

Rep Andrew Fink Testimony on HR 55

In Washington, it is *en vogue* to contemplate any method possible to restrict the right of the people to keep and bear arms. Current ideas include directly regulating the manufacturing of firearms and adopting tax rates which would destroy the firearms industry in the United States, **as well as the ability of law-abiding Americans everywhere from being able to possess commonly owned firearms, accessories, and ammunition.**

There is great danger in regarding any right protected by our constitution as lesser than the others. Deciding that the right to keep and bear arms is disfavored and therefore worthy of less vigilant defense than other rights is unwise according to the counsel of both logic and experience.

Logically, how can we say we will protect the rights guaranteed in the other parts of the constitution if the Second Amendment's protections are undermined? For instance, would any of us accept a special tax designed to make written publications artificially expensive because the government does not like the free exchange of ideas? Does anyone believe that modern life has obviated the need for a robust interpretation of the 4th Amendment's privacy protections? Without a consistent reading of the constitution, all of our civil rights are imperiled.

As for experience, we have seen both in the United States and elsewhere that disarming the populace—especially ethnic and religious minorities—is a common tool of oppression. That is because the right to keep and bear arms is implicit in the notion of self-government. To be a citizen in a republic is to bear the burden of responsibility of exercising the rights protected in our law in a manner consistent with public safety and the preservation of liberty. This truth was recognized by Frederick Douglass, who observed “that the liberties of the American people were dependent upon the Ballot-box, the Jury-box, and the Cartridge-box, that without these no class of people could live and flourish in this country.”

American government is organized in a way to preserve the liberties that Douglass spent his life trying to extend to all Americans. The peculiar notion of divided sovereignty is a part of the constitutional system which is designed to prevent any level of government from acquiring too much power over the people. In *Printz v United States*, the US Supreme Court said that “Although the States surrendered many of their powers to the new Federal Government, they retained a residuary and inviolable sovereignty that is reflected throughout the Constitution's text.” Because of the sovereignty retained by the states, the court said that the Federal Government may not compel the States to enact or administer a federal regulatory program.

The Ninth Amendment takes notice of the fact that the government does not confer our fundamental rights to us, but is a structure built to protect the rights inherent in humankind. And the Tenth Amendment affirms the undeniable notion that under our Constitution, the Federal Government is one of enumerated, hence limited, powers.

I bring this resolution to stand with the people of Michigan against those who would use the federal government both to infringe upon our right to keep and bear arms, and to exceed the powers enumerated in the Constitution in order to perform functions which are proper to state government.

Thank you Mr. Chair.