

Opponent Testimony  
HB36  
The Rev. James Waugh

11/29/2018

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

I appreciate the opportunity to offer testimony 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 cohabitate 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 preside at their wedding who has been "forced" to officiate?

So, I find it interesting that while same sex 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 three years old, the courts do not seem to be overrun with persons seeking redress because clergy have refused to perform their weddings.

Further, this bill as written allows clergy and religious facilities to discriminate not only against same sex couples, but the bill will give license for clergy and religious facilities to discriminate against couples for any sincerely held religious belief. Thus, the bill would undo certain civil rights protections for all couples, not just LGBTQ couples.

I am grateful for the protections afforded to 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 Senate.

Thank you for your consideration.