

James Cropper's Testimony

May 1, 2019

Hello, my name is James Cropper and I am here to speak about my support of Constitutional Carry here in Ohio.

As you all know, each elected official must take an Oath of Office in which you all swear to defend and protect the Constitution, both Federally and for the State of Ohio. It is also covered in Article VI, Clause 3 of the United States Constitution. In Article VI, Clause 3 it states those taking the Oath of Office, "shall be bound by Oath or Affirmation, to support this Constitution."

It does not say may, can, etc. It says SHALL meaning they WILL and there is no possible way an elected official can deviate from that oath unless they violate it.

As you, I am sure are aware, the Second Amendment to the United States Constitution describes the PROTECTION of the Right to Bear Arms. It specifically says, "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." There again, is the word SHALL, meaning cannot and will not be infringed. The Constitution says what it says and is in very plain English.

In the 2008 case District of Columbia v. Heller, the Supreme Court held that the "Second Amendment protects an individual right to possess a firearm unconnected with service in a militia, and to use that arm for traditionally lawful purposes, such as self-defense within the home." (No. 07-290. Argued March 18, 2008—Decided June 26, 2008)

The important part of this case I would like to direct attention to is where in the decision it says, "Second Amendment protects an individual right to possess a firearm unconnected with service in a militia, and to use that arm for traditionally lawful purposes..." This is important because so many want to attempt to redefine things with their word salad and this removes the argument as to the Militia, etc.

With the Second Amendment stating, in short, "SHALL NOT BE INFRINGED, " any gun laws restricting the rights of the people to bear arms is unconstitutional.

Also, requiring a permit and charging a fee infringes on the right and attempts to transfer it to a Privilege which infringes on that right, protected by the Second Amendment of the United States Constitution. The Supreme Court ruled that "If the State converts a right (liberty) into a privilege, the citizen can

ignore the license and fee and engage in the right (liberty) with impunity." (Shuttlesworth v. City of Birmingham, Alabama, 373 U.S. 262).

Even though I believe they misspoke calling them "granted" by the Constitution rather than protected by, I want to bring attention to the fact that the Supreme Court has already ruled in *Murdock v. Pennsylvania* stating, "A State may not impose a charge for the enjoyment of a right granted by the Federal Constitution." (P. 319 U. S. 113) It also stated in this case that, "Since the privilege in question is guaranteed by the Federal Constitution, and exists independently of state authority, the inquiry as to whether the State has given something for which it can ask a return is irrelevant." (P. 319 U. S. 115.) - *Murdock v. Pennsylvania*, 319 U.S. 105 (1943)

Our Declaration of Independence says our rights come from our creator (God), thus our rights predate and pre-exist the Constitution.

It specifically says this:

"We hold these truths to be self-evident, that all men are created equal, that they are (1) endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That (2) to secure these rights, Governments are instituted among Men, (3) deriving their just powers from the consent of the governed."

It says UNALIENABLE which from Black's Law from 1910 defines as, "Incapable of being aliened, that is, sold and transferred." It does not say INALIENABLE which, in the same book is defined as, "Not subject to alienation..." It is all about the wording which the Government has tried to hide claiming they mean the same thing which they do not.

"...Endowed to them by their Creator..." meaning given to us by our "Creator" which I call God, at BIRTH. So, God has made me in His image and has bestowed my rights to me at birth. You are in no position to try to play God, be God or take what God has given me.

The Constitution does not give us our rights, it PROTECTS the rights given to us at birth by our creator, from being infringed on by the Government.

We the People are not begging, asking, requesting that the Constitution be followed and that our UNALIENABLE rights not be infringed on, we are DEMANDING it.

Maxim of law: Government can only control what it creates. (The power which is derived cannot be greater than that from which it is derived.) We the People created the Government and you all, as elected officials are our employees. You work FOR us and swore an oath to, "defend and protect the Constitution", both Federally and for the State of Ohio. Anything less is a direct violation of those oaths and an attack on the Unalienable rights of every resident you claim to represent.

The Supreme Court has repeatedly ruled that Law Enforcement has no duty to protect the people. It was reaffirmed in 2018 when a Federal Judge refused to hear the suit against the Law Enforcement from the Parkland Florida shooting.

Opposition to these types of Bills, always point to the school shootings. They pull on the heart strings of the people. If Law Enforcement Officers have no duty to protect us, we MUST be allowed to be able to protect ourselves, but more importantly, our children and families. Passing Constitutional carry would help that become more of a reality. Denying this would violate the Constitution and the oaths that every legislator took to "defend and protect" them.

This is a great bill, a Pro-Gun bill and I believe it is past time for us to pass this legislation and I request that this committee pass this through to the House for a FULL Floor Vote.