

Historical Quotations Relevant to the Matter under Consideration

"Laws that forbid the carrying of arms ... disarm only those who are neither inclined nor determined to commit crimes.... Such laws make things worse for the assaulted and better for the assailants; they serve rather to encourage than to prevent homicides, for an unarmed man may be attacked with greater confidence than an armed man." - Cesare Bonesana, Marchese Di Beccaria, *On Crimes and Punishment*, 1764. (Noted by Thomas Jefferson in his personal papers.)

"Men by their constitutions are naturally divided into two parties: (1) those who fear and distrust the people, and wish to draw all powers from them into the hands of the higher classes. (2) Those who identify themselves with the people, have confidence in them, cherish and consider them as the most honest and safe, although not the most wise depository of the public interests. In every country these two parties exist; and in every one where they are free to think, speak, and write, they will declare themselves." - Thomas Jefferson, Letter to Henry Lee, 1824.

"The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances. No doctrine, involving more pernicious consequences, was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government." - David Davis, *Ex Parte Milligan*, 4 Wallace 2, 120-121 1866. (Justice Davis was appointed to the United States Supreme Court by Abraham Lincoln.)

**Gun Control Research- Professor Donald Kates and Professor Gary Mauser
Criminals Don't Obey the Laws**

“The people you need to control are not going to obey the gun control laws...and the people you don't need to control, those are the ones who obey. So what you get is...either nothing, or you get worse results with gun control.

Professor Donald B. Kates is co-author of “Would Banning Firearms Reduce Murder and Suicide? A review of International and Some Domestic Evidence ” published in the spring of 2007 in the Harvard Journal of Law and Public Policy, the most widely distributed law review in the US. Professor Kates served as a professor at Stanford Law School. His co-author, Professor Gary Mauser, served as a Canadian university professor.

The Kates- Mauser study looked at 18 European nations with varying levels of gun ownership. They concluded:

“Whether gun availability is viewed as a cause or as a mere coincidence, the long term macrocosmic evidence is that gun ownership spread widely throughout societies consistently correlates with stable or declining murder rates. Whether causative or not, the consistent international pattern is that more guns equal less murder and other violent crime.”

Lewin, Marshall, “Would Banning Firearms Reduce Murder and Suicide?” *America's 1st Freedom*, National Rifle Association, Fairfax, Va., August 2007, Page 32.

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**Public Law 109-295 Prohibits Confiscation of Firearms by Agencies Accepting
Federal Funds**

H.R. 5441, The "Disaster Recovery Personal Protection Act of 2006" passed the US House in 2006 by a bipartisan vote of 322-99. The bill passed the Senate by a vote of 84-16. In 2007, the Vitter Amendment to the Department of Homeland Security Appropriations Act incorporated the language of the Personal Protection Act into Federal Law. Section 557 reads:

- (a) PROHIBITION ON CONFISCATION OF FIREARMS- No officer or employee of the United States (including any member of the uniformed services), or person operating pursuant to or under color of Federal law, or receiving Federal fund^o; or under control of any Federal official, or providing services to such an officer, ⁿ employee, or other person, while acting in support of relief from a major disaster or emergency, may-
- (1) temporarily or permanently seize, or authorize seizure of, any firearms the possession of which is not prohibited under Federal, State, or local law, other than for forfeiture in compliance with Federal law or as evidence in a criminal investigation.
 - (2) require registration of any firearm for which registration is not required by Federal, State, or local law.
 - (3) prohibit possession of any firearm, or promulgate any rule, regulation or order prohibiting possession of any firearm, in any place or by any person where such possession is not otherwise prohibited by Federal, State, or local law; or
 - (4) prohibit the carrying of firearms by any person otherwise authorized to carry firearms under Federal, State, or local law, solely because such person is operating under the direction, control, or supervision of a Federal agency in support of relief from the major disaster or emergency.

This law was passed, in part, to prevent repetition of police violations of individual rights that occurred during the aftermath of Hurricane Katrina. There is, however, a loophole in the law that allows State and local authorities to ban possession under current State or local law.

Colorado already restricts the State's ability to ban possession of firearms, but it is possible for State authorities to ban the sale, transfer, or transportation of firearms. There is a distinct danger that a State or local official, insulated from the actual dangers of gang activity, looting, or mob violence might invoke current Colorado law to ban the sale, transfer, or transportation of firearms by honest citizens, leaving those citizens at the mercy of the lawless elements mentioned above.

The police can not be everywhere all the time, even under the best of conditions. During an emergency situation, police protection is even less available. Citizens deserve the ability to protect themselves outside their homes to comply with evacuation orders, to obtain food, shelter in the event that their home is damaged or destroyed, and to assist their fellow citizens in recovering from the effects of a disaster.

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