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On Behalf Of:
Committee: Senate Committee On Rules
Measure, Appointment or Topic: SB243

OPINION OF THE COURT
DISTRICT OF COLUMBIA V. HELLER
554 U. S. ____ (2008)

SUPREME COURT OF THE UNITED STATES
NO. 07-290

"1. Operative Clause.

a. "Right of the People." The first salient feature of the operative clause is that it codifies a "right of the people."

b. "Keep and bear Arms." We move now from the holder of the right—"the people"—to the substance of the right: "to keep and bear Arms."

Before addressing the verbs "keep" and "bear," we interpret their object: "Arms." The 18th-century meaning is no different from the meaning today. The 1773 edition of Samuel Johnson's dictionary defined "arms" as "weapons of offence, or armour of defence."

c. Meaning of the Operative Clause. Putting all of these textual elements together, we find that they guarantee the individual right to possess and carry weapons in case of confrontation. This meaning is strongly confirmed by the historical background of the Second Amendment. We look to this because it has always been widely understood that the Second Amendment, like the First and Fourth Amendments, codified a pre-existing right. The very text of the Second Amendment implicitly recognizes the pre-existence of the right and declares only that it "shall not be infringed." As we said in *United States v. Cruikshank*, 92 U. S. 542, 553 (1876), "[t]his is not a right granted by the Constitution. Neither is it in any manner dependent upon that instrument for its existence. The Second amendment declares that it shall not be infringed"

U.S. Supreme Court *Murdock v. Pennsylvania*, 319 U.S. 105 (1943)

Murdock v. Pennsylvania No. 480

Argued March 10, 11, 1943

Decided May 3, 1943 319 U.S. 105ast|>* 319 U.S. 105

"4. A State may not impose a charge for the enjoyment of a right granted by the Federal Constitution. P. 319 U. S. 113."

"if it does not do so. But that is to disregard the nature of this tax. It is a license tax -- a flat tax imposed on the exercise of a privilege granted by the Bill of Rights. A state may not impose a charge for the enjoyment of a right granted by the Federal Constitution."

