

Guns and Roses, Hardly – The Second Amendment

“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” – although the Second Amendment is one of the shortest amendments to the US Constitution, it is certainly one of the most debated. The amendment was ratified 12/15/1791 - our founders felt it was a fundamental constitutional right that citizens should be able to protect themselves against the government or any other threat to their well-being and/or freedom.

Legislation and court decisions around the Second Amendment, issues of gun possession and control, are unrelenting. Many feel the language of the amendment itself has created debate concerning its scope. A few major Federal examples:

- 1934 - Gun control legislation passed that imposed taxes on firearms manufacturing and selling
- 1968 – In response to political assassinations in the US, gun licensing requirements were imposed
- 1986 – The Firearms Owner Protection Act weakened the 1968 act
- 1993 – The Handgun Violence Prevention Act (the Brady Law, as we know it) amended the Gun Control Act of 1968. This Act was an interim measure imposing a waiting period of five days before a licensed entity could sell, deliver, or transfer a handgun to an unlicensed individual. A criminal background check by the FBI and local agencies was also required.

There are two landmark Supreme Court rulings in recent years:

- 2008 – DC v Heller – Found the right of individuals to possess and carry weapons was protected
- 2010 - McDonald v City of Chicago – Upheld gun ownership rights within homes on a national basis including the District of Columbia

And coming this fall, the Court has agreed to hear an appeal to expand gun rights in a New York case over the right to carry a firearm in public for self-defense.

Focusing closer to home in the **Pennsylvania** legislature:

PRO Second Amendment Legislation:

Note: All the PA bills noted below are working their way through the system now and are not yet law. For now, we're providing information for your use; later, we'll provide updates as they occur.

HB 979 – State Constitutional Pre-emption — any municipality trying to enact gun control (like Philadelphia) will be pre-empted by the state constitution, and these ordinances will be null and void. This has passed the full House and is now before the Senate. This relates to sanctuary amendment states (known as SAS) – counties and municipalities that adopt laws/resolutions opposing law enforcement in helping enforcement of gun control measures. For example, 12 of 67 Pennsylvania counties have adopted SAS resolutions (not Centre County).

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Two similar actions – HB357 - the Right to Bear Firearms Protection Act says that any federal gun control laws contradicting our state constitution (saying that the right to bear arms “shall not be questioned”) will be unenforceable in the state of Pennsylvania. This was just introduced so the Judiciary Committee will likely consider this in the fall. Also an as yet to be introduced action (Firearms Freedom Act) declares that any arms and ammunition manufactured in the state of Pennsylvania will not be subject to federal gun control laws.

HB1575 – this bill, which would exempt ammunition from sales tax, is before the Judiciary Committee.

Former Rep. Dush, now Senator, got his version of the Constitutional Carry of a Firearm bill out of committee the end of June and where it awaits the Senate to vote. It then would be sent to the House. If passed, this bill would eliminate licenses to carry; anyone legally allowed to possess a firearm can conceal carry.

ANTI-Second Amendment Legislation (This is a sampling of the most discussed bills; all of these are in Judiciary Committee where Republican leadership will kill them):

- HB 393 – requires a background check for ammunition purchase.
- HB 717 – bans “assault style weapons” (likely means semi-automatic rifles) from being owned by anyone under 21.

Two other bills to be filed – a bill for a PICS (Pennsylvania Instant Check System - our background check system) fee increase (i.e., it would cost more to purchase a handgun and get this check done). Another bill would track ammunition purchases via barcode.

There is a bill widely sponsored by Democrats (but not yet introduced) mandating a statewide firearm registry. This has wide support from gun control groups nationwide, so our legislators get a lot of emails about it.

Nomination of David Chipman to head the Bureau of Alcohol Tobacco and Firearms

The ATF, the main agency enforcing federal gun laws, has not had a confirmed director in six years, and there is much debate over the nomination of David Chipman to become its leader. A number of moderate Senate Democrats remain undecided, the nomination passed out of the Judiciary Committee to advance to the floor on a party line vote, and a date for the Senate floor vote is as yet unscheduled.

A bit about Mr. Chipman: He retired from the ATF in 2012 after a 25-year career and was given high marks for his work as an agent. He responded to the 1993 World Trade Center bombing, the Oklahoma City bombing and assisted trial teams in the Waco, TX debacle of the ATF's raid on the Branch Davidian compound.

The issue with his nomination is that since his retirement he has advocated for tougher gun laws. He now works as a senior advisor for the Gifford group (led by former Arizona representative, Gabby Gifford who was shot in the head), a top gun control advocacy group.

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Our Senator Pat Toomey will oppose the Chipman nomination saying “Meaningful progress on gun safety will only be possible when members of Congress and the executive branch drop the politics and hyperbole and focus on the possible.”

Sources: US Constitution; History.com; NPR; NRA-ILA; Pat Toomey; Rep John Hershey

What You Can Do

Call or email your U.S. Senators about the Chipman nomination:

Senator Pat Toomey

Email: <https://www.toomey.senate.gov/contact/email-senator-toomey>

Telephone: 814-266-5970 or 202-224-4254

Thank Senator Toomey for his intent to oppose the Chipman nomination and let him know you've got his back!

Senator Bob Casey

Email: <https://www.casey.senate.gov/contact/share>

Telephone: 814-357-0314 or 202-224-6324

Let Senator Casey know that you believe he should oppose the Chipman nomination because we need someone who will protect our rights and enforce federal gun laws already on the books. We don't need someone intent on imposing more laws on law-abiding citizens.

At the State Level:

Send an email to your State Senator and State Representative to let them know that you are Pro Second Amendment. If you don't know who your State Senator or Representative is, contact us at OperationWildfire@yahoo.com Please let us know where you vote and/or your street address.

Expecting a fight in the Pennsylvania state legislature over gun laws outlined above, and the makeup of the legislature, Kim Stolfer, co-founder and president of Firearms Owners Against Crime, a gun-rights group based in western Pennsylvania says “... we need judges who are going to decide lawsuits based on the constitution.” That's Kevin Brobson's pledge to each of us – that he will interpret the law, not legislate from the bench.

Pledge Today to Cast Your Vote for Kevin Brobson for the PA Supreme Court.