



OHIO EQUAL RIGHTS

The Equal Rights Newsletter



PHOTOGRAPHY BY EMMA PARKER PHOTOGRAPHY

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Jim Obergefell Endorses Ohio Equal Rights

Jim Obergefell is the named plaintiff in the landmark U.S. Supreme Court marriage equality case Obergefell v. Hodges (2015). The decision in the case recognizes marriage equality as a constitutional right in all 50 states. Jim is an LGBTQ+ activist, co-author of Love Wins, co-founded Equality Vines, and sits on multiple boards advocating for LGBTQ+ rights.

After careful consideration of the proposed amendments in the Ohio Equal Rights campaign, Jim has chosen to endorse our movement. We are thankful to Jim and his endorsement. Ohio Equal Rights will benefit from his voice and connections within the LGTBQ+ community, both in Ohio and around the nation. Jim said that he supports the campaign because, **"Every person deserves to be treated as a human being, with the same rights, protections, and dignity that any other person enjoys. The OER campaign is working to ensure Ohio treats every person equally, and that is something everyone should support."**

Jim's voice of support for Ohio Equal Rights could not come at a more crucial time in the legal fight for equality. The Robert's Court continues to make decisions that adversely affect

The nature of injustice is that we may not always see it in our own times. The generations that wrote and ratified the Bill of Rights and the Fourteenth Amendment did not presume to know the extent of freedom in all of its dimensions, and so they entrusted to future generations a charter protecting the right of all persons to enjoy liberty as we learn its meaning. When new insight reveals discord between the Constitution's central protections and a received legal stricture, a claim to liberty must be addressed.

-Justice Anthony Kennedy writing for the Court (Obergefell v. Hodges)

Let's end discrimination in Ohio law. Together!

JIM OBERGEFELL ENDORSEMENT

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the LGBTQ+ community. From this past summer [United States v. Skrmetti](#) paves the way for states to ban medical care for transgender minors. [Justice Sotomayer](#) received public praise for her dissenting opinion which she would encourage you to read in its entirety. She ends her dissent with, "Because there is no constitutional justification for [the untold harm to transgender children and the parents and families that love them], I dissent." Additionally, the Robert's court used the shadow docket to allow the administration to target transgender persons in many aspects of life.

Now, there is a growing fear that the Supreme Court will soon hear cases related to a couple's right to marry and overturn at least some, if not all, of the Obergefell decision. While overturning *Roe v. Wade*, [Justice Alito quoted Justice Scalia's dissent in Obergefell](#) and stated that the Constitution does not protect rights unless they are "deeply rooted in this Nation's history and tradition". In the dissent of the [Dobbs v. Jackson](#) opinion, three Justices warned that this decision would lay the foundation for overturning other precedent, specifically Obergefell.

*"Ohioans must propose and pass laws and amendments to protect
[our] rights" - Jim Obergefell*

If the Obergefell decision is overturned then States will have the authority to deny marriages according to the laws or amendments that are in place. The Ohio state constitution, Article XV Section 11, states that marriage is, "a union between one man and one woman." Should the supreme court overturn the decision in Obergefell, the right to marry in Ohio will be gone. When asked about a potential overturn of the decision, Jim stated, ["If Supreme Court justices and others want to use claims of state's rights as justification for overturning Obergefell, a concept that was also used to justify slavery, then it's up to the people of Ohio to say "this is what we believe, this is what we value." If our nation's Constitution becomes a mere suggestion of what rights every person enjoys, subject to the whims of state legislators, then Ohioans must propose and pass laws and amendments to protect those rights."](#)

The Right to Marry is one of the amendments that the OER is campaigning to place before the voters of Ohio, the other amendment is an Equal Rights Amendment (ERA) that may in its own language protect the right to marry but goes even further. As Jim commented, the ERA amendment is about fulfilling the promise of America's founding, ["that all people are created equal, that all people are due equal justice under law, that all people are guaranteed the rights to life, liberty, and the pursuit of happiness. The Equal Rights Amendment helps ensure that our laws, not just in concept but in practice and reality, protect these rights for everyone, not just some."](#) The ERA ensures as constitutional right, that Ohio does not discriminate in its application of the law. When asked about the impact this amendment would have on Ohio Jim said, ["No Ohioan should be](#)

JIM OBERGEFELL ENDORSEMENT

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evicted from their apartment, fired from their job, denied service in a business open to the public, be prevented from living life on an equal basis, denied medical care, or suffer any other indignity because of who they are, whom they love, their age, disability, family status, veteran status, or other reason. These amendments will have immediate, positive impacts on Ohioans and their quality of life.”

When considering Ohio a place to live LGBTQ+ families must consider the growing number of legislative attempts to ban transgender healthcare and rights as well as the State’s position on gay marriage. Currently, Ohio is listed as [39/50](#) best places to live for LGBTQ+ families and has been given a [low equality rating by the Movement Advancement Project](#). Jim addressed this sentiment directly by stating, “The discrimination people experience in Ohio forces some of them to leave the state, taking their tax dollars and more with them. Ohio struggles to attract and retain residents and workers - these amendments will help keep Ohioans in Ohio, so the state - and all residents - will benefit.” Ohio should be a welcoming place for all Americans, and these amendments will ensure just that.

Despite the constant barrage of the current news cycle Jim stays as committed as ever to the advocacy work surrounding marriage equality and equal rights drawing inspiration from the community.

“I can’t imagine doing anything else. In the ten years since marriage equality became the law of the land, hundreds of thousands of queer couples have married, countless families have formed, and queer kids have grown up with the reality that they can fall and love and marry. Whenever I’m feeling down, exhausted, depressed, or hopeless, I think of the countless conversations and interactions I’ve had with queer people, couples, parents of queer kids, closeted and out queer kids, and others - I can’t give up because I know what marriage equality means to them, to people across the country. “

“I think about a young woman in Tennessee who told me that Obergefell v Hodges saved her life. Before marriage equality, she had planned to commit suicide because she saw no future for herself as a queer young person. That decision saved her life, and I’m confident that there are others



IN THE NEWS

Check out a recent article about the OER campaign related to the current state legislature’s attacks against transgender Ohioians.

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JIM OBERGEFELL ENDORSEMENT

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who can say the same. She gives me the motivation to keep fighting, to stay involved, to be part of making our world a better place. “

In our pursuit of equality, motivation will be a key factor. We should anticipate set backs in this pursuit and be willing to continue to move forward. Progress is slow at times, but we should not base

“We must be those dedicated citizens, knowing that our efforts will continue to move this nation forward, especially in those times when it seems hopeless.” - Jim Obergefell

our success on short-term outcomes, rather Jim told us, “Progress toward achieving equality for all requires a long view, knowing that there are times our nation moves forward, when we come closer to living up to our nation’s promises, and there are times when we move backward, seemingly turning our collective backs on the values our nation is supposed to embody. “

“Every step forward is met with pushback by those who believe not everyone is a human being worthy of equality. We must continue fighting for equality for all, for that day when every person experiences equality and equity in this nation.”

“Even at times like this, when so much of the progress made over the past decade or two is at risk of being lost or undermined, we should remember that progress has still been made, that the forces of equality have created a world that is better than the world, for example, I lived in as a newly-out gay man in 1992. We cannot lose sight of all we have gained, and although things might at times seem hopeless, we are not helpless.”

“In his remarks following the Obergefell v Hodges marriage equality decision, President Obama said: ‘Progress on this journey often comes in small increments, sometimes two steps forward, one step back, propelled by the persistent effort of dedicated citizens.’”

“We must be those dedicated citizens, knowing that our efforts will continue to move this nation forward, especially in those times when it seems hopeless.”

Finally, we asked Jim about expanding the equal rights movement beyond the state of Ohio which he optimistically supports saying, “State-level Defense of Marriage Acts and other discriminatory laws have no place on the books in a nation whose Constitution begins with the words “We the People.” This movement is part of ensuring we can all take our place in We the People.”

Two Amendments - One Mission

Read the Amendments

Equality of Rights Under the Law

A. Equality of rights under the law shall not be denied or abridged by the State of Ohio or its political subdivisions on account of race, color, creed or religion, sex, sexual orientation, gender identity or expression regardless of sex assigned at birth, pregnancy status, genetic information, disease status, age, disability, recovery status, familial status, ancestry, national origin, or military and veteran status.

B. The State of Ohio and its political subdivisions shall not enact or enforce any law, statute, or regulation that abridges or denies the rights of individuals on account of race, color, creed or religion, sex, sexual orientation, gender identity or expression regardless of sex assigned at birth, pregnancy status, genetic information, disease status, age, disability, recovery status, familial status, ancestry, national origin, or military or veteran status. This includes, but is not limited to, the rights of individuals in:

1. Education;
2. Employment;
3. Housing;
4. Healthcare services and health insurance;
5. Public spaces and accommodations;
6. State records; and
7. Legal identification.

C. Nothing in this section shall be interpreted or applied in a way that prevents the adoption or implementation of measures intended to provide equality of treatment or opportunity for members of groups which are commonly marginalized or that have historically been subject to discrimination.

D. This section is self-executing

E. This section shall be liberally construed in favor of its purpose. If any part of this section is held invalid, the remainder of the section shall not be affected by such holding and shall continue in full force and effect.

Marriage Equality

The State of Ohio shall issue marriage licenses to individuals the age of eighteen and above and not nearer of kin than second cousins, and the state and its political subdivisions shall recognize and treat equally all marriages regardless of race, sex, or gender identity. Religious organizations and members of clergy shall have the right to refuse to solemnize a marriage. This section is self-executing.

