

Your Name: \_\_\_\_\_

Date: \_\_\_\_\_

## The Second Amendment – Yesterday and Today

The Second Amendment of the Constitution for the United States of America 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.”*

Though the courts, and ultimately the Supreme Court of the United States, until 2008 have *held* that the “right... to keep and bear Arms” is not an individual right, all of these past Court decisions have been wrong and unconstitutional. The “right to keep and bear arms” has always been an inherent and inalienable, God-given right of each Citizen of each State and of the United States of America. The first part of the Second Amendment is a qualifying statement that confirms all of the able-bodied people in each State make up the “Militia”, which is necessary to maintain a “free State”. These militias were first formed in the colonies in America, and continued after the original 13 States were established by Constitutions following the signing of the Declaration of Independence in 1776.

The Constitution for the United States of America is a written compact/contract between the people of the several States and the federal Government, which was created by this Constitution. Like all contracts, each word and provision in the Constitution for the United States of America, and all other written constitutions, mean exactly what they meant when the Constitution was written. The Constitution must be interpreted and applied strictly according to the original meaning and intent of each and every word, phrase, Clause, Section and Article. As Chief Justice John Roberts correctly said on March 8, 2006 at the Reagan Library: “The Constitution is not a ‘living document’, it is a ‘legal document’. As such, it must be interpreted in the language of the day in which it was written.” The Second Amendment became a part of the federal Constitution on December 15, 1791.

According to Noah Webster’s 1828 American Dictionary of the English Language, the word “infringe” means: “To break; to violate; to transgress; to neglect to fulfill or obey; as to *infringe* a law.”

The 1776 CONSTITUTION OF THE COMMONWEALTH OF PENNSYLVANIA states the following with respect to “the right to bear arms” in Section XIII of its “DECLARATION of the RIGHTS of the Inhabitants of the State of Pennsylvania”:

*“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 current Constitution of Pennsylvania states the following about the “right to bear arms” in the Declaration of Rights, Section 21:

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

A “right to bear arms” provision was added to both the State and federal Constitutions to guard against usurpations of power by a tyrannical government. They were NOT placed in the Constitutions because the Framers were concerned about hunting and/or target shooting. The primary arms of that day were swords, knives, muskets, pistols, long rifles and cannons, with their respective ammunition and accessories. Every individual could own and lawfully use any weapon available to those in the government. This is still the case. It would be absurd to believe that the Framers would suggest otherwise. The Framers didn’t care if their pistol was outside of their coat or under it. They knew that those in government could not question the exercise of constitutionally protected rights. Requiring a “permit” to carry a weapon concealed is clearly unconstitutional.

“The strongest reason for people to retain the right to keep and bear arms is, as a last resort, to protect themselves against tyranny in government.” - Thomas Jefferson

“Firearms stand next in importance to the Constitution itself. They are the American people’s liberty teeth and keystone under independence ... From the hour the Pilgrims landed, to the present day, events, occurrences, and tendencies prove that to insure peace, security and happiness, the rifle and pistol are equally indispensable . . . the very atmosphere of firearms everywhere restrains evil interference – they deserve a place of honor with all that is good.”  
- George Washington

“One of the ordinary modes, by which tyrants accomplish their purposes without resistance, is, by disarming the people, and making it an offence to keep arms” ...  
-- Constitutional scholar Joseph Story, 1840

“That the said Constitution shall never be construed to authorize Congress to infringe the just liberty of the press or the rights of conscience; or to prevent the people of the united States who are peaceable citizens from keeping their own arms.”  
-- Samuel Adams, in "Phila. Independent Gazetteer", August 20, 1789

“The right of the citizens to keep and bear arms has justly been considered as the palladium of the liberties of a republic; since it offers a strong moral check against the usurpation and arbitrary power of rulers; and will generally, even if these are successful in the first instance, enable the people to resist and triumph over them.”  
-- Supreme Court Justice Joseph Story of the John Marshall Court

## I. Reviewing the Facts and the law:

1. The Second Amendment has always been a protection of an \_\_\_\_\_, God-given right.
2. The Framers of the Constitution for the United States of America understood the word “infringe” to mean: \_\_\_\_\_; \_\_\_\_\_; \_\_\_\_\_; \_\_\_\_\_.
3. The “right to keep and bear arms” provision was added to both the State and federal Constitutions to:  
\_\_\_\_\_.
4. The Constitution is a \_\_\_\_\_ document, **not** a “\_\_\_\_\_” document.
5. Article I, Section 21, of the current Pennsylvania Constitution states: “The right of the \_\_\_\_\_ to \_\_\_\_\_ in defense of \_\_\_\_\_ and the State shall not be \_\_\_\_\_.”
6. Does the federal Government have authority to restrict ownership and/or the lawful use of any weapon within a State? \_\_\_\_\_

**II. Write a brief paper** explaining why “gun control” and “gun registration” violates a Citizen’s constitutionally secured, guaranteed and protected “right to keep and bear arms”.