



The Right to Keep and Bear Arr

- An **ESSENTIAL** right in the preservation of Liberty.
- **NOT** derived from the 2nd Amendment; the 2nd Amendment was written to remind the people of America to never allow their government to disarm them.
- **NOT** about self-defense from everyday criminals.
- has **ALWAYS** been a right to protect yourself from those in power who want to enslave you.
- A right, not a privilege.

In 2008, the **Supreme Court** wrote an opinion in the District of Columbia v. Heller case in which they described the Second Amendment as a declaration of the individual's right to possess a firearm unconnected with service in a government organized militia. They also recognized that the 2nd Amendment was designed to declare the individual's right to use that firearm for "traditionally lawful purposes" such as "the natural right of resistance and self-preservation."

William Blackstone wrote regarding the natural right to keep and bear arms:

"...to vindicate these rights when actually violated or attack'd, the subjects of England are entitled first to the regular administration and free course of justice in the courts of law—next to the right of petitioning the King and parliament for redress of grievances—and lastly, to the right of having and using arms for self-preservation and defence."

Notice that Blackstone mentions that the subjects of the King of England are "entitled" to several rights, to be vindicated when their rights are violated or attacked. First, the right to due process. Second the right to petition for a redress of grievances. And finally, the right to "have and use arms for self-preservation and defence." Blackstone is explaining that the "traditionally lawful purpose of self-preservation and resistance" is one that involves resisting and preserving our rights by having and using arms against those in power who attack us and violate our rights. By tradition, the right to keep and bear arms is not about robbers or rapists, it is about the individual protecting his own rights when those in power act to violate or attack those rights.



"I have but one lamp by which my feet are guided; and that is the lamp of experience. I know of no way of judging of the future but by the past."
 Patrick Henry, March 23, 1775

Writs of Assistance the final straw

Parliament's "Writs of Assistance" law in 1760 was written to enforce tyrannical laws that infringed upon the British subject's property rights and due process rights. These Writs of Assistance empowered tax collectors and customs agents the arbitrary and unchecked power to search and seize any item they chose under the color of law.

Attorney James Otis, Jr. argued before the court for over 5 hours against the Writs of Assistance. He argued that these Writs of Assistance were the "worst instruments of arbitrary power, the most destructive of English liberty ever found in an English law book." John Adams would write about that day 40 years later. He wrote:

"But Otis was a flame of fire! With a promptitude of classical allusions, a depth of research, a rapid summary of historical events and dates, a profession of legal authorities, a prophetic glare of his eyes into the future, and a rapid torrent of impetuous eloquence, he hurried away all before him."

*American independence was then and there born. The seeds of patriots and heroes – to defend the vigorous youth- were then and there sown. Every man of an [immense] crowded Audience appeared to me to go away, as I did, **ready to take up Arms against Writs of Assistants**. Then and there was the first scene of the first act of opposition to the arbitrary claims of Great Britain – then are there the child of independence was born.*

In fifteen years, namely in 1776, that child grew up to manhood and declared himself free."

Otis was fighting for the Liberty of property rights and due process

A government whose sole purpose was to defend the liberties of the people had turned away from that purpose. Since their government was a kingdom, and that kingdom had revolted against its purpose and broke the boundaries of its limited powers, the American Colonists had but one recourse; separation and independence from this government. This is why John Adams proclaimed in 1761 the people



were ready to pick up arms against these Writs. Once again, notice that the threat that called the people to arms was not a robber or gang. It was government agents using the color of law and the force of government to unlawfully steal from the people. The cry was not about a safety in the home, it was about the traditionally lawful purpose of protecting your liberty from a tyrannical government abusing its trust and power.



History convinced the designers of our Constitution that it was historically and politically necessary to codify the Right to Keep & Bear Arms in the form of an Amendment: the 2nd Amendment specifically. The second amendment reads:

“A Well Regulated Militia, being necessary for the security of a free State, the right of the people to keep and bear arms shall not be infringed.”

The purpose of the Bill of Rights is not to specifically limit the federal government as a ‘parchment barrier,’ but to remind the people of their essential and inalienable rights so the people will never allow government to regulate those rights.

The 2nd Amendment is to remind the people to never allow those in power to take away their right to secure their life, liberty, and property.

When those in power can define your rights, then there is no limit to the height and breadth of their power, because the less liberty the people have, the more power those in government have.

One of the most popular arguments used by those in power, is that the second amendment does not guarantee an individual right to keep and bear arms, but only establishes the right of the government to create an armed “militia.”

The 2nd amendment says the right to bear arms is a “Right of the People,” not a right of the government or the right of the militia. Former supreme Court justice John Paul Stevens recognized this “right of the people” when he offered up his suggestions for a future Constitutional Convention and he would like to change its meaning. In his book, “Six Amendments: How and Why we should change the Constitution” Stevens says the 2nd Amendment should be changed to read ““A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms when serving in the Militia shall not be infringed.”



George Mason, whom history has deemed the father of the Bill of Rights, was also a Virginia planter and a delegate to the Constitutional Convention. Mason, along with two other delegates, Edmond Randolph of Virginia and Elbridge Gerry of Massachusetts, refused to sign the Constitution. Mason also helped to author the Fairfax Resolves of 1774 and the Virginia Declaration of Rights of 1776 which became the template for the US Bill of Rights.

Mason addressed the issue of gun control and the construct of the militia in 1788 while arguing for a the necessity of a Bill of Rights during the ratification debates.

“Forty years ago, when the resolution of enslaving America was formed in Great Britain, the British Parliament was advised by an artful man, who was governor of Pennsylvania, to disarm the people; that it was the best and most effectual way to enslave them; but that they should not do it openly, but weaken them, and let them sink gradually...”

Notice that the threat of being disarmed is not one that comes from criminals, but from those in power. Mason’s own history dictates that the disarming of the people by the government is not one where agents go door to door collect all the guns, but one where the ability to purchase and own guns was made increasingly more difficult over time. “Weaken them” by removing the convenience, by removing the desire, by removing the opportunity to own guns and then the people will “sink gradually” into a state of dependency.

Mason continues to answer our first question, “Who are the Militia?” He says:

“I ask, who are the militia? They consist of now of the whole people, except a few public officers. But I cannot say who will be the militia of the future day. If that paper on the table (the Constitution) gets no alteration, the militia of the future day may not consist of all classes, high and low, and rich and poor...” Who are the militia, according to George Mason? The “Whole Body Of the People” not including those in public office.



Noah Webster, author of “An American Dictionary of the English Language” published in 1828. He was also a textbook pioneer. His blue-backed speller books taught five generations of American children how to spell and read. In 1791, Webster started the Connecticut Society for the Abolition of Slavery

In 1788, Noah Webster warned:

“Before a standing army can rule, the people must be disarmed; as they are in almost every kingdom in Europe.”



“What is a free state” according to Noah Webster?

One where the standing army cannot rule because the people are well armed. Again, it is relevant to note that the threat of being disarmed does not come from a rogue band of criminals, but from an organized and sanctioned government threat. Webster continues with his warning by reminding the people of why the people must always be armed.

“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 pretence, raised in the United States. A military force, at the command of Congress, can execute no laws, but such as the people perceive to be just and constitutional; for they will possess the power, and jealousy will instantly inspire the inclination, to resist the execution of a law which appears to them unjust and oppressive.”

“Letter from a Federal Farmer #18” thought to be authored by Richard Henry Lee, “[W]hereas, to preserve liberty, it is ESSENTIAL that the whole body of the people ALWAYS possess arms, and be taught alike, especially when young, how to use them...”

A well regulated militia, according to the men who drafted the second amendment, consists of every person, the whole body of the people, who are well trained in the skill of keeping and bearing arms and who also understand this skill is necessary to preserve liberty.

Patrick Henry is the founder that gave that very famous speech, Give Me Liberty or Give Me Death. Henry was an attorney, a delegate to the Constitutional Convention for the State of Virginia, and also served as governor of Virginia from 1776-1779 and again from 1784-1786. Patrick Henry gained the great respect of the people when he took a regiment of men from Hanover Virginia to Williamsburg in 1775, demanding that gun powder, that had been seized by Lord Dunmore, the then British governor of Virginia, be returned to the people or replaced. Because of Henry's stand for the liberty and property of the people 2 weeks after Henry's demand upon Dunmore, the gun powder was restored to the people.

During the debate in the Virginia Ratifying Convention of 1788, the discussion about controlling the government came to the floor. One delegate proposed that if the government of America should ever get out of control, the people could assemble in a Convention, recall the delegated powers, and punish those representatives for abusing the trust placed in them. Patrick Henry didn't think that a convention of the people was an adequate safe guard of liberty. The record of the convention records that Henry sneered at the other delegate and said:

"O sir, we should have fine times, indeed, if, to punish tyrants, it were only sufficient to assemble the people! Your arms, wherewith you could defend yourselves, are gone...Did you ever read of any revolution in a nation, brought about by the punishment of those in power, inflicted by those who had no power at all?"

Henry then reminds his delegates of an event in their current events as a warning to the present to ensure that the future generations are to never be disarmed.

"You read of a riot act in a country which is called one of the freest in the world, where a few neighbors cannot assemble without the risk of being shot by a hired soldiery, the engines of despotism. We may see such an act in America."

We do not have a right to keep an bear arms; we have a duty to keep and bear arms.

"Among the natural rights of the Colonists are these: First, a right to life; Secondly, to liberty; Thirdly, to property; together with the right to support and defend them in the best manner they can. These are evident branches of, rather than deductions from, the duty of self-preservation, commonly called the first law of nature." Samuel Adams, 1172

A right does not come from men or from documents. A right, as Samuel Adams reminds us, comes from Natural Law and is an inherent possession of all people.

A permission, however, is something that is allowed, by license, or grant of government.