

Chairman _Peterson _____, Vice Chair _ Thomas _____, Ranking Member _ Forhan _____, and members of the _Government Oversight Committee, Thank you for allowing me to testify today. My name is William Lowers. I am a 74 year old US Naval Vietnam veteran and I run a small product safety consulting business. I hold associate and bachelor's degrees in Public Administration from Franklin University here in Columbus, and have done graduate work in City and Regional Planning at Ohio State. I am strongly opposed to Bill Number HB 51 for the following 3 reasons, as that is all I can fit into my allotted time:

1. I believe the right to bear arms is not absolute. Nowhere in the US Constitution is a power (or right) granted, without a limitation on that power. We cannot yell fire in a crowded theater if there is no fire. The Supreme Court was clear on this limitation to the right of free speech. Justice Scalia said in *Heller* "Like most rights, the right secured by the Second Amendment is not unlimited. [It is] not a right to keep and carry any weapon whatsoever in any manner whatsoever, and for whatever purpose." There is a lot more there in the *Heller* ruling, and you are free to read it for yourself. You have not granted me the time, nor does it suit my purpose to read the entire opinion here.
2. Article VI, Clause 2 is the Supremacy Clause to the US Constitution. It reads: "***This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, nor which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound, thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.***" This clause does not permit a state, or a state legislature the authority to write law that prohibits the enforcement of any federal law, and HB 51 does clearly have language under Sec. 2923.50, paragraph 5 is worded in direct contravention of the Supremacy Clause, rendering the entire Paragraph 5 unconstitutional.

Paragraph 6 of the same section clearly is in contravention of *Heller*. From Scalia, ". . . ***The Court's opinion should not be taken to cast doubt on longstanding 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 and qualifications on the commercial sale of arms. Miller's holding that the sorts of weapons protected are those "in common use at the time" finds support in the historical tradition of prohibiting the carrying of dangerous and unusual weapons.***" Paragraph 6, at best misinterprets long-standing federal laws, the prohibition on the personal possession of machine guns, the recently passed prohibition of bump stocks, which makes the already dangerous AR-15 and AK-47 semiautomatic rifles, which fire NATO or Warsaw Pact projectiles, effectively into automatic weapons. We must remember that a person holding several weapons with bump stocks turned 14 AR-15's into killing machines that killed 61 and wounded at least 413, with panic induced injuries bringing the injured count

to at least 867. Paragraph 6 appears to allow the use of bump stocks with the language “. . . but *“regulating commerce” does not include the power to limit citizens’ right to keep and bear arms in defense of their families, neighbors, persons, or property nor to dictate what sort of arms and accessories law-abiding Ohioans may buy, sell, exchange or otherwise possess within the borders of this state.*” Under Sec. 2923.50 (A) “Law Abiding Citizen” is vague and not well-defined, and this paragraph 6 would support the possession, sale or purchase of a bump stock. **This is bad law.**

3. A full reading of Sec. 2923.50 reads like a manifesto of the Ohio General Assembly to Secede from the United States and to reject the Constitution of the United States of America. This bill is unconstitutional on its face and needs to be rejected. It will face certain litigation if enacted, and any court worth its salt will enjoin the State of Ohio from enforcing any and all of its provisions.

I ask that this committee save Ohio from the embarrassment of attempting to defend this bad, and I mean really, really bad law.

Thank you, I will be happy to answer any of your questions.