



**Building Community Through Compassion
and Reason For A Better Tomorrow**

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Opponent Testimony for Senate Bill 34

Ohio Senate Education Committee

3/11/2025

Douglas Berger - President

Secular Humanists of Western Lake Erie

Chair Brenner, Vice Chair Blessing, Ranking Member Ingram, and distinguished members of the Education Committee. My name is Douglas Berger, and I am the president of the Secular Humanists of Western Lake Erie based in Toledo. I am writing in opposition to Senate Bill 34 the Enact Historical Documents Act.

We oppose SB 34 for the primary reason that this is another attempt to force religion into the public schools using the power of the state. Government mandated religious practices is something our country has prohibited since the US Constitution came into effect.

The major reason we have separation of church and state in the US is because when the colonists rebelled in 1776, they rebelled from a country and government that had an established religion. The intertwining of the state and religion was seen as a bad thing.

The founding fathers were knowledgeable enough about there being many religions in the world at the time that they didn't allow an establishment of religion. In fact, our Constitution doesn't mention God and any mention of religion is prohibiting the government from having a religion or requiring elected people to be religious.

If the US was meant to establish Christianity in this country or give it special status, then one would think it would have been done when the Constitution was written or when the Bill of Rights were adopted.

The Baptist Joint Committee for Religious Liberty stated in 2010:

"[W]hat our Founders did was craft a framework of laws that were specifically and purposefully not based on a particular religious viewpoint (much less a particular sacred text or deity), insisting that no faith will be promoted by government, and in so doing they protected the religious conscience and expression of all Americans, both those who worship the God of the Bible and those who do not."

And Marci Hamilton, the Paul R. Verkuil Chair in Public Law at Benjamin N. Cardozo School of Law, Yeshiva University, wrote in 2003:

"The vast majority of American law, including the rules against killing and stealing, was borrowed in whole or in part from the British common law--which itself was viewed either as rising from natural law or from custom, not from the Ten Commandments."

The Founders and the Framers Adamantly Did Not Intend to Make the Ten Commandments Law

Thomas Jefferson specifically railed against attempts to claim that the common law incorporated the Ten Commandments when he criticized judges for "lay[ing] the yoke of their own opinions on the necks of others by declaring

PO Box 6433 Toledo, OH 43612-0433

567-302-0209

contact_us@humanistswle.org

that [the Ten Commandments] make a part of the law of the land." John Adams also questioned the influence of the Commandments and the Sermon on the Mount on the legal system.

At the Constitutional Convention, the Framers looked to the examples of antiquity--the Greeks and the Romans - and not to the Ten Commandments."

Senate Bill 34 requires that the documents be posted "*accompanied by a description of its historical importance that serves an educational purpose.*" We fail to see how such a description can be written for the 10 Commandments as they serve no actual historical importance or educational purpose for public school students.

In the early 2000, a federal court ruled that Ohio could plaster the motto, "With God All Things Are Possible" as long as it didn't note that it was from the Holy Bible - so here too no description can be written or displayed with the Ohio motto or the US motto since the US motto wasn't established until the 1950s as an answer to Soviet Communism.

This bill's primary sponsor claims these documents aren't taught in schools. He offers no proof. We have done some spot checks and almost all the documents except the religious ones are either discussed or taught in public school classrooms today.

We must conclude, especially after reading proposed Sec. 3313.802 (B) that a monument or other marker maybe erected, that this law is like using Santa Clauses, Reindeer, and Christmas Trees just to make the Christian Nativity Scene on the courthouse lawn legal at Christmas time. Including all the real historical documents gives cover for the religious ones in the hopes that most schools will pick the religious ones and that would give the legislature cover from the obvious ethical violation of the 1st amendment. The proponent testimony offered at a previous hearing basically proves this point.

We also need to remind the committee that 10 Commandment monuments were removed in 2003 from four high schools in Adams County, in the district now covered by Senator Johnson. They were found to be in violation of the 1st amendment even though they were donated, and the schools didn't spend any funds to install them.

Senator Johnson stated in his testimony, it is essential that the displays are funded and promoted by the communities themselves having a say in what gets displayed in their schools. People already have a say at what gets displayed in their schools. That's why they elect a school board. That's why parents go to parent teacher conferences. Most people don't like the state or federal government telling them how to run their school system - remember the reaction to Common Core a few years ago?

So, this idea that somehow if we just post a poster of the Ten Commandments that our schools are going to be great again is simply wishful thinking. A simple poster with a questionable and in this case false description of importance won't create better students. We believe any philosophy or belief should be able to stand or fall on its own merit and not require the power of the state to keep it up. The legislature otherwise believes in the power of the market.

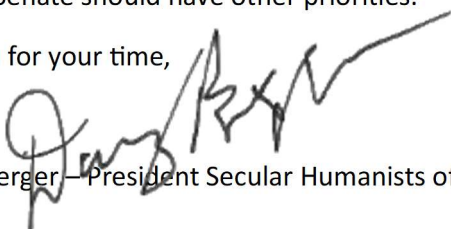
The Ohio Legislature still has not funded the public schools as directed in previous court cases and there was a bill introduced recently, that will finally make sure all children in school have free breakfast and lunch yet here, we are wasting time trying to use the state to mandate religious practices in public schools.

I am reminded of the Bible quote in Matthew 6:5-8: *Jesus taught that prayer should be private, in a room with the door closed. This was to discourage hypocrites who prayed in public to be seen by others.*

We believe that Senate Bill 34 is for '*hypocrites*' wanting to pray in public to be seen by others.

The Ohio Senate should have other priorities.

Thank you for your time,



Douglas Berger – President Secular Humanists of Western Lake Erie