

Submitter: Nina Lambert
On Behalf Of: Self
Committee: House Committee On Judiciary
Measure, Appointment or Topic: HB3075

Testimony on the 2nd Amendment and State Overreach

Honorable Members of the Committee,

I stand before you today to assert the foundational principle that the Second Amendment of the United States Constitution guarantees an unalienable right for every legal citizen to bear arms. This right is not granted by the state but is enshrined in our federal law, and any attempt by individual states to infringe upon or limit this right is not only unconstitutional but also unlawful under federal law.

The Second Amendment clearly states: "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." This language is unambiguous: it is the people who hold the right to bear arms, and this right cannot be restricted or abridged by any entity, be it local, state, or federal. The words "shall not be infringed" are a powerful statement of the absolute nature of this right.

While the Constitution permits certain federal regulations, it does not empower states to impose undue restrictions on the exercise of this right. The concept of "infringement" is crucial here. Any law, policy, or regulation at the state level that unduly restricts or limits a citizen's ability to bear arms directly contradicts the Second Amendment and violates the principles of liberty that this nation was built upon. It is not for a state to grant or deny permission to a citizen to exercise a constitutional right; the right is inherent and cannot be conditioned on state approval.

The Supreme Court has consistently affirmed that the Second Amendment protects an individual's right to keep and bear arms, irrespective of state-level limitations. Decisions like *District of Columbia v. Heller* (2008) and *McDonald v. Chicago* (2010) have made it abundantly clear that the Second Amendment applies to both federal and state governments through the Fourteenth Amendment's incorporation doctrine. These rulings underscore the principle that the right to bear arms is fundamental and cannot be undermined by any form of state overreach.

The Constitution was designed to create a balance of powers, with the federal government ensuring that citizens' rights are protected across all states. If individual states were allowed to impose arbitrary or excessive restrictions on gun ownership, it would create a patchwork of laws that undermine the universal rights of all Americans, contrary to the intent of the Constitution.

In conclusion, the Second Amendment guarantees the right of every legal citizen to bear arms. This right is not contingent upon state permission, and any state-level infringement on this right is illegal under federal law. We must respect and uphold the Constitution as the supreme law of the land, ensuring that the fundamental rights of all citizens are protected without interference from state governments.

Thank you for your attention.