

SB33: AN UNCONSTITUTIONAL ATTACK ON OHIO CITIZENS

Opponent Testimony
Submitted to the Ohio House Public Utilities Commission
on September 26, 2019
by Carla Rautenberg, Cleveland East Move to Amend

SB 33 is chilling to the free speech and association rights of every Ohio citizen.

The Ohio Constitution guarantees Ohioans the right to assemble in a peaceable manner to consult for the common good; to instruct their representatives; and to petition the General Assembly for the redress of grievances. The health of our environment **IS** a common good. We have a right to clean air and drinkable water and the right to freedom from diseases caused by toxic chemicals leaking into our ground.

If enacted, SB 33 would chill free speech and intimidate Ohio citizens without regard to their party affiliation or political beliefs. Individuals violating the terms of this legislation are subject to being charged with a third-degree felony and a prison term of up to three years. SB 33 threatens Ohio organizations with fines of up to \$100,000 if they object to certain infrastructure projects or work with citizens exercising their rights of free speech and association. Under this onerous legislation, social justice and environmental organizations could be held responsible for members whose actions they do not endorse or control. Existing laws are already on the books to prosecute rioting, property damage, refusals to obey lawful police orders, and so forth, so SB 33 is not just unduly punitive, it is completely unnecessary.

How would a legislature actually representing the people of the great state of Ohio even consider a bill that so clearly stands against the public interest, but instead panders to the demands of private, profit-making corporations?

Since 2017, over 20 state legislatures have introduced bills featuring new restrictions on peaceful assembly and free speech. SB 33 and other state bills were written according to a template provided by the American Legislative Exchange Council (ALEC), a corporate lobbying group. Senator Frank Hoagland and several other co-sponsors of SB 33, are members of ALEC.

This control of state legislatures by corporate interests is pernicious and corrupt. It has been reported that Senator Hoagland himself founded Special Tactics and Rescue Training (START) LLC to provide security services and training to law enforcement; clearly, his firm could benefit from SB 33 if it is passed. This is the seamy underbelly of the bill.

If our legislators do not listen to us but to self-dealing politicians like Senator Hoagland who push legislation written to advance their own interests, **We the People have a responsibility to protest. And we must insist that our state representatives prevent SB 33 from becoming law.**

We cannot sit by and let our children and grandchildren suffer because corporate interests and our captured political leaders elect to profit by destroying our air, our water and our very communities.

Cleveland East Move to Amend opposes SB 33 because it violates the Constitutions of the State of Ohio and the United States of America by elevating the so-called, but never-intended Constitutional rights of corporate entities OVER **Your and My** Constitutional rights as ACTUAL American citizens. We recently received word that at least one federal district court agrees.

Criminalizing peaceful protest as called for in SB 33 is un-American in the extreme. I implore the members of the House Public Utilities Committee: ***kill this bill.***

Carla Rautenberg, 3065 Berkshire Road, Cleveland Heights, OH 44118