

## Opposition Testimony HB 249

Introduction : Erika Pearsol.

Thank you for the opportunity to address the committee on this important issue. I want to highlight 3 key reasons why this bill should not become law in the Great State of Ohio. First, Drag is art, not a crime. Second, the bill is likely unconstitutional and will not withstand challenges due to vagueness and overbreadth. Finally, we have laws on the books to address obscene material and protect juveniles.

**Drag is art - not a crime** - Drag has existed as an art form for 2000 years. The Roman historian Plutarch in his "Life of Sulla" noted that the Roman Consul celebrated military victories with the Drag Queen Metrobius as a key entertainer in 81 B.C.

Fast forward a millenia, to the time of William Shakespeare. When Shakespeare wrote and produced what are arguably the best plays ever written, all of his productions had women played by men. Additionally, cross dressing is central to the plot of his play "The Merchant of Venice".

Mozart wrote the Opera "The Marriage of Figaro." Another artistic work where cross-dressing is central to its plot.

There are of course many modern examples of movies and TV shows where drag and cross dressing are central to the themes and plot points explored by the writers and actors. Examples include:

- i. Tootsie
  1. Dustin Hoffman
- ii. Hairspray
  1. John Travolta
- iii. Mrs. Doubtfire
  1. Robin Williams
- iv. The Birdcage
  1. Nathan Lane, Gene Hackman and others
- v. Boosom Buddies
  1. Tom Hanks
- vi. Mash (Klinger)
  1. Jamie Farr
- vii. Some like it Hot
  1. Tony Curtis and Jack Lemmon
- viii. To Wong Foo, thanks for everything! Julie Newmar!
  1. Patrick Swayze, Wesley Snipes and John Leguizamo

All of these are examples of financially successful and critically acclaimed movies and shows starring beloved actors performing for our entertainment. These remain artistically relevant

today and many are widely available on streaming services, broadcast television and cable in this state every day.

In addition to movies and television series, examples of drag exist in modern musicals. Such as: La Cage Aux Folles (Kelsey Grammer of Frasier fame - was nominated for a tony for his performance in the Broadway Revival); Hairspray and Chicago.

If this bill becomes law, you limit the shows that can travel through Ohio and movies that could be produced in our state - cutting off potential economic prospects as those dollars will not be spent here. Productions of Hairspray and Chicago have traveled through Ohio. IF this bill passes, you limit theaters and their ability to make money, and in turn invest money in our communities, and you limit artists' ability to earn a living. Production companies, artists and others will simply not invest in Ohio.

**The language of the Bill is vague and overbroad** - and likely will not withstand a constitutional challenge - similar bills have been struck down in other states including Tennessee, Texas, Florida and Montana.

Legal challenges cost the state money. We need to invest our tax dollars in programs that help Ohioans, and not waste money defending first amendment challenges to an unnecessary law. This Bill criminalizes any performer that does not meet the gender norms prescribed by its authors. Anyone who dresses in a non-conforming way could be subject to criminal penalties.

If a theater company puts on "Hairspray" - a popular musical that was made into a movie- or any of the musicals noted above-it would violate this law and lead to criminal sanctions. Artist expression will be limited.

Finally : **We have existing laws that protect Ohioans.** We have existing laws against obscenity and material or performances that are harmful to juveniles (ORC 2907.01) this law is unnecessary.

Drag has been around for 2000 years. It is art, it is a form of protected expression. It adds value to our communities and financial resources to our state. The artists who perform are talented members of our community who seek to entertain, not harm. I urge you not to pass this harmful bill.

Thank you for your time.