

State of New Illinois

Grievance 7

Declaration of Grievance

The United States Constitution, 2nd 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 Illinois Constitution, Article I – Bill of Rights

Section 1. Inherent and Inalienable Rights

All men are by nature free and independent and have certain inherent and inalienable rights among which are life, liberty and the pursuit of happiness. To secure these rights and the protection of property, governments are instituted among men, deriving their just powers from the consent of the governed.

The Illinois State Constitution Violates Our 2nd Amendment Rights

The United States Declaration of Independence declares that we are endowed by our Creator with certain unalienable Rights. This means that they were not given to us by Government, and Government cannot take them away. Rather, the purpose of Government is to **PROTECT** these rights. Governments are to obtain their just powers from the People.

The United States Bill of Rights spells out some of these unalienable Rights. One of them, the 2nd Amendment, states that the right of the people to keep and bear arms shall not be infringed—meaning that this God-given right cannot be restricted by governmental edict.

During the 1960s, some began to say that the 2nd Amendment wasn't an individual right. In their opinion, it gave members of the military, but not ordinary citizens, the right to possess firearms.

That's not the way the Founding Fathers saw it. One thing they all agreed upon was that the government had no authority to disarm the people.

In order to affirm that the 2nd Amendment was for individual citizens, some of the delegates to the 1969-70 Illinois Constitutional Convention wanted to include it in the state bill of rights. But convention transcripts show that delegates disagreed about gun control. Some wanted to leave the right to keep and bear arms out of the Illinois Constitution. Something called the "Police

Power Clause” was added to make this right more acceptable to the delegates who wanted to omit it.

The Illinois Constitution Bill of Rights, Article I, Section 22 states:

Subject only to the police power, the right of the individual citizen to keep and bear arms shall not be infringed.

What did Section 22 mean now? Were the writers of the Illinois Constitution guaranteeing the 2nd Amendment **AND** undoing it in the same sentence?

The Police Power Clause created confusion. Even the delegates couldn’t say what it meant or predict how it would play out. Delegates noted that the State had the absolute right to regulate for public health and safety. Some said that the police power to limit firearm possession included anything except for a total ban. It was left for the courts to figure out the meaning.

One law professor pointed out that “Cases interpreting Section 22 have favored governmental regulations. They have noted that gun ownership and use is not a fundamental right...”

But all God-given rights ARE “fundamental rights.” These are absolutes, not to be diminished.

Our U. S. Bill of Rights has a natural order. The First Amendment addresses five absolute, personal, God-given rights essential for our Republic to function. These are freedom of religion, of speech, of the press, of assembly and the right to petition the Government for a redress of grievances.

Logically, the Second Amendment comes immediately afterward. It reminds those in government that We the People have an absolute right to change and, if necessary, overthrow an oppressive and dictatorial government. An absolute Second Amendment is a defense against tyranny and a reminder to all tyrants of the inalienable rights we hold.

The government of the State of Illinois has drifted from acknowledging—or seemingly, even understanding—these truths. Because of this, they have usurped the God-given rights of We the People. Delegates to the 1969-70 Illinois Constitutional Convention had no pangs of conscience about using ambiguous language to undermine the Right of the People to defend their liberty.

In 1981 Morton Grove, Illinois became the first American community to ban handguns. In 1984, the Illinois Supreme Court seized upon this ambiguous language to uphold the ban. They chipped away at the absolute right to keep and bear arms by putting it on the same level as banning the sale of sparklers.

The federal 7th Circuit Court of Appeals and the Illinois Supreme Court, in an intentional rewriting of history, stated that the right to keep and bear arms "does not lie at the heart of the relationship between individuals and their government." Our Founding Fathers believed the opposite.

In Federalist 29, Alexander Hamilton wrote that an army could never cause you to fear for your liberties “while there is a large body of citizens, little, if at all, inferior to them in discipline and the use of arms, who stand ready to defend their own rights and those of their fellow-citizens.” In other words, an armed people can defend itself from a government that seeks to take away its liberty.

In *District of Columbia v Heller* (2008) and *McDonald v. City of Chicago* (2010), the U.S. Supreme Court affirmed the individual right to bear arms and overruled the diminishing of our rights by the Morton Grove cases. The Village of Morton Grove consequently repealed its handgun ban in 2008.

But these rulings have not stopped attempts by the Illinois legislature, courts, and various local governments to infringe on the God-given right of the People to Keep and Bear Arms. We the People of New Illinois are reclaiming our 2nd Amendment rights. We the People of New Illinois stand ready to defend our own rights and those of our fellow citizens!

Therefore, we publish this 7th Grievance to warn Illinois government bodies at all levels not to attempt to take away the essential, God-given personal rights contained in the Bill of Rights, especially the Second Amendment.

This Concludes These Proceedings

See *Quilici v. Village of Morton Grove* (7th Cir, 1982) 695 F.2d 261; *Kalodimos v. Village of Morton Grove* (1984) 103 Ill. 2d 483, 470 N.E.2d 266

See *District of Columbia v Heller* (2008) 554 U.S. 570, 171 L.Ed.2d, 128 S. Ct. 2783 and *McDonald v City of Chicago* (2010) 561 U.S. 742, 177 L.Ed.2d 894, 130 S. Ct. 3020