

Dear Chair LeRe, Vice Chair Swearingen, Ranking Member Leland and Committee Members,

I am the Executive Director of Unitarian Universalist Justice Ohio, a small faith-based non-profit that works with congregations thorough out Ohio. Thank you for receiving my written testimony in opposition to HB 22. I would have preferred to testify in person, but my doctor says I cannot yet risk exposure to the COVID-19 virus. So I thank you for this opportunity to write.

I would like to state my opposition to HB 22, and other pending House and Senate bills, that would serve to restrict or limit the boundaries of our right to engage in legal public witness and peaceful assembly to address public concerns and grievances. I understand the desire to address acts of violence like the kind we saw in Washington DC during the January 6 insurrection, but I believe that HB 22 will only serve to create confusion, uncertainty and result in unintended negative consequences for people who exercise their right to engage in freedom of assembly and speech in nonviolent public witness in Ohio..

HB 22 states that persons shall not throw a substance at a law enforcement officer with the intent to annoy, harass or distract the officer. The bill does not specify if the prohibited substance is toxic or harmful or damaging in any way. It simply says 'substance.'

Consequently, it appears that HB 22 would prohibit the use of glitter and confetti at Pride Parades in Ohio. Could we no longer toss beads during Mardi Gras events? Would flowers be forbidden at peace rallies? We recall the daisies that were placed in gun barrels and given to National Guardsmen at Kent State so many years ago. Would plain water become a criminal offense?

Neither water, glitter, confetti beads, nor flowers are in any way comparable to the poisonous and deadly chemical bear spray used by insurrectionists in Washington DC in January to attack and maim police officers. Why should they be treated as the same in Ohio, resulting in similar criminalization and penalties under HB 22?

I am happy to see that the bill's original language about 'taunting' has been removed in amendment. But in its place, the bill now includes a prohibition to "threaten the immediate use of force" against an officer. How is 'threat' to be known or defined during a public witness event? Whose perception determines if someone is posing a threat? HB 22 does not say that the threat must be physically initiated or involve the brandishing of weapons or dangerous objects. HB 22 just notes a perception of threat.

During a non-violent public witness event or protest, when emotions might run high, some might perceive large crowds of people shouting, chanting, yelling or even singing to be threatening. But are forceful verbal statements without physical actions dangerous to

officers' wellbeing? Who decides when a crowd engaged in otherwise non-violent protest is subjectively perceived as threatening enough to be criminally charged?

Senator Ron Johnson of Wisconsin has stated publicly that during the January 6 insurrection he did not feel threatened by the physical violence at the Capitol perpetrated by the insurrectionists. Then he also said that if the crowd had been Black Lives Matter protestors, he would have felt threatened. The different makeup of the crowd, for Sen Johnson, is the only difference between his feeling threatened or not threatened. This illustrates how feeling 'threatened' is a matter of subjective perception and not a matter of act. HB 22 would criminalize a perception, not an act.

The future of our democracy is currently on the line. There are voices, sometimes loud voices, calling for us to curtail and confine the traditional exercise of our freedoms of speech and assembly. There are those who feel threatened by people coming together to speak truth, necessary truth, to power. We should recall the words of the late Representative John Lewis who wrote: "A democracy cannot thrive where power remains unchecked, and justice is reserved for a select few. Ignoring these cries and failing to respond to [the Movement for Black Lives], is simply not an option – for peace can not exist where justice is not served."

Rep Lewis also wrote that "When you see something this is not right, not fair, not just, you have to speak up. You have to say something; you have to do something." In keeping with Rep Lewis' words I ask you to do something and stop HB 22. Thank you.