Testimony in OPPOSITION to House Bill 486

Before the House Education Committee

Tuesday, October 20, 2025

Chairwoman Fowler Arthur, Vice Chairman Odioso, Ranking Member Brennan, and members of the House Education Committee:

Thank you for accepting this testimony in opposition to House Bill 486, titled "the Charlie Kirk American Heritage Act."

My opposition to this legislative proposal is twofold. First, it is blatantly unconstitutional. Second, it contains a plethora of historical inaccuracies.

I will address the unconstitutional nature of the proposal first. It *should* go without saying that legislation cannot simply declare itself to be constitutional and thereby evade binding constitutional requirements and evaluation. However, that is exactly what House Bill 486 attempts to do on pages 14 and 15, lines 387 to 397. This bill includes clear, unambiguous Christian propaganda (in fact, no other religion is even mentioned in this bill), yet tries to avow that it is *not* proselytizing. This is not sufficient under our Constitution and our well-established laws.

First Amendment and the Establishment Clause

"Congress shall make no law respecting an establishment of religion…"

Decades of legal analysis and interpretation of the First Amendment, and the Establishment Clause found therein, definitely show that a public school cannot provide preferential instruction pertaining to one religion. This prohibition on laws applies to the state legislature by way of the Fourteenth Amendment. See, e.g., *Zelman v. Simmons-Harris*, 536 U.S. 639, 648–49 (2002) (The Establishment Clause . . . prevents a State from enacting laws that have the 'purpose' or 'effect' of advancing or inhibiting religion).

The Supreme Court has stated: "When the power, prestige and financial support of government is placed behind a particular religious belief, the indirect coercive pressure upon religious minorities to conform to the prevailing officially approved religion is plain." *Engel v. Vitale*, 370 U.S. 421 (1962). In *Engel*, the Supreme Court acknowledged that state government action that creates "indirect coercive pressure" by clear support for "a particular religious belief" runs afoul of the Establishment Clause in the First Amendment of the Constitution.

In reading House Bill 486, the clear support for a particular religious belief could not be more plain. In fact, Christianity is the *only* religion named in the bill, and the highly inaccurate positive instruction on Christianity is clearly proselytizing propaganda. There is nothing about the highly prescriptive and historically false list of "instruction" that public school teachers can provide about Christianity that fits into the limited constitutional allowance for neutral instruction on religions in general.

In sum, House Bill 486 is Christian propaganda that does not even attempt to hold itself to a neutral, historically accurate presentation of religions in regard to human history.

Historical Inaccuracies

Even a cursory reading of *first-hand* accounts of the Pilgrims and early Christianity in the Americas would reveal that the enumerated list of instruction in the bill is false. Please review the writings of Edward Winslow, who writes that the murder of women and children of the Wampanoag tribe was god's will. How exactly does this fit with HB486 page 15, lines 410-411, "the treaty with the Native American's signed and upheld by the pilgrims" as a "positive impact of religion on American history" (page 14, lines 387-388)??

How was the burning of innocent women accused of "witchery" pursuant to misguided and misogynistic Christianity a positive impact on American society, and where does that fall within this one-sided instruction?

I fully acknowledge that neutral, historical instruction on the role of religion in history is acceptable under our Constitution.

However, HB 486 is *not that.* HB 486 explicitly limits itself to the teaching of Christianity, and it explicitly requires only a *positive* retelling (or arguably reimagining) of Christianity in American history. It's hard not to read this bill as a purposeful, politically-charged insult, but to the extend it was a good-faith attempt to better define historical instruction on religion, it fails mightily.

Vote NO on HB 486. Even better, put this bill in drawer to never again see the light of day.