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March 7, 2002

**HB 1368 - Crimes of Violence - Second Degree Assault**

The Honorable Joseph F. Vallario, Jr.  
Chair, House Judiciary Committee  
Low House Office Building, Room 121  
Annapolis, MD 21401-1991

Dear Chair Vallario,

The Maryland Citizens Defense League strongly SUPPORTS this Bill. As you know, if enacted into law this Bill should put an end to Attorney General Curran's jerking around upstanding Maryland citizens who own firearms and whose only crime may have been to plead guilty to something minor as a youth in order to be granted probation before a threatened trial. To have AG Curran gleefully causing such citizens to be disarmed decades later is an outrage.

As sponsors of HB 1368, we certainly don't have to go into great detail with you or Delegate Dembrow about why it is necessary to repeal second degree assault from the list of crimes of violence for the purposes of owning or purchasing a handgun or regulated firearm. AG Curran's actions to disarm law-abiding citizens are doubly outrageous in view of Maryland's high rates of crime compared to other states, as shown below:

**Maryland Crime Rates vs. Other States\***

| Year | Homicides | Violent |         |
|------|-----------|---------|---------|
|      |           | Crimes  | Robbery |
| 1992 | 6         | 4       | 2       |
| 1993 | 5         | 6       | 2       |
| 1994 | 8         | 8       | 2       |
| 1995 | 4         | 4       | 1       |
| 1996 | 3         | 3       | 1       |
| 1997 | 6         | 6       | 1       |
| 1998 | 4         | 5       | 1       |
| 1999 | 4         | 4       | 1       |
| 2000 | 3         | 3       | 1       |

\*Source: FBI's annual Uniform Crime Reports (UCR).

This chart shows the annual ranking of Maryland's rates of crime vs. the crime rates of all other states.

For example, Maryland citizens have a higher rate of being robbed than the citizens of any other state - and this has been the case for every year since 1995 as reported by the FBI. The rates of homicides and violent crime in Maryland are worse than in 47 of the other states.

The crime rates in Maryland appear to us to be prima facie evidence that all Maryland citizens and all visitors to our State are at such risk of robbery or murder that they need to be armed. Indeed, to have the Maryland State Police denying concealed carry permit applications for lack of a good and substantial reason is ludicrous - but that is for a later hearing on another Bill. It is, however, obscene for AG Curran to be disarming people under such circumstances. But such an attitude permeates the Glendening-Townsend Administration. In that regard, your attention is invited to the recent article published by the Maryland State Rifle and Pistol Association (MSRPA) which appears on the reverse side hereof.

Sincerely,

Robert M. T. Wilson  
For the Legislative Committee

## “Glendening Administration tells Maryland Citizens: “You have no gun rights”

### “Special report by Senator Andrew Harris, Baltimore County

“For observers of the General Assembly, the most important ground rule is knowing where the real action is. Sure, the legislature has a website at <http://mlis.state.md.us/>. It’s a good one, where citizens can follow the progress of a bill and see how their legislators voted on the floor. But one of Annapolis’ best kept secrets is that very little of significance really ever happens once a bill makes it to the floor - almost all the action is in the committee.

“Let me explain. When I was elected as a State Senator from Baltimore County, I fully expected to find that all elected legislators would have an opportunity to carefully review, analyze, and participate in the evolution of each bill. That’s not the case, especially if you do not serve on the committee considering the legislation.

“Over the past three years, out of the thousands of bill proposed each year, only thirteen bills (that’s right, I said a total of **thirteen**) have been rejected by the Maryland Senate after winning committee approval. Despite the sound bites and media clips that are available to the general public from the floor debates and published votes, the horse has already left the barn by the time a bill makes it that far.

“Conversely, only one bill in three years, Senate Bill 211, the so-called “Responsible Gun Safety Act of 2000,” passed the full Senate **without** committee approval. The final floor vote in the Senate was 26-21, but that is only the tip of the iceberg. Perhaps the most significant vote on this bill was procedural, allowing the Glendening/Townsend administration to invoke a rarely, if ever, used Senate rule to bring the bill directly out of the Senate Judiciary Committee, which had refused to vote on it.

“Quite simply, anyone who voted in support of that procedural motion, even those who **claim** to support the Second Amendment, voted to pass that bill. If the bill had continued through the committee process, it never would have made it to the floor to be passed into law. Several Senators voted to move the bill out of committee, but then voted against the bill, hoping their constituents wouldn’t know the difference. Don’t be fooled!

“And that’s why looking at those final bill votes is not enough. More important are floor votes on amendments or procedure, and especially votes in committee, which, not surprisingly, are not made available on the Internet.

“Other remarkable and interesting things occur only in committee. Just last week, an exchange between myself and the Maryland Secretary of State occurred in the Senate Education, Health, and Environmental Affairs Committee. It is a perfect example of the distaste the Glendening/Townsend administration has for law-abiding gun owner citizens of this state. And make no mistake, you’d never hear this exchange on the Senate or House floor, in public. It involved the administration supporting the **automatic** restoration of voting rights to **twice** or **more** convicted felons.

**Senator Harris (APH):** “You say that when you owe debts and they’re paid, suggesting once you pay your penalty, you should be and I’ll quote to you now, you said ‘*fully restored to participate in society.*’ Does this administration advocate giving gun ownership rights back to felons after they’ve served their sentences? This is your quote, it said ? *fully restored, civil rights fully restored.* A civil right is gun ownership.”

**Secretary of State John Willis (JW):** “That question is going to lead us into, you know, a five-year debate over what the Second Amendment says and I think you and I, and Senator Mooney and I, have very different opinions on what it means, so I don’t know that that would be productive for the Committee.”

**APH:** “Do I take it that to mean a no response to my question?”

**JW:** “I take that to mean that I don’t think the Second Amendment gives you a fundamental right to own a gun.”

**APH:** “...so you don’t think that’s a fully restored right?”

**JW:** “I don’t think that the right to own a gun is a fundamental right under the Second Amendment.”

**APH:** “So on this bill, we’re going to nitpick rights?”

**JW:** “No, we’re not. I just don’t think - my understanding of the Constitution is that the Second Amendment does not give the citizens of the State of Maryland the right to own a gun.”

“So there you have it. A clear, concise definition of this administration’s formal, official opinion on your rights. Just don’t expect to hear that on the news or on the Senate floor! And that’s why knowing what happens before a formal final vote is ever taken, and being present to hear what goes on behind the scenes in committee, can be so much more valuable to the law-abiding gun owners in our state as we fight to protect those rights established by our founding fathers.”