

TESTIMONY OF ANDREA R. YAGODA IN OPPOSITION TO HB 441
HOUSE CIVIL JUSTICE COMMITTEE

Chair Hillyer, Vice Chair Grendell and Ranking member Galonski I am here today to oppose HB 441 as I believe it is a dangerous bill which will harm Ohioans. I also believe it is an unwarranted intrusion on the policies of private businesses and that following the Texas example is a dangerous and slippery slope we are treading on. I apologize for the brevity of this testimony but I have not had much time to draft my objections. I anticipate drafting another testimony if another hearing is scheduled herein.

What happened to the Republican Party that did not believe in big government? I guess that party is extinct. This bill is an assault on the policy making choices of private businesses. The Republican party is seeking to pass legislation forbidding schools from teaching topics that some parents find offensive while ignoring the voices of those parents that disagree, and then we have this bill which seeks to ban private companies from doing the same. Do you not see the hypocrisy?

Misinformation is a problem in this country. Promoting discrimination is a problem in this country. Violence is a problem in this country. Promoting hate is a problem in this country. We have heard of children taking their own lives as a result of bullying on public media; making one feel inadequate; promoting hate. The government has chastised media outlets for failing to put safeguards in place and yet Ohio legislators want to unleash all this garbage on social media. The bill exempts posts that “unlawfully incite violence”. Whose law is applied? States have different laws. Is it Ohio law, federal law, whose law? When is a

determination to be made as to whether a post “incites violence?”. Does a post with a swastika that says “Jews will not replace us” an incitement to violence? Violence and anti Semitism is on the rise in this country. Are Ohio legislators forgetting the Tree of Life shooting wherein the shooter confessed to targeting those of the Jewish faith? <https://www.usnews.com/news/best-states/pennsylvania/articles/2021-10-12/pretrial-hearing-set-in-pittsburgh-synagogue-massacre-case>

Is it the person that scans posts to determine whether this would incite violence or do we have to wait until a court decides? Does a post that says illegal immigrants are all rapists and criminals incite violence against immigrants? Remember the shooting at the mall where the shooter admitted that he was targeting immigrants? <https://apnews.com/article/shootings-el-paso-texas-mass-shooting-us-news-ap-top-news-immigration-456c0154218a4d378e2fb36cd40b709d>

In effect, this bill prohibits a PRIVATE company from establishing rules for those who wish to use its platform and to keep its users safe from harmful misinformation, threats, bullying, etc. If one does not want to or refuses to follow the rules then they can choose not to be a part of the media outlet.

Where does this end? One of the proponents states that the incentive for lawyers does not exist. But once again the Republicans in the legislature are awarding attorney fees if the Plaintiff succeeds but why is there no attorney fees awarded to the media company if they prevail? This appears to be a alarming yet common thread lately in the bills coming through the Republicans. They are

expanding the scope of attorney fees awards to the Plaintiffs of their base. Why if I am tortuously assaulted or negligently harmed and I succeed I am not awarded attorney fees? And if I file for an injunction or an anti stalking order and I succeed, why am I not awarded attorney fees? Why should I have to pay a lawyer for damages awarded to me for compensation for my injuries? Is it because these Plaintiffs encompass more than the GOP base?

Only proponents have filed testimony. One is not a resident of the State and the other is an organization which could benefit by the award of attorney fees in this bill. And using the Texas template is a dangerous and slippery slope.

This is a bad bill promoting hate, misinformation, violence, bullying, etc and is an outright invasion of the rights of private businesses.

I ask that the Committee vote no on HB 441.

Andrea R Yagoda