

Chair Hambley, Vice Chair Patton, Ranking Member Brown, and the members of the House Civil Justice Committee, my name is Jayowen Robinson, and I am submitting this testimony in support of House Bill 369, the Ohio Fairness Act.

On a cold and lonely night a young transgender teen leaves a suicide note on Tumbler that would be read around the world, alone as she's always felt, she takes a final step in front of an oncoming semi on I-71. Her heart wrenching letter laying bear the blame upon fundamentalist parents who instead of recognizing her medical condition had sent her to a Christian conversion "therapist" to "exercise the gay".

A fourteen year old in Washington, who had been abused by birthparents and subsequently spent much of their life in an out of foster-care, decides against blood transfusions that would save his life. Why? Because the closest thing to family he has ever known, the Mormon Church has told him that if he did he would receive bad marks potentially barring him from heaven.

An American Evangelist sits on trial for crimes against humanity, brought against him by the Uganda Sexual Minorities Counsel; due to his hate work in the country which led to the "kill the gays bill", which has since been repealed, revised, and reinstated forcing "repeat offenders of the crime of homosexuality" to serve life sentences in prison. He is also known for inciting the recent criminalization of vulnerable LGBT minorities in Russia.

Exemptions from human rights absolve the worst offenders and set no bar for compliance. The long-term risks far outweigh the ease of not dealing with religious based discrimination through legislature at this point. In fact, many proponents of Religious Freedom Restoration Act's (RFRA) are now actively seeking to exploit and insert their views into state legislature. Partly due to the Supreme Courts' decision in recognizing the business Hobby Lobby as a "person" and therefore free to deny women healthcare based on religious grounds. A similar suit against the same corporation denying a transgender woman access to restrooms was also heard by a state court and was found to be discriminatory under standards set forth by the EEOC. Perhaps studying how religious exemptions failed under this type of inclusive policy gives rise to the idea that religious institutions can still evade civil rights ordinances if only they can first retain a chokehold.

Recognizing its defeat, RFRA proponents have taken to a new form, inserting its ideology into bills that would protect LGBT minorities before an eventual nationwide Civil Rights Act. Like in Ohio House Bill 389 brought forth by Representatives Nickie Antonio and Denise Driehaus in 2015, (now titled HB 369- the Ohio Fairness Act) which would give LGBT minorities protections concerning government contracts, employment, housing, schools, transportation, and social resources. In it resides an insidious reference "... to add mediation to the list of informal methods by which the Ohio Civil Rights Commission may use to induce compliance with Ohio's Civil Rights Law before instituting a formal hearing, and to uphold existing religious exemptions under Ohio Civil Rights Law". On paper, such legislation could be seen as concessions' in the inevitable barter for "life liberty and pursuit of happiness" which is the American way of slowly and begrudgingly recognizing each other as equal. That is, if it were not for the fact that these exemptions and add-ons were already put in the bill concerning civil rights

before it has ever hit the floor; to then be dismissed, gutted, inserted, sent back, fought over, only to be done all over again.

Let us talk about religious exemption for a while before we touch on the disparities that arbitration would cause. Concerning employment, it would not be taken for granted that a Priest or Minister would be exempt under religious grounds, but what might not be thought of are positions of the church secretary or administrators of a Sunday school program. Yet, in reality this language continues to affect many other jobs including a Chaplain at a religiously affiliated hospital, a teacher at a religious university, or perhaps requiring all nurses within that religious facility to follow a set of religious tenets under threat of termination. As well any religious social services agency could enact restrictions on positions that could bar LGBT people from holding the job. This section does not apply to a religious corporation, association, educational institution, or society with respect to the employment of an individual of a particular religion to perform work connected with the carrying on by that religious corporation, association, educational institution, or society of its activities.

Speaking of medical care, such religious medical establishments are already using religious exemptions to deny treatment for: AIDS/HIV, women's reproductive healthcare, and bedside access to partners of LGBT people who have long faced roadblocks to acquiring remedial healthcare. This minority faces higher rates of unemployment/lack of insurance and medical refusals which leave them disproportionately at risk for mental illness, cancer, and other diseases that would have otherwise been diagnosed and treated early on. These disparities in access to necessary health care due to someone else's personal held religious beliefs can have severe emotional, physical and financial consequences for the aggrieved.

Some proponents of refusals argue that patients can find an alternative provider, hospital, or clinic. However, this is often not the case – especially in emergency situations, rural areas, or long-term care facilities, where a refusal can simply leave a patient without access to necessary care. Moreover, this perspective obscures the ways refusals exacerbate stigma and discrimination already faced by LGBT people and individuals living with HIV/AIDS, let alone being a vulnerable minority trying to access so-called “social resources” through these discriminatory religious organizations.

Housing denials in shelters, access to food banks, childcare or other services like job finding programs geared exclusively to a cisgender heterosexual community. What would happen if we stripped them of their non-profit status for refusing to help the entirety of the populous in the communities which they claim to serve? While we would see a drop in church run soup kitchens, we would also see a dramatic increase in government revenue, which in turn could house the homeless or feed the poor; as nations that truly care about poverty do not rely on churches (Oppenheimer). Nothing in this bill shall bar any religious or denominational institution or organization, or any nonprofit charitable or educational organization that is operated, supervised, or controlled by or in connection with a religious organization, from limiting the sale, rental, or occupancy of housing accommodations that it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference in the sale, rental, or occupancy of such housing accommodations to persons of the same religion, unless membership in the religion is restricted on account of race, color, or national origin.

With all of this, LGBT people are left begging for human rights that some are even willing to sacrifice due process of the law for, through this process of mediation otherwise eventually known as Religious Arbitration. Supporters of mediation claim that the process would allow disputes between people of faith to be mended by the use of shared values supposedly in the search of reconciliation taking priority over settlement. Likewise, when talking of religious exemptions, supporters of RFRA would not see themselves as oppressors, but rather “oppressed” people themselves; merely “cut from the cloth”, defenders of their personal faith, martyrs and evangelists merely purporting the will and wishes they imagine would be desires of god. Of course this is all correct; within their sect, their current religious doctrine, their personal interpretation of any number of religious texts. One should take note of the recent acknowledgement of transgender existence by both Conservative and Reformed Judaism to see a model for the kind of behavior civil rights acts are supposed to promote.

Exemptions already given not only allow religious affiliates an “out” from having to respect a certain type of citizens civil rights, creation of a board within the Ohio Commission of Civil Rights OCRC to oversee inevitable turmoil because of which, puts the possibility of relatively immediate judicial recourse out of reach making the arbitrator the only venue for possibility of a grievance to be heard. By not allowing eventual civil rights complaints derived from religious bias to be heard in courts of law, it effectively creates an alternative form of “justice” keeping it from setting legal precedence. Keep in mind the OCRC itself has no ability to mediate in cases against workers compensation claims, police brutality or unauthorized arrest, traffic and criminal violations, complaints against prisons and court issues, complaints against federal agencies, complaints against child protection services, or unemployment.

In 1943 Ohioans were dealt a crippling blow to their right to collectively bargain in one such occurrence of mediation during the formation of the State Employment Relations Board. SERB now decides what cases to hear, who is allowed to be heard, what constitutes a claim, and on what grounds a strike is permissible. Like with the OCRC it inherently absolved itself of being partial by refusing to hear cases with government connections. They decided certain positions were intrinsic to the continued operation of government; safety personnel, meaning police, EMT, and judicial personnel with retirement were now unable to strike. As well, stipulations placed upon unions favored corporations in that a strike must be announced and held at bay for a min of 30 days while they attempt fact finding, barring the presence of an unsafe work environment. Wavering from the SERB protocols of mediation can void your claim as well SERB findings are taxably binding.

Please vote yes on House Bill 369, the Ohio Fairness Act.

Thank you for your time and consideration.

Jayowen Robinson