same places as in Judaism—Exodus 20 and Deuteronomy 5.
- **Role:** In Christianity, the Ten Commandments are part of the moral law that guides believers in their relationship with God and with others. Jesus affirmed the commandments, emphasizing love for God and for one's neighbor as the greatest commandments (Matthew 22:37-40).
- **Significance:** The Ten Commandments in Christianity are seen as a standard for ethical living, though many Christians believe that faith in Jesus Christ and the grace of God supersede the strict observance of the law.

### 3. Islam:

- **Source:** While the Ten Commandments as a list do not appear directly in the Qur'an, many of the commandments are reflected throughout the Islamic scriptures, including in verses of the Qur'an and the Hadith (sayings and actions of Prophet Muhammad).
- **Role:** In Islam, the teachings of the Ten Commandments align with the broader principles of submission to one God (Allah) and ethical behavior as outlined in the Qur'an. Similar themes appear, such as honoring parents, prohibiting murder, theft, adultery, and false testimony.
- **Significance:** The moral and ethical guidance found in the Ten Commandments is part of the broader Islamic law (Sharia), which calls for justice, righteousness, and the worship of Allah alone. Islam emphasizes obedience to God's commands as a key to leading a righteous life.

### Common Themes Across All Three Religions:

- **Monotheism:** Belief in one God.
- **Honoring Parents:** Respect for one's parents is emphasized.
- **Prohibition of Murder:** A clear directive against killing.
- **Prohibition of Theft:** Protection of others' property.
- **Prohibition of Adultery:** Emphasis on marital fidelity.
- **Prohibition of False Witnessing:** Encouraging honesty and integrity.
- **Sabbath Observance:** Resting on the Sabbath is important in Judaism and Christianity, while Islam emphasizes regular prayer and devotion to Allah.

Although the Ten Commandments are not presented in identical form in all three religions, their moral and ethical teachings have shaped the spiritual and legal practices of Judaism, Christianity, and Islam alike.

We were founded as a Christian Nation but with the utmost important distinction of honoring religious freedom. This Bill is not forcing Christianity on anyone, but making the children of our country become aware of the history of our country which has been attempted to be erased so they will never know it. People can not be forced to believe in God or anything, but as Christians it is our duty to make them aware of the choice they have to believe if they so choose to.

From a morality perspective, who could possibly want their children to not know and obey these Ten Commandments we were so gracefully given to us by our Creator?

With the 10's of 1000's of laws that have been written and governed with since, we have now become so far removed from these ten basic rules we were given to live our lives by and teach our children to do the same. We are at a crossroads between the history and the future of our country, but we are not beyond the point of being repaired and restored. Fortunately, our country was built upon such a solid foundation that it has taken 250 years to try to finally knock it down off it. It is now time that we need to make up our minds and pick a side. Say who we are and be able to prosper again for the next 250 years.....and being with God is the only way that will happen. Without God.....we will fall as the nations before us have fell without God.

Thank you for allowing me to testify,

Bobby

To whom it may concern,

I would like to submit my testimony in favor of pairing the 10 Commandments in schools. As a pastor with a congregation who loves our city, state and nation, we believe the value of posting the 10 Commandments far outweighs any negative impacts. Not only is this honoring to humanity but continues the strong tradition of the founding fathers desire to acknowledge and honor our Creator and our inalienable rights. To post such wonderful reminders give a history lesson as well as a community standard of love and care for one another every time they are read.

Please send a Do Pass for the sake of the wellness of our children and generations to come.

Submitted sincerely, respectfully and gratefully,

Senior Pastor Kurt Chaffee

New Song Church

Bismarck, ND



**HB 1145**

This testimony is in opposition to HB 1145 which would require the posting of the Ten Commandments in public school classrooms.

The Constitution of the United States makes it clear that government and governmental entities cannot require or coerce people to follow any particular religion. This bill is inconsistent with that fundamental principle. The freedom to follow one's own religion, or no religion, is critical to the integrity of what the United States stands for.

Just in Grand Forks, we have not only Christians of many denominations, but Muslims, Jews, Hindus, Unitarians, Buddhists, and people of no religion at all. Posting the Ten Commandments in the schools would create a hostile atmosphere for all who are not Christian and create the appearance, if not the actuality, of proselytizing. Public schools are not places for Christian education. That task belongs to parents and faith communities.

My denomination, the Evangelical Lutheran Church in America (ELCA), which has almost 144,000 members in North Dakota, celebrates the diversity of this nation and does not seek to dictate to those from other religious traditions.

I urge legislators to vote NO on this bill.

Regarding HB 1145

January 13<sup>th</sup>, 2025

I am an ordained Elder in The United Methodist Church and Senior Pastor serving a church in Jamestown, ND. I have been a minister of the Gospel of Jesus Christ for over 30 years in the Dakotas Conference.

I write in opposition to HB 1145 posting the Ten Commandments in every public school classroom from Kindergarten to College.

HB 1145 might be well intentioned by its sponsors in an effort to somehow influence and improve the morals and behavior of students, but it is a misguided and counterproductive one. One cannot legislate morality nor faith.

Why do I take this position since I am serving Jesus Christ as a pastor in a local church?

Because I am also a citizen of the United States, and acknowledge that I live in a pluralistic society where the US Constitution forbids the establishment of a State sponsored religion.

When the State at any level puts a finger on the scales favoring one religious tradition over another, then it has stepped across the line drawn by the Constitution.

The values held in common by various religious communities such as protection of the weak from exploitation by the strong, to name one, can be promoted by the secular State as they are fundamental to the harmony and justice of all living under the Constitution.

But posting fundamental doctrines such as the Biblical Ten Commandments (in antiquated language dating to 1611 in England!) is the State of North Dakota putting its thumb on the scales in favor of one particular expression of the Christian faith, to offense of other Christians, not to mention Muslims, Jews, Hindus, Buddhists, atheists and other citizens living here.

“Do unto others as you would have done unto you,” Jesus is quoted in the gospels, but that approach to relationship between people is embraced by many faiths.

How would members of the judiciary committee feel if tenets of Buddhism or Islam were mandated to be posted in State controlled public spaces?

Does the State of North Dakota really want to spread division and ill will among its citizens by posting the Ten Commandments in every public school?

And for those who point to their faith in Jesus Christ, he doesn't quote any of the Ten Commandments as being supreme, but rather lifts up loving God wholehearted and loving one's neighbor as oneself.

If the Christians in North Dakota legislature take seriously their faith in Christ, then they should oppose this bill out of love for their neighbors – which the Gospel of Luke makes clear includes those who have differing beliefs from our own.

So I say “NO!” to the posting of the Ten Commandments in schools and State institutions of education. It might be well intentioned, but it is wrong headed.

Thank you for receiving this written testimony and honoring its words.

Rev. Martin Toepke-Floyd

Jamestown, North Dakota



Great Public Schools

Great Public Service

**Testimony Before the House Judiciary Committee**  
**HB 1145**  
**January 14, 2024**

Chair Klemin and members of the Committee. For the record, my name is Nick Archuleta, and I am the president of North Dakota United. My testimony today is in opposition to HB 1145, and I strongly urge the House Judiciary Committee to render a ***Do Not Pass*** recommendation for this piece of legislation.

Chair Klemin and members of the Committee, Passing HB 1145, which calls for the posting of the 10 Commandments in every K-12 and college classroom, is problematic for many reasons:

1. In 1980, the Supreme Court ruled in *Stone v. Graham* that the posting of the 10 Commandments is a violation of the First Amendment. Inasmuch as every member of the ND State Legislature has taken an oath to uphold and defend the Constitution of the United States, as well as North Dakota's Constitution, passing HB 1145 would cause legislators to violate their oath.
2. In November of 2024, U.S. District Judge John W. deGravelles blocked a law in Louisiana that mandated that the 10 Commandments must be posted in that state's schools. As reported in Education Week,

*"The judge noted that both laws required such displays on the wall of every public-school classroom, contained a "context statement" purporting to explain the historical tradition for such displays, dictated the size of the document, and allowed for private funds to pay the costs.*

*"Subsequent [Supreme Court] cases do not undermine the application of Stone to this case; they strengthen it, particularly in their emphasis of the heightened First Amendment concerns in the public-school setting given the impressionability of young students and the fact that they are captive audiences," deGravelles said in his 177-page opinion on Nov. 12 in [Roake v. Brumley](#)."*

3. Posting the 10 Commandments clearly serves only a religious purpose. Not everyone who attends a ND public school or university shares the same religion. By posting the Commandments, the state is endorsing a particular religious tradition while ignoring any number of others.
4. Should HB 1145 become law, it will almost certainly be litigated at no small expense to the state, and the state will lose.

For these reasons, Chair Klemin, and members of the Committee, I urge a ***Do Not Pass*** recommendation for HB 1145.

Testimony in opposition to HB 1145

I am opposed to the placement of the Ten Commandments in ND classrooms, for the following reasons:

1. This is in violation of the Constitution of the United States
2. Defending this unconstitutional act will cost the taxpayers of ND thousands in legal fees
3. The printing of the posters is another financial burden on the schools and universities
4. Posting the Ten Commandments will require the equal posting of religious creeds of other religions. We have seen in other states that, for example, allowing a Glee Club on school grounds meant that meetings of Satanists also had to be allowed
5. Posting the Ten Commandments, without teaching about them, will not change the behavior of students
6. Religious teachings belong in church/temple/mosque or home

Sincerely

Alex Deufel District 40

Elizabeth Walch

Regarding House Bill No. 1145

13 January 2025

To the members of the House Judiciary Committee,

I ask you to vote NO on this bill requiring the display of the Ten Commandments in public classrooms in North Dakota. I am a Christian as well as a local Bismarck Pastor and these commandments are important to me personally and in my religious practices and faith. However, there are other residents who practice other faiths and religions or no religious faith at all! To require posting Christian religious texts in the classroom allows the State to infringe on the rights of those who have other faiths and religious texts as well as those who practice no faith.

This bill would then create a privilege of Christian religious texts, and this is wrong.

Additionally, public school teachers are not theologians, they are not trained to teach about the commandments, nor should they be! This is the purview of parents and church leaders, not public instructors. The State would then be infringing on OUR rights to teach and share our beliefs in appropriate ways and places. The State is presuming that is the role of the State, which too is wrong.

I am a person of faith, and I say NO to this bill. I encourage you to do as is evidenced in scripture, (See Daniel chapter 3) that we are called to stand up to the State when it tries to impose a particular religion on us.

I encourage you to say no with me. I ask you to say NO to this overreach of power that violates the rights and free conscience of our North Dakota neighbors. We are better than this in North Dakota.

Again, I urge you to vote NO on House Bill 1145. Please direct your efforts to legislation that really serves and benefits the lives of ALL North Dakotans, regardless of their religious or spiritual beliefs.

Peace in Christ,

Reverend Elizabeth (Beth) Walch

Bismarck

I would like to encourage a do pass on HB1145 the displaying of the ten commandments

I believe these should act as a moral guidebook to explain how people should behave towards each other. All laws are a reflection of morality and morality comes from somewhere. The 10 commandments is the core morality of how society in civilization should exist right now!

I taught in the public schools for over 3 decades and I believe the first years I taught people and/or students were more polite and respectful to their parents, guardians, adults or each other in general. The meaning of Love your neighbor as yourself, was understood.

I Love Bison Football and other teams too. There is clearly love between Bison team members. They talk about loving their brothers and having their backs!! It makes for winning teams! That is actually one positive that makes the news!!

However, every day our students see bad examples of Killing, Stealing, and Lying on local, state, and national news.

Thou shalt not kill! They see individual murders, and mass killings.  
Thou shalt not steal! That means taking anything that is not yours. Looting!!  
Thou shalt not Lie! That means we should be honest and truthful because lies can be very hurtful. Lying under oath is a serious criminal offense

The 10 Commandments are rooted in our history and are where the moral foundations of our society come from. If we are going to expect students to do the right things, we need to put the basis for that morality in front of them in their schools. This is a standard of morality that students need to govern their lives and live in a free society.

Displaying the ten commandments can be seen as a way to help people understand right and wrong.

The 10 Commandments were displayed for 191 years. We've missed 45 years. Let's not wait any longer!!

Why are our prisons bursting at the seams with inmates? It's because people are no longer taught right from wrong. The 10 Commandments have been taken away which provided this very guide so people could live respectable lives. Let's put them back and not deprive our children of learning and living these principles.



**Written Testimony Opposing HB 1145**

I oppose the placement of the Ten Commandments in classrooms of public schools for the following reasons:

1. It violates the separation of church and state and the peoples' right to worship and believe as each chooses.
2. It is intrusive on and exclusive of people of other religious traditions or no religious affiliation. We live in a diverse, multi-cultural and multi-faith society. Let us embrace the beauty of our diversity, not force one belief upon another.
3. As an ordained pastor in the United Church of Christ, currently serving a congregation in Jamestown, I believe that it is the responsibility and joy of the members of the congregation and the parents to teach Christian education to our children. This is not the duty of the state nor public education teachers.

Signed:

Rev. Tamara Toepke-Floyd

210 15<sup>th</sup> Ave NE

Jamestown, ND 58401

Email: [tltoepke@gmail.com](mailto:tltoepke@gmail.com)

Phone: #(701)325-0011

## PACIFIC JUSTICE INSTITUTE – Center for Public Policy

P.O. Box 276600  
Sacramento, CA 95827  
Telephone: (916) 857-6900

January 14, 2025

NORTH DAKOTA HOUSE JUDICIARY COMMITTEE  
State Capitol, Room JW327B  
600 East Boulevard Avenue  
Bismarck, ND 58505

### **Re: House Bill 1145 - Support**

Dear Chairman Klemin and the Honorable Members of the House Judiciary Committee:

Please accept this as the formal statement of support on behalf of the Pacific Justice Institute – Center for Public Policy for House Bill 1145 pertaining to the display of the Ten Commandments in public schools.

The passage of House Bill 1145 will enable students in the state of North Dakota to know the history and heritage of our legal system. Simply put, laws are the guardrails of society. Students need to know the historical foundations of American law, where our law originated, and the moral authority for our American system of justice. They need to know where America started, how the country has moved forward these last 250 years, and where we need to go to remain a free nation. Indeed, the Ten Commandments – which have influenced the creation of our nation and our rule of law – are displayed in the U.S. Supreme Court and other public buildings.

At the founding of our nation, the study of Christianity and the Bible was an integral part of an education in the law. Many colleges and universities, including law schools, were started as Bible colleges. The evidence of the cohesiveness between the Bible and American law is irrefutable.

James Wilson was one of the original Supreme Court Justices, serving for the first nine years of the Court. His thoughts on the law were considered to be so important, that when he gave a lecture on the law at the College of Philadelphia, it was attended by the President of the United States, the First Lady, the Vice President, both houses of Congress, both houses of the Legislature of Pennsylvania, and a large audience of students and the general public.<sup>i</sup> Justice Wilson said the following:

All [laws], however, may be arranged in two different classes. 1. Devine 2. Human. ... But it should always be remembered that this law, natural or revealed, made for men or for nations, flows from the same Divine source: it is the law of God. ... Human law must rest its authority ultimately upon the authority of that law which is Divine.

Human law must rest its authority ultimately upon the authority of that law which is divine. ... Far from being rivals or enemies, religion and law are twin sisters, friends, and mutual assistants.<sup>ii</sup>

Similarly, Joseph Story, a United States Supreme Court Justice from 1811 to 1845, stated:

I verily believe Christianity necessary to the support of civil society. One of the beautiful boasts of our municipal jurisprudence is that Christianity is a part of the Common Law... There never has been a period in which the Common Law did not recognize Christianity as lying its foundations.<sup>iii</sup>

But you may ask, what about this “wall separation of Church and State” spoken of by Thomas Jefferson? How can the State display the Ten Commandments in public buildings and keep that wall in place?

It is clear by looking at the historical record that Jefferson was talking about protecting the right to protect the exercise of religion from interference by the government, not protecting government, the law, or society at large from the Bible or Christianity.

The issue originates from a letter dated October 7, 1801, in which the Danbury (Connecticut) Baptist Association wrote a letter to President Thomas Jefferson, which stated, in part:

Our sentiments are uniformly on the side of religious liberty: that religion is at all times and places a matter between God and individuals, that no man ought to suffer in name, person, or effects on account of his religious opinions, [and] that the legitimate power of civil government extends no further than to punish the man who works ill to his neighbor. But sir, our constitution of government is not specific. . . . [T]herefore what religious privileges we enjoy (as a minor part of the State) we enjoy as favors granted, and not as inalienable rights.<sup>iv</sup>

On January 1, 1802, Jefferson wrote back and responded as follows:

Believing with you that religion is a matter which lies solely between man and his God, that he owes account to none other for his faith or his worship, that the legislative powers of government reach actions only, and not opinions, I contemplate with sovereign reverence that act of the whole American people which declared that their legislature would “make no law respecting an establishment of religion, or prohibiting the free exercise thereof,” thus building a wall of separation between Church and State.<sup>v</sup>

If there is any doubt that Jefferson did not intend to totally remove religion from government, one needs only to look at the fact that Jefferson attended church two days later - **inside the United States Capitol**. On December 4, 1800, Congress had approved the use of the United States Capitol as a church, and on January 3, 1802, Jefferson was present to hear a sermon from his friend Rev. John Leland.<sup>vi</sup>

There is ample evidence that neither President Jefferson nor our early Supreme Court intended to remove biblical references, including the Ten Commandments, from governance or the public square. There is also evidence to show that the religious freedoms guaranteed in the First Amendment were intended to ensure that government did not impede religion, not to ensure that religion is removed from all aspects of public life.

In 1971, in the case *Lemon v. Kurtzman*, the Supreme Court established a three-pronged *Lemon* test to evaluate whether a law or governmental activity violated the Establishment Clause of the First Amendment. Under the *Lemon* test,

government could assist religion only if (1) the primary purpose of the assistance is secular, (2) the assistance must neither promote nor inhibit religion, and (3) there is no excessive entanglement between church and state.

This rule lasted over 50 years, until recently in 2022 when the United States Supreme Court changed course in the case of *Kennedy v. Bremerton School District*, 597 U.S. 507 (2022). In place of the *Lemon* test, the United States Supreme Court instructed that the Establishment Clause must be interpreted by reference to historical practices and understandings. The line that courts and governments must draw between the permissible and the impermissible must accord with history and faithfully reflect the understanding of the Founding Fathers.

So what are the guardrails of the *Kennedy* decision? As the Court explained:

Government may not, consistent with a historically sensitive understanding of the Establishment Clause of the First Amendment, make a religious observance compulsory. Government may not coerce anyone to attend church, nor may it force citizens to engage in a formal religious exercise. No doubt, too, coercion along these lines was among the foremost hallmarks of religious establishments the framers sought to prohibit when they adopted the First Amendment.

The purpose of House Bill 1145 is the education of students, it is not to proselytize. Thus, House Bill 1145 is precisely on target with the Supreme Court's findings in *Kennedy*. It historically and faithfully reflects our Founding Fathers reliance on the Ten Commandments as the foundation of America's justice system, and, therefore, is essential for a proper understanding of our American history and heritage. For the reasons stated above, Pacific Justice Institute – Center for Public Policy strongly supports House Bill 1145.

Respectfully submitted,



Janice Lorrach, Legislative Counsel  
PACIFIC JUSTICE INSTITUTE – CENTER FOR PUBLIC POLICY  
Tel: (302) 379-7249  
E-mail: jlorrah@pji.org

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<sup>i</sup> The Political and Legal Philosophy of James Wilson, 1742-1798, by Mark David Hall, Ph.D., (Columbia: University of Missouri Press, 1997).

<sup>ii</sup> "The Works of James Wilson", Bird Wilson, editor (Philadelphia: Bronson and Chauncey, 1804), Vol. I, pp. 103-106, "Of the General Principles of Law and Obligation."

<sup>iii</sup> Joseph Story, Commentaries on the Constitution of the United States, p. 593.

<sup>iv</sup> Letter of Oct. 7, 1801 from Danbury (CT) Baptist Assoc. to Thomas Jefferson, Thomas Jefferson Papers, Manuscript Division, Library of Congress, Wash. D.C.

<sup>v</sup> Thomas Jefferson, The Writings of Thomas Jefferson, Albert E. Bergh, ed. (Washington, D. C.: The Thomas Jefferson Memorial Association of the United States, 1904), Vol. XVI, pp. 281-282.

<sup>vi</sup> William C. Allen, History of the United States Capitol: A Chronicle of Design, Construction, and Politics (U.S. Government Printing Office 2001).

Kristin Nelson

1/13/25

5409 20<sup>th</sup> St South

Fargo, ND District 46

**NO** on HB 1145

Chair Klemin and members of the House Judiciary Committee, my name is Kristin Nelson and I am the mom of a public school student in south Fargo. I urge a **DO NOT PASS** on HB 1145.

This bill is blatantly unconstitutional and will cost North Dakota taxpayers money to defend it in court. The premise that a religious document such as the one proposed helps instill morality and goodness in our students is ridiculous. Without any context or education behind the document it will be another wall hanging that takes up space and ignored.

My family is not religious, and I do not believe that my child should be subjected to any religious education without my knowledge or explicit approval. This bill is the indoctrination that everyone keeps talking about. Legislators do not believe queer teachers can show pictures of rainbows or their families in class for the unfounded fear of turning children gay, but it's fine to submit children to an arguably old version of the 10 commandments that promotes the Christian religion. Make it make sense.

This bill is also a sweeping mandate with zero financial support requiring all districts to find ways to fund this mandate themselves. This illustrates what a sweeping power play this bill is from the representative who introduced it.

I urge this committee to uphold our students constitutional rights to freedom of/from religion and DO NOT PASS on HB 1145.

Respectively submitted:

Kristin Nelson

Kristy Rose  
6725 Apple Creek Drive  
Bismarck, ND 58504  
kristywrose@gmail.com  
701-202-2001

North Dakota Legislature  
69<sup>th</sup> Assembly  
Bismarck, ND

1/13/2025

RE: HB1145

Dear Legislators,

I'm writing in opposition to House Bill 1145 requiring the posting of the 10 Commandments in every classroom in North Dakota for the following reasons:

1. Our founding fathers, many of whom held Judeo-Christian beliefs, provided for freedom of religion in our Constitution. Despite their religious beliefs, they did not mandate Christianity nor establish a national religion. Instead, they believed every United States citizen had the right to freely practice religion however he/she saw fit so long as it did not infringe upon the religious freedom of another citizen. Requiring the posting of the 10 Commandments in every ND classroom directly violates their wishes and intentions in the Constitution and infringes upon the religious freedom of any citizen who does not hold the same beliefs.
2. Educators within public institutions are not equipped nor trained in the teaching of theology nor the doctrines of Judaism nor Christianity. Within Christianity, denominations differ upon which verses of Exodus 20 actually comprise the 10 Commandments. How will a public educator navigate those differences? What arguments will start because Peggy disagrees with Sam on what the 10 Commandments actually are? Posting a doctrinal foundation such as the 10 Commandments will result in questions being asked of the staff and faculty which could result in inaccurate teachings at best and religious quarrels at worst. Do we really need – or want – to add fodder to the fire of bullying within schools?
3. If we post doctrine of one religion, how long will it be until other religions demand we post their doctrine as well? In reality, this would be the only fair application of the Constitution's "freedom of religion" clause: allowing every religion to post its tenets upon the walls of every classroom. But, then we're back to my second point; educators don't have the training to teach religious doctrine in most cases and the persecution that would likely erupt from this would be catastrophic.

As a Bible-believing Christian, I consider the 10 Commandments to be the basic instructions for life; they speak directly to how we relate to God and how we relate to each other. But as a freedom-loving American, I do not want anyone infringing upon my rights to practice my faith nor do I want my children to be taught any religion by anyone other than myself or their father, my husband.

Please vote no on HB 1145. Though its intentions may be honorable, its results will be ruinous.

Sincerely,  
Kristy Rose

House Judiciary Committee,

Thank you for serving our state in this capacity. I am writing in support of HB 1145 which would require the 10 Commandments to be placed in schools. Our country and state were founded on the basic principles of the 10 Commandments. They have influenced law, legislation, and freedom. If there is no basis for morality, where do we get it from?

Our North Dakota Constitution starts with these words:

We, the people of North Dakota, grateful to Almighty God for the blessings of civil and religious Liberty, do ordain and establish this constitution.

Our founding fathers knew where our freedoms and morality came from. We need to return to our roots and teach our students the morality that our founding fathers knew. The US Constitution and our North Dakota Constitutions do not need to change. Our country was considered the greatest country on earth and that's because of the ideals of the men that this country was founded on. Even though North Dakota became a state over 100 years after the country's founding, they still knew where our rights and liberties came from.

I would encourage a "Do Pass" on HB 1145 and get our states history back into the hands of our students.

Thank you again for serving on the Judiciary committee and for serving your districts in the North Dakota state House of Representatives.

Respectfully submitted and

Trusting in God,

Kolette Kramer

District 6 Resident

I oppose HB 1145. As a Christian who regularly attends church and has raised my son in the faith, I value religious freedom. However, I don't believe public schools should display the Ten Commandments. If they do, they must also represent all other religions equally. Our country upholds religious freedom, including the freedom to have no religion. Public schools should not favor one religion over another. If I want my child to receive religious education, I can choose a private school. Public schools don't need religious displays on their walls.

Kimberly Halvorson



John Streccius

Regarding House Bill No. 1145

January 13, 2025

To the members of the House Judiciary Committee,

I urge a strong NO vote on the bill requiring the display of the Ten Commandments in public educational setting. As a Christian, and a pastor of more than 30 years I deeply value the teaching of the Gospel of Jesus Christ and the Ten Commandments which are core to my faith. As proud citizen of the United States of America, I find this bill in direct violation of my constitutional rights.

This country is founded on the freedom to assemble and worship as each shall choose. We live in a most beautiful, diverse FREE nation. Many of my fellow citizens and friends are neither Christian, Jewish nor of any faith and so they nor their children should be taught to adhere to the 10 commandments. We are free nation and have long established the separation of government favoring any religion.

Though the authors of HB 1145 may be well intended, this bill is neither patriotic nor Christian and I urge you to vote NO!

In addition, I find it in conceivable that public schools would be tasked with teaching any religion. This is the role of churches who are constitutionally guaranteed the right to assemble and worship.

Again, I urge you to vote NO on HB1145

Please direct your efforts to legislation that serves and benefits the lives of all North Dakotans, irrespective of faith tradition or belief. As an ordained Lutheran minister of over 30 years, I encourage you to up hold the constitution of the United States and respect all its' citizens.

Thank you for hearing my testimony, I ask that you honor it with a NO vote.

Reverend John Streccius  
Bismarck, ND

**WRITTEN TESTIMONY IN OPPOSITION**  
**TO HB 1145**

House Judiciary Committee

Date of Hearing: January 14, 2024

Rev. Ellery Dykeman 1840 12<sup>th</sup> St SW, Minot, ND 58701

My name is Ellery Dykeman. I am a resident of North Dakota and I have served for 7 years as a pastor for a Lutheran congregation here in Minot. This written testimony is presented in opposition to HB1145

Article VII, Section 1 of the North Dakota Constitution declares, “that a free education is necessary for all children of the State of North Dakota and must be “free from sectarian control.”<sup>1</sup>

Although I can appreciate the desire to teach our children ethics and morals, I feel this bill is misguided. As an ordained pastor, with 4 years of theological and biblical training, I appreciate the complexity and nuance of interpreting the 10 commandments, which includes the basic disagreement in the numbering of the 10. I know most of our teachers have no interest or training in the different interpretations of Rabbis, priests, pastors, Imams, theologians, and Hebrew (the original language of the Old Testament) scholars, let alone the specific teachings of countless denominations, synagogues, mosques, and family traditions.

Of all the concepts in the bible, these verses don’t even have a prominent place in our congregation here in Minot. We focus on Jesus’ summary of the commandments, meant specifically for his followers, is to “Love God, and love your neighbor”. These biblical teachings and interpretations should be left in the hands for local religious leaders, faith communities, and families to discuss and live out.

Finally, considering this bill clearly goes against the both the United States and North Dakota constitutions, this bill will negatively impact our state and local school districts already limited budgets with countless legal battles and lawsuits.  
Please oppose HB 1145.

Rev. Ellery P. Dykeman  
1840 12<sup>th</sup> St SW  
Minot, ND 58701

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<sup>1</sup> Constitution of North Dakota, Article VIII Section 1

Please oppose HB 1145 forcing taxpayer funded schools to display some version of the ten commandments.

Not only is this a violation of the principle of separation of church and state, but it will invite many lawsuits. This will be a pointless waste of taxpayer money trying to defend the indefensible!

This is yet another way to try to sow division among the many different faith traditions practiced in ND. We are better than this. If you want your child to see the Ten Commandments on a daily basis, place a poster in their bedroom - at your expense. Not mine.

Oppose!!!

**WRITTEN TESTIMONY IN OPPOSITION**  
**TO HB 1145**

House Judiciary Committee

Date of Hearing: January 14, 2024

Denise Dykeman 1840 12<sup>th</sup> St SW, Minot, ND 58701

My name is Denise Dykeman. I am a resident of Minot, North Dakota, and a life-long practicing Lutheran.

This written testimony is presented in opposition to HB 1145

In the United States it is the business of families and houses of worship to teach religion, not public schools. It is not appropriate or a good use of taxpayer dollars to post them in public schools. This bill will violate families' religious freedoms guaranteed by the First Amendment of the US Constitution and will likely result in expensive and unnecessary litigation that ND will be required to defend and ultimately lose.

According to press accounts, the rationale for posting the 10 Commandments in schools is that the ND Constitution is based on the 10 Commandments. That information can be discussed in a history class without posting a religious document for daily display in our public schools to indoctrinate youth. If teaching children about the Constitution is the goal, then simply post copies of the Constitution.

Pushing Christian principles is the goal of this bill; not promoting an understanding of the Constitution.

The founders of our great nation understood that the separation of church and state is key to the freedom of religion. All people in the United States, including our children, are free to practice their religion, or not practice any religion at all. To ensure this freedom, public spaces must be neutral; not purporting to promote one religion over another. Nowhere is this more important than a school.

Article VII, Section 1 of the North Dakota Constitution recognizes this as well and declares that a **free education is necessary for all children of the State of North Dakota and must be “free from sectarian control.”**<sup>1</sup>

Please follow the North Dakota Constitution and the First Amendment of the US Constitution. Finally, please respect our citizens who do not want their children subjected to religious indoctrination in a public school. It is a wonderful diversity of ideas and beliefs that truly make America great.

Thank you for your consideration.

Please oppose HB 1145.

Denise A. Dykeman  
1840 12<sup>th</sup> St SW  
Minot, ND 58701

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<sup>1</sup> Constitution of North Dakota, Article VIII Section 1

Catherine Benton  
SB 2145  
January 13, 2025

Thank you for the opportunity to provide written testimony in opposition of HB1145.

Thank you for the opportunity to provide written testimony. I urge a strong NO vote on House Bill 1145, which requires the display of the Ten Commandments in public educational settings.

This bill violates the First Amendment of the U.S. Constitution, which directs the government to be neutral on religion or personal beliefs. The Ten Commandments is a religious document with multiple versions and reflects the beliefs of some people. Requiring its display in public institutions and schools subjects students to government-endorsed religious coercion, infringes on our right to religious freedom, and interferes with a parent's ability to direct their child's religious upbringing.

If this bill were about displaying the commandments or doctrine of many religions (e.g., Judaism, Christianity, Islam, Hinduism, etc.) for the purposes of educating people on the variety of religious beliefs, this would be a different matter. However, this bill chooses one version of the Ten Commandments as the official or favored version endorsed by the government. By privileging one religious belief system, the government would be providing preferential treatment towards it and subordinating those with differing beliefs or no religious beliefs at all.

The Ten Commandments are an important component of Christian religious belief and practice. However, there are many other residents of North Dakota who practice other religions or none, and who have their own texts, traditions, and values that are significant to them. By privileging Christian religious texts in the classroom, the State would infringe on their right to free exercise of religion and beliefs.

Additionally, public teachers are not trained and should not be expected to answer questions from students about these commandments, which may naturally arise. That is the purview of families, pastors, and faith communities. The State would infringe on our rights to teach and share our beliefs in appropriate ways by presuming to take on this role.

Public schools are funded by public dollars, and this is not how I want my tax dollars spent. Religious organizations and churches do not contribute taxes. I support public schools because they are subject to public accountability and cannot discriminate against who is allowed to attend.

If you respect the U.S. Constitution, religious freedom for all people, and less government infringement in our personal lives, you should reject this bill. Please focus on bills that promote

equality, protect freedoms, wisely spend taxpayer dollars, responsibly manage our natural resources, and improve the quality of life for all people.

Thank you for considering this testimony. Again, I urge you to vote NO on House Bill 1145. Please direct your efforts to legislation that serves and benefits the lives of all North Dakotans, irrespective of faith tradition or belief.

Your consideration is very much appreciated

Catherine Benton

[clbenton@hotmail.com](mailto:clbenton@hotmail.com)

701.412.7917

**Testimony in support of House Bill 1145**  
**By Tim Barton, President of WallBuilders**  
**January 14, 2025**

Dear Chairman Klemin, Vice-Chair Karls and Members of the Judiciary Committee,

I am testifying in support of HB 1145, which concerns the display of the Ten Commandments in state educational institutions and public schools. You have been asked to review this bill at a time when judicial attitudes toward the First Amendment are rapidly transforming.

In 1971, the Supreme Court set a standard for evaluating public displays that is commonly referred to as the *Lemon Test*, which was a precedent set forward in the Court's ruling in *Lemon v. Kurtzman*, 403 U.S. 602 (1971). This ruling stipulated that any government action, including displays, must be secular in nature. But in 2019 and 2022, the Supreme Court made two historic rulings that recognized flaws in the *Lemon Test* and renounced the standard.

First, in the Court's ruling in *American Legion v. American Humanist Association*, 139 S.Ct. 2067 in 2019, the Supreme Court upheld a Memorial Cross displayed on government grounds as constitutional. And second, in *Kennedy v. Bremerton School District*, 597 U.S. 507 in 2022, the Supreme Court upheld Coach Joseph Kennedy's right to pray on school property. Together, these rulings overturned the longstanding *Lemon Test* and stipulated that courts should instead defer to *history and traditions* when considering the constitutionality of these issues. Thus, with respect to HB 1145, the Ten Commandments should be considered in light of their traditional and historical role in American life.

The Ten Commandments have a prominent and longstanding place in American education:

- The first textbook ever printed in America, *The New England Primer* (Boston, 1690), included 43 questions on the Ten Commandments and was used up until the 20th century.
- The *McGuffey Readers* (1836), which were later used in American education, contain the Ten Commandments as well.
- Noah Webster's *History of the United States* contains a long section on the Ten Commandments.

The Ten Commandments are traditional in the courts:

- The Ten Commandments are engraved in the Supreme Court building.

- Moses, the lawgiver of the 10 Commandments, appears as a sculpture holding two tablets in three places on the U.S. Supreme Court building.<sup>1</sup>
- The influence of the Ten Commandments extends even to the U.S. Constitution, which stipulates that the President has 10 days to sign a law, “Sundays excepted” (Art. I, Sec. 7, ¶ 2).

Objections grounded in the principle of “separation of church and state” are mistaken about the history and tradition of that principle:

- The phrase “separation of church and state” appears only once in the writings of America’s Founding Fathers, in a letter from Thomas Jefferson to the Danbury Baptist church. In the letter, Jefferson explains that the government cannot limit religious expression because there is a “wall of separation” that keeps the government away from religion.<sup>2</sup>
- In fact, in 1802 while serving as president, Jefferson signed a law renewing the authorization for the “The Society of United Brethren for Propagating the Gospel among the Heathen” to continue pursuing their ministry and missionary work on federal tribal land trusts in the Northwest Territory.<sup>3</sup> Jefferson is a representative example of the Founding Fathers, who did not want to secularize the government, but conversely wanted to protect religion from the government so that religion could flourish.
- The Supreme Court never cited the phrase “separation of church and state” as a reason for the federal government to remove religious expressions from the public until 1947 in *Everson v. Board of Education*. The precedent for including the Decalogue in the public arena is much stronger than the precedent for the now-obsolete standard of “separation of church and state.”<sup>4</sup>

Displays of the Ten Commandments in public schools are not only constitutional and aligned with the historical and traditional precedent of the Ten Commandments in American society, but these displays are also morally imperative. The Ten Commandments are the foundation of morality. No society, no civilization can exist or continue when severed from its moral foundation. Our Founding Fathers understood this point. John Adams said, “our Constitution was made only for a moral and a religious people. It is wholly inadequate to the people of any other.”<sup>5</sup> George Washington, in his famous *Farewell Address*, said that “of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports.”<sup>6</sup> Freedom can only be built on a moral foundation, and there is no better standard for a basis of morality than the Ten Commandments.

HB 1145 shares with students the guiding principles that have been part of America’s education and judicial system since its founding. Every student is entitled to their own



religion and beliefs. This bill appropriately recognizes the long-standing role the Ten Commandments have played in our country's history, education and judicial system, and the standard of morality that is necessary to govern a free society. This bill would simply restore what was once normal practice in the American education system for hundreds of years, which is to have the Ten Commandments welcome in the classroom.

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<sup>1</sup> "Symbols of Law Information Sheet," *United States Supreme Court*, Accessed 13 January 2025, <https://www.supremecourt.gov/about/northandsouthwalls.pdf>.

<sup>2</sup> "Jefferson's Letter to the Danbury Baptists," *Library of Congress*, Accessed 13 January 2025, <https://www.loc.gov/loc/lcib/9806/danpre.html>.

<sup>3</sup> *The Public Statutes at Large of the United States of America*, Richard Peters, editor (Boston: Charles C. Little and James Brown, 1845), Vol. II, 155, "An Act in Addition to an Act Entitled 'An Act, in Addition to an Act Regulating the Grants of Land Appropriated for Military Services, and for the Society of the United Brethren, for Propagating the Gospel Among the Heathen'," April 26, 1802.

<sup>4</sup> *Everson v. Board of Education*, 330 U.S. 1, 18 (1947).

<sup>5</sup> "From John Adams to Massachusetts Militia, 11 October 1798," *Founders Online, National Archives*, Accessed 12 January 2025, <https://founders.archives.gov/documents/Adams/99-02-02-3102>.

<sup>6</sup> "Washington's Farewell Address, 1796," *Mount Vernon*, Accessed 13 January 2025, <https://www.mountvernon.org/education/primary-source-collections/primary-source-collections/article/washington-s-farewell-address-1796>.

House judiciary committee,

I am in support of HB1145 to have the 10 Commandments in our schools. Our own ND Constitution references God, so saying we need to separate church and state doesn't work for me. However, I am in agreement of this bill because I believe the 10 Commandments are a part of the history of not only ND but also our country. I hear from people that we would be making a statement if this bill passes, that this is not a good thing. I say we would be making a statement if we allow fear to keep us from keeping our history alive. If we are not careful we will not have any credible history left.

Thank you for reading my testimony,

Mary A Marmon

D6 resident

Mohall ND 58761

Tammy Delzer  
Regarding HB 1145  
January 13, 2025

Dear Committee Members,

Thank you for taking the time to read my testimony. I am in favor of the Ten Commandments being posted in all classrooms in all public schools. I have lived in North Dakota all of my 55 years of life, and I have seen such a change in the dynamic of many families. Many children are growing up with only one parent in the house. Often times the children are not being monitored or cared for due to parents working or parents spending too much time on their cell phones. There is a definite lack of communication and discipline happening with their kids, which most likely means they are not being taught what is right and what is wrong, what to say or not say, or what to do and not do. Children are followers and need a moral compass.

I have read some of the testimonies where some talk about protecting religious freedoms, historical truth, and sound educational practice. What about protecting and teaching children right from wrong. School shootings and violence are starting to become the historical truth and fear. Also, how about putting some common sense into the sound educational practice. We have nothing to lose and everything to gain by putting the Ten Commandments back into the schools. Let's quit worrying about who it is going to offend and start doing something that can make a real difference. What do we really have to lose?

Re: HB 1145

From: Catherine Cartier  
Williston, ND 58801

To Whom It May Concern:

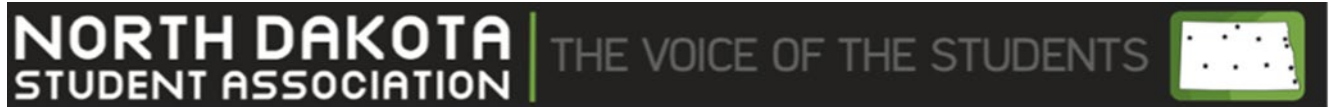
I am in favor of HB1145 regarding the 10 Commandments.

I am a mother, and grandmother and great-granmother. I have seen many changes since the Ten Commandments have been removed from our schools. Our children need to be reminded and not blinded to the Jewish and Christian faiths. Obedience to the commandments brings freedom, personal growth, protection from danger, and many other spiritual blessings. It shows children in school restraint in our society and directs behavior. They never should have been removed.

Sincerely,  
Catherine Cartier

When I was growing up there weren't any school shootings. The morals in our country have changed. Having the 10 Commandments displayed again will be a huge step toward morals coming back in the lives of people. Please say yes to this Bill.

I writing in opposition to HB 1145. I believe it is important in separation of church and state as stated in the constitution. I also feel strongly it is the parent's right and responsibility to instill religious values of their chose to their children. I respect the Ten Commandants, but due to the religious origin, it would be inappropriate to place in a public classroom. Character Counts is a secular program that instills character and values that should be supported in public education.



## **HB 1145**

January 14<sup>th</sup>, 2025

Christopher Scott, North Dakota Student Association

701-340-3380 | Christopher.m.scott@ndus.edu

Chair Klemin and members of the committee: my name is Christopher Scott, and I am the current Policy, Advocacy and Research Director for the North Dakota Student Association. I am here to express the NDSA's opposition to HB 1145.

The North Dakota Student Association (NDSA) is a student organization established in 1969 that is dedicated to ensuring that students have a voice in policy that affects Higher Education. The NDSA consists of delegates from each of the 11 public institutions that meet monthly to engage students in Higher Education policy in North Dakota. Our mission is to empower students, foster collaboration between students across campuses in the North Dakota University System, and to advocate on issues of higher education in support of access, affordability, quality, and the student experience.

During the November General Assembly meeting, the NDSA passed NDSA-01-2425, a resolution which outlines the NDSA's legislative priorities for the 69<sup>th</sup> legislative session. A couple of the priorities outlined in this resolution are protecting the rights and safety of all NDUS students and preserving academic freedom at NDUS institutions. This bill comes into direct conflict with the rights of the NDUS students to practice any religion. If the 10 commandments are placed in every classroom at each higher education institutions, this could alienate many minorities that attend NDUS institutions, including the approximately 5,000 international students that come to North Dakota for a cheap quality education.

Many of these groups may not have same beliefs as Christians and may become offended at these signs, and become isolated from the institutions, making it harder retain these students.

In addition, if we include the beliefs of one religion into our classrooms, we discriminate against other religions, of which many of these international students, and North Dakota students practice, such as Hinduism, Buddhism, and Islam.

HB 1145 directly conflicts with the establishment clause of the 1<sup>st</sup> Amendment. According to [Cornell Law School](#), the establishment clause prohibits the government from making any law respecting an establishment of religion. In addition, this clause prohibits the government from establishing an official religion and favoring one religion over another. From the premise of the establishment clause, the argument could be made that HB 1145 is unconstitutional. Additionally, HB 1145 provides no allocation for these displayed if passed, which would undoubtedly cost institutions millions of dollars.

In the past, there have been similar bills that have been proposed across the country like HB 1145 that were later ruled unconstitutional by the United States Supreme Court. In *Stone v. Graham*, the United States Supreme Court ruled that Kentucky state statute requiring schools to post a copy of the 10 commandments and violated the establishment clause of the 1<sup>st</sup> Amendment. In *Engel v. Vitale*, ruled that even though the prayer that the state of New York required to be recited, and that prayer was nondenominational, it was still a violation of the students' religious freedom and of the establishment clause.

From a personal perspective, I have been a Christian for many years, and value the 10 commandments. For me personally, I find the 10 commandments to be the foundation of my moral code and values, taking care of your neighbor and treating others with respect. However, I personally feel that putting the 10 commandments into all NDUS classrooms would be forcing our religion and our religious beliefs on others, potentially making it harder for us Christians to spread the word to non-Christians. For this reason, I personally cannot support HB 1145, and on behalf of the NDSA, I ask for the committee for a DO NOT PASS recommendation on this bill.



## Testimony Before the House Judiciary Committee

### HB 1145

January 14, 2024

Chair Klemin and members of the Committee. For the record, my name is Troy Kuntz, and I am an Elementary Library Media Specialist for the Dickinson Public Schools. My testimony today is in opposition to HB 1145, and I strongly urge the House Judiciary Committee to render a **Do Not Pass** recommendation for this piece of legislation.

As a Dickinson, ND local who attended the Dickinson Catholic Schools for K-12 education, I grew up in classrooms where the Ten Commandments were displayed, and I fully understand the historical, cultural, and religious significance that such displays may hold for some individuals. However, I am writing today to express my opposition to House Bill 1145, which mandates the display of the Ten Commandments in classrooms of public schools and state educational institutions.

1. As an elementary librarian, one of my primary responsibilities is to provide students with access to diverse perspectives and experiences of the world. This includes offering information and books on a wide range of topics, including world religions. Our schools serve students and families from various cultural, religious, and non-religious backgrounds. By mandating the display of one specific religious text, the state risks marginalizing students and families who do not share the beliefs represented by the Ten Commandments.

If we are to teach students about one religious document, such as the Ten Commandments, are we also going to include similar texts from other religions celebrated locally and globally, such as the Quran, the Bhagavad Gita, or the teachings of Buddha? Public schools should foster an inclusive environment where students feel welcomed and respected, regardless of their faith or beliefs. The mandated display of one specific religious text could undermine this inclusivity and inadvertently alienate students and families who do not adhere to that particular faith tradition.

2. Furthermore, I have concerns about the age-appropriateness of the Ten Commandments as a classroom display, particularly in elementary schools. In my role as a librarian, I regularly engage in discussions about what is appropriate to include in our library collections for young readers. If our library included books that focused on themes of "adultery" or "coveting thy neighbor's wife," I am confident that district administration and parents would raise concerns about the suitability of these topics for children. If such themes are not considered appropriate for children's literature, how can they be deemed appropriate for permanent display on classroom walls where young students are present every day?

As someone who grew up with the Ten Commandments displayed in my classrooms, I understand the perspective of those who support this bill. However, I believe that public schools have a responsibility to remain neutral on matters of religion and focus on creating an inclusive environment that respects and values the diversity of all students. House Bill 1145 has the potential to compromise that neutrality and inclusivity, and I respectfully urge you to oppose this bill.

For these reasons, Chair Klemin, and members of the Committee, I urge a **Do Not Pass** recommendation for HB 1145.

Troy Kuntz

621 27<sup>th</sup> St W

Dickinson, ND 58601

[tdkuntz@gmail.com](mailto:tdkuntz@gmail.com)

**House Judiciary Committee**  
**Testimony of Travis R Zablotney HB1145**

**January 13, 2025**

Chairman Klemin and members of the Judiciary Committee:

I ask you to support HB1145. I am Travis Zablotney resident of Minot and Chairman of District 5 and NW Regional Chairman of the NDGOP. This is my personal testimony. I believe society would be a better place if everyone, regardless of faith or religion, lived by the Ten Commandments. Regardless of faith or religion society needs moral guidelines. The ten commandments contain profound instructions for how to lead a moral life - everything we need to create a good world. The country we are all privileged to live in would not have become a country of privilege without the Ten Commandments. Preserving the history and relevance of the Ten Commandments should be honored and recognized as an attempt to preserve our nations moral law. It should also be easily recognized that the Ten Commandments represent the spirit of all civil and criminal laws made in our country.

As an individual fellow Republican, I remind you of several planks of our agreed upon NDGOP Platform relevant to your decision on this bill. This is verbatim from the NDGOP Platform.

**PERSONAL RESPONSIBILITY**

**“Individuals and families are responsible for their behavior. Public policy should encourage and empower their efforts to provide for their own health, safety, education, moral fortitude, and personal wealth.”**

**FAMILY INTEGRITY AND THE AMERICAN MORAL TRADITION**

**“Traditional American families should be encouraged and supported by policies to nurture strong marriages consisting of one man and one woman, to support moral values, and to create, control and maintain their individual wealth with minimal interference from government.**

**INDIVIDUAL LIBERTY**

**“The rights of American citizens proceed from The Creator, not from government.** Government authority proceeds only from the consent of the People. Individuals, including the unborn, have the intrinsic right to life, liberty, and the pursuit of happiness.”

It is your job Republicans to put our Nation back on track as the founders of this country had intended. Let me remind you of a quote by one of our founding fathers.

**“Our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other.” – John Adams**

Please ask yourself, since the time a judge in 1979 had taken it upon himself to override the law passed by the people of this state, has our society become a better place to live? A better place to raise our children, a society that you want leave to our posterity. I ask you to be a leader, be courageous and do the right thing. Bring back to our state educational institution the historical document, the Ten Commandments, the document known and well understood by many to be the foundation of the foundation of our Nation and States moral code. Please vote yes on HB1145.

Travis R. Zablotney

1412 12<sup>th</sup> St SW, Minot, ND District 5

701-721-2188

I oppose Bill 1145. Putting the 10 commandments in public schools goes against separation of church and state. Religion should always be left to the parent(s) of the children. If the parent(s) want religion taught during or as part of their education, then their children should attend a private Christian based school. North Dakota communities continue to grow bringing different walks of faith, so religion should be left out of all public schools. If Christianity is allowed to be displayed or taught in public schools, then one must be ready to display or teach all walks faith and religions in public schools.

A concerned resident,

Ciara Gonzalez



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

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

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

### **1. Constitutional Concerns**

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

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

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

### **2. Practical and Educational Considerations**

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

*NDCEL is the strongest unifying voice representing and supporting administrators and educational leaders in pursuit of quality education for all students in North Dakota.*

*Executive Director: Aimee Copas-----Government Lead and Special Projects: Kevin Hoferz*



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

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

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

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

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

Sixty-ninth North Dakota Legislative Assembly  
House Judiciary Committee  
**H.B. 1145**  
January 14, 2025



P.O. Box 1190  
Fargo, ND 58107  
701-404-7269  
[aclund.org](http://aclund.org)

Chair Klemin, Vice Chair Karls, and members of the Committee:

On behalf of the ACLU of North Dakota, I submit testimony in opposition to House Bill 1145, which would require the Ten Commandments to be on display in each state higher education institution classroom and in the classroom and building on school grounds of every public school district.

Posting the Ten Commandments in public-school classrooms is blatantly unconstitutional. As the U.S. Supreme Court held in *Stone v. Graham*, nearly forty-five years ago, the Ten Commandments “are undeniably a sacred text” and “the pre-eminent purpose for posting the Ten Commandments on schoolroom walls is plainly religious in nature.”<sup>1</sup> In a lawsuit brought by the ACLU, shortly before the Supreme Court issued its ruling in *Stone*, the U.S. District Court for the District of North Dakota struck down a similar North Dakota law, which also required public schools to display the Ten Commandments in classrooms.<sup>2</sup> Indeed, no federal court has ever upheld the display of the Ten Commandments by public-school officials.<sup>3</sup> Most recently, a federal district court enjoined a similar Louisiana law, holding that it violates both the Establishment and Free Exercise Clauses of the First Amendment to the U.S. Constitution.<sup>4</sup>

If enacted, HB 1145 would result in unconstitutional religious coercion of students, who are legally required to attend school and thus comprise a captive audience for school-sponsored religious messages. It also would put public schools in an untenable position—forcing them either to violate state law or students’ and parents’ constitutional rights, which will no doubt give rise to costly litigation.

The federal courts have repeatedly made clear that government may not impose official religious messages at school because students are a “captive audience”—in other words, they are compelled to be present. For example, in *Ingebretsen on Behalf of Ingebretsen v. Jackson Pub. Sch. District*, the U.S. Court of Appeals for the Fifth Circuit overturned a Texas law that would have allowed “prayers to be given by any person, including teachers, school administrators and clergy at school functions where attendance is compulsory.”<sup>5</sup> Citing *Lee*

<sup>1</sup> *Stone v. Graham*, 449 U.S. 39, 41 (1980).

<sup>2</sup> *Ring v. Grand Forks Pub. Sch. Dist. No. 1*, 483 F. Supp. 272, 275 (D.N.D. 1980)

<sup>3</sup> See, e.g., *Baker v. Adams County/Ohio Valley Sch. Bd.*, 86 Fed. Appx. 104 (6th Cir. 2004) (holding unconstitutional public school’s display of the Ten Commandments alongside the U.S. Constitution, Declaration of Independence, and the Magna Carta); *ACLU of Ky. v. McCreary County*, 354 F.3d 438 (6th Cir. 2003) (granting preliminary injunction against a school Ten Commandments display alongside “historical documents”); *Freedom from Religion Found., Inc. v. Connellsville Area Sch. Dist.*, 127 F. Supp. 3d 283, 318 (W.D. Pa. 2015) (holding that Ten Commandments monument on outside grounds of junior high school violated the Establishment Clause); cf. *Freedom from Religion Found., Inc. v. New Kensington-Arnold Sch. Dist.*, 919 F. Supp. 2d 648, 661 (W.D. Pa. 2013) (denying school district’s motion to dismiss where plaintiffs challenged Ten Commandments monument placed at front entrance of high school), settled, Feb. 15, 2017, <https://ffrf.org/legal/challenges/highlighted-courtsuccesses/item/16972-ffrf-and-parents-seek-removal-of-ten-commandments-monuments-infront-of-two-penn-public-schools> (monument was removed from school property and school district paid \$163,500 in attorneys’ fees and costs).

<sup>4</sup> *Rev. Roake v. Brumley*, \_\_\_ F. Supp. 3d \_\_\_, No. CV 24-517-JWD-SDJ, 2024 WL 4746342, at \*90 (M.D. La. Nov. 12, 2024)

<sup>5</sup> 88 F.3d 274, 279 (5th Cir. 1996).

*v. Weisman*,<sup>6</sup> in which the U.S. Supreme Court barred clergy-led prayers at public-school graduation ceremonies, the Fifth Circuit concluded that “[t]he coercion here is even greater” because “students will be a captive audience that cannot leave without being punished by the state or School Board for truancy or excessive absences.”<sup>7</sup>

In *Kennedy v. Bremerton School District*, the Supreme Court recently affirmed that it remains “problematically coercive” for public schools to promote religious messages to students who are part of a captive audience.<sup>8</sup> There, the Court upheld the right of a public-school football coach to engage in a quiet and private act of prayer, but only because the religious message was not endorsed by the school; it fell outside the employee’s official responsibilities; it did not involve students; and it was not imposed on a captive audience.<sup>9</sup>

Public-school students gathered during the school day in a public-school classroom are the quintessential captive audience,<sup>10</sup> and displays of the Ten Commandments or other religious iconography and messages raise the same risk of coercion. As a federal court of appeals has explained, “[o]nce a school district creates a captive audience, the coercive potential of endorsement can operate.”<sup>11</sup> Thus, “[d]isplaying religious iconography . . . in a classroom setting raises constitutional objections because the practice may do more than provide public school students with *knowledge* of Christian tenets[.]”<sup>12</sup> Instead, it “tend[s] to promote religious beliefs, and students might feel pressure to adopt them.”<sup>13</sup>

Consistent with these concerns, in *Stone*,<sup>14</sup> the Supreme Court overturned a Kentucky law that, like HB 1145, required public schools to post the Ten Commandments “on the wall of

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<sup>6</sup> 505 U.S. 577 (1992).

<sup>7</sup> *Ingebreetsen*, 88 F.3d at 279-80.

<sup>8</sup> 597 U.S. 507, 542. (2022) (citing *Santa Fe Independent School Dist. v. Doe*, 530 U.S. 290 (2000); *Lee v. Weisman*, 505 U.S. 577 (1992)).

<sup>9</sup> See *Kennedy*, 597 U.S. at 525-26, 530-31, 538-44 (“The contested exercise before us does not involve leading prayers with the team or before any other captive audience. . . . The prayers for which Mr. Kennedy was disciplined were not . . . recited to a captive audience. Students were not required or expected to participate.”).

<sup>10</sup> Cf. e.g., *Johnson v. Poway Unified Sch. Dist.*, 658 F.3d 954, 957 (9th Cir. 2011) (“We consider whether a public school district infringes the First Amendment liberties of one of its teachers when it orders him not to use his public position as a pulpit from which to preach his own views on the role of God in our Nation’s history to the captive students in his mathematics classroom. The answer is clear: it does not.”); *Busch v. Marple Newtown Sch. Dist.*, 567 F.3d 89, 99 (3d Cir. 2009), *as amended* (June 5, 2009) (“Parents of public school kindergarten students may reasonably expect their children will not become captive audiences to an adult’s reading of religious texts.”); *Berger v. Rensselaer Cent. Sch. Corp.*, 982 F.2d 1160, 1167 (7th Cir. 1993) (enjoining Bible distributions in public school classrooms because “children are a captive audience” and “they are most assuredly not free to get up and leave”).

<sup>11</sup> *Doe ex rel. Doe v. Elmbrook Sch. Dist.*, 687 F.3d 840, 855 (7th Cir. 2012) (en banc).

<sup>12</sup> *Id.* at 851.

<sup>13</sup> *Id.* (“Such concern was front and center in *Stone* and apparent to one degree or another in the Supreme Court’s school prayer cases.”).

<sup>14</sup> Some proponents of HB 1145 may claim that because the Supreme Court’s decision in *Kennedy* abandoned the “*Lemon* test,” and because *Stone* cites the “*Lemon* test,” *Kennedy* overruled *Stone*. They are wrong. As a federal district court recently found, *Stone* remains good law. *Rev. Roake, supra* n. 2, at \*38. *Kennedy* did not even mention *Stone*, let alone overrule it, and Supreme Court cases remain binding on lower courts unless and until the Supreme Court explicitly says otherwise. See *id.* at \*42. Moreover, in distinguishing displays of the Ten Commandments in public schools from those in other contexts, the Supreme Court characterized *Stone* as “almost exclusive[ly] rel[ying] upon two of our school prayer cases, . . . *School Dist. of Abington Township v. Schempp*,



each public classroom in the State.”<sup>15</sup> The Court ruled that the statute had an impermissible objective: “to induce the schoolchildren to read, meditate upon, perhaps to venerate and obey, the Commandments.”<sup>16</sup> Again, no federal court has upheld the display of the Ten Commandments by public-school officials, regardless of the context.<sup>17</sup>

HB 1145 is not only unconstitutional; it is also unnecessary. Students already have broad access to religious concepts and teachings in public schools thanks to neutral social-studies and world-religion courses, school libraries, and students’ existing rights to engage in religious exercise and expression. Students may, for example, voluntarily pray, read religious literature (including the Bible and the Ten Commandments), or engage in other religious activities during their free time, such as recess and lunch. They may express their religious beliefs in school assignments, where relevant, and pass out religious literature to their classmates, in the same manner that they may distribute non-religious materials. Students also may participate in before- or after-school religious events with other students and student religious clubs. And, if students are allowed to wear clothing with messages, the messages may be religious.

Furthermore, HB 1136 was enacted by the Sixty-eighth Legislative Assembly providing that state or local government cannot substantially burden a person’s exercise of religion or treat religious conduct more restrictively than any secular conduct, which should afford individual students’ rights to learn in a classroom without being subjected to state endorsed religious teaching.<sup>18</sup>

There is a stark difference between voluntary, student-initiated religious exercise and expression and school-sponsored religious messages imposed on captive students day in and day out. Both the Establishment Clause and the Free Exercise Clause prohibit the latter.<sup>19</sup> The constitutional violations that would occur under HB 1145 would be particularly

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374 U.S. 203 (1963), and *Engel v. Vitale*, 370 U.S. 421 (1962)” and explained that *Stone* “stands as an example of the fact that we have “been particularly vigilant in monitoring compliance with the Establishment Clause in elementary and secondary schools.”

*Van Orden v. Perry*, 545 U.S. 677, 690–91 (2005) (cleaned up).

<sup>15</sup> *Stone*, 449 U.S. at 39 (1980).

<sup>16</sup> *Id.* at 42.

<sup>17</sup> See, e.g., *Baker v. Adams County/Ohio Valley Sch. Bd.*, 86 Fed. Appx. 104 (6th Cir. 2004) (holding unconstitutional public school’s display of the Ten Commandments alongside the U.S. Constitution, Declaration of Independence, and the Magna Carta); *ACLU of Ky. v. McCreary Cnty.*, 354 F.3d 438 (6th Cir. 2003) (granting preliminary injunction against a school Ten Commandments display alongside “historical documents”); *Freedom from Religion Found., Inc. v. Connellsville Area Sch. Dist.*, 127 F. Supp. 3d 283, 318 (W.D. Pa. 2015) (holding that Ten Commandments monument on outside grounds of junior high school violated the Establishment Clause); *Ring v. Grand Forks Pub. Sch. Dist. No. 1*, 483 F. Supp. 272, 275 (D.N.D. 1980) (striking down North Dakota law that required public schools to display the Ten Commandments in classrooms); cf. *Freedom from Religion Found., Inc. v. New Kensington-Arnold Sch. Dist.*, 919 F. Supp. 2d 648, 661 (W.D. Pa. 2013) (denying school district’s motion to dismiss where plaintiffs challenged Ten Commandments monument placed at front entrance of high school), *settled*, Feb. 15, 2017, <https://ffrf.org/legal/challenges/highlighted-court-successes/item/16972-ffrf-and-parents-seek-removal-of-ten-commandments-monuments-in-front-of-two-penn-public-schools> (monument was removed from school property and school district paid \$163,500 in attorneys’ fees and costs).

<sup>18</sup> North Dakota Century Code 14-02.4-08.1

<sup>19</sup> *Rev. Roake*, *supra* n. 2, at \*65\*75.

egregious because the bill seeks to leverage the captive nature of students' presence to increase the likelihood of religious indoctrination by making the display prominent and ubiquitous throughout buildings and across campuses. Under the bill, the Ten Commandments must be at least 11 inches wide and 14 inches tall, "the central focus of the poster or framed document," and "printed in a large, easily readable font" with a prescribed text based on the King James Version of the Bible.

The Framers of the Constitution would not approve. The First Amendment was inspired by their belief that religious freedom only flourishes if the government remains neutral on matters of faith and gives citizens the breathing room to decide for themselves whether, where, and when to pray, and what religious beliefs, if any, to follow. They also believed that, when the government shows favoritism for one set of religious beliefs, it creates the type of religious divisiveness that tears apart communities. HB 1145 would do just that.

Moreover, state law already permits School Boards to authorize schools within a school district to display the Ten Commandments as part of a display of other historical documents in school buildings, including classrooms.<sup>20</sup> A mandated display is, again, unnecessary and wears away at ability of school boards' local decision-making authority in individual communities.

North Dakota's public schools serve families who practice a rich diversity of religions, as well as many families who do not practice any faith. These families "entrust public schools with the education of their children, but condition their trust on the understanding that the classroom will not purposely be used to advance religious views that may conflict with the private beliefs of the student and his or her family."<sup>21</sup> HB 1145 is an alarming betrayal of that trust and will prevent schools from providing an equal education to all students, regardless of faith.

The ACLU of North Dakota urges the House Judiciary Committee give a Do Not Pass recommendation for HB 1145.

Submitted by:

**Cody J. Schuler**

*Advocacy Manager, ACLU of North Dakota*  
*ND Lobbyist #367*  
*[cschuler@aclu.org](mailto:cschuler@aclu.org)*

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<sup>20</sup> North Dakota Century Code 15.1-09-33.35

<sup>21</sup> *Edwards v. Aguillard*, 482 U.S. 578, 584 (1987).



January 14, 2025

Chairman Klemin, Vice-Chair Karls, and esteemed members of the House Judiciary Committee, thank you for the opportunity to submit written testimony in support of HB 1145. This bill would ensure a copy of the Ten Commandments is posted in every classroom in the North Dakota Public School system. The posting of the Decalogue in schools has generated much debate the last few years, so on behalf of First Liberty Institute, I wanted to explain our constitutional analysis in regards to HB 1145.

By way of introduction, First Liberty Institute is the largest legal organization in the nation dedicated exclusively to defending religious liberty for all Americans. In short, we posit that under new U.S. Supreme Court precedents, such as *Kennedy v. Bremerton Sch. Dist.*, 597 U.S. 507 (2022), the U.S. Supreme Court will likely find that Ten Commandments posters in schools are constitutional. (As a side note, the “Kennedy” in the Kennedy case mentioned above was our client, Coach Joe Kennedy. We were honored to advocate for his constitutional rights all the way up to the Supreme Court. And we were thrilled to have those rights vindicated in the above-referenced opinion from the highest court in the land.)

### **The U.S. Supreme Court’s Previous Rulings on the Ten Commandments**

Over the past fifty years, the U.S. Supreme Court has issued conflicting rulings regarding government displays of the Ten Commandments. Since 1971, the Court has often evaluated the constitutionality of public religious displays under *Lemon v. Kurtzman*, 403 U.S. 602 (1971). In *Lemon*, the U.S. Supreme Court misinterpreted the

Establishment Clause to find that any government action that did not have a wholly secular purpose, that advanced religion in any way, or that even hinted at government “entanglement” with, or endorsement of, religion was unconstitutional. *Id.* at 612-13. The convoluted three-part Lemon test has led to unpredictable legal outcomes, especially in Ten Commandments cases. In 2005, the U.S. Supreme Court upheld a six-foot, multi-ton granite Ten Commandments monument located on the grounds of the Texas state Capitol (*Van Orden v. Perry*, 545 U.S. 677 (2005)). In this case, the Court ignored the Lemon test, arguing that it was not useful in dealing with passive displays like the Texas monument. *Id.* at 677-68. However, on the same day, the Court ruled that a paper display of the Ten Commandments in a Kentucky courthouse was unconstitutional under Lemon. *McCreary County v. ACLU*, 545 U.S. 844 (2005). The divergent outcome of these two cases can be attributed to Justice Breyer, who appeared to seek a middle ground by casting one vote in favor of Ten Commandments displays and one vote against them on the same day. In 1980, the U.S. Supreme Court relied solely on Lemon to issue a narrow, 5-4 opinion prohibiting Kentucky schools from displaying the Ten Commandments. The opinion, *Stone v. Graham*, 449 U.S. 39 (1980), listed no author and was a mere two pages long.

### **A Transformative Shift in Establishment Clause Interpretation**

After five decades of flawed Establishment Clause rulings under Lemon, a major change occurred in the legal landscape through the U.S. Supreme Court’s decisions in *American Legion v. American Humanist Association*, 139 S.Ct. 2067 (2019) and *Kennedy v. Bremerton Sch. Dist.*, 597 U.S. 507 (2022). (As another side note, the American Legion was also a First Liberty Institute client)

In *American Legion*, the Supreme Court held that a one-hundred-year-old veterans memorial, shaped like a cross and displayed on government land, was constitutional. 139 S.Ct. at 2089. The Court stated that Lemon’s three-part framework for Establishment Clause cases was unwieldy and unhelpful, having been “harshly criticized by Members of this Court, lamented by lower court judges, and questioned by a diverse roster of scholars.” *Id.* at 2081. As a result, the Court had repeatedly either “expressly declined to apply the [Lemon] test or has simply ignored it.” *Id.* at 2080. In *American Legion*, the Court overruled Lemon in the context of longstanding monuments, symbols, and practices, opting to measure the constitutionality of such items by assessing their consistency with America’s history and tradition. *Id.* at 2081-82, 2089.

In *Kennedy*, high school football coach Joe Kennedy was fired for kneeling and offering a brief, silent prayer after football games. After years of legal battles, the U.S. Supreme Court not only upheld Coach Kennedy’s constitutional right to pray but overturned the longstanding Lemon test in its entirety. *Id.* at 510. In *Kennedy*, the Court held that courts must measure the constitutionality of government activity under the Establishment Clause through a history and tradition test. *Id.*

Under *American Legion* and *Kennedy*, federal courts must now look to historical practices and understandings – not Lemon – when assessing the constitutionality of public religious displays, including Ten Commandments posters in educational settings.

## **The Constitutionality of Ten Commandments Posters in Schools Today**

From the Stone decision in 1980 until June 2024, no state required the Ten Commandments to be displayed in schools. In that June month, Louisiana enacted HB 71 to require the display of Ten Commandments posters in elementary, secondary, and postsecondary schools. That policy is currently in litigation in federal court. We have every confidence the Fifth Circuit Court of Appeals (of which the state of Louisiana is part of) will uphold the Louisiana law. Since *Stone v. Graham* was decided under *Lemon* and since *Lemon* was overturned, *Stone v. Graham* is no longer a valid test of the constitutionality of Ten Commandments posters in educational settings. Federal courts must now assess such displays under the history and tradition test established in *American Legion* and *Kennedy*. The constitutionality of Ten Commandments posters in educational settings is not yet settled law. Courts in varied jurisdictions may come to different conclusions on this issue. But the United States has a rich history of presenting the Ten Commandments in educational settings. (More documentation on this point can be provided if desired)

For this reason, the U.S. Supreme Court, employing a history and tradition test, has a clear pathway to find that Ten Commandments posters in schools are constitutional.

### **Conclusion**

Recent U.S. Supreme Court decisions, such as *Kennedy* and *American Legion*, have shifted the legal framework for assessing public religious displays. Under a history

and tradition test, the U.S. Supreme Court will likely find that Ten Commandments posters in educational settings are constitutional.

Thank you again to this committee for the opportunity to submit this testimony. First Liberty Institute is ready and willing to answer any other questions the committee might have regarding the constitutionality of HB 1145. First Liberty Institute applauds Rep. Hoverson for bringing this bill forward and several of his colleagues for showing early support for the policy. We look forward to its passage and implementation in this great state.

God bless,

A handwritten signature in black ink that reads "Matt Krause". The signature is written in a cursive, flowing style.

Matt Krause  
Of Counsel

Dear Committee Members,

I am writing this in support of HB1145!! Since we took the 10 commandments out of our public school system in the 80's, the morale in our schools has deteriorated! Our kids need the option to find out where these United States found their basic principles of life from! It's not a teaching of the 10 Commandments, but an option of where we are founded from!! It's where the Constitution is based from, and the Bill of Rights is from!!! This Country was founded on the basic Judeo Christian principles that our Forefathers believed in. For over 200 years, our school systems were guided by these same principles. In the last 40 years, this country has been going the wrong direction, not all due to the 10 Commandments not being allowed in Schools, but I think in part it has played a role! We need to let our children know what this Great Nation was founded on and maybe we can spend the next 40 years putting this country back in the right direction!!

Thank you for your time,

D2 chairman  
Jerol Gohrick





### 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”<sup>1</sup> 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,

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<sup>1</sup> 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.<sup>2</sup>

**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  
Executive Director  
North Dakota Family Alliance Legislative Action

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

## House Industry, Business, & Labor Committee

### House Bill 1145

Andrew Alexis Varvel

Written Testimony

North Dakota State Capitol

Room 327B

Tuesday

January 14, 2025

10:00AM

Chairman Klemin and Members of the Committee:

My name is Andrew Alexis Varvel. I live in Bismarck, District 47.

*“Do to others what you would have them do to you.”*

– Jesus Christ, from Matthew 7:12, New International Version

This is often called the Golden Rule. This precept can be found in many religions, not only Christianity. And, according to Jesus Christ, this sums up the Law and the Prophets. (Matthew 7:12) If one were truly serious about teaching the essence of Christianity to children, look at the Golden Rule.

Instead, House Bill 1145 proposes to impose one particular translation of The Ten Commandments onto every public classroom in North Dakota. Different denominations use different wordings in the English language. And that doesn't even get into the question of mandating that the exact wording of The Ten Commandments must be in English – which means it can't be in the original Hebrew, or Greek, Aramaic, Latin, German, Lakota, or Mandan.

I think the main reason why America is so much more religious than other industrialized countries is precisely because we don't have a state religion.

Atheism tends to become more popular where there is a state religion.

Imagine if every wall in every public school were wallpapered with The Ten Commandments, to the point where they would be absolutely everywhere.

Consider what would happen if The Ten Commandments became a motif like an Andy Warhol painting of Campbell's Soup Cans, or Marilyn Monroe.

The likely result would be for children to ignore it. At heart, this would profane what is sacred. This is precisely what Jesus Christ warned against.

Please look up Matthew 7:6 on this subject.

Putting up The Ten Commandments in every classroom in the state would accomplish one thing – marking territory with sectarian symbolism. If this is what you want, don't get surprised if a devout Muslim waging nonviolent jihad to proselytize Islam would ask for equal space to post the Shahada. Or if a mischief maker insists on posting the erotic hymn “Ishtar Will Not Tire”...

Do unto others what you would have them do unto you.

Other people are arguing that House Bill 1145 is unconstitutional. Other people are arguing that it is divisive. And coercive. And micromanagement. It is all of these things, but above all I consider this legislation to be unwise.

If you think that posting The Ten Commandments in every classroom will make America a Christian nation, I think you are sadly mistaken. For it is not the posting of paper in classrooms that will change hearts, but rather our own examples of how we treat those who are less fortunate than ourselves.

Let's give unto Caesar what is Caesar's, and give unto God what is God's.

Please give House Bill 1145 a **DO NOT PASS** recommendation.

Thank you.

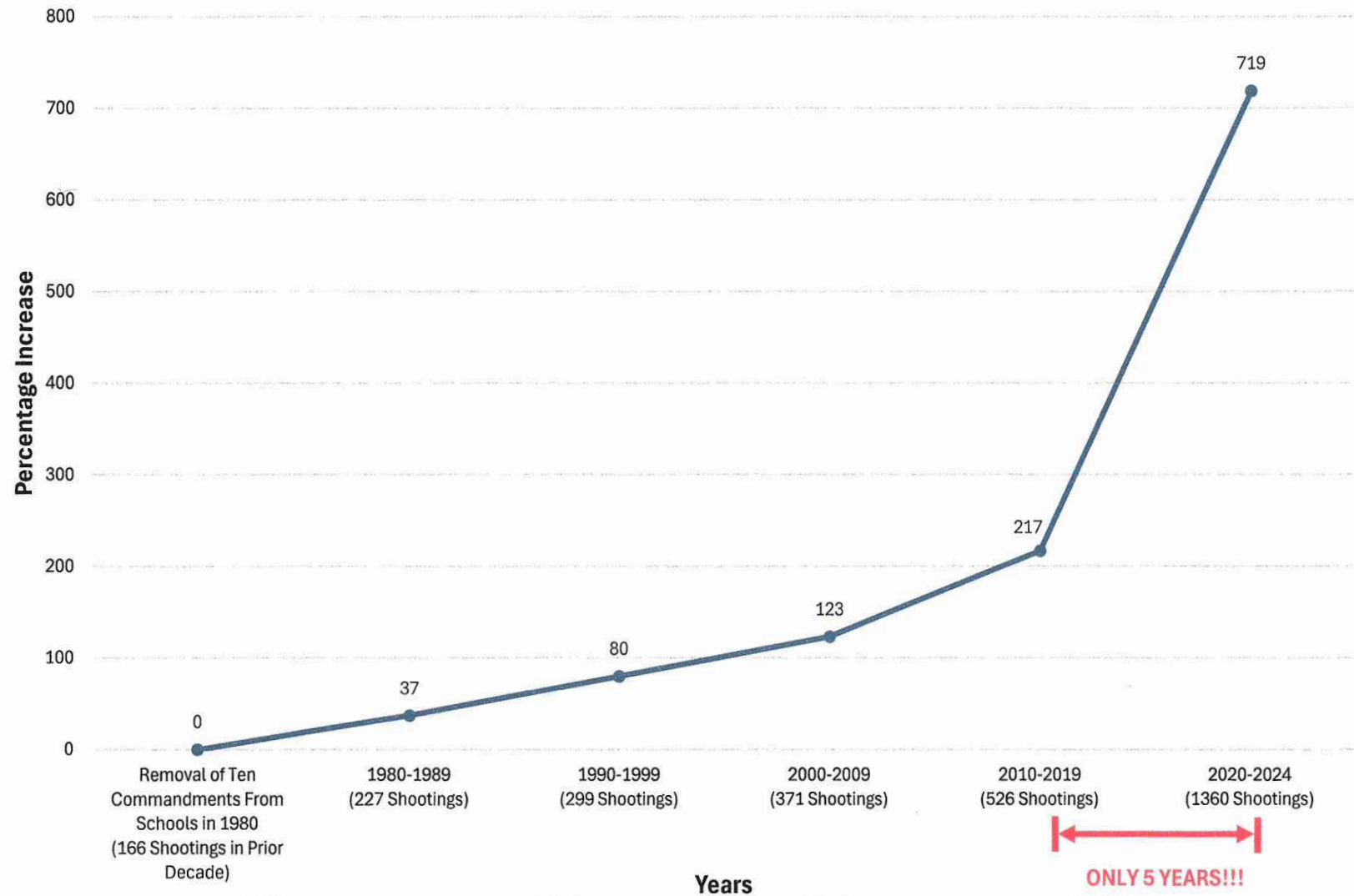
*“The more you look  
at the same exact  
thing, the more the  
meaning goes away,  
and the better and  
emptier you feel.”*

– Andy Warhol

source: Museum of Modern Art

<https://www.moma.org/collection/works/61240>

## School Shootings After Removal of Ten Commandments From Schools (Percentage Increase)



1980 United States Population: **226,545,805**

2024 United States Population: **341,814,420**

**Population Growth: ONLY 51%**

\*Data Collected from Naval Postgraduate School for Homeland Defense and Security - Homeland Security Digital Library

[www.chds.us](http://www.chds.us)



## House Judiciary Committee

January 14, 2025

Jerry Rostad, Vice Chancellor, NDUS  
701.969.9229 | jerry.rostad@ndus.edu

Chair Klemin and members of the House Judiciary Committee. My name is Jerry Rostad and I serve as a Vice Chancellor of the North Dakota University System (NDUS). On behalf of the North Dakota University System and its 11 institutions, I am submitting neutral testimony on HB 1145, which proposes the display of the Ten Commandments in classrooms within state educational institutions and public schools in North Dakota.

While we acknowledge and respect the historical significance of the Ten Commandments, the compulsory display in educational settings raises legal, academic, and cost considerations.

From a legal perspective, the bill appears to be unconstitutional as it appears to violate the Establishment Clause and clear precedent set by the US Supreme Court in 1980 and upheld in 2005. The Establishment Clause establishes that laws should have a secular legislative purpose, whereby the principal or primary effect neither advances or inhibits religion, nor fosters excessive government entanglement with religion. The language in HB 1145 may invite lawsuits directed toward NDUS institutions or the State brought forward by students, student groups or other impacted parties.

Academically, stakeholders such as students, faculty, staff, and community members may have divided views. Religious groups might support the bill, while others could see it as infringing on the separation of church and state, particularly within public and secular institutions. Faculty and students may express concerns about academic freedom and institutional neutrality.

Finally, with more than 2,000 classrooms across all state institutions, the financial note for sourcing, purchasing, and maintaining these displays, even if partially funded by donations, remains undefined.

Thank you for considering these points as you discuss the bill.

Olivia Data  
Testimony on HB 1145  
Jan 14 2025

1

RE: Testimony in Opposition of HB 1145

Good morning, Chairman Klemin and members of the committee. My name is Olivia Data, and I am a North Dakota resident here today to urge you to vote “Do Not Pass” on HB 1145.

I was born and raised in the state, and I’ve greatly benefited from a public school education here. I graduated from Century High School in 2022. My parents attended university in the state. My grandparents are proud UND alumni. And as someone who deeply appreciates our state’s schools, as I’m sure we all do in this room, I believe that this bill will cause far more harm than good to our students, teachers, administrators, and state as a whole.

Growing up, I considered myself agnostic. I went to elementary school at Highland Acres, and I remember classmates telling me that I would burn in Hell because I didn’t believe in God. Sometimes they said they’d pray for me; sometimes they left it at that. A boy in my grade told me this in the lunchroom once, and I remember the conversation for two reasons. One, he also insulted the pizza I was eating, and it was a good pizza, so that was just too far, and two, I didn’t understand how this boy who was completely respectful to me at all other times could be taught such a narrow corner of religion that something meant to instill love, peace, and neighborly affection in its followers would make him think he had to put his beliefs above mine.

Mind you, this took place in a public school without religious postings. Even without The Ten Commandments in every classroom, I remember feeling othered because of my beliefs. This is not to say, of course, that I don’t support teaching and learning about religion. I loved learning about different faiths in my social studies classes, and I believe that everyone can benefit from learning about religion. But this bill is not about teaching; it’s not even about instilling moral values in our state’s youth. It’s about control. Morality doesn’t come from a poster on the wall. Requiring The Ten Commandments to be posted in every classroom in the state will ostracize those who are not religious or who are part of faiths that don’t follow The Ten Commandments. And even for those who do follow them, it sends the message that our schools are a place of conformity rather than education.

HB 1145 is also a severe overreach of legislative powers. North Dakota parents have the right to choose how their children are educated. If they want to emphasize Abrahamic teachings, there are excellent private schools in our state. And in our public schools, surely issues like teacher shortages, equitable funding, or post-COVID behavioral and academic declines should take



priority over what posters are displayed in the classroom<sup>1</sup>. This bill does not show care for our school systems but a disregard of the problems we're actually facing.

Furthermore, this bill is clearly unconstitutional. From the very foundations of our country, religious freedom has been a core American value, and this bill would violate the First Amendment. If we consider the History and Tradition test, our nation has a long precedent of upholding religious freedom, especially within educational spheres. Furthermore, *Stone v. Graham* has not been overturned, and the law in this case which was struck down included a note about secular applications and used private funds for the posters<sup>2</sup>. Here, there is no such note, and Section 1.5 allows for school boards to spend public funds. There is simply no way that this law could be upheld without not only overturning years of United States legal precedent but diminishing the rights laid out in our Constitution.

To put it plainly, I believe that HB 1145 is deeply un-American. It goes against religious freedom, it promotes governmental overreach, and it ignores the needs and the rights of our people. I've wondered if this bill is perhaps a misguided reaction to the increasing political polarization I'm sure we all feel. But if so, the response to growing animosity and chaos should not be an attempt to limit freedom and homogenize our classrooms. Rather, we need to allow schools to foster peaceful disagreement, tolerance of differences, and love for our neighbors whether or not they adhere to the same religion.

Chairman Klemin and members of the committee, you have an opportunity to stand up for the American values of religious and intellectual freedom, and as a North Dakota resident, I urge you to take it. Please, vote "Do Not Pass" on HB 1145. Thank you for your time.

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<sup>1</sup>*Solutions for the Teacher Shortage in North Dakota*, Ricky Feir and Ethan Liu. North Dakota State University, February 2024: 5.

[https://www.ndsu.edu/fileadmin/challeyinstitute/Solutions\\_for\\_the\\_Teacher\\_Shortage\\_in\\_North\\_Dakota.pdf](https://www.ndsu.edu/fileadmin/challeyinstitute/Solutions_for_the_Teacher_Shortage_in_North_Dakota.pdf); McCann, Adam. 2023. "Most & Least Equitable School Districts in North Dakota." WalletHub. September 7, 2023. <https://wallethub.com/edu/e/most-least-equitable-school-districts-in-north-dakota/77116>.

<sup>2</sup>"*Stone v. Graham*." Oyez. Accessed January 13, 2025. <https://www.oyez.org/cases/1980/80-321>; Robinson, Malila N. n.d. "*Stone v. Graham* | Law Case." Encyclopedia Britannica. <https://www.britannica.com/event/Stone-v-Graham>.

**Testimony HB 1145**  
**House Judiciary Committee**  
**Don Morrison, President of the Board of Trustees**  
**Bismarck Mandan Unitarian Universalist Church**  
January 14, 2025

Mr. Chairman and members of the House Judiciary Committee, good morning. My name is Don Morrison and I am the president of the Board of Trustees of the Bismarck Mandan Unitarian Universalist Church. I am here to ask you to vote Do Not Pass on House Bill 1145.

The roots of Western thought about religious freedom come from ancient Greece and Rome and the early Christian era that emphasized the importance of individual conscience, reason and the right to choose one's own beliefs and practices. During the centuries of religious wars and religious persecution in Europe, Unitarians were supporters of religious freedom and tolerance of religious differences. The conflict between government imposed religion and religious freedom is not new.

In 1952, the Bismarck-Mandan Unitarian Universalist Church was officially founded in our community and today we are a community where diverse individuals with a variety of beliefs and backgrounds come together to love and support each other.

On a personal level, my ancestors on the Morrison side of the family were Congregationalists who came to this continent in 1639 seeking religious freedom from state imposed religion, which had resulted in centuries of religious wars and violent conflict in Europe. Carrying forward the lessons from experiences with those realities, when the Constitution of the United States of America was adopted in 1787, it included freedom of religion. So, fast forward to today, it seems very odd that now some people in this House are attempting to require the government to impose one certain branch of one religion onto the rest of us. That is a dangerous direction for our state.

The founders of our nation purposefully chose not to have a government-backed religion. Our nation was not founded as a Christian nation. Our nation was not founded on the ten commandments that this bill insists on imposing. The only way the words in this bill could be historical (and not religious) is if they were accompanied with texts from other Christian denominations, and similar moral statements from other religions and perspectives. This bill would impose one narrow Christian view on the people of our state.

We would suggest that we take a deep breath and sit down together. Obviously, there are some ideas in your ten commandments that have broad appeal, and some ideas that do not. We most likely all want our children to be kind, generous, respectful, honest and truthful, to work hard, and, of course, not kill people. Let's listen to each other and use common English to say what we can all agree would support basic goodness in our community.

I grew up in Minot and the Congregational Church was a very important part of my family life. One of my fond memories is time I spent at youth church camp at Lake Metigoshe. I remember the valuable lesson contained in the song we often sang "They Will Know We Are Christians by Our Love." I believe that is the best way we can find common ground. Let's do that, rather than a law to impose one version of religion.

On behalf of the congregants in my church, I strongly urge you to vote DO NOT PASS on HB 1145. Thank you for listening to my testimony.

## Opposition on HB 1145

As a Christian, I value my faith and the principles it has taught me throughout my life. However, I stand firmly against the inclusion of the Ten Commandments in public schools, as it undermines the foundational principle of the separation of church and state. This principle, enshrined in the First Amendment of the U.S. Constitution, protects both freedom of religion and freedom from religious imposition.

Public schools serve students from diverse backgrounds, beliefs, and traditions. Introducing religious texts into these spaces risks alienating students and families who do not share the same faith, creating division rather than fostering inclusive practices and respect.

My faith is deeply personal, and I believe it is best nurtured in homes, churches, and personal practice—not mandated in public institutions. The role of public education is to provide a neutral, secular environment where all students feel valued and respected. While individuals are free to practice their faith, it is not the role of the government or public institutions to endorse or promote any particular religion.

Our children deserve an education that respects diversity and unites us in shared values, not one that divides us along religious lines.

Representative Lisa Finley-DeVile

# 2025 HOUSE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Room JW327B, State Capitol

HB 1145  
1/22/2025

A BILL for an Act to create and enact a new section to chapter 15-10 and a new section to chapter 15.1-09 of the North Dakota Century Code, relating to displays of the ten commandments in state educational institutions and public schools.

3:40 p.m. Chairman Klemin opened the hearing.

Members Present: Chairman Klemin, Vice-Chairman Karls, Vice-Chairman Vetter, Representatives Christianson, Henderson, Hoverson, Johnston, McLeod, S. Olson, Satrom, Tveit, VanWinkle, Wolff, Schneider

## **Discussion Topics:**

- Schoolboard immunity from liability
- Supreme Court Lemon Test
- Fiscal costs of the bill

3:40 p.m. Representative Jeff Hoverson, North Dakota Representative for District 3, proposed Amendment LC:25.0359.02001, testimony #33287.

3:43 p.m. Representative Tveit moved to Adopt Amendments LC: 25.0359.02001, testimony #33287.

3:43 p.m. Representative VanWinkle seconded the motion.

<b>Representatives</b>	<b>Vote</b>
Representative Lawrence R. Klemin	N
Representative Karen Karls	Y
Representative Steve Vetter	Y
Representative Nels Christianson	Y
Representative Donna Henderson	Y
Representative Jeff Hoverson	Y
Representative Daniel Johnston	N
Representative Carrie McLeod	Y
Representative SuAnn Olson	Y
Representative Bernie Satrom	Y
Representative Mary Schneider	N
Representative Bill Tveit	Y
Representative Lori VanWinkle	Y
Representative Christina Wolff	Y

3:56 p.m. Motion passed 11-3-0

The bill was further Amended during the February 10, 2025, meeting.

**Additional written testimony:**

Representative Jeff Hoverson, North Dakota Representative for District 3, submitted testimony in favor #33287

3:58 p.m. Chairman Klemin closed the hearing.

*Wyatt Armstrong, Committee Clerk*

25.0359.02001  
Title.

Prepared by the Legislative Council  
staff for Representative Hoverson  
January 20, 2025

Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO

### HOUSE BILL NO. 1145

Introduced by

Representatives Hoverson, Heilman, Nehring, Osowski, Schatz, VanWinkle, K. Anderson  
Senators Paulson, Weston, Enget, Castaneda, Schaible

1 A BILL for an Act to create and enact a new section to chapter 15-10 and a new section to  
2 chapter 15.1-09 of the North Dakota Century Code, relating to displays of the ten  
3 commandments in state educational institutions and public schools.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 15-10 of the North Dakota Century Code is created  
6 and enacted as follows:

7 **Ten commandments - Displays.**

- 8 1. The state board of higher education shall display the ten commandments in ~~each~~  
9 ~~classroom~~ a prominent and visible location in a cafeteria on the campus of each state  
10 educational institution under its control and administration. A state educational  
11 institution may display the ten commandments in other prominent and visible locations  
12 at its discretion.
- 13 2. The display must be:
  - 14 a. On a poster or framed document that is at least eleven inches [27.94  
15 centimeters] in width and fourteen inches [35.56 centimeters] in length.
  - 16 b. The central focus of the poster or framed document.
  - 17 c. Printed in a large, easily readable font.
- 18 3. The text must read as follows:  
19 The Ten Commandments  
20 I AM the LORD thy God.

- 1       Thou shalt have no other gods before me.
- 2       Thou shalt not make to thyself any graven images.
- 3       Thou shalt not take the Name of the Lord thy God in vain.
- 4       Remember the Sabbath day, to keep it holy.
- 5       Honor thy father and thy mother, that thy days may be long upon the land which the
- 6       Lord thy God giveth thee.
- 7       Thou shalt not kill.
- 8       Thou shalt not commit adultery.
- 9       Thou shalt not steal.
- 10       Thou shalt not bear false witness against thy neighbor.
- 11       Thou shalt not covet thy neighbor's house.
- 12       Thou shalt not covet thy neighbor's wife, nor his manservant, nor his maidservant, nor
- 13       his cattle, nor anything that is thy neighbor's.
- 14       4. The state board of higher education shall adopt rules to implement this section.
- 15       5. The state board of higher education and any state educational institution under its
- 16       control and administration ~~may~~ shall spend ~~its funds or~~ donated funds to purchase the
- 17       displays ~~and may~~ accept donated displays.

18       **SECTION 2.** A new section to chapter 15.1-09 of the North Dakota Century Code is created  
19 and enacted as follows:

20       **Ten commandments - Displays.**

- 21       1. A board of a school district shall display the ten commandments in ~~each classroom~~
- 22       ~~and building on school grounds~~ a prominent and visible location in a cafeteria of each
- 23       school in the school district. A school may display the ten commandments in other
- 24       prominent and visible locations, at the discretion of the school administrator or board
- 25       of the school district.
- 26       2. The display must be:
  - 27       a. On a poster or framed document that is at least eleven inches [27.94
  - 28       centimeters] in width and fourteen inches [35.56 centimeters] in length.
  - 29       b. The central focus of the poster or framed document.
  - 30       c. Printed in a large, easily readable font.
  - 31       3. The text must read as follows:



- 1        The Ten Commandments
- 2        I AM the LORD thy God.
- 3        Thou shalt have no other gods before me.
- 4        Thou shalt not make to thyself any graven images.
- 5        Thou shalt not take the Name of the Lord thy God in vain.
- 6        Remember the Sabbath day, to keep it holy.
- 7        Honor thy father and thy mother, that thy days may be long upon the land which the
- 8        Lord thy God giveth thee.
- 9        Thou shalt not kill.
- 10       Thou shalt not commit adultery.
- 11       Thou shalt not steal.
- 12       Thou shalt not bear false witness against thy neighbor.
- 13       Thou shalt not covet thy neighbor's house.
- 14       Thou shalt not covet thy neighbor's wife, nor his manservant, nor his maidservant, nor
- 15       his cattle, nor anything that is thy neighbor's.
- 16       4. The state board of public school education shall adopt rules to implement this section.
- 17       5. A board of a school district ~~may~~ shall spend ~~its funds or~~ donated funds to purchase the
- 18       displays ~~and may~~ accept donated displays.

# 2025 HOUSE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Room JW327B, State Capitol

HB 1145  
2/10/2025

A BILL for an Act to create and enact two new sections to chapter 15-10, a new section to chapter 15.1-09, and a new section to chapter 15.1-21 of the North Dakota Century Code, relating to displays of the ten commandments in state educational institutions and public schools.

10:46 a.m. Chairman Klemin opened the hearing.

Members Present: Chairman Klemin, Vice-Chairman Karls, Vice-Chairman Vetter, Representatives Christianson, Henderson, Hoverson, Johnston, McLeod, S. Olson, Satrom, Tveit, VanWinkle, Wolff, Schneider

## **Discussion Topics:**

- School use of private law firms
- Schools that share classrooms

10:53 a.m. Representative Hoverson moved to Amend LC: 25.0359.02003, testimony #38085.

10:53 a.m. Representative VanWinkle seconded the motion.

<b>Representatives</b>	<b>Vote</b>
Representative Lawrence R. Klemin	N
Representative Karen Karls	N
Representative Steve Vetter	Y
Representative Nels Christianson	Y
Representative Donna Henderson	Y
Representative Jeff Hoverson	Y
Representative Daniel Johnston	Y
Representative Carrie McLeod	Y
Representative SuAnn Olson	Y
Representative Bernie Satrom	Y
Representative Mary Schneider	N
Representative Bill Tveit	Y
Representative Lori VanWinkle	Y
Representative Christina Wolff	Y

10:54 a.m. Motion passed 11-3-0

10:56 a.m. Representative Hoverson moved to Amend LC: 25.0359.02002, testimony #38086.

10:56 a.m. Representative VanWinkle seconded the motion.

<b>Representatives</b>	<b>Vote</b>
Representative Lawrence R. Klemin	N
Representative Karen Karls	Y
Representative Steve Vetter	Y
Representative Nels Christianson	Y
Representative Donna Henderson	Y
Representative Jeff Hoverson	Y
Representative Daniel Johnston	Y
Representative Carrie McLeod	Y
Representative SuAnn Olson	Y
Representative Bernie Satrom	Y
Representative Mary Schneider	N
Representative Bill Tveit	Y
Representative Lori VanWinkle	Y
Representative Christina Wolff	Y

10:59 a.m. Motion passed 12-2-0

10:59 a.m. Representative VanWinkle moved a Do Pass as Amended.

10:59 a.m. Representative Wolff seconded the motion.

<b>Representatives</b>	<b>Vote</b>
Representative Lawrence R. Klemin	N
Representative Karen Karls	Y
Representative Steve Vetter	Y
Representative Nels Christianson	Y
Representative Donna Henderson	Y
Representative Jeff Hoverson	Y
Representative Daniel Johnston	Y
Representative Carrie McLeod	Y
Representative SuAnn Olson	Y
Representative Bernie Satrom	Y
Representative Mary Schneider	N
Representative Bill Tveit	Y
Representative Lori VanWinkle	Y
Representative Christina Wolff	Y

11:05 a.m. Motion passed 12-2-0

11:05 a.m. Representative Christianson will carry the bill.

**Additional written testimony:**

Representative Lawrence Klemin, North Dakota Representative for District 47, submitted neutral testimony #37063

11:06 a.m. Chairman Klemin closed the hearing.

*Wyatt Armstrong, Committee Clerk*

February 10, 2025

2-10-25

Sixty-ninth  
Legislative Assembly  
of North Dakota

**PROPOSED AMENDMENTS TO**

JM lab 2

**HOUSE BILL NO. 1145**

Introduced by

Representatives Hoverson, Heilman, Nehring, Osowski, Schatz, VanWinkle, K. Anderson

Senators Paulson, Weston, Enget, Castaneda, Schaible

1 A BILL for an Act to create and enact at two new section sections to chapter 15-10 ~~and~~, a new  
2 section to chapter 15.1-09, and a new section to chapter 15.1-21 of the North Dakota Century  
3 Code, relating to displays of the ten commandments in state educational institutions and public  
4 schools.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1.** A new section to chapter 15-10 of the North Dakota Century Code is created  
7 and enacted as follows:

8 **Ten commandments - Displays.**

- 9 1. The state board of higher education shall display the ten commandments in ~~each~~  
10 ~~classroom~~ a prominent and visible location in a cafeteria on the campus of each state  
11 educational institution under its control and administration. A state educational  
12 institution may display the ten commandments in other prominent and visible locations  
13 at its discretion.
- 14 2. The display must be:
- 15 a. On a poster or framed document that is at least eleven inches [27.94  
16 centimeters] in width and fourteen inches [35.56 centimeters] in length.
- 17 b. The central focus of the poster or framed document.
- 18 c. Printed in a large, easily readable font.
- 19 3. The text must read as follows:
- 20 The Ten Commandments

J2 2004

- 1 I AM the LORD thy God.
- 2 Thou shalt have no other gods before me.
- 3 Thou shalt not make to thyself any graven images.
- 4 Thou shalt not take the Name of the Lord thy God in vain.
- 5 Remember the Sabbath day, to keep it holy.
- 6 Honor thy father and thy mother, that thy days may be long upon the land which the
- 7 Lord thy God giveth thee.
- 8 Thou shalt not kill.
- 9 Thou shalt not commit adultery.
- 10 Thou shalt not steal.
- 11 Thou shalt not bear false witness against thy neighbor.
- 12 Thou shalt not covet thy neighbor's house.
- 13 Thou shalt not covet thy neighbor's wife, nor his manservant, nor his maidservant, nor
- 14 his cattle, nor anything that is thy neighbor's.
- 15 4. The state board of higher education shall adopt rules to implement this section.
- 16 5. The state board of higher education and any state educational institution under its
- 17 control and administration ~~may~~shall spend ~~its funds or~~ donated funds to purchase the
- 18 displays ~~and may~~ accept donated displays.

19 **SECTION 2.** A new section to chapter 15-10 of the North Dakota Century Code is created  
20 and enacted as follows:

21 **Ten commandments.**

22 A professor, instructor, or teacher at an institution of higher education may display the  
23 ten commandments in the classroom in which the professor, instructor, or teacher provides  
24 instruction, without first seeking approval from any supervisory authority, including the president  
25 of the institution or the state board of higher education.

26 **SECTION 3.** A new section to chapter 15.1-09 of the North Dakota Century Code is created  
27 and enacted as follows:

28 **Ten commandments - Displays.**

- 29 1. A board of a school district shall display the ten commandments in ~~each classroom~~  
30 ~~and building on school grounds~~ a prominent and visible location in a cafeteria of each  
31 school in the school district. A school may display the ten commandments in other



304

1 prominent and visible locations, at the discretion of the school administrator or board  
2 of the school district.

3 2. The display must be:

4 a. On a poster or framed document that is at least eleven inches [27.94  
5 centimeters] in width and fourteen inches [35.56 centimeters] in length.

6 b. The central focus of the poster or framed document.

7 c. Printed in a large, easily readable font.

8 3. The text must read as follows:

9 The Ten Commandments

10 I AM the LORD thy God.

11 Thou shalt have no other gods before me.

12 Thou shalt not make to thyself any graven images.

13 Thou shalt not take the Name of the Lord thy God in vain.

14 Remember the Sabbath day, to keep it holy.

15 Honor thy father and thy mother, that thy days may be long upon the land which the  
16 Lord thy God giveth thee.

17 Thou shalt not kill.

18 Thou shalt not commit adultery.

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21 Thou shalt not covet thy neighbor's house.

22 Thou shalt not covet thy neighbor's wife, nor his manservant, nor his maidservant, nor  
23 his cattle, nor anything that is thy neighbor's.

24 4. The state board of public school education shall adopt rules to implement this section.

25 5. A board of a school district ~~may~~ shall spend ~~its funds or~~ donated funds to purchase the  
26 displays ~~and may~~ or accept donated displays.

27 6. A private law firm may provide legal services to defend a constitutional challenge to  
28 this section at no cost, including representing the state board of higher education or  
29 any institution under the board's control, in court.

30 **SECTION 4.** A new section to chapter 15.1-21 of the North Dakota Century Code is created  
31 and enacted as follows:

Am 4004

1

**Ten commandments.**

2

A teacher may display the ten commandments in the classroom assigned to the teacher,

3

without first seeking approval from a school administrator or the board of the school district.



**REPORT OF STANDING COMMITTEE  
HB 1145**

**Judiciary Committee (Rep. Klemin, Chairman)** recommends **AMENDMENTS** ([25.0359.02004](#)) and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1145 was placed on the Sixth order on the calendar.

**FISCAL NOTE****HOUSE BILL NO. 1145****02/06/2025****1 - State Fiscal Effect**

*Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

**2023-2025 Biennium 2025-2027 Biennium 2027-2029 Biennium (Unable to determine)**

**General Fund Other Funds General Fund Other Funds General Fund Other Funds**

**Revenues**

**Expenditures**

**Appropriations**

**2 - County, City, School District, and Township Fiscal Effect**

*Identify the fiscal effect on the appropriate political subdivision.*

**2023-2025 Biennium 2025-2027 Biennium 2027-2029 Biennium (Unable to determine)**

**Counties**

**Cities**

**School Districts**

**Townships**

**3 - Bill and Fiscal Impact Summary**

*Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

*HB1145 version 25.0359.02000 as introduced requires the posting of the ten commandments in every classroom of the North Dakota University System(NDUS) and North Dakota school districts. Proposed amendment 25.0359.02001 limits the required posting of the ten commandments to "a cafeteria" on each campus and school district. The department of Public Instruction is estimating 406 cafeterias and the NDUS 11 cafeterias.*

The cost of the posters and posting them would have a minimal fiscal impact.

We have reached out to the Attorney General's office and the potential fiscal impacts are as follows:

In the event that HB 1145 is enacted and then challenged in court, the costs to the state to defend the constitutionality of the statute are difficult to predict. The case may be brought in federal or state district court. Then, either side could appeal the

trial court's decision. In the state system, the appeal would go to the N.D. Supreme Court. In the federal system, the first appeal would go to the 8<sup>th</sup> Circuit Court of Appeals. So there are multiple steps before a case could be appealed to the U.S. Supreme Court, and there's no guarantee that the court decision at each step would be appealed by one of the parties. Additionally, the law and facts at issue in each case affect the litigation costs, so predicting costs based on previous cases is difficult. That said, in another case where the state is defending the constitutionality of a statute, the legal costs in N.D. District Court seem to be roughly \$300,000 before trial. Final figures including the trial costs are not yet available. If the trial court's decision is appealed, total costs for the trial and appeal likely will be several hundred thousand dollars. In a matter where another layer of appeal might be added, the costs probably would exceed \$1,000,000, maybe by a significant margin. If a case reaches the U.S. Supreme Court, the cost to prepare a brief for the U.S. Supreme Court can easily exceed \$200,000.

#### **4 - Fiscal Impact Sections Detail**

*Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

*HB1145 version 25.0359.02000 as introduced requires the posting of the ten commandments in every classroom of the North Dakota University System(NDUS) and North Dakota school districts. Proposed amendment 25.0359.02001 limits the required posting of the ten commandments to "a cafeteria" on each campus and school district. The department of Public Instruction is estimating 406 cafeterias and the NDUS 11 cafeterias.*

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## **5 - Revenues Detail**

*For information shown under state fiscal effect in 1 or 2, please explain the revenue amounts. Provide detail, when*

*appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

N/A

## **6 - Expenditures Detail**

*For information shown under state fiscal effect in 1 or 2, please explain the expenditure amounts. Provide detail, when*

*appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

N/A

## **7 - Appropriations Detail**

*For information shown under state fiscal effect in 1 or 2, please explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

N/A

## **Contact Information**

**Name:** David Krebsbach; **Agency:** NDUS; **Telephone:** 7012207197; **Date Prepared:** 02/06/2025



Sixty-ninth  
Legislative Assembly  
of North Dakota**PROPOSED AMENDMENTS TO****HOUSE BILL NO. 1145**

Introduced by

Representatives Hoverson, Heilman, Nehring, Osowski, Schatz, VanWinkle, K. Anderson

Senators Paulson, Weston, Enget, Castaneda, Schaible

1 A BILL for an Act to create and enact ~~a two~~ new ~~section~~ sections to chapter 15-10 ~~and~~, a new  
2 section to chapter 15.1-09, and a new section to chapter 15.1-21 of the North Dakota Century  
3 Code, relating to displays of the ten commandments in state educational institutions and public  
4 schools.

**5 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1.** A new section to chapter 15-10 of the North Dakota Century Code is created  
7 and enacted as follows:

**8 Ten commandments - Displays.**

- 9 1. The state board of higher education shall display the ten commandments in each  
10 classroom on the campus of each state educational institution under its control and  
11 administration.
- 12 2. The display must be:
- 13 a. On a poster or framed document that is at least eleven inches [27.94  
14 centimeters] in width and fourteen inches [35.56 centimeters] in length.
- 15 b. The central focus of the poster or framed document.
- 16 c. Printed in a large, easily readable font.
- 17 3. The text must read as follows:
- 18 The Ten Commandments
- 19 I AM the LORD thy God.
- 20 Thou shalt have no other gods before me.

- 1       Thou shalt not make to thyself any graven images.
- 2       Thou shalt not take the Name of the Lord thy God in vain.
- 3       Remember the Sabbath day, to keep it holy.
- 4       Honor thy father and thy mother, that thy days may be long upon the land which the
- 5       Lord thy God giveth thee.
- 6       Thou shalt not kill.
- 7       Thou shalt not commit adultery.
- 8       Thou shalt not steal.
- 9       Thou shalt not bear false witness against thy neighbor.
- 10       Thou shalt not covet thy neighbor's house.
- 11       Thou shalt not covet thy neighbor's wife, nor his manservant, nor his maidservant, nor
- 12       his cattle, nor anything that is thy neighbor's.
- 13       4. The state board of higher education shall adopt rules to implement this section.
- 14       5. The state board of higher education and any state educational institution under its
- 15       control and administration may spend its funds or donated funds to purchase the
- 16       displays and may accept donated displays.
- 17       **SECTION 2.** A new section to chapter 15-10 of the North Dakota Century Code is created
- 18       and enacted as follows:
- 19       **Ten commandments.**
- 20       A professor, instructor, or teacher at an institution of higher education may display the ten
- 21       commandments in the classroom in which the professor, instructor, or teacher provides
- 22       instruction, without first seeking approval from any supervisory authority, including the president
- 23       of the institution or the state board of higher education.
- 24       **SECTION 3.** A new section to chapter 15.1-09 of the North Dakota Century Code is created
- 25       and enacted as follows:
- 26       **Ten commandments - Displays.**
- 27       1. A board of a school district shall display the ten commandments in each classroom
- 28       and building on school grounds in the school district.
- 29       2. The display must be:
- 30       a. On a poster or framed document that is at least eleven inches [27.94
- 31       centimeters] in width and fourteen inches [35.56 centimeters] in length.

Sixty-ninth  
Legislative Assembly

- 1           b. The central focus of the poster or framed document.
- 2           c. Printed in a large, easily readable font.
- 3        3. The text must read as follows:
- 4           The Ten Commandments
- 5           I AM the LORD thy God.
- 6           Thou shalt have no other gods before me.
- 7           Thou shalt not make to thyself any graven images.
- 8           Thou shalt not take the Name of the Lord thy God in vain.
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- 15          Thou shalt not bear false witness against thy neighbor.
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- 17          Thou shalt not covet thy neighbor's wife, nor his manservant, nor his maidservant, nor
- 18          his cattle, nor anything that is thy neighbor's.
- 19        4. The state board of public school education shall adopt rules to implement this section.
- 20        5. A board of a school district may spend its funds or donated funds to purchase the
- 21          displays and may accept donated displays.

22        **SECTION 4.** A new section to chapter 15.1-21 of the North Dakota Century Code is created  
23 and enacted as follows:

24        **Ten commandments.**

25        A teacher may display the ten commandments in the classroom assigned to the teacher,  
26        without first seeking approval from a school administrator or the board of the school district.



Sixty-ninth  
Legislative Assembly  
of North Dakota**PROPOSED AMENDMENTS TO****HOUSE BILL NO. 1145**

Introduced by

Representatives Hoverson, Heilman, Nehring, Osowski, Schatz, VanWinkle, K. Anderson

Senators Paulson, Weston, Enget, Castaneda, Schaible

- 1 A BILL for an Act to create and enact a new section to chapter 15-10 and a new section to  
2 chapter 15.1-09 of the North Dakota Century Code, relating to displays of the ten  
3 commandments in state educational institutions and public schools.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

- 5 **SECTION 1.** A new section to chapter 15-10 of the North Dakota Century Code is created  
6 and enacted as follows:

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- 1 Thou shalt not take the Name of the Lord thy God in vain.
- 2 Remember the Sabbath day, to keep it holy.
- 3 Honor thy father and thy mother, that thy days may be long upon the land which the
- 4 Lord thy God giveth thee.
- 5 Thou shalt not kill.
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- 8 Thou shalt not bear false witness against thy neighbor.
- 9 Thou shalt not covet thy neighbor's house.
- 10 Thou shalt not covet thy neighbor's wife, nor his manservant, nor his maidservant, nor
- 11 his cattle, nor anything that is thy neighbor's.
- 12 4. The state board of higher education shall adopt rules to implement this section.
- 13 5. The state board of higher education and any state educational institution under its
- 14 control and administration may spend its funds or donated funds to purchase the
- 15 displays and may accept donated displays.
- 16 6. A private law firm may provide legal services to defend a constitutional challenge to
- 17 this section at no cost, including representing the state board of higher education or
- 18 any institution under the board's control in court.

19 **SECTION 2.** A new section to chapter 15.1-09 of the North Dakota Century Code is created  
20 and enacted as follows:

21 **Ten commandments - Displays.**

- 22 1. A board of a school district shall display the ten commandments in each classroom
- 23 and building on school grounds in the school district.
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  - 25 a. On a poster or framed document that is at least eleven inches [27.94
  - 26 centimeters] in width and fourteen inches [35.56 centimeters] in length.
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- 13       his cattle, nor anything that is thy neighbor's.
- 14       4. The state board of public school education shall adopt rules to implement this section.
- 15       5. A board of a school district may spend its funds or donated funds to purchase the
- 16       displays and may accept donated displays.
- 17       6. A private law firm may provide legal services to defend a constitutional challenge to
- 18       this section at no cost, including representing the state board of public school
- 19       education, a board of a school district, or a public school in court.

25.0359.02002  
Title.

Prepared by the Legislative Council  
staff for Representative Hoverson  
January 23, 2025

Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO

### HOUSE BILL NO. 1145

Introduced by

Representatives Hoverson, Heilman, Nehring, Osowski, Schatz, VanWinkle, K. Anderson

Senators Paulson, Weston, Enget, Castaneda, Schaible

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Sixty-ninth  
Legislative Assembly

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25.0359.02003  
Title.

Prepared by the Legislative Council  
staff for Representative Hoverson  
January 27, 2025

Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO

### HOUSE BILL NO. 1145

Introduced by

Representatives Hoverson, Heilman, Nehring, Osowski, Schatz, VanWinkle, K. Anderson  
Senators Paulson, Weston, Enget, Castaneda, Schaible

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