

In the Ohio Senate
Government Oversight Committee
Testimony in Opposition to H.B. 68
December 6, 2023

Chair Roegner, Vice Chair Antani, Ranking Member Hicks-Hudson, and members, I am Eric Resnick of Canton, Ohio. And I want to open by being very clear with you and the record, that while I will state my position as a member of the Canton City School District Board of Education in this testimony *because* this bill makes dehumanizing and in some cases unethical demands of school personnel for the sake of treating transgender students, including my constituents, as *less than* their cisgender peers, I am representing only myself.

Don't get what I am about to say twisted. I am not equating this bill with the Holocaust or those behind it as Nazis. Neither are apt comparisons. But it needs to be said that the Holocaust did not start with the death camps. It started with dehumanization, dispossession, othering, and convincing the population that those targeted were contemptuous and beneath their concern.

Legislation like this, no matter how laughable the merit, are dangerous, and hopefully beneath this general assembly and this state.

I want to call your attention to my first exhibit – the *Gay People's Chronicle* news report dated May 26, 2006. Yes, I am the reporter, and I was a witness to Senator Hottinger giving what was as close as it gets to a legislator apologizing for the harm that he caused to the LGBT community as the sponsor of the 1997 so-called Defense of Marriage Act. I share this because it was quite a moment.

In a conference room in this building Hottinger told the eight lesbian and gay people visiting him, "It's unfortunate that many people in your community felt like second class citizens because of that legislation and I apologize for that."

Hottinger then assured them that they deserve representation and they could count on him for that.

I share that story because, like Hottinger, some of you are supporting this legislation because there's a political payoff. But there's also a cost. It is never acceptable for an elected official who swore an oath to the constitutions of the state of Ohio and the United States to use their power to make their fellow citizens into something second class, no matter how much animosity toward those people you may have, or the extent of your own ignorance of their personal situation.

There are those of you in here with a conscience, who, given some time, may also have to make amends for supporting this bill.

Some of you won't. There are those in this chamber who have long histories of un-apologetically bashing LGBT people, and when we survey the national political climate we plainly see that one political party, the majority here, is whipping up the worst angels in its base, under the illusion that transgender people can be legislated away. They can't.

There seems to be a belief that if conditions can only be made cruel enough, or in the case of this bill, if quality of life can be denied enough, these precious youth, beneath your feet will go away so you won't have to be bothered anymore. We see in Ohio what I call on my radio show *Gaywaves*, a competitive meanness – a contest to see who can cobble together the cruelest anti-transgender bill.

We see it here. In this bill today we have the marriage of two bills, one a ban on gender-affirming medical care, and the other a ban on transgender participation in scholastic sports. Both bills are there only for the sake of cruelty. Both create so called problems for the purpose of knocking them down. Neither can withstand careful scrutiny of evidence.

But in the race to come up with crueler and crueler ways to hurt transgender youth, somehow these two bills were married.

If this legislation is passed I hope it goes to court. The first order of business will be a challenge based on Ohio's *One Subject Rule* which you should be familiar with, but in case you aren't, it means **“violations of the rule arise when there is disunity between the subjects addressed within an act.”**

It is going to be a glorious mask-off moment for anyone who votes for this when the Attorney General, who also has a record of disparaging transgender people, has to argue to the court that the unifying factor in these two bills is that they both attack and demean transgender youth. They will have to argue that, because otherwise, there's nothing.

As a gay cisgender man I am not here today to tell truths about the lives of my – make that **our** transgender brothers and sisters and their families. They are well-represented here. You need to listen to them.

I am also not here to pretend that I am a medical expert. I'm not, and neither are any of you. But there is a long record of testimony from people who are on both of these bills. I see that this committee appears to be in a hurry to get this to the floor, but the records of testimony on H.B. 68 and H.B. 6 are quite extensive.

The House heard lots of testimony from medical professionals and mental health professionals and Ohio's most elite medical institutions and professional associations in opposition to H.B. 68, and they heard just as expansive testimony from educators and experts in the field of scholastic athletics.

The Ohio High School Athletic Association has a policy for transgender young women to participate in women's sports that has been working just fine for nearly 30 years. All Ohio school districts with athletic departments follow OHSAA rules, and our districts all have a vote on these rules. You never heard of a so-called problem with transgender young women in Ohio schools sports until out-of-state billionaire funded political interests created it!

Medicine is a practice and none is perfect. Individuals are individual.

Hip replacement surgeries fail at a rate of about 1%. Everyone here would still get a hip replacement if they needed one and could afford it. (That's another issue.) And anyone proposing that we legislate hip replacements out of existence would be laughed out of the room.

Gender-affirming care is also not perfect. It has a regret rate of about 1%. Yet, this committee has entertained the testimony of a professional de-transitioner – someone who now makes their living traveling around the country touting their personal 1% failure as justification to deny the other 99% -- a de-transitioner whose "care" admittedly included a Nigerian witch doctor, and an elite former college athlete who tied with a transgender competitor instead of defeating her, as she thought she was entitled to do.

Everyone's journey is unique to them, and I don't deny the authenticity of the stories of those you heard from last week, and I wish all of them well.

But I am troubled when you give the outlying 1% more deference than you do the overwhelming majority of transgender people and their families here now in order to justify creation of bad laws that dehumanize, demean and even debilitate my friends and those I represent.

It's mask-off for you when you do those things, and it certainly explains why Ohio's reputation is what it is.

Shame on you if you allow this demeaning Frankenstein bill to move any farther. I urge you not to do anything that will demand your apology later.

I am happy to take questions.

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May 26, 2006

It's all about relationships

As hundreds visit their lawmakers in a lobbying effort, there are surprises on both sides

by Eric Resnick

Columbus--"It's been a long time since many of us felt at home in Ohio," Equality Ohio director Lynne Bowman told a ballroom full of people preparing to speak with their legislators, "and we're here to change that."

Hundreds of lesbian, gay, bisexual and transgender Ohioans, allies, family members, and roughly three dozen children ranging in age from a few months to teens descended on the Statehouse May 17 for the state's largest-ever lobbying event for LGBT rights.

The event was larger than the previous LGBT lobbying efforts in 1994, 1997, and 1999 combined, and was one of the largest non-corporate legislative events of the year.

Coincidentally, it was held on the International Day Against Homophobia, commemorating the World Health Organization's 1990 removal of homosexuality from its list of mental disorders.

Bowman kicked off the event from the Governor's Ballroom of the Hyatt hotel across the street from the Statehouse. She began the morning sendoff by recalling November 2, 2004, the day voters passed the anti-marriage amendment to the Ohio constitution.

She was joined by Equality Ohio board chair Jeannette Birkhoff, Terry Penrod of the Human Rights Campaign and Equality Ohio staffer Bo Shuff.

Republican State Sen. David Goodman of Columbus and Democratic State Sen. Dale Miller of Cleveland addressed the political visionaries, as did State Rep. and Ohio Democratic Party chair Chris Redfern.

Miller introduced Ohio's first LGBT non-discrimination bill as a member of the House in April 2003 and again last year. His first legislative act after being appointed to fill a vacant Senate seat was to introduced its companion on May 16.

He was greeted with a long standing ovation before declaring it a "new day" for LGBT Ohioans.

"It's time to stop the exploitation of LGBT people by the political right for political advancement," said Miller. "And it's time to begin the repeal of the marriage language in Ohio's Constitution. It's a disgrace that discrimination has been put into our fundamental document."

Redfern and Goodman talked about the importance of building relationships with legislators--a message the lobbyists would hear again and again before the day ended.

The event cost \$20,000 to accomplish, according to Bowman, with half paid by its sponsors the Human Rights Campaign, the National Gay and Lesbian Task Force, the Log Cabin Republicans and the Central Ohio Stonewall Democrats. Most other costs were covered by contributions on the day of the event.

Equality Ohio sponsored seven training sessions around the state in the last month to brief participants on the issues and protocol.

Cleveland's Fairmount Temple chartered a bus which carried people to the event.

"Today is the beginning of change in Ohio," said Bowman, as she listed Ohio's "gay agenda": equal civil rights and protections, employment non-discrimination, equality in adoption and foster parenting, LGBT inclusive safe schools legislation, LGBT inclusive hate crimes protection, and the right to correct one's birth certificate following sex reassignment.

Equality Ohio identified three bills in the legislature to be discussed with lawmakers and their staffs. These were Miller's employment non-discrimination bills, Rep. Jimmy Stewart's safe schools, anti-bully bill, and the defeat of Rep. Ron Hood's anti-gay adoption and foster parenting ban.

The 485 citizen lobbyists went to lawmakers' offices ready to share family photos, personal stories, and discuss how previous actions by the legislature have affected their lives.

The groups were organized by the 33 Ohio Senate districts. They visited their senator and the representatives of the three House districts in each Senate one.

Prior to the day-long event, only six of 132 lawmakers had declined appointments with the LGBT groups. Once it started, committee business prevented a few more from having visits. The rest got 20 to 30 minutes with legislators, their staff or both.

‘Your work doesn’t end today’

Republicans, Democrats, LGBT friends and foes alike told the citizen lobbyists that the most important thing to do to influence lawmakers is to develop relationships, and communicate often.

“Your work does not end at the end of today,” Redfern told them.

“Talk about what is personal to you,” said team leader Kevin Sullivan of Columbus. “That’s what’s going to have the most impact.”

Sullivan is an experienced lobbyist on HIV matters in Columbus and Washington.

“One time is not going to do it,” said a conservative Republican House member who asked not to be identified. “It’s a start, though.”

“There are some issues like adoption we are never going to see eye-to-eye on, but that relationship allows us to talk about things where we can.”

Legislators open lobbyists’ eyes

Some groups that visited all LGBT friendly lawmakers joked about their visits being a “love fest.” Others had it more difficult.

Judy Maruszan of Cleveland, who led a “love fest” group, said, “Even they were totally surprised at the depth of the harm to partners and families due to the loss of insurance and inheritance rights.”

“It’s the stories,” said Maruszan. “We have to keep telling our stories.”

Some legislators said surprising things.

Rep. Tom Brinkman, the Cincinnati Republican suing Miami University to stop their domestic partner benefits, told his visitors, led by Ted Jackson of Cincinnati, that he would drop the suit if the university would make it possible for unmarried heterosexuals to get the benefits, too.

Currently, the policy extends the benefits only to same-sex couples. They are similar to the ones married couples get.

In a later interview, Brinkman explained the statement further.

He said the University of Toledo is considering a plan that would cover same-sex and opposite-sex unmarried couples. He sees that as an attempt to expand health coverage, which he says there is a public interest in doing.

“It is in no way trying to mimic marriage,” said Brinkman, “and I don’t have a problem with that.”

Brinkman said the biggest supporters of his lawsuit are unmarried heterosexuals who feel excluded.

Brinkman is also a co-sponsor of the adoption ban bill, but he told the group that he would oppose the measure if it becomes a ballot initiative or constitutional amendment.

“I’d be against it,” Brinkman later clarified. “I think it should be legislation [not a constitutional amendment].”

Brinkman said he has heard of no plans to take the adoption ban to the voters.

“The people who would do that are the same people who are backing the Miami suit,” said Brinkman, “and their next project is strip clubs, not this.”

The ban’s sponsor, Ron Hood of Ashville, was defeated in the Republican primary earlier this month. Asked if any of the co-sponsors would be bringing it back next session, Brinkman said he could only speak for himself.

Advocating broader adoption reform, Brinkman said, “I could see something like [the gay adoption ban] being part of a larger bill.”

Senator Jay Hottinger and an aide met with eight lobbyists, including a couple with their four year old son in tow.

Hottinger, a Republican from Newark, was the first sponsor of “defense of marriage” legislation when he was a member of the House in 1997.

“It’s unfortunate that many in people in your community felt like second-class citizens because of that legislation and I apologize for that,” said Hottinger. “My intent was never to do any gay bashing or demagoguing. It was a states’ rights issue for me. I am a traditionalist when it comes to those things.”

Hottinger said without hesitation that he would not vote for the anti-adoption bill if it appeared in the Senate. “I would not support that bill.”

He acknowledged that LGBT people make up about ten percent of his district and said, “We might not see eye to eye on all issues, but you deserve representation, and I hope you always feel you can contact me.”

Democratic Senator Eric Kearney of Cincinnati has only been seated since December.

“Because you are new, we wanted to bring you on board with Democrats and moderate Republicans on our issues,” said John Farina of Lakewood, who led a group of nine people.

Kearney took an interest in what the legislature can do to improve the situation for people with HIV.

“My best friend in college was gay and died of AIDS,” said Kearney.

Staffer came out to visitors

An aide to a Republican House member reportedly came out to the lobbyists visiting his boss.

According to those who were there, the House member is not friendly to LGBT people and claims not to know any.

Equality Ohio lobbyists reportedly took issue with the unnamed staffer for allowing his boss to claim this.

Visits took place in senators’ Statehouse offices and in the Vern Riffe House office building across the street.

Connie Grossman of Athens told Rep. Bill Coley’s aide Mitch Alderson that she left a job at Miami University when Brinkman filed his suit.

Jamie Ryan of Columbus, who lobbied with her three young children by her side, told House Democratic Leader Joyce Beatty’s aide Molly Parsons that “When my [gay] brother is stable, I’m stable.”

Ryan, who is not gay, said protecting LGBT families reaches beyond the gay person and maybe a partner, into the lives of those who love them.

“Right now, Ohio seems really mean!” Ryan said.

Equality Toledo director Kim Welter said the group she led visited with a staffer who was a member of World Harvest Church, led by anti-gay political activist Rod Parsley.

Welter said the staffer was there the day Parsley asked his congregation to stand if they agree with him on the sinfulness of gay people.

“She hasn’t been there since,” said Welter.

Paul Schwitzgebel, who led a group from the Canton area, said Rep. Scott Oelslager’s aide was aware of the difficulties transgender Ohioans have getting accurate drivers licenses, but the Oelslager was not.

“He seemed genuinely interested in knowing more,” said Schwitzgebel.

Equality Ohio board co-chair Tom Grote noted the number of LGBT and non-LGBT clergy who came out to meet legislators, and the number of children.

“You know you’re going to win when you have kids and clergy,” he said.

Brynna Fish of Cleveland said she introduced herself to Governor Bob Taft on the Statehouse lawn.

Taft was observing an athletic exhibition promoting health, and Fish walked up to him and shook his hand.

“He said, ‘I’m here working for a healthier Ohio,’” said Fish, “and I said, ‘I’m here working for non-discrimination for lesbian, gay, bisexual and transgender people.’”

At that, Fish said, Taft “just looked at me and left.”

Husted wouldn’t say ‘gay’

The lobbying ended about 5 pm. Afterward, there was a \$50 per person reception for legislators. About 80 lobbyists and two dozen legislators attended.

It was there that Equality Ohio recognized House Speaker Jon Husted, a Republican from Kettering, for stopping any movement of the anti-gay adoption bill.

Husted told the group he was adopted himself, and opposes any attempt to deny children good homes.

However, his remarks were noticeably devoid of the word “gay” or anything related to LGBT equality.

Husted was not a co-sponsor of the “defense of marriage act” passed by the House in 2003, but he voted for it, and is not generally thought of as friendly to LGBT causes.

“We have not done a good job in the past of thanking people who do things for us,” said Bowman, “and that makes people hesitant and less comfortable stepping out.”

“It doesn’t bother me that he didn’t say “gay,” Bowman continued, adding that the thanks were for what Husted has done.

Bowman said that participants who filled out the event evaluation often wrote about what she called a “tribal feeling,” connecting them to the rest of the LGBT family.

“It wasn’t just a rally, although rallies are important,” said Bowman.

“And it wasn’t just a parade, although parades are important. And it wasn’t just sending e-mails, although sending e-mails is important.”

“People who have never met a legislator are now empowered to move us forward into the future as a community,” said Bowman. “And we did it together!”

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