

Statement from Ellen Gerhart, Camp White Pine

Senator Scott Martin has recently introduced SB 323, also known as the Commonwealth Response Cost Reimbursement Act. I recently talked to Senator Judy Ward, who is a co-sponsor of this bill and is my representative. This bill claims to respect the right of citizens to protest, but in fact, this bill is designed to stifle this right by passing the costs of responding to protests onto the protestors.

SB323 states that “It is improper for Commonwealth taxpayers to bear the financial burden for response costs related to unlawful gatherings and illegal activities.” But what constitutes “unlawful gatherings”?

According to SB 323, a “demonstration” is described as “A public assembly, a meeting or gathering, a rally or protest event, a political rally or event, a demonstration, speech making, marching, the holding of vigils or religious services and all other like forms of conduct the primary purpose of which is expressive activity or the communication or expression of views or grievances, which has the effect, intent or propensity to draw a crowd or onlookers.” At what point do any of these activities become “illegal”?

There are already laws on the books to deal with trespass, vandalism, etc. These charges already carry the possibility of jail time, restitution, and fines. According to SB323, the cost of first responders/clean up, would be assessed in addition to the afore mentioned fines and restitution. What other offenses are assessed the cost of response?

This bill stifles the right to protest by doubling down on the possible financial consequences for being arrested. A person arrested in a mass sweep by police could find himself liable for the

cost of his arrest under this bill. A person who would otherwise participate in a demonstration/protest, may hesitate to do so if faced with this prospect. This bill would, indeed, inhibit one's First Amendment right of Free Speech, and will be challenged as unconstitutional. Pennsylvania will be faced with defending this bill in court.

The bill claims to want to shield taxpayers from the burden of the costs of protest, yet Martin and his colleagues seem oblivious to the far more substantial costs the protestors are trying to protect the taxpayers from incurring. These substantial costs range from the loss of productive farmland, the contamination of wells and other sources of drinking water, and in my county, Huntingdon, the potential catastrophic loss of tourism revenue should any leaks or accidents happen at Lake Raystown. It is up to us to provide a voice of protest when our government officials turn a blind eye.