

## **It Is the Constitutional Duty of the Ohio House to Protect Ohio's Pastors and Churches!**

A number of state representatives and opponents of House Bill 36, the Ohio Pastor Protection Act, have questioned the need for such a bill. Pastors and churches, they say, have plenty of protection against being forced to perform same-sex marriages by the First Amendment to the United States Constitution and Article 1, Section 7, of the Ohio Constitution.

Now, while it is true that both the United States Constitution and the Ohio Constitution provide strong protection of religious freedoms, they do not provide protection against frivolous, malicious, and harassing lawsuits. Lawsuits, which, though they may ultimately fail, can still damage, bankrupt, and do irreparable harm to pastors, ministers, churches, and religious organizations through excessive legal fees, denigration of character, and overwhelming public opposition. In fact, the financial, emotional, and reputational costs of defending against such lawsuits may be enough to cause some to roll over, settle out of court, or otherwise give in and capitulate to the demands of the activists filing such lawsuits.

Here is where H.B. 36, the Ohio Pastor Protection Act, comes into play. H.B. 36 exempts ordained or licensed ministers and religious societies from civil or criminal liabilities (i.e. lawsuits) for refusal to solemnize same-sex marriages or allow their facilities to be used for such marriages. In doing so, H.B. 36 is in direct accord with the Ohio Constitution, which states explicitly in Article 1, Section 7:

“Religion, morality, and knowledge, however, being essential to good government, it shall be the duty of the general assembly to pass suitable laws to protect every religious denomination in the peaceable enjoyment of its own mode of public worship, and to encourage schools and the means of instruction.”

Did you get that? The Ohio Constitution says that it is, “the duty of the general assembly to pass suitable laws to protect every religious denomination in the peaceable enjoyment of its own mode of public worship”! Therefore, according to the Ohio Constitution, it is the DUTY of the Ohio House to pass laws, such as H.B. 36, which are designed to protect Ohio's pastors and churches from lawsuits meant to harass and harm them.

So, please join me in reminding our state representatives of their duty, under Article 1, Section 7, of the Ohio Constitution to “pass suitable laws to protect every religious denomination in the peaceable enjoyment of its own mode of public worship,” and urge them to support H.B. 36, the Ohio Pastor Protection Act. Remember, it is OUR duty to remind them of THEIR duty.

*--Pastor Al Davis, Richfield Baptist Church and OCA Board Member*

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## **Ohio Constitution**

### **[ The 1851 Constitution with Amendments to 2015 ]**

#### **I.07 Rights of conscience; education; the necessity of religion and knowledge (1851)**

All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience. No person shall be compelled to attend, erect, or support any place of worship, or maintain any form of worship, against his consent; and no preference shall be given, by law, to any religious society; nor shall any interference with the rights of conscience be permitted. No religious test shall be required, as a qualification for office, nor shall any person be incompetent to be a witness on account of his religious belief; but nothing herein shall be construed to dispense with oaths and affirmations. Religion, morality, and knowledge, however, being essential to good government, it shall be the duty of the general assembly to pass suitable laws to protect every religious denomination in the peaceable enjoyment of its own mode of public worship, and to encourage schools and the means of instruction.

<https://www.legislature.ohio.gov/laws/ohio-constitution/section?const=1.07>