

Chairman Callender, Vice Chair Wilkin, Ranking Member Smith, and Committee Members,

James Madison once said “Our First Amendment freedoms give us the right to think what we like and say what we please. And if we the people are to govern ourselves, we must have these rights, even if they are misused by a minority.” For me, peaceful protests helped bring me into political engagement. I doubt I would even have the awareness of bills like this in the Ohio Legislature had I not attended many protests and met people from a variety of political walks of life when I was younger. Indeed, peaceful protests are a key component of what it means to be an American, and any attempt to curb those rights must be thoroughly examined.

The legislation before the committee today could be used as an inexcusable violation of free speech and freedom of assembly. I urge the committee to consider the bill not just from the framework of how each of you as individuals would enforce it should it become law, but from the framework of how your most despicable and unscrupulous enemy would enforce it. “Critical infrastructure” is far too vague a definition to warrant a curtail on our rights to freely and peaceably assemble. The provisions for guilt by association, where all protesters can be held accountable for the actions of a few, even if those few are instigators sent by forces meant to discredit a protest or renegades without respect for the group goals, is a dangerous provision. This has the potential to be applied as collective punishment, a practice outlawed by the Geneva conventions (part III, Section 1, Article 33 of the Fourth Geneva Convention). In the past, collective punishment has been used on enemy combatants, and therefore has no place to be used as restrictions on Americans’ free speech. This legislation could further be used to, in effect, outlaw all protests, or to selectively prosecute protests that are against the interest of powerful entities. Furthermore, there is zero evidence that our current laws on the matter are inadequate.

AS A WHOLE, THIS BILL SEEKS TO ANSWER THE QUESTION “HOW CAN WE PREVENT OHIOANS FROM MISUSING THEIR FIRST AMENDMENT RIGHTS?” BUT GIVES LITTLE IN ANSWER TO THE QUESTION “HOW CAN WE PREVENT THE OHIO GOVERNMENT FROM MISUSING THESE RESTRICTIONS ON FIRST AMENDMENT RIGHTS.” I BEG THE COMMITTEE TO CONSIDER THE WORDS OF JAMES MADISON I OPENED WITH, AND NOT ALLOW HYPOTHETICAL FEARS OF MISUSE TO OPEN THE DOORS TO CRIMINALIZING ALL PROTEST. THIS BILL CANNOT BE FIXED. IT MUST BE SCRAPPED IN ITS ENTIRETY TO AVOID A FULL-ON ASSAULT ON OHIOAN'S FREEDOMS.