

Testimony on House Bill 62
House State and Local Government Committee
June 9, 2021

Submitted by:
Lisa Voigt

Chair Wiggam, Vice Chair John, Ranking Member Kelly, and members of the committee, thank you for allowing me to present this testimony in opposition to House Bill 62. My name is Lisa Voigt and I am speaking to you today as a concerned private citizen and a volunteer for the Ohio chapter of Moms Demand Action for Gun Sense in America. Moms Demand Action is a nonpartisan organization with over six million supporters, both mothers and others, gun owners and non-gun owners. We do not oppose guns or the Second Amendment, but rather advocate for the reduction of gun violence through common sense, widely supported gun reforms, gun safety education, and community partnerships.

Ohio HB 62 would undermine the rule of law and jeopardize public safety by encouraging armed extremists to disobey federal gun laws. Unfortunately, we do not have to wonder whether encouraging Ohio citizens to distrust and defy federal law can lead to dangerous outcomes that assault the very foundations of our democracy. On January 6, protestors attempted to take the law into their own hands by attacking the US Capitol in an effort to overturn the presidential election, resulting in the deaths of five people—including one law enforcement officer, Brian Sicknick—and the injuries of more than 140 people. According to a just-released bipartisan Senate report, which Ohio’s Senator Rob Portman was a co-author of, among the intelligence failures leading to the insurrection on January 6 was the failure to share and follow up on a December 21 IICD Report pointing out the numerous social media comments that encouraged “confronting members of Congress and carrying firearms during the protest,” promoted “armed conflict during the protest,” and urged the shooting of law enforcement officers, elected officials, and counter-protestors (“Examining the US Capitol Attack: A Review of the Security, Planning, and Response Failures on January 6,” Jan 6 HSGAC Rules Report, pp. 41-42). We now know that such comments go beyond mere rhetoric, and it is just this sort of armed insurrection that HB 62 would encourage. The very real consequences of individuals and groups deciding not to abide by federal law must be weighed against the irrational and emotion-based fears that the sponsors of this bill claim to be responding to—those who are “scared that their 2nd Amendment Rights will be unconstitutionally curtailed.” What is patently unconstitutional is to propose violating the Supremacy Clause of the US Constitution (Article VI, clause 2), which makes federal law the “supreme law of the land,” and to propose that any individual or state can make their own decision on the constitutionality of our laws, as HB 62 would allow, rather than the US Supreme Court, which is uniquely vested with this power in our system of government. The Supreme Court has already ruled that “longstanding prohibitions on the possession of firearms by felons and the mentally ill,” “laws forbidding the carrying of firearms in sensitive places such as schools and government buildings,” and “laws imposing conditions and qualifications on the commercial sale of arms,” do not violate the Second Amendment. That is, the sponsor testimony that HB 62 would ensure that “no matter the situation, our 2nd

Amendment shall not be infringed upon” is a dangerous and *unconstitutional* interpretation of the Second Amendment. Nullification laws like HB 62 have already been ruled unconstitutional in other states.

I have the opportunity to spend this fall at a university in another state as a Visiting Professor—a state that has less than half, nearly one-third, the rate of gun deaths of Ohio, and that has laws like background checks and Extreme Risk Protection Orders to keep guns out of the hands of violent people (laws which have not been ruled unconstitutional)—and you can believe me that I will be seriously considering the opportunity should it turn into a more permanent offer. And I leave next week for a trip abroad to visit my husband’s family—a country, like many of those in the world, where the daily gun homicides, gun suicides, and mass shootings that we accept as normal in this country are absolutely unthinkable, and where I struggle to explain to friends and family members what they see in the news about gun violence in the US. I will be enjoying my freedom and safety in both places. Please allow Ohioans to enjoy the same by rejecting this dangerous bill and considering others that would #DoSomething to reduce the horrific toll of gun violence in our state.

Respectfully submitted,

Lisa Voigt