

Testimony of Kelly Berkshire
Concerned Citizen and Parent
Support SB 22
Government Oversight and Reform Committee
February 3, 2021

Good afternoon Madam Chair Roegner, Vice Chair McColley, Ranking Member Craig and the honorable members of the committee,

Thank you for allowing me to submit proponent testimony for SB 22.

My name is Kelly and I come here today representing myself and my children. I am asking for your support of Senate Bill 22. I am a mother and a concerned Ohio citizen who worries about the future for my children if the Governor and Director of Health's emergency powers go unchecked. This bill reestablishes the balance of powers and oversight we currently need and are entitled to under the constitution.

This past year's events under this continuous 'State of Emergency', have, and should highlight the vulnerability in our government that could strip us of our rights. I don't want to speculate as to why public health has been taken advantage of but if nothing else, it is unmistakably showcasing a hole that could continue to be exploited by authoritarian type power. The Director of Health has an important role but it has become glaringly clear that that role's health orders and emergency powers require oversight, balance and should NOT be ultimate.

I quote from a paper published in Journal of Law and the Biosciences titled *COVID-19 Emergency Measures and the Impending Authoritarian Pandemic* :

"An unwarranted authoritarian erosion of civil liberties in the name of protecting public health is counter-productive and self-defeating, as it could trigger an overall decline in public health in the long run, and must not be added to the enormous social and economic costs already incurred, as yet with no end in sight. COVID-19 containment measures, like all public health emergency interventions, must always be based on ongoing scientific risk assessments, a commitment on the part of the state to provide its citizens with tolerably safe environments, rigorous enforcement of due process and procedural justice, and implementation of emergency measures that are the least restrictive to constitutionally enshrined rights and liberties.²⁵⁵ An authoritarian response to a biomedical pandemic is not, and never will be, a humanitarian solution." (1)

The overreaching governmental efforts to contain the virus not only inflict tolls on civil liberties, fundamental freedoms, human dignity and healthcare ethics; but they set a dangerous precedent for future pandemics and disasters. This is not our first pandemic and it won't be our last. This is not the precedent we should set for ourselves or our for childrens' future, sacrificing liberty for temporary safety (in the words of Benjamin Franklin). If we don't take this opportunity to correct this public health achilles' heel, it will continue to be taken advantage of and further regress our great state into authoritarian-type rule.

I respectfully ask for your YES vote on SB 22.

Sincerely,

Kelly Berkshire

1. Thomson, Stephen and Eric C Ip *COVID-19 emergency measures and the impending authoritarian pandemic*, Journal of Law and the Biosciences Isaa064 (September 2020)