

Opposition Testimony on Senate Bill 33
Critical Infrastructure Facilities Offenses
Before the Senate Judiciary Committee

29 April 2019

Chairman Eklund, Vice Chair Manning, Ranking Member Thomas, and Esteemed Committee Members,

I am writing this document as a citizen of the State of Ohio sharing my opposition to Senate Bill 33. SB 33 could result in criminal charges and fines for actions that have no criminal trespass or property damages as evidence nor criminal intent.

The League of Women Voters of Ohio have written in their document of April 10, 2019 :

If enacted, even innocuous acts like advertising otherwise legal protest events by posting flyers on telephone poles could be considered unlawful, because a telephone pole is considered critical infrastructure and the term damage is quite vague.

They have also included the following in their document of April 10, 2019:

We are most concerned about language that could intimidate whistleblowers in which a worker could alert regulating authorities or the media about safety risks at a critical infrastructure facility. Lines 629 - 633 state that it would be illegal to "initiate or circulate a report or warning of an alleged or impending fire, explosion, crime, or other catastrophe, knowing that the report or warning is false and likely to impede the operation of a critical infrastructure facility." Clearly a whistleblowing employee could "impede" operations, by warning that workers or the greater public are at risk. Such a claim would likely "impede" operations if it resulted in investigations, fines, or a halt in operations. And if a whistleblower is trying to prevent an accident, couldn't it be argued in a court of the law that the warning is "false," and therefore illegal?

I am a veteran of the United States Marine Corps having served from 1967 to 1973 during the Vietnam Era. When I entered the military service I swore an oath to the United States Constitution. Contained within the US Constitution is the First Amendment, which states:

Amendment I. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

While there are proponents of SB33 stating that SB33 would address acts of terrorism, vandalism and trespass, there exists laws which are currently in place and have been used to successfully prosecute such acts under state law.

It is the wisdom of those who came before US that can guide US today in wise decision making and critical thinking:

“To announce that there must be no criticism of the President, or that we are to stand by the President, right or wrong, is not only unpatriotic and servile, but is morally treasonable to the American public.”

– **Theodore Roosevelt**

“If freedom of speech is taken away, then dumb and silent we may be led, like sheep to the slaughter.”

– **George Washington**

“Once a government is committed to the principle of silencing the voice of opposition, it has only one way to go, and that is down the path of increasingly repressive measures, until it becomes a source of terror to all its citizens and creates a country where everyone lives in fear.”

[*Special Message to the Congress on the Internal Security of the United States, August 8, 1950*]

– **Harry S. Truman**

“I believe there are more instances of the abridgment of the freedom of the people by gradual and silent encroachments of those in power than by violent and sudden usurpations.”

– **James Madison**

“Whoever would overthrow the liberty of a nation must begin by subduing the freeness of speech.”

– **Benjamin Franklin, Silence Dogood / The Busy-Body / Early Writings**

Thank you for the opportunity to submit this document.

If you have any questions please feel free to personally contact me at kincsesra@hotmail.com or call me at 937-436-2136.

Thank you for your service.

Robert A. Kincses

2014 Ohio Veterans Hall of Fame Inductee