

Anne Caruso

Chairman Callender, Vice Chair Wilkin, Ranking Member Smith and committee members, thank you for your attention to my testimony today.

I belong to 2 environmental organizations because I am alarmed at the climate crisis we are facing. I know that protests are a tool to raise awareness about important issues of all kinds, including environmental issues. I also know that no one can control who shows up at a protest and what everyone plans to do at a protest. Indeed, there is always the possibility that someone hired by the opposition could join a protest and vandalize property to discredit the protestors.

In the case of property being vandalized in a protest, we already have laws against that and so a new law about it is not needed.

I want to focus on the provision in SB33 that calls for “any organization found guilty of complicity shall be punished with a fine that is ten times the maximum fine that can be imposed on an individual”. This troubles me. What if an organization organized a peaceful protest and someone in the protest vandalized property? Is the organizing group now as guilty as the person who vandalized? What if another organization just helped get the word out about the protest? Are they complicit in the vandalism? This law would cause a chilling effect on anyone wanting to protest or support a protest of a legitimate cause.

On another level, what if a protest is organized to stop something that will cause harm to a community? People have organized protests to stop Jim Crow laws, above ground nuclear testing, the use of deadly chemicals like DDT, etc. The list is long of the benefits to society when people protest against legal harms.

Right now we have about 9 years to drastically cut our greenhouse gas emissions in order to save our world from catastrophic climate change. I can envision a situation where citizens may act to peacefully stop a project that would, for example, require a drastic increase in drilling for natural gas, something we need to reduce not expand in order to meet our greenhouse gas emissions goals. If protestors peacefully blocked a road leading to construction of a natural gas pipeline, is that something that should be raised from a misdemeanor to a felony? It doesn't seem to fit our American values. There is something called the overbreadth doctrine, which prohibits the government from over extending its reach when passing laws that effect our speech and expression. I see overbreadth in this. As I mentioned before, if something is destroyed, broken, etc, that is different. But we already have laws against that.

It seems to me that SB33 is purposely trying to end protests in Ohio, specifically protests against oil and gas infrastructure. The risks of high fines and long prison sentences in SB33 takes us down a road away from our rights to free speech and association. This is not a law that will serve Ohio. I urge you not to support it.