

WITNESS INFORMATION FORM

Please complete the Witness Information Form before testifying:

Date: 4/30/19

Name: Barry Shurb

Are you representing: Yourself _____ Organization

Organization (If Applicable): Citizens for Community Values

Position/Title: Legislative Consultant

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Do you wish to be added to the committee notice email distribution list? Yes No _____

Business before the committee

Legislation (Bill/Resolution Number): HB 764

Specific Issue: STUDENT Religious Liberty

Are you testifying as a: Proponent Opponent _____ Interested Party _____

Will you have a written statement, visual aids, or other material to distribute? Yes No _____

(If yes, please send an electronic version of the documents, if possible, to the Chair's office prior to committee. You may also submit hard copies to the Chair's staff prior to committee.)

How much time will your testimony require? 3 minutes

Please provide a brief statement on your position:

Support The legislation.

Please be advised that this form and any materials (written or otherwise) submitted or presented to this committee are records that may be requested by the public and may be published online.

Chairman Blessing, Vice Chairman Jones, Ranking Member Robinson and members of the committee, thank you for the opportunity to share with you today support for House Bill 164, the Ohio Student Religious Liberties Act, sponsored by Representatives Tim Ginter.

I come before you today on behalf of the following organizations: Citizens for Community Values which is Ohio's Family Policy Council, Ohio Values Voters, and the Institute for Principled Policy, all of which are very pleased to support the provisions of this legislation to protect the First Amendment rights of Ohio's younger citizens.

There are many important concepts involved in HB 164, but two of which we believe are fundamental to our society: students are also citizens of Ohio, and Ohio must not, through its laws or its institutions, interfere with the rights of religious conscience of its citizens. This measure would ensure that citizen students retain the right to their religious expression, and are not to be penalized, marginalized or ostracized for exercising this right in an educational setting.

Our friends at the Alliance Defending Freedom, a national legal organization which has litigated numerous cases concerning the fundamental rights of student expression, shares a number of permitted activities (and prohibited governmental policies) regarding religious expression on their website

<http://www.adflegal.org/issues/religious-freedom/k-12/key-issues/students-rights>. I would encourage the committee to review this resource to understand the fact that this bill is in keeping with historic and current legal precedent on this matter.

Our state has had a strong tradition of protecting the religious expression of our citizens, from the earliest development of Ohio statehood. The Ohio Constitution's Bill of Rights, in Article 1, section 7 states: "All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience. No person shall be compelled to attend, erect, or support any place of worship, or maintain any form of worship, against his consent; and no preference shall be given, by law, to any religious society; nor shall any interference with the rights of conscience be permitted."

Ohio Supreme Court Justice Paul Pfeifer, in his opinion

in *Humphrey v. Lane* (89 Ohio St.3d 62, 2000-Ohio-435), expounded on what this right in actuality means for Ohioans: “The Ohio Constitution does have an eleven-word phrase that distinguishes itself from the United States Constitution: “nor shall any interference with the rights of conscience be permitted.” The United States Constitution states that Congress shall make no law “prohibiting the free exercise [of religion].” We find the phrase that brooks no “interference with the rights of conscience” to be broader than that which proscribes any law prohibiting free exercise of religion. The Ohio Constitution allows no law that even interferes with the rights of conscience. The federal Constitution concerns itself with laws that prohibit the free exercise of religion. By its nature the federal Constitution seems to target laws that specifically address the exercise of religion, i.e., not those laws that tangentially affect religion. Ohio’s ban on any interference makes even those tangential effects potentially unconstitutional.”

This committee has the opportunity to clarify our long traditions of religious freedom so that students, some of our youngest citizens, can enjoy this protected right of being a citizen of Ohio. We ask the committee to adopt this legislation, and I would be happy to take questions.
