

# CALIFORNIA DECLARATION

## Transmittal

Attached please find a copy of the California Declaration for your review. The California Declaration stands on its own merits to assert the natural law. This is a “declaration” and is not proposed legislation. Although it is not necessary to do so, it could be entered into a state Constitution as part of the operating principles governing a state.

When faced with apparent and overwhelming opposition emanating from members of state legislatures to rectify injustices against the right of the people to remain an armed populace, it becomes necessary for a free people, who intend to remain free, to seek methods based upon their natural and residual powers.

It has become apparent that no legislature anywhere is going to enact necessary legislation to restore the rights of the people to keep and bear arms as intended under the Second Amendment. Therefore, it is up to the people themselves to guard their natural rights, protect the Constitutional system of government, and pursue a course of action which will remedy the situation in a peaceful manner.

Because of national and foreign policies of many federal and

state administrations, we are no longer safe! We are deliberately being disabled by ever increasing anti-gun laws, and enforcement of distorted interpretations of the Second Amendment. Before we reach the ‘point of no return’, something must be done! Public Officials are operating outside the power granted to them. They are circumventing the Constitution.

When injustice has become so grievous as to destroy our sovereignty and our authority, it then becomes necessary for the people to seek peaceful methods to rise above the power of all public officials, on all levels of government, including the courts, who have not been observing the law.

The Declaration does not present new law; it simply reinforces what is the law. It is a mandate from the people to require the enforcement of the existing law in the Second Amendment of the Bill of Rights. This Declaration can be used in any state, simply by removing the word California and inserting the name of the preferred state.

The Second Amendment cannot lawfully be ‘infringed’! It is not subject to repeal! Laws of the State of California and the oath taken by public officials

make it impossible for anti-gun laws to be valid!

Whenever those, who are supposed to be the people’s guardians, become their oppressors, the people are naturally forced into a position of justifiable resistance. Resistance of this kind is legitimate self-defense. The people have been forced into this position of resistance.

Those of us who are Constitutionalists are already being classed as “dissidents”. We are wrongfully being classed in with “terrorists” simply because we refuse to yield to laws calling for our complete disarmament as individuals and as a nation. (Refer to Public Law 87-297 and Public Law 101-216.)

Whenever government becomes so corrupt that it is no longer staying within the bounds of its constituted authority, but selfishly seeks its own private ends, and works toward the destruction of the system itself, and the debasement of the people’s ultimate authority, resistance to that sort of government is therefore, not an act of aggression involving defiance of law and order, nor disrespect for and rejection of authority, but an act of self-defense against despotism.

Second Amendment Committee  
P.O. Box 1776 Hanford, Calif. 93232

# THE CALIFORNIA DECLARATION

## *Preamble*

*In order to prevent further misconstruction of the right to arms, to re-establish the distinct separation between arms used by criminals for assault purposes and those used for defense purposes, and to eliminate the abuse of Martial Law or Martial Rule, the residual powers of the people, as of necessity, are being exercised to restore the laws of nature and the inherent authority of the people and that of their posterity.*

## ***[Declaration to Reaffirm the Second Amendment to the Constitution of the United States of America]***

The right of the people to keep and bear arms, individually and collectively, is an unalienable, inherent, and natural right, acknowledged in the common law, confirmed by the Second Amendment to the Constitution of the United States of America, and secured by the Act for the Admission of California into the Union. The full and necessary exercise, affiliated activity, and benefits of this right must be, and are, herein reaffirmed, guaranteed, and protected by this *Declaration* from all infringements.

## ***[Circumstances that have made it Compulsory to Issue this Declaration]***

Circumstances, that have made it compulsory for the people to resort to the use of their residual powers and issue this *Declaration*, are federal laws, mainly, Public Law 87-297 and Public Law 101-216, which call for *general and complete disarmament* of the United States as a nation (to be on a permanent basis). The policy book (State Department Publication 7277) documents that these laws also include permanently and completely disarming all law-abiding citizens of the United States.

## ***[Proper Source for Interpretation of Right]***

For purposes of resolving the current crisis, to negate past and prevent future misconstruction of the right to arms, to conform to the original definitions in use, and to promote clarification, the right shall be henceforth interpreted so as to coincide and adhere to the reasonings and discourses made to protect the people's right to arms which ultimately became the Second Amendment to the Constitution of the United States of America by the nation's founders who, having foreseen the need for protection of the right of the people to arms, clarified and authored, or otherwise contributed to the formation of the Second Amendment.

## ***[Intent of Declaration]***

The intent of this *Declaration* is to reaffirm, clarify, protect and secure the right of law-abiding people of this state to keep and bear arms, to carry concealed without any restrictions, and not be limited to, purchase, privately own and possess, advertise, sell,

manufacture, inherit, lease, loan, transport, or use arms, parts, and ammunition for purposes of defense of person, family, home, property, liberty, and for defense and safety of the state, including sport and recreational use. This *Declaration* shall not apply nor extend to convicted violent felons, nor to any individual who has been adjudicated by a court of competent jurisdiction to be a danger to others as a result of mental disorder or mental illness.

*[Specific Restraints on Various Branches of Government, their Public Officials, Servants or Employees, including Duration of Martial Law or Martial Rule]*

No public official, whether elected or non-elected, nor the Legislature as a body, nor any other public body affecting this state or its subdivisions, shall deny, curtail, prohibit, or tax the right of the people to keep and bear arms; nor enact, nor participate in the execution of, any law which in any style, form, or manner constitutes the registration of the people's firearms or ammunition; nor promote a reduction in the quality or availability of arms or ammunition; nor require the licensing or fingerprinting of law-abiding individuals; nor limit, prohibit, or regulate capacity, design, or use of magazines or ammunition feeding devices; nor promote diminishment of efficiency by requiring alterations in their parts or the forced application of devices; nor enact laws to modify, and render inoperative, arms held as curios or collector's items; nor deny benefits and exercise of future technological advancements of firearms, their parts, or components, or related accessories; nor take any action to promote, or to engage in, the confiscation of firearms, which includes weapons of defense, those well-suited to fend off invasion and protect persons, home, state, and country.

The right of law-abiding individuals to participate as members of *the enrolled militia of the whole people*, a former natural, and essential part of the American republican system of government, is hereby declared to be restored and operative. The rights, duties, and responsibilities of *the enrolled militia of the whole people* as required and perpetuated in the Second Amendment of the *Bill of Rights*, are not subject to infringement, invalidation, revocation, or subjugation under martial law or martial rule; nor to infringement, invalidation, or revocation by any legislation, proclamation, executive order, ordinance, or other contrary act of the federal, state, state subdivisions or regional government arrangements, or any other legislation, acts or orders emanating from any other governmental source whatsoever.

The *restraints* in this *Declaration* shall also apply, but not be limited to, all acts, agreements or other arrangements made under purported treaties, and to all legislation

related thereto, including all acts, agreements or other arrangements made with foreign troops or foreign police, with or without proposed application of martial rule or martial law.

*[Order for Inoperability of Conflicting Provisions, State Laws and Local Ordinances Within the State of California]*

By virtue of the residual powers and ultimate authority of the people, all constitutional provisions, state laws, and local government ordinances within the State of California that are inconsistent with this *Declaration* are hereby declared to be repealed or other-wise inoperative. The provisions of this *Declaration* are self-executing.

*[Severability]*

No part of this *Declaration* is unconstitutional, as it is in support of the text of the original Constitution of the United States of America and the intent and purposes of the Second Amendment of the Bill of Rights; and it sustains that which is already fundamental principles of American law. If any part of this *Declaration* is held for questioning, all other parts of this *Declaration* shall remain in full force and effect; and the questioned part *also* shall remain in full force and effect until such time that it has been finally adjudged *by the people* to be contrary to the Constitution of the United States of America and the *Bill of Rights* as well as the intent, purposes, reasonings, and discourses of the nation's founders.

“The government of the Union, then, is emphatically and truly a government of the people. In form and in substance it emanates from them. Its powers are granted by them, and are to be exercised directly on them and for their benefit.” John Marshall, Case of McCulloch vs. Maryland, 1819. (Wheaton, iv, 316.)

“Delegated power is not surrendered power.” James Madison

“As civil rulers, not having their duty to the people duly before them, may attempt to tyrannize, and as the military forces which must be occasionally raised to defend our country, might pervert their power to the injury of their fellow citizens, the people are confirmed by the article in their right to keep and bear their private arms.” Earliest commentary on the Bill of Rights by Tench Coxe as it was being ratified.

“The Constitution of the United States is a law for rulers and people, equally in war and peace and covers with the shield of its protection all classes of men, at all times, and under all circumstances. No doctrine, involving more pernicious consequences, was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government. Such a doctrine leads directly to anarchy or despotism, but the theory of necessity upon which it is based is false, for the Government, within the Constitution, has all the powers granted to it, which are necessary to preserve its existence; as has been happily proved by the result of the great effort to throw off its just authority.” David Davis (1815-1886) U.S. Supreme Court Justice Ex Parte Milligan, 4 Wallace 2 (1866)