No. 20-843

In The

Supreme Court of the United States

NEW YORK STATE RIFLE & PISTOL ASSOCIATION, INC., et al.,

Petitioners,

v.

KEVIN P. BRUEN, IN HIS OFFICIAL CAPACITY AS SUPERINTENDENT OF NEW YORK STATE POLICE, et al.,

Respondents.

On Writ Of Certiorari To The United States Court Of Appeals For The Second Circuit

BRIEF OF *AMICUS CURIAE* MADISON SOCIETY FOUNDATION, INC. IN SUPPORT OF PETITIONERS

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INTEREST OF THE *AMICUS CURIAE*[1]

Madison Society Foundation, Inc. is a Nevada non-profit organization that defends and promotes the Constitution of the United States, in particular the right to keep and bear arms. Formed in 1996, MSF works through research, education, and legal efforts, and has appeared in numerous "friend of the court" briefs, including before this Court. MSF contends that the fundamental Second Amendment right includes the right to carry firearms in public for self-defense.

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[1] All parties consented to the filing of this brief. No counsel for any party authored the brief in any part. No person or organization other than the *amicus* or their counsel made a monetary contribution for the preparation or submission of the brief. *Amicus* is not publicly traded and has no parent corporations. No publicly traded corporation owns 10% or more of *Amicus*.

SUMMARY OF ARGUMENT

This Court identified several laws as "presumptively lawful" in *District of Columbia v. Heller*, including "longstanding . . . laws forbidding the carrying of firearms in sensitive places such as schools and government buildings. . . ." 554 U.S. 570, 626–27 & n.26 (2008); *see also McDonald v. City of Chicago*, 561 U.S. 742, 786 (2010) (reaffirming *Heller*'s language regarding "longstanding regulatory measures.").

Being this Court's "first in-depth examination of the Second Amendment," *Heller* did not expound upon what it called "sensitive places," but instead assured that "there will be time enough to expound upon the historical justifications *for the exceptions we have mentioned* if and when those exceptions come before us." 554 U.S. at 635 (italics added).

"Gun-free zones" are not expressly before the Court, but because Respondents and their *amici* will surely attempt to severely restrict the fundamental right to carry in the instant matter (just as they do elsewhere), *amicus* would respectfully offer this survey of the history—or lack thereof—of certain location-based restrictions in support of a principled original public meaning analysis. The Court should ensure that any statements it makes regarding gun-free zones are consistent with this history.

Americans in the founding generation regularly carried arms at church and on public lands. Whatever "sensitive places" exist, these places in particular bear no historical justification. And where "gun-free" zones do exist, such a doctrine cannot be utilized to deny the

populace the ability to exercise their fundamental right to self-defense prior to or immediately after exiting such a location. Several states offer an appropriate solution: the ability to check one's firearm upon entry.

Should this Court address "sensitive places" or other "gun-free zones" in this case, it should do so in a way consistent with the Constitution's text and original public meaning.

ARGUMENT

I. OUR NATION'S HISTORY AND TRADITIONS SHOULD INFORM THE COURT'S INTERPRETATION OF THE ENUMERATED RIGHT TO BEAR ARMS.

An analysis of the Second Amendment's text, as it is informed by the nation's history and tradition, dispositively confirms that the right to "bear arms" extends beyond the confines of one's home. Indeed, the *modus operandi* of founding-era Americans was to carry arms in public as part of daily life.

When *Heller*, in dictum, explained that some laws "forbidding the carrying of firearms in sensitive places such as schools and government buildings" *may* be "presumptively lawful," 554 U.S. at 626–27 & n.26, it merely signaled to future courts that any location-based restrictions must be substantively justified by historical practices consistent with the Amendment's text.[2] The dictum is not a rubber-stamp of approval

[2] Presumptions are inherently rebuttable. "A presumption shifts the burden of production or persuasion to the opposing

for restrictions in any locations a government deems "sensitive."

Whatever *Heller* meant by "sensitive places," it surely cannot mean the vast majority of spaces open to public presence, travel, and accommodation. Such an improper reading of this Court's favorably cited history and case law on the right to bear arms in *Heller*—most, if not all, of which respected carry outside the home—would be absurd. Because "[c]onstitutional rights are enshrined with the scope they were understood to have when the people adopted them," *id.* at 634-35, any sensitive-place analysis must turn on the public understanding of the Second Amendment at the time of ratification.

Moreover, while history and tradition can be informative in deducing the public's understanding, it cannot limit or alter the original scope of a fundamental right. *See Gamble v. United States*, 139 S. Ct. 1960, 1975–76 (2019) (discounting the importance of treatises "published *after* the Fifth Amendment was adopted," and noting that nineteenth-century sources were not used to define the public understanding of the Second Amendment in *Heller*, but instead "were treated as mere confirmation of what the Court thought had already been established.").

To be sure, *amicus* does not suggest that this Court should "expand" the scope of the Second Amendment, but rather, respectfully requests that this Court, as a co-equal branch of our government, *restore* the scope

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party, who can then attempt to overcome the presumption." *Presumption*, BLACK'S LAW DICTIONARY 1435 (11th ed. 2019).

of the right to align with its original public meaning and practices where the other branches have exceeded their constitutional limits.

II. THE FOUNDING ERA IS THE RELEVANT TIME PERIOD FOR DETERMINING THE ORIGINAL UNDERSTANDING OF THE SECOND AMENDMENT.

This Court need not wrestle with questions about "sensitive places"—which are nothing other than "gun-free zones," where people are disarmed and prevented from exercising their fundamental right to self-defense—as they are beyond the scope of the matter before it. However, should this Court's decision in the instant matter touch upon the times, places, and manners in which the right to bear arms may be restricted, such discussion must retain fidelity to the original public understanding of the scope of the right.[3]

[3] *Amicus* limits its historical analysis to the period of time proceeding the ratification of the Second Amendment through the first two decades of the 19th century. The reason for this is simple: "Constitutional rights are enshrined with the scope they were understood to have when the people adopted them." *Heller*, 554 U.S. at 634-35. The time period preceding the founding helps to inform the public's understanding leading up to the ratification of the Second Amendment. And straying too far past the ratification would result in an interpretation that is akin to a "living constitution" mode of jurisprudence—a terminally flawed interpretive method that is inconsistent with the Constitution and this Court's Second Amendment cases.

A. This Court should look to founding-era history and practices, rather than later periods, to deduce the original public meaning of the right.

This Courts' "regular rule" is "that history – not court-created standards . . . dictates the outcome whenever it provides an answer." *Lange v. California,* 141 S. Ct. 2011, *29 (2021) (Thomas, J., concurring). And in the case of "sensitive places" where individuals are completely prevented from exercising their fundamental right of self-defense, history indeed provides an answer. In determining that the phrase "bear arms" referred to the carrying of weapons *outside* the militia context, this Court found that "[t]he most prominent examples are those most relevant to the Second Amendment: nine state constitutional provisions written in the 18th century or the first two decades of the 19th." *Heller*, 554 U.S. at 584.

Indeed, this Court has looked to the public understanding and tradition of the colonies and at the founding to inform the scope of other enumerated rights enshrined in the Bill of Rights. *See, e.g., Marsh v. Chambers*, 463 U.S. 783, 787-88 (1983) (discussing prayer before legislative sessions and referencing practices of the First Continental Congress, First Congress, Senate and House Committees, and payment of Chaplains to perform such services just three days prior to the agreement on the language of the Bill of Rights); *Furman v. Georgia*, 408 U.S. 238, 319-20 (1972) (tracing history of the Founder's understanding of cruel and unusual punishment from English law through the adoption of the Eighth

Amendment); *Virginia v. Moore*, 553 U.S. 164, 168 (2008) (discussing that the Court looks "to the statutes and common law of the founding era to determine the norms that the Fourth Amendment" protects); *United States v. Watson*, 423 U.S. 411, 421 (1976) (citing the Second Congress's understanding and grant of arrest powers for a felony without a warrant to federal marshals as consistent with the Fourth Amendment); *Gamble v. United States*, 139 S. Ct. at 1969-78 (reviewing the separate sovereignty exception to the Double Jeopardy Clause).

Thus, any "limiting principle" this Court might apply to the right to bear arms must be found in the substantive history and tradition at the relevant period described *supra*. The existence of a restriction, or even a handful of restrictions, at a time before the federal Second Amendment applied against the states *is not* dispositive evidence of its constitutional acceptability.[4]

B. The Constitution's original public meaning and founding-era practices lead to the proper answer even for 'close calls.'

It would be improper and unnecessary to apply tiered scrutiny, or any form of interest balancing, even where history and tradition may be somewhat opaque. Interest-balancing tests—including for what are

[4] To the extent that a state or local restriction was deemed permissible by a state court despite an arms provision in that state's constitution, that may merely show that the state's constitution was interpreted to be narrower than the federal right to keep and bear arms.

sometimes referred to as 'close calls' or sometimes uncomfortable circumstances, such as determining the historically grounded understanding of "sensitive places"—are inherently in tension with *Heller*, because "[c]onstitutional rights are enshrined with the scope they were understood to have when the people adopted them, whether or not future legislatures or (yes) even future judges think that scope too broad." *Heller*, 554 U.S. at 634-35. The appropriate method, as previously stated by this Court, is to apply the principles reflected in the Founding-era practices to the modern-day restriction. *See Heller v. District of Columbia,* 670 F.3d 1244, 1280 (D.C. Cir. 2011) (Kavanaugh, J., dissenting) ("The Court emphasized the role of history and tradition; it rejected not only balancing but also examination of costs and benefits; it disclaimed the need for difficult empirical judgments . . . and it prospectively blessed certain laws for reasons that could be (and were) explained only by history and tradition, not by analysis under a heightened scrutiny test."); *Mance v. Sessions,* 896 F.3d 390, 394 (5th Cir. 2018) (Elrod, J, joined by six other judges, dissenting from denial of rehearing *en banc*) ("we should apply a test rooted in the Second Amendment's text and history—as required under *Heller* and *McDonald*—rather than a balancing test like strict or intermediate scrutiny."); *Tyler v. Hillsdale County Sheriff's* Office, 837 F.3d 678, 702 (6th Cir. 2016) (en banc) (Batchelder, J., joined by Boggs, J., concurring) ("[I]t is *that* meaning [the Second Amendment's original public meaning]—as *Heller* and *McDonald* make unmistakably clear—informed as it is by the history and tradition surrounding the right, that counts."); *Ass'n of New*

Jersey Rifle & Pistol Clubs Inc. v. Attorney Gen. New Jersey, 974 F.3d 237, 252 (3d Cir. 2020) (Matey, J., dissenting) ("*Heller* makes clear that judicial review of Second Amendment challenges proceeds from text, history, and tradition."); *Mai v. United States*, 974 F.3d 1082, 1086 (9th Cir. 2020) (Bumatay, J., joined by VanDyke, J., dissenting from denial of rehearing en banc) ("*Heller*, thus, showed us exactly what to look at: the text, history, and tradition"); *see also Duncan v. Becerra*, 366 F. Supp. 3d 1131, 1154–55 (S.D. Cal. 2019), *aff'd,* 970 F.3d 1133 (9th Cir. 2020) (op. vacated, *en banc* pending) (the test based on historical understanding—the "simple *Heller* test"—was more appropriate than the "overly complex analysis" developed by some circuit courts).

Since *McDonald*, many judges and justices of state courts have recognized that a test based on the Amendment's text, informed by history and tradition, is the correct analysis. *See, e.g.*, *State v. Weber*, 2020-Ohio-6832, ¶71, 163 Ohio St. 3d 125, 146 (DeWine, J., concurring) ("Because a majority of the court today adopts this approach, going forward, lower courts in Ohio should follow the analytical framework used by the Supreme Court in *Heller* and assess Second Amendment claims based upon text, history, and tradition."); *Rocky Mountain Gun Owners v. Hickenlooper*, 371 P.3d 768, 778 (Colo. App. 2016) (Graham, J., concurring in part and dissenting in part) (in light of *Heller* and *McDonald*, preferring a text, history, and tradition test for Colorado's state constitutional right); *State v. Roundtree*, 2021 WI 1, ¶¶116-17, 395 Wis. 2d 94, 152-53, 952 N.W.2d 765, 793 (Hagedorn, J., dissenting) ("A proper legal test

must implement and effectuate the original public meaning of the law. . . . With these principles in mind, we turn to the text and history of the Second Amendment.").

Calling balls and strikes is important in both baseball and legal analysis, but so is being clear and consistent when a player is out. Ultimately, it is the government's burden to justify a ban under the proper test announced by this Court—a test that focuses on the Second Amendment's text, using history and tradition to inform its original meaning. *See Heller*, 554 U.S. at 625 ("adopt[ing] . . . the original understanding of the Second Amendment"). If the government cannot carry its burden under the proper test and strikes out, it should not be allowed to change the game and take another swing (and another after that, under some lower courts' improper multi-step approach) until it reaches the policy result it prefers.

III. UNDER A HISTORICAL ANALYSIS CONSISTENT WITH *HELLER*, PUBLIC PLACES WERE NOT UNDERSTOOD TO BE "SENSITIVE PLACES" WHERE ARMS COULD NOT BE CARRIED.

History supports the finding that the vast majority of public places were not understood to be "sensitive places" or "gun-free zones," as the carriage of arms in many places was not only common in the founding era, but was sometimes even statutorily *required*.

Virtually all able-bodied men throughout the colonial and founding eras were required to carry arms in public to attend musters for militia service.

Additionally, many colonial- and founding-era laws mandated the carrying of arms to church, public assemblies, travel, and work in the field. *See* Amicus Brief of Professors of Second Amendment Law, et al., at 25.

Furthermore, the founding generation voluntarily carried in their daily lives most wherever they pleased, *See id.* at 27-32 (providing several examples of the Founders carrying, even as children), including in locations sometimes considered "sensitive" by modern governments.

For example, carry to church was common and never forbidden in the colonial and founding eras. *See id.* at 25 (explaining that the colonies of Virginia, Plymouth, Maryland, Connecticut, New Haven, South Carolina, and Georgia all required people to carry arms in order to attend church).

Similarly, at the time of the founding, schools were not areas in which firearms were banned. Rather, during the colonial and founding periods, college students as well as professors were almost always required to possess firearms for militia service. *See* David B. Kopel & Joseph G.S. Greenlee, *The Second Amendment Rights of Young Adults*, 43 S. ILL. U.L.J. 495 (2019) (describing all colonial and founding era militia statutes from the states that ratified the Second Amendment). Even when some students or professors were exempted from the militia requirements, *see e.g.*, 1778 N.J. Laws 44-45 (excluding "Professors and Tutors of Colleges"), nothing prohibited them from keeping arms of their

own volition. Thus, firearms were commonly kept on campuses and "gun-free" campuses were unheard of.

"The first notable arms ban at an American university was at the University of Virginia in 1824." David B. Kopel & Joseph G.S. Greenlee, *The "Sensitive Places" Doctrine: Locational Limits on the Right to Bear Arms*, 13 CHARLESTON L. REV. 203, 247 (2018). The ban was the result of "students brandish[ing] guns freely, sometimes shooting in the air, [and] sometimes at each other." Carlos Santos, *Bad Boys: Tales of the University's tumultuous early years*, VIRGINIA (Winter 2013).[5] The University banned, among other things, the *student's* ability to keep or use of weapons or arms of any kind. Kopel & Greenlee, *Sensitive Places*, at 248. However, faculty and staff were not incorporated into the ban and remained free to bear arms. Presumably, this ability extended to visitors as well. In sum, while there was one example of a restriction as to students themselves bearing arms in 1824, there was no such ban as to teachers and visitors.

Another example is bearing arms on public lands. Americans are uniquely fortunate in being able to enjoy such a rich history of public lands. Public lands existed in the founding era—for example, all unsettled lands were ceded to the federal government in the Northwest Ordinance of 1787—but no firearm restrictions applied on those lands. *An Ordinance for the Government of the Territory of the United States Northwest of the River Ohio*, *in* DOCUMENTS ILLUSTRATIVE OF THE FORMATION OF THE UNION OF THE

[5] http://uvamagazine.org/articles/bad_boys.

AMERICAN STATES 47 (1928). Rather, a natural rights provision ensured that in the Northwest Territory, "the inhabitants of the said territory shall always be entitled" to rights later included in the United States Constitution and Bill of Rights, including due process, jury trials, habeas corpus, and religious freedom. There was also a ban on slavery, as well as cruel or unusual punishment. *Id.* at 51–54. Given that the Founders viewed the right to bear arms as a natural right as well, *see* Amicus Brief of Professors of Second Amendment Law at 5–7, 16–18, it seems unlikely that the right to bear arms could have been prohibited. In any event, it never was.

In 1872, President Ulysses S. Grant signed the Yellowstone National Park Protection Act into law, making it the nation's first national park. One hundred years after the ratification of the Second Amendment, the Shoshone National Forest was set aside as part of the Yellowstone Timberland Reserve, making it the first national forest in the United States. It was not until 1946 that the Bureau of Land Management (BLM) was formed (combining the General Land Office and Grazing Service), which is now responsible for overseeing about 245 million acres of surface (the Bureau is also tasked with managing sub-service acres). *See A Land Management History*, BLM, https://www.blm.gov/about/history; *Data Resources*, BLM, https://www.blm.gov/about/data. Today, the federal government owns roughly 640 million acres of land (roughly 28% of the nation's total land, mostly concentrated in the West and Alaska), of which the majority is administered by the BLM, Fish and

Wildlife Service (FWS), National Park Service (NPS), and the Forest Service (FS). *Federal Land Ownership: Overview and Data*, CONGRESSIONAL RESEARCH SERVICE 2 (Feb. 21, 2020).

Whatever bans may have existed on these federal lands, they did not exist at the founding and do not exist now. The formation of the National Park System, National Forests, land managed by BLM and the FWS, all occurred beyond the period that would give any guidance to the public's understanding of carrying on such lands at the time of the founding.

Today, the only federal ban on the "possess[ion] and carry[ing] of [firearms] in case of confrontation," *Heller*, 554 U.S. at 592, is imposed by the regulations of the Army Corps of Engineers. 36 C.F.R. § 327.13 provides in pertinent part:

> (a) The possession of loaded firearms, ammunition, loaded projectile firing devices, bows and arrows, crossbows, or other weapons is prohibited unless:
>
> (1) In the possession of a Federal, state or local law enforcement officer;
>
> (2) Being used for hunting or fishing as permitted under § 327.8, with devices being unloaded when transported to, from or between hunting and fishing sites;
>
> (3) Being used at authorized shooting ranges; or
>
> (4) Written permission has been received from the District Commander.

Ironically, this regulation would *allow* for an individual who is hunting to carry a firearm on land regulated by the Army Corps of Engineers but punish an individual carrying a firearm for self-defense with a fine of up to $5,000 and/or imprisonment of not more than six months. 36 C.F.R. § 327.25. Such a ban is inconsistent with the original understanding of the Second Amendment, as well founding-era history and tradition.

These are but a few examples of locations that some modern-day governments consider "sensitive," but the Founders did not. *See* Kopel & Greenlee, *The "Sensitive Places" Doctrine,* 13 CHARLESTON L. REV. 203 (analyzing the history of schools, post offices, parking lots, public lands, public apartment buildings, higher education buildings, blue laws, hunting without permission, and buffer zones around sensitive places, among other locations).

Regardless, any restrictions imposed by modern-day governments must have a historical justification—just as this Court declared in *Heller*. S*ee* 554 U.S. at 635 ("there will be time enough to expound upon the historical justifications for the [sensitive place] exceptions we have mentioned if and when those exceptions come before us."). And to be sure, "we would not stake our interpretation of the Second Amendment upon a single law, in effect in a single city, that contradicts the overwhelming weight of other evidence..." *Id.* at 632.

IV. BECAUSE INDIVIDUALS HAVE A RIGHT TO CARRY ARMS IN PUBLIC, THE "SENSITIVE PLACES" DOCTRINE CANNOT SWALLOW THE RULE.

History informs the understanding that the right and practice of bearing arms in public was the rule—not the exception. Moreover, this Court has repeatedly held that there is nothing that requires the "State to protect the life . . . of its citizens against invasion by private actors." *Deshaney v. Winnebago Cty. Dep't of Soc. Servs.*, 489 U.S. 189, 195, (1989); *see also Town of Castle Rock v. Gonzales*, 545 U.S. 748 (2005).[6]

Thus, to the extent that this Court holds that the existence of "sensitive places" are beyond presumptive and that the government is permitted to restrict individuals from carrying their arms for self-defense in those places, there must be a solution provided to ensure that once the individual leaves and re-enters the public realm where carry is permitted, they are able to adequately defend themselves "in case of

[6] In the event that the Government voluntarily disarms those who cross through its doors, while providing security for its occupants, it would seem that they owe a duty of care that might not otherwise exist to members of the public walking down the street. *C.f. Deshaney*, 489 U.S. at 199-200 ("when the State takes a person into its custody and holds him there against his will, the Constitution imposes upon it a corresponding duty to assume some responsibility for his safety and general well-being."). While there is an obvious difference in the detention against one's will, there remains the issue of being disarmed against one's will. It offends reason and common sense to believe that in the first instance the government bears a heightened responsibility for an individual's wellbeing but in the second instance, the government can disarm those it is providing services to, shrug its shoulders, and bear no responsibility.

confrontation." *Heller*, 554 U.S. at 592. Just as students are not forced to "shed their constitutional rights . . . at the schoolhouse gate," *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 506 (1969), nor should individuals be forced to shed their right of "being armed and ready for offensive or defensive action in a case of conflict with another person," *Heller*, 554 U.S. at 584 (quoting *Muscarello v. United States*, 524 U.S. 125, 143 (Ginsburg, J., dissenting)), by virtue of entering a place that a government and this Court may deem "gun-free."

Several model solutions exist to the problem of temporary disarmament. For example, Pennsylvania offers lockers to those who carry arms to its courthouses. 18 Pa. Cons. Stat. Ann. § 913(e) provides:

> Each county shall make available at or within the building containing a court facility…lockers or similar facilities at no charge or cost for the temporary checking of firearms by persons carrying firearms…or for the checking of other dangerous weapons that are not otherwise prohibited by law. Any individual checking a firearm, dangerous weapon or an item deemed to be a dangerous weapon at a court facility must be issued a receipt…

Cf. Ariz. Rev. Stat. § 13-3102.01 (requiring the operator of public establishments[7] to provide temporary and secure storage that is readily

[7] Defined to mean "a structure, vehicle, or craft that is owned, leased or operated by this state or a political subdivision of this state." Ariz. Rev. Stat. § 13-3102(N).

accessible on entry and allows for the immediate retrieval upon exit); Ga. Code Ann. § 16-11-127(d)(2) (allowing a license holder to notify security of the presence of a firearm and follow directions given for removing, securing, storying, or temporarily surrendering possession of the firearm); N.H. Rev. State. Ann. § 159:19 (providing that firearms may be secured at the entrance to a courthouse by courthouse security personnel); Ohio Rev. Code Ann. § 2923.123 (providing that courthouses, or facilities housing them, may offer to secure firearms carried by licensed permittees during such time they are inside the court facility); Rev. Code Wash. § 9.41.300 (providing for locked boxes or a designated official to receive firearms for safe keeping during owner's visit to courthouses or facilities housing court proceedings).

Kansas restricts the ability of state and municipal buildings from being able to bar the carrying of firearms in the public areas of those buildings, unless they provide "adequate security measures." Kan. Stat. Ann. § 75-7c20. The law defines "adequate security measures" to mean:

> [t]he use of electronic equipment and armed personnel at public entrances to detect and restrict the carrying of any weapons into the state or municipal building, or any public area thereof, including, but not limited to, metal detectors, metal detector wands or any other equipment used for similar purposes to ensure that weapons are not permitted to be carried into such building or public area by members of the public. Adequate security measures for storing and

> securing lawfully carried weapons, including, but not limited to, the use of gun lockers or other similar storage options may be provided at public entrances.

Id.

Put simply, "[t]he right to self defence is the first law of nature[.]" 1 St. George Tucker, BLACKSTONE'S COMMENTARIES, App. 300 (1803). To completely deprive an individual of the ability to exercise that right merely because their journey that day takes them to a "sensitive place" along the way offends the very notion of that right. Thus, to the extent this Court holds it to be permissible to disarm individuals in certain locations, such as jails or courts with armed security officers, providing law-abiding individuals carrying arms with some means of checking their property at the front door would allow an individual to exercise their fundamental right of self-defense to and from such locations.

CONCLUSION

In the United States, many places governments currently identify as "sensitive places" and "gun-free zones" have no historical pedigree. Yet the government presently has no duty to protect you when you are forced to disarm and enter them.

This Court's precedents require the application of the text of the Constitution, as it is informed by history and tradition, to determine the scope of the right to bear arms. And careful analysis of the relevant history and tradition suggest that any historically permissible limitations on the right to

bear arms must be cabined to only those consistent with the original public meaning of the right.

The Court should reverse the decision of the court below.

Respectfully submitted,

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