

September 25, 2019

Opposition Witness Testimony, SB 33

Ohio House Public Utilities Committee

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Chairman Callendar, Vice Chair Wilkin, Ranking Member Smith and members of the House Public Utilities Committee, I am a Unitarian Universalist minister and the Executive Director of Unitarian Universalist Justice Ohio which serves the UU congregations in Ohio and their many members. I am also a concerned citizen of Ohio and I am deeply opposed to SB 33.

Others have described how this bill attacks freedom of speech and freedom of assembly. I want to raise the argument that this bill also attacks freedom of religion and prohibits justice-focused faith communities from exercising what they believe is a religious duty to engage in public witness at those sites where the health and life of people are endangered and the sacred integrity of the environment is put in jeopardy.

Ohio law already prohibits 'criminal trespass', 'aggravated trespass', and 'criminal mischief' to property.

So why do we need SB 33? The only purpose for this bill seems to be to increase penalties for citizens and non-profit organizations who engage in non-violent public witness at infrastructure sites that pose a danger to the climate and pollute land, water and air.

It was originally drafted by the oil and gas industry lobbyists in response to pipeline protests like those at Standing Rock. The bill adds new laws that prohibit a person from entering or remaining on an "infrastructure facility" with a "purpose to tamper" or actually "improperly tampering" in some way with an "infrastructure facility".

SB 33 makes violation of these new prohibitions third degree felonies. These ill-defined acts of tampering or intending to tamper do not have to be violent in nature to be judged worthy of a felony conviction under this bill. The definitions of "tamper" or "intend to tamper" are wide open to a variety of possible interpretations. One person's non-violent, faith-based public witness may be another person's "tampering."

SB 33 specifies that any organization found guilty of "complicity" under this bill, is to be punished with a fine ten times that imposed on an individual. This means possible fines up to \$100,000, which would destroy most non-profits and churches.

For example, if a person is participating in a lawful and peaceful protest organized by a group but breaks away from the group and decides to tamper with critical infrastructure, then liability for the individual's actions could also fall on the innocent group. This would be a prime example of the fallacy of guilt by association.

And how far does complicity extend? Does it include Facebook event posts? Flyers in a church lobby? An announcement on Sunday morning? Any of these could potentially make a non-profit or church complicit.

In addition, a congregation is prohibited from assisting a member in paying their protest fines. This blocks a congregation from its religious duty to care for its members in times of distress and need.

SB 33 would criminalize the ministry of justice-focused churches and faith-based organizations who engage in and promote peaceful public protest at critical infrastructure sites. Congregations from many different faith traditions in Ohio could be held liable for the crime of complicity, be forced to pay fines that would destroy them, and then be unable to assist their members in need. This constitutes an attack on freedom of religion.

People of faith who feel called to speak truth to power and stand for environmental justice could find their congregations deeply damaged or destroyed under SB 33. It would become a crime to give public witness at those facilities that are the worst offenders for environmental destruction and create health crises in our most vulnerable communities. It would be illegal for people of faith to speak truth to power at those pipelines and fracking wells that expand fossil fuel use and destroy our climate.

SB 33 is a dangerous assault on our civil liberties and also attacks freedom of religion and the right to speak in holy witness to those who put profit before people. This bill is clearly intended to keep faith groups as well as environmental groups on the sidelines, frozen silent in fear of being charged with complicity and fined into oblivion.

When Americans abandon their commitment to freedom of speech and assembly and freedom of religion, the world will notice how far we have fallen. SB 33 deserves to be vetoed as un-American and unconstitutional.