

NO MORE GUN CONTROL!

Regarding the governments ability to impose "Reasonable Restraint", the mantra of our liberal influenced government.

Supporters of the bill of rights claim they have constitutional rights. Opponents counter even if it were the case, the government was granted the general power to place restraints on those rights. Both of these assertions are based on a misconception concerning the intent of the document known as the Bill of Rights.

When the Bill of Rights was submitted to the individual States for ratification, it was prefaced with a preamble. As stated in the preamble, the purpose of the Amendments was to prevent the government from "misconstruing or abusing its powers." To accomplish this, "further declaratory and restrictive clauses" were being recommended. The Amendments, when adopted, did not create any so-called constitutional rights or grant the government any power over individual rights; they placed additional restraints and qualifications on the powers of the government concerning the rights enumerated in the Amendments.

By advancing the myth Amendments grant the American people their individual rights, the government has illegally converted enumerated restraints and qualifications on its power into legislative, executive, judicial and administrative power over individual rights. The government claims it was granted the constitutional authority to determine the extent of the individual rights enumerated in the Amendments and/or impose "reasonable restraints" on those rights. This assertion is absurd. The government does not have the constitutional authority to ignore, circumvent, modify, negate or remove constitutional restraints placed on its power by the Amendments or convert them into a power over the individual right enumerated in the particular restraint.

A denial of power or an enumerated restraint on the exercise of power is not subject to interpretation or modification by the entity the restraint is being imposed upon. The restraints imposed by the Amendments, which were adopted 4 years after the Constitution was ratified, override the legislative, executive, judicial or administrative powers of the government. If this were not the case, then the restraints would be meaningless because the government could simply circumvent, modify or remove them. Why would the States have requested and adopted enumerated restraints on government power, subsequent to their ratification of the Constitution, if the government possessed the authority to nullify them?

When the government infringes on one of the rights enumerated in the Bill of Rights it is not violating anyone's constitutional rights; it is violating the additional restraint or qualification placed on its power by the particular Amendment where the right is enumerated. The distinction between rights and restraints is critical. [The right is not given by the Government. Our rights are given by God and are inalienable. Therefore, they can't be limited or taken away.]

As stated in the Declaration of Independence, the American people have unalienable rights that come from a higher source than government or a written document. By

acknowledging people have natural rights, which are bestowed by a creator, the Founders laid the foundation for the principle the government does not have the lawful authority to take away or infringe on those rights. This principle was incorporated into the preamble and structure of the Amendments to secure individual rights from government encroachment; that is why they were designed and imposed as restraints on the exercise of power.

If the individual rights of the people had been created by the Constitution or an amendment to the document, then they would cease to be unalienable because the right would depend on the existence of a document. If the document or a provision of the document disappeared, so would the right. The belief individual rights were created by a written document has opened the door for the government to claim the power to define the extent of any right enumerated in an Amendment. This has transformed constitutional restraints placed on governmental power into subjective determinations of individual rights by the institutions of government. By failing to understand the difference between amendments that create rights and amendments that impose restraints on government, the American people are watching their individual rights vanish as they are reduced to the status of privileges bestowed by government because the constitutional restraints placed on governmental power are being replaced by government decree.

Opponents of the Amendments always try to diminish the right enumerated in the Amendments by asserting rights are not absolute. This is just another straw man argument because the Amendment is about imposing a restraint of the powers of the government concerning a right: not granting a right or defining the extent of a right. In addition, a review of the Second Amendment shows the restraint imposed by the Amendment does not contain any exceptions.

Legal precedence supporting constitution and bill of rights.

Marbury v. Madison, 5 US 137: "The Constitution of these United States is the supreme law of the land. Any law that is repugnant to the Constitution is null and void of law."

Murdock v. Penn., 319 US 105: "No state shall convert a liberty into a privilege, license it, and attach a fee to it."

Shuttlesworth v. Birmingham, 373 US 262: "If the state converts a liberty into a privilege, the citizen can engage in the right with impunity."

Owen v. Independence, 100 S.C.T. 1398, 445 US 622: "Officers of the court have no immunity, when violating a Constitutional right, from liability. For they are deemed to know the law."

Scheuer v. Rhodes, 416 U.S. 232, 1974: Expounds upon Owen Byers v. U.S., 273 U.S. 28 Unlawful search and seizure. Your rights must be interpreted in favor of the citizen.

Boyd v. U.S., 116 U.S. 616: "The court is to protect against any encroachment of Constitutionally secured liberties."

Miranda v. Arizona, 384 U.S. 436: “Where rights secured (Affirmed) by the Constitution are involved, there can be no rule making or legislation, which would abrogate them.”

Norton v. Shelby County, 118 U.S. 425: “An unconstitutional act is not law; it confers no rights; it imposes no duties; affords no protection; it creates no office; it is in legal contemplation, as inoperative as though it had never been passed.”

Miller v. U.S., 230 F.2d. 486, 489: “The claim and exercise of a Constitutional right cannot be converted into a crime.”

Brady v. U.S., 397 U.S. 742, 748: “Waivers of Constitutional Rights, not only must they be voluntary, they must be knowingly intelligent acts done with sufficient awareness.” “If men, through fear, fraud, or mistake, should in terms renounce or give up any natural right, the eternal law of reason and the grand end of society would absolutely vacate such renunciation. The right to freedom being a gift of ALMIGHTY GOD, it is not in the power of man to alienate this gift and voluntarily become a slave.” —Samuel Adams, 1772

Cohens v. Virginia, 19 US (6 Wheat) 264, 404, 5 L.Ed 257 (1821): “When a judge acts where he or she does not have jurisdiction to act, the judge is engaged in an act or acts of treason.”

Mattox v. U.S., 156 US 237, 243: “We are bound to interpret the Constitution in the light of the law as it existed at the time it was adopted.”

S. Carolina v. U.S., 199 U.S. 437, 448 (1905): “The Constitution is a written instrument. As such, its meaning does not alter. That which it meant when it was adopted, it means now.”

Repeated Supreme Court rulings which have Incorporation of the Bill of Rights to the states through the Due Process Clause of the Fourteenth Amendment.

#NoMoreGovernmentOverReach

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Mr. TOBY YADON

Management Analyst