

Testimony on House Bill 62

House State and Local Government Committee

June 8, 2021

Submitted by:

Meghann Naveau

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 Meghann Naveau, and I am a business owner, parent, and lifelong Ohioan, growing up in a rural town and now residing in Bellbrook.

I find several elements of HB 62 problematic, the foremost being that we know that federal law is the supreme law of the land. Any state laws that conflict with federal laws are null and void. Since the earliest days of our country, the U.S. Supreme Court has uniformly rejected state laws that conflict with federal law.¹ Modern nullification proposals have been declared unconstitutional. In 2013, the Ninth Circuit Court of Appeals ruled that a Montana nullification law purporting to exempt firearms made in Montana from federal gun laws was preempted and void.²

Since I believe our legislators understand this hierarchy of state and federal laws and are **still** pushing forward with this bill, it seems to be an attempt to make a statement about their personal opinions toward gun ownership and use, rather than to be an effort to create laws for the good of all Ohioans.

As representatives for all of your constituents, even those who hold different views than your own, I ask you to seriously consider several dangers with HB 62:

- The bill contains vague language which could be read to nullify any current or future federal gun law. I believe this would encourage gun extremists to ignore any common-sense gun laws. During debates over local "gun sanctuary" resolutions in Virginia, e-mails from a Virginia county showed people believing that the resolutions had swept away all gun laws and some people who had been convicted of felonies happily declaring that they had got their gun rights back.³

¹ See, e.g., *United States v. Peters*, 9 U.S. (5 Cranch) 115 (1809); *McCulloch v. Maryland*, 17 U.S. (4 Wheat.) 316 (1819); *Martin v. Hunter's Lessee*, 14 U.S. (1 Wheat.) 304 (1816); *Osborn v. Bank of the United States*, 22 U.S. (9 Wheat.) 738 (1824). In the mid nineteenth century, President Andrew Jackson forcefully rejected South Carolina's repeated efforts to nullify federal law,² and before the Civil War, the U.S. Supreme Court definitively rejected various states' attempts to nullify the Fugitive Slave Acts.³ *Cooper v. Aaron*, 358 U.S. 1 (1958).

² *Mont. Shooting Sports Ass'n v. Holder*, 727 F.3d 975 (9th Cir. 2013).

³ Laura Vozella, "Unconstitutional and Worthless": Emails show Officials Doubting Gun Sanctuaries", *The Washington Post*, Jan. 27, 2020, <https://wapo.st/2NHZgqt>.

- If enacted, this bill would undermine the rule of law and send a false message to criminals that federal gun laws will not be enforced.
- The bill would also send a confusing message to law-abiding gun owners who may expose themselves to criminal liability or choose not to act to intervene when a loved one is in crisis, believing the law enforcement will not help because of the law.

I am concerned that Ohio HB 62 would only fuel the armed extremism and violence we see ramping up across the country and in our state. **We experienced a mass shooting in our state just last week** when violence erupted in Springfield. Six people were wounded, and Governor DeWine and several legislators including Rep. Kyle Koehler, Sen. Bob Hackett, and Sen. Niraj Antani were quoted in an article by the Dayton Daily News (<https://www.daytondailynews.com/local/dewine-warns-after-springfield-shootings-ohio-faces-a-summer-of-violence-in-our-cities/OTGIPKVRDZDR7M653QDGPU2UIQ/>) as offering little more than thoughts and prayers, rather than tangible action to keep Ohioans safe.

I cannot think of any other instance in which we are so concerned with protecting the rights of some law-abiding citizens that we are willing to risk violence and death of many more. We limit how much alcohol people can consume before they operate a car. Why can we not seriously consider and implement rules about gun ownership and use that keep people safer?

Please do something more than offer thoughts and prayers to more victims of gun violence in our state. Send a message that Ohioans support common sense measures to keep all of our citizens safe. Oppose HB 62.

Sincerely,

Meghann Naveau
