

Right to Keep and Bear Arms

“When the Second Amendment’s plain text covers an individual’s conduct, the Constitution presumptively protects that conduct...” The constitutional right to bear arms in public for self-defense is not a second-class right, subject to an entirely different body of rules than the other Bill of Rights guarantees. We know of no other constitutional right that an individual may exercise only after demonstrating to government officers some special need.” Supreme Court Associate Justice Clarence Thomas writing in the *Bruen* majority opinion

The *Bruen* opinion was a huge victory for us Second Amendment supporters, so are we now free from the tyrannical forces that are seeking to disarm us? The Republicans are going to be in the majority in the House but not the Senate and we still have all the anti-Second Amendment people in the Biden Administration, including Biden himself. The lame duck session of congress could prove dangerous to our rights and Biden is going to use every trick they can think up per the article below. But as the second article points out we had another Second Amendment victory where a federal court held that a law passed in 1990 where possessing a firearm with a removed serial number was illegal, is now unconstitutional.

The tyrants will never stop trying to nullify the U.S. Constitution and its inherent freedoms and liberty. We must work to make Tennessee a true constitutional carry state and a Second Amendment sanctuary state. We do this by working with our state legislators and pressuring Governor Lee. We also must keep the pressure on our representatives to the U.S. Congress to not give an inch to those who wish to erase the Constitution.

Biden's Thanksgiving Gun Grab Vow 'Tyrannical'

By Charles Kim | Saturday, 26 November 2022 02:34 PM EST

Rep. Andy Biggs, R-Ariz., told Newsmax Saturday that President Joe Biden's Thanksgiving Day vow to ban assault weapons was "tyrannical."

"How do you turn Thanksgiving holiday into an attack on the Second Amendment? Well, this ... administration can do that at any time. This is one of the big goals," Biggs said during "Wake Up America" Saturday. "I was pretty upset that they would try to distract from this this very special day to do an attack on our rights, but that's par for the course for the Biden administration."

Biden was visiting the Nantucket Fire Department in Massachusetts on Thanksgiving Day when a reporter asked him about the shooting at a Chesapeake, Virginia, Walmart that killed seven employees, including the shooter, who died from a self-inflicted wound.

"I'm sick and tired of these shootings," Biden said. "We should have much stricter gun laws."

He further said that he was going to try and pass a ban on "assault weapons" during the lame-duck session of Congress.

"The idea we still allow semiautomatic weapons to be purchased is sick. It's just sick," Biden said. "It has no, no social redeeming value. Zero. None. Not a single, solitary rationale for it except profit for the gun manufacturers. I'm going to try to get rid of assault weapons."

Biggs said that law-abiding citizens having guns saves more lives that would be taken by criminals, pointing to a story about a Chicago woman who was able to fend off four men trying to steal her car at gunpoint by using her concealed-carry handgun.

"The point is she saved her life, possibly the lives of others because she had a gun," Biggs said. "People have to admit that you are able to save your lives when you are armed yourselves, and so, that's really important."

Biggs said that Biden does not understand what having a semi-automatic gun means, and that they make up around 50% of the weapons in America.

"This notion that we're going to go ahead and take away what we believe to be a God-given, inherent, right in this constitutional republic because Joe

Biden doesn't know the difference between an automatic weapon, a semi-automatic, what he likes to call ... 'assault weapons,' that's just absolutely tyrannical in its way," Biggs said. "I think coming down to the U.S. Supreme Court, at least with this current makeup — Justice Clarence Thomas did say that this applies to weapons that were not in production at the time of the writing of the Second Amendment, just like social media is not in the First Amendment; however, is still protected."

<https://www.newsmax.com/newsmax-tv/biggs-biden-guns>

Dangerous Use of Serial Numbers Found Unconstitutional

Ammoland Inc. Posted on November 13, 2022 by Dean Weingarten

The most dangerous use of a serial number on a firearm is as a registration number. In effect, gun registration is gun confiscation. It was not the intent for which serial numbers were made. They were created to track firearms with production changes and as a way for government arsenals to track the production and military use of weapons.

A federal court recently held a law passed in 1990, which makes possessing a firearm with a removed serial (registration) number illegal, is unconstitutional.

This is an important decision. It has relatively minor effects at this time. The law was a step toward universal firearms registration.

Finding the law unconstitutional subverts the push for government control over firearms.

Suppose a person cannot be punished for merely possessing a firearm from which a serial number has been removed. In that case, the entire scheme for government control over legally owned firearms falls apart.

There cannot be effective gun registration if a person cannot be punished for possessing a gun with the serial number removed.

The legal ability to possess firearms without serial numbers buttresses the deterrent effect of an armed population.

If government agents demand a person turn in a firearm that is registered to them, they can remain silent.

If the firearm appears at some later date, and the serial number has been removed, it becomes difficult to connect the firearm to the person it was registered to.

It becomes difficult to punish a person for an act someone else commits with a firearm originally purchased by them.

A unique serial number is a key to efforts to register and control firearms by the administrative state. Nelson T. "Pete" Shields of Handgun Control, inc. laid out the plan in 1976:

"We'll take one step at a time, and the first is necessarily – given the political realities – very modest. We'll have to start working again to strengthen the law, and then again to strengthen the next law and again and again. Our ultimate goal, total control of handguns, is going to take time. The first problem is to slow down production and sales. Next is to get registration. The final problem is to make possession of all handguns and ammunition (with a few exceptions) totally illegal."

When people may not be punished for possessing a firearm whose serial number has been removed, the plan falls apart.

Serial numbers were not required on most firearms, by the government, until 1968. They were required on National Firearms Act weapons as a means of registration of machine guns, short barreled rifles, short barreled shotguns, and silencers in 1938.

The registration of firearms is almost never used to solve violent crimes. The large costs of firearms registration make for a very large cost-to-benefit ratio.

The major purpose of gun registration is to enable the confiscation of firearms when the government desires to do so.

Serial numbers were first used on US military weapons in 1865. They were first used on Winchester rifles in 1866.

Serial numbers were first used as a tool of oppression in 1893.

Florida enacted a statute that required the recording of a repeating rifle's serial number (later to include pistols) with the county commissioners in 1893. While the act's wording is somewhat ambiguous, the title makes plain the purpose was to regulate the carrying of firearms.

1893 Fla. Laws 71-72, An Act to Regulate the Carrying of Firearms, chap. 4147, §§ 1-4.

The history of the Florida law implies it was meant to apply to black people and not to white people. The surety required (\$100 in 1893, about \$3,000 in 2020 dollars) immediately placed the permit beyond the capability of people with modest incomes. About fifty years later, a judge said the law was never meant to be used against white people, and he had never heard of a case where a white person was prosecuted under the 1893 law. From *Watson v. Stone*:

I know something of the history of this legislation. The original Act of 1893 was passed when there was a great influx of negro laborers in this State drawn here for the purpose of working in turpentine and lumber camps. The same condition existed when the Act was amended in 1901 and the Act was passed for the purpose of disarming the negro laborers and to thereby reduce the unlawful homicides that were prevalent in turpentine and saw-mill camps and to give the white citizens in sparsely settled areas a better feeling of security. The statute was never intended to be applied to the white population and in practice has never been so applied. We have no statistics available, but it is a safe guess to assume that more than 80% of the white men living in the rural sections of Florida have violated this statute. It is also a safe guess to say that not more than 5% of the men in Florida who own pistols and repeating rifles have ever applied to the Board of County Commissioners for a permit to have the same in their possession and there has never been, within my knowledge, any effort to enforce the provisions of this statute as to white people, because it has been generally conceded to be in contravention to the Constitution and non-enforceable if contested.

It should be noted the serial number, as such, appears to have had little to do with the actual discriminatory enforcement of the law in Florida. It wasn't until the infamous New York Sullivan law, recently found to be unconstitutional, that the use of serial numbers enforce disarmament became common..

The Sullivan law eventually tied a specific firearm to a specific person on a broad scale. Other states, particularly in the Northeast, followed suit. The state of New York, under the prodding of the organized crime boss, Big Tim Sullivan, pushed the registration of guns well ahead of most of Europe.

In Europe, the registration of firearms appears to be an artifact created after World War I. In Germany, the registration of firearms was installed after 1919 as part of the requirement of the Treaty of Versailles. England had no registration of firearms until the 1920 Firearms Act. Italy installed registration of firearms under Mussolini with the 1931 Public Safety Act. France installed general firearms registration from 1935 to 1939.

Most of these measures were touted as public safety measures.

In the case of England, research done by Joyce Lee Malcomb (US) and Chief Inspector Colin Greenwood (at Cambridge) showed fear of an armed population drove the legislation. The crime rate, at the time, was extraordinarily low. The purpose of the registration was to allow the government, in times of doubt, to disarm its perceived enemies and arm its perceived friends. From *Guns and Violence, the English Experience*, page 162:

Second, the Firearms Act of 1920, which took away the traditional right of individuals to be armed, was not passed to reduce or prevent armed crime or gun accidents. It was passed because the government was afraid of rebellion and keen to control access to guns.

Chief Inspector Colin Greenwood found the same result.

World War I caused immense turmoil in Europe. Along with many other problems, it may be rightly blamed for the rise of gun registration there.

Before the use of serial numbers, disarming of the population had to rely on brute force and physical searches for weapons.

In England, before the English Bill of Rights, in 1660, by the dubious method of royal proclamation, gunsmiths were once required to keep lists of people they sold firearms to.

Such lists were not the registration of firearms because they did not tie a particular gun to a particular individual. The adoption of the English Bill of Rights in 1689 was partly in response to this sort of action.

The requirement to keep lists by royal declaration was “a device of uncertain legal status,” according to Malcolmb. The proclamation was issued in December of 1660. From Malcolmb:

With this police apparatus in place, the King turned to the royal proclamation, a device of uncertain legal status, to tighten arms control. In September, 1660, he issued a proclamation forbidding footmen to wear swords or to carry other weapons in London.[87]

In December another proclamation expressed alarm that many “formerly cashiered Officers and Soldiers, and other dissolute and disaffected persons do daily resort to this City.”[88]

All such soldiers and others “that cannot give a good Account for their being here” were to leave London within two days and remain at least twenty miles away indefinitely.[89]

At the same time the royal government launched a campaign to control firearms at the source. Gunsmiths were ordered to produce a record of all weapons they had manufactured over the past six months together with a list of their purchasers.[90]

In future they were commanded to report every Saturday night to the ordnance office the number of guns made and sold that week.[91]

Carriers throughout the kingdom were required (p.300)to obtain a license if they wished to transport guns, and all importation of firearms was banned.[92]

It was less than a month later that King Charles II ordered a general disarmament of those considered his enemies:

The timing of the Fifth Monarchist uprising was especially opportune, for it occurred the very day the last regiments of the Commonwealth army were due to be disbanded. In response to this visible danger, these regiments were retained and twelve more companies were recruited to form the nucleus of a royalist army.[95] The militia and volunteers throughout the realm were ordered to carry out a general disarmament of everyone of doubtful loyalty.[96] By January 8, 1661, two days after the Venner uprising, Northamptonshire lieutenants reported that all men of known “evill Principles” had been disarmed and secured “so as we have not left them in any ways of power to attempt a breach of the peace.”[97]

Registration with serial numbers allows governments to circumvent the difficult and dangerous task of physically searching for firearms.

The government can simply demand the weapons tied by registration be turned in. If they are not available, various forms of coercion can be applied. State agents need never approach a persons home.

Disarmament is seldom general. There are always exceptions for agents and friends of those in power. Hitler disarmed Jews and others he deemed “enemies of the state” using local registration lists. Dictators always make exceptions for those who they believe can be relied on to support them.

The firearms owners Protection Act, passed in 1986, prevents the establishment of a national firearms registry. From congress.gov:

Amends the rulemaking authority of the Secretary to provide that no regulation may require: (1) the transfer of records required under this Act to a facility owned, managed, or controlled by the United States or any State; or (2) the establishment of any system of registration of firearms, firearm owners, or firearm transactions.

While those who want a disarmed population can initiate house-to-house searches to disarm people, as was done by tyrants in the past, doing so in the United States, under the Constitution, is very difficult

Holding laws that make the possession of firearms that have the serial number removed illegally to be unconstitutional puts teeth in the current laws against gun registration.

It makes the disarmament of the people incrementally, over a long period of time, very difficult.

It is a significant part of restoring the limitations on government power required by the Constitution.

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<https://www.ammoland.com/2022/11/dangerous-use-of-serial-numbers-found-unconstitutional>

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