MEMORANDUM OF LAW IN SUPPORT OF AMENDMENT II

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WHY GOVERNMENTS DISARM PEOPLE

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THE CONCLUSION IS INESCAPABLE

"The conclusion is thus inescapable that the history, concept, and wording of the second amendment to the Constitution of the United States, as well as its interpretation by every major commentator and court in the first half-century after its ratification, indicates that what is protected is an individual right of a private citizen to own and carry firearms in a peaceful manner". -- Report of the Subcommittee on The Constitution of the Committee On The Judiciary, United States Senate, 97th Congress, second session (February, 1982), SuDoc# Y4.J 89/2: Ar 5/5
"In recent years it has been suggested that the Second Amendment protects the "collective" right of states to maintain militias, while it does not protect the right of "the people" to keep and bear arms. If anyone entertained this notion in the period during which the Constitution and the Bill of Rights were debated and ratified, it remains one of the most closely guarded secrets of the eighteenth century, for no known writing surviving from the period between 1787 and 1791 states such a thesis". -- Stephen P. Halbrook, "That Every Man Be Armed": The Evolution of a Constitutional Right (revised and updated), p. 91; UNM Press, 2013

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“In the Militia Act of 1792, the second Congress defined ‘militia of the United States’ to include almost every free adult male in the United States. These persons were obligated by law to possess a firearm and a minimum supply of ammunition and military equipment. This statute, incidentally, remained in effect into the early years of the [20th] century as a legal requirement of gun ownership for most of the population of the United States. There can be little doubt from this that when the Congress and the people spoke of a ‘militia’, they had reference to the traditional concept of the entire populace capable of bearing arms, and not to any formal group such as what is today called the National Guard. The purpose was to create an armed citizenry, which the political theorists at the time considered essential to ward off tyranny. From this militia, appropriate measures might create a ‘well-regulated militia’ of individuals trained in their duties and responsibilities as citizens and owners of firearms. If gun laws in fact worked, the sponsors of this type of legislation should have no difficulty drawing upon long lists of examples of crime rates reduced by such legislation. That they cannot do so, after a century and a half of trying, they must sweep under the rug the southern attempts at gun
control in the 1870-1910 period, the northeastern attempts in the 1920-1939 period, the attempts at both Federal and State levels in 1965-1976 establishes the repeated, complete and inevitable failure of gun laws to control serious crime.

“Immediately upon assuming chairmanship of the Subcommittee on the Constitution, I sponsored the report which follows as an effort to study, rather than ignore, the history of the controversy over the right to keep and bear arms. Utilizing the research capabilities of the Subcommittee on the Constitution, the resources of the Library of Congress, and the assistance of constitutional scholars such as Mary Kaaren Jolly, Steven Halbrook, and David T. Hardy, the subcommittee has managed to uncover information on the right to keep and bear arms which documents quite clearly its status as a major individual right of American citizens. We did not guess at the purpose of the British 1689 Declaration of Rights; we located the Journals of the House of Commons and private notes of the Declaration's sponsors, now dead for two centuries. We did not make suppositions as to colonial interpretations of that Declaration's right to keep arms; we examined colonial newspapers which discussed it. We did not speculate as to the intent of the framers of the second amendment; we examined James Madison's drafts for it, his handwritten outlines of speeches upon the Bill of Rights, and discussions of the second amendment by early scholars who were personal friends of Madison, Jefferson, and Washington and wrote while these still lived. What the Subcommittee on the Constitution uncovered was clear — and long-lost — proof that the second amendment to our Constitution was intended as an individual right of the American citizen to keep and carry arms in a peaceful manner, for protection of himself, his family, and his freedoms.” — Senator Orrin Hatch, January 20, 1982, in a preface to the Report of the Subcommittee On The Constitution of the Committee On The Judiciary, United States Senate, 97th Congress, second session (February, 1982), SuDoc# Y 4.J 89/2: Ar 5/5

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“Seventy-four percent of the illegal gun owners commit street crimes, 24 percent commit gun crimes, and 41 percent use drugs. Boys who own legal firearms, however, have much lower rates of delinquency and drug use and are even slightly less delinquent than non-owners of guns. “The socialization into gun ownership is also vastly different for legal and illegal gun owners. Those who own legal guns have fathers who own guns for sport and hunting. On the other hand, those who own illegal guns have friends who own illegal guns and are far more likely to be gang members. For legal gun owners, socialization appears to take place in the family; for illegal gun owners, it appears to take place ‘on the street.’” -- U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, NCJ 143454, "Urban Delinquency and Substance Abuse: Research Summary," p.18, March 1994

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Governments have murdered four times as many civilians as were killed in all their international and domestic wars combined.\(^8\) How could governments kill so many people? The governments had the power. The people, the victims, were unable to resist, because the victims were unarmed.

History clearly teaches that every government that moves towards gun control ends up killing the people who disagree with it. Disarmed people are neither free nor safe; rather they become the criminals' prey and the tyrants' playthings. When people are defenseless and their government goes rogue, thousands and millions of innocents die.

"Both oligarch and tyrant mistrust the people, and therefore deprive them of arms." -- Aristotle\(^9\)

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"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 of the people are armed, and constitute a force superior to any band of regular troops," Noah Webster\(^11\)

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DISARMAMENT IN THE NAME OF INTERNATIONAL SECURITY

On September 25, 2013 in an act of war against the unalienable rights of the People protected by Amendment II, against the will of We the People and without the consent of Congress, Secretary of State John Kerry committed treason by signing the United Nations Arms Trade Treaty thereby surrendering the Peoples’ unalienable rights protected by the Second Amendment to foreign powers, inimical to liberty.

On September 24, 2014 while addressing the U.N. General Assembly concerning the United Nations Arms Trade Treaty; in an act of war against the unalienable rights of the People protected by Amendment II, against the will of We the People President Obama said: "All nations must meet our responsibility to observe and enforce international norms" thereby yielding his oath of office to foreign powers.

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WHY GOVERNMENTS DISARM PEOPLE

A LEAGUE OF EVIL - The following statistics were reported in the September 11th, 1999, issue of The Economist magazine, page 7, titled “A League of Evil.”

a. 1915-1917 Ottoman Turkey banned gun possession, and then targeted Armenians (mostly Christians) and killed 1-1.5 million people.

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4 Historical Review of Pennsylvania, 1759.
5 FICTION OF LAW: “Something known to be false is assumed to be true.” Ryan v. Motor Credit Co., 130 N.J.Eq. 531, 23 A.2d 607, 621 “That statutes which would deprive a citizen of the rights of person or property without a regular trial, according to the course and usage of common law, would not be the law of the land.” -- Hoke vs. Henderson,15, N.C.15,25 AM Dec 677.
b. 1929-1945 Soviet Union banned gun possession, and then targeted political opponents and farming communities, killing 20 million people.

c. 1933-1945 Nazi Germany (and occupied Europe) banned gun possession, and then targeted political opponents, Jews, Gypsies and critics killing 20 million people.

d. 1927-1949 Nationalist China banned private ownership of guns, and then targeted political opponents, army conscripts, and others, killing 10 million people.

e. 1949-1952; 1957-1960; 1966-1976 Red China instituted the death penalty for supplying guns to “counter-revolutionary criminals” and anyone resisting any government program, and then targeted political opponents, killing 20-35 million people.

f. 1960-1981 Guatemala banned gun possession, and then targeted Mayans, other Indians, and political enemies, killing 100,000-200,000 people.

g. 1971-1979 Uganda registered gun owners, instituted warrantless searches, and then targeted Christians and political enemies, killing 300,000 people.

h. 1975-1979 Cambodia registered gun owners and then targeted educated persons and political enemies, killing 2 million people.

i. 1994 Rwanda registered gun owners and then targeted the Tutsi people killing over 800,000.


THE CONCLUSION IS INESCAPABLE

"The conclusion is thus inescapable that the history, concept, and wording of the second amendment to the Constitution of the United States, as well as its interpretation by every major commentator and court in the first half-century after its ratification, indicates that what is protected is an individual right of a private citizen to own and carry firearms in a peaceful manner". -- Report of the Subcommittee on The Constitution of the Committee On The Judiciary, United States Senate, 97th Congress, second session (February, 1982), SuDoc# Y4.J 89/2: Ar 5/5
"In recent years it has been suggested that the Second Amendment protects the "collective" right of states to maintain militias, while it does not protect the right of "the people" to keep and bear arms. If anyone entertained this notion in the period during which the Constitution and the Bill of Rights were debated and ratified, it remains one of the most closely guarded secrets of the eighteenth century, for no known writing surviving from the period between 1787 and 1791 states such a thesis". -- Stephen P. Halbrook, "That Every Man Be Armed": The Evolution of a Constitutional Right (revised and updated), p. 91; UNM Press, 2013

"Americans have the will to resist because you have weapons. If you don't have a gun, freedom of speech has no power." -- Yoshimi Ishikawa, Japanese author and social commentator, quoted in “Japanese Overcome Culture, Vent Outrage Over Scandal: Politics: Public anger drives a kingpin from Parliament--in contrast to society's usual passivity,” Los Angeles Times, October 15, 1992

"Whether the authorities be invaders or merely local tyrants, the effect of such laws [gun control] is to place the individual at the mercy of the state, unable to resist." -- Robert Anson Heinlein, 1949

“In the Militia Act of 1792, the second Congress defined ‘militia of the United States’ to include almost every free adult male in the United States. These persons were obligated by law to possess a firearm and a minimum supply of ammunition and military equipment. This statute, incidentally, remained in effect into the early years of the [20th] century as a legal requirement of gun ownership for most of the population of the United States. There can be little doubt from this that when the Congress and the people spoke of a ‘militia’, they had reference to the traditional concept of the entire populace capable of bearing arms, and not to any formal group such as what is today called the National Guard. The purpose was to create an armed citizenry, which the political theorists at the time considered essential to ward off tyranny. From this militia, appropriate measures might create a ‘well-regulated militia’ of individuals trained in their duties and responsibilities as citizens and owners of firearms. If gun laws in fact worked, the sponsors of this type of legislation should have no difficulty drawing upon long lists of examples of crime rates reduced by such legislation. That they cannot do so, after a century and a half of trying, they must sweep under the rug the southern attempts at gun
control in the 1870-1910 period, the northeastern attempts in the 1920-1939 period, the attempts at both Federal and State levels in 1965-1976 establishes the repeated, complete and inevitable failure of gun laws to control serious crime. “Immediately upon assuming chairmanship of the Subcommittee on the Constitution, I sponsored the report which follows as an effort to study, rather than ignore, the history of the controversy over the right to keep and bear arms. Utilizing the research capabilities of the Subcommittee on the Constitution, the resources of the Library of Congress, and the assistance of constitutional scholars such as Mary Kaaren Jolly, Steven Halbrook, and David T. Hardy, the subcommittee has managed to uncover information on the right to keep and bear arms which documents quite clearly its status as a major individual right of American citizens. We did not guess at the purpose of the British 1689 Declaration of Rights; we located the Journals of the House of Commons and private notes of the Declaration's sponsors, now dead for two centuries. We did not make suppositions as to colonial interpretations of that Declaration's right to keep arms; we examined colonial newspapers which discussed it. We did not speculate as to the intent of the framers of the second amendment; we examined James Madison's drafts for it, his handwritten outlines of speeches upon the Bill of Rights, and discussions of the second amendment by early scholars who were personal friends of Madison, Jefferson, and Washington and wrote while these still lived. What the Subcommittee on the Constitution uncovered was clear — and long-lost — proof that the second amendment to our Constitution was intended as an individual right of the American citizen to keep and carry arms in a peaceful manner, for protection of himself, his family, and his freedoms.” -- Senator Orrin Hatch, January 20, 1982, in a preface to the Report of the Subcommittee On The Constitution of the Committee On The Judiciary, United States Senate, 97th Congress, second session (February, 1982), SuDoc# Y 4.J 89/2: Ar 5/5

“Those who are trying to read the Second Amendment out of the Constitution by claiming that it’s not an individual right or that it’s too much of a safety hazard are courting disaster by encouraging others to use the same means to eliminate portions of the Constitution they don’t like.” -- Alan Dershowitz, Harvard Law professor, quoted in the Capitalism magazine article, “The Second Amendment Strikes Back,” by Larry Elder, June 3, 2002
“Seventy-four percent of the illegal gun owners commit street crimes, 24 percent commit gun crimes, and 41 percent use drugs. Boys who own legal firearms, however, have much lower rates of delinquency and drug use and are even slightly less delinquent than non-owners of guns. “The socialization into gun ownership is also vastly different for legal and illegal gun owners. Those who own legal guns have fathers who own guns for sport and hunting. On the other hand, those who own illegal guns have friends who own illegal guns and are far more likely to be gang members. For legal gun owners, socialization appears to take place in the family; for illegal gun owners, it appears to take place ‘on the street.” -- U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, NCJ 143454, "Urban Delinquency and Substance Abuse: Research Summary," p.18, March 1994

“A historical examination of the right to bear arms, from English antecedents to the drafting of the Second Amendment, bears proof that the right to bear arms has consistently been, and should still be, construed as an individual right.” -- U.S. District Judge Sam R. Cummings, Memorandum Opinion in United States of America vs. Timothy Joe Emerson, March 30, 1999

"No matter how one approaches the figures, one is forced to the rather startling conclusion that the use of firearms in crime was very much less when there were no controls of any sort and when anyone, convicted criminal or lunatic, could buy any type of firearm without restriction. Half a century of strict controls on pistols has ended, perversely, with a far greater use of this weapon in crime than ever before". -- Colin Greenwood, in the study "Firearms Control", 1972

John R. Bolton, as United States Under-Secretary for Arms Control and International Security, urged the United Nations in 2001 to recognize how an “oppressed non-state group defending itself from a genocidal government” will need ready access to firearms. Mr. Bolton may have been the first U.S. official in modern history to argue before the UN that private citizens might need to be armed against their own killer governments.7

7 John R. Bolton, Plenary Address to the UN Conference on the Illicit Trade in Small Arms and Light Weapons, at the UN Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects; July 9, 2001.
Governments have murdered four times as many civilians as were killed in all their international and domestic wars combined.  

How could governments kill so many people? The governments had the power. The people, the victims, were unable to resist, because the victims were unarmed.

History clearly teaches that every government that moves towards gun control ends up killing the people who disagree with it. Disarmed people are neither free nor safe; rather they become the criminals' prey and the tyrants' playthings. When people are defenseless and their government goes rogue, thousands and millions of innocents die.

"Both oligarch and tyrant mistrust the people, and therefore deprive them of arms." -- Aristotle

“When the resolution of enslaving America was formed in Great Britain, the British Parliament was advised by an artful man [Sir William Keith], 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, by totally disusing and neglecting the militia.” - George Mason

"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 of the people are armed, and constitute a force superior to any band of regular troops," Noah Webster

"Every Communist must grasp the truth, 'Political power grows out of the barrel of a gun" -- Mao Tse-tung

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8 September 11th, 1999 issue of The Economist magazine, page 7, titled A League of Evil.
11 “An Examination into the Leading Principles of the Federal Constitution Proposed by the Late Convention Held at Philadelphia, with Answers to the Principal Objections That Have Been Raised Against the System, by a Citizen of America,” p. 43; Prichard & Hall, in Market Street, the second door above Laetitia Court; January 1787.