

Remarks on HB 36  
Rev. Joseph M Cherry

Chair Bacon, Vice Chair Dolan, Ranking Minority Member Thomas, and the members of the Senate Judiciary Committee, my name is the Reverend Joseph M Cherry, and I oppose House Bill 36.

I'd like to begin by thanking our elected officials for the voluminous work they undertake for the good of the people of Ohio.

I am the full-time minister of the Unitarian Universalist Society of Cleveland and have been serving this congregation since 2014. The church I serve has roots in Cleveland going back 150 years. On May 14, 2011, I was ordained by the people of my home congregation. In accordance with the rules and tradition of my religion, which dates back to the 1630's, this congregation conferred upon me all the rights and responsibilities of ministry.

I appear before you today as part of those responsibilities, and I thank you for your kind attention.

After reading this amendment and the law it proposes to replace, I ask you not to make this substitution.

In section 3101.08 there exists no compulsion for a minister such as myself to solemnize a union between two people. I am not forced to marry any pair of people.

I am already free to marry a couple and free to refuse to marry a couple.

I require no extra protection from this so-called Pastor's Protection Act.

This proposed change to the law does not protect me or my colleagues, because there is already written in our current law an option to refuse. The law reads currently:

“The following persons or entities may join together as husband and wife any persons who are not prohibited by law from being joined in solemnize any marriage allowed by law.”

The two words here, may join, are all the protection that I need. They prevent compulsory weddings performed by myself or others licensed to do so.

I was inspired last February to drive to Columbus, and to seek the audience of the House of Representatives is this: I am concerned that hidden inside this amendment is a codification of discrimination.

As I understand it, this proposed amendment to our State Constitution, disguised as a kind of Protection for Religious Freedom, this amendment “safeguards” licensed officiants and houses of worship from lawsuit for refusing to perform or allow a wedding that doesn't agree with their theology. How is this not in direct conflict with the First Amendment to the U. S. Constitution in spirit? I'm sure you know that it begins: Congress shall make no law respecting an establishment of religion, or prohibiting free exercise thereof.

I realize that I am quoting from a Federal Law, not an Ohio Law, but I assume the two work sets of laws do their best to work in concert, not in conflict, of one another.

What happens in the case of a civil servant? Those people employed by the public would then be placed into a direct conflict of interest between their religious beliefs and the requirements of their position. Is the proposal that a judge, at whatever level, or other civil servant, be able to refuse to treat every citizen of Ohio equally as an agent of the State based solely on their religious views? An amendment like the one proposed feels dangerously close to giving primacy to one's religion over one's civic duties.

Civil servants must fulfill the law or face the consequences. They are not subject to exception based upon their faith, religion or tradition. If they do not wish to perform all of the duties that their civil position requires, they are free to seek other employment. No one is conscripted into civil service.

And as for safeguarding us, Clergy and those tasked with the responsibility of performing marriages, within this amendment, I fear that what is really going to happen is that law-abiding citizens, those couples who are of perhaps mixed-faith marriages, or mixed-race marriages, or same gender marriages, or even those couples where one or more party has been divorced, might be denied their right to marriage.

As an ordained clergyperson I am free to marry or not marry any couple already. This amendment is therefor extraneous and unnecessary. The amendment smacks of false concern for the clergy by it's very name "Pastor Protection Act," and I believe is actually an attempt to embolden and codify discrimination into our Ohio laws.

Have there been any cases where a clergy person or place of worship have been suffered lawsuits? I could not find any, and so this feels more like posturing, more like fighting an imaginary threat, than an honest attempt at helpful legislation. Last February during in person testimonies, a local Columbus minister, who had in her former career been an attorney, stated that no such lawsuit existed to date.

I worry that you are looking for a wrong spirited answer to a question that no one is asking.

We the citizens of Ohio deserve better than this.

If you wish to amend Sec. 3101.08, paragraph 1, section (A) to strike the words "husband and wife" to a more gender inclusive wording that reflects the rights of same gender couples, you may count on my support.

For such an amendment that would bring our State Laws more in accordance with equality for all, and to be more in line with the Federal Laws on marriage, I would happily come back to Columbus to applaud you.

Thank you for your time.