

Hello,

My name is Jason Ference.

I will quickly touch on some of this upcoming legislation.

Statewide gun registration for all firearms...the criminals won't ever register their guns....

A re-registration every 2 years with fees... we already pay high enough taxes, do we need to be taxed on holding too the second amendment as well?

Limiting how much ammo that we can purchase and possess and the registration of ammo? This is unheard of.

Mandatory gun storage laws.....that was struck down in the Heller decision.....

All these legislative actions are infringing on our rights and citizens of the United States.

Here is

the 2nd Amendment, which is simple really: "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." From history and debate, we know that militia was made up of the people, and was the reason they had just won their independence. So we are talking about the right of people to keep and bear arms which shall not be infringed. Infringed means "an act so as to limit or undermine something." So basically, gun ownership should not be limited or undermined.

Currently, some politicians are just pretending that the recent emotional events, which shook us all - gun owners and gun haters alike - are reason enough to toss aside the values this country was founded upon. Without an amendment allowing for infringement, that is, limits or undermining, of the people's right to bear arms, those rights cannot be infringed. It is simple logic.

No more needs to be said to battle this faulty thinking of certain politicians.,the fact that there are currently gun ownership limits is also, yes, unconstitutional, based on a straightforward, non-twisted reading of the 2nd amendment. And the recent Heller Supreme Court case basically agreed:

(The following is from FindLaw.com)

However, the Supreme Court has now definitively held that the Second Amendment protects an individual's right to possess a firearm unconnected with service in a militia, and to use that weapon for traditionally lawful purposes, such as self-defense within the home. Moreover, this right applies not just to the federal government, but to states and municipalities as well.

In Heller, the Court held that (1) the District of Columbia's total ban on handgun possession in the home amounted to a prohibition on an entire class of "arms" that Americans overwhelmingly chose for the lawful purpose of self-defense, and thus violated the Second Amendment; and (2) the District's requirement that any lawful firearm in the home be disassembled or bound by a trigger lock also violated the Second Amendment, because the law made it impossible for citizens to use arms for the core lawful purpose of self-defense.

The Court reasoned that the Amendment's prefatory clause, i.e., "[a] well regulated Militia, being necessary to the security of a free State," announced the Amendment's purpose, but did not limit or expand the scope of the operative clause, i.e., "the right of the people to keep and bear Arms, shall not be infringed." Moreover, the prefatory clause's history comported with the Court's interpretation, because the prefatory clause stemmed from the Anti-Federalists' concern that the federal government would disarm the people in order to disable the citizens' militia, enabling a politicized standing army or a select militia to rule.

Further, the Court distinguished *United States v. Miller*, http://constitution.findlaw.com/amendment2/amendment.html#_ftn4 in which the Court upheld a statute requiring registration under the National Firearms Act of sawed-off shotguns, on the ground that *Miller* limited the type of weapon to which the Second Amendment right applied to those in common use for lawful purposes.

(*And unfortunately, based on a strict interpretation of the amendment, this is a bit of a reach. The problem becomes, what is a "common gun" used for lawful purposes? Surely one could argue that rifles, no matter what derogatory word is placed before the word rifle, are commonly used for protection. Just as the young boy who protected his little sister -- story from Humanevents.com ---

The teenage son of a Harris County Precinct 1 deputy shot a home intruder Tuesday afternoon in the 2600 block of Royal Place in northwest Harris County, deputies said.

The 15-year-old boy and his 12-year-old sister had been home alone in the Mount Royal Village subdivision when around 2:30 p.m. a pair of burglars tried the front and back doors, then broke a back window.

The teenager grabbed his father's assault rifle and knew what to do with it.

"We don't try to hide things from our children in law enforcement," Lt. Jeffrey Stauber said. "That young boy was protecting his sister. He was in fear for his life and her life.")

In *McDonald v. Chicago*,⁵ http://constitution.findlaw.com/amendment2/amendment.html#_ftn5 the Court struck down laws enacted by Chicago and the village of Oak Park effectively banning handgun possession by almost all private citizens, holding that the (Fourteenth Amendment) <http://constitution.findlaw.com/amendment14/amendment.html> incorporated the Second Amendment right, recognized in *Heller*, to keep and bear arms for the purpose of self-defense.

AND HERE'S THE KEY:

The Court reasoned that this right is fundamental to the nation's scheme of ordered liberty, given that self-defense was a basic right recognized by many legal systems from ancient times to the present, and *Heller* held that individual self-defense was "the central component" of the Second Amendment right. Moreover, a survey of the contemporaneous history also demonstrated clearly that the Fourteenth Amendment's Framers and ratifiers counted the right to keep and bear arms among those fundamental rights necessary to the Nation's system of ordered liberty.

The point is the 2nd Amendment is there to allow us to protect ourselves and our family from any threat to our property and/or safety. Its has worked for over 200 years, lets not try to change it. Banning "high capacity" magazines, banning "scary looking" firearms will not stop violence from happening in the world unfortunately. Bad people will do bad things, there is no stopping that but, lets not hurt the law abiding citizens with incompetent laws, that help the criminals. Lets face it, the criminal element in society will not abide by these laws....they are criminals.

Look at Chicago for example, they have the strictest gun laws in the nation. There is no right to carry in Chicago and they have one of the highest crime and murder rates in the United States. Strict gun laws do not work! The criminals in Chicago know that the law abiding do not have firearms to protect themselves resulting in one of the scariest places to live in the United States.

How about we enforce the penalties on the ones who hurt and kill and rape the innocent and not let them go with a slap on the wrist. Banning or limiting magazine capacity only hurts my ability to keep my family safe. The criminal will still load their 30 or more bullets in their illegally gotten magazine to do their damage. Making "assault" rifles illegal only takes them out of the hands of people like the young boy described above who helped defend his little sister at home, while doing nothing to take them away from sick people who would never have followed the law anyway because they have people to hurt.

It is time to realize that the people are not all for giving up their rights incrementally, little by little, drip by drip, day by day

Thank You for your time,

Jason Ference.