

Written Opponent Testimony on Ohio SB 34

Submitted by: James A. Powers
To the Senate Education Committee
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Chair Brenner, Vice Chair Blessing, Ranking Member Ingram, and members of the Senate Education Committee:

My name is James A. Powers. I'm a disabled Army veteran, an ordained minister, a father, and an Ohioan who has spent a big chunk of his adult life working around public systems that serve people from all walks of life. I've taken an oath—more than once—to defend the Constitution. I didn't put that oath in a drawer when I hung up my uniform. It still matters to me. That's why I'm sending this testimony today.

I am opposed to SB 34.

Let me be straightforward: this bill isn't just unconstitutional. It's political malpractice. And coming from a legislature with so many attorneys, it's honestly baffling. You know the case law. You know what the Supreme Court has already said. And yet here we are, debating something you already know won't survive a court challenge. That alone should give everyone pause.

Let's talk about that case law for a moment — in plain English.

Back in 1980, Kentucky tried something almost identical. They ordered the Ten Commandments into every public classroom. The Supreme Court tossed it out immediately. No long hearing. No dramatic dissent. They said, "This is religious instruction. You can't do that." The case is *Stone v. Graham*, and it still stands.

Fast-forward to 2005. Another group tried to get clever by surrounding the Ten Commandments with other historical documents. They thought it would camouflage the religious purpose. The Supreme Court didn't buy it. In *McCreary County v. ACLU*, they said, "You can't just sprinkle in a couple of secular papers and pretend the main thing isn't religious." Again — crystal clear.

This bill follows the same playbook. Same idea, different packaging.

Now zoom out to 2024. Louisiana passed almost the same law. Within days, it hit federal court. Even conservative legal scholars said the same thing: This won't survive. Louisiana taxpayers are already footing the legal bill for a fight their elected officials knew they would lose.

If SB 34 passes, Ohio will be next in line for the same outcome.

But the legal side isn't even the part that weighs on me the most.

Here's what I know from years of working with young people and families: kids notice everything. They walk into a classroom scanning the walls before they even sit down. Those walls tell them what the school values — and sometimes, who the school values. When you force a religious document onto that wall, no matter how you package it, you are telling some kids, "This room wasn't really built with you in mind."

I've mentored students who already feel like outsiders — kids from minority faiths, kids who don't practice anything at all, kids whose families believe differently than the majority. They don't need another reminder that they're "other." Public schools are supposed to be the place where every kid has equal footing, not a place where the government signals that one belief system gets preferred parking.

Teachers have enough on their plates. They're educators, not clergy. And our children deserve classrooms where learning takes priority over religious litmus tests.

So here's my final point:

SB 34 doesn't protect religious freedom. It violates it.
It doesn't strengthen education. It distracts from it.
And it doesn't honor the Constitution. It undermines it.

If the legislature moves this bill forward — fully aware of the constitutional problems and the court history — then let me be clear for the record:

If you choose to pass SB 34, I will see you in court.
Not because I want a fight.
Not because of politics.
But because the Constitution matters, and because every student in this state deserves a classroom that belongs equally to them.

I urge you to reject this bill.

Thank you for considering my testimony.

Rev. James Powers