

March 14, 2024

Submitted via email

Governor Jim Justice
Office of the Governor
State Capitol
1900 Kanawha Blvd. E
Charleston, WV 25305

Re: Call to veto SB 280, HB 5105, and SB 152

Dear Governor Justice:

The Center for Inquiry (CFI) writes to urge you to veto three harmful bills that have passed the West Virginia Legislature: SB 280 (allows teaching “intelligent design” in public school), HB 5105 (provides a religious exemption from vaccination requirements for virtual public school students), and SB 152 (requires placing “In God We Trust” in public school classrooms).

CFI is a national nonprofit organization dedicated to advancing science, reason, and secularism in American law and policy. We have numerous supporters in West Virginia.

SB 280

SB 280 stipulates that public schools may not prohibit teachers from responding to student inquiries about “scientific theories of how the universe and/or life came to exist.”

CFI opposes this legislation because it would impermissibly permit—and promote—teaching “intelligent design” in West Virginia’s public schools. Intelligent design is a pseudoscientific theory asserting that certain features of the universe and living things are best explained by an intelligent cause or agent. It is not, despite the efforts of SB 280’s proponents, real science.

The courts have made clear that allowing this religious instruction in public institutions is a gross violation of the First Amendment’s Establishment Clause. In *Edwards v. Aguillard*, 482 U.S. 578 (1987), the U.S. Supreme Court struck down a Louisiana statute mandating the “balanced treatment” of evolution and “creation science” in public schools.

Vetoing this bill is the only acceptable move, and not only because of its legal infirmity. An additional reason is that teaching intelligent design takes away valuable instruction time for students to learn true science, such as evolutionary biology. West Virginia already faces challenges in educating its students, ranking toward the bottom of the fifty states in several educational metrics. **How are students to accurately learn biology, prepare for college, and**



aim for a potential career in the natural sciences if they are instead instructed in religious dogma from an early age?

HB 5105

HB 5105 provides a religious exemption from vaccination requirements for students attending virtual public schools as well as private and parochial schools, as long as a parent or guardian presents a letter expressing their religious objection to vaccinations.

West Virginia is currently one of only five states that does not recognize non-medical exemptions from school immunization requirements—joined by California, New York, Connecticut, and Maine.¹ The state’s own Department of Education touts that “West Virginia has one of the most effective school-entry vaccine preventable laws in the nation.”² **West Virginia should be proud of this, since vaccines are among the greatest advances in modern science and have saved countless lives.**

HB 5105 would erase all that progress. One need look no further than the recent measles outbreak in Florida schools to see how vulnerable unvaccinated schoolchildren are to dangerous diseases.³

This explains why Dr. Steven Eshenaur, the Kanawha County Health Department’s public health officer, weighed in strongly against HB 5105 on March 12.⁴ In his opinion piece, Dr. Eshenaur stated: **“Yes, personal freedom is vital to our way of life in West Virginia and America, and I am all for it, but not when the lives of children are in danger.”**

SB 152

Finally, CFI urges you to veto SB 152, which mandates that public elementary schools, secondary schools, and universities in the state “display in a conspicuous place in each classroom” a poster or framed copy featuring the words “In God We Trust.”

This requirement would be an affront to the many residents of West Virginia who do not belong to any faith. Nearly one in five surveyed adults in West Virginia (18 percent) identifies as “unaffiliated” with any particular religion (also known as the religious “Nones”).⁵ This figure includes atheists, agnostics, and those who identify as “nothing in particular.”

These are your constituents, and their views matter too. When they send their children to public school, they should not be met with divisive religious rhetoric.

Conclusion

¹ www.ncsl.org/health/states-with-religious-and-philosophical-exemptions-from-school-immunization-requirements

² <https://wvde.us/student-support-well-being/school-health/immunizations>

³ <https://arstechnica.com/science/2024/02/unvaccinated-florida-kids-exposed-to-measles-can-skip-quarantine-officials-say>

⁴ <https://wvpress.org/opinion/opinion-kanawha-county-health-department-officers-statement-on-passage-of-hb-5105>

⁵ www.pewresearch.org/religion/religious-landscape-study/state/west-virginia



For the reasons outlined above, CFI urges you to veto all three of these bills. Thank you for your time.

Sincerely,

A handwritten signature in black ink, appearing to read "Azhar Majeed", is positioned above the typed name.

Azhar Majeed
Director of Government Affairs
Center for Inquiry