

Testimony in Opposition to the Ohio Pastor Protection Bill

The Rev. James Waugh

2/15/17

Chairman Ginter, Vice Chair Conditt and ranking member Boyd, thank you for the opportunity to address you in committee today.

I come before you to speak in opposition to House Bill 36, the Ohio Pastor Protection Act. I am troubled because this bill seeks to afford protection that is not needed. It is an example of a solution in search of a problem.

I have been a pastor in the United Methodist Church for over forty years (I am now retired), but I have never been coerced into performing a wedding, and I know of no other clergy who have been forced to perform weddings against his/her will. Perhaps it is not well known, but clergy have accepted or refused weddings for years for various reasons, and no one has filed suit. For example, I have refused weddings because the time and date of the wedding did not fit in my schedule. I have always reserved the right to refuse to do a wedding if the couple would not agree to the premarital counseling schedule that I proposed.

On the other hand, on more than one occasion, I have had a couple approach me about performing their wedding after the pastor of the church they attended refused to do the wedding because of the pastor's sincerely held religious belief that couples should not cohabit before they are married. In another case, the pastor had closely held religious beliefs that divorce and remarriage is a sin so they would not perform the wedding because one member of the couple had been in a previous marriage. After appropriate counseling with these couples, I performed their marriage services.

No one sued anyone because the pastors refused to officiate at these wedding. After all, who wants to have someone to preside at their wedding who has been "forced" to officiate?

So I find it interesting that while same gender marriage is not mentioned directly in this legislation, it apparently was unnecessary to protect pastors in this way until after the Obergefell decision in 2015. Even though the Obergefell decision is now almost two years old, the courts do not seem to be overrun with persons seeking redress because clergy have refused to perform their weddings. The only evidence

offered by the proponents in this case is hypothetical lawsuits that might emerge. It is not prudent to act on hypotheticals.

I am grateful for the protections afforded the practice of religion in our nation that the First Amendment gives all of us. The enshrinement of these values in Section 7 of Article 1 of the Ohio Constitution provides additional comfort to me in the free exercise of religion that we enjoy in the state of Ohio. Let us continue to rely on these historic and appropriate protections as the best expression of religious liberty for all in our state and in our nation.

I urge you to vote no on recommending House Bill 36 to the Ohio House of Representatives.

Thank you for your consideration.