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Testimony of Jon C. Munson II
Maryland General Assembly
Senate Judicial Proceeding Committee

SB387 & HB425 - UNFAVORABLE

Dear Sirs/Madams:

I find it rather amazing that I must write a letter such as this to representatives such as yourselves. I am not one to usually speak up, believing that those elected would always do the right thing, in line with American values & tradition, and would seek to uphold the United States Constitution for this Union of States, in addition to the Maryland State Constitution.

However, I find, after the panel's discussion relative to SB387/HB425, that such is not the case, but seems to be rather the opposite, particularly in the case of the 2nd Amendment to the United States Constitution and the further infringement those bills seek to impose on Marylanders.

Since it is clear the body in the panel reviewing those bills is ignorant of the true meaning of the 2nd Amendment, a brief video below with a current context sheds a bit of light:

[Ukraine Military Is Training Citizens To Help Defend Against Possible Russian Invasion](#) - Mr. Colion Noir

The 2nd Amendment was not written to grant any right, it was written to guarantee a specific right, and even more particularly, keep it from being infringed. In short, the then-burgeoning Americans were subjected to arms confiscation and arms embargos by the English King, and they wanted none of that for the future Americans. They also wanted to ensure the American citizenry could equally fight back against any tyranny the public saw fit to defend against. As Phil Reboli of Gun Owners of America states, the 2nd Amendment is not about hunting, it is about parity with the government and self-defense. The amendment means what it says and says what it means.

The referenced bills quite plainly violate the 2nd Amendment.

The referenced bills not only fail text scrutiny, but also historical scrutiny – part of the strict scrutiny test that SCOTUS directed be used when contemplating such matters. For a treatise on this, see the following:

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3960566 - Greenlee

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As you'll note from reading, Maryland played a significant role in the Revolutionary era. And with such actions as the Maryland General Assembly is currently contemplating (and has enacted), our Founding Fathers are likely rolling in their graves.

Further, the bill fails to accomplish what I believe to be its surface purpose which is to somehow stem the use of un-serialized weapons in the commission of crimes and fails for numerous other reasons.

To whit:

1. Laws will not deter criminal behavior. The hearts of men cannot be legislated. Those whose intent is to do harm will do so, no matter what laws or regulations are in place. This is quite clear as murder is against the law, yet this happens consistently and constantly every single day.
2. So-called "gun control" laws only negatively impact the law-abiding public, while barely impacting, if at all, crime. I believe that all the highest crime rates in the country are in areas with the strictest gun control measures, yet that has not deterred any violence. Thus, gun control laws don't factually work. A recent California study highlighted this quite dramatically:

<https://injepijournal.biomedcentral.com/articles/10.1186/s40621-021-00367-1>

This is summarized in an article by Lee Williams here:

<https://thegunwriter.substack.com/p/criminals-are-not-california-compliant>

3. The bills seek to criminalize untold numbers of Marylanders and will likely create many more "outlaw" Marylanders as mass non-compliance will probably take place.
4. The bills seek to outright ban Marylanders from doing what is a traditional American activity and right. And if it weren't for that ability and right, we'd all still be subjects of England today.
5. The bills will not stop the alleged flow of any arms given that Frosh has admitted (in the Judiciary Committee hearing on HB425) arms come from outside Maryland. Clearly the previous legislation hasn't really deterred that as crime has continued to rise.
6. The bills seek to blame the tool for the State's inability to reduce crime through tough prosecution and socially responsible measures that don't infringe on people's rights. If a Ford Explorer were used in numerous hit-and-run murders, would we ban the car? Since knives are used to commit crimes, do we ban knives? Given stones, and sticks, can kill,

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do we ban them? As hands are used to cause bodily harm to others, do we ban our hands? Do we ban the pen that caused soldiers to die? No, we do not. We, instead, hold the executor of the crime responsible, not the tool that was used. This is common sense.

7. It seems that Baltimore is being made “the poster child” for this legislation – did anyone think to ask how Baltimore compares to the rest of the state? The Baltimore Police Chief couldn’t produce any statistics at the time of the panel – which is telling.
8. Frosh asked (in the Judiciary Committee hearing on HB425) why anyone would want to have an un-serialized weapon. Did anyone think to ask why the government would need to be party to one’s private doings absent evidence of any criminal activity? We are supposed to be safe in our effects and papers, and property is supposed to be our own. Did anyone think to mention that building weapons for one’s own purposes has been a right since before this country was founded? Did anyone think to mention that transferring any non-serialized weapon to another is already a crime?
9. I’m sure serializing one’s own work would be happily carried out by law-abiding citizens. However, that will not stop the issue Frosh claims as the root of this measure, since, as he admits (in the Judiciary Committee hearing on HB425), these arms are coming from out-of-state. Thus, once again, law-abiding Marylanders will be punished/criminalized for no good reason.
10. The bills will likely fail a SCOTUS challenge since they plainly fail the test used to judge the Constitutionality of the bill.
11. Government decreed serialization of arms means only one thing: government wishes to know who has those arms for purposes of tracking for later, likely, prosecutorial/punitive measures that have nothing to do with tracing. Serialization leads to a registration, which begets a registry, which in the case of firearms, leads to confiscation/prosecution. This is not the behavior of a “free” country, and certainly not the intention of the Founding Fathers for the Union. As proof, the ATF has amassed nearly 1,000,000,000 gun ownership records:

<https://www.youtube.com/watch?v=LG4N34cBQTE> - Phil Reboli, Gun Owners of America

Most of those records have already been digitized, which makes them easily searchable. In effect, this is becoming a de facto National Gun Registry, which is prohibited by law. Yet, it is being done.

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Serial numbers are only useful to provide, if even possible, a record of ownership. Criminals have been removing/obliterating serial numbers for decades – that's not going to stop and has probably been improved.

The following is testimony submitted by Ashley Hlebinsky on the subject of privately made firearms and serialization:

<https://www.judiciary.senate.gov/imo/media/doc/Ashley%20Hlebinsky%20Written%20Testimony%20Final.pdf>

12. Senator Chuck Grassley sent a letter yesterday to the Department of Justice which touches on the subject at hand. A pertinent quote from the letter:

“The fact sheet also discusses the launch of a National Ghost Gun Enforcement Initiative. It references the 325 homicides or attempted homicides connected to ghost guns recovered by the ATF between 2016 and 2020.⁶ According to the FBI, there were 89,076 homicides in that time,⁷ to say nothing of the number of attempted murders. Therefore, less than 0.36% of homicides involved these ghost guns. Stating the number of homicides committed by ghost guns without accounting for the total number of homicides in the given time period is grossly misleading. Law enforcement should be focusing on the increase of murders, the overwhelming majority of which do not involve ghost guns.

The DOJ is also planning “a new initiative to enhance communication with federal firearms licensees (FFLs).”⁸ ATF will now notify an FFL if a firearm purchased from them was used in a violent crime. As I have stated before, violent criminals should be punished, and anyone who knowingly assists them in unlawfully purchasing a firearm should be held accountable. However, your agency found that only 7% of firearms used in a crime are acquired from legal firearm dealers, compared to the 56% which are stolen or purchased in the black market.⁹ There is no data suggesting that legal firearm dealers are responsible for any significant increase in crime.”

https://www.grassley.senate.gov/imo/media/doc/grassley_to_justice_dept.guncrimeinitiative.pdf

As you can see, the efforts outlined in this bill would be a substantial waste of resources and time, and will ultimately accomplish very little, if anything at all.

13. Guns save far more lives, and prevent more crimes, than are taken or committed.

<https://fee.org/articles/guns-prevent-thousands-of-crimes-every-day-research-show/>

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For more on these bills' failures, see Mr. Mark Pennak's testimony, here:

<https://www.marylandshallissue.org/jmain/legislation-tracker/279-mdga22-testimony-in-opposition-to-hb425-and-sb387-public-safety-untraceable-firearms>

In conclusion, not only do these bills clearly fail any rightful Constitutional test, they are poor attempts to lay blame at the feet of a tool for the failures of the State to more properly handle the underlying issues that lead to criminal activity. There can be only one reason for the State to seek to act as it proposes, and that is to further some agenda to keep its citizens foreclosed from exercising their natural rights to self-defense.

I leave you with this quote:

"Those who give up essential liberty for perceived safety deserve neither liberty nor safety." - Benjamin Franklin

I firmly OPPOSE this proposed legislation and hereby tender my UNFAVORABLE opinion.

Sincerely,

//s// Jon C. Munson II