

Our Right To Bear Arms Is A God Given Individual Right

From the very creation of the Commonwealth/State of Pennsylvania on September 28, 1776, the age old, God given right of an individual to bear arms in defense, at a minimum, of himself, his family, his property, his business, his contracts and his State has been protected, secured and guaranteed by the Constitution of the Commonwealth of Pennsylvania.

The exact provision in the 1776 Constitution of the Commonwealth of Pennsylvania concerning the “Right to Bear Arms” is found in Section XIII of the “DECLARATION OF RIGHTS” in that founding document. This Section states:

“That the people have a right to bear arms for the defense of themselves and the state; and as standing armies in the time of peace are dangerous to liberty, they ought not to be kept up; And that the military should be kept under strict subordination to, and governed by, the civil power.”

The “Bill of Rights” became part of the Constitution for the United States of America on December 15, 1791. The Second Amendment in the “Bill of Rights” states:

“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.”

In 1790, the wording of the “Right to Bear Arms” provision of the Pennsylvania Constitution was changed and placed in its own Section of the then Article IX. This “Section 21” states:

“The right of the citizens to bear arms, in defense of themselves and the State, shall not be questioned.”

History proves that the word “infringed” in the Second Amendment was a compromise, but it means the same as the word “questioned” in the 1790 Constitution of Pennsylvania.

It should also be noted that the preamble of Article IX (without the words - “DECLARATION OF RIGHTS”) of the 1790 Constitution of Pennsylvania states:

“That the general, great, and essential principles of liberty and free government may be recognized and unalterably established, we declare --”

The phrase “DECLARATION OF RIGHTS” was returned to Article IX in the 1838 Constitution of Pennsylvania, while the wording of Section 21 (the “Right to Bear Arms”) remained unchanged. Article IX was renumbered, (as well as the numbers of all other Articles), as Article I in the 1874 Constitution of Pennsylvania. Article I (the “Declaration of Rights”), the preamble, and Section 21 were not changed in the 1968 Constitution. The wording of Section 21 and the preamble to Article I remain unchanged in our current Constitution of Pennsylvania.

The words in Section 21 of the Declaration of Rights in the Pennsylvania Constitution mean exactly what they say and say exactly what they mean. The State has absolutely no authority to question the right of an individual Pennsylvanian to bear arms, any arms. No “permit” or “license” with respect to the “right to bear arms” is, or could be, required or constitutional. Clearly, the Second Amendment means the same thing with respect to, and only in, federal jurisdictions. Contrary to the opinions of the United States Supreme Court since 1947, none of the first 8 Amendments of the “Bill of Rights” apply within the States of the Union. Remember the well documented facts; the so-called 14th Amendment was not lawfully approved or ratified. Therefore, it is totally null and void.

For many years, statements have repeatedly been made by those who wish to unlawfully impose “gun control” on individual Citizens. They say such things as: “The “right to bear arms” is not an individual right”; “The Second Amendment means that the militia are the people who can “bear arms” only when in the service of the United States or the State”; “This right only applies when using guns to go hunting or target shooting”; “Guns need to be licensed to keep the public safe”; “You can have a gun in your house, but you must have a “permit” to carry it concealed and/or to take it anywhere else”; “The police are the only ones that should have guns”; and many more.

Just about every time a sensational shooting happens, these gun control advocates come out in strength demanding more gun control laws and regulations. Of course most in the “mainstream media” aggressively join in these passionate calls. What in Article I, Section 21 of the Constitution of Pennsylvania is unclear? Could it be true that most in government have not read and/or understand the State and federal Constitutions? It is very clear that many, if not most, attorneys, judges and Justices intentionally do not follow their “oath of office” concerning this matter, and many others.

Apparently, it took until 2008 for the Supreme Court of the United States, in District of Columbia vs. Heller [554 U.S. 570 (2008)], to confirm the obvious fact that “the right to bear arms” is an individual right guaranteed and protected by the Constitution for the United States of America.

Unfortunately, Justice Antonin Scalia, one of the Supreme Court's most vocal and conservative justices, said on Fox News Sunday, July 29, 2012, that the Second Amendment leaves room for U.S. legislatures to regulate guns, including menacing and frightening hand-held weapons.

When asked by Chris Wallace if that kind of precedent would apply to assault weapons, or 100-round ammunition magazines like those used in the recent Colorado movie theater massacre, Justice Scalia declined to speculate. However, he did say:

“We’ll see. I mean, obviously the (Second) amendment does not apply to arms that cannot be hand-carried. It’s to keep and bear — so it doesn’t apply to cannons. But I suppose there are handheld rocket launchers that can bring down airplanes that will have to be ... decided.”

“Shall not be questioned” means exactly that, Justice Scalia! The reason the “right to bear arms” provision was put in both the original State Constitutions and the federal Constitution was because the framers were in the middle of, or had just completed, a fight for independence from the tyrannical government of Great Britain’s King George III. Clearly, the framers of both State and federal Constitutions knew that to be able to fight a tyrannical government, individuals must have their God given right to keep and bear any arms that those in the tyrannical government have, of course, while always being responsible for the lawful use of those arms. It is totally illogical to think otherwise. Disappointedly, Justice Scalia is wrong to consider that there are any limitations of this constitutionally secured, protected and guaranteed right. For example, Citizens can lawfully have a tank in their driveway, ready to fire, in order to repel an invader/trespasser on their property. However, we must use all weapons responsibly at all times. Extensive, factual documented history proves that tyrants have always disarmed Citizens to unlawfully control them.

Also remember, licenses and permits have, since at least Roman times, been used unlawfully to convert rights into privileges, thus granting government “color of law” jurisdiction over private people and their actions, private property, private businesses, and private contracts. We all have a God given, individual right to bear arms, any arms!

“Those who will not be governed by God will be ruled by tyrants.”

William Penn