

Opponent Testimony – SB 33

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Chairman Eklund, Vice Chair Manning, Ranking Member Thomas and members of the Senate Judiciary Committee,

I am a Unitarian Universalist minister and the Executive Director of Unitarian Universalist Justice Ohio which includes the UU congregations in Ohio and their many members. I am also a concerned citizen of Ohio and I am deeply opposed to SB 33.

Others will argue about how this bill attacks freedom of speech and freedom of association. I want to also raise the argument that this bill attacks freedom of religion and prohibits justice-oriented faith traditions from exercising what they believe is their religious duty to engage in public witness at those places where the health and life of people are endangered and the sacred integrity of the environment is put in jeopardy.

SB 33 does not directly focus on preventing terrorist attacks. Why, then is it needed? The major purpose seems to be to discourage justice-focused organizations and their members from protesting oil and gas sites that pose a danger to health and pollute land, water and air.

Ohio law already prohibits ‘criminal trespass’, ‘aggravated trespass’, and ‘criminal mischief’ to property. This bill only serves to increase penalties for citizens and non-profit organizations who engage in non-violent public witness at critical infrastructure sites. It was originally drafted by the oil and gas industry in response to the public outcry at Standing Rock and other locations where landowners and fellow citizens protested large oil, gas, and pipeline projects.

The bill adds a new prohibition under the offense of “aggravated trespass”, that expressly prohibits a person from entering or remaining on a “infrastructure facility” with purpose to destroy or “tamper” with the facility. And the bill adds a new prohibition under the offense of “criminal mischief” that prohibits a person from destroying or “improperly tampering” with a “infrastructure facility”.

SB 33 makes violation of these new prohibitions third degree felonies. These undefined acts of tampering or intending to tamper do not have to be violent in nature to be judged worthy of a felony conviction under SB 33. And the definitions of “tamper” or “intend to tamper” are wide open to a variety of possible interpretations. One person’s non-violent, faith-based public witness may be another’s “tampering.”

And then, SB 33 specifies that any organization found guilty of the vaguely defined act of “complicity” in a violation under this bill, is to be punished with a fine ten times the maximum that can be imposed on an individual for a third-degree felony. This means possible fines up to \$100,000.

The bill also holds a person or organization that pays a violator’s fines or damages in a civil action, liable for any judgment against the person who may have ‘tampered’ with the infrastructure facility. Thus, if a faith-based justice group or a church is found complicit (whatever that means) when one of its members is found guilty of “intending to tamper” or “improperly tampering” with a “critical” facility, the church may face a \$100,000 fine. Of course, this would destroy most churches and most faith-based organizations.

And a church may not assist a member in paying a fine in a civil action. Which blocks a congregation from its religious duty to care for its members in times of distress and need.

SB 33 would criminalize the ministry of justice-focused churches and faith-based justice organizations who engage in and promote peaceful public protest at critical infrastructure sites. Congregations from many different faith traditions in Ohio could be held liable for the crime of complicity, be forced to pay fines that would destroy the, and be unable to assist their members in need. This constitutes an attack on freedom of religion.

People of faith who feel called by God to speak truth to power and stand up for environmental justice could find their congregations deeply damaged or destroyed under SB 33. It would become a crime to assemble for public witness at those facilities that are the worst offenders for environmental pollution, that create health crises in our most vulnerable communities. It would be illegal for people of faith to speak truth to power at those pipelines and fracking wells that expand fossil fuel use and destroy our climate.

In summary, SB 33 is a dangerous assault on civil liberties: freedom of speech and freedom of assembly. And SB 33 also attacks freedom of religion and the right to speak in holy witness to those who believe their economic power is threatened by protest. This bill is clearly intended to keep faith groups as well as environmental groups on the sidelines for fear of being found guilty of complicity and facing their own destruction.

When Americans abandon their commitment to freedom of speech and assembly and freedom of religion, the world will notice, and disaster will follow. SB 33 deserves to be condemned by all people of faith.