

## Testimony on House Bill 178

House Federalism Committee Rep. John Becker, Chair Rep. Reggie Stoltzfus, Vice Chair

Rep. Adam C. Miller, Ranking Member

Submitted by: Jared Gardner

Chairman Becker, Vice Chair Stoltzfus, Ranking Minority Member Miller and members of the House Federalism Committee, thank you for giving me the opportunity to give my citizen testimony against a bill which would remove modest but vital safeguards on access to legal concealed carry. As you have heard during proponent testimony, arguments in favor of permitless carry tend to fall in three broad categories:

1. Criminals don't obey the law, so why should law-abiding citizens have to endure regulation?
2. Gun-owners will seek out training on their own, so legal requirements to do so are unnecessary.
3. The 2<sup>nd</sup> amendment protects concealed carry.

The first of these I would hope lawmakers would dismiss out of hand. By definition, a criminal is someone who does not obey laws, and I cannot imagine that our legislature would want lawlessness to justify lack of laws. Law-abiding citizens are able to defend themselves from such criminals with a firearm, if they wish, by undergoing very minimal requirements that ensure public safety. Proponents of this bill have not demonstrated that obtaining a permit by passing a background check and taking eight hours of training constitute a burden that prohibits their exercise of a right.

The second line of argument came up numerous times during previous hearings, often citing vaguely documented claims about *increases* in training that followed the passage of similar legislation in other states. These accounts are entirely anecdotal and come from people who provide such training or those eager to believe it is true. Indeed, such claims do not include any indication of what percentage this supposed uptick constitutes of those who are engaged in conceal carry; if more people are seeking training, it may well be that *even more* people are conceal carrying and not seeking out such training.

I myself am a gun owner, and there are several reasons I have not sought out concealed-carry training. But the primary reason is that the modest requirements imposed by the state allowed me to pause and consider whether I indeed have a need to conceal carry. In the end I determined that it was not something I wished for myself, the dangers of concealed carry outweighing the possible benefits. Had I determined otherwise, the background check and eight hours of training would have been no burden.

I mention my own situation to make two related points. First, modest regulation on concealed carry allows for reflection, something that should always be encouraged when deadly weapons are concerned. Second, in the absence of such training, I should not under any circumstances be allowed to carry a concealed weapon into public spaces. The majority of your constituents rightly oppose allowing me or any other untrained gunowner to carry concealed weapons in public spaces. This bill serves only a small but vocal group of gun owners who have been encouraged to believe that freedom is first and foremost bound up with deadly weapons.

Which brings me to the third of the major arguments on behalf of this bill: the 2<sup>nd</sup> Amendment protects the right to concealed carry. While I am not a lawyer, I am a scholar of America's early national period. In the 1780s, when these words were written, the word "bear" would have been associated with carrying

something heavy and substantial. This makes sense: at the time, the average rifle weighed 10 pounds and was roughly 5 feet long. Even flintlock pistols were 16 inches. Concealment was never imagined by the Constitution's authors. When the Framers spoke of the right to *keep* and *bear* arms, they meant precisely what is already guaranteed to all citizens in our state. You can keep a gun in your home, and you can bear that gun openly. In fact, the state of Ohio affords legal gun owners the *additional* rights of concealed carry with very modest requirements in terms of training and licensure. The notion that the Constitution requires the elimination of these minimal requirements is completely ahistorical.

The second amendment was added to the Constitution because of distrust—distrust in their fellow delegates to the Constitutional Convention and distrust in the hitherto untried experiment in representative democracy that the document sought to enshrine. The 2<sup>nd</sup> Amendment is an emergency ripcord: if all else fails, break glass. Every time we expand gun rights beyond the terms originally laid out by the Constitution, we should be mindful that guns play the unparalleled role in our society that they do because of fear of *government*.

I was struck during proponent testimony by how often this fear came up. One gentleman listed historical atrocities committed by foreign governments against their own people as the argument for concealed carry. Another went so far as to suggest that failure to pass this bill would be equivalent to this body declaring war on “we the people.” No one here or in any legislative body in this land is proposing taking away anyone's guns or infringing on the rights guaranteed by the 2<sup>nd</sup> Amendment, despite the rhetoric we so often hear. In fact, you all are gathered to consider radically *expanding* those rights beyond those outlined in the Constitution to include untrained, unlicensed concealed carry.

Which is why I would like to conclude by reminding you that, even as the framers worried about the Constitution, they were also aware of the potential dangers posed by individuals *with* guns deciding if and when the government had become an enemy that had to be destroyed. This is why the Amendment begins with a crucial qualifier: “well-regulated.” If the founders feared an oppressive government, they equally feared that the revolutionary energies that had liberated the colonies might turn anarchic—that the genie of revolution would become uncontainable, leading to a future scripted at the end of a gun. The amendment is an attempt to get the balance right. Regulation is not a *burden* imposed by the State of Ohio on the right to bear arms, it is the Constitutional *responsibility* of our government: you are charged both with protecting the right to keep and bear arms *and* with establishing the terms by which guns shall be regulated. You have fulfilled that duty admirably with the laws currently on the books, striking a balance between those rights clearly guaranteed by the Bill of Rights and the regulatory oversight clearly entrusted to you by that same document.

Much like today, the 1780s and 90s was a polarized period in American politics. Today of course we are much more heavily armed. But more urgently, thanks in no small part to the internet, we live now in a world in which our most paranoid fears about the government are routinely “confirmed”—depending on which bubble we call home, the government is in the hands of a would-be tyrant who seeks to destroy democratic values, or a “deep-state” seeking to strip away our freedoms. When thousands of voices from the right and the left are shouting fire in a crowded theater—insisting the government is coming to get us—this is not the time, I would plead, to abdicate your responsibilities to maintain the most minimal of oversight over the bringing of deadly concealed weapons into public spaces. This is a time for cooler heads to prevail and for our representatives to be the adults in the room, instead of pandering to those who see government itself as an enemy to be resisted at every turn.