

Testimony on House Bill 178  
Senate Government Oversight Committee  
Rep. John Becker, Chairman  
Rep. Reggie Stoltzfus, Vice Chairman  
Rep. Adam C. Miller, Ranking Member  
Submitted by Thomas Herr

Chairman Becker, Vice Chairman Stoltzfus, Ranking Member Miller, and members of the committee, thank you for allowing me to submit this testimony on House Bill 178. My name is Tom Herr. I was a retail store manager for 30 years and retired from the U. S. Postal Service after 12 years. I am a Vietnam era war veteran having served in the Army artillery from 1968 - 1970.

I became an advocate against gun violence after the school shooting at Columbine High School in 1999. Since then I have been involved with several groups: Brady United Against Gun Violence, Ohio Coalition Against Gun Violence, and I was a founding member of the Veterans Coalition for Common Sense founded by Mark Kelly. He is the astronaut husband of former congresswoman Gabriel Gifford. However, today I am speaking for myself.

I believe in the Second Amendment. However, I believe in the Supreme Court's interpretation and our founding fathers' intent which applied to the members of the militia. For the first 230 years of our country, the Supreme Court did not feel this applied to one's self-defense. In 2008, the Heller vs. Washington, D.C. court case changed that by saying that you are allowed to have a handgun to defend your home. As a result of that decision, the floodgates have opened and now we have concealed carry. In this decision, all nine judges, including Justice Scalia, stated that the Second Amendment is not unlimited. Justice Scalia said

*like most rights, the Second Amendment right is not unlimited, it is not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose...nothing in our opinion should be*

*taken to cast doubt on the long-standing prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions on the commercial sale of arms.*

Unfortunately, I believe many people think it violates their Second Amendment rights to have any restriction on gun ownership. Many people ignore or misinterpret the first thirteen words of the amendment which are

*A well regulated militia, being necessary to the security of a free state,*

How does this become interpreted as *no regulation of guns* by many in today's society?

I believe our founding fathers would be rolling in their graves if they could see how the amendment is being used today.

During my research of this amendment, one historian reported that there was discussion on having the wording reflect self-defense but the founding fathers dismissed it as a matter for the civil courts.

I also learned that during our early days, it was mandatory that all males were required to serve in the militia. Their own guns were their only weapons while serving in it. At that time, there was no standing army, no national guard, no state police, etc. and was our country's only defense against civil uprising and Indian attacks.

It's obvious to me that the right to bear arms was intended for those serving in the militia. Seventy-five to 100 years later when a permanent standing army and the National Guard began, these weapons were supplied by the government so ownership of personal weapons is no longer necessary.

House Bill 178 is based on self-defense and the need for concealed carry. It's a commonly held concept that you are defenseless if you don't own a gun. In truth, there are many ways to protect yourself if you don't own a gun. During my research on gun violence I read a book titled Unintended Consequences Pro-Handgun Experts Prove That Handguns Are a Dangerous Choice for Self-Defense. This study describes how most gun violence is unexpected and

without warning leaving little time to react. It also shows that a victim's ability to react is affected by their own physical responses: impaired thinking, tunnel vision, temporary paralysis, etc.

In Westerville last year, two highly-trained police officers with twenty or thirty more years of experience lost their lives in just such a violent situation. How are we to believe that untrained people who are allowed concealed carry weapons will be protected by the passage of this legislation?

I believe that HB 178 will do nothing to end or curtail gun violence. This bill will allow more guns to be available for the public. There will also be more guns available to be used in domestic situations. Suicides account for 60% of gun deaths. H.B. 178 will only negatively impact this.

Today we should be discussing legislation that will stop or reduce the amount of gun violence in this state. We should be discussing safe storage legislation. We should be passing red-flag and universal gun check laws. There is no legislation that will end all gun violence, but I feel that laws that can reduce gun violence by even a small percentage are worth the effort.

Moms Against Drunk Driving (MADD) didn't stop all drunk driving but resulted in stronger legislation and increased awareness of the problem.

Advocating against gun violence is not about taking away guns or infringing on anyone's rights. It's about wanting to reduce gun violence. Countries like England, Canada, Japan and now New Zealand have low gun violence and fewer mass shootings because of stricter gun legislation.

Concealed carry is an infringement on my freedom and everyone else who wants to go out in public and not be in the presence of a hidden and loaded lethal weapon. In my opinion, concealed carry provides gun owners with a false sense of security.

One thing I am certain of is that HB 178 will not decrease gun violence in Ohio.

I appreciate this committee allowing me to address this important issue.