

Supreme Court Gun Cases

by Dave Kopel, Stephen P. Halbrook, Alan Korwin

Alan Korwin
BLOOMFIELD PRESS
4718 E. Cactus #440
Phoenix, AZ 85032
602-996-4020 Phone
602-494-0679 FAX
1-800-707-4020 Orders
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- Indicates the 44 cases presented in their entirety in *Supreme Court Gun Cases*.
- Ⓓ Indicates the 14 self-defense cases.

Key: Name; Date; Citation; Page in Book *Supreme Court Gun Cases*

Acers v. United States • Ⓓ; 1896; 164 U.S. 388; 238

Is fear of a deadly attack, without reasonable demonstrated grounds for the fear, sufficient to support a claim of self defense [NO]; Must the danger be immediate [YES]; Can any object be considered as a deadly weapon depending on how it was used [YES].

Adams v. Williams; 1972; 407 U.S. 143; 363

Can a peace officer conduct a limited protective search for concealed weapons, if there is reason to believe a suspect is armed and dangerous [YES]; Are 4th Amendment guarantees violated by such a stop and frisk [NO].

Adamson v. California; 1947; 332 U.S. 46; 310

[The dissenting opinion in a 5th Amendment case argues that the 14th Amendment was intended to incorporate the Bill of Rights, including the 2nd Amendment, against the states].

Alberty v. United States • Ⓓ; 1896; 162 U.S. 499; 231

If a husband sees another man trying to get into his wife's room window at night is it natural for him to investigate further [YES]; Is the husband under a duty to retreat when attacked with a knife under such circumstances [NO]; May the husband use only as much force as is necessary to repel the assault [YES]; If in an ensuing confrontation the husband shoots and kills the other man, then flees, must his flight in and of itself be seen as evidence of his guilt [NO].

Albright v. Oliver; 1994; 510 U.S. 266; 481

[The dissenting opinion in a case involving freedom from malicious prosecution cites the right to keep and bear arms as among fundamental freedoms guaranteed by the Constitution].

Allen v. United States • D; 1896; 164 U.S. 492; 241

Are words alone sufficient provocation to justify an assault [NO]; Are words alone sufficient to reduce murder to manslaughter [NO]; Can premeditation and intent to kill be determined from your actions [YES]; Although flight after a possibly criminal event may suggest guilt, does it prove it conclusively [NO].

Allison v. United States • D; 1895; 160 U.S. 203; 216

Is it reasonable to believe that you're in immediate deadly danger if a person, known to be abusive, known to carry a pistol, and who has made public threats against your life, makes a motion as if to draw down on you, even if it turns out he wasn't armed at the time [YES]; If there is no corroborating evidence besides your testimony, may the jury decide to take your word for it and acquit based on your credibility [YES]; If you have your deer rifle with you while visiting a friend's house and your adversary shows up, and in an ensuing confrontation you shoot him, can the judge instruct the jury that you're guilty of murder if you armed yourself to go hunt down your adversary, when there is no evidence to support this claim [NO].

Andersen v. United States D; 1898; 170 U.S. 481; 255

If an indictment is brought charging that a defendant shot and then threw a victim's body into the sea, so the exact cause of death cannot be known, is the indictment flawed and invalid [NO]; Do the elements of self defense have to be present for an accused person to successfully claim self defense [YES].

Bailey v. United States •; 1995; 516 U.S. 137; 542

Can the sentence for a drug offense be increased for using a gun, if the defendant possessed a gun at the time of the offense but did not actively employ it [NO]; Is the "inert presence of a firearm" sufficient to indicate "use" for the purpose of enhancing certain drug offenses [NO]; Does storing a gun with drugs or drug money constitute "use" for this purpose [NO]; Does hiding a gun where it can be grabbed and used if necessary constitute use [NO]; If the gun is not disclosed or mentioned is it used [NO].

Barrett v. United States •; 1976; 423 U.S. 212; 382

Is the Gun Control Act violated by a convicted felon acquiring a gun that has at some point moved in interstate commerce, even if the felon's acquisition and possession occurred entirely within one state [YES].

Bass, United States v., •; 1971; 404 U.S. 336; 351

To convict a felon of illegal possession of a firearm, does the prosecution need to show, in addition to possession, that the firearm had a connection to interstate commerce [YES]; Does the same apply to receiving, and to transporting a firearm [YES]; Would showing that the firearm had at some time previously traveled in interstate commerce be a sufficient nexus [YES].

Bean, United States v., •; 2002; 01-704; 643

If BATF fails to act on a request for restoration of the right to bear arms, but does not actually deny the request, are there actionable grounds for judicial review to get those rights restored [NO].

Beard v. United States • D; 1895; 158 U.S. 550; 208

Can you stand your ground with a shotgun against an unprovoked armed attack on your property near your home [YES]; Is there a greater duty to retreat on your own property than in your house [NO].

Beecham v. United States •; 1994; 511 U.S. 368; 482

Does reinstatement of a federal felon's civil right to keep and bear arms by a state court remove the federal disability against felons bearing arms [NO]; Does the fact that Congress currently provides no way for a felon to restore the right to keep and bear arms matter in this regard [NO].

Biswell, United States v.,; 1972; 406 U.S. 311; 361

Is the 4th Amendment violated when a federally licensed firearms dealer's business is searched under 18 USC §923(g) without a warrant, and illegally possessed guns are seized [NO]; When a dealer "chooses to engage in this pervasively regulated business" and to accept a federal license, does he do so with the knowledge that his business will be subject to effective inspection [YES].

Bousley v. United States; 1998; 523 U.S. 614; 599

Does a defendant need to understand what constitutes "use" of a firearm in relation to a drug-trafficking crime, in order to enter a constitutionally valid guilty plea [YES].

Brown v. United States • D; 1921; 256 U.S. 335; 285

Is there a duty to retreat when attacked by a man with a knife [NO]; Believing you're in a mortal conflict, if you fire a shot in the heat of combat, which in cool reflection later may be seen as unnecessary, may you still be acquitted on grounds of self defense [YES]; Is your right of self defense roughly similar in your home, on your land, and at your work [YES]; Can detached reflection be demanded in the presence of an uplifted knife [NO].

Brown v. Walker; 1896; 161 U.S. 591; 223

Is the object of the first eight amendments to the Constitution to incorporate into the fundamental law of the land certain principles of natural justice [YES]; Are the first eight amendments limitations only upon the powers of Congress and the Federal courts, and not applicable to the several States, except so far as the 14th Amendment may have made them applicable [YES].

Bryan v. United States •; 1998; 524 U.S. 184; 613

Are you committing the crime of “willfully” dealing in firearms without a license, if you know your actions are illegal but do not know the licensing law you are violating [YES]; Was the Firearms Owners’ Protection Act enacted to protect law-abiding citizens who might inadvertently violate the law [YES].

Burton v. Sills •; 1969; 394 U.S. 812; 344

[The New Jersey Supreme Court rejected a 2nd Amendment suit against a discretionary firearm licensing law, citing cases that held the 2nd Amendment inapplicable to the states; the U.S. Supreme Court dismissed the appeal for want of a substantial federal question.]

Busic v. United States; 1980; 446 U.S. 398; 410

Can an assault sentence, increased under the armed-assault-of-a-federal-officer law, also be increased under the separate federal armed-felony law [NO].

Caron v. United States; 1998; 524 U.S. 308; 623

Can a three-time violent-felony loser avoid a five-year mandatory penalty enhancement for carrying a gun in a subsequent crime he commits, if a state court had partially restored his right to keep and bear arms [NO]; If a state restores a convicted felon’s right to keep and bear long guns but not handguns, is the federal ban for felons on possession on all guns removed [NO].

Castillo v. United States •; 2000; 530 U.S. 120; 629

Is the type of firearm used in a Gun Control Act violation an element of the offense that must be determined by a jury [YES]; Is the type of firearm used in a GCA violation a sentencing factor that may be determined by a judge [NO].

Cruikshank, United States v., •; 1875; 92 U.S. 542; 159

Does the right to bear arms for a lawful purpose depend on the Constitution for its existence [NO]; Does the 2nd Amendment have no other effect than to restrict the powers of the national government, and prevent Congress from infringing on the right to bear arms [YES].

Cummings v. Missouri; 1866; 71 U.S. 277; 158

Is deprivation or suspension of a person’s civil rights, including the right to bear arms, a form of punishment [YES].

Custis v. United States; 1994; 511 U.S. 485; 485

Can a defendant at a federal sentencing hearing (in this case under the Armed Career Criminal Act of 1984) attack the validity of prior state convictions that are used to enhance his sentence [NO].

Deal v. United States; 1993; 505 U.S. 129; 469

When a statute calls for quadrupling the prison sentence for subsequent crimes of violence involving use of a gun, can a defendant suffer the enhanced penalty if the subsequent and original charges are all proven during a single trial [YES].

DeShaney v. Winnebago County Dept. of Social Services; 1989; 489 U.S. 189; 441

Does the 14th Amendment guarantee that a state must protect its citizens from private violations of life, liberty or property [NO].

Dickerson v. New Banner Institute •; 1983; 460 U.S. 103; 411

If a state criminal conviction, which removes your ability to bear arms under federal law, is expunged at the state level, is your federal disability from bearing arms automatically removed [NO]; Is it constitutional to deny your right to arms after your conviction has been expunged [YES].

Note from BATF&E *Wilder, Robert J.; August 18, 2006.*

Not since 1986 in the firearm area. But the Dickerson Cases still apply to convictions in connection with the explosives act, chap. 40.

The Gun Control Act. "GCA" was amended in 1986 by the Firearm Owners Protection Act. "FOPA"

FOPA and the amended definitions in 921(a)(20) of the GCA require that if a person was convicted, but has had all civil rights restored by the state, including firearms rights, they are not "convicted" for purposes of the GCA. ATF now looks to state law and proceedings (or commonwealth law in the case of PR) to determine if the person is "convicted".

Dred Scott v. Sandford; 1856; 60 U.S. 393; 149

Do freed slaves have the rights of other American citizens, including the right to keep and bear arms [NO]; Can Congress deny to the people in federal Territories the right to keep and bear arms [NO].

Duncan v. Louisiana; 1968; 391 U.S. 145; 333

Is the right to keep and bear arms one of the personal rights guaranteed and secured by the first eight amendments of the Constitution [YES].

Ex Parte Milligan; 1866; 71 U.S. 2; 150

[The published legal arguments on both sides of this case, involving trial of a civilian by court martial, both make reference to the 2nd Amendment as an individual right belonging to the people, but a right not belonging to slaves or rebels; a man cannot violate the laws of war if he is not in the military or in the militia in actual service.]

Florida v. J. L.; 2000; 529 U.S. 266; 627

Is a vague and anonymous tip sufficient grounds to conduct a search of a person on the street alleged to be illegally carrying a gun [NO].

Freed, United States v., •; 1971; 401 U.S. 601; 345

Does the regulatory scheme of the amended National Firearms Act violate the 5th Amendment protection against self incrimination, or violate a person's right to due process of law [NO].

Galioto, United States v., •; 1986; 477 U.S. 556; 439

[Court dismisses as moot the constitutionality of allowing felons a means to restore their right to obtain firearms but not allowing the same for former mental patients, because Congress, while this case was in process, changed the law to allow any person with firearms disabilities to apply for relief.]

Gonzales, United States v.,; 1997; 520 U.S. 1; 552

May the federal five-year-sentence enhancement for using or carrying a gun during a drug trafficking crime run concurrently with a state sentence [NO].

Gourko v. United States • D; 1894; 153 U.S. 183; 189

If you shoot someone who has repeatedly threatened you, and the circumstances of the shooting are not found to be justifiable as self defense, does the fact that you armed yourself in response to the threat automatically make the shooting murder (as opposed to manslaughter) [NO].

Griswold v. Connecticut; 1965; 381 U.S. 479; 322

Do the first eight amendments to the Constitution protect fundamental rights of the people [YES].

Hamilton v. Regents of the University of California; 1934; 293 U.S. 245; 294

Do the states have the authority to train their able-bodied male citizens of suitable age, to develop fitness to serve in the state militia [YES]; Is the state the sole judge of the means and amount of training as long as it doesn't conflict with federal law [YES].

Harris v. United States; 2002; 00-10666; 634

Is brandishing a gun during a specified drug-trafficking crime a sentencing factor to be determined by a judge, and not an element of the crime to be determined by a jury [YES].

Haynes v. United States •; 1968; 390 U.S. 85; 326

Does Congress have the authority to regulate the manufacture, transfer, and possession of firearms, subject to constitutional limitations, and to tax unlawful activities [YES]; Did the registration requirements of the National Firearms Act violate the defendant's 5th Amendment

privilege against self incrimination [YES]; Was a proper claim of 5th Amendment protection a complete defense against failure to register or possession of an unregistered NFA weapon [YES]. (Note that Congress redrafted the relevant statute to overcome these findings and continue to require NFA registration.)

Houston v. Moore; 1820; 18 U.S. 1; 147

[The first mention of the 2nd Amendment in a High Court decision occurs as a brief remark in a dissent in this case, postulating that the amendment would have little effect on the legitimacy of a state running and arming its militia in the absence of, or subordinate to Congressional regulation. It implies that the amendment was not primarily viewed as a guarantee of state government powers to control state militias.]

Huddleston v. United States •; 1974; 415 U.S. 814; 369

Is the return of a gun from a pawnbroker subject to the same requirements as the sale of a gun from a dealer under the Gun Control Act of 1968 [YES]; Is the intention of the GCA to deprive guns to unauthorized juveniles, fugitives, criminals and the mentally incompetent [YES]; Are hunting, target practice, gun collecting, and the legitimate use of guns for individual protection allowed under the GCA [YES]; Did Congress require commerce in firearms to be channeled through a federalized network of dealers in an effort to halt illegal mail-order and interstate consumer traffic in firearms [YES].

Johnson v. Eisentrager; 1950; 339 U.S. 763; 313

Does the Constitution confer to Nazi spies captured in China during WWII, subsequently convicted of spying on the U.S. and serving their sentences in post-war Germany, the rights it confers to U.S. citizens [NO]; Do the rights of U.S. citizens include among others the right to bear arms as in the 2nd Amendment [YES].

Kepner v. United States; 1904; 195 U.S. 100; 274

Did the adoption in the Philippines of most of the U.S. Bill of Rights omit the right to a trial by jury and the right of the people to bear arms [YES].

Knapp v. Schweitzer; 1958; 357 U.S. 371; 314

Do all the first eight amendments of the Bill of Rights apply to the states [NO].

Konigsberg v. State Bar of California; 1961; 366 U.S. 36; 315

Does absolute verbiage (“shall make no law,” “shall not be infringed”) in the 1st and 2nd Amendments allow for some level of regulation, some of which is well established and widely recognized [YES].

Laird v. Tatum; 1972; 408 U.S. 1; 368

Was the 2nd Amendment added to the Constitution to authorize a decentralized militia, guaranteeing the right of the people to keep and bear arms [YES].

Lewis v. United States •; 1980; 445 U.S. 55; 401

If a person is prohibited from possessing firearms due to a prior felony conviction, does it matter if the prior conviction was unconstitutional [NO].

Logan v. United States Đ; 1892; 144 U.S. 263; 180

Does the 2nd Amendment guarantee a preexisting right recognized by the Constitution, and not a right created by the Constitution [YES]; Is a prisoner in legal custody entitled to protection “while he is deprived of the ordinary means of defending and protecting himself” [YES].

Lopez, United States v., •; 1995; 514 U.S. 549; 506

Does the Interstate Commerce Clause give Congress the power to regulate personal possession of firearms near local schools [NO]; Is possession of a gun in a school zone an economic activity [NO].

Malloy v. Hogan; 1964; 378 U.S. 1; 319

Is it unsettled as to whether the 14th Amendment applies the first eight amendments to the Bill of Rights against the states [YES]; Did Presser v. Illinois find that the particular guarantees of the 2nd Amendment were not safeguarded from state action [YES].

Maryland v. United States; 1965; 381 U.S. 41; 320

For the purpose of determining liability in an air crash involving a National Guard and commercial aircraft, are National Guard members state employees, and not federal employees, if not specifically called into federal service [YES]; Does it matter if the members were military or civilian members [NO].

Maxwell v. Dow; 1900; 176 U.S. 581; 269

Did the court decide in Presser v. Illinois that the 2nd Amendment is only a limitation on federal power [YES]. Would incorporation of the privileges and immunities of U.S. citizens against the states entirely destroy the sovereignty of the states [YES]. (Dissent suggests the Bill of Rights should apply to the states.)

Miller v. State of Texas •; 1894; 153 U.S. 535; 194

Will the Court accept a 2nd Amendment issue on appeal if it wasn't raised in court prior to the appeal [NO].

Miller, United States v., •; 1939; 307 U.S. 174; 300

Without the presentation of evidence or testimony, can the Court determine whether a short-barreled shotgun, as defined in the 1934 NFA law, is a militia weapon and therefore an arm protected by the 2nd Amendment [NO]; Is possession of arms by the people related to the preservation and efficiency of a well regulated militia [YES].

Miranda v. Arizona; 1966; 384 U.S. 436; 325

Where rights secured by the Constitution are involved, can there be any rule making or legislation that would abrogate them [NO].

Moore v. E. Cleveland; 1976; 431 U.S. 494; 390

Is the right to keep and bear arms among the type of individual rights enumerated in the Bill of Rights [YES].

Muscarello v. United States •; 1998; 524 U.S. 125; 600

With regard to a mandatory penalty increase for carrying a firearm in relation to a drug trafficking crime, does “carry” include in the trunk of a car [YES]; Is a drug dealer with a gun in her pocket more dangerous than a drug dealer with a gun in her car trunk [NO].

One Assortment of 89 Firearms, United States v., •; 1984; 465 U.S. 354; 422

Does acquittal from criminal charges for dealing in firearms without a license prevent the government from conducting a separate civil forfeiture action and confiscating the firearms involved [NO]; Is such confiscation a violation of the protection against double jeopardy [NO]; Can the lower threshold of guilt (preponderance of the evidence) allow the government to prevail in the forfeiture, where it could not against the higher threshold (beyond a reasonable doubt) in criminal proceedings [YES]; Is the gun confiscation scheme in the law primarily a civil, non-criminal, remedial action [YES].

Patsone v. Pennsylvania •; 1914; 232 U.S. 138; 279

Can a state prohibit possession of rifles or shotguns for hunting by nonresident aliens without violating due process guarantees [YES]; Does such a prohibition violate specified treaty conditions with Italy [NO].

Pennsylvania Bd. of Probation and Parole v. Scott; 1998; 524 U.S. 357; 626

Are firearms seized in a warrantless search of a paroled felon’s residence admissible as evidence at a parole revocation hearing, even if the seizure violated the 4th Amendment [YES].

Perpich v. Department of Defense •; 1990; 496 U.S. 334; 446

Can members of a state’s organized militia be called into federal service, for training outside the United States, without an imminent emergency and without the state Governor’s permission [YES]; When members of the state National Guard are federalized, are they still members of

their state militia [NO]; When they muster out of federal service do they regain their state status [YES].

Planned Parenthood v. Casey; 1992; 505 U.S. 833; 468

Do the protections of the 14th Amendment extend beyond the specifics in the Bill of Rights—such as free speech, press, religion, the right to keep and bear arms and more—and to a freedom from all arbitrary impositions [YES]; Is the right to keep and bear arms among the type of individual rights enumerated in the Bill of Rights [YES].

Poe v. Ullman; 1961; 367 U.S. 497; 317

(Justices Douglas and Harlan filed dissenting opinions, asserting that the 14th Amendment applies the Bill of Rights to the states, a position that was later adopted into law.)

Powell, United States v., •; 1975; 423 U.S. 87; 378

Is a 22-inch-long sawed-off shotgun capable of being concealed on the person and hence illegal to ship through the U.S. Post Office [YES].

Presser v. Illinois •; 1886; 116 U.S. 252; 172

Are all citizens capable of bearing arms the reserve military force in the country [YES]; Can the states deny citizens the right to keep and bear arms, thus depriving the United States of calling forth the militia [NO]; Can states regulate firearms as required for public order [YES].

Printz/Mack v. United States •; 1997; 521 U.S. 898; 556

Does the 10th Amendment prohibit the federal government from commanding local police authorities to implement federal police mandates, and conduct background checks on prospective handgun purchasers (the Brady case) [YES].

Robertson v. Baldwin; 1897; 165 U.S. 275; 254

Does the Bill of Rights protect “guarantees and immunities” which existed long before the Constitution was adopted [YES]; Are there well-recognized limits on these rights [YES]; Can a state prohibit concealed carry without violating the 2nd Amendment [YES].

Roe v. Wade; 1973; 410 U.S. 113; 369

Is the full scope of liberty protected by the 14th Amendment more than a series of isolated points that includes the right to keep and bear arms [YES].

Rogers v. United States •; 1998; 522 U.S. 252; 594

[A writ to consider “knowing possession” of an NFA “firearm” (a silencer in this case) is dismissed because the case fails to present the issue sufficiently clearly to merit review.]

Rowe v. United States • D; 1896; 164 U.S. 546; 247

If a man is provoked into making a minor assault on someone, and then backs off in good faith, is his right to self defense restored if the person he assaulted attacks him with a deadly weapon? [YES]; Is he required to retreat under such circumstances [NO]; Is he under an obligation to try to only wound an attacker when fighting for his life [NO]; Can either party in a mutual combat claim self defense [NO].

Scarborough v. United States •; 1977; 431 U.S. 563; 391

With regard to illegal possession of a firearm by a felon, which is federally banned for guns in or affecting commerce, does it matter when the gun moved in commerce, or when the felon was convicted, as long as both conditions occurred [NO].

Schwimmer, United States v., •; 1929; 279 U.S. 644; 289

If a person is unwilling to take up arms in military service if called upon, should application for naturalized U.S. citizenship be accepted [NO]; Is a fundamental principle of our Constitution that it is the duty of citizens, by force of arms, to defend our government against all enemies whenever necessity arises [YES].

Simpson v. United States; 1978; 435 U.S. 6; 399

Can a bank-robbery sentence, increased under the federal armed-bank-robbery law, also be increased under the separate federal armed-felony law [NO].

Smith v. United States •; 1993; 508 U.S. 223; 470

For the purpose of enhancing the sentence in a drug-trafficking crime to a mandatory 30 years, does the phrase “using a gun,” in connection with drug trafficking, include offering to barter a MAC-10 with a silencer for two ounces of cocaine [YES].

Sonzinsky v. United States •; 1937; 300 U. S. 506; 296

Is a firearm, as defined in the 1934 NFA law, and a firearm dealer, federally taxable [YES].

Spencer v. Kemna; 1998; 523 U.S. 1; 598

[A dissenting opinion says a felon endures tangible harm after his sentence expires because he loses his right to vote or to bear arms, and is at risk for greater penalty in a future offense.].

Staples v. United States •; 1994; 511 U.S. 600; 486

If a person is not aware that a firearm he possesses has been modified to fire as a machinegun, is he guilty of violating the ban on possessing an unregistered NFA weapon [NO].

Starr v. United States D; 1894; 153 U.S. 614; 196

If a law officer legally serving a warrant shoots at a suspect without identifying himself, is the suspect justified in shooting back and killing the officer in self defense [YES].

Stearns v. Wood •; 1915; 236 U.S. 75; 283

Does the Court have to interpret the 2nd Amendment or militia aspects of the Constitution for a National Guard officer who has insufficient legal standing to bring a case [NO].

Stinson v. United States; 1993; 508 U.S. 36; 480

Is the commentary to the U.S. Sentencing Guidelines, stating that possession of a firearm by a convicted felon is not a crime of violence, binding on the federal courts [YES].

Tennessee v. Garner Ⓓ; 1985; 471 U.S. 1; 428

Is the use of deadly force by police to prevent the escape of all felony suspects constitutionally unreasonable [YES]; Is the use of deadly force by a police officer permissible under the 4th Amendment, if necessary to prevent the escape of a felony suspect who threatens the officer with a weapon, or if there is probable cause to believe that the suspect has committed a crime involving the infliction or threatened infliction of serious physical harm, if, where feasible, some warning has been given [YES].

Terry v. Ohio; 1968; 392 U.S. 1; 334

Is a limited, protective, non-invasive “pat-down” search for weapons, known as a “stop and frisk,” a reasonable search and seizure under the 4th Amendment if an officer observes suspicious behavior and believes it’s necessary for the safety of the officer or others nearby [YES]; Is the higher standard of probable cause needed to conduct such a search for weapons [NO]; Is a more complete search reasonable under these conditions [NO]; Is such a stop and frisk a severe but allowable intrusion upon cherished personal security [YES].

Thompson v. United States Ⓓ; 1894 ; 155 U.S. 271; 203

Does arming yourself after being threatened, and then traveling the only road in the area where you know your adversary may be, turn a subsequent shooting of the adversary during a confrontation into murder? [NO]; Is arming yourself for legitimate self defense premeditation [NO].

Thompson/Center Arms Co., U.S. v., •; 1992; 504 U.S. 505; 458

Is the definition of “making” an NFA firearm sufficiently clear to require registration and payment of the \$200 NFA tax on a parts kit that can be assembled into a legal carbine or into a must-be-registered-to-be-legal short-barreled rifle [NO]; Is a carbine together with all the parts needed to convert it to a machinegun a machinegun [YES]; Is an unassembled silencer a silencer [YES]; Is an unassembled machinegun a machinegun [YES]; Is a pistol and attachable shoulder stock found in different drawers of the same dresser a short-barreled rifle [YES].

Tot v. United States •; 1943; 319 U.S. 463; 306

Does possession of a pistol by a person who has a prior felony conviction constitute proof that the person acquired the gun in interstate commerce, or acquired it after the date of the act that would outlaw such possession [NO].

Trono v. United States; 1905; 199 U.S. 521; 276

Is the right of the people to bear arms omitted in the Act of Congress of July 1, 1902, concerning people in the Philippines [YES].

Twining v. New Jersey •; 1908; 211 U.S. 78; 277

Are the right of trial by jury, guaranteed by the 7th Amendment, and the right to bear arms, guaranteed by the 2nd Amendment, among the privileges and immunities of citizens of the United States guaranteed by the 14th Amendment against abridgment by the States [NO].

United States v. (various names)

Cases beginning with “United States” are listed alphabetically by the named party, q.v., Bass, Bean, Biswell, Cruikshank, Freed, Galioto, Gonzales, Lopez, Miller, One Assortment of 89 Firearms, Powell, Schwimmer, Thompson/Center Firearms Co., Ursery, Verdugo-Urquidez.

Ursery, United States v.,; 1996; 518 U.S. 267; 549

Was the confiscation of guns in the U.S. v. One Assortment of 89 Firearms case remedial, and not criminal in nature, and thus not prohibited under double jeopardy protections [YES].

Verdugo-Urquidez, United States v.,; 1990; 494 U.S. 259; 444

Does the phrase “the people” used in the 2nd Amendment refer to individual members of the American society, the same as it does in the Constitution’s preamble, and its 1st, 4th, 9th and 10th Amendments [YES]; Does the 2nd Amendment protect “the right of the people to keep and bear arms.” [YES].

Wallace v. United States • D; 1896; 162 U.S. 466; 224

Is it up to the jury to decide whether a homicide is murder, manslaughter or justifiable [YES]; Does a perfect right of self defense require blamelessness in the confrontation and an act of necessity only [YES]; Can you claim self defense if you had intentionally brought about a lethal conflict [NO]; Is it up to the jury to decide whether you armed yourself defensively or otherwise [YES]; Is it murder if you enter a quarrel without felonious or malicious intent, and then, under reasonable belief of imminent mortal danger, you kill the assailant [NO]; Does the fact that you deliberately go and arm yourself, for self defense or other innocent purpose, turn a subsequent shooting necessarily from manslaughter to murder [NO].

Contact:

Alan Korwin
BLOOMFIELD PRESS
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4718 E. Cactus #440
Phoenix, AZ 85032
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