

Sunday December 14, 2003 - 05:55:12 AM, PST



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This Article Published 12. 11. 03 at 1:47 Sierra Time

http://www.sierratimes.com/03/12/12/article_hoff.htm

The First Law of Nature Demands a Second Amendment / The Excalibur of the People

Sergei Borglum Hoff (Former peace officer)

Second Amendment: "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."

The attacks on our World Trade Center have brought unimaginable grief to thousands of American families. They have also ignited a keen awareness of our vulnerability. And, the dereliction of federal government has become evident by its inability or refusal to provide adequate nationwide defenses from foreign aggression. Whether the appropriate charge is criminal negligence or high treason, there is no question that the people have been betrayed. However, individual security is not the constitutional responsibility of government. More than one judicial decision will confirm such a statement. In other words, it is you, the individual that is obliged to make provisions for your own safety by adhering to the First Law of Nature. You must respond to this fundamental law, or perish. I recognize that this is harsh news for the politically correct sensibilities of most Americans, but this revelation is a simple fact of life. Self-defense is the natural and honorable stance that we must all promote. Without decisive steps to defend self and family, "security" is only a word.

"The constitutions of most of our States assert that all power is inherent in the people; that... it is their right and duty to be at all times armed."--Thomas Jefferson to John Cartwright [1824]

Questions regarding the First Law of Nature were resolved at the time the Second Amendment--preeminent defender of our Bill of Rights--was ratified on December 15th, 1791. This fundamental law reigns supreme over every law contrived by politicians. And, the continuous and very real protections that the Second Amendment affords cannot logically be interpreted as antiquated necessity. Its purpose remains sound and noble. Accordingly, constitutional law and commonsense should render further discussion respecting the absolutes of self-defense as unwarranted. However, as this essential

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law is now under an unnatural attack by the encroaching United Nations, faithless public servants, and other debilitating influences of Socialist activism, an uncompromising attitude and a defensive awareness are indispensable. Diligently exposing the fraudulent nature and weaknesses of our demoralizing adversaries and their emotionally vulnerable admirers is no less vital to national security and the preservation of individual freedoms.

"To disarm the people is the best and most effectual way to enslave them."--George Mason

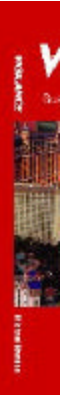
Within the First, Fourth, Fifth, Ninth, and Tenth Amendments of our Bill of Rights, the rights of the people are correctly interpreted as referring to the rights of individuals. Why is it, that only within the Second Amendment are people allegedly intended by the Founding Fathers to denote a collective or state right? Very simply, politicians and judges of a disloyal or subversive nature are fearful of an armed citizenry. For obvious reasons, these contemptuous public servants do not want civilian firearm ownership, and argue that only the police and military should be armed. Their fear of the people is as it should be, and was the intent of our Founding Fathers. Through peaceful human rights activism including imposing demonstrations, it will be wise to indelibly imprint such forebodings on the forefront of their consciousness. Be creative!

"When governments fear the people there is liberty. When the people fear the government there is tyranny."--Thomas Jefferson

The following truths must be conveyed to these unrestrained servants of the people: Because their constitutional authority to do so is nonexistent, federal police confiscations of firearms from peaceable citizens are, under the criminal codes of fifty sovereign states, equivalent to felony theft of private property. Depending upon injuries, deaths, and the means used to achieve their unconstitutional end, such actions will possibly rise to the level of aggravated assault or deliberate homicide. And, such confiscations are federal civil rights violations. Further, offending federal agents are liable for state prosecution and imprisonment. Without hesitation, liberty-committed-patriots will accept the duty of filing criminal complaints and demanding state prosecutions of these federally sanctioned lawbreakers. All perpetrators should further be penalized through civil litigation.

"A free people ought not only to be armed and disciplined, but they should have sufficient arms and ammunition to maintain a status of independence from any who might attempt to abuse them, which would include their own government."--George Washington

For the preservation of liberty, this nation, self, or family, the First



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Law of Nature does not require bureaucratic sanction prior to its enforcement by the people. And, whether or not politicians and judges view the Second Amendment as impaired is not a governing factor for the resolute individualist. Further, genuine patriots--those loyal to this nation and the principles of its Constitution--and other adherents of the First Law of Nature, will never be enslaved or deterred as a result of unnatural and unconstitutional laws, regardless of counterfactual Supreme Court judgments. There are 90,000,000-armed Americans (University of Chicago Research Center). Although ten-percent is conceivable (9,000,000), if only one-percent of that number (900,000) begins to energetically react--expertly or not--to human rights violations, there will indeed be ample cause for concern on the part of the unfaithful public servant. As the supreme counterforce to the tyrannical powers of government, our Founding Fathers forged the unyielding Second Amendment--the Excalibur of the people. Those politicians and judges from this subversive tribe and the others now performing their ballet from atop a fence will display a degree of wisdom by briskly restoring constitutional government and justice.

In one of only a few correct court decisions with respect to constitutional intent, Supreme Court Chief Justice Marshall proclaimed: "any act of the legislature, repugnant to the Constitution, is void."--Marbury vs. Madison [1803]

In further reference to the controlling or banning of guns, I have also caught the words "compelling state interests" being foolishly and dangerously flung about. In truth, the "compelling state interests" are enumerated within the twenty-six Amendments (18th repealed by the 21st) and in Article I, Section VIII, of the United States Constitution. Federal government is responsible for no more or less. If, defending the fundamental principles of the Constitution is not the compelling interest referred to, then what other interests should be of higher priority or greater concern to the federal government? None! These three words, "compelling state interests," can be the most menacing of semantic combinations; it holds the potential for unlocking the gates that constrain arbitrary legislation, counterfactual judgment, and unlimited oppression.

Although, Attorney General John Ashcroft and the 5th Circuit Court of Appeals recently and correctly ruled that the Second Amendment did in fact protect the right of individuals to keep and bear arms, the infringements persist. Fearing the potential of an unlimited armed citizenry and reasons of "compelling state interests," this cowardly court refused to adequately address the imposition by our Founding Fathers of four absolute and unyielding words: "Shall not be infringed." Any court ruling that is erroneous or incomplete is repugnant to the Constitution and an insult to our intelligence. Always taking delight in their supreme abilities to subvert the Constitution, and never to be overshadowed by judges of an inferior court, the U. S. Supreme Court--in its typical dereliction-of-duty-

mode--has again refused to hear arguments relative to this issue of national importance. Lacking even a rodent's squeak of complaint from the National Rifle Association (NRA), President Bush--through Solicitor General Ted Olson--has evidently requested that the nine black robes refrain from ruling on this particular constitutional question. It is obvious that one governmental branch is colluding with another. Frankly, I cannot think of a more compelling reason for publicly impeaching George Bush, and the deplorable conduct of this self-perceived august court.

It is crystal clear that the enforcement of the Bill of Rights has become inconsistent. Prior to the recent enactment of the "USA Patriot Act," if a state or local government were to violate the human rights of any individual, the federal government and courts--often self-exempted from the same laws--would in most cases chastise that offending state or city. Excepting, of course, the unalienable individual rights guaranteed by the Second Amendment. The Second Amendment is the only constitutional protection to be singled out for state and local recognition or lack thereof, inaccurate or vague interpretation, and unconstitutional infringements. Whereas, the states are rarely permitted to infringe upon the human rights contained within the remaining nine Amendments, they are encouraged by the federal government and courts to assault the principles of the Second Amendment. Nationally, thousands of innocent and nonviolent people have been prosecuted, convicted, and incarcerated as a result of unconstitutional firearm legislation. These legislative and judicial abuses are an outrage yet willfully and readily employed in every state within this nation. At this stage of his appointment, Attorney General John Ashcroft adamantly refuses to enforce the Second Amendment nationwide. Instead, he vigorously prosecutes innocent, nonviolent persons charged with violating these unconstitutional laws. With the exception of justified restrictions placed upon people who have been constitutionally convicted as violent felons, "Shall not be infringed" unequivocally demands the void of all criminal and civil laws pertaining to firearm possession. Be pleased with this fact or not, there are absolutely no qualifications placed on the Second Amendment, or the lawful individuals that it protects. Our government and courts have no authority to enact or enforce any so-called "reasonable firearm restrictions" or "commonsense gun laws." Period!

In violation of the Bill of Rights, my state requires the possession of a license that permits me to bear a firearm. As a "compelling state interest," should I not also be required to possess a license that permits me to freely speak or write what is on my mind, a license that permits me to be free from unreasonable searches and seizures, or a license that permits me to refrain from incriminating myself? What other unalienable rights should I not be permitted to exercise without a license?

"Who are the militia? Are they not ourselves? Congress have no power to disarm the militia. Their swords and every other terrible

implement of the soldier, are the birthright of an American.... The unlimited power of the sword is not in the hands of either the federal or state governments, but, where I trust in God it will ever remain, in the hands of the people" --The Pennsylvania Gazette [February 20, 1788]

Is the right of individuals to bear firearms of choice, absolute? Yes! Of course it is. The unjustified use of a firearm is an entirely different matter. Our rights do not extend beyond the point where they begin to violate the rights of others. We do not have a right to use firearms for criminal intent. Nor are we permitted to maliciously shout fire in a crowded auditorium. Freedom of speech cannot lawfully be abridged unless used in an unlawfully destructive manner. And, our right to keep and bear arms cannot lawfully be infringed upon except when firearms are used for criminal purposes. Unlawfulness stems from anti-social behavior, not the tools used to achieve the nefarious results. Use of a firearm or any weapon (automobile, knife, poison, baseball bat, and on forever) to violate the rights of others is a felony offense, and has no correlation with the Second Amendment. We have an abundance of laws to control or punish destructive behavior. Criminal use of firearms should be dealt with on an individual basis without penalizing the entire nation for the misdeeds of a few. Preventing citizens from firearm ownership simply because they might violate the rights of others is unconstitutional. In doing so, innocent persons are punished along with the guilty. Rebellious of the aforesaid truths, our government conducts all Americans as suspected criminals.

The people of this world have indeed suffered as a result of government infringements on this basic human right of self-defense. The germane questions are: Would we have lost 3,000 lives at the World Trade Center and Pentagon, had the lawful passengers of four flights been armed with handguns? It is reasonable to conclude that our losses would not have been so staggering had this been the case. And, would the peoples of China, Cuba, Nazi Germany, Soviet Russia, Chechnya, and Kosovo have become victims of rape, torture, and genocide had the citizenry been well prepared with handguns and assault weapons for self-defense? With adequate weaponry at hand, along with an appropriately defensive attitude, the numbers of casualties certainly would not have counted into the millions. It is estimated that 170,000,000-civilians worldwide have been murdered by governments within the 20th Century (University of Hawaii research). If we want effective personal and "Homeland" security then all lawful citizens must be armed. If you desire peace, visualize self-defense. A defensive posture is far more effective than surrender or hope.

"Americans have the right and advantage of being armed--unlike the citizens of other countries whose governments are afraid to trust the people with arms."--James Madison, the Federalist Papers No. 46 at 243-244

The Constitution was conceived for the enumeration of legitimate authority and limitations of federal and state governments. Justly restrained, no government has the constitutional or moral authority--in any degree or manner--to infringe upon our unalienable, Second Amendment rights and duty of self-defense. Rebellious of this embarrassing yet straightforward and unalterable Second Amendment, our disingenuous officials--under the pretense of "safety concerns," "compelling state interests," and the "war on drugs"--have enacted unconstitutional and pernicious legislation, placing millions of men, women, and children at serious risk.

Whether or not the majority of citizens believe in the right of the people (individuals) to keep and bear arms is irrelevant to the application of constitutional law. Intentionally disregarding degrees of social and political popularity, the Constitution equally protects the rights of every individual. Like it or not, this is a nation of laws and not of men. We do not consider the political correctness of Socialism or polls of public opinion in order to determine which unalienable, constitutional rights government shall permit the people to exercise. We are dependent upon constitutional law for such judgments. Not any individual or faction has ever been blessed with the luxury of picking and choosing which Article or Amendment is more convenient and adaptable to their self-serving needs. The Constitution must be accepted logically, with honesty, and in its entirety.

Federal court decision: "A state cannot impose a license, tax or fee on a constitutionally protected right." --Murdock vs. Pennsylvania 319 US 105 [1942]--For those who rely on constitutional law and commonsense, the possession of firearms is clearly "a constitutionally protected right." Regardless of this truth, most states require a citizen to pay a "fee," in order to obtain a "license," before keeping and/or bearing a firearm; federal and state "taxes" are always levied at the time of firearm transaction.

Supreme Court decision: The U.S. Supreme Court broadly and unequivocally held that requiring licensing or registration of any constitutional right is itself unconstitutional.--Follett vs. Town of McCormick, S.C., 321 U.S. 573 [1944]--Although neither decision is related to firearms, they nonetheless settle the question concerning the unconstitutionality of licensing, taxation, or registration of any constitutional right. Laws requiring persons to obtain permission from states to carry concealed firearms are unconstitutional. Seeking permission to exercise a right is absurd. Unconstitutional laws lack legitimacy and should never be obeyed by a free people.

"Webster's University Dictionary--Infringed: 1. To violate or go beyond the limits of (e.g., a law). 2. To break (a law or agreement); fail to observe the terms of: violate. 3. To defeat: invalidate.--to encroach upon something. Infringement: 1. A violation, as of a law

or agreement. 2. An encroachment, as of a privilege or right."--If the 20,000 federal and state gun laws do not flawlessly illustrate Webster's definition of infringed, then no other repressive or invading action will.

Our Founding Fathers unequivocally prohibited the following bicentennial restructuring of the Second Amendment by politicians and bureaucrats: First registering the pre-approved firearm with the BATF, and after receiving a concealed weapons permit, "the right of the people to keep and bear Arms, shall not be infringed," except, by means of 20,000 state and federal gun laws. Or, on airplanes, on passenger trains, on buses, in churches, within 1,000 yards from schools, in courthouses, in government buildings, in taverns, in national parks, on most city streets, during interstate trucking, and unless opinion polls indicate to politicians that additional infringements are conducive to their self-serving needs. Rubbish! Dissuading tyrannical government requires effective armaments by the people at all times and in all places. Civilians have the right to possess and bear the same fully-automatic firearms as law enforcement and military personnel.

As they run contrary to the intent of the Bill of Rights, these "gun control laws" should never be respected as laws but instead condemned by the people as acts of infringing outlaw legislation. These legislative and judicial illegalities represent direct assaults upon the unalienable rights of all Americans. Without question, it is outlaw legislation that has no constitutional foundation. This legislation, under the pretense of legitimate congressional action must be immediately voided.

As a former peace officer of many years, I can state with credibility that guns save innocent lives far more often than they kill. Law enforcement documentation also indicates that there are over two million lives saved by guns each year. However, these facts are never disclosed by the local or national media. In opposition to this truth, I have heard many victim disarmament exponents say from the other side of the mouth, that they only want "reasonable restrictions" on gun ownership. That is of course, "for the sake of our children." Does the number of 20,000 standing gun control laws appear to be "reasonable restrictions" to anyone other than a deceitful politician or a simpleton?

In 1856, the U. S. Supreme Court ruled that local law enforcement had no duty to protect individuals but only a general duty to enforce the laws. *South vs. Maryland*, 59 US (HOW) 396, 15 L. Ed. 433 [1856]. A U. S. Federal Appeals Court declared in 1982: "There is no constitutional right to be protected by the state against being murdered by criminals or madmen."--*Bowers vs. devot*, U. S. Court of Appeals, 7th Circuit 686 F. 2d 616 (1982).

The reality is that you have no right to demand of anyone to risk his or her life in the defense of yours. Obviously, preserving your life is a very personal endeavor requiring sound judgment. Make no mistake! Anyone--regardless of ignorance or intent--who attempts to deprive you of the means or ability to defend the lives of your family is a very real enemy and must be exposed as such. All anti self-defense activists are as deadly a threat to you and your family as any violent criminal, terrorist, or psychopath. Never underestimate the destructive potential of these victim disarmament fanatics, with their inherent theatrical talents for staging mindless mob melodrama. Does the "Million Mom March" rekindle memories of such absurdities? Their actions contributing to the same deadly result, these million goose-stepping moms and many politicians (Bush, Clinton, Lieberman, Schumer, Feinstein, Kennedy, Daschel, Lautenberg, on and on), must all be held accountable for the thousands of American men, women, and children who--through unconstitutional, outlaw legislation--are prevented from defending their lives.

How many celebrities and elected officials venture outdoors without the security of armed bodyguards in their presence? Are their lives of greater value than your own? Can you afford to retain the same quality of protection for yourself and family? Dialing 911 will not assure your safety. Although in most cases they are willing to assist, police usually provide a post-incident response. After the damage is done, they will always be there to investigate your homicide or rape. Remaining armed is the only natural and reliable alternative to you becoming a victim of robbery, rape, assault, or murder.

Because of their ceaseless and malicious distortion of gun related facts, many members of the Socialist news media are morally responsible for these horrific losses. Knowing full well that women are far more vulnerable to physical assault, the "National Organization for Women" (NOW) lacks creditability by failing to encourage the arming of their supporters for self-defense. If they were sincere in their concern for the welfare of women, they would certainly do so. And, acts of hypocrisy by the "American Civil Liberties Union" (ACLU) for refusing to defend our Second Amendment rights should not go without justified public condemnation.

Unfortunately for humanity, organizers of the Socialist movement perceive man's eternal search for truth as a challenge to be avoided at all costs. Genuine concern is never given if that price demands victimization of the defenseless. In their desire to create illusions, thereby manipulate public opinion, the Socialist proponents of political correctness will concoct labels for objects, behavior, and people. Although this practice permeates every aspect of our society with its misleading and enfeebling effects, I will provide only a few

examples that pertain to firearms. What was once appropriately and widely accepted as "self or family defense," has been demonized as another act of "senseless gun violence." The oppressive legislative action called "gun control," is now compassionately labeled as "gun safety." And, the harsh and restricting organization known as "Handgun Control Inc.," has been re-labeled as a family friendly "Brady Campaign to Prevent Gun Violence." They have been successful. Individuals of a less substantial character are embarrassed to advocate firearm ownership and self-defense. These Socialists vultures feed off the weaknesses of their emotional admirers. Have we the people--traditionally trusting in a commonsense approach to life--not yet discovered that rearranging labels does not alter even one iota, the reality that Socialists, on a par with Communists and Fascists, are ruthless enslavers? It is all about subduing the people; not gun safety.

I am confident that genuine American patriots will perceive the veracity of my statements regarding our unalienable right of self-defense. If such truths can be agreed upon, then why are we demeaning our predominant position by begging these insubordinate servants to honor the Second Amendment? Dare the oath-breaking cowards to do otherwise!

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