HCR

15

HOUSE JUDICIARY COMMITTEE

STATE CAPITOL, ROOM 120
(907) 465-4990

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Rep. Lindsey Holmes
Room 405
(907) 465-4919

MEMORANDUM

Date: January 29, 2008

To: Representative John Coghill
Chairman House Rules Committee

From: Representative Jay Ramras
Chairman House Judiciary Committee

Re: Referral file for HCR15

Attached please find the following documents as part of the referral file for HCR15:

- Sponsor Statement
- CSHCR15(JUD) 25-LS1314\M
- Explanation of changes from version \A
- HCR15 25-LS1314\A
- Fiscal Note HJUD – 0
- HJUD Report
- Correspondence
- Articles

Alaska State Legislature

Session: Jan-May
State Capitol, Room 208
Juneau, AK 99801-1182
(907) 465-4859
Fax (907) 465-3709

Interim: June-Dec
716 West 4th Avenue, Suite 300
Anchorage, AK 99501-2133
(907) 269-0129
Fax (907) 269-0128

John Harris
Speaker of the House

Sponsor Statement

HCR 15 - *"Urging the governor to direct the attorney general to file an amicus curiae brief with the United States Supreme Court in the case of Parker v. District of Columbia, supporting the individual right to keep and bear arms under the Second Amendment to the United States Constitution."*

It is in the best interest of the citizens of Alaska to have the state's attorney general file a "friend of the court" brief in support of the plaintiff in Parker v. District of Columbia, or, alternatively, to join with a number of states that will file a brief jointly.

The US Supreme Court agreed last November to hear the case, and expects to issue a ruling in June, following oral arguments in March. The question to be settled is whether the right to keep and bear arms, as laid out in the 2nd Amendment to the US Constitution, is an individual right of all Americans, or a collective right that can be restricted by state and local governments.

In my view, the vast majority of Alaskans would agree that the nation's founding fathers intended it to be the right of individuals. That is why it is included within the Bill of Rights, which were enacted to protect the inherent rights of individual citizens.

Alaskans clarified this question in 1994, when the voters, by a substantial margin, amended Article I, Section 19 of the state constitution to add language specifying that the individual right could not be denied or infringed by either the state or local government.

In light of the short timeframe in which to submit a friend of the court brief in this vitally important case, the Legislature should take expeditious action to pass HCR 15.

MEMO

To: Rep. Jay Ramras, Chair
House Judiciary Committee

From: John Manly
Staff to Rep. John Harris

Date: January 24, 2008

Re: Explanation of changes in blank draft CS for HCR 15

The first change in the proposed CS is to replace the name of the case, "Parker v. District of Columbia" with "District of Columbia v. Heller" in three occurrences (title, first "WHEREAS" clause, and "RESOLVED" clause). This change in the name of the case was made at the federal level because Heller was the only one of the plaintiffs whose issue went forward to the Supreme Court.

The second change is to delete the "WHEREAS" clause on page 2, lines 21-24, pertaining to the crime rate in Alaska's largest metropolitan area and a position taken by its mayor relative to gun dealers. It became apparent after the resolution was drafted and introduced that the mayor had reversed his position supporting the mayor of New York, so that statement within the "WHEREAS" clause is no longer true.

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: **HCR015e**
() Publish Date:

Identifier (file name):
Title: Amicus Brief Regarding Right to Bear Arms
Sponsor: Representatives Harris, Stolze, Hawker, Chenault, Gatto
Requester: House Judiciary Committee

Dept. Affected: None
RDU:
Component:
Component Number:

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2009**	**FY 2009**	**FY 2010**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**
Personal Services							
Travel							
Contractual							
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**
CAPITAL EXPENDITURES							
CHANGE IN REVENUES ( )							

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2008) cost: **0.0**

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: *(Attach a separate page if necessary)*

Prepared by: Jane Pierson, Committee Aide
Phone: 907-465-4990
Division: House Judiciary Committee
Date/Time: 1/28/08 3:35 PM
Approved by: Representative Ramras
Chairman
Date: 1/28/2008

HOUSE COMMITTEE REPOI

(7)

Date Referred to Committee: January 15, 2008 **FURTHER REFERRALS:**

Date of Committee Action: 1/28/08

The JUDICIARY Committee considered: **HCR 15**

HOUSE CONCURRENT RESOLUTION NO. 15 AMICUS BRIEF REGARDING RIGHT TO BEAR ARMS
Urging the governor to direct the attorney general to file an amicus curiae brief with the United States Supreme Court in the case of Parker v. District of Columbia, supporting the individual right to keep and bear arms under the Second Amendment to the United States Constitution.

Recommends it be replaced with [√] HCS *or* **[ ] CS for** HCR15 (JUD)
For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR_____ [ ] Same Title [ ] New Title

[ ] attach amendments
[ ] add new referral to _____Committee
[ ] Letter of Intent_____Committee

List of Abbrev for Depts.:
ADM
CED
COR
CRT
EED
DEC
DFG
GOV
HSS
LWF
LAW
LEG
MVA
DNR
DPS
REV
DOT
UA

NEW **FISCAL NOTES** *Assigned by Chief Clerk's Office				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero
JUD Com				Ø

PREVIOUS **FISCAL NOTES**				
List by Dept(s):	FN#	Fiscal	Indet.	Zero

Signing with recommendations	Printed Last Name	DP	DNP	NR	AM
John Coghill	Coghill	✓			
[illegible]	[illegible]	X			
	SAMUELS	X			
[illegible]	[illegible]	X			
Chair: [illegible]	RAMRAS	✓			
Chair:					

Jane Pierson

From: John Bitney
Sent: Monday, January 28, 2008 11:23 AM
To: Kelly, Russell T (GOV); Portia Babcock; John Manly
Cc: Rowland, Mindy B (GOV); Jane Pierson
Subject: RE: SCR 13, HCR 15

Thank you for notifying us, Russ
This is great news

Our hope is that bringing this resolution forward can be a positive message and that the State of Alaska sends the strongest possible message about this court case
If there is any way we can strengthen the resolution to assist the Attorney General's office please don't hesitate to let us know

Thanks again

John W. Bitney
Office of Rep. John Harris
Speaker of the House
907-[illegible]

From: Kelly, Russell T (GOV) [mailto:russ.kelly@alaska.gov]
Sent: Saturday, January 26, 2008 2:43 PM
To: Portia Babcock; John Bitney
Cc: Rowland, Mindy B (GOV)
Subject: SCR 13, HCR 15
Importance: High

Portia & John,
Just want to convey some info regarding SCR 13, HCR 15 so we can all be on the same page. Please pass this along to the Senate President and Speaker of the House.

The Department of Law has already been working on the issue. After conferring with the Assistant Attorney General in Texas in November 2007, who had drafted the multi-state amicus brief in the court of appeals, we determined that a united group of states supporting the Second Amendment argument would have a stronger impact than separate states filing individual briefs. AG Colberg plans to be a signer on the multi-state amicus brief.

Texas plans to circulate the brief to other states on about February 4 with the final due to the Supreme Court on February 11.

If I can offer any further clarification, please call or e-mail.

Thanks.
Russ

Russ Kelly
Legislative Director
Office of Governor Sarah Palin
State of Alaska
(907) 465-3999
**Please note my new e-mail address [illegible]

COMMENTARY

Second-Amendment Showdown

By MIKE COX
November 23, 2007; Page A13 Wall Street Journal

The Supreme Court has agreed to take up a case that will affect millions of Americans and could also have an impact on the 2008 elections. That case, /Parker v. D.C./ should settle the decades-old argument whether the right "to keep and bear arms" of the Constitution's Second Amendment is an individual right -- that all Americans enjoy -- or only a collective right that states may regulate freely. Legal, historical and even empirical reasons all command a decision that recognizes the Second Amendment guarantee as an individual right.

The amendment reads: "A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed." If "the right of the people" to k ep and bear arms was merely an incident of, or subordinate to, a governmental (i.e., a collective) purpose -- that of ensuring an efficient or "well regulated" militia -- it would be logical to conclude, as does the District of Columbia -- that government can outlaw the individual ownership of guns. But this collective interpretation is incorrect.

To analyze what "the right of the people" means, look elsewhere within the Bill of Rights for guidance. The First Amendment speaks of "the right of the people peaceably to assemble . . ." No one seriously argues that the right to assemble or associate with your fellow citizens is predicated on the number of citizens or the assent of a government. It is an individual right.

The Fourth Amendment says, "the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated . . . " The "people" here does not refer to a collectivity, either.

The rights guaranteed in the Bill of Right are individual. The Third and Fifth Amendments protect individual property owners; the Fourth, Fifth, Sixth and Eighth Amendments protect potential individual criminal defendants from unreasonable searches, involuntary incrimination, appearing in court without an attorney, excessive bail, and cruel and unusual punishments.

The Ninth Amendment protects individual rights not otherwise enumerated in the Bill of Rights. The 10th Amendment states, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people." Here, "the people" are separate from "the states"; thus, the Second Amendment must be about more than simply a "state" militia when it uses the term "the people."

Consider the grammar. The Second Amendment is about the right to "keep and bear arms." Before the conjunction "and" there is a right to "keep," meaning to possess. This word would be superfluous if the Second Amendment were only about bearing arms as part of the state militia. Reading these words to restrict the right to possess arms strains common rules of composition.

Colonial history and politics are also instructive. James Madison wrote the Bill of Rights to provide a political compromise between the Federalists, who favored a strong central government, and the Anti-Federalists, who feared a strong central government as an inherent danger to individual rights. In June 1789, then Rep. Madison introduced 12 amendments, a "bill of rights," to the Constitution to convince the remaining two of the original 13 colonies to ratify the document.

Madison's draft borrowed liberally from the English Bill of Rights of 1689 and Virginia's Declaration of Rights. Both granted individual rights, not collective rights. As a result, Madison proposed a bill of rights that reflected, as Stanford University historian Jack Rakove notes, his belief that the "greatest dangers to liberty would continue to arise within the states, rather than from a reconstituted national government." Accordingly, Mr. Rakove writes that "Madison justified all of these proposals (Bill of Rights) in terms of the protection they would extend to /individual /and minority rights."

One of the earliest scholars of the Constitution and the Bill of Rights, Supreme Court Justice Joseph Story, confirmed this focus on individuals in his famous "Commentaries on the Constitution of the United States" in 1833. "The right of the citizens to keep and bear arms," Story wrote, "has justly been considered, as the palladium of the liberties of republics, since it offers a strong moral check against the usurpation and arbitrary power of rulers . . ."

It is also important to consider the social context at the time of the drafting and adoption of the Bill of Rights. Our Founding Fathers lived in an era where there were arms in virtually every household. Most of America was rural or, even more accurately, frontier. The idea that in the 1780s the common man, living in the remote woods of the Allegheny Mountains of western Pennsylvania and Virginia, would depend on the indulgence of his individual state or colony -- not to mention the new federal government -- to possess and use arms in order to defend himself is ludicrous. From the Minutemen of Concord and Lexington to the irregulars at Yorktown, members of the militias marched into battle with privately-owned weapons.

Lastly, consider the empirical arguments. The three D.C. ordinances at issue are of the broadest possible nature. According to the statute, a person is not legally able to own a handgun in D.C. at all and may have a long-gun -- even in one's home -- only if it is kept unloaded and disassembled (or bound with a trigger lock). The statute was passed in 1976. What have been the results?

Illegal guns continue to be widely available in the district; criminals have easy access to guns while law-abiding citizens do not. Cathy L. Lanier, Acting Chief of Police.

Metropolitan Police Department, was quoted as follows: "Last year [2006], more than 2,600 illegal firearms were recovered in D.C., a 13% increase over 2005." Crime rose significantly after the gun ban went into effect. In the five years before the 1976 ban, the murder rate fell to 27 from 37 per 100,000. In the five years after it went into effect, the murder rate rose to 35. In fact, while murder rates have varied over time, during the 30 years since the ban, the murder rate has only once fallen below what it was in 1976.

This comports with my own personal experience. In almost 14 years as prosecutor and as head of the Homicide Unit of the Wayne County (Detroit) Prosecutor's Office, I never saw anyone charged with murder who had a license to legally carry a concealed weapon. Most people who want to possess guns are law-abiding and present no threat to others. Rather than the availability of weapons, my experience is that gun violence is driven by culture, police presence (or lack of same), and failures in the supervision of parolees and probationers.

Not only does history demonstrate that the Second Amendment is an individual right, but experience demonstrates that the broad ban on gun ownership in the District of Columbia has led to precisely the opposite effect from what was intended. For legal and historical reasons, and for the safety of the residents of our nation's capital, the Supreme Court should affirm an individual right to keep and bear arms.

Mr. Cox is the attorney general of Michigan.

WebMemo

Published by The Heritage Foundation

No. 1775
January 18, 2008

The Federal Government's Brief in the D.C. Gun Ban Case: A Glass That Is More Than Half Full

Todd Gaziano and Andrew M. Grossman

Although some thoughtful lovers of liberty have lamented the half-empty aspects of the U.S. Solicitor General's recently-filed brief in the D.C. gun ban case (*District of Columbia v. Heller*), the portion that is full is legally far more significant in securing Second Amendment rights in the arena that counts most: the Supreme Court. On careful analysis, the brief's departures from sound principle are internally inconsistent and otherwise not particularly effective. Americans should recognize the importance of the government's concessions to individual liberty and ignore its predictable, bureaucratic attempt to defend existing federal laws. That is what the High Court is most likely to do.

Reason to Rejoice. It is no minor event when the national government clearly and forcefully admits to the highest court in the land that Americans enjoy a constitutional right that has been hotly debated for years, especially when that constitutional right is a limit on the government's own power. That is what the Department of Justice's chief litigator did in a brief filed last week in the Supreme Court case testing the constitutionality of the Washington, D.C., gun ban.

D.C.'s gun ban may be the strictest in the country. The city has banned the registration, and thus the possession, of handguns by private citizens and forbidden its citizens from maintaining any long gun (ordinary rifles or shotguns) in a state of readiness for self-defense in their homes. As the D.C. Circuit Court put it, under the ban, not even a law-abiding citizen may own a weapon "that could be readily accessible to be used effectively when necessary for self-defense in the home."[1]

The original plaintiffs in the case sought only to enforce the right to posses and maintain such working guns in their homes. Among them were an anti-drug activist who had received threats from drug gangs and a security guard who could lawfully use a gun at work protecting the federal judiciary but not at home. In response, D.C. government officials tried to assert their power to prosecute anyone who dared keep a gun in his or her home for self-defense.

If the Second Amendment gives individual Americans a right "to keep and bear arms" that "shall not be infringed," D.C.'s gun ban surely violates that right. Last March, the D.C. Circuit Court held that the Second Amendment does confer that *individual* right, and it then logically concluded that a near-complete ban like the District's was unconstitutional.[2]

The Federal Government's Conflict. No one knew exactly how the federal government would respond when the case was accepted by the Supreme Court. Though one influential office of the Bush Justice Department had earlier opined that the Second Amendment protects an individual right (rather than a mere militia power),[3] the govern-

This paper, in its entirety, can be found at:
www.heritage.org/Research/LegalIssues/wm1775.cfm

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ment, no matter what political party controls it, faces very strong incentives to protect its own power. In addition, the U.S. Justice Department has a traditional obligation to try to defend existing federal laws whenever a reasonable argument can be made to support them, and there are a number of federal gun laws that the department would feel duty-bound to preserve.

Those who understood the department's dual obligations—to defend the Constitution and also to preserve federal power and federal statutes where possible—knew that some attempt at baby-splitting was likely. Serious originalists are correct that the government's brief erred in the line it tried to draw and went unreasonably far in its attempt to preserve government power, but what the government concedes is far more important. And like the original solution proposed by King Solomon, the Solicitor General's solution so threatens the viability of the individual right that it will be quickly rejected by anyone who cherishes such rights.

What the Solicitor General Concedes. The Solicitor General's brief[4] states the government's position in no uncertain terms. The Second Amendment, it says, "protects an individual right to possess firearms unrelated to militia operations."[4] As the brief explains, this right is apparent in the amendment's plain text, its location in the Bill of Rights, and historical practices at the time of its drafting.

Americans of all stripes know that this has been the central issue underlying the Second Amendment for decades. The competing school of thought was that the Second Amendment only protected "militia rights," which in turn were wholly subject to government regulation. The U.S. government sided with the decisive weight of recent scholarly research and the more recent court cases that have seriously examined the constitutional question. That trifecta (government, scholarly, and court opinion) is going to be hard for the Supreme Court to ignore.

In the law and in everyday experience, statements by any party that are against that party's interests are treated as especially reliable and, in most instances, particularly powerful. Thus, the federal government's "admission against interest" that the Second Amendment protects an individual right is likely to have a striking impact in the Supreme Court chambers.

Splitting the Baby. Given the government's obligation to try to save as many federal gun statutes as possible, it is not surprising that the brief also urges the Supreme Court to limit the same individual right it asks the court to recognize. Because other liberties in the Bill of Rights, such as the right to speak freely, are subjected to "well-recognized exceptions"—shouting "fire" in a theater, for example—the brief reasons that the Second Amendment right to bear arms does not apply at all to certain individuals, broad classes of arms, and a wide variety of situations.[5] Under the Solicitor General's theory, the government would have broad discretion to carve out exceptions, with a very deferential judicial review.

In contrast to "statements *against* interest," positions that promote a party's interests in court are treated as mere "litigation positions" that are only as persuasive as the logic behind them. There are many reasons why the Solicitor General's baby splitting will be seen for what it is and rejected.

First, the Solicitor General's arguments about how much deference the courts should pay to the government's attempts to regulate or limit Second Amendment rights is out of line with established law and precedent. The executive branch is entitled to deference by the courts in its interpretations of the scope of federal statutes and regulations, partic-

1. *Parker v. District of Columbia*, 487 F.3d 370, 374 (D.C. Circuit 2007).
2. *Id.* at 395.
3. Memorandum from Office of Legal Counsel, U.S. Department of Justice, to the Attorney General on Whether the Second Amendment Secures an Individual Right, *available at* http://www.usdoj.gov/olc/secondamendment2.pdf.
4. Brief of the United States as amicus curiae in District of Columbia v. Heller, No. 07-290 (submitted January 2008), *available at* http://www.scotusblog.com/wp/wp-content/uploads/2008/01/us-heller-brief-1-11-08.pdf.
5. *Id.* at 20-21.

ularly when the statues and regulations are authorized by some admitted power granted to the government.[6] But the government is entitled to no particular deference (and, in some cases, particular suspicion) when it interprets the contours of individuals' fundamental rights against the government. For obvious reasons, the government should not get much deference when it claims the power to limit our individual rights.

Indeed, any lawyer and any non-activist judge knows that once an individual right analogous to the right to free speech or the right to vote is recognized, an enormous body of settled law is applied to its protection. As the Supreme Court has held again and again, the government needs to have exceedingly good reasons to infringe on an individual right, and it may only do so in the most circumscribed ways. Laws that abridge analogous fundamental rights must stand up to "strict scrutiny," among courts' most challenging levels of review, and are upheld only when the government has compelling interests and acts solely to further those interests. This is very different from the kind of review that the government proposes.

In practice, the courts approve very few regulations under this exacting review. The exceptions to analogous individual liberties, such as the right of free speech protected by the First Amendment or the right to vote protected by the Fourteenth and Fifteenth Amendments, are exceedingly rare. Convicted felons may forfeit their right to vote, and under a similar analysis, convicted felons may forfeit their right to possess firearms. A reasonable voter registration law protects the law-abiding voter, and reasonable criminal background checks may be lawful to prevent felons from obtaining guns. But large classes of law-abiding citizens cannot be denied their right to vote, to speak freely, or to exercise their religious freedom based on some flimsy government "interest." Literacy tests and grandfather clauses are seen for what they are and are struck down if they unreasonably interfere with the right to vote.

In sum, the very narrow exceptions to the freedom of speech, the vote, and the practice of one's religion prove the opposite of what the Solicitor General cites them for.

Second, the substantive arguments the Solicitor General advances are terribly flimsy. One argument is that not all hand-held guns are "arms" subject to Second Amendment protection. The brief offers no support, in the constitutional text or elsewhere, for this proposition. Tanks are indeed not arms; cannons are not arms. But all guns are "arms" within the original meaning of the Second Amendment. Any reasonable judge understands that if the government can come up with an artificial definition for "arms," it can do likewise for "speech," "vote," "religion," etc. That there may be a few hard questions about what is a protected arm (and there likely will be) does not undermine the conclusion that common handguns, rifles, and shotguns are "arms" protected by the Second Amendment.

The Solicitor General's next argument is that the amendment refers to a "well regulated militia" and that early laws on militias (which were more like today's army than any present militia group) described the weapons that soldiers should wield.[7] Because Congress could regulate the weapons used by what was essentially the national army in 1792, argues the government, Congress today should be able to prescribe what guns American citizens are able to own. This is a non-sequitur. That the government can regulate the guns used by the military (or the militia when it is in government service) has nothing to do with the individual right to own personal weapons. The government can make rules for military conduct, but it does not follow that it can dictate religious codes that soldiers and civilians alike must follow.

Moreover, this strained argument regarding a "well regulated militia" flatly contradicts the Solicitor General's earlier and more straightforward contention that the "militia" clause "does not limit the substantive right that the [Second] Amendment secures."[8] If one of these contradictory positions is to be rejected, this is the one that will be jettisoned.

6 *See, e.g., Chevron U.S.A. Inc. v. Natural Resources Defense Council, Inc.*, 467 U.S. 837 (1984).

7 Brief of the United States as amicus curiae in District of Columbia, *supra* n. 4, at 22-23.

8 *Id.* at 14-19.

This part of the Solicitor General's brief probably will not receive much attention for another important reason. The federal statutes it is trying to preserve and the hypotheticals it raises just aren't at issue in the case before the Court. D.C.'s gun ban violates any reasonable conception of a right "to keep and bear arms." The High Court has no reason to decide the exact contours of the right in order to uphold the lower court decision. The lower court simply decided that the denial of a right to possess virtually any gun in a citizen's home is unconstitutional. Going beyond that narrow holding would be dicta, and responsible judges know they are not supposed to issue advisory opinions.

Conclusion. For constitutionalists and gun-rights advocates, the Solicitor General's brief is a big victory. It got the big question, the one that matters, right: Americans do have a right to keep and bear arms. Though the details of how the Solicitor General would like to apply that right are disappointing, the Supreme Court will likely accord that part of the brief the weight it is due: none.

—Todd Gaziano is Director of, and Andrew M. Grossman is Senior Legal Policy Analyst in, the Center for Legal and Judicial Studies at The Heritage Foundation.

A Little Gun History Lesson.

In 1929, the Soviet Union established gun control. From 1929 to 1953, about 20 million dissidents, unable to defend themselves, were rounded up and exterminated.

In 1911, Turkey established gun control. From 1915 to 1917, 1.5 million Armenians, unable to defend themselves, were rounded up and exterminated.

Germany established gun control in 1938 and from 1939 to 1945, a total of 13 million Jews and others who were unable to defend themselves were rounded up and exterminated.

China established gun control in 1935. From 1948 to 1952, 20 million political dissidents, unable to defend themselves, were rounded up and exterminated.

Guatemala established gun control in 1964. From 1964 to 1981, 100,000 Mayan Indians, unable to defend themselves, were rounded up and exterminated.

Uganda established gun control in 1970. From 1971 to 1979, 300,000 Christians, unable to defend themselves, were rounded up and exterminated.

Cambodia established gun control in 1956. From 1975 to 1977, one million 'educated' people, unable to defend themselves, were rounded up and exterminated.

Defenseless people rounded up and exterminated in the 20th Century because of gun control: 56 million.

It has now been 12 months since gun owners in Australia were forced by new law to surrender 640,381 personal firearms to be destroyed by their own government, a program costing Australia taxpayers more than $500 million dollars. The first year results are now in:

Australia-wide, homicides are up 3.2 percent
Australia-wide, assaults are up 8.6 percent
Australia-wide, armed robberies are up 44 percent (yes, 44%)!

In the state of Victoria alone, homicides with firearms are now up 300 percent. Note that while the law-abiding citizens turned them in, the criminals did not, and criminals still possess their guns!

It will never happen here? I bet the Aussies said that too!

While figures over the previous 25 years showed a steady decrease in armed robbery with firearms, this has changed drastically upward in the past 12 months, since criminals now are guaranteed that their prey is unarmed.

There has also been a dramatic increase in break-ins and assaults of the ELDERLY. Australian politicians are at a loss to explain how public safety has decreased, after such monumental effort and expense was expended in successfully ridding Australian society of guns. The Australian experience and the other historical facts above prove it.

You won't see this data on the US evening news, or hear politicians disseminating this information.

Guns in the hands of honest citizens save lives and property and, yes, gun-control laws adversely affect only the law-abiding citizens.

Take note my fellow Americans, before it's too late!

The next time someone talks in favor of gun control, please remind him of this history lesson.

With Guns.....We Are "Citizens".
Without Them.....We Are "Subjects".

During W.W.II the Japanese decided not to invade America because they knew most Americans were ARMED!

Note: Admiral Yamamoto who crafted the attack on Peal Harbor had attended Harvard U 1919-1921 & was Naval Attaché to the U. S. 1925-28. Most of our Navy was destroyed at Pearl Harbor & our Army had been deprived of funding & was ill prepared to defend the country.

It was reported that when asked why Japan did not follow up the Pearl Harbor attack with an invasion of the U. S. Mainland, his reply was that he had lived in the U.S. & knew that almost all households had guns.

Hawaii Reporter
Freedom to Report Real News

U.S. Supreme Court Set To Decide Pure Gun Right Case

By Dave Workman, 12/28/2007 9:12:12 AM

Within minutes of the announcement by the Supreme Court on Nov. 20 that it will hear the appeal in the case of District of Columbia v. Heller -- the case that could provide a landmark ruling that defines the Second Amendment as an individual right -- the Brady Campaign to Prevent Gun Violence sent out an urgent appeal for $50,000 in contributions.

The money, said the Brady Campaign, would go directly to the Brady Gun Law Defense Fund, "to protect America's gun laws."

"If the Supreme Court does not reverse the federal appeals court decision," the appeal lamented, "gun laws everywhere could be at risk."

The collective ho-hum reaction from the firearms civil rights community to the alarmist appeal was pretty much, "So, what's your point?"

Gun rights leaders at the National Rifle Association (NRA) and Second Amendment Foundation (SAF) are encouraged that the Heller case -- renamed from Parker v. District of Columbia when only one of the original plaintiffs, Dick Heller, was given standing by the court -- will provide a watershed decision in the middle of the 2008 presidential and congressional campaign season. It will put gun rights at center stage and make the right to keep and bear arms perhaps the critical issue as the nation elects a new president and new Congress.

Both sides are nervous, but NRA Executive Vice President Wayne LaPierre and SAF founder Alan Gottlieb are, perhaps, considerably more confident of a favorable outcome than the gun control lobby.

LaPierre told Gun Week that he believes the high court ruling, due out next June after a scheduled March hearing and oral arguments, "will put the entire ruling political class in this country on the spot."

"The American public will not be denied this freedom," he stated. "Forty-four states have an individual right written into their state constitutions. If the Supreme Court, by some torturous measure, delivers some government right interpretation, we would immediately look to the states to call a constitutional convention.

"The Second Amendment is self-evident," LaPierre continued. "The American public knows it's about human worth, self-destiny and freedom."

He acknowledged that an affirmative ruling that upholds the individual right to keep and bear arms will not put the gun control lobby out of business, but added, "They certainly won't be able to argue that it's not an individual right under constitution anymore."

Gottlieb was equally confident of the eventual outcome.

"We are confident that the high court will rule that the Second Amendment affirms and protects an individual civil right to keep and bear arms," Gottlieb said. "Previous Supreme Court rulings dating back more than a century have consistently referred to the Second Amendment as protective of an individual right, but the case of District of Columbia v. Heller focuses on that issue, and we expect the court to settle the issue once and for all."

Gottlieb suggested that the Heller ruling might be very narrow in its scope, only holding that the Washington,

DC, gun ban is unconstitutional because it does not allow someone to have a working handgun in their home. Still, he said, such a ruling would be a "building block" upon which other gun rights cases can be mounted.

"An affirmative ruling by the Supreme Court will probably not be the death knell for the extremist citizen disarmament movement," Gottlieb said, "but it will properly cripple their campaign to destroy an important civil right, the one that protects all of our other rights. The insidious effort to strip American citizens of their firearms rights, while at the same time permanently harming public safety must end.

"The Washington, DC, gun ban has been a monumental failure and the crime statistics prove that," he observed. "For almost 70 years, gun banners have deliberately misinterpreted and misrepresented the high court's language in the U.S. v. Miller ruling in 1939. It is long past the time that this important issue be put to rest, and the Heller case will provide the court with that opportunity."

Attorney Alan Gura, one of the trio of lawyers representing the plaintiff, confirmed to Gun Week that he will present the arguments before the high court. It will be his first appearance before the nine-member panel, and he is looking forward to presenting his case.

"We're going to establish once and for all that the Second Amendment means what it says," Gura stated. "It is the beginning of the end for the collectivist nonsense."

He was alluding to the argument that the Second Amendment only protects a so-called "collectivist right" of the states to form militias. This interpretation has become popular with gun control activists who base their beliefs on the 1939 Supreme Court ruling in U.S. v. Miller.

Gottlieb's prediction about a narrow ruling could be well-founded, considering the narrow scope of the question the court agreed to consider. In announcing that it would accept the appeal, the court said:

"The petition for a writ of certiorari is granted limited to th following question: Whether the following provisions, D.C. Code §§ 7-2502.02(a)(4), 22-4504(a), and 7-2507.02, violate the Second Amendment rights of individuals who are not affiliated with any state-regulated militia, but who wish to keep handguns and other firearms for private use in their homes?"

However, experts and armchair analysts immediately began trying to determine whether the court already sent a signal of sorts how it will decide this case because this carefully-worded question appears to suggest that the court already considers the Second Amendment protective of an individual right. The question the justices will consider suggests further that they will only look at whether the District's handgun ban violates this individual right if someone is not part of a militia.

The March federal appeals court ruling that led to this constitutional confrontation was written by District of Columbia Appeals Court Senior Judge Laurence Silberman. In his ruling, which holds that the Amendment protects an individual right beyond service in a militia, Silberman noted that the right to keep and bear arms is subject to "reasonable" regulation. That might include licensing and/or registration, but could not include a ban.

But upholding an individual right interpretation is really what the gun rights community is looking for, as it would provide a launching pad for striking down similar bans in Chicago, IL, and several surrounding communities.

Gura has previously suggested to Gun Week that this would be the likely scenario if the District gun ban is struck down. It marks the first case in history in which a gun law has been declared unconstitutional on Second Amendment grounds by a federal court. The Silverman ruling sent a shock wave through the gun control lobby, causing something of a crisis for gun control activists who, while having long contended that they support private gun ownership, suddenly began loudly arguing that Silberman's ruling tried to undo the historic precedent established by the Miller ruling.

Gottlieb, LaPierre and others have consistently contended that the anti-gun lobby has deliberately misrepresented the 1939 Miller ruling for many years.

Perhaps the best summation on that subject came from Lawrence G. Keane, senior vice president and general counsel for the National Shooting Sports Foundation.

"The firearms industry looks forward to the Supreme Court putting to rest the specious argument that the Second Amendment is not an individual right," said Keane. "This intellectually bankrupt and feeble argument has been used by gun control advocates to justify laws and regulations that deny Americans their civil right to own and lawfully use firearms for protection, hunting, sports shooting and other lawful purposes."

Dave Workman is the Senior Editor of GunWeek Magazine.

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