

Proponent Testimony  
House Bill 428  
House Education and Career Readiness Committee  
January 30<sup>th</sup>, 2018

Chairman Brenner, Vice Chairman Slaby, Ranking Member Fedor and members of the committee, thank you for the opportunity to share with you today our organization's support for House Bill 428, the Ohio Student Religious Liberties Act, sponsored by Representatives Tim Ginter and Sarah LaTourette.

There are many important concepts involved in HB 428, 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 any questions.