

Dear Chair Callender and House Utility Committee members:

Date: October 21, 2019

Re: SB 33

I write to strongly condemn the language and intent of SB 33 and urge you to kill this bill in committee.

Under the First Amendment, laws that restrict speech must be “narrowly tailored to serve a significant government interest.” What constitutes “improper tampering”? What constitutes “critical infrastructure”? How is a pipeline designed to get product to market for export considered “critical”? It might be considered as such only to its corporate owners, not to the nation, the state or its citizens.

The penalties in this “critical infrastructure” bill are extreme and unnecessary, as the conduct they claim to deter is already criminalized under current law. At the same time, as noted above, the bill uses language that is unconstitutionally broad and vague. It will have the immediate effect of stifling legal dissent via self-censorship by individual protesters and it will provide opportunities for arbitrary application by law enforcement. Finally, the bills seem designed to directly or indirectly limit or chill particular demonstrations, specifically those protesting pipeline construction, which is undemocratic and unconstitutional.

You are wasting taxpayers money with certain court challenges if this law is enacted. The courts will decide this bill is unconstitutional.

A felony arrest can trigger the loss of custody of one’s child, eviction, or loss of employment. Turning these crimes into felonies gives substantial power to law enforcement to punish protesters by simply arresting them for allegedly violating provisions of the act. Do you really believe this is what Ohio citizens want? I can firmly say NO.

People in Ohio are struggling with real issues including hunger, low wage jobs, addiction, inadequate health care access and insurance. The earth is facing unprecedented change related to increasing temperatures related to our unchecked use of fossil fuels. Anyone who denies this is woefully uninformed. The Ohio Legislature is wasting valuable time and money bolstering up the fossil fuel industry with bills such as this.

I call on this committee to look at these issues and this bill with a fresh clear vision and to admit that is a blatant attack on our citizens, in full denial of the validity and urgency of climate change, with complete disregard to our First Amendment protection of free speech and right of assembly and has been introduced solely to appease wealthy donors in the oil and gas industry. I call on you to kill this bill now.

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