
Josephine (JO) County (CO) Justice System (JS) & Public Safety Services (PSS)

JO CO JS&PSS The 2012 expiration of federal funding for public safety services resulted in two JO CO proposed levies as a solution. They both failed. The *Exploratory Committee* has a question: **“Is JO CO providing a minimally adequate level of PSS?”**¹⁻²

U.S. Supreme Court Decisions On Second Amendment as interpreted in *District of Columbia v. Heller*, 554 U.S. 570 (2008), and held applicable to the states in *McDonald v. City of Chicago*, 130 S. Ct. 3020 (2010).

In *District of Columbia v. Heller*, 554 U.S. 570 (2008), the Supreme Court ruled that the Second Amendment "codified a pre-existing right" and that it "protects an individual right to possess a firearm unconnected with service in a militia, and to use that arm for traditionally lawful purposes, such as self-defense within the home"³⁻⁴ but also stated that "the right is not unlimited. It is not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose". They also clarified that many longstanding prohibitions and restrictions on firearms possession listed by the Court are consistent with the Second Amendment.⁵

In *McDonald v. Chicago*, 561 U.S. 3025 (2010), the Supreme Court ruled that the Second Amendment limits state and local governments to the same extent that it limits the federal government.⁶

1. Hugo Neighborhood Association & Historical Society (HNA&HS). July 9, 2013. *Justice System Exploratory Committee*. Hugo, OR.

2. HNA&HS. July 24, 2013. *Government Needs Support*. Hugo, OR.

3. 15. Pollock, Earl (2008). *The Supreme Court and American Democracy: Case Studies on Judicial Review and Public Policy*. Greenwood. p. 423.

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2th & 7th U.S. Circuit Court of Appeals Pending

7th U.S. Circuit Court⁷ On December 11, 2012 the U.S. Seventh Circuit Court of Appeals threw out Illinois’s virtual ban on the carrying of any guns, whether concealed or otherwise. In *Moore v. Madigan* (USDC 11-CV-405-WDS, 11-CV-03134; 7th Cir. 12-1269, 12-1788), the state of Illinois claimed that there was no historical evidence of a “generally recognized private right to carry arms in public in 1791, the year the 2nd Amendment was ratified.” The 7th Circuit rejected that view, criticizing the state for asking the court to repudiate the Supreme Court’s historical analysis in *District of Columbia v. Heller* (2008) and *McDonald v. City of Chicago* (2010). *Heller* held that the Second Amendment protects “the right of law-abiding, responsible citizens to use arms in defense of hearth and home.” *McDonald* held that the Second Amendment is applicable to the states. But as the Seventh Circuit noted, neither case directly addressed whether the Second Amendment creates “a right of self-defense outside the home.”

The decision also rejected the argument that the Illinois laws had an effect on gun crime, noting that Chicago's criminal element was undeterred by the ban on handguns overturned by *McDonald*. Citing the study, "Firearms Laws and the Reduction of Violence: A Systematic Review", and several other published studies, the Court found that evidence did not support a link between gun regulations and crime rates in either direction. The Court, again from the *Heller* decision, stated "Anyway the Supreme Court made clear in *Heller* that it wasn’t going to make the right to bear arms depend on casualty counts. (554 U.S. at 636).

U.S. Supreme Court Decisions On Second Amendment

2nd U.S. Circuit Court⁷ This decision sets up a likely split in the federal courts of appeal. Last week, a three-judge panel of the U.S. Second Circuit in *Kachalsky v. County of Westchester* refused to overturn a New York law that limits concealed carry permits only to those who can show a “proper cause” for a weapon. Although the statute does not define “proper cause,” state courts have established that “proper cause” requires demonstrating “a special need for self-protection distinguishable from that of the general community or of persons engaged in the same profession.” The Second Circuit found that limiting handgun possession in public “to those who show a special need for self-protection” does not violate the Second Amendment.

Do Legally Armed Citizens Prevent Crime?

4. "held that the second amendment protects an individual's right to bear arms," Scaros, Constantinos E. (2010). *Understanding the Constitution*. Jones & Bartlett Publishers. p. 484. ISBN 978-0-7637-5811-0.

5. "The Constitution of the United States, Analysis and Interpretation, 2008 Supplement (Senate document 110-17)". p. 83.

6. Liptak, Adam (June 28, 2010). "Justices Extend Firearm Rights in 5-to-4 Ruling". *The New York Times*. Retrieved December 17, 2012.

7. Hans von Spakovsky. December 11, 2012 *Second Amendment: Illinois Gun Band Struck Down*. For The Foundry. Downloaded August 11, 2013.

<http://blog.heritage.org/2012/12/11/second-amendment-illinois-gun-ban-struck-down/>.

8. From Wikipedia, the Free Encyclopedia. Downloaded August 11, 2013. *Moore v Madigan*.

http://en.wikipedia.org/wiki/Moore_v._Madigan.

Exploratory Committee's Mission

Mission An independent Justice System and Public Safety Services Exploratory Committee (*Exploratory Committee*) to investigate the JO CO Justice System & Public Safety Services (JS&PSS) issue was formed under the leadership of the Hugo Neighborhood Association and Historical Society (HNA&HS).

Big picture ideas for the exploratory effort include the following.

1. Identifying the JS&PSS issue.
2. Identifying the JS&PSS sub-issues for research and analysis.
3. Identifying a range in level of services
4. Identifying a range of cost for services.
5. Identifying revenues for services.

The ultimate goal is adequate justice system and public safety services. Is it possible to have a higher level of service for a lower cost? The purpose of the *Exploratory Committee* is to gather information adequate enough to understand the JS&PSS issues. This includes educational outreach efforts.

The *Exploratory Committee's* purpose is limited to investigating and researching the JS&PSS issues. It will not make evaluations of right or wrong, nor make recommendations on how to vote.

The contents of this brochure are expressions of the opinions and beliefs of those that contribute based on their thoughts and experiences. Hopefully, their efforts will assist the public toward informed decision-making.

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Justice System Exploratory Committee

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Hugo Neighborhood Association & Historical Society

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