

Testimony Before the Ohio House Committee

IN OPPOSITION TO HOUSE BILL 36: THE “OHIO PASTOR PROTECTION ACT”

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Good afternoon. My name is Rev. J. Bennett Guess. I live in Cleveland, and I am an ordained minister in the United Church of Christ, with dual ministerial standing in the Christian Church (Disciples of Christ).

I am a former Executive Minister of the national UCC, which is headquartered in Cleveland. The United Church of Christ has nearly 1 million members in 5,100 local churches in all 50 states and more than 90,000 members right here in Ohio, gathered in 352 congregations in nearly all of Ohio’s 88 counties.

I have been a pastor for more than 25 years, and I have presided at literally hundreds of weddings. And, as such, I know that clergy already have constitutionally protected rights, both by the U.S. and Ohio constitutions, to exercise absolute freedom in performing a wedding— or not.

The same goes for every other minister, priest, rabbi or imam, be they conservative, moderate or liberal.

Over the years I’ve presided at many weddings for church members, family, friends, acquaintances, even acquaintances of acquaintances. Most of these couples were Christian, some have been interreligious, but others have been of no particular faith. Some clergy I know would not have presided at weddings that I have said “yes” to, just as I would have turned down some of theirs. That is their right to do so, just as it is my mine.

I’ve said no to officiating weddings for calendaring reasons, if I felt strongly the couple was ill-suited to be married, or if I just didn’t want to. My standards, my decisions.

As a clergyperson, I also am friends with literally thousands of clergy, of all faiths and persuasions, and – although clergy often like to complain about the personal and professional frustrations of performing marriage ceremonies, like overbearing parents or pushy wedding planners – I have never heard a single pastor indicate that they were forced to marry any couple against their will, because it does not happen. We have the final say. Our reasons can be good, bad, flippant, deeply held, or even sometimes seemingly contradictory, but that’s our call to make.

In 2004, after Ohio voters passed a constitutional amendment prohibiting same-gender marriages, I stood alongside hundreds of clergy in this state, refusing to sign any marriage license until all Ohioans had the right to marry the person they loved. That 11-year commitment on my part made it difficult, at times, to tell dear friends that, yes, I could preside at their church ceremony in they wanted, but, no, they would have to find someone else to do the legal part.

Again, that was my constitutional right, and that same right extends to clergy who refuse to marry same-sex couples or sign their licenses. I respect that right on both sides of the theological/political divide.

House Bill 36, the so-called “Pastors Protection Act,” is a solution in search of a non-existent problem. “Bogus” is the only word I have for it. While purportedly designed to protect clergy and places of worship from performing or hosting marriages against their wishes, it is unnecessary and a complete waste of taxpayers’ time and money.

Clergy already exercise unfettered discretion over marriage decisions. Both the U.S. and Ohio Constitutions back us completely. So what is this legislation really about? There’s no other answer that I find credible:

This is yet another attempt to send a message to LGBTQ Ohioans that we are not welcome or valued, or to feel safe, in this state, under the guise of bad exclusive public policy. HB 36 absolutely sends the wrong message to the global business community, that instead of being a state open to diverse employers and entrepreneurs, that Ohio is choosing to align itself and its economic future with states like North Carolina and Indiana, by casting legislative dispersions against LGBT people, who still lack any statewide protections in housing, employment or public accommodations.

In fact, right now, it is already perfectly legal in Ohio to discriminate against LGBT people in any and all public accommodations – religious or not – because no legal protections exist whatsoever. So, this bill would only underscore that point, saying that ill-defined “religious societies” – whatever that means -- operating as commercial venue operators, who rent broadly and consistently to the general public, now could systematically exclude LGBT people from renting there.

And, worse, it potentially provides cover for persons who are not clergy, or institutions that are not religious, to discriminate against LGBTQ families, using religion as their convenient legal reason to do so.

The God I worship is about loosening the bonds of oppression, not piling on. I serve the Holy One whose burden is light, not made excessively heavy. That’s my deeply held faith conviction. But most importantly, as a citizen of this state, I smell rotten no-good legislation when it’s foisted upon us.

My clergy colleagues will widely agree: we don’t need these protections; we already have them. Instead, as concerned Ohioans, let’s turn our legislative energies toward those who really do need our watchful love and compassion.

I ask you to vote no on House Bill 36, and I thank you for your time and attention.