

A PETITION

for

Enforcement of the Second Amendment to the Constitution of the United States

To: John Ashcroft, Attorney General of the United States of America

WHEREAS:

1. The Second Amendment to the U.S. Constitution guarantees the individual inalienable "*right of the people to keep and bear arms*";
2. Throughout the Constitution and its inseparable Bill of Rights, the words "*the people*" have always meant, at the very minimum, citizens of the United States and its several states;
3. Scholarly research overwhelmingly confirms the obvious truth that the Founders intended to guarantee an individual right to keep and bear arms;
4. Our individual right to own, carry, and use firearms has been confirmed in U.S. Supreme Court and other federal court decisions;
5. The *Report of the Subcommittee on the Constitution of the Committee on the Judiciary, United States Senate, Ninety-Seventh Congress, 1982*, states: "*When [our ancestors] sought to record forever a guarantee of their rights, they devoted one full amendment out of ten to nothing but the protection of their right to keep and bear arms against government interference*";
6. On May 17, 2001, the Attorney General of the United States of America stated his legal opinion that "*the text and the original intent of the Second Amendment clearly protect the right of individuals to keep and bear firearms*";
7. Recent California edicts ban the purchase, ownership, or sale of firearms specifically recognized as protected weapons in *U.S. vs. Miller*, and require registration of similar firearms, in direct violation of the U.S. Constitution, and such registration has resulted in forceful harassment of gun owners and confiscation of firearms;

8. Both houses of the California legislature are, even now, enacting further unconstitutional edicts that demand the unlawful registration of additional firearms;
9. California edicts criminalize the activities of citizens exercising their Constitutional right and duty to train to become a "*well regulated militia*", in direct violation of the clear wording and intent of the Second Amendment;
10. Relief from this denial of our Constitutional rights cannot be obtained through either house of the California Legislature, majorities of which continue to issue further citizen disarmament edicts in conflict with and repugnant to the spirit and intent of the Second Amendment;
11. Relief from this denial of our Constitutional rights cannot be obtained through the California government's executive branch, which is headed by Governor Gray Davis, who on July 3, 2001 – the very day before our Independence Day anniversary – stated through his attorney general, Bill Lockyer, in the case of *Donald M. Bird vs. Gray Davis et al* that:

"[There is] no legally recognized right to bear arms under the Second Amendment of the United States Constitution..." and

"...the [U.S.] Constitution does not provide a private right to bear arms..." and

"...the Second Amendment does not protect the possession of a weapon by a private citizen";
12. Relief from this denial of our Constitutional rights cannot be obtained through the California government's judicial branch, which ruled in *Peter Alan Kasler vs. Bill Lockyer*, that California's constitution does not guarantee an individual right to keep and bear arms;
13. Relief from this denial of our Constitutional rights cannot be obtained from the federal courts in California because the Ninth Circuit Court of Appeals ruled in *Hickman vs. Block* that "*states alone stand in the position to show legal injury when this right is infringed*";
14. The inability to obtain relief from the state judiciary and the federal appellate judiciary carries extremely serious implications in that refusal to admit a lawsuit results in

judicial nullification, and whereas the U.S. Supreme Court majority opinion in *Chambers vs. Baltimore & Ohio Railroad Company* declared *"The right to sue and defend in the courts is the alternative of force. In an organized society, it is the right conservative of all other rights, and lies at the foundation of orderly government"* ;

15. Government officials are clearly acting collectively and individually in violation of their oaths of office to uphold and defend the whole Constitution of the United States, including the Second Amendment, and are likewise acting collectively and purposefully to deny Second Amendment rights to the citizens of California;

16. We find ourselves repeating our grievances, as did America's Founding Fathers, who said in the Declaration of Independence *"In every stage of these Oppressions we have Petitioned for Redress in the most humble Terms: Our repeated Petitions have been answered only by repeated Injury"*;

17. Being peaceable citizens, we seek to resolve these matters in a lawful manner by calling for enforcement of the supreme law of the land;

18. A basic, protected right is being blatantly and severely infringed upon by unconstitutional edicts bearing the name and form of law, that are oppressively enforced by the executive and judicial authorities of this state;

19. These fundamental rights are also being expressly repudiated by the governor of California in a manner that clearly and directly defies the intentions and wisdom of Americans who fought and died to secure this right and to guarantee it thereafter;

20. The Fourteenth Amendment guarantees to the people of each state the full benefit of all rights recognized under the U.S. Constitution, and Americans living in the state of California are being subjected to gross infringements of their Second Amendment rights and therefore are being treated unequally under the law;

21. California's prohibition of commerce in selected firearms, when in fact such commerce violates no federal laws, is a usurpation of the power to regulate interstate commerce specifically delegated to Congress alone;

22. These oppressive edicts promote governmental disrespect for all Constitutionally protected rights, and disrespect for the law in general, and are effectively disarming and thus endangering the lives and liberties of American citizens;

23. Allowing any state to abrogate the natural and/or civil rights of its citizens is repugnant to all American society and is forbidden by our Constitution; because California's cultural and political influence on the United States is especially powerful, it is the duty of the federal government -- indeed of *all Americans* -- to take action to compel the state of California to *immediately* cease its tyrannical abuse of these rights;

24. President George W. Bush stated on September 20, 2001: "I ask you to uphold the values of America, and remember why so many have come here. We are in a fight for our principles, and our first responsibility is to live by them."; therefore upholding the most fundamental of our principles, those outlined in our Bill of Rights, is a responsibility that must not be ignored or set aside for political reasons or for the sake of expediency.

WE THE UNDERSIGNED AMERICANS do therefore petition John Ashcroft, Attorney General of the United States, to come to the immediate aid of American citizens residing in the state of California in order to restore to them the civil and human rights protected by the Second Amendment to the U.S. Constitution;

And to use any and all powers at his disposal to redress the above-mentioned grievances by enforcing the Constitution of the United States, and to take any necessary action against the state of California and its officials to immediately restore the free exercise of the individual right to keep and bear arms in California and across the United States;

And to enjoin the governor of California, its attorney general, its agents, and all of this state's local police officials and officers, from enforcing any edicts associated with or which could further abet, perpetuate and escalate the above-mentioned grievances;

And to take immediate legal action against the governor, the attorney general, and any other public servants found in complicity with the aforementioned infringements, for criminal conspiracy to deprive American citizens of their Constitutionally protected individual right to keep and bear arms.

[Titled Signature page(s) enclosed or attached to this document]

**Petition for Enforcement of the Second Amendment
to the Constitution of the United States**

PETITION SIGNATURES

Recognizing that infringement of Constitutional rights in California affects liberty for the Nation as a whole, we the undersigned Americans support the Petition for Enforcement of the Second Amendment to the Constitution of the United States.

Name(print) _____

Signature/Date _____

City/State _____ Email (optional) _____

Name(print) _____

Signature/Date _____

City/State _____ Email (optional) _____

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City/State _____ Email (optional) _____

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City/State _____ Email (optional) _____

Name(print) _____

Signature/Date _____

City/State _____ Email (optional) _____

Name(print) _____

Signature/Date _____

City/State _____ Email (optional) _____

Please mail original signature sheet(s) ONLY to: David Codrea, PO Box 4152, Redondo Beach, CA 90277

Send inquiries to: AshcroftPetition@KeepAndBearArms.com

Your information will be forwarded with the Petition to the Attorney General, but will otherwise not be released to the general public nor used for commercial purposes. Due to volume, we cannot guarantee a personal response to each communication.