

Testimony of William Boylan to the CT General Assembly Task Force On Gun Violence Prevention And Children's Safety

Ladies and gentlemen,

28Jan2013

First, let me remind everyone that the elected official and the public servant are the *servants* of the People, not their masters.

There is a contract between the People and the government. That contract consists of the United States and Connecticut constitutions. These are the Supreme law of the land and a restriction on the powers of government, not on the rights and powers of the people. All government power is derived *from* the people.

Sec. 15 of the Connecticut Constitution states, "Every citizen has a right to bear arms in defense of himself and the state." This is clear and unambiguous. It identifies the "who", "every citizen", the "what", "a right to bear arms" and the "why", "in defense of themselves and the state".

The Second Amendment states, "A well regulated militia, being necessary for the security of a free state, the right of the People to keep and bear arms, shall not be infringed." Because of the evolution of language and *dismal* failure of our education system, this requires explanation.

The Second Amendment is two fold. The first "what", "A well regulated militia," refers both to a right *and* a responsibility of the People. What is the militia? To answer that, it is necessary to look at the writings of those who drafted, debated and ratified the Bill of Rights.

George Mason said, "I ask, sir, what is the militia? It is the whole people, except for a few public officials." 1)

James Madison said, "A well regulated militia, composed of the body of the people, trained to arms, is the best and most natural defense of a free country ..." 2)

These are just two examples of the Founder's statements regarding the militia. It is clear that the militia is the whole body of the people.

What is the meaning of "well regulated", the "how"? "Regulated" has more than one meaning and among them is: "To adjust for accurate and proper functioning, *as a clock is regulated.*"

The context of "regulated" in this phrase clearly does **not** mean that the militia is to be burdened by cumbersome rules or regulations promulgated by a legislature!

The "why", "being necessary for the security of a free state", is unambiguous.

So what is the necessity; we have the most powerful military in the world? The total length of our borders that could potentially need to be defended and held is near 20,000 miles! 3) It is

impossible for our armies alone to defend every mile through which the country could be invaded.

Japanese admiral, Yamamoto, is purported to have said, "It would be impossible to invade the American mainland because you would find a rifleman behind every blade of grass." The mere presence of a well armed civilian militia *is* a deterrent to invasion.

The "who", "the people" means just that; the People, us. The same as it means in the first, fourth and tenth amendments.

The second "what", "the right . . . , to keep and bear arms shall not be infringed" is also clear and unambiguous.

The purpose of the second amendment and the militia is not limited to personal defense or defense of a free state. Its purpose and meaning can be summarized by the words of Thomas Jefferson, "And what country can preserve its liberties, if its rulers are not warned from time to time that this people preserve the spirit of resistance? Let them take arms.... The tree of liberty must be refreshed from time to time, with the blood of patriots and tyrants." 4)

Believe me; this body of the People, the modern day militia, *does* preserve the spirit of resistance, as being demonstrated by our presence here, today.

There are those who think that times have changed and the Supreme law of the land is no longer valid and can simply be disregarded and there are no "absolutes". They are mistaken or, in a lust for power, are lying in an attempt to capitalize on the ignorance of the general public. Ignorance can be cured, but it requires the cooperation of the patient!

Liberal Supreme Court Justice Hugo Black, stated, "There are 'absolutes' in our Bill of Rights, and they were put there on purpose by men who knew what words meant and meant their prohibitions to be 'absolutes.'" 5)

The Founder's brilliance is seen in the mechanism for change built into the Constitution. It was deliberately intended to be cumbersome, but it is possible.

Justice Black also wrote, "Our business is not to write laws to fit the day. Our task is to interpret the Constitution," 6) I submit to you that, as it is the job of the courts to interpret the Constitution, it is the *duty* of the legislatures to *follow* the Constitution and not to twist it to fit the passions of the day.

Until such time as the Supreme law of the land is changed through the legislative and ratification process, it is *your duty* to uphold and follow the law. **Anyone failing to do so is unfit for office!**

None of the current legislation proposed under the guise of "protecting children" and preventing "gun violence" will do *anything* to make *anyone* safer, except criminals. According to a report issued by the Justice Department, Americans use firearms to defend themselves 1.5 million times per year. 7)

All these proposals are an infringement of the unalienable rights of the People, endowed upon them by the Creator, serving only to make them less safe. Some proposals, such as Senator Meyer's bill to ban everything except single shot firearms, are down right kooky! Those who propose and vote for such a thing reveal their lack of qualification for the privilege of holding office.

The problem is not guns. Being inanimate, they are no more violent than baseball bats. The problem is the evil that lurks in the hearts and minds of evil Men, a mental health system that fails to assist the mentally ill and protect the public, a criminal element with no fear of prosecution, respect for the rule of law or civil behavior, a failure of parents to parent and a society that removed God from its schools and the public square. These, among others, are the issues that need to be addressed, not the lawful private ownership of firearms by *peaceable* Citizens.

I urge you, legislator and citizen alike, to get out your history books and read. Read for yourselves the writing of Winston Churchill, Oliver North and other historians. Read the Federalist Papers and other writings of our Founders. Learn from our history. It is the best way to assure that it does not repeat itself.

Thank you.

Foot notes:

- 1) 16Jun1788, in Debates in Virginia Convention on Ratification of the Constitution, Elliot, Vol. 3
- 2) 8Jun1789, at page 434, Vol. I Annals of Congress
- 3) <http://www.infoplease.com/ipa/A0001801.html>,
http://wiki.answers.com/Q/How_long_is_the_Mexican_border
http://wiki.answers.com/Q/How_long_is_the_US-Canadian_border
- 4) letter to William S. Smith in 1787, (Jefferson, On Democracy 20, S. Padover ed., 1939)
- 5) (<http://criminology.fsu.edu/faculty/gertz/hugoblack.htm>)
- 6) U.S. News & World Report, volume 63 (1967), page 38
- 7) National Criminal Justice Reference Service, a division of the U.S. Justice Department, May of 1997, <https://www.ncjrs.gov/textfiles/165476.txt>

Further definitions:

1. Infringe - To transgress or exceed the limits of; violate: *infringe a contract; infringe a patent.*
2. Necessary - Absolutely essential. See Synonyms at [indispensable](#).
Needed to achieve a certain result or effect; requisite: *the necessary tools.*

3. Unalienable - Not to be separated, given away, or taken away