

Proponent Testimony for H.B. 62 prepared by Judi Phelps

Thank you Chair Wiggam, Vice Chair John, Ranking Member Kelly, and State & Local Government Committee Members, for the opportunity to provide proponent testimony today concerning H.B. 62, Ohio's Second Amendment Preservation Act (SAPA).

My name is Judi Phelps. I am a wife, a mom, an unarmed self-defense instructor, a firearms instructor, and a small business owner. My business, On Guard Defense, is a training center and shooting range in the Hocking Hills region of southeast Ohio. We're in Vinton County, which is the least populated county in Ohio and also among the poorest – typically ranking either first or second of all 88 counties.

While I grew up in the country, I lived and worked in and around Columbus for most of my adult life. One of the biggest reasons my family chose to leave the city 11 years ago in favor of rural life was to distance ourselves from the violence and crime. Of course, we experience the same crimes in the country, but not anywhere near the degree found in high-density, metropolitan areas like Columbus.

I am a staunch supporter of our constitution and I expect that my fellow Americans would be as well. I believe that the 2nd Amendment is the most important right we have as it is the only one that guarantees the rest of them. Unfortunately, some Americans -- including legislators, judges, and political leaders – wish to usurp the rights afforded us by our federal constitution, our Ohio constitution, and that of our Creator. I, for one, will never stand for it!

First and foremost, I have a God-given (natural) right to protect myself and my family from harm as stated in Article I, Section 1, of the Ohio Constitution which provides:

“All men are, by nature, free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and seeking and obtaining happiness and safety”

I realize that no one is responsible for protecting me except for me. I choose a gun as my primary defense tool because I am physically smaller and weaker than a man, who is most likely to be my attacker. Therefore, my gun and my ability to use it, if necessary, is my equalizer and means to defend myself.

Second, most city slickers don't live like most of us who live in the country. I carry my gun with me wherever I go because there are predators on two legs AND four in the forest and throughout the county. Whether it is stray dogs, wild coyotes or boar, bobcat, or bear.... I must be ready for whatever comes my way. Y'all in the city don't have the latter to worry about as much as you do the predators on two legs – as evidenced by the daily toll of death, destruction, and mayhem here in Columbus.

Finally, most gun laws are stupid, discriminatory, and do nothing to curtail violent crime.

Gun laws are stupid because criminals do not obey your laws. Criminals prey on areas designated as “gun-free” zones because they are cowards and not looking for a fight. Criminals will commit crimes regardless of which tool/object they need to use to do their evil work. Most gun laws are designed to slowly chip away at the rights of law-abiding citizens while criminal thugs have ready access to high-powered weapons that flow across our open borders. Disarming law-abiding citizens only makes us future victims to criminal thugs and corrupt politicians.

Article I, Section 2, of the Ohio Constitution reads:

“All political power is inherent in the people. Government is instituted for their equal protection and benefit, and they have the right to alter, reform, or abolish the same, whenever they may deem it necessary; and no special privileges or immunities shall ever be granted, that may not be altered, revoked, or repealed by the General Assembly”

Gun laws are discriminatory because they restrict the rights of poor Americans to exercise their 2nd Am. rights to protect themselves. For example, a restricted area in Ohio where one cannot have a gun is in any government-owned facility. That includes HUD housing which is typically located in high-crime areas and is home to poor Ohioans of all colors.

Another example is the state’s legal requirement for professional training and permit fees for those wishing to obtain an Ohio Concealed Handgun License (CHL). Poor folks generally can’t afford to pay for that. What Ohio leaders are saying by enacting and upholding these laws is that the lives of some folks are worth more than the lives of others. That should never stand! ALL lives matter!!

Article I, Section 4, of the Ohio Constitution reads:

“The people have the right to bear arms for their defense and security; but standing armies, in time of peace, are dangerous to liberty, and shall not be kept up; and the military shall be in strict subordination to the civil power”

Further, Ohio Revised Code Section 9.68 states that *“the right to keep and bear arms is a fundamental individual right that predates the United States Constitution and Ohio Constitution, and is a constitutionally protected right in every part of Ohio.”* The Ohio General Assembly has declared in this statute that it is proper for law-abiding people to

protect themselves, their families, and others from intruders and attackers without fear of prosecution or civil action for acting in defense of themselves or others.

Gun laws do nothing to curtail violent crime. Walk right outside the statehouse and look around and tell me all the gun laws on the books have done a thing to reduce crime. There have been major changes in our capital city, in our crumbling state, and across this once great nation over the past year of this scandemic! Guns are NOT the problem!! Americans who want to take the guns and rights of law-abiding citizens or those who wish to commit crimes -- whether in the statehouse, the White House, or on the streets -- are the problem. Start enforcing the laws we have, support our law enforcement, protect the rights of Ohioans, address the mental health crisis, and reinstitute our state's death penalty!

Last January, I spearheaded the effort to rally hundreds of my fellow county residents to demand that a Resolution be enacted to protect the citizens of our county from unconstitutional gun laws – whether from the state or federal level.

On January 28, 2020, the Vinton County Commissioners signed a Resolution officially recognizing our county as a “Second Amendment Sanctuary County”, making Vinton County the 7th county in the state to do so. There are now 33 counties in Ohio who have adopted similar measures.

While the naysayers will tell you these Resolutions are merely symbolic, I can tell you that there is nothing “symbolic” about how Ohioans feel who worked to get these done. For us, it was all about looking our local elected officials in the eyes and letting them know that we won't tolerate anyone coming into our county to violate our rights. We wanted their affirmation that they would uphold their oath, with specific regard to our gun rights, and we wanted it in writing.

We also wanted to send a message to state legislators and our governor that we will not support or tolerate anyone who attempts to violate our rights, restrict our gun, accessory or ammunition purchases, mandate special taxes, or usurp due process by enacting “Red Flag” laws, which Governor DeWine has consistently supported.

We're done with DeWine and we're done negotiating with politicians where we, the people, always seem to be on the losing end scratching and clawing to retain what is already ours – our guns and our rights! That's why I support H.B. 62, Ohio's Second Amendment Preservation Act, thereby protecting Ohioans from the enemies within. I ask each of you to uphold your oath and do same.

I appreciate your time and am glad to answer any questions you have.

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