

2nd Amendment Quotes You Need To Know

Constitutionalists tend to be primarily interested in the peaceful study and obedience of law. Government, on the other hand, is always more interested in unbridled power. Therefore, the conflict between constitutionalists and government is inevitable. It is an unfortunate reality that the final shield for freedom and the Constitution is the People's right to keep and bear arms to be used against unconstitutional government. I have no doubt that the right to arms is the hallmark of sovereignty. Once disarmed, we are nothing but serfs and subject to absolute government power and abuse.

Court decisions vary from state to state. The following quotes are offered for information only, courtesy of the New Jersey Militia Newsletter, POB 10176, Trenton, N.J 08650:

■ “One who interferes with another's liberty does so at his peril.” *University of Pennsylvania Law Review*, Vol.75, p.491, April 1927.

■ “Anyone who assists or participates in an unlawful arrest or imprisonment is equally liable for the damage caused.” *Cook V Hastings*, 150 Mich, 289, 114 N.W. 71, 72 (1907).

■ “. . . any seizure or arrest of a citizen is not reasonable, or ‘due process’ merely because a Legislature has attempted to authorize it. These phrases (due process provisions) are limitations upon the power of the Legislature as well as upon that of the other departments of the government, or their officers.” *Ex parte Rhodes*, 202 Ala. 68, 79 So. 462, 464 (1918).

■ “The carrying of arms in a quiet, peaceable, and orderly manner, concealed on or about the person, is not a breach of the peace. Nor does such an

act, of itself, tend to a breach of the peace.” *Wharton's Criminal and Procedure*, 12th. Ed., vol.2, “Breach of the Peace”, 803, p.660 (1957); *Judy v. Lashley*, 50 W. Va. 628, 41 S.E. 197, 200 (1902).

■ “As is the case of illegal arrest, the officer is bound to know these fundamental rights and privileges, and must keep within the law at his peril.” *Thiede v. Town of Scandia*, 217 Minn. 218, 231, 14 N.W. 2d 400 (1944).

■ “Though the police are honest and their aims worthy, history shows they are not appropriate guardians of the privacy which the Fourth Amendment protects.” *Jones v. U.S.* 362 U.S. 257, 273 (1959).

■ “A sheriff who acts without process, or under a process void on its face, in doing such act, he is to be considered but a personal trespasser.” *Roberts v. Dean*, 187 So. 571, 575 Fla. (1939).

■ “One may come to the aid of another being unlawfully arrested, just as he may where one is being assaulted, molested, raped or kidnapped. Thus it is not an offense to liberate one from the unlawful custody of an officer, even though he may have submitted to such custody without resistance.” *Adams v. State*, 121 Ga. 163, 48 S.E. 910 (1904).

■ “An illegal arrest is an assault and battery. The person so attempted to be restrained of his liberty has the same right, and only the same right, to use force in defending himself as he would have in repelling any other assault and battery.” *State v. Robinson* 145 Me. 77, 72 Atl. 260, 262 (1950).

■ “The offense of resisting arrest, both at common law and under statute, presupposes a lawful arrest. It is axiomatic that every person has the right to resist an unlawful arrest. In such

case the person attempting the arrest stands in the position of a wrongdoer and may be resisted by the use of force, as in self-defense.” *State v. Mobley* 240 N.C. 476, 83 S.E. 2d 100, 102 (1954).

■ “There is no justification for the taking of fingerprints, photographs and other measurements in advance of conviction.” *McGovern v. Van Riper*, 43 A 2 (1514, 137 N.J. Eq. 24 (1945).

■ “It is better, so the Fourth Amendment teaches, that the guilty sometimes go free than that citizens be subject to easy arrest,” *Henry v. U.S.*, 361 U.S. 98, 104 (1959).

What's the point? To show the legal foundation necessary for private citizens to challenge – even violently – government authority? In part, Yes. But more importantly, these quotes also serve to remind government authorities that this nation has long recognized the inevitable conflict between citizens and government, and frequently ruled on the side of the citizen. The vast majority of folks who challenge government are not mentally ill or prone to criminal behavior. Although they may be mistaken, they pose no real threat to this nation and may, in fact, provide the great service of vigilance. A secure and lawful government will listen to their complaints and patiently explain where they are wrong or, if right, support their petitions.

The danger to all of us comes from government authorities who are so sure they're right or so desperate to avoid exposure, they refuse to even listen to the common man's complaint. The road to chaos and shooting revolutions is paved with government's contempt for the constitutional limits officials have sworn to honor and lust to evade.