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14th Senate District



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Sponsor Testimony S.C.R 13

Chairman Schuring, Vice Chair Rulli, Ranking Member O'Brien, and members of the General Government and Agency Review Committee, thank you for allowing me to speak to the importance of S.C.R. 13. This resolution simply states that no branch of government, be it executive, legislative, or judicial, may take actions that exceed its authority as expressly granted under the Ohio Constitution or United States Constitution.

As were many others in this General Assembly, I was shocked by some of the decisions that were made in the past few months as, unprecedented in American history, state governments all across our great and free nation took political ownership of a public health crisis. In the process, egregious examples of government overreach, particularly by executive branches, have taken place.

It has been both fascinating and troubling to observe the response to this pandemic event by the individual states and territories; fascinating, in the sense that this event and the response to it—and I feel I must say it again—have been unprecedented in American history; but also troubling, as we have seen the U.S. Constitution and the Bill of Rights trampled in far too many cases. The First Amendment to the US Constitution in particular—the amendment that guarantees citizens the right to worship freely and assemble peacefully—was disregarded by at least 10 states, and severely curtailed in at least 20 others. The First Amendment to the United States Constitution is, as we all know, the first plate of protective armor set forth in our Bill of Rights.

Time and time again since this crisis began, government officials all over the country have responded with draconian measures, frequently thrusting aside the rights of American citizens. Unfortunately, the assault on our liberties has not been limited to the First Amendment. Many citizens from my senate district have expressed outrage over the interference that took place with our March 17th primary elections. As well-meaning as our own governor and others in our state who influenced the changes to our electoral process have been, the simple fact remains that they did not have the constitutional authority to do what they did. Only the Ohio legislature has the authority to set or alter the time, place and manner of elections in our state. I was alarmed, and people across our state were alarmed, when we awoke on March the 17th to polls that were closed—denying them of one of their most sacred constitutional rights.

And then there was the matter of taking drastic but what at first seemed to be time-limited steps to keep people apart from each other and “flatten the curve” of the viral epidemic. Well-meaning rules and regulations were promulgated and set forth by the executive branch to accomplish this. In doing so, our state government decided whose businesses were “essential” and whose were not. The result has been onerous for far too many. Livelihoods have been interfered with. Businesses have been wrecked. Jobs

have been lost. Mistrust in our government has soared. Confidence in our leaders to protect individual citizens has in fact been lost by many, even as the intent by our own executive branch was to ensure just the opposite. The measures taken were indeed drastic to a free and peaceful people, but instead of being limited to a very short time, “justified” as an emergency due to a frightening series of unknown factors regarding a novel and particularly virulent virus, many of these measures persist to this very day.

So, why do we need to pass this resolution? Isn't it already obvious that the various branches of our state government must act within constitutional boundaries? Yes—it is obvious, and that's exactly why so many of our citizens are perplexed and angry. They are crying out from all parts of Ohio, and they are asking if there remains anyone in political leadership who cares about their constitutional rights, asking if there is anyone left who is willing to stand up and say “Enough!”

I, for one, am willing to do just that, and I pray that you are as well.

“But,” many others say, “wasn't this all necessary because of the gravity of the crisis? Our governor only wanted to protect us, didn't he?” Well yes, I have no doubt that that is true, that our governor had a well-intentioned heart, but in fact government overreach in times of crisis, regardless of executive or legislative or judicial intent, was precisely the thing from which our founders sought to protect us with our bedrock constitutional documents of individual freedom and political liberty.

The Ohio Senate has taken several steps since this pandemic began to ensure that our sacred liberties as Americans will not be stripped away again should we face a similar crisis in the future. I believe this resolution falls in place with those actions. It is a statement we must make for the people whose liberties we represent, and a necessary reminder of the important duty that we as legislators take upon ourselves to uphold and defend the constitutions of our state and nation. I believe that passing this resolution will send a resounding message that that is exactly what we intend to do.

It's time to reopen Ohio. It's time to modulate our actions and respond more intelligently to the crisis at hand. By no means should we neglect or ignore this dangerous virus. We must respect it for the pathogen that it is. To do that, we must transfer the management of the crisis back to the medical system itself. It's high time that political ownership is relinquished, and medical ownership is reestablished. The medical system has always handled each and every health crisis that has come our way. I have confidence that it can do that in this case as well.

Chairman Schuring and members of the committee, thank you so much for letting me speak to S.C.R 13. I will be happy to take any questions the members may have.