

Karen Lidster

From: Sen. John Coghill
Sent: Sunday, March 17, 2013 3:35 PM
To: Karen Lidster
Subject: FW: CS Senate HB 69

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From: Mike Coons [<mailto:mcoons@mtaonline.net>]
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Testimony for Wednesday:

Senator Coghill and members, my name is Mike Coons and I am speaking for myself.

I am thankful that written testimony from Mr Bob Bird and Mr Lynn Willis were included in Basis documents. Mr Bird's historical writings on nullification are accurate and needed for this debate. His comment on page 2, paragraph 4 concerning sheriffs is of concern and needs to be addressed. This was concerning the Speaker of the House, Chenault's version of HB 69. This paragraph was sadly removed and replaced which has taken the teeth out of this bill and I cannot say it strongly enough, that the original language must be returned. As to the difference between Alaska and those States who have Sheriffs, two things can be easily added, one clearly stating that all law enforcement, State Troopers and city and town Police Officers have a lawful duty to arrest any federal agent or federal employee who tries to enforce any gun control laws that clearly violate our right to keep and bear arms. I have sent to the committee Idaho's HB 219 which makes it illegal for any police supervisor or higher authority to make the rank in file officer violate the 2nd Amendment and the peoples rights. Police Chiefs and Commissioners of Public Safety are appointed positions and are at the whim of more liberal political agendas and liberal Governors and/or Mayors. Making Section 5, paragraph (g) with the full power to seriously punish any who would violate the people of Alaska's right to keep and bear arms will make President Obama and Congress think before attempting to violate our God given rights! Alaska is not the only state working towards this goal, at last count a dozen states are doing the same. Having this legislation completed at the same time as the other states, will be a huge push back against any attempts by the Obama administration and Congress.

As to Mr Lynn Willis' letter and testimony. He states: "if enforced, could result in a confrontation between Alaskan who enforce our laws."

Yes, this may happen, but is it not the duty of our law enforcement to "serve and protect" against criminal activity, including federal government tyranny? He then states: "These Alaskans might well happen to be federal government officials legally enforcing laws created under authority of the US Constitution." First off, these ant-2nd Amendment bills, if they were to become law, violate the 2nd Amendment. As per the US Supreme Court ruling of Marbury vs Madison, "All laws which are repugnant to the Constitution are null and void." Thus those federal government officials would not be enforcing lawful laws. In fact they would be in violation of their oath which they took to uphold the Constitution of the United States. Mr. Willis indicated he was or was retired from the National Guard and federal employee. I am retired, US Air Force. The National Guard and active duty all fall under the Code of Conduct, the UCMJ and services manuals. From the US Army Manual, it states: "The fact that the law of war has been violated pursuant to an order of a superior authority, whether military or civil, does not deprive the act in question of its character as a war crime, nor does it constitute a defense in the trial of an accused individual, unless he did not know

and could not reasonably have been expected to know that the act was unlawful." Just like the Germans after World War II tried to evoke "following orders" didn't hold water, following an unlawful order will not hold water either and is punishable under the UCMJ. For we have a duty to disobey unlawful orders that we know to be unlawful. Those who would enforce an unlawful order and in violation of their oath to protect and defend the Constitution is the reason we need the original language of Section 5, paragraph (g) to deter tyranny.

Lastly, I do support the other aspect that have been added and with returning and making stronger our ability to stop any attempt on our 2nd Amendment Rights, HB 69.

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