

HB-#187 and HB#5188

If it would please the committee, I am going to read from a prepared statement, so I do not significantly deviate from the topic at hand and move down a "proverbial rabbit hole".

I want to thank Ian Fitzgerald from MUCC for inviting me to speak to you about HB 5187 & HB 5188. I also want to thank Chairman Johnson and other esteemed members of this committee for allowing me to speak on this topic. I will be speaking from a veteran's law enforcement perspective in an attempt to not duplicate other testimony. Let me introduce myself. I am David Van Lopik and have worked in law enforcement for thirty eight years. I have worked for local, county, state and a collegiate police agency. I retired as a Sergeant with the Michigan State Police. I come before you today as an individual who cares deeply about our constitutional and civil rights.

I have always been an ardent supporter of our constitutional rights and civil rights. I was instructed in the importance of our National Constitution, our Bill of Rights and how it effected the laws that we live by. I also understand how those documents influenced the Michigan Constitution, and the laws of this state.

As a law enforcement officer, I took an oath, outlined in our State Constitution for public officers and employment, the same oath our elected officials took before entering office. Constitution of Michigan of 1963, Article XI Public Officers and Employment: **"I do solemnly swear or affirm that I will support the Constitution of the United States and the constitution of this state, and that I will faithfully discharge the duties of the office of.....according to the best of my ability.** No other oath, affirmation, or any religious test shall be required as a qualification for any office or public trust." (History: Const. 1963 Art XI, 1, effective January 1, 1964) I took this oath very seriously. I also understand the separation of powers and responsibilities of the executive, legislative and judicial branches of government.

The Michigan Constitution refers to the ownership, possession and use of firearms. **Sec. 6. Every person has a right to keep and bear arms for the defense of himself and the state.** (History: Const. 1963, Art. I, §6, Eff. Jan. 1, 1964. Former Constitution: See Const. 1908, Art. II, §5.).

I have always focused on core fundamentals in regards to police work and our constitutional and civil rights. I have tried to instill that fundamental philosophy into my troopers and peers. The Constitution and Bill of Rights are fundamental rights. The first, second, fourth, fifth and tenth amendments are fundamental rights that our civil rights are derived from. I worked toward the fundamentals of traffic enforcement and criminal investigation believing it would serve our community well. As a competitive rifle and pistol shooter, fundamentals are the key to successful marksmanship. I focused on fundamentals when coaching 4-H Rifle and instructing other individuals. We need to adhere to the fundamental rights as outlined in our constitution.

Unfortunately, we have seen situations where during an "emergency" or "pretense of an emergency", some elected officials have violated the fundamental rights contained in the constitution, such as preventing individuals from possessing or bearing arms. My first awareness of this was during Hurricane Katrina. During the state of emergency and immediate aftermath of Hurricane Katrina, law abiding individuals were stripped of the right to possess firearms and defend their families and property. Officers confiscated firearms possessed by law abiding citizens under orders of a governmental entity.

Additional problems occurred during this emergency. Police were called in to help with the evacuation and preparation prior to the storm, yet forty percent (40%) refused, no showed or quit to take care of their families, property and themselves. Hundreds of New Orleans Police Department officers went missing — some for legitimate reasons and some not — at a time they were needed the most. This left the city of New Orleans unable to provide enough manpower and other resources to maintain law and order at shelters and on the streets. (For a full report refer to <https://govinfo.library.unt.edu/katrina/lawenforcement.pdf>).

In an emergency, law enforcement will be overwhelmed by the needs of the citizens. They will not be able to respond to a majority of requests for basic services. Food, water and basic supplies will be scarce or unavailable for an undetermined period of time.

Individuals should have the ability to protect their family and themselves in times of an emergency. A natural trait throughout history is to protect our families. Fathers, mothers, aunts, uncles, grandparents are protective of their families. They want to protect, feed and care for their children and family members. They want to ensure they are not harmed or injured. To have an elected or appointed official unilaterally declare or prohibit the lawful possession, transportation, lawful use of a firearm or prevent the purchase of a firearm or ammunition, or other necessary firearms accessories, would prevent people from that protection and violate their rights. In addition, firearms, fishing equipment and trapping supplies can be used to supplement the food stores of families during an emergency.

I was shocked when during Michigan's most recent emergency declaration that fishing from powered watercraft was deemed illegal. Allowing individuals and families to fish, for recreation or sustenance would seem to be fundamental.

I also learned that firearms stores were not designated as essential during the Covid related stay at home orders from Michigan officials. Even with Michigan's steeped history of outdoor recreation, Michigan was one of the few states that did not designate firearms related businesses as essential.

I believe HB 5187 is essential to retain and maintain the fundamental rights of Michigan citizens as outlined in the Constitution of the State of Michigan. HB 5188 is also essential. The appointed health official by a governor does not have leeway when ordered or suggested by the governor to a specific response to an emergency. You either follow the governor's request, or risk joining the ranks of the unemployed and being unable to provide for your family. Both of these bills would protect the basic fundamental rights of firearms ownership, hunting, fishing and trapping.

Thank you for your time. If you have any questions, I will try to answer them.

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