

Testimony in Opposition to
S.B. 347, S.B. 700
S.B. 699, S.B. 796

I am a United States Naval veteran. I honorably served my country under oath to defend the constitution against all enemies both foreign and domestic. It is my understanding that the members of this senate committee have taken similar oaths.

With that understanding I wish to remind this body that the second amendment reads as follows;

“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 .

The definition of the word “infringe” according to Websters dictionary, is as follows:

Infringe

v. t. 1. To break; to violate; to transgress; to neglect to fulfill or obey; as, to infringe a law, right, or contract.

[imp. & p. p. Infringed ; p. pr. & vb. n. Infringing .]

Given the brevity of the second amendment, “all of one sentence”, What would constitute an infringement should not be difficult to identify.

Nowhere in that one sentence is any reference made to restrictions on caliber, capacity, or function of said arms, thus I fail to understand why the bills before this committee could have even been drafted , let alone been given serious consideration at all.

The term “domestic enemy”, Could no doubt be debated at substantial length, however, It should suffice to say that any conscious attempt to subvert the Constitution by any means, IE; legislative, administrative or even judicial could logically be considered a hostile act of aggression towards the constitution, and thus, those individuals engaged in such attempts at such subversion could more than reasonably be considered, “domestic enemies” to the constitution or any portion thereof.

In a recent article published by “Imprimis” a publication of Hillsdale College;

Edward J. Erlar, a professor of political science at California state University, San Bernadino wrote the following :

Arms and Sovereignty

The Preamble to the Constitution stipulates that “We the people . . . do ordain and establish this Constitution for the United States.” It is important to note that the people establish the Constitution; the Constitution does not establish the people. When, then, did “we the people” become a people? Clearly Americans became a people upon the adoption of its first principles of government in the Declaration of Independence, which describes the people both in their political capacity, as “one people,” and in their moral capacity, as a “good people.” In establishing the Constitution, then, the people executed a second contract, this time with government. In this contract, the people delegate power to the government to be exercised for their benefit. But the Declaration specifies that only the “just powers” are delegated. The government is to be a limited government, confined to the exercise of those powers that are fairly inferred from the specific grant of powers.

Furthermore, the Declaration specifies that when government becomes destructive of the ends for which it is established—the “Safety and Happiness” of the people—then “it is the Right of the People to alter or to abolish it, and to institute new Government.” This is what has become known as the right of revolution, an essential ingredient of the social compact and a right which is always reserved to the people. The people can never cede or delegate this ultimate expression of sovereign power. Thus, in a very important sense, the right of revolution (or even its threat) is the right that guarantees every other right. And if the people have this right as an indefeasible aspect of their sovereignty, then, by necessity, the people also have a right to the MEANS to revolution. Only an armed people are a sovereign people, and only an armed people are a free people—the people are indeed a militia.

The Declaration also contains an important prudential lesson with respect to the right to revolution: “Prudence . . . will dictate,” it cautions, “that Governments long established should not be changed for light and transient causes.” It is only after “a long train of abuses and usurpation's pursuing invariably the same Object,” and when that object “evinces a design to reduce [the People] to absolute Despotism,” that “it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.” Here the Declaration identifies the right of revolution, not only as a right of the people, but as a duty as well—indeed, it is the only duty mentioned in the Declaration.

The prudential lessons of the Declaration are no less important than its assertion of natural rights. The prospect of the dissolution of government is almost too horrible to contemplate, and must be approached with the utmost circumspection. As long as the courts are operating, free and fair elections are proceeding, and the ordinary processes of government hold out the prospect that whatever momentary inconveniences or dislocations the people experience can be corrected, then they do not represent a long train of abuses and usurpation's and should be tolerated. But we cannot remind ourselves too often of the oft-repeated refrain of the Founders: Rights and liberties are best secured when there is a “frequent recurrence to first principles.”

In conclusion; I would briefly touch on the recent tragedies that have so galvanized this political debate.

While the tragedy of the loss of innocent life at the hands of deranged mad men is painfully obvious, what seems to be less obvious to some elements of our government and society is the compounding of these tragedies by the knowledge that these events could have been minimized or completely avoided by the presence of one reasonably trained, armed citizen responding to these attacks with equal or greater force.

The children in Newtown Connecticut did not have to die.

I , as a father, am angered beyond words by the absolute senseless, unnecessary loss of any child that could have easily been protected by a responsible faculty member or parent with a simple handgun and one well placed shot.

The notion that our government would restrict our personal freedoms even further than they already have “ unconstitutionally” , thus further hindering our ability to defend our families , and neighbors Infuriates me.

As a result;

I no longer recognize any state or federal authority that presumes to exceed its constitutional parameters by any restriction of my natural right to self defense.