

November 26, 2007

Mike McGrath
Montana Attorney General
215 North Sanders
Helena, MT 59620

Re: District of Columbia v. Heller, 07-290

Dear Mike:

I am writing to request you seek to intervene on behalf of the citizens and State of Montana in the case of District of Columbia v. Dick Anthony Heller, 07-290. (Heller). This case will decide whether the United States Constitution gives individuals the right to own firearms. The Heller case will be the most important Second Amendment case in our lifetime. This is a case in which Montana's voice must be heard.

The Heller case is presented under the following facts. The District of Columbia essentially prohibits private citizens from possessing handguns, and requires that rifles in private homes must be locked or disassembled.

Plaintiff Dick Heller is a police officer for the District of Columbia. He is allowed to carry a loaded handgun on the job, protecting government officials in the District of Columbia. However, the city will not allow him to keep a functional firearm in his own home to protect his own family. He would be convicted of a felony and sentenced to five years in prison if he attempted to do so.

Dick Heller challenges this law as depriving him of his right to keep and bear arms. Supporters of the ban and gun control advocates argue that only members of a regulated state militia have a right to keep and bear arms. They argue that Dick Heller has no constitutional right to keep a handgun in his home.

Supporters of this ban further argue that it is necessary to disarm citizens in order to protect them. However, the District of Columbia, the city with the strictest gun control laws in the nation, also claims the title of the murder capital of America. This is in spite of (or perhaps because of) its laws taking away a citizen's right to keep a firearm for self defense.

The United States Supreme Court has stated it will consider the following issue: “Whether D.C. laws violate the second amendment rights of individuals who are not affiliated with any state regulated militia, but who wish to keep handguns and other firearms for private use in their homes.”

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For years, the question of whether the United States Constitution gives individuals a right to keep firearms has been undecided. The Constitution reads, “A well regulated militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.” U.S. Const. amend. 2. Although most Americans believe that this gives individuals the right to keep and bear arms, a majority of lower court opinions have held it does not. The District of Columbia, along with a minority of eastern states, argues that only state militias have a right to keep and bear arms. This is the first time the United States Supreme Court will directly address this issue.

Montanans overwhelmingly support and individual right to keep and bear arms. In 1972 the people of Montana adopted our Constitution.

The right of any person to keep or bear arms in defense of his own home, person, and property, or in aid of the civil power when thereto legally summoned, shall not be called in question
Mont. Const. art. 2, sect. 12.

The significance of what the United States Supreme Court will accomplish in this case is not lost on those who would seek to restrict or eliminate the right of private citizens to own firearms. At least four states have already petitioned to appear in this case. These are New York, Hawaii, Illinois, and Maryland. The State’s all argue they have an interest in protecting their citizens by banning “particularly dangerous firearms.” This includes a power of a government to refuse to allow its citizens to keep handguns for personal protection.

With Heller, the United States Supreme Court will hear the most important case in our lifetime on whether individuals have a constitutional right to keep and bear arms. Gun control advocates, including organizations and states that seek to take away any individual’s right to keep and bear arms have petitioned to intervene in this case. Montana must make its case also.

Montanans overwhelmingly support an individual right to keep and bear arms. Montanans believe that this right is guaranteed to them by the Federal Constitution. Montana’s leaders and elected officials must not sit idly by while other States and gun control advocates seek to limit the constitutional rights of its citizens. I urge you, as the elected Attorney General for the state of Montana, to act quickly and decisively to protect our rights.

I appreciate your consideration of this issue. Please feel free to contact me at your convenience should you have any questions or concerns.

Sincerely,

By _____
Lee Bruner