



Testimony in opposition to H.B. 36 “Pastor Protection Act”

November 27, 2018

Chair Bacon, Vice Chair Dolan, Ranking Minority Member Thomas, and the members of the Senate Judiciary Committee, my name is Douglas Berger, president of Secular Humanists of Western Lake Erie, and we oppose House Bill 36 also known as the “Pastor Protection Act.”

If passed, H.B. 36 would allow anyone ordained in the state of Ohio, to reject any request to solemnize a marriage "that does not conform to the ordained or licensed minister's or religious society's sincerely held religious beliefs."

It would also give unprecedented broad protection for any “religious society” which does not wish to allow their buildings or property to be used for a marriage ceremony that doesn't conform to its religious beliefs, even if the property isn't used for religious purposes.

The "Pastor Protection Act" is at least redundant as ministers, pastors, and priests are covered under the 1st amendment religious clause. None have ever been required nor can they be required to solemnize a marriage that doesn't conform to their religious beliefs. Priests can't ever be required to marry people who are not of the Catholic faith, for example. If a “religious society” building or property is being used for religious purposes, then they can't be forced to open it for activities it feels are against their deeply held religious beliefs.

If a minister refuses to solemnize a marriage for a same-sex couple, they wouldn't be subject to the same business accommodation laws used against bakers who refuse to bake a wedding cake for the same-sex couple nor would a church or fellowship hall owned by a faith group used strictly for religious purposes. HB 36 however would allow discrimination for **ANY** property that happens to be owned by a religious group even if it is advertised as generally open to the public.

This is a very **dangerous** change in our civil rights. This bill would allow religious groups to discriminate against **ANYONE** that they feel doesn't conform to their religious beliefs. Do we want to see a church food pantry turning away a needy family because they are Mormon, since this particular church doesn't believe Mormons are Christians?

Much of the testimony from proponents of this bill, while it was in the House, claimed a fear of being forced to perform same-sex marriages since the 2015 US Supreme Court decision striking down same-sex marriage bans across the country. None offered actual proof of that happening and as of this date no proof has ever been provided that this is an issue needing a law.

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Public laws should only be enacted to address an actual issue or concrete problem and not used as a vehicle which explicitly undermines Ohio's civil rights laws. As written this law wouldn't just affect same-sex couples.

There are many religious groups who own properties that aren't used explicitly for religious purposes and HB 36 would allow these groups to discriminate.

Religious freedom should be a shield to protect people from persecution and not a sword to give special rights to a favored group that ends up persecuting people not in that favored group.

This bill is a waste of time and taxpayer money for a problem that doesn't and will never exist. Instead we would like to see the legislature work to make performing marriages more accessible by considering and passing Senate Bill 52 that also amends 3101.08 to allow anyone who registers with the state to solemnize a marriage.

The Secular Humanists of Western Lake Erie asks you to reject H.B. 36 for the good of all the people of Ohio and to preserve our all our civil rights.