

TO: Senate Education Committee

FROM: Gary Daniels, Chief Lobbyist, ACLU of Ohio

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RE: Senate Bill 34 – Opponent Testimony

To Chairman Brenner, Vice Chair Blessing, Ranking Member Ingram, and members of the Senate Education Committee, thank you for this opportunity to provide opponent testimony on Senate Bill 34.

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I would like to make clear exactly what SB 34 is and is not. At its core, SB 34 is a plainly obvious attempt to impose explicit religious beliefs and practices on young, captive audiences in our public schools. This is not a new phenomenon; it is but the latest coordinated effort of a decades long demand.

In the case of SB 34, passage of this bill will result in Ten Commandments displays in all classrooms, in all schools, in some school districts. Other schools will surely opt for Ten Commandments monuments on school grounds, purposely situated for students to pass every day as they enter school. Both scenarios are permitted and envisioned via SB 34.

Of course, many of the students who will be propagandized via SB 34's mandates do not share these same sectarian beliefs mandated via the Ten Commandments. They were brought up differently. Or they came to their own conclusions on matters of faith, religion, and spirituality. They and their families follow different religions, they have different beliefs, or none at all.

It is also important to note this religious imposition repeats itself across school faculty, school staff, and school volunteers who maintain different beliefs, different conclusions, and different religions.

Supporters of SB 34 try to wave away these concerns in two distinct ways. First, they accurately point out the Ten Commandments is but one choice a school district can make for display among a list of other historical documents, such as the Magna Carta, Declaration of Independence, and so on. SB 34 forces no school to display the Ten Commandments, they say.

Those claims are true. They also do not reflect ongoing plotting and practical realities. You see, passage of SB 34 is only the first step for many SB 34 supporters. Pass this bill, and they will focus their energy and resources on school districts across Ohio, demanding they choose the Ten Commandments as one of the document(s) for display. Or perhaps the only one.

Of course, not every school district will agree to this. But supporters would surely be happy with any amount of classrooms and school grounds with such religious displays. Anything is better than zero. Even better for their efforts, SB 34 encourages and allows SB 34 supporters to donate displays and monuments, including the Ten Commandments, at no cost to districts and schools.

The second way supporters of SB 34 attempt to minimize well-founded concerns is to couch the Ten Commandments as crucial to the founding and governance of the United States, like the other documents permitted for display via SB 34. This is an attempt to whitewash the wholly religious origins and applications of the Ten Commandments.

The Ten Commandments are not the Ten Helpful Hints. They are not the Ten Friendly Suggestions. They are, as the name suggests, commandments. Religious commandments. Do not worship other gods, there is only one. On one particular day of the week, you must worship this god. You are forbidden from referring to this god in a dishonorable or profane way. There is no way to secularize or dilute this language to strip it of its religious significance.

All of the Ten Commandments are religious in nature, although some certainly have an application to civil governance. But some fail that test, as well. Coveting someone else's spouse or partner. Coveting their possessions. Disobeying or dishonoring one's parent or parents. Committing adultery. All these actions are forbidden by the Ten Commandments. But they all mean zero to the founding and ongoing governance of our country.

That leaves maybe three Commandments – but more like two and a half - with any historical overlap, application, or importance to our founding and government. Do not murder. Do not steal. Of course, it is no exaggeration to say these two principles are foundational to every organized legal system and government across the world. These principles also predate the Bible and exist exclusive of religion or religious guidance. Although SB 34 seems to frame the Ten Commandments as the sole reason for these values' adoption into United States law and society.

The remaining Commandment regards lying, or bearing false witness, about another. True, this is also a bedrock of our country's legal jurisprudence. Although, again, the same can be said about every other country and society, including those predating Biblical times. The difference here is people can and do lie without breaking the law. All the time. Every day. Only some lying is legally forbidden. In addition, there has long been debate and disagreement among Christians themselves about how broadly this Ninth Commandment applies. That is, does it apply to only legal proceedings? Or does it also apply to each and every personal, non-legal interaction?

So, that leaves only two and a half Commandments, out of ten, with any relevance whatsoever to our founding and government.

But I am not here to pretend a few fundamental principles of all societies, that also happen to be reflected in the Ten Commandments, is a legitimate reason for requiring or allowing the display of unequivocally religious precepts in Ohio's public schools.

Indeed, the motivation of many SB 34 supporters is official imposition of their particular religious beliefs on those who do not share them. It is the hijacking of government and schools to make it happen. It follows the same playbook as the decades of effort that resulted in the overturning of *Roe v. Wade*. It is the same playbook now openly described and being fashioned to target legal same-sex marriage. It is a playbook designed to generate lawsuits, get those cases before sympathetic judges, and hope for what they think is the best outcome. Outcomes they hope will finally materialize, as happened with *Dobbs vs. Jackson Women's Health Organization*. Outcomes they are pushing more aggressively as they witness a country growing both more secular and more religiously pluralistic. In the case of SB 34, it is the 1980 *Stone v. Graham* decision from the Supreme Court of the United States supporters seek to unravel and bury.

Of course, it does not have to be this way. Schools do not need SB 34 to display historical documents in their classrooms or on their grounds. Schools should not be pawns in larger culture wars. Ohio's children and school staff should not have others' religious beliefs forced upon them. For these reasons and more, the ACLU of Ohio urges this committee's rejection of Senate Bill 34.