

Dear Members of the House Criminal Justice Committee,

My name is Tim Kraus and I am a retired educator from Cincinnati. I write to you today because I am very alarmed by the number of legislative bills many Senators and House Members have introduced in their respective bodies during this legislative session regarding the criminalization of Civilian Peaceful Protest. Because you are addressing HB 22 in your committee this week, I will confine my remarks to that bill.

One of the defining characteristics of our American Democracy is the idea that citizens have the right to publicly and peacefully assemble to protest or express their concerns regarding any issue or grievance they may have regarding the conduct of their government and their law enforcement. This provision in our Constitution is central to what we all are about. Our founders saw fit to include this right in our governing documents because they had a rightful concern for the abuse of governmental power and the enforcement of the laws of that governmental power. What sets us aside from other governments that are more authoritarian in nature is our legal ability to peacefully stand up against unjust laws and the unjust execution or enforcement of laws. To **Protest**, in the original Greek, means to **Promote** and **Testify** for or against something. Our country was founded on protest for the right to self-govern and it has continually been made better by protest throughout our history.

What this legislation and the other pending bills are intending to do is to narrow the definition and limit the boundaries of legal protest in order to criminalize many aspects of Peaceful Assembly for addressing concerns and grievances. This has nothing to do with maintaining an orderly and civil society and everything to do with silencing and squashing constitutional civil dissent. This is an attempt to establish authoritarian measures that will limit civilian public discourse about timely issues and give arbitrary power to criminalize and incarcerate people who express unpopular opinions in the eyes of law enforcement. The wording in HB 22 that creates criminal penalties for **Diverting the Attention of Law Enforcement** is extremely vague giving law enforcement a blank check in determining what behavior is considered **Diverting**. We are already living in a world where law enforcement in many places in our country has proven itself out of control and beyond the power of law to reign in its arbitrary power. This Bill would add to that arbitrary power. We have seen time and again throughout our history and in recent times where law enforcement has been the problem that has incited civil unrest not the moderating force of civility that restores order. This is nothing new. Our founders recognized this

tendency on the part of law enforcement and put checks and balances against capricious and arbitrary powers. That is why our legislative bodies exist in separation from our executive bodies in government at all levels. As legislators your job is to protect the citizens against this kind of abusive power not to hand over vague and very subjective discretion into the hands of law enforcement.

As an educator I taught United States History and Government in secondary and university settings. I have great reverence for the efforts, as imperfect as they were, that Thomas Jefferson, James Madison, Benjamin Franklin, and the rest of our founders put into creating our system of self-governance. It has served us well and it has evolved and been improved through conflict and disagreement over the last 234 years. In that time our country has, on many occasions, made serious errors in thinking that the public expression of concerns and grievances about how we govern ourselves and how we police ourselves is a problem to be crushed and silenced. Every time we have done that, we have been proven wrong. Our country thrives on the peaceful expression of dissenting ideas and movements for change. Anything that makes that harder diminishes us as a nation. We already have all the legal tools we need to control violence when and if it erupts in a protest, but this bill is not addressing that. It is criminalizing peaceful and legal protest.

We are at a critical juncture in the history of our country where we are trying to decide what kind of democracy we want to be. Laws like HB 22 say very clearly that some of us are ready to abandon democracy in favor of authoritarian styles of governance that hand over indiscriminate power to individual law enforcement personnel who, in the heat of the moment, can determine the legality of someone's peaceful protest. This opens the door for very discriminatory treatment, not determined by law, but by the subjective interpretation of one person with law enforcement power. This is no way to run our democracy and it will lead to serious abuses of authoritarian power. Jefferson, Madison, Franklin, and their friends warned us of these kinds of excessive efforts to control, regulate, and crush social and political dissent by holding their own vigorous debates about it. And then they created a document to hold those points of view in tension with one another. Please do not make a mockery of that document.