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Dear Presidents

In our society, there are few more significant career-wreckers than a felony charge. I write to you today to inform your student bodies of an Ohio law that, in the context of some behavior during the recent pro-Palestinian protests, could have that effect.

Ohio Revised Code 3761.12 makes it a felony to commit a crime--even a misdemeanor, such as trespass--with two or more other people while wearing masks. The statute in full reads:

“No person shall unite with two or more others to commit a misdemeanor while wearing white caps, masks, or other disguise.”

A violation of this “anti-disguise” law is a fourth-degree felony punishable by between six and 18 months of imprisonment. Those guilty may also pay up to \$5,000 in fines and spend up to five years on community control. (See Ohio Revised Code 3761.99.) This punishment is significantly greater than misdemeanors that typically follow minor infractions that accompany student protests.

I do not wish to see anyone's First Amendment rights abridged, nor see anyone surprised that they violated the law. The First Amendment is a shield against the government, not a sword against fellow students.

In the first place, students should protest within the bounds of the law, and not commit crimes. In the second place, they should own their advocacy and avoid wearing masks.

It seems likely that at least some of the students around Ohio are unaware of this law, or the risk of their conduct. You have the tools to fill in that gap. As the semester draws to a close, let's send the students home safely--and without surprise criminal records.

Yours,



Dave Yost
Ohio Attorney General