



**TESTIMONY BEFORE THE OHIO HOUSE OF REPRESENTATIVES
HIGHER EDUCATION AND WORKFORCE DEVELOPMENT COMMITTEE
HOUSE BILL 758, THE FORUM ACT
NOVEMBER 13, 2018**

**PROPONENT TESTIMONY OF MICHAEL GOLDSTEIN
STATE OF OHIO DIRECTOR AND GENERAL COUNSEL
PROCLAIMING JUSTICE TO THE NATIONS**

Chairman Duffy, Vice Chair Antani, and honorable members of the House Education and Workforce Development Committee. My name is Michael Goldstein, and I am the State of Ohio Director and the General Counsel of Proclaiming Justice to the Nations, a Christian organization dedicated to educating Christians on their Biblical duty to support and defend the State of Israel and the Jewish people. PJTN is on the web at www.pjtn.org.

I appreciate the opportunity to speak with you this afternoon on behalf of PJTN and its members as a strong supporter of House Bill 758, the FORUM Act, regarding free speech on college campuses.

This bill requires that Ohio's universities promote and protect free speech on our campuses, and mandates specific requirements which will make sure that this happens. Just as importantly, HB 758 eliminates the "hecklers' veto." No longer will those who are intolerant of free speech be permitted, in the very name of free speech, to shut down the free speech of others at our universities.

Why do we care that Ohio does this? Permit me to give a concrete example of what sort of university suppression of free speech this bill is trying to foreclose.

On April 6, 2016, San Francisco State University's Jewish group, Hillel, an accredited SFSU student organization, hosted Nir Barkat, the Mayor of Jerusalem, Israel, to speak on SFSU's campus to Jewish students, non-Jewish students, and members of the community-at-large. SFSU only permitted the event to take place in an expensive event space far from its central campus.

Notwithstanding the out-of-the-way location, at the event attendees were met with a direct assault on their safety and civil rights. A group of individuals, including many members of the General Union of Palestine Students ("GUPS") commandeered the event and shut it down, using amplified sound to disrupt Mayor Barkat's speech with continuous menacing chants such as "Get the fuck off our campus!" and "Intifada!"

As the group of shouting students moved closer to Mayor Barkat, students and members of the community who had come to hear Mayor Barkat speak, huddled together in chairs in the corner, hoping somehow to hear him despite the amplified shouting (which was a direct violation of the Student Code of Conduct's prohibition on the use of sound amplifiers inside the event, even apart from the threatening content). This proved to be impossible, as the incessant threats and amplified chants prevented anyone from hearing Mayor Barkat's speech or engaging in dialogue with him.

With their verbal assaults, angry gestures, and hostile actions, the disrupting students physically threatened those in attendance, who feared for their safety. They encroached on those who came to hear the speech and purposefully intimidated them, adjusting their head coverings, thereby concealing their identities.

Students and community members sought the protection of campus police, who were present at the event. But rather than putting a stop to the deliberate efforts to stifle a planned speech at event by an approved student group, and to the physical intimidation of Jewish students and community members, SFSU administrators—who were also present at the event— instead instructed the police to “stand down” and allow the disruption to shut down the event completely.

Loss of free speech on campus is insidious. It does not start off full-blown as in the SFSU example. But for campuses whose administrations are weak, and which give in to the loudest and most disruptive demonstrators because that is a smoother road for them than exercising their duty and authority to uphold free speech by denying the “hecklers’ veto,” HB 758 will provide a statutory mandate for them to do so.

Where administrators and faculties are more inclined by their ideology to support the hecklers rather than trying to assist those who are attempting to exercise their natural right to practice free speech, a right guaranteed by the Constitutions of the United States and the State of Ohio, HB 758 will cause them to reverse course on pain of the remedies provided in the new Sec. 3345.0215 against the institutions and their personnel acting in their official capacities. It should be noted that any suit brought under this section will undoubtedly also include a count under Title VI of the Civil Rights Act of 1964, which authorizes suit against university personnel not just in their official capacities, but in their individual capacities, as well.

Ohioans are very protective of their right to free speech, and will not accept its being shut down by demonstrators and/or by university administrations and faculties which may be complicit. By enacting HB 758 the General Assembly will support our citizens in this foundational aspect of our constitutional federal republic, the United States of America. I urge the members of this honorable committee to approve HB 758 unanimously and to send it to the House floor for a vote.

Thank you for your time and attention. I will be happy to take your questions.

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