

## Testimony in Opposition to House Bill 109.

Criminal Justice Committee Chair, the honorable Jeff LaRe, Vice Chair, the honorable D. J. Swearingen, and Ranking minority member, the honorable David Leland, my name is Randy Cunningham, I wish to express my opposition to House Bill 109 for the following reasons.

The sponsors of House Bill 109 describe the bill as a law-and-order bill, a pro-police bill, and an anti-civil disorder bill. These are distractions from the real intent of the bill, which is to repeal the right to protest in Ohio in fact, without repealing the right to protest in law. They hope to regulate protests to death, by surrounding that right with a mine field of legal hazards. They hope to make the act of going to a demonstration or protest so risky that no one in their right mind would dare to attend or sponsor a protest.

There is a goal within the goal with this bill. It hopes to outlaw the venerable American tradition of civil disobedience by equating it with some of the disorders of the past summer. The supporters of HB 109 shout from the roof tops about their belief in “peaceful” protests. But what do they think of peaceful protests that violate the law? The devil is in the details of the rioting statutes of the State of Ohio. In June of 2018 I was part of a blockade of State Street along with five other people. We were part of a march and demonstration protesting poverty. We did civil disobedience by the book. We were polite to the police. We were totally non-violent, but we broke the law. I was convicted of disorderly conduct. A misdemeanor. If the anti-protest laws currently before the legislature in Ohio were in effect, I could have been convicted of a felony.

This bill is a pay back bill for the Black Lives Matter protests of the summer of 2020, just like the recently passed SB 33 was a payback bill for the protests of fossil fuel projects that were made famous by the Standing Rock protests of the Dakota Access Pipeline in 2016. But this bill and others like it are not just responses to past events, they are preparations for future events as well.

Voting rights in Ohio and the United States is a contentious issue. The coming elections in 2022 and 2024 are liable to make everything that happened in 2020 look mild. So, say that people decide to protest the process or outcome of the elections. They are used to doing so. It is the American way. But since the last elections in 2020 things have changed. What will have changed is that across the country bills such as House Bill 109 will have become law and the consequences of going to a protest will be vastly different than they were in the recent past.

Protests are loud, inconvenient, and troublesome. They disturb the peace. At times they violate the law. House Bill 109 wants to create an America where silence not freedom is the highest value. An America where no one misbehaves, creates a ruckus, or is impolite to the powers that be. I hope I never live in such an America. Because if I do, it will no longer be the America I know and love. Thank you.