

# PETITION FOR REDRESS OF GRIEVANCES

## REGARDING THE GOVERNMENT'S INFRINGEMENT UPON THE RIGHT OF THE PEOPLE TO KEEP AND BEAR ARMS

WHEREAS, the Declaration of Independence declares that We the People have, by Divine delegation, the Right to create and institute governments to serve the People and protect their unalienable Rights, and

WHEREAS, the Constitution for the United States creates such a government, and that such document specifically enumerates the limited nature and extent of delegated powers that such government has, and

WHEREAS, the text of the Second Amendment is as follows:

“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” and

WHEREAS, the Revolution of 1776 and subsequent birth of our Republic was made practically possible through the People's direct exercise of the Rights embodied within the Second Amendment, and

WHEREAS, the base desires of men and their servant governments to seize and abuse power for ill ends have not significantly diminished during the ensuing years, and

WHEREAS, the Right of all Individuals to protect and defend themselves, their families, and their Rights against the men and governments that would seek to harm them or deprive them of their Rights is itself, a Natural, unalienable Right, and

WHEREAS, the *threat* of exercise of the Use of Arms against the government is a fundamental Right reserved by the People in order to peacefully secure and enforce the “capstone” First Amendment Right to Petition the government for Redress of Grievances and other Rights, and

WHEREAS, the Right of the People to Keep and Bear Arms is the final check and balance against tyranny and despotism provided by our Constitution, and is forever protected against government mischief by the explicit, prohibitory language of the Second Amendment, “...*shall not be infringed*”,

WHEREAS, on August 9, 2007, the United States Court of Appeals for the District of Columbia Circuit erred, in relying on two inapposite decisions by the Supreme Court of the United States and holding that the Government does not have to listen or respond to Petitions for Redress of Grievances from the People, and

WHEREAS, on February 22, 2008, the Supreme Court of the United States committed treason to the Constitution by refusing to hear the First Amendment case, We The People v. United States (case No. 07-681), calling for a declaration -- *for the first time in history* -- of the Rights of the People and the obligations of the Government under the “accountability clause” of the Constitution – that is, the last ten words of the First Amendment.

WHEREAS, all men are created equal and are endowed by their "Creator" with certain unalienable rights, and

WHEREAS, if the Creator has, in fact, gratuitously provided, equipped and enriched the People with Rights, it follows that those Rights belong to the People and to the Creator, and it follows that any affront to the Constitution (as when government violates an unalienable Right) is an affront to the Creator, and

WHEREAS, if our Rights come from the Creator, only the Creator can frustrate, deny or defeat those Rights -- that is, government cannot abridge what God alone has manifest and bestowed upon the People, and

WHEREAS, the Constitution of the United States of America is a strongly worded, Divinely inspired, set of principles expressly intended to govern the government, not the People, and

WHEREAS, by the terms and provisions of the written Constitution, the People have expressly established their government and empowered it to act in only certain ways, while purposely and patently restricting and prohibiting it in other certain ways, and

WHEREAS, the Constitution of the United States of America guarantees to every American citizen and to those lawfully on our soil, the unalienable Rights to Life, Liberty, Property, Privacy and to Due Process of Law as well as other Rights, enumerated or not, and

WHEREAS, the Constitution prohibits and restricts the federal Government from infringing upon those Rights, and

WHEREAS, each of the Constitution’s prohibitions and restrictions on government’s authority is, in fact, another unalienable Right enjoyed by every American citizen and to those individuals lawfully upon our soil, and

WHEREAS, the People of this nation are entitled, by the Right specifically enumerated by the Second Amendment, to Keep and Bear Arms for the defense of their Life, Property, and Liberty, as well as the Right to Abolish the Government by Force should they so deem necessary, as well as the protection of their other Constitutionally protected unalienable Rights,

Now therefore:

**WE THE PEOPLE** hereby Petition the Executive and Legislative branches of the federal Government for Redress of Grievances regarding the Right to Keep and Bear Arms as guaranteed by the Second Amendment to the Constitution.

**WE THE PEOPLE** find ourselves, once again, in the position of having to admit that in every stage of our oppression we have Petitioned for Redress in the most humble terms, our repeated Petitions have been answered only by repeated injury, and that a Government that ignores its People is unfit to be the ruler of a free People.

**WE THE PEOPLE, by and through the unalienable Right guaranteed by First and Ninth Amendments to the Constitution of the United States of America,** instruct the President and each member of Congress to honor their oaths of office and their constitutional obligation by responding to this Petition for Redress, providing formal, specific answers to the questions contained herein, no later than (40) forty days reckoning from the date of service of this Petition for Redress.

**WE THE PEOPLE** reaffirm the essential principle underlying our system of governance, as expressed by the Founders, “whenever the ends of government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the people may, and of right ought to reform the old, or establish a new government, for the doctrine of nonresistance against arbitrary power, and oppression, is absurd, slavish, and destructive of the good and happiness of mankind.” See Declaration of Independence and the New Hampshire Constitution, Article 10.

**WE THE PEOPLE** reaffirm the essential principle underlying our system of governance, as expressed by the Founders, that “If money is wanted by Rulers who have in any manner oppressed the People, they may retain it until their grievances are redressed, and thus peaceably procure relief, without trusting to despised petitions or disturbing the public tranquility” and “how efficacious its [the privilege of giving or withholding our money] intercession for redress of grievances and establishment of rights, and how improvident would be the surrender of so powerful a mediator.” (*Journals of the Continental Congress*, 1:105-113 and Jefferson’s papers 1:225).

**WE THE PEOPLE** instruct the President and each member of Congress to respond to this Petition by providing formal, specific answers to the following questions:

1. Admit or deny that the Magna Carta signed June 15, 1215 established the primary legal and philosophical foundation for the system of Law, limited governance and Natural Rights enjoyed for centuries as the English Common Law and English Bill of Rights inherited and embraced by our Founders.
2. Admit or deny that the Rights of Men partially enumerated in Magna Carta were also articulated in our Founding documents and were, by design, embodied by the form, substance and expression of the government given birth by our own Constitution.
3. Admit or deny that the Rights enumerated in Magna Carta formed the foundation for our systems of, and Rights to, Law, Justice, Property, Labor, Security, the consent of the governed to effect Laws, and the Sovereignty of Man over his government.
4. Admit or deny that Section 61 of the Magna Carta states (in part) the following:  
“If we, our chief justice, our officials, or any of our servants offend in any respect against any man, or transgress any of the articles of the peace or of this security, and the offence is made known to four of the said twenty-five barons, they shall

come to us - or in our absence from the kingdom to the chief justice - to declare it and claim immediate redress. If we, or in our absence abroad the chief justice, make no redress within forty days, reckoning from the day on which the offence was declared to us or to him, the four barons shall refer the matter to the rest of the twenty-five barons, **who may distraint upon and assail us in every way possible**, with the support of the whole community of the land, **by seizing our castles, lands, possessions, or anything else** saving only our own person and those of the queen and our children, **until they have secured such redress** as they have determined upon. **Having secured the redress**, they may then resume their normal obedience to us.”

5. Admit or deny that Section 61 of the Magna Carta in effect, recognizes and provides for the Natural and inherent Right of the People, if necessary, to physically attack and seize the officers and property of the government in order to secure Redress against the government’s transgressions upon the Rights of the People.

6. Admit or deny that Section 61, in part, essentially articulates the Right of the People to Petition their government for Redress of Grievances and to use violent force, if necessary, to secure such Redress.

7. Admit or deny that in Runnymede in 1215, the King did finally, but reluctantly, peacefully submit to the Sovereignty of the People because the People did, in fact, possess the practical means to rise against, and threaten to use the means of violent force against the King and his officials.

8. Admit or deny that the preamble to the Bill of Rights, which amended the United States Constitution, which declared the First Congress’ legislative intent regarding the Bill of Rights, states, in part:

“The Conventions of a Number of the States having at the Time of their adopting the Constitution, expressed a Desire, *in Order to prevent Misconstruction or Abuse of its Powers*, that further declaratory and *restrictive Clauses* should be added: And *as extending the Ground of public Confidence in the Government will best insure the beneficent Ends of its Institution*,”

9. Admit or deny that the Second Amendment, unlike any other amendment, explicitly, and unambiguously, states that the **“right of the people to keep and bear arms, shall not be infringed.”**

10. Admit or deny that the U.S. Congress has, in fact, passed numerous acts of legislation which, as written and enforced, directly infringe upon the Peoples’ Right to Keep and Bear Arms as codified and secured by the explicit text of the Second Amendment.

11. Admit or deny that the many of the several states, have in fact, passed numerous acts of legislation which, as written and as enforced, directly infringe upon the Right to Keep and Bear Arms as codified and secured by the explicit text of the Second Amendment.

12. Admit or deny that the U.S. Supreme Court in *Hurtado v People of California*, 110 U.S. 516, 530-537 (1884) held that the Rights enumerated in Magna Carta are *Individual Rights* and that certain Rights must remain outside the control of government if government is to be controlled:

“The Constitution of the United States was ordained, it is true, by descendants of Englishman, who inherited the traditions of English law and history; . . . ¶ The concessions of Magna Carta were wrung from the King as guaranties against the oppression and usurpations of his prerogative. . . . ¶ In this country written constitutions were deemed essential to protect the rights and liberties of the people against the encroachments of power delegated to their governments, and **the provisions of Magna Carta were incorporated into Bills of Rights. They were limitations upon all the powers of government, legislative as well as executive and judicial** . . . ¶ Applied in England only as guards against executive usurpation and tyranny, **here they have become bulwarks also against arbitrary legislation;** but, in that application, as it would be incongruous to measure and restrict them by the ancient customary English law, they must be held to guarantee not particular forms of procedure, but the very substance of **individual rights** to life, liberty, and property. . . . ¶ Due process of law is process **according to the law of the land.** . . . ¶ According to a recognized canon of interpretation, especially applicable to formal and solemn instruments of constitutional law, **we are forbidden to assume, without clear reason to the contrary, that any part of this most important amendment is superfluous.** . . . ¶ Due process of law . . . refers to that law of the land which derives its authority from the legislative powers conferred upon Congress by the Constitution of the United States, **exercised within the limits therein prescribed,** . . . ¶ **It is not every act, legislative in form, that is law. Law is something more than the mere will exerted as an act of power. . . . Arbitrary power, enforcing its edicts to the injury of the persons and property of its subjects, is not law,** whether manifested as the decree of the monarch or of an impersonal multitude. And **the limitations imposed by our constitutional law upon the action of the governments, both State and national, are essential to the preservation of public and private rights,** notwithstanding the representative character of our political institutions. The enforcement of these limitations by judicial process is the device of self-governing communities to protect the rights of individuals and minorities, as well against the power of numbers, as **against the violence of public agents transcending the limits of lawful authority, even when acting in the name and wielding the force of government.** . . . ¶ ‘It must be conceded that **there are such rights in every free government beyond the control of the State. A government which recognized no such rights, which held the lives, the liberty, and the property of its citizens subject at all times to the absolute disposition and unlimited control of even the most democratic depository of power, is after all but a despotism. It is true it is a despotism of the many, of the majority, if you choose to call it so, but it is nevertheless a despotism.** . . .’ [Emphasis added.]

13. Admit or deny that in 1513 Niccolo Machiavelli penned the *The Prince*, which contains the following in Chapter 14 regarding the possession of arms:

“. . . **being unarmed makes you despised.** . . . between an armed and an unarmed man there is no comparison whatsoever, and **it is not reasonable for an armed man to obey an unarmed man willingly, nor that an unarmed man should be safe among armed servants;** since, when the former is suspicious and the latter are contemptuous, it is impossible for them to work well together”. [Emphasis added.]

14. Admit or deny that our Founders relied directly upon their natural Rights to abolish government via force in the Declaration of Independence:

“We hold these truths to be self-evident, that all men are created equal, that they are **endowed by their Creator** with certain **unalienable Rights**, that among these are **Life, Liberty, and the pursuit of Happiness**. That **to secure these rights, Governments are instituted among Men**, deriving their **just powers from the consent of the governed**, That **whenever any Form of Government becomes destructive of these ends, it is the Right of the people to alter or to abolish it**, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.” [Emphasis added.]

15. Admit or deny that in delegating certain limited authorities to governments to raise armies and perform police functions the People could not delegate a power to the government that they themselves did not possess first as Individuals.

16. Admit or deny that the word “militia” as used in the Constitution, refers generically to the body of privately armed citizens of the several states.

17. Admit or deny that the word “militia”, as used in the Constitution, does NOT refer to any state or Congressionally funded permanent army or navy, including the National Guard.

18. Admit or deny that regardless of certain limited powers in the Constitution related to “calling forth” or maintaining the militias, the People themselves do **not** lose their individual Right to Keep and Bear Arms merely because Congress did not, or does not, exercise its powers under Article I, Section 8(15)-(16), inclusive, to provide for, organize, arm and discipline the militia.

19. Admit or deny that the primary purpose of the Bill of Rights is to partially enumerate the (unalienable) Individual Rights of the People.

20. Admit or deny that the text of the Second Amendment specifically refers to the “right of the People.”

21. Admit or deny that a Right is not the legal equivalent of, and cannot be, a “privilege”.

22. Admit or deny that a Right that is subject to prior restraint, regulation, taxation or other form of government control is not a Right, but a mere privilege.

23. Admit or deny that the provisions in the Bill of Rights are restrictions upon public officials, not upon the People.

24. Admit or deny that the U.S. Supreme Court said the following:

“The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts. One’s right to life, liberty, and property, to free speech, a free press, freedom of

worship and assembly, and other fundamental rights may not be submitted to vote; they depend on the outcome of no elections.”

*West Virginia State Bd. Of Educ. v. Barnette*, (1943) 319 U.S. 624, 638

“The Bill of Rights is applicable to investigations as to all forms of governmental action. Witnesses cannot be compelled to give evidence against themselves. They cannot be subjected to unreasonable search and seizure. Nor can the First Amendment freedoms of speech, press and religion, or political belief and association be abridged.”

*Watkins v. United States* (1957) 354 U.S. 178, 188

“These sentiments worked their way over to the Colonies and were implanted after great struggle into the Bill of Rights. Those who framed our Constitution and the Bill of Rights were ever aware of subtle encroachments on individual liberty. They knew that ‘illegitimate and unconstitutional practices get their first footing by silent approaches and slight deviations from legal modes of procedure.’ . . . The [Fifth Amendment] privilege was elevated to constitutional status and has always been ‘as broad as the mischief against which it seeks to guard.’ . . . We cannot depart from this noble heritage. . . . ¶ In this Court, the privilege has consistently been accorded a liberal construction. [459] . . . ¶ We encourage Congress and the States to continue their laudable search for increasingly effective ways of protecting the rights of the individual while promoting efficient enforcement of our criminal laws. [467] . . . ¶ As courts have been presented with the need to enforce constitutional rights, they have found means of doing so. That was our responsibility a . . . and it is our responsibility today. Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them. [490]”

*Miranda v. Arizona*(1966),384U.S.436

“Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them.”

*Miranda v. State of Arizona* (1966) 384 U.S. 436, 491

“. . . The prohibitions of the Constitution were designed to apply to all branches of the National Government and they cannot be nullified by the Executive or by the Executive and the Senate combined . . . . ¶ It is urged that the expansion of military jurisdiction over civilians claimed here is only slight, and that the practical necessity for it is very great. The attitude appears to be that a slight encroachment on the Bill of Rights and other safeguards in the Constitution need cause little concern. But . . . [s]light encroachments create new boundaries from which legions of power can seek new territory to capture. ‘It may be that it is the obnoxious thing in its mildest and least repulsive form; but illegitimate and unconstitutional practices get their first footing in that way, namely, by silent approaches and slight deviations from legal modes of procedure. This can only be obviated by adhering to the rule that constitutional provisions for the security of person and property should be liberally construed. A close and literal construction deprives them of half their efficacy, and leads to gradual depreciation of the right, as if it consisted more in sound than in substance. It is the duty of courts to be watchful for the constitutional rights of the citizen, and against any stealthy encroachments thereon. Moreover we cannot consider this encroachment a slight one. Throughout history many transgressions by the

military have been called ‘slight’ and have been justified as ‘reasonable’ in light of the ‘uniqueness’ of the times. We cannot close our eyes to the fact that today the peoples of many nations are ruled by the military.”

*Reid v. Covert*, (1957) 354 U.S. 1, 17, 39-40

25. Admit or deny that the following quotes from our Founders all support the contention that it is a fundamental Right of every citizen to be armed and that it is this Right that is protected without infringement by the Second Amendment:

“**Americans [have] the right, and advantage of being armed** 'unlike citizens of other countries whose governments are afraid to trust the people with arms.’”

James Madison, *The Federalists*, No. 46

”The great object is that **every man be armed.**” Patrick Henry, *Debates and Other Proceedings of the Convention of Virginia* (June 2, 1788)

”I ask, sir, what is the militia? **It is the whole people**, except for a few public officials.” George Mason, Jonathan Elliot, *The Debates in the Several State Conventions on the Adoption of the Federal Constitution*

“Before a standing army can rule, the people must be disarmed; as they are in almost every kingdom in Europe. The supreme power in America cannot enforce unjust laws by the sword, because **the whole body of the people are armed**, and constitute a force superior to any band of regular troops that can be, on any pretense, raised in the United States.” [Emphasis added.] Noah Webster, *An Examination of the Leading Principles Of the Federal Constitution*, (1787)

“It is always dangerous to the liberties of the people to have an army stationed among them, over which they have no control . . . **The Militia is composed of free Citizens.** There is therefore no Danger of their making use of their power to the destruction of their own Rights, or suffering others to invade them.” [Emphasis added.] Samuel Adams, *Writings*

“They tell us . . . that we are weak, unable to cope with so formidable an adversary. But when shall we be stronger? . . . Will it be when we are totally disarmed, and when a British guard shall be stationed in every house? . . . **Three million people, armed in the holy cause of liberty** . . . are invincible by any force which our enemy can send against us.” [Emphasis added.] Patrick Henry, "Give Me Liberty" Speech

“No free man shall ever be debarred the use of arms.” Thomas Jefferson, *Proposed Virginia Constitution*, 1776

“Arms in the hands of citizens may be used at individual discretion . . . in private defense.” John Adams, *A Defense of the Constitution of The Government of the USA*, 471 (1788)

“A well-regulated Militia, composed of the Gentlemen, Freeholders, and other Freemen was necessary to protect our ancient laws and liberty from the standing army . . . And we do each of us, for ourselves respectively, promise and engage to keep a good Fire-lock in proper Order & to furnish Ourselves as soon as possible with, & always keep by us, one Pound of Gunpowder, four Pounds of Lead, one Dozen Gun Flints, and a pair of Bullet Molds, with a Cartouch Box, or powder horn, and Bag for Balls.” George Mason

“To disarm the people [is] the best and most effectual way to enslave them.” George Mason, Jonathan Elliot, *The Debates in the Several State Conventions on the Adoption of the Federal Constitution*

“The said Constitution [shall] never be construed to authorize Congress to . . . prevent **the people of the United States**, who are peaceable citizens, from keeping their own arms.” [Emphasis added.] Samuel Adams, Massachusetts Constitutional Ratification Convention, 1788

“**Who are the militia? Are they not ourselves?** Congress have no power to disarm the militia. The swords and every other terrible implement of the soldier, **are the birthright of an American**. . . . The unlimited power of the sword is not in the hands of either the federal or state governments, but, where I trust in God it will ever remain, in the hands of the people.” [Emphasis added.] Tench Coxe, of Pennsylvania, *Pennsylvania Gazette*, Feb. 20, 1788

“[I]f circumstances should at any time oblige the government to form an army of any magnitude, that army can never be formidable to the liberties **of the people while there is a large body of citizens**, little if at all inferior to them in discipline and the use of arms, who stand ready to defend their rights and those of their fellow citizens.” [Emphasis added.] --Alexander Hamilton, of New York, *The Federalist*, No. 29

“A militia when properly formed **are in fact the people themselves . . . and include all men capable of bearing arms** . . . . To preserve liberty it is essential that . . . . The mind that aims at a select militia, must be influenced by a truly anti-republican principle.” [Emphasis added.] Richard Henry Lee, of Virginia, *Additional Letters From The Federal Farmer*, 1788

“What, sir, is the use of the militia? It is to prevent the establishment of a standing army, the bane of liberty . . . . Whenever Government means to invade the rights and liberties of the people, they always attempt to destroy the militia, in order to raise a standing army upon its ruins.” Elbridge Gerry, of Massachusetts, *Debate, U.S. House of Representatives*, August 17, 1789

26. Admit or deny that one can carry a concealed weapon without manifesting criminal intent or infringing upon the Rights of others?

27. Admit or deny that in the *Dred Scott v. Sanford* case 60 U.S. 393, 417 (1856), the U.S. Supreme Court, in denying slave Scott his citizenship, held that if slaves were entitled to all the privileges and immunities of citizens, they would also possess the Right to “keep and carry arms wherever they went” (quoting):

“For if they [slaves] were so received, and entitled to the privileges and immunities of citizens, it would exempt them from the operation of the special laws and from the police regulations which they [the slave holding states] considered to be necessary for their own safety. It would give to persons of the Negro race, who were recognized as citizens in any one State of the Union, **the right** to enter every other State whenever they pleased . . . ; and it would give them the full liberty of speech in public . . . , and **to keep and carry arms wherever they went**. And all of this would be done in the face of the subject race of the same color, both free and slaves, and inevitably producing discontent and insubordination among them, and endangering the peace and safety of the State.” [Emphasis added.]

28. Admit or deny that the U.S. Supreme Court in *Bailey v. Alabama* (1911) 219 U.S. 219, 241 held that a Constitutional provision that is expressly prohibitory in its language (as for example the 15th Amendment's prohibition on the impairment of the Right to contract) is "self-executing", operating *proprio vigore*, requiring no legislation to implement it or make it complete.

"While the Amendment was **self-executing**, so far as its terms were **applicable to any existing condition**, . . . . As was said in the Civil Rights cases: 'By **its own unaided force and effect** it abolished slavery . . . . the Amendment is not a mere prohibition of state laws establishing or upholding slavery, but an absolute declaration that slavery or involuntary servitude shall not exist in any part of the United States.' . . . ¶ The full intent of the constitutional provision could be defeated with obvious facility if, through the guise of contracts under which advances had been made, debtors could be held to compulsory service. It is the compulsion of the service that the statute prohibits, for when that occurs the condition of servitude is created, which would be no less involuntary servitude . . . . ¶ **What the State may not do directly it may not do indirectly** . . . . we must consider the natural operation of the statute here in question . . . ., and it is apparent that it furnishes a convenient instrument for coercion which the Constitution and the act of Congress forbid..."

“[Emphasis added.]

29. Admit or deny that state or federal laws that are a prior restraint against the exercise of the Second Amendment Right and seek to regulate the use or possession of arms such as concealed carry weapon permit laws, mandatory background checks, mandatory registrations, mandatory purchase limits, mandatory arms design feature restrictions, "gun free zones", etc. are, therefore, by the "unaided force and effect" of the Second Amendment itself, automatically, null and void and unconstitutional.

30. Admit or deny that the case *United States v. Miller* (1939) 307 U.S. 174, was the last major case decided by the Supreme Court regarding the substantive interpretation of 2nd Amendment Rights.

31. Admit or deny that in *US v. Miller*, the federal District Court did rule that the federal gun law Miller was charged with breaching, in fact, violated the Second Amendment, and was subsequently appealed by the Government.

32. Admit or deny that in deciding *US v. Miller*, the U.S. Supreme Court merely remanded the case back to the District Court for further evidentiary proceedings, and that contrary to widespread belief, the Court did NOT rule that Second Amendment does not guarantee an Individual Right to Keep and Bear Arms.

33. Admit or deny that the holding in *U.S v. Miller* essentially held these four propositions: first, the Second Amendment guarantees an *individual* right to arms which becomes a *collective* right when armed individuals come together and marshal as a militia, bringing with them arms privately owned by them maintained under their control free of government's prior restraint; second, the Second Amendment protects all hand held firearms, regardless of appearance, power, rate of fire, etc., if it can be demonstrated that they have "some reasonable relationship to the preservation or efficiency of a well regulated militia."; third, the test for whether a firearm has "some reasonable relationship to the preservation or efficiency of a well regulated militia" is a function of the inherent

qualities of the firearm, not whether the citizen who owns, controls, or possesses the firearm is a member of some government regulated group; and fourth, per this test articulated by the Supreme Court in *Miller*, the type of firearms protected by the Second Amendment and that citizens have a right to buy, own, possess, control and use responsibly, include all modern military, hand held, small arms -- regardless of their appearance, rate of fire, power, lethality, etc.

34. Admit or deny that the Fifth Circuit in *United States v. Emerson* (2001) 270 F.3d 203 rebuffed the government's assertion that the Second Amendment is a "collective right"

"We conclude that Miller does not support the government's collective rights or sophisticated collective rights approach to the Second Amendment. Indeed, to the extent that Miller sheds light on the matter it cuts against the government's position. . . . In undertaking this analysis, we are mindful that almost all of our sister circuits have rejected any individual rights view of the Second Amendment. However, it respectfully appears to us that all or almost all of these opinions seem to have been done so either on the erroneous assumption that Miller resolved the issue or **without sufficient articulated examination of the history and text of the Second Amendment.**" [Emphasis added.]

35. Admit or deny that Justice Thomas, concurring in *Printz v. United States* (1997) 521 U.S. 898, 938-939, n.2, noted that "Marshaling an impressive array of historical evidence, a growing body of scholarly commentary indicates that the 'right to keep and bear arms' is, as the Amendment's text suggests, a personal right."

36. Admit or deny that the Fifth Circuit in *U.S. v. Emerson* (2001) 270 F.3d 203, 264, held that "the Second Amendment protects the right of individuals to privately keep and bear their own firearms that are suitable as individual, personal weapons . . . , regardless of whether the particular individual is then actually a member of a militia."

37. Admit or deny that renowned Harvard Law professor Lawrence Tribe, in his American Constitutional Law, 3<sup>rd</sup> ed., Vol .One, [2000], page vi, wrote:

". . . an avalanche of scholarly investigation, including my own research on the subject . . . , has required me to revisit the meaning of that amendment, . . . . My conclusions . . . are: . . . (2) that the **Second Amendment does indeed protect individual rights** as well as collective rights . . . . [Emphasis added.]

38. Admit or deny that the Second Amendment is the final "check and balance" in our system of constitutional governance premised upon the fact that the People, as the true Sovereigns, possess the ultimate political authority and have created servant governments for their use and protection.

39. Admit or deny that laws which attempt to regulate or otherwise control or diminish the Right to Keep and Bear Arms directly conflict with the Preamble to the Bill of Rights and the mandatory, prohibitory language of the Second Amendment are manifestly unconstitutional and of no legal force or effect upon ordinary citizens

40. Admit or deny that the ultimate purpose of the Second Amendment is to enable the People, (individually and collectively) to always possess within their homes and upon their persons, the practical means to employ the threat of armed violence, and violence itself, if necessary, to throw off and abolish an abusive and despotic government and to institute a new one as may be deemed required to Guard their Rights and their Liberty.
41. Admit or deny that to infringe or deprive the Right to Keep and Bear Arms is to deny and deprive the People the very Right exercised by our Founders and the means by which our nation was given birth.
42. Admit or deny that the federal government regulates firearms traffic into, from and within the United States by enforcing the Gun Control Act of 1968 (GCA), 18 U.S.C. Chapter 44, the National Firearms Act (NFA), 26 U.S.C. Chapter 53, and the Arms Export Control Act (AECA), 22 U.S.C. 2778.
43. Admit or deny that the authority to administer and enforce these laws rests with the Secretary of the Treasury.
44. Admit or deny that the GCA (18 USC, Chapter 44) was enacted for the purpose of keeping firearms out of the hands of those not legally entitled to possess them because of age, criminal background, or incompetence.
45. Admit or deny that 18 USC Section 922 (g) establishes the criteria by which a person may legally purchase or possess a firearm under federal law.
46. Admit or deny that 18 USC 922 (g) (1) effectively deprives any citizen who has been convicted of a felony to be deprived, for life, of his Right to defend himself, his family or his property with a firearm.
47. Admit or deny that this federal statute applies to ALL types of felony-level convictions, including “white-collar” or other types of non-violent crimes.
48. Admit or deny that under 18 USC 922 (g), any American who has been convicted of a state *misdemeanor* crime involving domestic violence is barred forever from possessing a firearm.
49. Admit or deny that 18 USC 922 (n) makes it a federal felony for American citizens who have only been *indicted*, but not convicted, of a felony level crime to possess, purchase or sell a firearm.
50. Admit or deny that the GCA (18 USC, Chapter 44) was also designed to make state firearms laws more effective by channeling interstate commerce in firearms through federally licensed businesses and generally confining firearms transactions by “nonlicensees” to their states of residence.

51. Admit or deny that federal Bureau of Alcohol, Tobacco and Firearms website contains the following statement:

“The GCA makes it unlawful to engage in a firearms business without a license. 18 U.S.C. 922(a)(1), 923(a). Federal firearms licensees are generally prohibited from transferring firearms to persons who do not reside in the State where the licensee's premises are located. 18 U.S.C. 922(b)(3). Nonlicensees are generally prohibited from acquiring firearms outside their State of residence or transferring firearms to nonlicensees who reside out-of-State. 18 U.S.C. 922(a)(3) and (5).”

52. Admit or deny that the legal term “nonlicensee” is intended to encompass ordinary individual American citizens.

53. Admit or deny that the GCA seeks to regulate firearms commerce within the several states.

54. Admit or deny that the GCA seeks to regulate and limit the exercise of a Constitutional Right to the state of residence of a citizen.

55. Admit or deny that regulating commerce within a state is the regulation of *intra*-state commerce.

56. Admit or deny that Article I, Section 8 of the Constitution provides ONLY for federal regulation of *inter-state* commerce, and essentially prohibits federal regulation of *intra-state* commerce.

57. Admit or deny that by attempting to regulate firearms commerce within a state, the federal government is violating the Constitution.

58. Admit or deny that under 18 USC 922, it is a federal felony for an American citizen living in one state to sell a firearm to a citizen of another state, even if such transaction is non-commercial in nature.

59. Admit or deny that federal firearms laws are routinely enforced within non-federal zone areas inside the 50 several states.

60. Admit or deny that in 1990, the Congress passed the Gun Free School Zones Act of 1990 which made it a federal felony to “possess a firearm at a place that the individual knows, or has reasonable cause to believe, is a school zone.”

61. Admit or deny that 44 USC 922 (q)(1) states that the Congress finds and declares that:

”...(I) the Congress has the power, under the interstate commerce clause and other provisions of the Constitution, to enact measures to ensure the integrity and safety of the Nation’s schools by enactment of this subsection.”

62. Admit or deny that the Supreme Court in *U.S. v Lopez* 514 US 549 (1995) struck down the Gun Free School Zones Act because the Act did not directly regulate a commercial activity nor contain a requirement that the possession be connected to *interstate* commerce.

63. Admit or deny the *Lopez* ruling was essentially a Supreme Court mandate strictly defining the limits of federal legislative jurisdiction and federal police power inside the fifty states.

64. Admit or deny that despite the ruling in *Lopez*, Congress revised the Gun Control Act (GCA) at 44 USC 922 (q)(2) to now reference “interstate commerce”, specifically:

“(A) It shall be unlawful for any individual knowingly to possess a firearm that has moved in or that otherwise affects interstate or foreign commerce at a place that the individual knows, or has reasonable cause to believe, is a school zone.”

65. Admit or deny that under this provision, an American citizen can be charged with a federal firearms felony if a federal prosecutor claims even a tangential, or far-reaching affect the possession has upon interstate commerce or asserts a linkage between the firearm and its movement in interstate commerce, no matter how minimal, removed or far-fetched the prosecutor’s factual assertions may be.

66. Admit or deny that despite the holding of the Supreme Court in *Lopez*, which specifically attacked the fallacious nature of the federal Government’s argument claiming that mere possession of a firearm substantially affected interstate commerce, and despite the Court’s stern warning regarding the encroachment of federal police powers within the several states and the substantial risks such encroachments posed for the Republic, the Congress nonetheless revised the GCA to make it a federal crime to possess a firearm near a school.

67. Admit or deny that many federal Government officials desire that American citizens BELIEVE that the federal Government has *bona-fide*, and unrestricted legislative and police authority within the fifty several states.

68. Admit or deny that Article 1, Section 8 clause 17 of the Constitution limits the exclusive legislative jurisdiction of the United States government to specific geographical locations:

“To exercise exclusive legislation in all cases whatsoever, over such District (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings”

69. Admit or deny that the Supreme court held in *Caha v. United States*, 152 U.S. 211, 215, 14 S.Ct. 513 (1894) that [federal] "legislation applies only within the territorial jurisdiction of the United States unless a contrary intent appears" and that "The laws of Congress in respect to those matters do not extend into the territorial limits of the states,

but have force only in the District of Columbia, and other places that are within the exclusive jurisdiction of the national government."

70. Admit or deny that in June 1957, the United States government published a work entitled *Jurisdiction Over Federal Areas Within The States: Report of The Interdepartmental Committee for the Study of Jurisdiction Over Federal Areas Within the States*, Part II, and therein, the Committee stated:

"The Constitution gives express recognition to but one means of Federal acquisition of legislative jurisdiction -- by State consent under Article I, section 8, clause 17... Justice McLean suggested that the Constitution provided the sole mode for transfer of jurisdiction, and that if this mode is not pursued, no transfer of jurisdiction can take place," *Id.*, at 41.

"It scarcely needs to be said that unless there has been a transfer of jurisdiction (1) pursuant to clause 17 by a Federal acquisition of land with State consent, or (2) by cession from the State to the Federal Government, or unless the Federal Government has reserved jurisdiction upon the admission of the State, the Federal Government possesses no legislative jurisdiction over any area within a State, such jurisdiction being for exercise by the State, subject to non- interference by the State with Federal functions," *Id.*, at 45.

"The Federal Government cannot, by unilateral action on its part, acquire legislative jurisdiction over any area within the exterior boundaries of a State," *Id.*, at 46.

"On the other hand, while the Federal Government has power under various provisions of the Constitution to define, and prohibit as criminal, certain acts or omissions occurring anywhere in the United States, it has no power to punish for various other crimes, jurisdiction over which is retained by the States under our Federal-State system of government, unless such crime occurs on areas as to which legislative jurisdiction has been vested in the Federal Government," *Id.*, at 107.

71. Admit or deny that prior to December 2002, the Rule 54(c) of the Federal Rules of Criminal Procedure (FRCP) defined an "Act of Congress" as:

"Act of Congress" includes any act of Congress **locally applicable to and in force in the District of Columbia, in Puerto Rico, in a territory or in an insular possession.**"

72. Admit or deny that in December 2002, Congress rewrote the FRCP deleting the definition of "Acts of Congress" from the federal statutes.

73. Admit or deny that the Gun Control Act, at 44 USC 921(a)(2) defines the legal terms "interstate commerce" and "State" as:

(2) The term "interstate or foreign commerce" includes commerce between any place in a State and any place outside of that State, or within any possession of the United States (not including the Canal Zone) or the District of Columbia, but such term does not include commerce between places within the same State but through any place outside of that State. **The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States (not including the Canal Zone).**

74. Admit or deny that 44 USC 921 includes NO statutory definition which would indicate that the federal GCA statutes are enforceable upon non-federal territory inside the borders of the fifty states of the Union.
75. Admit or deny that all Federal and State statutes, court case precedents and local municipal ordinances that impose prior restraints, in any form, against the Right of the People to Keep and Bear Arms codified in the Second Amendment are a “Misconstruction or Abuse of . . . Powers” and violate the Constitution.
76. Admit or deny that the Second Amendment codifies a vital Fundamental Right that the First Congress intended, in perpetuity, to be a material *restriction* on the limited powers that the original Constitution granted to Congress.
77. Admit or deny that in 1929, the Soviet Union established gun control and from 1929 to 1953, about 20 million dissidents, unable to defend themselves, were rounded up and exterminated.
78. Admit or deny that in 1911, Turkey established gun control and from 1915 to 1917, 1.5 million Armenians, unable to defend themselves, were rounded up and exterminated.
79. Admit or deny that Germany established gun control in 1938 and from 1939 to 1945, a total of 13 million Jews and others who were unable to defend themselves were rounded up and exterminated.
80. Admit or deny that China established gun control in 1935 and from 1948 to 1952, 20 million political dissidents, unable to defend themselves, were rounded up and exterminated.
81. Admit or deny that Guatemala established gun control in 1964 and from 1964 to 1981, 100,000 Mayan Indians, unable to defend themselves, were rounded up and exterminated.
82. Admit or deny that Uganda established gun control in 1970 and from 1971 to 1979, 300,000 Christians, unable to defend themselves, were rounded up and exterminated.
83. Admit or deny that Cambodia established gun control in 1956 and from 1975 to 1977, one million 'educated' people, unable to defend themselves, were rounded up and exterminated.
84. Admit or deny that 56 million defenseless people were rounded up and exterminated by their governments in the 20th Century because of gun control.
85. Admit or deny that in the first 12 months that gun owners in Australia were forced by new law to surrender their firearms, 640,381 personal firearms were turned in and were destroyed by the Australian government, costing Australia taxpayers more than \$500 million dollars.

86. Admit or deny that in the first 12 months that gun owners in Australia were forced by new law to surrender their firearms, Australia-wide, homicides went up 3.2 percent, Australia-wide assaults went up 8.6 percent and Australia-wide armed robberies went up 44 percent.

87. Admit or deny that in the first 12 months that gun owners in Australia were forced by new law to surrender their firearms, in the state of Victoria alone, homicides with firearms went up 300 percent, an indication that while the law-abiding citizens turned them in, the criminals did not.

88. Admit or deny that the Founders, in the 1774 Journals of the Continental Congress, expressly articulated the following:

**“If money is wanted by Rulers who have in any manner oppressed the People, they may retain it until their grievances are redressed, and thus peaceably procure relief, without trusting to despised petitions or disturbing the public tranquility.”**

1774, *Journals of the Continental Congress, 1:105-113* [emphasis added]

89. Admit or deny that one of the most precious Rights the People enjoy is a government strictly limited by written Laws and that where Law is found to be wanting, no man can be Free.

Respectfully submitted this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_ by:

**First Name**

**Last Name**

**City**

**State**

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