

To Members of the House Civil Justice Committee:

My name is Thomas Kidd. I am a lifelong Ohioan, a product of Miami University and Ohio State University Moritz College of Law. As an attorney, I practice in several areas of the law ranging from criminal defense and appellate work to constitutional law and civil litigation.

While I wish I could testify in person, I am unable as, at the same date and time of the scheduled committee testimony, I will be observing oral argument, as local counsel, in the Sixth Circuit Court of Appeals in *Nicholas Meriwether v. Trustees of Shawnee State University*. This case is related to the issues which you are now considering in HB 369. A bill which, if enacted, will make life more difficult for those with sincerely-held religious conviction.

In considering the enactment of SOGI legislation, this Assembly is addressing a problem, rampant discrimination of sexual minorities in commerce, that seems virtually nonexistent, but if the legislation is enacted it will have dire consequences in several areas.

For example, HB 369 will prohibit a shelter for female victims of domestic violence from qualifying for funds unless it allows males identifying as females to reside in the same shelters. (p. 21, HB 369 as introduced) This could result in further traumatization of those seeking respite by unfairly exposing women and violating their bodily privacy and dignity by forcing them to share private spaces with men.

Additionally, assuming HB 369 is applied in the same manner as other SOGI laws, this will create unfair playing arenas for women and girls in athletics. And when women lose opportunities to excel in athletics, they lose more than just a prized accomplishment, they lose self-esteem and opportunities to receive scholarships and college educations.

The destructive gender ideology enshrined under SOGI laws, like the proposed HB 369, strikingly threatens the right of parents to raise their children consistent with their beliefs. In a day of family fragmentation, this Assembly should not be seeking to further minimize parental rights, but should seek to support those rights. A real threat created by SOGI laws desiring to enforce a destructive gender ideology regime is the threat to separate children from parents. Children, as young as 6 years old, are in danger of being taken away from loving parents who dissent from early surgeries associated with a destructive gender ideology paradigm. Yet, according to the American Psychological Association's DSM-V, the overwhelming majority (up to 98% of boys and 88% of girls) of children and teens who experience gender dysphoria will naturally resolve their dysphoria as they mature.

Besides being a threat to vulnerable women, student athletes, and the nuclear family, SOGI laws, like HB 369, are a threat to religious liberty. Never have we

seen a society careen at full speed through old markers of societal stability like natural marriage and biological norms. But we are now not only plowing through these old markers, we are prohibiting others from observing these old markers. In this process, those who continue to be faithful adherents to Christianity, Judaism, or Islam are now being told that their sincerely-held religious beliefs regarding marriage and the differentiation of the sexes are no longer welcome in the public square. Instead, SOGI laws coerce uniformity of thought and speech on beliefs about marriage, sex, and what it means to be male and female, while such laws empower the government to punish people who willingly serve everyone, but decline to promote messages or celebrate events in conflict with their beliefs.

Last week, Supreme Court Justice Samuel Alito gave an impassioned speech before the Federalist Society warning attorneys and the public of the dangerous decay of the protection of civil liberties. Foremost in his concern was the diminished importance of religious liberty where he said, "It pains me to say this, but in certain quarters, religious liberty is fast becoming a disfavored right." May this Assembly heed Justice Alito's warning. People of faith should not be treated like second-class citizens. SOGI laws target those whose views certain LGBTQ activists don't like rather than respecting a diversity of beliefs, many of which are founded upon religious tenets that have survived for millennia. Surely if we want freedom for ourselves, we must be willing to protect the freedom of those with whom we disagree. To maintain a civil society in the frayed environment that is America in 2020, the only way forward is to respect and not to ostracize and marginalize people who hold decent and honorable beliefs about marriage, sex, and gender. Step forward and reject HB 369.

/s/ Thomas W. Kidd, Jr.
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