

House Judiciary Committee

Testimony in Opposition to H. B. 249, the Indecent Exposure Modernization Act

To Chair Jim Thomas, Vice Chair D. J. Swearingen, Ranking Member Eric Synenberg, and members of the House Judiciary Committee:

As a former professional ballet, modern, and jazz dancer of over twenty-five years, I stand in strong opposition to H. B. 249, particularly in the addition of this language to the list of what would be considered harmful for minors to see (listed alongside strippers and topless dancers):

(v) Performers or entertainers who exhibit a gender identity that is different from the performer's or entertainer's biological sex using clothing, makeup, prosthetic or imitation genitals or breasts, or other physical markers;

Is a male dance performer who wears tights considered harmful to minors? What about that perennial favorite of ballet companies, “The Nutcracker,” in which Mother Ginger is usually played by a man? And what of the Ugly Stepsisters in “Cinderella?” May men dance en pointe? May women portray men in the chorus if there are not enough men in the company? There are some 40 ballet companies in Ohio, employing 552 people and generating millions of dollars each year. Why are you interfering with their art form? Art is free speech.

Then there is the problem of historically performing Shakespeare, in which all the female characters were performed by men. And what of the plays Twelfth Night, As You Like It, The Merchant of Venice, Two Gentlemen of Verona, and Cymbeline? Shakespeare’s characters often disguise themselves as the opposite sex, men or women, for the sake of safety or for access to places dominated by the opposite sex. Are teenagers now no longer able to see these plays?

I am sure others will remind you of all the wonderful movies and television shows in which someone portrayed the opposite sex. Will those be illegal to air or purchase?

If a woman decides to wear a Clifford the Big Red Dog costume (as I have, much to the children’s delight), is she in violation of this law? *Would she be harmful to minors simply because she is a woman acting like a male dog, even though completely covered by a costume?* I hope you begin to see how absurd this bill really is.

I suspect you are trying to ban Drag Story Hour, in which a person dresses as an over-the-top version of the opposite sex, singing children’s songs and reading children’s stories to children. These are almost always performed in a public library meeting room, with parents signing their children up and accompanying them. The underlying message is “you are fine however you are.” It is parents and their children who are opting in for this. Children see them as any other costumed character. There is no prurient undertone at all.

All of these things would become *verboden* under a strict interpretation of H. B. 249. I encourage you to reject this bill. It is unconstitutional on its face.