



Hawaii Rifle Association

State Affiliate of the National Rifle Association
Founded in 1857

March 18, 2009

Testimony on SB358 SD1, Relating to Firearms – STRONG SUPPORT
Before the **Committee on Public Safety**
Representative Faye Hanohano, Chair
Representative Henry Aquino, Vice Chair
Thursday, March 19, 229
Conference Room 309
PBStestimony@Capitol.hawaii.gov

Honorable Chair, Vice Chair, and Members;

The Hawaii Rifle Association feels the lessons of Hurricane Katrina should be heeded. A valuable lesson learned was that in times of crisis, government entities could react irrationally, and arbitrarily suspend fundamental constitutional rights.

In well-documented cases, the New Orleans Police Department was instructed to go door-to-door looking for law-abiding residents, and to confiscate all firearms.

Can you imagine yourself in the position of surviving a natural disaster; doing the best you can to help your family survive not only Mother Nature, but also gangs & lawlessness, and during the darkest of times, to have your most important defensive tool, legally owned firearms, to be confiscated. This is an outrage!

I ask that you consider the affirmation of our rights to self-defense. Local government officials should not have the ability to make a knee-jerk decision to suspend constitutional rights without due process.

Thank you for the opportunity to testify **IN STRONG SUPPORT** of this bill.

Sincerely,

Mr. Mark Plischke
Hawaii Rifle Association
478-9393

COMMITTEE ON PUBLIC SAFETY

Rep. Faye P. Hanohano, Chair
Rep. Henry J.C. Aquino, Vice Chair

COMMITTEE ON LABOR & PUBLIC EMPLOYMENT

Rep. Karl Rhoads, Chair
Rep. Kyle T. Yamashita, Vice Chair

Testimony in Support of SB 358 SD1

Thank you for the opportunity to testify today. I would like to express my strong support for SB 358 SD1

I was one of the many Hawaii based healthcare providers who assisted on Kauai immediately after Hurricane Iniki. Well, not immediately, as it took some time for the authorities to clear the airport facilities in order to allow planes to land with the needed supplies and personnel. This delay in responding to the needs of the citizens of Kauai, and the expected delays in the event of another similar disaster, is the very reason it is important to pass SB 358. I witnessed firsthand the limitations imposed on civil services during these types of situations.

Our isolation, and the length of time required for help to arrive from the mainland, is often used to justify preparing to be self-sufficient in the event of an emergency. This is obviously a very good idea and is, in fact, routinely suggested to the citizens of Hawaii. Citizens are advised to keep adequate water, food, medications, and other essential items on hand should normal civil services be impacted in the event of an emergency. And, in the same vein, citizens should be advised to prepare themselves to protect those emergency supplies and themselves in the event that the police, hampered by either storm damage or civil unrest, cannot respond to requests for help or assistance.

After Hurricane Katrina, many New Orleans residents legally armed themselves to protect their lives and property from civil disorder. With no way to call for help, and police unable to respond, honest citizens were able to defend themselves and their neighbors against looters, arsonists and other criminals.¹

However, just when these people needed guns the most, New Orleans's Police Superintendent ordered the confiscation of firearms, allegedly under a state emergency powers law. "No one will be able to be armed," he said. "Guns will be taken. Only law enforcement will be allowed to have guns."²

¹ Felicity Barringer & Jere Longman, Police and Owners Begin to Challenge Looters, New York Times, September 1, 2005; Robert Tanner, With Guns And Generators, A Few Homeowners Stand Guard (AP), Columbia Tribune, September 5, 2005; Bob Dart, Armed Militia Protects Its New Orleans Neighborhood, Austin American-Statesman, Sept. 10, 2005.

² Timothy Dwyer & Ann Scott Tyson, Troops Escalate Urgency of Evacuation, Washington Post, Sept. 9, 2005.

Unfortunately, many states have "emergency powers" laws that give the government permission to suspend or limit gun sales, and to prohibit or restrict citizens from transporting or carrying firearms. In some states, authorities are authorized to seize guns outright from citizens who've committed no crime--and who would then be defenseless against disorder.

The movement to change these laws is gaining speed. Just two months after Hurricane Katrina, the Louisiana legislature--with only one dissenting vote--adopted a resolution declaring "the policy of the state of Louisiana to protect and uphold the citizens' right to keep and bear arms in their residences, businesses, and means of transport, and on their persons," condemning the seizure of firearms from New Orleans citizens, and announcing it planned to amend Louisiana's emergency powers law "to rectify the denial of these rights." Since then, 27 additional states have joined Louisiana by passing laws to protect the rights of law-abiding gun owners by prohibiting the confiscation of firearms during a time of emergency.

Congress and President Bush also saw the need to act to protect gun owners' rights during emergencies. H.R. 5013, the "Disaster Recovery Personal Protection Act," was introduced in the House by Louisiana Congressman Bobby Jindal and passed the House on July 25, 2006 with a broad bi-partisan margin of 322-99. Senator David Vitter, also of Louisiana, introduced the Senate version of the bill and added it as an Amendment to Homeland Security Appropriations, which passed the United States Senate by 84-16. On October 9, 2006, President George W. Bush signed this legislation into law.

In the past, America has balanced emergency needs with respect for constitutional rights. Months before Pearl Harbor, the U.S. Congress passed the Property Requisition Act of 1941, which allowed the President, as a last resort, to seize needed war materials "upon the payment of fair and just compensation." The Congress, concerned about the prospect of gun confiscation, included language to prohibit registration or seizure of privately owned firearms. America and its allies went on to win the greatest armed conflict in history. Today, Hawaii's legislatures should follow that lead.

During the Senate hearing on this bill, testimony in opposition was provided by General Lee. He based his opposition on the fact that during previous emergencies, no seizures were ever effected. Louisiana and the gulf region has had many hurricanes in the past and never had any such similar confiscations of lawfully owned firearms before either. That didn't prevent the deplorable actions of the police after Katrina. It is utter foolishness to suggest that we don't need this protection from over zealous officials because it hasn't happened here before. If there is any doubt about this just ask the law abiding residents of New Orleans who were stripped of their legally owned firearms just when they needed it most. After all, they never had their firearms confiscated in the past either.

Thank you.

Bill Richter, RN
Lessons In Firearms Education
NRA Certified Instructor

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 18, 2009 4:58 AM
To: PBStestimony
Cc: rglivinghi@aol.com
Subject: Testimony for SB358 on 3/19/2009 10:00:00 AM

Testimony for PBS 3/19/2009 10:00:00 AM SB358

Conference room: 309
Testifier position: support
Testifier will be present: Yes
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Submitted on: 3/18/2009

Comments:

It is times like these when we need to be able to protect ourselves, family, and neighbors if ned be.