



State Representative Nickie J. Antonio
13th House District

February 15, 2017
Opponent Testimony – House Bill 36

Chair Ginter, Vice Chair Conditt, Ranking Member Boyd, and members of the committee, I stand before you today to testify in opposition to House Bill 36, referred to by the sponsor as the Pastor Protection Act. I have to admit I am saddened that some believe it is necessary to have this discussion again in the 132nd General Assembly.

This bill, would reiterate religious freedom protections that I and many others believe are already guaranteed to Ohioans under the U.S. Constitution with the First Amendment and Article I of the Ohio Constitution. My fear, at the very least, is that this bill could create confusion with its lack of definitions, clarity and intent with regard to “religious institutions”. And at the most, it sets up a hostile and offensive premise to me and my family, and many members of Ohio’s LGBT community.

A wedding is a celebration of two people joining their lives together. Why would a couple seek out a member of the clergy that did not hold the same religious beliefs as they do, and ask her or him to solemnize their marriage? Further, if the clergy person believed – for any reason – that the couple should not be married, she or he has the right to refuse to marry them for a myriad of reasons according to religious theology or their own personal opinion. This bill seeks to solve a problem that literally does not exist, a fact to which the bill’s sponsor has as much admitted by acknowledging there have been no lawsuits in Ohio.¹

If we codify discrimination in Ohio through this bill, we could open the floodgates to confusion and the public’s overall disgust with discriminatory legislation. We need look no further than North Carolina to know that bills that would codify discrimination, don’t sell. In North Carolina, PayPal cancelled 400 jobs, Bruce Springsteen canceled his

¹ <http://www.dispatch.com/content/stories/local/2016/05/12/lawmaker-wants-pastor-protection-bill-vote-soon.html>

concert, the NBA pulled the All-Star Game, and the NCAA moved its championship games out of state, costing millions, if not billions in lost revenue and payroll².

Certainly a collective goal for all of us should be to create a better Ohio and attract new jobs, retain existing ones, and recruit the best and brightest to our work force. This is very difficult to accomplish if instead we are drafting laws that intentionally suggest that members of the LGBT community are not welcome and cannot expect to be embraced by religious leaders and congregations. This contributes to my sadness I referred to earlier because even if we are talking about only some religious congregations how will people differentiate? Will the entire state of Ohio be seen as inhospitable?

I was raised in the Lutheran church and received teachings of Christianity to love others as I would love myself, as Jesus would, to treat others as I would be treated, not to judge lest I be judged and to embrace my fellow humans with love and forgiveness. As a now practicing Unitarian I believe in the dignity and worth of every human being- regardless of our agreements or disagreements or our various beliefs. My spouse and I raised our children to walk through this life with the same love and respect for others.

As a member of the LGBT community and a member of the Ohio Legislature I can only express my disappointment in the reintroduction of this bill that I believe to be unnecessary, purporting to protect religious leaders who already have Constitutional standing to freely express and follow their decisions regarding marriage ceremonies. I ask you can you imagine a public conversation regarding your life, the person you love and an environment where those who harbor animus towards you, your love and your family and how it would be to have them offered up for public debate?

Well, many years ago Richard and Mildred Loving knew this scenario all too well because they made history when their fight for the state of Virginia to recognize their interracial marriage made it all the way to the Supreme Court in 1967. The court's decision in *Loving* overturned a ban on interracial marriage in Virginia that was three centuries old, predating even the United States. No states currently have even unenforceable bans on the books -- but 20 years ago, that wasn't the case. In November 1998, South Carolina finally threw out its ban following a public referendum. But Alabama was the last state to do so -- overturning its (unenforceable) ban in 2000. I share this as an example of how long the fight for freedom in relationships continued before the miscegenation laws were repealed. I expect we have some time to experience the new reality of marriage equality.

Perhaps we can work together on passing the Ohio Fairness Act which will provide protections for members of the LGBT community with regard to housing, employment

² <https://www.aclu.org/blog/speak-freely/north-carolina-may-have-stuck-discrimination-make-no-mistake-hate-doesnt-sell>

and being in the public sphere, for those who fear that discrimination may prevent folks from providing for their families and wanting to call Ohio home.

No matter how this debate goes forward I believe it is important for us to remember that we may disagree and discern another person or group to be wrong-but when that discernment causes us to value another person or group less, then we've crossed the line into judgment, condemnation, and exclusion. I am hopeful we will not cross that line. I respect the members of the clergy who have concerns my hope is that we will experience mutual respect for the dignity and worth of all couples including same sex couples.

While the existence of this bill may give some a sense of new found protection and security from societal changes, it is cold comfort for those who value the separation of church and state and the constitutional rights already afforded religious leaders.

As we all know when we pledge allegiance to the flag, we say “with Liberty and Justice for all” not for some, not with exceptions, but for all. I thank you for your indulgence in receiving my testimony today.