

North Carolina State Constitution

ARTICLE 1 SECTION 30: MILITIA AND THE RIGHT TO BEAR ARMS

“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; and, as standing armies in time of peace are dangerous to liberty, they shall not be maintained, and the military shall be kept under strict subordination to, and governed by, the civil power. Nothing herein shall justify the practice of carrying concealed weapons, or prevent the General Assembly from enacting penal statutes against that practice.”

Ladies and Gentlemen of North Carolina,

Please pay close attention. Over the last 12 to 16 years, the American Constitutional Order has been effectively overturned. With the Federal and State Governments gaining tremendous and unintended power through legislative loop-holing and a lack of proper Judicial oversight.

The effect of this lack of governmental discipline has been to effectively rob the American States and the American People of their Constitutional Sovereignty based in the original 9th and 10th Amendments to the US Constitution. We are progressing from freemen to state vassals. It is time to reverse that trend.

Thankfully, the founders of our Nation, and the authors of the NC State Constitution were wise enough to leave for us a solution: Return to the precepts of Constitutional Law, and make no attempt to ‘obey the law’ of the Constitution while ‘violating it’s spirit’ through legal loop-holing.

Tell the State and Federal government that the American citizen is the sovereign in this Republic! Support H.849 North Carolina State Sovereignty, and please, sign our petition to support a North Carolina Firearms Freedom Act.

Glen Bradley
NC Campaign For Liberty

Constitutional State Sovereignty for North Carolina and guaranty of the State Citizen’s Constitutional right to bear arms.

The following is a presentation of one current and one potential NC House Bill:

House Bill H849 - to support the right of the State of North Carolina to assert Sovereignty under the 9th and 10th Amendments and in order to prevent Federal overreach.

States the definition of the 10th Amendment to the US Constitution and how it should be interpreted. Rejects federal overreach and asserts an inherent State’s right to declare 10th Amendment Sovereignty over issues not delegated to the Government in the US Constitution.

North Carolina Firearms Freedom Act

North Carolina specific version of the Montana Firearms Freedom Act.

States that all weapons and ammunition manufactured within the borders of the State of North Carolina, and only transferred and sold within the borders of North Carolina proper, are not subject to Federal regulation, aside for the exception for automatic weapons and crew served weapons, which currently remains in this bill from the Montana Act.



The United States Constitution:

Amendment 2: “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.”

Amendment 9: “The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.”

Amendment 10: “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”

Petition for public support for a North Carolina Firearms Freedom Act

Why do we need it, and would you support it?

Please sign our petition in support of a North Carolina Firearms Freedom Act. These petitions will be presented to your County Commissioners to seek a resolution in agreement, and then to the North Carolina State House, where we will have a bill introduced in 2009 or 2010.

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- 1 SECTION 4. The Principal Clerk shall transmit a certified copy of this resolution
2 to the President of the United States, the President of the United States Senate, the Speaker of
3 the United States House of Representatives, and each member of the North Carolina
4 Congressional Delegation.
5 SECTION 5. This resolution is effective upon adoption.

Sponsors: Representatives Cleveland, Justice, and Blackwood (Primary Sponsors).

Referred to:

1 A HOUSE RESOLUTION SUPPORTING THE STATE'S RIGHT TO CLAIM
2 SOVEREIGNTY OVER CERTAIN POWERS UNDER THE TENTH AMENDMENT TO
3 THE CONSTITUTION OF THE UNITED STATES.

4 Whereas, the Tenth Amendment to the Constitution of the United States reads as
5 follows: "The powers not delegated to the United States by the constitution, nor prohibited by it
6 to the states, are reserved to the states, respectively, or to the people;" and

7 Whereas, the Tenth Amendment defines the total scope of federal power as being
8 that specifically granted by the Constitution of the United States and no more; and

9 Whereas, the scope of power defined by the Tenth Amendment means that the
10 federal government was created by the states specifically to be an agent of the states; and

11 Whereas, today, in 2009, the states are demonstrably treated as agents of the federal
12 government; and

13 Whereas, many federal mandates are directly in violation of the Tenth Amendment
14 to the Constitution of the United States; and

15 Whereas, Section 4 of Article IV of the Constitution of the United States says, "The
16 United States shall guarantee to every state in this union a republican form of government," and
17 the Ninth Amendment states that "The enumeration in the constitution of certain rights, shall
18 not be construed to deny or disparage others retained by the people;" and

19 Whereas, the United States Supreme Court ruled in New York v. United States, 112
20 S. Ct. 2408 (1992), that Congress may not simply commandeer the legislative and regulatory
21 processes of the states; and

22 Whereas, a number of proposals from previous administrations and some now
23 pending from the present administration and from Congress may further violate the
24 Constitution of the United States; Now, therefore,

25 Be it resolved by the House of Representatives:

26 SECTION 1. The North Carolina House of Representatives supports the State's
27 right to claim sovereignty under the Tenth Amendment to the Constitution of the United States
28 over all powers not otherwise enumerated and granted to the federal government or reserved to
29 the people by the Constitution of the United States.

30 SECTION 2. The North Carolina House of Representatives urges the federal
31 government, as the agent of the State, to cease and desist, effective immediately, mandates that
32 are beyond the scope of any constitutionally delegated powers.

33 SECTION 3. The North Carolina House of Representatives further urges that
34 compulsory federal legislation which directs states to comply under threat of civil or criminal
35 penalties or sanctions or requires states to pass legislation or lose federal funding be prohibited
36 or repealed.



North Carolina House Bill

H.849

SUPPORTING THE STATE'S RIGHT TO CLAIM SOVEREIGNTY
OVER CERTAIN POWERS UNDER THE TENTH AMENDMENT
TO THE CONSTITUTION OF THE UNITED STATES.

2009 North Carolina State Assembly

HOUSE BILL NO. H

INTRODUCED BY

North Carolina Firearms Freedom Act

AN ACT EXEMPTING FROM FEDERAL REGULATION UNDER THE COMMERCE CLAUSE OF THE CONSTITUTION OF THE UNITED STATES A FIREARM, A FIREARM ACCESSORY, OR AMMUNITION MANUFACTURED AND RETAINED IN NORTH CAROLINA; AND PROVIDING AN APPLICABILITY DATE.

BE IT ENACTED BY THE ASSEMBLY OF THE STATE OF NORTH CAROLINA:

Section 1. Short title. [Sections 1 through 6] may be cited as the "North Carolina Firearms Freedom Act".

Section 2. Legislative declarations of authority. The legislature declares that the authority for [sections 1 through 6] is the following:

(1) The 10th amendment to the United States constitution guarantees to the states and their people all powers not granted to the federal government elsewhere in the constitution and reserves to the state and people of North Carolina certain powers as they were understood at the time that North Carolina adopted the Constitution in November 1789. The guaranty of those powers is a matter of contract between the state and people of North Carolina and the United States whereupon North Carolina was the first state to ratify following the inclusion of a Bill of Rights, without which it would not have been adopted, and the violation of said amendments usurps the principles whereupon North Carolina joined the Union on November 21, 1789.

(2) The ninth amendment to the United States constitution guarantees to the people rights not granted in the constitution and reserves to the people of North Carolina certain rights as they were understood at the time that North Carolina adopted the Constitution in 1789. The guaranty of those rights is a matter of contract between the state and people of North Carolina and the United States as of the time that the Constitution of the United States was agreed upon and adopted by North Carolina in 1789.

(3) The regulation of intrastate commerce is vested in the states under the 9th and 10th amendments to the United States constitution, particularly if not expressly preempted by federal law. Congress has not expressly preempted state regulation of intrastate commerce pertaining to the manufacture on an intrastate basis of firearms, firearms accessories, and ammunition.

(4) The second amendment to the United States constitution reserves to the people the right to keep and bear arms as that right was understood at the time that North Carolina ratified the Constitution in 1789, and the guaranty of the right is a matter of contract between the state and people of North Carolina and the United States as of the time that the US Constitution and Bill of Rights was agreed upon and adopted by North Carolina in 1789.

(5) Article I, section 30, of the North Carolina Constitution and Declaration of Rights clearly secures to North Carolina citizens, and prohibits government interference with, the right of individual North Carolina citizens to keep and bear arms. To wit, "the right of the people to keep and bear arms shall not be infringed; and, as standing armies in time of peace are dangerous to liberty, they shall not be maintained, and the military shall be kept under strict subordination to, and governed by, the civil power." This constitutional protection is unchanged from the original North Carolina constitution, which was approved by congress and the people of North Carolina, and the right exists as it was understood at the time that the Constitution of the United States was agreed upon and ratified by North Carolina in 1789.

(6) The Federalist Papers (specifically Madison #46 and Hamilton #29) as well as the entire history of the ratification of the Second Amendment reveals, that the right to bear arms was primarily intended as the sole means of defense, and as a hedge against the potential tyranny of an overreaching Federal Government.

(7) According to the natural law of logic, a right intentionally enumerated in both the Constitution of the United States and within the North Carolina State

Constitution specifically as a hedge against the potential tyranny of an overreaching Federal Government, should not in any way be defined by nor regulated from the very same Federal Government being guarded.

Section 3. Definitions. As used in [sections 1 through 6], the following definitions apply:

(1) "Borders of North Carolina" means the boundaries of North Carolina described in the North Carolina constitution.

(2) "Firearms accessories" means items that are used in conjunction with or mounted upon a firearm but are not essential to the basic function of a firearm, including but not limited to telescopic or laser sights, magazines, flash or sound suppressors, folding or aftermarket stocks and grips, speedloaders, ammunition carriers, and lights for target illumination.

(3) "Generic and insignificant parts" includes but is not limited to springs, screws, nuts, and pins.

(4) "Manufactured" means that a firearm, a firearm accessory, or ammunition has been created from basic materials for functional usefulness, including but not limited to forging, casting, machining, or other processes for working materials.

Section 4. Prohibitions. A personal firearm, a firearm accessory, or ammunition that is manufactured commercially or privately in North Carolina and that remains within the borders of North Carolina is not subject to federal law or federal regulation, including registration, under the authority of congress to regulate interstate commerce. It is declared by the legislature that those items have not traveled in interstate commerce. This section applies to a firearm, a firearm accessory, or ammunition that is manufactured in North Carolina from basic materials and that can be manufactured without the inclusion of any significant parts imported from another state. Generic and insignificant parts that have other manufacturing or consumer product applications are not firearms, firearms accessories, or ammunition, and their importation into North Carolina and incorporation into a firearm, a firearm accessory, or ammunition manufactured in North Carolina does not subject the firearm, firearm accessory, or ammunition to federal regulation. It is declared by the legislature that basic materials, such as unmachined steel and unshaped wood, are not firearms, firearms accessories, or ammunition and are not subject to congressional authority to regulate firearms, firearms accessories, and ammunition under interstate commerce as if they were actually firearms, firearms accessories, or ammunition. The authority of congress to regulate interstate commerce in basic materials does not include authority to regulate firearms, firearms accessories, and ammunition made in North Carolina from those materials. Firearms accessories that are imported into North Carolina from another state and that are subject to federal regulation as being in interstate commerce do not subject a firearm to federal regulation under interstate commerce because they are attached to or used in conjunction with a firearm in North Carolina.

Section 5. Exceptions. [Section 4] does not apply to:

(1) a firearm that cannot be carried and used by one person;

(2) a firearm that has a bore diameter greater than 1 1/2 inches and that uses smokeless powder, not black powder, as a propellant;

(3) ammunition with a projectile that explodes using an explosion of chemical energy after the projectile leaves the firearm; or

Section 6. Marketing of firearms. A firearm manufactured or sold in North Carolina under [sections 1 through 6] must have the words "Made in North Carolina" clearly stamped on a central metallic part, such as the receiver or frame.

Section 7. Codification instruction. [Sections 1 through 6] are intended to be codified as an integral part of Title 30, and the provisions of Title 30 apply to [sections 1 through 6].

Section 8. Applicability. [This act] applies to firearms, firearms accessories, and ammunition that are manufactured, as defined in [section 3], and retained in North Carolina after January 1, 2010.