

To: Senate Judiciary Committee

From: Rev. Ian R. Lynch, pastor, Old South United Church of Christ, Kirtland, OH

Date: November 27, 2018

Re: Opposition to House Bill 36

Chair Bacon, Vice Chair Dolan, Ranking Minority Member Thomas, and the members of the Senate Judiciary Committee, my name is Ian Lynch. I am the pastor of Old South United Church of Christ, in Kirtland and I write today to offer opponent testimony on House Bill 36. House Bill 36, the so-called "Pastor Protection Act," is a solution in search of a problem. If this bill were only unnecessary, then it would simply be a waste of time and energy. But it would not simply be redundant, providing a protection already assured by the First Amendment of the United States Constitution, and Article 1 of Ohio's Constitution, it would also send a message. Whether those pushing for this bill would admit it or not, surely there is an intent in passing this bill to send a message to the LGBTQ community that they are not welcome to the same acceptance in society that heterosexual couples take for granted.

As an ordained faith leader, I have the ability to solemnize marriages on behalf of the state. Frankly, that privilege strikes me as suspect since I don't see a good case for religious leaders to be granted a right to perform a civic function on behalf of the government. Be that as it may, my power to solemnize a marriage has never been a mandate to solemnize every marriage requested of me. It is expected that I will use my discretion in choosing which weddings to officiate and which not. For the most part, I attempt to provide that service to any and all who request it. But there are times when that is simply not possible. On those occasions when I have been unavailable for the requested date, I have had to say "no" to the couple. I suppose the couple could have sued me for denying them the service, but surely that would have been laughed out of court. There have been other times when I have suspected that the couple is more interested in the beauty of the church sanctuary than the holiness of the rite. When couples have requested reducing the references to God in the ceremony, I have explained that my participation in a wedding is based on the fact that I would speak about God's involvement. At best this has led to fruitful conversations about spirituality and resulted in a ceremony that kept everyone satisfied. At worst, the couple has been disappointed and gone elsewhere. Because there are multiple options, with multiple policies and procedures, couples have always understood that part of the planning for a wedding is a sort of shopping for locations and officiants. Again, no one has ever threatened legal action because of these conversations. The only "protection" necessary has been the fact that there are other choices, including the fact that there is always the option to have the wedding solemnized by a government official.

For same-sex couples, the real protection that is needed is a guarantee that they can have their wedding solemnized in this state. Thankfully, this legislation would not change that. Sadly, this legislation would send a message to same-sex couples that

they are somehow a threat, against which protection is necessary. Why would the Ohio legislature choose to go out of its way to send that sort of message? If there is a concern for protection, perhaps it should be protecting the reputation of the state as a place where all are welcome. If the legislature is intent on passing a bill to protect pastors' religious freedom, then please be sure to explicitly protect my freedom not just from being forced to marry couples whom I may not choose to marry, but also my freedom to solemnize every wedding that I choose which most certainly includes the LGBTQ community.

Thank you for your time and consideration.