



CIVIL RIGHTS POLITICS & GOV

Ohio lawmakers and religious lobbyists coordinate on anti-trans legislation

Communication on trans athlete bans, other anti-trans bills goes back years

BY: **ZURIE POPE** - JUNE 20, 2023 4:55 AM



Getty Images.

Text messages obtained by the Ohio Capital Journal through public records requests show Ohio lawmakers and religious lobbyists from the Center for Christian Virtue coordinating on anti-trans legislation moving through the Ohio Statehouse.

Brought forward on [Feb. 16](#), House Bill 6 – otherwise known as the Save Women’s Sports Act – has become one of the most contentious laws being debated in the Ohio Statehouse.

The law targets trans athletes, banning them from women’s sports teams by stating, “[No school, interscholastic conference, or organization that regulates interscholastic athletics shall knowingly permit individuals of the male sex to participate on athletic teams or in athletic competitions designated only for participants of the female sex.](#)”

Testifying before the House Higher Education Committee March 8, Republican state Rep. Jena Powell, the bill’s primary sponsor, described the law as a necessity for collegiate sports.

“[The reason we have women’s sports divisors is because biological males will always possess physical and biological advantages over girls,](#)” Powell said, referring to the idea that transgender athletes are stronger than their cisgender counterparts.

The term “biological males” as it relates to gender identity is rejected by the LGBTQ+ community as politicized and inaccurate, with the term “gender assigned at birth” being the preferred construction.

Only [six transgender girls play sports in Ohio](#), out of 1.5 million public school K-12 students. Both the Ohio High School Athletic Association and NCAA [have well-established rules around transgender participation](#).

A study analyzing scientific literature about trans athletes between 2011 to 2021 conducted by the group E-Alliance found that “[Available evidence indicates trans women who have undergone testosterone suppression have no clear biological advantages over cis women.](#)”

Nevertheless, Powell claimed that accommodating trans athletes was a form of discrimination that “turns back the clock over a half century on advances we’ve made for women.”

Since being proposed in February, 80 people have submitted testimony against HB 6, ranging from representatives of civil rights groups like the ACLU of Ohio, to academics and religious leaders.

Nonetheless, the proposed bill passed in the House Higher Education Committee, with a vote of 8-6 in favor. HB 6 was later [added](#) into HB68, which bans gender affirming care for trans youth.

When asked to discuss HB6, Democratic state Rep. Jessica Miranda could barely contain her outrage.

“I cannot state strongly enough how opposed I am to working on legislation that is a complete and utter waste of time,” Miranda said.

The version of the bill passed by the Education Committee didn’t include the laws’ most controversial elements. Specifically, a provision authorizing inspection of trans students genitalia to prove their gender was removed after substantial pushback.

Those changes to House Bill 6 came not from consensus building in Columbus, but lobbying groups with an interest in the bill's passage.

Initially, legislators and lobbyists agreed the bill should pass unamended.

In texts obtained by the Ohio Capital Journal through public records requests, state Rep. Adam Holmes voiced this attitude to Center for Christian Virtue lobbyist Nilani Jawahar.

[“We are all focused on the same target,”](#) Holmes wrote, “just trying to find the best way to address it.”

Acknowledging it was unlikely HB 6 would be approved when paired with numerous other bills, Jawahar still expressed gratitude “to the House for not concurring in the Senate’s changes to Save Women’s Sports.”

Continuing, Jawahar said, “we have the will to get this done right, and shouldn’t compromise on that.”

“Our office has had occasional, infrequent contact with CCV over the past general assemblies concerning issues important to their organization,” replied Representative Adam Holmes in an email to the Ohio Capital Journal on April 6th. “Many of our constituents have specific interest in maintaining fair playing environments for women who participate in competitive athletics.”

On April 27, 2021, Center for Christian Virtue’s Jawahar emailed Powell and state Rep. Reggie Stoltzfus.

“Attached is a comp doc explaining the changes that were made to the Save Women’s Sports Bill,” Jawahar wrote, the email’s subject line reading “SWS Sub Bill Changes.”

The attached documents showed CCV’s line-by-line revisions, softening language and tweaking provisions while keeping the law’s intentions unchanged.

[“The word “knowingly,” was added so schools/colleges that accidentally allow a male on the female team without knowing his actual sex will not be penalized,”](#) wrote CCV.

Another revision addressed the body examination segment, stating it had been removed “to avoid possible invasive examination of children’s bodies,” replaced instead by language stating that nothing in the bill could be construed as “restricting,” students from participating in athletic teams “that are designated as male, or co-ed.”

Despite already deciding what changes were needed, lawmakers and CCV left journalists to guess what the final draft might look like.

[“I feel pretty confident when the debate around this issue comes back in the fall, it will come out,”](#) Aaron Baer said in an interview with the Columbus Dispatch, two months after the email was sent.

The Center for Christian Virtue wasn’t the only lobbying group involved in HB6’s creation.

Matt Sharp, Senior Counsel with Christian fundamentalist firm Alliance Defending Freedom, testified on the bill's behalf.

“HB 6 protects opportunities for young women in athletics by ensuring they are not forced to compete against men playing on women's sports teams,” Sharp said in his written testimony submitted to the Higher Education Committee.

Sharp's involvement extended beyond offering testimony.

On Jan. 23, Powell and Stoltzfus, alongside CCV Policy Director David Mahan, attended a Zoom call with Sharp to discuss HB 6.

“Thanks for jumping on the call with Matt earlier,” wrote Mahan in a follow-up email with the subject title “West Virginia Bill Language and Opinion.”

“Regardless of whether you decide to go with birth certificate language or not,” Mahan continued, “he asked me to be sure to reiterate the importance of the cause of action.”

Mahan then attached the aforementioned bill, detailing West Virginia's HB 3293, which banned gender-affirming care for trans youth, and was signed into law on March 29.

Notably, the law was eventually **blocked** by a federal court, with District Judge Joseph Goodwin issuing a scathing opinion.

“A fear of the unknown and discomfort with the unfamiliar have motivated many of the most malignant harms committed by our country's governments on their own citizens.”

Mahan, Powell, and Stoltzfus didn't reply to requests for comment from the Ohio Capital Journal.

Sharp also advised the Center for Christian Virtue and their allies in the Statehouse on how to circumvent discrimination laws.

Emailing Aaron Baer on Dec. 2, 2020, Sharp explained the loopholes in the Americans with Disabilities Act's qualifications for intersex persons, using them to prove House Bill 6 couldn't be perceived as discriminatory.

“The Americans with Disabilities Acts protects individuals who have a ‘gender identity disorder,’ as long as it results from physical impairments, or other sexual behavior disorders,” Sharp wrote. “If a person's gender identity does not result from a ‘physical impairment,’ such as those that are based solely on internal self-perceptions of identity, then it is not covered by the ADA.”

Baer then messaged Stoltzfus to relay the information, writing “intersex kids can choose which league they want to be in, and this bill would not change that.”

Powell echoed Sharp's sentiments three years later during her testimony for the Save Women's Sports Act, saying “for the few individuals who are born intersex, their abilities to compete will

not be hindered in any way by this bill.”

Noticeably, the U.S. 4th U.S. Circuit Court of Appeals [ruled](#) last August that gender dysphoria is covered by the ADA.

The Alliance Defending Freedom has played an outsized role in the wave of anti-trans legislation overrunning American statehouses.

Classified as an anti-LGBTQ [hate group](#) by the Southern Poverty Law Center, ADF has been an essential player in the anti-trans legislative movement nationwide.

Mother Jones recently [obtained](#) emails showing ADF lobbyists coordinating with South Dakota lawmaker Fred Deutsch in 2019, on a bill that would criminalize providing gender affirming care to trans children under sixteen.

Reporting from NBC News in [2017](#) showed that anti-trans bathroom bills across 15 states were copies of model legislation ADF created.

Matthew Sharp has advocated for, and submitted testimony in favor of, anti-trans laws in [Kansas](#), [Arkansas](#), and West Virginia, among other states. Sharp even gave [testimony](#) supporting Ohio’s HB68, remarking “every child deserves a natural childhood.”

The ADF’s influence can even be felt overseas, [with the group advocating](#) for laws in Europe requiring state-sanctioned sterilization of trans people.

Meanwhile, an analysis of text from [130](#) anti-trans bills by the Associated Press found their language matched the language found in model legislation created by interest groups like the Family Research Council.

When contacted about his work on House Bill 6, Sharp responded in an email.

“Lawmakers often seek advice from experts in law, policy, and other fields as they craft legislation,” Sharp wrote on April 4. “Alliance Defending Freedom is routinely called upon to provide legal expertise regarding legislation that protects fairness in women’s sports, like HB 6.”

The Rev. Jess Peacock, who uses they/them pronouns, believes in the same god as Aaron Baer and Matt Sharp, they said.

They’re the [Minister](#) of the Community Church of Chesterland, and submitted written testimony against House Bill 6. It was in their testimonial that the distinctions between Peacock’s view of Christianity and a group like CCV’s showed most clearly.

[“As the pastor of a congregation that has been open and affirming to the LGBTQ community for thirty years, I believe we must protect the most vulnerable among us,”](#) Peacock wrote. “And right now, the most vulnerable population within this state and within this country is queer youth.”

To Peacock, the Bible is a story of “ongoing inclusivity, ongoing openness,” and described the dictates of Fundamentalist groups driving the anti-trans movement as “antithetical to Christianity.”

Peacock knows firsthand how dangerous anti-LGBTQ hatred can be: Their church was [firebombed](#) after they tried to host a drag story hour, with authorities later confirming the assailant was a member of [White Lives Matter Ohio](#).

“All of us, myself included, were shocked by what happened,” Peacock said about the experience, calling it a “massive example of the level of hate that exists all over the country,” and placing the blame on pundits and elected officials spreading misinformation about the LGBTQ community, saying they are “complicit in this rising tide of violence.”

As for the young LGBTQ people who would be impacted by HB 6 and similar laws, the Peacock said only this: “No matter where you fall on the sexual spectrum – the gender spectrum – everyone deserves acceptance; everyone deserves love.”



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ZURIE POPE

Zurie Pope is a sophomore at the University of Cincinnati majoring in journalism with a minor in political science. His work has appeared in The Nation, Unpublished Magazine, Youth Journalism International, and his college newspaper, The News Record.

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