

November 14, 2022

Statement of AJC

in Support of

HB 504

A Bill to Increase the Penalty
For Disturbing a Lawful Meeting

American Jewish Committee, an organization founded in 1906 to protect the civil, political, economic and religious rights of all Americans, and which has offices in Cleveland and Cincinnati, writes in support of HB 504, which provides enhanced penalties for those who disrupt worship or activities in places or religious assembly.

At its core, the guarantee of religious liberty begins with the right of like-minded persons to gather for religious worship. To be meaningful that right must be protected not only against government interference but private disruption as well. HB 504 does just that.

Of course, people have a right to protest at houses of worship; it's quite another thing to physically intrude on its space or make so much noise that religious activity cannot take place. The former is protected speech, *Gerber v. Hershowitz*, 14 F.4th 500 (6th Cir. 2021); *cf.*, *Olivieri v. Ward*, 766 F.2d 690 (2nd Cir. 1985), the latter, not—*see, e.g., State v. Vogenthaler*, 89 NM 156, 548 P.2d 112 (NM 1976).

Vogenthaler (and the cases it cites) also dispose of any claim that the sort of enhanced punishment for disrupting a worship service somehow violates the Establishment Clause.

Finally, in light of the principles outlined above, we understand the phrase “disquiet” referenced in proposed § 271.12(B)(1) (page 2, line 23) to mean actually disrupt by either physical presence or noise, not (as it might be read to mean) make uncomfortable. The latter understanding would create unnecessary constitutional difficulties. Given the stated purpose of the bill, and the surrounding words used in the statute, we believe that it would be an error to so read the word ‘disquiet’.

We ask you to approve HB 504.

Sincerely,

Justin Kirschner
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