

No. 24-1435

In the Supreme Court of the United States

DANIEL WELLES, ATTORNEY GENERAL,
PETITIONER

v.

JOHN DOE

*ON WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE AMES CIRCUIT*

REPLY BRIEF FOR THE PETITIONER

**The Honorable Justice
Sandra Day O'Connor
Memorial Team**

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NOVEMBER 19, 2024
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Oral Argument

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ARGUMENT

In 18 U.S.C. § 922(g)(5)(A), Congress determined that unlawful noncitizens should be prohibited from possessing firearms. John Doe, an unlawful noncitizen, now asserts that applying this longstanding firearm regulation to him would “eviscerate the Bill of Rights” and leave “the Second Amendment ... a dead letter.” Respondent’s Brief (Br-) 2, 33. To reach this counterintuitive position, Doe strains the original meaning of “the people” and supplies an impossibly narrow understanding of Congress’s regulatory power. Properly understood, Doe cannot be part of “the people,” and, even if he were, the Government may disarm him consistent with the Second Amendment. This Court should reverse.

I. DOE IS NOT PART OF “THE PEOPLE” WITH SECOND AMENDMENT RIGHTS.

History and precedent show that “the people” refers to citizens only. But even if this Court holds that some noncitizens are part of “the people,” only those with lawful status qualify. Doe errs twice over: First, he fails to credibly rebut the history and precedent demonstrating “the people” refers to citizens only. Second, he fails to advance a coherent line distinguishing “sufficient” from “insufficient” connections.

A. History and precedent demonstrate that only citizens are “the people” with Second Amendment rights.

Defining “the people” as citizens is supported by history, confirmed by precedent, and not disruptive to this Court’s interpretations of other amendments.

1. Doe’s evidence fails to rebut that the Framers selected the term of art “the people” to refer to citizens.

Doe’s claims about original meaning pertain to “people,” not “*the people*.” Doe’s dictionaries define “people” as a colloquial word, rather than “*the people*” as a “term of art.” *District of Columbia v. Heller*, 554 U.S. 570, 580 (2008); see 2 Samuel Johnson, *A Dictionary of the Early English Language* 305 (6th ed. 1785); Noah Webster, *American Dictionary of the English Language* 600 (1st ed. 1828). Similarly, Blackstone referred to “*the people*” — italicizing “*people*” but not its article — as a shorthand to refer generally to individuals within England’s borders. Br-18 (citing 1 Blackstone, *Commentaries* 363, 366 (St. George Tucker ed., 1803) (emphasis in original)). Blackstone himself described “having arms” as “the right of the [English] subject” only. Blackstone, *supra* at 143.

Doe is correct that the Framers “knew how to use” certain “word[s] if they wanted.” Br-17. The Framers deliberately used “the people” to denote an oppositional relationship with the government instead of the equality between fellow “citizens.” See Petitioner’s Brief

(Pet. Br-) 16. These “different words” continued to “mean the same thing,” even though the “explanatory or declaratory gloss ... change[d].” Akhil Reed Amar, *Intratextualism*, 112 Harv. L. Rev. 747, 801 n.203 (1999).

Yet after confidently asserting the Framers chose their terms deliberately, Doe conflates the terms “the people” and “persons” throughout his recitation of the Alien and Sedition Acts debates. *See* Br-19. The debates prove only that some Framers thought that aliens had the Fifth Amendment right of “persons,” not the rights of “the people.” Pet. Br-16–17.

Doe’s references to Founding-era immigration and election laws provide equally little insight into the original meaning of “the people.” Br-20–21. Then and now, legislatures could grant noncitizens the *privilege* to enter the country and vote but not the *right* to do so — much less the right to bear arms. *See* Madison’s Report on the Virginia Resolutions, in 4 *The Debates in the Several State Conventions* 556 (Jonathan Elliot, ed. 1836) (“[T]he admission of an alien is a favor, the favor may be revoked at pleasure.”); Ames City Code ch. 29 § 127 (granting noncitizens the privilege, not right, to vote in local elections).

Even if credited, Doe’s historical evidence does not prove that the Framers used “*Verdugo-Urquidez’s* definition” or had any notion of

“sufficient connections.” Br-17. The best reading of Founding-era history remains that “the people” are citizens only.

2. Despite Doe’s claims, this Court’s precedents confirm that “the people” refers to citizens only.

This Court has repeatedly referred to the rights of “citizens” in *Heller*, *McDonald*, *Bruen*, and *Rahimi*. See Pet. Br-19–20. The qualifiers occasionally placed next to “citizens” — “law-abiding,” “ordinary,” “responsible” — do not define “the people.” *Contra* Br-13. Instead, they demonstrate that certain regulatory traditions may justify disarmament of citizens.

Heller’s deliberate use of the phrase “political community” reinforced its references to citizens. 554 U.S. at 580. Though *Heller* “did not cite any ... cases” to define this term, Br-15, it did not need to: this Court has been clear that the political community consists of citizens only. See Pet. Br-18–19. Despite Doe’s claim that *Foley v. Connelie* does “not state that only citizens are included” in the political community, Br-15, the case recognizes “a State’s historical power to exclude aliens ... to preserve the basic conception of a political community.” 435 U.S. 291, 295–96 (1978). And Fourteenth Amendment cases are certainly relevant for defining the “political community,” *contra* Br-15, given the Amendment’s fundamental transformation of that community. See Goodwin Liu, *Education, Equality and National Citizenship*, 116 Yale L.J. 330, 349 (2006) (“Beyond granting legal status to newly freed blacks, the

[Fourteenth Amendment's] Citizenship Clause established a *national political community* and made allegiance to it the primary aspect of our political identity.”).

3. A ruling that “the people” with Second Amendment rights are citizens would not disrupt this Court’s precedents regarding other amendments.

Without basis, Doe warns of “extreme consequences” that would result from ruling that only citizens are “the people” protected by the Second Amendment. Br-30. But this case cannot affect constitutional rights not reserved for “the people.” Doe’s argument that noncitizens have rights of “persons” and “the accused” is accurate, but simply irrelevant to Doe’s entitlement to rights of “the people.” U.S. Const. amends. V, VI, XIV.

This Court has never held that noncitizens are part of “the people” in any amendment, and certainly did not do so in *Verdugo-Urquidez*. Contrary to Doe’s unelaborated claim, *Verdugo-Urquidez* did not rely on “sufficient connections” to “determine the outcome of [that] case.” Br-11. Instead, it flagged its discussion of “sufficient connections” as “by no means conclusive” and resolved the case “while assuming without deciding the validity of [the] antecedent proposition” that a noncitizen may fall under the Fourth Amendment’s scope. *United States v. Verdugo-Urquidez*, 494 U.S. 259, 265, 272 (1990). And unlike Doe, Br-32, courts recognize that “pre-*Verdugo-Urquidez* cases” like *Almeida-*

Sanchez similarly “assumed” without deciding “that the Fourth Amendment applies to aliens.” *United States v. Martinez-Aguero*, 459 F.3d 618, 624 (5th Cir. 2006).

Likewise, contrary to Doe’s assertions, this Court has never held that noncitizens have First Amendment rights. *See* Br-31. The majority in *Bridges v. Wixon* decided the case on statutory grounds because it was “unnecessary” to “consider the larger constitutional questions,” 326 U.S. 135, 156 (1945), and *Kwong Hai Chew v. Colding* concerned Fifth Amendment due process rights. 344 U.S. 590, 601 (1953).

B. Even if this Court considers Doe’s “connections,” only the Government has provided a workable definition of “sufficient connections.”

Doe would have this Court hold that his “connections are analogous to those that [lower] courts have held to be sufficient under the *Verdugo-Urquidez* test.” Br-25. But Doe does not even provide a workable “test” — just three lower court opinions with unclear implications. And this Court still disfavors “sensitive, case-by-case determinations” on complex constitutional questions. *Atwater v. City of Lago Vista*, 532 U.S. 318, 347 (2001).

The cases Doe cites do not even shed light on whether his connections are sufficient: First, a Mississippi district court credited a noncitizen’s connections simply because the government provided “no rebuttal” to that noncitizen’s assertion of “sufficient connections.” *United States*

v. Benito, 2024 WL 3296044, at *5 (S.D. Miss. July 3, 2024). Second, the Seventh Circuit credited twenty years of residency that began at age four, far more years both in absolute terms and as a percentage of life than Doe’s. *United States v. Meza-Rodriguez*, 798 F.3d 664, 668, 672 (7th Cir. 2015); JA-16. And third, the Fifth Circuit considered a noncitizen’s connections to be sufficient when she had “a valid border-crossing card,” a form of legal status that Doe lacks. *Martinez-Aguero*, 459 F.3d at 625. Not only are the noncitizens in these cases not analogous to Doe, but these cases also fail to provide even a faint line dividing sufficient from insufficient connections.

In contrast, the Government has provided a bright line: formal engagement with federal naturalization or immigration processes. Doe conflates this formal engagement with *being* a citizen: he characterizes the Government’s interpretation of “sufficient connections” as requiring that “immigrants *had to become citizens* in order to gain certain rights.” Br-28 (emphasis added). But many noncitizens, like lawful permanent residents, have engaged with the immigration process. Because of his mistake, Doe does not attempt to contest the history and precedent that substantiate the Government’s rule. As Founding-era laws demonstrate, aliens could be “entitle[d]” to “the like protection from the laws of th[e] state as citizens” only after the government recognized their formal engagement with “the existing [naturalization] laws of the United States.”

Act of Dec. 18, 1799 (S.C.) (cleaned up); Act of Nov. 7, 1806 (N.J.). Other allegedly “sufficient connections” are divorced from any possible original meaning of “the people.”

Precedent further supports the Government’s line. *Verdugo-Urquidez* itself implied that engagement with the immigration process was necessary to assert sufficient connections. 494 U.S. at 271 (requiring a noncitizen to “lawfully enter” the United States (quoting *Kwong Hai Chew*, 334 U.S. at 596 n.5)).

Unlike Doe’s inchoate standard, the Government’s line is administrable because it does not require weighing of indeterminate factors. Doe does not contest that lower courts applying *Verdugo-Urquidez* as the Government does have found it administrable. *See* Pet. Br. 34–35. Even if this Court considers Doe’s “connections,” he lacks “sufficient connections” because he has not formally engaged with the federal naturalization or immigration processes.

II. SECTION 922(G)(5)(A) IS CONSISTENT WITH THE SECOND AMENDMENT.

Doe fails to effectively rebut that the Government may disarm lawbreakers and those who lack allegiance to the United States. His alternative principles threaten to invalidate most applications of federal gun control laws. Doe derives his erroneous principles by making three threshold mistakes.

First, both parties agree that the Government may disarm those who pose a “credible and specific threat of violence,” those “convict[ed] of a violent crime,” “active rebels,” and “suspected enemy combatants.” Br-40, 45. But Doe’s assertion of these narrower principles fails to disprove the Government’s argument that it may disarm groups *in addition* to Doe’s categories.

Second, Doe’s argument that “class-based legislation is inconsistent with our tradition” is perplexing. Br-39. Class-based regulations are the foundation of our nation’s firearm regulation. The existence of class-based regulations from the Founding enables *Bruen* and *Rahimi*’s method of historical analogy. Nothing “suggest[s] that the Second Amendment prohibits the enactment of laws banning the possession of guns by categories of persons.” *United States v. Rahimi*, 144 S. Ct. 1889, 1901 (2024).

Third, Doe fails to overcome the presumption that § 922(g)(5)(A) is lawful. While the Government bore the burden of demonstrating § 922(g)(8)’s constitutionality in *Rahimi*, that provision was separately enacted decades after the “longstanding” provisions of § 922(g) that *Heller* identified as “presumptively lawful.” *Heller*, 554 U.S. at 626 & n.26; see Violent Crime Control & Law Enforcement Act of 1994, Pub. L. 103-322, 108 Stat. 1796; Omnibus Crime Control & Safe Streets Act of 1968, Pub. L. 90-351, 82 Stat. 197. Because § 922(g)(5)(A) was enacted

alongside those longstanding restrictions, it is “presumptively lawful” unless Doe can affirmatively show otherwise.

A. Doe fails to disprove that the Government may disarm lawbreakers.

Doe’s misreading of Founding-era history results in impossibly narrow principles. Doe argues that the Second Amendment permits only “temporary disarmament upon conviction of a violent crime,” Br-45, or “requires a credible and specific threat of violence to disarm” lawbreakers, Br-40. But these limits contradict evidence of Founding-era laws and proposals from state ratifying conventions.

Among other historical inaccuracies, Doe insists that a Founding-era Massachusetts statute only “disarmed a limited category of individuals subject to judicial process.” Br-42. Doe first asserts that the statute permitted disarmament only after “confession of the party or other legal conviction,” *id.*, ignoring the clause that allowed for on-the-spot disarmament for lawbreaking committed in “view of [a] justice [of the peace].” 1692 Mass. Acts and Resolves ch. 18, § 6; *see also* App. at 14a. Doe further claims that the statute merely “codified” the crime “of bearing arms to terrorize the people.” Br-42. Yet the plain text extends to a broader category of nonviolent offenders, including “all ... disturbers or breakers of the peace” and those who “utter any menaces or threatening speeches.” *Id.*

Doe also dismisses evidence from the state ratifying conventions as “not germane” since the proposals were not passed. Br-43. But because these proposals directly influenced the drafting of the Second Amendment, this Court has described such proposals as “highly influential” evidence of the scope of the right as understood by the Framers. *Heller*, 545 U.S. at 604. The proposals reflect that the Framers believed the government had broad power to disarm individuals for “crimes committed” or “danger of public injury” — not just following convictions for violent felonies. Amendments Proposed by Pennsylvania Convention Minority (1787), *reprinted in* Edward Dumbauld, *The Bill of Rights* 174 (1957).

Properly read, history supports that the Government may disarm “individuals who have committed nonviolent offenses.” Br-40. To support his contrary assertion, Doe provides the bare allegation that “scholars have not been able to identify any ... laws permanently disarming” felons. *Id.* But states disarmed nonviolent peacebreakers, verbal antagonists, fraudsters, and forgers. *See* Pet. Br-41–42. Doe distinguishes forfeiture laws by observing only that rehabilitated fraudsters could later own guns¹ — but so too can noncitizens once they are no longer present unlawfully. Br-42–43.

¹ Doe insists that these laws “exempted firearms from forfeiture.” Br-43. But Doe cites only a source that provides five laws exempting firearms from seizure for debt execution, militia usage, and civil fines —

The same Founding-era evidence demonstrates that the Government may disarm Doe without a “conviction.” Doe argues that the “novel theory” that disarmament does not require conviction “contravenes *Rahimi*.” Br-40. But *Rahimi* upheld a section of § 922(g) disarming individuals who have not been convicted of a crime. 144 S. Ct. at 1898. *Rahimi* shows that this Court permits the Government to disarm classes of individuals — with or without a conviction — where it has reason to believe that the class cannot safely possess a firearm, as in § 922(g)(2)–(8).

In another formulation of his principle, Doe argues that “a specific finding of ‘a credible threat to the physical safety of another’” is required for disarmament. Br-40 (quoting *Rahimi*, 144 S. Ct. at 1903). This principle is not responsive to the Government’s history because it comes from *Rahimi*’s analysis of § 922(g)(8)(C)(i). *Rahimi* held that at least those individuals who pose a “credible threat to the physical safety of another” could be disarmed — but not *only* such individuals. 144 S. Ct. at 1903.

Moreover, if Doe requires a finding of a direct and concrete threat of future violence, then he necessarily argues that most applications of § 922(g)(1)’s felon-in-possession ban are unconstitutional. This promises absurdities: the Government could disarm an individual for a

not “from convictions for crimes.” Joseph Greenlee, *Disarming the Dangerous*, 16 Drexel L. Rev. 1, 71 & n.429 (2024); see App. 32a–35a (collecting statutes).

commonplace verbal threat, but not for nonviolent narcotics trafficking or for committing a murder without threatening to kill again. But if Doe construes a “credible and specific threat of violence” to include nonviolent conduct that may indirectly endanger others, then § 922(g)(5)(A) falls within his principle. As courts have found, § 922(g)(5)(A) embodies Congress’s judgment that unlawful noncitizens pose a sufficiently credible threat to law enforcement that they “ought not to be armed when authorities seek them.” Pet. Br-45 (compiling cases).

B. Doe fails to disprove that the Government may disarm all individuals who lack allegiance to the United States.

Doe misreads the historical record to support a narrow principle that the Government may “disarm[] a group only during active rebellion and war.” Br-46. This understanding is far too limited: historical laws disarming Loyalists, Catholics, and Southerners reveal that the government routinely disarmed those who lacked undivided allegiance to the United States, regardless of whether the country was at war.

First, Founding-era laws disarmed Loyalists who were neither “active rebels” nor “suspected enemy combatants.” *Contra* Br-46. Doe ignores that these laws were designed to disarm peaceful individuals who “refuse[d] to associate to defend by arms these United Colonies.” 4 *Journals of the Continental Congress* 205 (Worthington Ford ed., 1906). These disarmaments were not unconstitutional bills of attainder, *contra* Br-49, because they did not single out “specific persons” for “criminal

charge[s].” *United States v. Brown*, 381 U.S. 437, 445 (1965). Given their constitutionality, they extended “after the ‘extraordinary period’ of the American Revolution.” Joseph Blocher & Caitlan Carberry, *Historical Gun Laws Targeting “Dangerous” Groups and Outsiders*, in *New Histories of Gun Rights* 131, 142 (Joseph Blocher et al. eds., 2023); see, e.g., 1777 N.C. Sess. Laws 41, 43–44, in *Public Acts of the General Assembly of North-Carolina* (1804).

Second, Catholics were disarmed during peacetime on the basis of their allegiance — not for faith or rebellion. The very law that Doe selectively splices, which was passed during a period of peace, proves as much: Doe argues that the law required Catholics to reject a “core tenet” of their faith as a “heretical ... damnable doctrine.” Br-48. But the full statute shows the “damnable doctrine” was that “princes excommunicated or deprived by ... the see of Rome, may be deposed or murdered by their subjects.” 2 Geo. I c. 13 (1714). The ability to “depose or murder” a prince is not a “core tenet” of the Catholic faith.

Third, the United States disarmed Southerners in military districts until they swore an oath to support the Union. These firearm restrictions lasted throughout Reconstruction, not solely during the Civil War, and applied to Southern civilians, not just Confederate soldiers. See, e.g., General Order No. 1, § 16, in Edward McPherson, *A Handbook*

of Politics for 1868, at 36–37 (1868); General Order No. 1, *The Anderson Intelligencer*, Mar. 8, 1866, at 2.

Doe’s only attack on the Government’s broader principle is that “[w]hat is permissible in war is not always constitutional in peace.” Br-50. As a factual matter, this claim misstates the history: consistent with the Second Amendment, these disarmaments occurred before, during, and after wartime. More concerning, Doe’s assertion that war justifies constitutional violations resurrects the discredited theory that the government may transgress fundamental rights by gesturing to exigency. *Cf. Korematsu v. United States*, 323 U.S. 214, 219–20 (1944) (“[U]nder conditions of modern warfare..., the power to protect must be commensurate with the threatened danger.”).

At bottom, Doe’s analysis is largely unresponsive to the Government’s core point: our nation’s historical tradition regulates Loyalists who never aided the Redcoats; Catholics who never took up arms for the Pope; and Southerners who never fought for the Confederacy. These historical disarmaments support a principle that the Government may disarm peaceful individuals who lack undivided allegiance to the United States — like Doe. Doe’s narrower principle about “active rebels” and “suspected enemy combatants” fails to grapple with that broader one.

CONCLUSION

This Court should reverse the judgment of the court of appeals.

November 4, 2024

Respectfully submitted,

The Honorable Justice Sandra Day O'Connor Memorial Team

/s/ Arvind Ashok

/s/ Edward Bless

/s/ Andrew Hayes

/s/ Emily Malpass

/s/ Richard Nehrboos

/s/ Daniel Wasserman

APPENDIX

U.S. Const. amend. II

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.

18 U.S.C. § 922(g)

It shall be unlawful for any person—

- (1) who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;
- (2) who is a fugitive from justice;
- (3) who is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));
- (4) who has been adjudicated as a mental defective or who has been committed to a mental institution;
- (5) **who, being an alien—**
 - (A) **is illegally or unlawfully in the United States; or**
 - (B) except as provided in subsection (y)(2), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)));
- (6) who has been discharged from the Armed Forces under dishonorable conditions;
- (7) who, having been a citizen of the United States, has renounced his citizenship;
- (8) who is subject to a court order that—
 - (A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;
 - (B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

- (C)
 - (i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or
 - (ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or
- (9) who has been convicted in any court of a misdemeanor crime of domestic violence,

to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

Pa. Const. of 1776

Art. I § XIII

That the people have a right to bear arms for the defence of themselves and the state; and as standing armies in the time of peace are dangerous to liberty, they ought not to be kept up; And that the military should be kept under strict subordination to, and governed by, the civil power.

§ 42

Every foreigner of good character who comes to settle in this state, having first taken an oath or affirmation of allegiance to the same, may purchase, or by other just means acquire, hold, and transfer land or other real estate; and after one year's residence, shall be deemed a free denizen thereof, and entitled to all the rights of a natural born subject of this state, except that he shall not be capable of being elected a representative until after two years residence.

Pa. Const. of 1790, art. IX § XXI

That the right of the citizens to bear arms, in defence of themselves and the state, shall not be questioned.

N.C. Const. of 1776, art. I, § 17

That the people have a right to bear arms, for the defence of the State; and, as standing armies, in time of peace, are dangerous to liberty, they ought not to be kept up; and that the military should be kept under strict subordination to, and governed by, the civil power.

Vt. Const. of 1777

Ch. 1, § 15

That the people have a right to bear arms for the defence of themselves and the State; and, as standing armies, in the time of peace, are dangerous to liberty, they ought not to be kept up; and that the military should be kept under strict subordination to, and governed by, the civil power.

§ 38

Every foreigner of good character, who comes to settle in this State, having first taken an oath or affirmation of allegiance to the same, may purchase, or by other just means acquire, hold, and transfer, land, or other real estate; and after one years residence, shall be deemed a free denizen thereof and be entitled to all the rights of a natural born subject of this State; except that he shall not be capable of being elected a representative, until after two years residence.

Ky. Const. of 1792, art. XII, § 23

The rights of the citizens to bear arms in defense of themselves and the State shall not be questioned.

Ohio Const. of 1802, art. VIII, § 20

That the people have a right to bear arms for the defence of themselves and the state; and as standing armies in time of peace, are dangerous to liberty, they shall not be kept up; and

that the military shall be kept under strict subordination to the civil power.

Conn. Const. of 1818, art. I, § 17

Every citizen has a right to bear arms in defence of himself and the state.

Miss. Const. of 1817, art. I, § 23

Every citizen has a right to bear arms in defence of himself and the State.

Ala. Const. of 1819, art. I, § 23

Every citizen has a right to bear arms in defence of himself and the State.

Amendment Proposed by Pennsylvania Convention Minority (1787)

That the people have a right to bear arms for the defence of themselves and their own State, or the United States, or for the purpose of killing game; and no law shall be passed for disarming the people or any of them, unless for crimes committed, or real danger of public injury from individuals; and as standing armies in the time of peace are dangerous to liberty, they ought not to be kept up; and that the military shall be kept under strict subordination to and be governed by the civil power.

Amendment Proposed by New Hampshire Convention (1788)

Congress shall never disarm any Citizen unless such as are or have been in actual rebellion.

Act of Aug. 5, 1782 (Ga.)

Whereas it is absolutely necessary for the peace safety and Good Government of this State, that every exertion be used to prevent as much as may be all manner of Persons whose conduct has

been inimical to the liberties of America, and of idle and disorderly persons emigrating from any of the United States, or elsewhere becoming Citizens of this State.

Be it enacted by the Representatives of the Freemen of the State of Georgia in General Assembly met, and by the authority of the same, that immediately from and after the passing of this Act; all and every person or persons, coming from any other state on this Continent into this State with intent to remain and become a Citizen or Citizens thereof shall within thirty one days after his or their arrival in the same Produce a Certificate signed by one or more of the Circuit or County Judges under his or their hands and Seal of Office, of the Circuitry or County in which such person or persons last resident, Certifying his, or their Attachment to the Liberties and Independence of the United States of America, And also of his or their honesty, Probity and Industry, which said Certificate shall be laid before his honor the Governor or Commander in Chief for the time being, and the honorable the Executive Council for their Approbation.

Naturalization Act of 1790, 1 Stat. 103, ch. 3

That any alien, being a free white person, who shall have resided within the limits and under the jurisdiction of the United States for the term of two years, may be admitted to become a citizen thereof, on application to any Common Law Court of Record, in any one of the States wherein he shall have resided for the term of one year at least, and making proof to the satisfaction of such Court, that he is a person of good character, and taking the oath or affirmation prescribed by law, to support the Constitution of the United States, which oath or affirmation such Court shall administer, and the Clerk of such Court shall record such application, and the proceedings thereon; and thereupon such person shall be considered as a citizen of the United States. And the children of such person so naturalized, dwelling within the United States, being under the age of twenty-one years at the time of such naturalization, shall also be considered as citizens of the United States. And the children of citizens of the United States that may be born beyond sea, or out of the

limits of the United States, shall be considered as natural born citizens: Provided, That the right of citizenship shall not descend to persons whose fathers have never been resident in the United States: Provided also, That no person heretofore proscribed by any State, shall be admitted a citizen as aforesaid, except by an act of the Legislature of the State in which such person was proscribed.

Naturalization Act of 1795, 1 Stat. 414, ch. 20

That any alien, being a free white person, may be admitted to become a citizen of the United States, or any of them, on the following conditions and not otherwise: —

First. He shall have declared on oath or affirmation, before the supreme, superior, district or circuit court of some one of the states, or of the territories northwest or south of the river Ohio, or a circuit or district court of the United States, three years, at least, before his admission, that it was bona fide, his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state or sovereignty whatever, and particularly, by name, the prince, potentate, state or sovereignty whereof such alien may, at the time, be a citizen or subject.

Secondly. He shall, at the time of his application to be admitted, declare on oath or affirmation, before some one of the courts aforesaid, that he has resided within the United States, five years at least, and within the state or territory, where such court is at the time held, one year at least; that he will support the constitution of the United States; and that he doth absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign prince, potentate, state or sovereignty whatever, and particularly by name, the prince, potentate, state or sovereignty, whereof he was before a citizen or subject; which proceedings shall be recorded by the clerk of the court.

Thirdly. The court admitting such alien, shall be satisfied that he has resided within the limits and under the jurisdiction of the

United States five years; and it shall further appear to their satisfaction, that during that time, he has behaved as a man of a good moral character, attached to the principles of the constitution of the United States, and well disposed to the good order and happiness of the same.

Fourthly. In case the alien applying to be admitted to citizenship shall have borne any hereditary title, or been of any of the orders of nobility, in the kingdom or state from which he came, he shall, in addition to the above requisites, make an express renunciation of his title or order of nobility, in the court to which his application shall be made; which renunciation shall be recorded in the said court.

Alien Friends Act of 1798, 1 Stat. 570, ch. 58

That it shall be lawful for the President of the United States at any time during the continuance of this act, to order all such aliens as he shall judge dangerous to the peace and safety of the United States, or shall have reasonable grounds to suspect are concerned in any treasonable or secret machinations against the government thereof, to depart out of the territory of the United States, within such time as shall be expressed in such order, which order shall be served on such alien by delivering him a copy thereof, or leaving the same at his usual abode, and returned to the office of the Secretary of State, by the marshal or other person to whom the same shall be directed. And in case any alien, so ordered to depart, shall be found at large within the United States after the time limited in such order for his departure, and not having obtained a license from the President to reside therein, or having obtained such license shall not have conformed thereto, every such alien shall, on conviction thereof, be imprisoned for a term not exceeding three years, and shall never after be admitted to become a citizen of the United States. Provided always, and be it further enacted, that if any alien so ordered to depart shall prove to the satisfaction of the President, by evidence to be taken before such person or persons as the President shall direct, who are for that purpose hereby authorized to administer oaths, that no injury or danger to the United

States will arise from suffering such alien to reside therein, the President may grant a license to such alien to remain within the United States for such time as he shall judge proper, and at such place as he may designate. And the President may also require of such alien to enter into a bond to the United States, in such penal sum as he may direct, with one or more sufficient sureties to the satisfaction of the person authorized by the President to take the same, conditioned for the good behavior of such alien during his residence in the United States, and not violating his license, which license the President may revoke, whenever he shall think proper.

Naturalization Law of 1802, 2 Stat. 153, ch. 28

That any alien, being a free white person, may be admitted to become a citizen of the United States, or any of them, on the following conditions, and not otherwise: —

First, That he shall have declared, on oath or affirmation, before the supreme, superior, district or circuit court of some one of the states, or of the territorial districts of the United States, or a circuit or district court of the United States, three years at least, before his admission, that it was, bona fide, his intention to become a citizen of the United States, and to renounce for ever all allegiance and fidelity to any foreign prince, potentate, state or sovereignty whatever, and particularly, by name, the prince, potentate, state or sovereignty whereof such alien may, at the time, be a citizen or subject.

Secondly, That he shall, at the time of his application to be admitted, declare on oath or affirmation, before some one of the courts aforesaid, that he will support the constitution of the United States, and that he doth absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign prince, potentate, state or sovereignty whatever, and particularly, by name, the prince, potentate, state, or sovereignty whereof he was before a citizen or subject; which proceedings shall be recorded by the clerk of the court.

Thirdly, That the court admitting such alien shall be satisfied that he has resided within the United States five years at least, and within the state or territory where such court is at the time held, one year at least; and it shall further appear to their satisfaction, that during that time, he has behaved as a man of a good moral character, attached to the principles of the constitution of the United States, and well disposed to the good order and happiness of the same: Provided, that the oath of the applicant shall, in no case, be allowed to prove his residence.

Fourthly, That in case the alien, applying to be admitted to citizenship, shall have borne any hereditary title, or been of any of the orders of nobility in the kingdom or state from which he came, he shall, in addition to the above requisites, make an express renunciation of his title or order of nobility in the court to which his application shall be made, which renunciation shall be recorded in the said court: Provided, that no alien who shall be a native citizen, denizen or subject of any country, state or sovereign, with whom the United States shall be at war, at the time of his application, shall be then admitted to be a citizen of the United States: Provided also, that any alien who was residing within the limits, and under the jurisdiction of the United States, before the twenty-ninth day of January, one thousand seven hundred and ninety- five, may be admitted to become a citizen, on due proof made to some one of the courts aforesaid, that he has resided two years, at least, within and under the jurisdiction of the United States, and one year, at least, immediately preceding his application, within the state or territory where such court is at the time held; and on his declaring on oath or affirmation, that he will support the constitution of the United States, and that he doth absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty whatever, and particularly, by name, the prince, potentate, state or sovereignty, whereof he was before a citizen or subject: and moreover, on its appearing to the satisfaction of the court, that during the said term of two years, he has behaved as a man of good moral character, attached to the constitution of the United States, and well disposed to the good order and happiness of the same; and where

the alien, applying for admission to citizenship, shall have borne any hereditary title, or been of any of the orders of nobility in the kingdom or state from which he came, on his moreover making in the court an express renunciation of his title or order of nobility, before he shall be entitled to such admission : all of which proceedings, required in this proviso to be performed in the court, shall be recorded by the clerk thereof: and provided also, that any alien who was residing within the limits, and under the jurisdiction of the United States at any time between the said twenty-ninth day of January, one thousand seven hundred and ninety-five, and the eighteenth day of June, one thousand seven hundred and ninety-eight, may, within two years after the passing of this act, be admitted to become a citizen, without a compliance with the first condition above specified.

Act of Nov. 7, 1806 (N.J.)

That the act entitled An act to authorize aliens to purchase and hold real estates within this state, passed the sixth day of February one thousand seven hundred and ninety-four, be, and the same is hereby revived and continued in force for five years, and from thence to the end of the next session of the legislature: *Provided always nevertheless*, That any foreigner or foreigners, alien or aliens, shall, previously to such purchase or purchases, declare his or their intention to become a citizen or citizens, agreeably to the existing laws of the United States on that subject.

Act of Dec. 18, 1799 (S.C.)

That from and immediately after the passing of this act, all free white persons, alien enemies, fugitives from justice, and persons banished from either of the United States, excepted, who now are, or hereafter shall become residents in this state, shall, on taking and subscribing the oath or affirmation of allegiance before one of the judges of the court of common pleas, be deemed denizens, so as to enable such persons to purchase and hold real property within this state, and in all other respects to entitle such person to the like protection, from the laws of this state, as citizens are entitled unto.

Militia Act 1662, 14 Car. 2 c. 3, § 13 (1662)

And for the better securing the Peace of the Kingdome be it further enabled and ordained and the respective Leiutenants or any twoe or more of their Deputies are hereby enabled & authorized from time to time by Warrant under their Hands and Seales to employ such Person or Persons as they shall thinke fitt (of which a Commissioned Officer and the Constable or his Deputy or the Tythingman or in the absence of the Constable and his Deputy and Tythingman some other Person bearing Office within the Parish where the Search shall be shall be two) to search for and seize all Armes in the custody or possession of any person or persons whom the said Leiutenants or any two or more of their Deputies shall judge dangerous to the Peace of the Kingdome and to secure such Armes for the service aforesaid and thereof from time to time to give Accounts to the said respective Leiutenants and in their absence as aforesaid or otherwise by their directions to their Deputies or any two or more of them. [Provided that no such Search be made in any house or houses between Sun setting and Sun rising other then in Cities and their Suburbs and Townes Corporate Market Townes and houses within the bills of Mortality where it shall and may be lawfull to search in the night time by Warrant as aforesaid if the Warrant shall so direct and in case of resistance to enter by force And that no dwelling house of any Peere of this Realme be searched by vertue of this Act but by immediate Warrant from His Majesty under His Sign Manual or in the presence of the Leiutenant or one of the Deputy Leiutenants of the same County or Riding And that in all places and houses whatsoever where search is to be made as aforesaid it shall and may be lawfull in case of resistance to enter by force And that the Armes so seised may bee restored to the Owners againe if the said Leiutenants or in their absence as aforesaid their Deputies or any two or more of them shall so thinke fitt.]

Act of Nov. 1, 1692 (Mass.)

That every justice of the peace in the county where offence is committed, may cause to be staid and arrested all affrayers, rioters, disturbers or breakers of the peace, and such as shall ride, or go armed offensively before any of their majesties' justices or other their officers or ministers doing their office or elsewhere by night or by day, in fear or affray of their majesties' liege people, and such others as shall utter any menaces or threatening speeches ; and upon view of such justice or justices, confession of the party or other legal conviction of any such offence, shall commit the offender to prison until he find sureties for the peace and good behaviour, and seize and take away his armour or weapons, and shall cause them to be apprized and answered to the king as forfeited ; and may further punish the breach of the peace in any person that shall smite or strike another, by fine to the king not exceeding twenty shillings, and require bond with sureties for the peace, or bind the offender over to answer it at the next sessions of the peace, as the nature or circumstance of the offence may be ; and may Forcible entry make enquiry of and detainer, and cause the same to be removed, and make out hue and cry after runaway servants, thieves and other criminals.

Act of 1708 (N.H.)

And every justice of the peace within this province, may cause to be stayed and arrested, all affrayers, rioters, disturbers or breakers of the peace, or any other who shall go armed offensively, or put his Majesty's subjects in fear, by menaces or threatening speeches : And upon view of such justice, confession of the offender, or legal proof of any such offence, the justice may commit the offender to prison, until he or she find such sureties for the peace and good behaviour, as is required, according to the aggravations of the offence ; and cause the arms or weapons so used by the offender, to be taken away, which shall be forfeited and sold for his Majesty's use. And may also punish the breach of the peace in any person, who shall smite, or strike another, by fine to the King, not exceeding twenty shillings ; and require bond with sureties for the peace, till the next court of general

sessions of the peace, or may bind the offender over to answer for said offence at said court, as the nature and circumstances of the offence may require.

Act of Jan. 29, 1795 (Mass.)

That every Justice of the Peace, within the county for which he may be commissioned, may cause to be staid and arrested all affrayers, rioters, disturbers, or breakers of the peace, and such as shall ride or go armed offensively, to the fear or terrour of the good citizens of this Commonwealth, or such others as may utter any menaces or threatening speeches, and upon view of such Justice, confession of the delinquent, or other legal conviction of any such offence, shall require of the offender to find sureties for his keeping the peace, and being of the good behaviour; and in want thereof, to commit him to prison until he shall comply with such requisition: And may further punish the breach of the peace in any person that shall assault or strike another, by fine to the Commonwealth, not exceeding Twenty shillings, and require sureties, as aforesaid, or bind the offender to appear and answer for his offence at the next Court of General Sessions of the Peace, as the nature or circumstances of the case may require.

1786 Va. Acts 33, ch. 21

Be it enacted by the General Assembly, that no man, great nor small, of what condition soever he be, except the Ministers of Justice in executing the precepts of the Courts of Justice, or in executing of their office, and such as be in their company assisting them, be so hardy to come before the justices of any court, or either of their Ministers of Justice, doing their office, with force and arms, on pain, to forfeit their armour to the Commonwealth, and their bodies to prison, at the pleasure of a Court; nor go nor ride armed by night nor by day, in fair or markets, or in other places, in terror of the county, upon pain of being arrested and committed to prison by any Justice on his own view, or proof by others, there to abide for so long a time as a jury, to be sworn for that purpose by the said Justice, shall direct, and in like manner to forfeit his armour to the Commonwealth; but no person shall be imprisoned for such offence by a longer space of time than one month.

1768 N.C. Laws 775, ch. 13

Whereas by the before recited Act, Persons who have no settled Habitation or not tending Five Thousand Corn Hills, are prohibited from Hunting, under the Penalty of Five Pounds, and Forfeiting of his Gun; which by Experience, has been found not to answer the Purposes intended by said Act; many Disorderly and Dissolute Persons, having no Habitation of their Own, still continue to hunt on the King's Waste, and the Lands of other Persons, and kill Deer, and leave the Carcasses in the Woods; by which Means the Wolves, Bears, and other Vermin, are fed and raised; to the great Damages of many of the Inhabitants of this Province; and the Fines being difficult of Recovery, by Means of Persons, having no property of their Own, assembling in great Numbers, and camping in the Woods, and kill Deer, burn and destroy the Range, burn Fences and commit many other Injuries to the Inhabitants of this Province; and associate for the Mutual Protection and Defence of each other, against any Person or Persons who shall attempt to execute any Precept on any of them.

1717 Md. Laws 139

That from and after the End of this present Session of Assembly, any Person or Persons whatsoever, that shall presume to Counterfeit the Great Seal of this Province, for the Time being, or the Sign Manual or Seal at Arms of the Lord Proprietary of this Province make Use of any such Counterfeit Seal or Sign Manual of the said Lord Proprietary, or his Heirs, or any other the Public Seals of this Province, or shall Steal away any of the said true Seals, or without lawful Warrant or Authority, shall falsely or corruptly, or with evil Intent affix any of them to any Deed, Warrant or Writing, and shall afterwards within this Province publish or make any Use of any such Deed, Warrant or Writing, as if such respective Seals had been affixed thereunto by such lawful Warrant and Authority as aforesaid, shall forfeit to the Right Honourable the Lord Proprietary and his Heirs, all his Goods and Chattels, Lands and Tenements whereof such Offender shall be possess'd at the Time of committing the same Offence ; the one Half thereof to be applied towards the Support of a Public School within the County where the Offence shall be committed, the other Half to the Informer, or him or them that shall sue for the same, and shall be Whipped with Thirty-nine Lashes on his bare Back, stand in the Pillory two whole Hours, and be Banished the Province for ever.

1715 Md. Laws 78–79

That in case any Person whatsoever, shall, at any Time hereafter, be legally convicted, by Confession or otherwise, of wilfully or corruptly embezzling, impairing, razing or altering any Will or Record within this Province, whereby the Estate of inheritance, or Freehold of any person whatsoever, shall be defeated, injured, or any ways altered, such Person so convict, shall forfeit all his Goods and Chattels, Lands and Tenements; the one Half to our Sovereign Lord the King, his Heirs and Successors, for the Support of Government, the other half to the Party grieved; and shall also be set in the Pillory for the Space of two Hours, and have both his Ears nailed thereto, and cut from off his Head.

1779 Vt. Acts & Resolves 93–96

That whosoever shall presume to forge, counterfeit, or alter any of the bills of credit of this or the other American States, that now are, or hereafter shall be, by law emitted, and established current, either in this or any of the aforesaid States; or that shall utter or put off any such forged, counterfeit, or altered bills, or coin, knowing them to be such; or that shall counsel, advise, procure, or any ways assist in the forging, counterfeiting, imprinting, stamping, altering or signing of any false, forged, and counterfeit bill or bills, or coins, knowing them to be such; or shall engrave any plate, or make any other instrument to be used for that purpose; every person or persons, so offending, being convicted thereof before any of the superior courts in this State, shall be punished by having his right ear cut off, and shall be branded with the capital letter C, on a hot iron, and be committed to a work-house, there to be confined and kept to work, under the care of a master, and not to depart therefrom without special leave from the Assembly of this State, until the day of his death, under the penalty of being severely whipped by order of any court, assistant or justice, and thereupon to be returned to his former confinement and labor. And all the estate of any person offending as aforesaid, shall be forfeited to this State, and may be accordingly seized for that purpose, by order of the court before whom such offender is convicted.

1837 Mass. Acts 273

Every able bodied white male citizen and persons be resident within this Commonwealth, who is, or shall to be enrolled, be, of the age of eighteen, and under the age of forty-five years, excepting idiots, lunatics, common drunkards, vagabonds, paupers and persons convicted of any infamous crime, shall be enrolled in the militia, and be included in the military returns: provided, that nothing herein contained shall be so construed as to render any of the exemptions mentioned in the first, second and third sections of the twelfth chapter of the Revised Statutes, liable to do military duty otherwise than is therein provided.

1839 Me. Laws 421

That no idiot, lunatic, common drunkard, vagabond, pauper, nor any person convicted of any infamous crime, nor any other than white, able-bodied, male citizens, shall be eligible to any office in the Militia; and whenever it shall appear to the Commander-in-Chief, that any person thus ineligible has received a majority of votes cast at any election of Officers, he shall not commission him, but, with the advice and consent of the Council, shall declare said election null and void, and appoint some person to fill the vacancy.

1881 N.Y. Laws 126–127

A person who has been adjudged an habitual criminal is liable to arrest summarily with or without warrant, and to punishment as a disorderly person, when he is found without being able to account therefor, to the satisfaction of the court or magistrate, either,

1. In possession of any deadly or dangerous weapon, or of any tool, instrument or material adapted to, or used by criminals for, the commission of a crime, or
2. In any place or situation, under circumstances giving reasonable ground to believe that he is intending or waiting the opportunity to commit some crime.

A person who, having been adjudged an habitual criminal, is charged with a crime committed thereafter may be described in the complaint, warrant or indictment therefor, as an habitual criminal; and, upon proof that he has been adjudged to be such, the prosecution may induce, upon the trial or examination, evidence as to his previous character, in the same manner and to the same extent as if he himself had first given evidence of his character and put the same in issue.

2 Hen. IV c. 12 (1400–01)

Welshmen will dwell therein, so that none of them from henceforth be received nor accepted to no office of mayor, bailiff, chamberlain, constable, or warden of the ports of the gaol, nor to

the common council of such cities, boroughs or towns, nor that he be in no wise made other occupier or officer in the fame, nor that none of the said *Welshmen* from henceforth bear any manner of armour within such city, borough, or merchant town, upon pain of forfeiture of the fame armour, and imprisonment till they have made fine in his behalf.

Highland Services Act 1715, 1 Geo. 1. Stat. 2 c. 54

That from and after the first day of November in the year of our Lord one thousand seven hundred and sixteen, it shall not be lawful for any person or persons with the shires of Dunbartain on the north side of the water of Leven, Sterling on the north side of the river of Forth, Perth, Kincardin, Aberdeen, Inverness, Nairn, Cromarty, Argyle, Forfar, Banff, Sutherland, Caithness, Elgine, and Ross, to have in his or their custody, use or bear broad sword; or target, poynard, whingar, or durk, side-pistol or side-pistols, or gun, or any other warlike weapons, in the fields, or in the way, coming or going to, from, or at any church, market, fair, burials, huntings, meetings or any other occasion whatsoever, within the bounds aforesaid, or to come into the Low-Countries armed, as aforesaid: and in case any of the said person or persons above described, shall have in his custody, use or bear arms, otherwise than in this act directed, very such person or persons to offending, being thereof lawfully convicted before one or more justices of the peace, or before any other judge competent of the place summarily, shall, for the first offence, forfeit all such arms, and be liable to a fine, not exceeding the sum of forty pounds sterling, and not under the sum of five pounds sterling, and to be imprisoned till payment of the said fine; which if not instantly paid after commitment, the said fine may and shall be levied out of the offenders goods and estate, by warrant of the judge who shall pronounce any such sentence, to be applied, the one half to the use of the informer, and the other at the fight of the justices of the peace where such offenders shall be convicted, towards repairing the publick works within the said shire; and further, liable to a month's imprisonment: and being convicted for a second offence before the court of justiciary, or before the judges at their circuit, shall forfeit such arms and be liable to a

fine, not exceeding the sum of eighty pounds sterling, and not under the sum of ten pounds sterling; and for every subsequent offence, to a fine the double of the former, to be levied and applied as above: and for want of payment of any such fine, or a sufficient distress to satisfy the payment of it, the offender shall be liable to be transported to any of his Majesty's plantations beyond the seas, there to remain for the space of seven years.

1 W. & M. c. 15 (1689)

For the better secureing of the Government against Papists and reputed Papists bee it enacted by the King and Queens most excellent Majestyes by and with the advice and consent of the Lords Spirituall and Temporall and Commons in this present Parlyament assembled and by authoritie of the same That it shall and may be lawfull for any two or more Justices of the Peace who shall know or suspect any person to be a Papist or shall be informed that any person is or is suspected to be a Papist to tender and they are hereby authorized and required forthwith to tender to such person soe knowne or suspected to be a Papist the Declaration sett downe and expressed in an Act of Parlyament made in the thirtyeth yeare of the Raigne of the late King Charles the Second Intituled An Act for the more effectuall Preserveing the Kings Person and Government by disabling Papists from sitting in either House of Parlyament to be by him made repeated and subscribed And if such person soe required shall refuse to make repeate and subscribe the said Declaration or shall not make repeate and subscribe the said Declaration or shall refuse or forbear to appeare before the said Justices for the makeing repeating and subscribing the said Declaration upon notice to him given or left at his usuall place of abode by any person authorized in that behalfe by Warrant under the Hands and Seales of the said two Justices such person from thenceforth shall be taken to be and is hereby declared to be lyable and subject to all and every the Penalties Forfeitures and Disabilities hereafter in this Act mentioned... III And for the better secureing their Majestyes Persons and Government Bee it further enacted and declared That noe Papist or reputed Papist soe refuseing or makeing default as aforesaid shall or may have

or keepe in his House or elsewhere or in the Possession of any other person to his use or at his disposition any Arms Weapons Gunpowder or Ammunition (other then such necessary Weapons as shall be allowed to him by Order of the Justices of the Peace at their Generall Quarter Sessions for the defence of his House or person).

30 Car. II stat. 1 ch. 1 (1678)

And bee it further enacted That from and after the said First day of December every Peere of this Realme and Member of the House of Peeres, and every Peere of the Kingdome of Scotland or of the Kingdome of Ireland being of the Age of One and twenty yeares or upwards not haveing taken the said Oathes and made and subscribed the said Declaration, and every Member of the said House of Co[m]mons not haveing as aforesaid taken the said Oathes and made and subscribed the said Declaration, and every Person now or hereafter convicted of Popish Recusancy who hereafter shall at any time after the said First day of December come, advisedly into or remaine in the presence of the Kings Majestie or Queens Majestie or shall come into the Court or House where they or any of them reside as well dureing the Raigne of His present Majestie (whose Life God long preserve) as dureing the Raigns of any His Royall Successors Kings or Queens of England shall incurr and suffer all the paines, penalties forfeitures and disabilities in this Act mentioned or contained, unlesse such Peere Member or Person soe convicted doe respectively in the next Terme after such his comeing or remaining take the said Oathes and make and subscribe the said Declaration in His Majestyes High Court of Chauncery betweene the houres of Nine and Twelve in the Forenoone.

Act of March 1756 (Va.)

That it shall, and may be lawful, for any two or more justices of the peace, who shall know, or suspect any person to be a Papist, or shall be informed that any person is, or is suspected to be a Papist, to tender, and they are hereby authorised and required to tender to such person so known, or suspected to be a Papist, the

oaths appointed by act of parliament to be taken instead of the oaths of allegiance and supremacy; and if such person, so required, shall refuse to take the said oaths, and subscribe the test, or shall refuse, or forbear to appear before the said justices for the taking the said oaths, and subscribing the said test, upon notice to him given, or left at his usual place of abode, by any person authorised in that behalf, by warrant under the hands and seals of the said two justices, such person from thenceforth shall be taken to be, and is hereby declared to be liable and subject to all and every the penalties, forfeitures, and disabilities hereafter in this act mentioned.

Act of May 22, 1756 (Md.)

And be it further Enacted, That all such Armour, Gunpowder, and Ammunition, of whatsoever Kinds, as any Papist whatever, within this Province, hath or shall have in his House or Houses, or elsewhere, or in the Hands and Possession of any other Person at his or their Disposition, shall be taken from such Papist, or Others, which have or shall have the same to the Use of such Papist, by Warrant of any Four Justices of the Peace of the County where such Papist shall be Resident (other than such necessary Weapons as shall be thought fit by the same Justices to remain and be allowed for the Defence of the Person or Persons of such Papists, or for the Defence of his, her or their Houses), and that such Armour and Ammunition, so taken, shall be kept and maintained in such Places as the Justices of the Peace, for the said County, shall, at their next County Court, direct and appoint.

And be it further Enacted by the Authority aforesaid, That if any such Papist, having, or which shall have, any such Armour, Gunpowder, and Ammunition, or any of them, or if any other Person or Persons, who shall have any such Armour, Gunpowder, and Ammunition, or any of them, to the Use of any such Papist, shall refuse to declare or manifest to the said Four Justices, or either of them, what Armour, he, she or they have, or shall have, or shall let, hinder, or disturb, the Delivery thereof to the said Justices, or to any other Person or Persons authorized by

their Warrant to take and seize the same, then every such Person, so offending, contrary to this Act in this Behalf, shall forfeit and lose, to the Right Honourable the Lord Proprietary, his Heirs and Successors, his and their said Armour, Gunpowder, and Ammunition ; and shall also be imprisoned by Warrant of or from any Four Justices of the Peace of such County, by the Space of Three Months, without Bail or Mainprize.

Act for Forming and Regulating the Militia (Pa.)

And be it enacted by the authority aforesaid, That all arms, military accoutrements, gunpowder and ammunition of what kind soever, any papist or reputed papist within this province hath or shall have in his house or houses or elsewhere one month after the publication of this act, shall be taken from such papist or reputed papist by warrant under the hands and seals of any two justices of the peace, who are hereby empowered and required to issue a warrant for search as often as they shall receive information or have good cause to suspect the concealment of arms and ammunition in the houses of any papist or reputed papist; and the said arms, military accoutrements, gunpowder and ammunition so taken shall be delivered to the colonel of the regiment within whose district the said arms are found, by him to be safely kept for the public use. And if any such papist or reputed papist, shall have any arms, military accoutrements, gunpowder or ammunition after the time so as aforesaid limited, the same being so seized shall be forfeited: And if any such papist or reputed papist shall attempt to conceal such arms, military accoutrements, gunpowder and ammunition as aforesaid, or refuse to declare and manifest the same to the said justices of the peace or to any other person authorized by warrant to search for, seize and take the same, every such person so offending shall be imprisoned by warrant from the said justices for the space of three months, without bail or mainprize.

1777 Pa. Laws 62–63

Therefore, Be it enacted by the representatives of this freemen of Pennsylvania, in general assembly met, and by the authority

of the same, That all male white inhabitants of this state, (except of the counties of Bedford, Northumberland and Westmoreland) above the age of eighteen years, shall, on or before the first day of July next, take and subscribe the following oath or affirmation before some one of the justices of the peace of the city or county where they shall respectively inhabit; and the inhabitants of the said counties of Bedford, Northumberland and Westmoreland, above the said age, shall, on or before the first day of August next, take and subscribe the said oath or affirmation . . .

And be it further enacted by the authority aforesaid, That every person above the age aforesaid refusing or neglecting to take and subscribe the said oath or affirmation, shall during the time of such neglect or refusal, be incapable of holding any office or place of trust in this state, serving on juries, suing for any debts, electing or being elected, buying, selling or transferring any lands, tenements or hereditaments, and shall be disarmed by the lieutenant or sublieutenants of the city or countries respectively.

1777 N.C. Sess. Laws 43–44

That all persons failing or refusing to take the Oath of Allegiance, and permitted by the County Courts, as immediately aforesaid, to remain in the State, shall be adjudged incapable and disabled in Law to have, occupy or enjoy, any Office, Appointment, Licence, or Election of Trust or Profit, civil or military, within this State, and shall not be capable of being elected to, or aiding by their Votes to elect another to be a Member of Assembly, and shall not by themselves, or by Deputy, Attorney, or Trustee, execute any such Office, Trust or Appointment, and shall be disabled to prosecute any suit at Law or Equity, or to be Guardians, Executors or Administrators, or capable of any Legacy, or Deed of Gift of Lands, and shall be disabled from taking any Lands by Descent or Purchase, or conveying Lands to others for any Term longer than for one Year, and shall not keep Guns or other Arms within his or their House, but the same may be seized by a written Order of a Justice of the County in which he

or they reside; and after the Expiration of the said Sixty Days, he or they shall not be permitted to depart this State without Permission first had and obtained from the Governor and Council; and in Case of being suffered to depart, shall give Bond and sufficient Security, if such shall be required, not to be aiding to the Enemies of this State during his or their Absence; and in Case of their Departure without such Permission had, he or they shall forfeit all their Goods and Chattels, Lands and Tenements, to the Use of the State. Provided nevertheless, that all and every Person who has already taken the Oath or made the Affirmation prescribed, before any Authority competent by Law to receive the same, upon his producing a Certificate of the same to the Justice or Justices appointed to administer the said Oath or Affirmation in their respective District where he resides, that be held and deemed a good Subject of the State, and shall enjoy the Privileges thereof, as if he had made such Oath or Affirmation in Manner by this Law directed.

1777 N.J. Laws 90

That the President and Council aforesaid be, and they hereby are empowered and directed to deprive and take from such Persons as they shall judge disaffected and dangerous to the present Government, all the Arms, Accoutrements and Ammunition which they own or possess; and the said President and Council are hereby authorized to pay for such Arms, Accoutrements and Ammunition, or any of them, such Sum as shall be ascertained by two or more Appraisers under Oath, which said Arms, Accoutrements and Ammunition shall be delivered, for the Use of the State, to the Commanding Officer of the Battalion in whose District such disaffected Person resides.

Act of June 13, 1777, ch. 756, §§ 1, 3, & 5 (Pa.)

That all male white inhabitants of this state (except of the counties of Bedford, Northumberland and Westmoreland) above the age of eighteen years shall on or before the first day of July next take and subscribe the following oath or affirmation before some one of the justices of the peace of the city or county where they

shall respectively inhabit; and the inhabitants of the said counties of Bedford, Northumberland and Westmoreland above said age shall on or before the first day of August next take and subscribe the said oath or affirmation before some one of the justices of the said three counties last-mentioned in which they shall respectively inhabit, and the said justice shall give a certificate thereof to every such person; and the said oath or affirmation shall be as followeth, viz.:

I do swear (or affirm) that I renounce and refuse all allegiance to George the Third, King of Great Britian, his heirs and successors, and that I will be faithful and bear true allegiance to the commonwealth of Pennsylvania as a free and independent state, and that I will not at any time do or cause to be done any matter or thing that will be prejudicial or injurious to the freedom and independence thereof, as declared by Congress; and also that I will discover and make known to some one justice of the peace of the said state all treasons or traitorous conspiracies which I now know or hereafter shall know to be formed against this or any of the United States of America.

And be it further enacted by the authority aforesaid, that every person above the age aforesaid refusing or neglecting to take and subscribe the said oath or affirmation shall during the time of such neglect or refusal be incapable of holding any office or place of trust in this state, serving on juries, suing for any debts, electing or being elected, buying, selling or transferring any lands, tenements or hereditaments, and shall be disarmed by the lieutenant or sub-lieutenants of the city or counties respectively.

And be it enacted by the authority aforesaid, that all persons coming from any of the other United States into this state are hereby required to apply to one of the nearest justices after he enters this state and subscribe the said oath or affirmation upon the penalty of being dealt with as in the case of persons traveling or removing out of the city or county in which they usually reside unless he can produce a certificate that he has taken an

oath or affirmation of the like nature in the state from whence he came.

Act of May 5, 1777, ch. 3 (Va.)

An act to oblige the free male inhabitants of this state above a certain age to give assurance of Allegiance to the same, and for other purposes. Whereas allegiance and protection are reciprocal, and those who will not bear the former are not entitled to the benefits of the later, Therefore Be it enacted by the General Assembly, that all free born male inhabitants of this state, above the age of sixteen years, except imported servants during the time of their service, shall, on or before the tenth day of October next, take and subscribe the following oath or affirmation before some one of the justices of the peace of the county, city, or borough, where they shall respectively inhabit; and the said justice shall give a certificate thereof to every such person, and the said oath or affirmation shall be as followeth, viz . . . And the justices tendering such oath or affirmation are hereby directed to deliver a list of the names of such recusants to the county lieutenant, or chief commanding officer of the militia, who is hereby authorised and directed forthwith to cause such recusants to be disarmed And be it farther enacted, That every person above the age before mentioned, except as before excepted, refusing or neglected to take and subscribe the oath or affirmation aforesaid, shall, during the time of such neglect or refusal, be incapable to holding any office in this state, serving on juries, suing for any debts, electing or being elected, or buying lands, tenements, or hereditaments.

1778 S.C. Acts 31

That the Colonel of the Regiment of Militia, and Captain of the Company of Artillery in Charlestown, within One Month, and the Colonels or Commanding Officers of the several other Regiments or Companies of Militia throughout this State, within Three Months after the passing of this Act, shall cause their respective Regiments and Companies to be assembled at some convenient Place; and the said Colonels or Commanding Officers, at

the Head of their said Regiments respectively, shall take the Oath above prescribed, and then administer the same to all the other Commissioned Officers of the said Regiments; and the Captains and other Commissioned Officers of Companies, after taking the Oath, shall tender and administer the same to the Non-Commissioned Officers and Privates of their respective Companies; And if any Commissioned Officer, Non-Commissioned Officer or Private, shall refuse to take the said Oath, every such Person so refusing shall be immediately disarmed.

1775–1776 Mass. Acts 31–32, 35

Resolved, That it be recommended to the several Assemblies, Conventions and Councils, or Committees of Safety of the United Colonies, immediately to cause all persons to be disarmed within their respective Colonies, who are notoriously disaffected to the cause of America, or who have not associated and refuse to associate to defend by arms these United Colonies, against the hostile attempts of the British Fleets and Armies; and to apply the arms taken from such persons in each respective Colony, in the first place, to the arming of the Continental Troops raised in said Colony; in the next, to the arming such troops as are raised by the Colony for its own defense, and the residue to be applied to the arming [sic] the associators; that their arms when taken, be appraised by indifferent persons, and such as are applied to the arming Continental Troops, be paid for by Congress; and the residue by the respective Assemblies, Conventions or Councils, or Committees of Safety." Be it therefore enacted by the Council, and House of Representatives in General Court assembled, and by the Authority of the same, that every male person above sixteen years of age, resident in any town or place in this colony, who shall neglect or refuse to subscribe a printed or written declaration of the form and tenor herein after prescribed, upon being required thereto by the Committee of Correspondence, Inspection and Safety for the town or place in which he dwells, or any of them, shall be disarmed and have taken from him in manner hereafter directed, all such arms, ammunities and warlike implements, as by the strictest search can be found in his possession or belonging to him; which

declaration shall be in the form and words following, viz . . . Provided, nevertheless, and be it further enacted, that nothing in this shall be Act shall be construed to extend to the disarming, disqualifying or any way punishing any of the denomination of christians called Quakers, for not fighting the aforesaid declaration, in case upon being required to sign the following Declaration, and having the same tendered to him, shall not refuse or neglect to subscribe it.

1787 Mass. Acts 555–56

That the Governour, be authorized and empowered, in the name of the General Court, to promise a pardon, under such disqualifications as should thereafter be provided, to such private soldiers and others, who might have acted in the capacity of non-commissioned officers, as had been, or were in arms against the Commonwealth, with such exceptions as he, or the General Officer, commanding the troops, might judge necessary: *Provided*, they should deliver up their arms, and take and subscribe the oath of allegiance to this Commonwealth, within such time as might be limited by his Excellency, for that purpose.

4 Stat. 730 (1834)

That if any person other than an Indian shall, within the Indian country, purchase or receive of any Indian, in the way of barter, trade, or pledge, a gun, trap, or other article commonly used in hunting, any instrument of husbandry or cooking utensils of the kind commonly obtained by the Indians in their intercourse with the white people, or any other article of clothing, except skins or furs, he shall forfeit and pay the sum of fifty dollars.

1853 Or. Laws 257

[I]f any white citizen, or other person than an Indian, shall sell, barter, or give to any Indian in this territory any gun, rifle, pistol or other kind of firearms, any powder, lead, percussion caps or other ammunition whatever, any person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof

shall be punished by imprisonment in the county jail not more than six months, nor less than one month, and by fine not exceeding five hundred nor less than one hundred dollars.

Act of Dec. 15, 1868, § 1 (Ariz.)

Any person or persons within this Territory who shall sell or give arms or ammunition to any Indians, or repair arms for them, shall, upon conviction thereof, be punished as follows...

1909 Pa. Laws 466

Be it enacted that from and after the passage of this act, it shall be unlawful for any unnaturalized foreign born resident to hunt for or capture or kill, in this Commonwealth, any wild bird or animal, either game or otherwise, of any description excepting in defense of person or property; and to that end it shall be unlawful for any unnaturalized foreign born resident, within this Commonwealth, to either own or be possessed of a shotgun or rifle of any make. Each and every person violating any provision of this section shall, upon conviction thereof, be sentenced to pay a penalty of twenty-five dollars for each offense, or undergo imprisonment in the common jail of the county for the period of one day for each dollar of penalty imposed: Provided, That in addition to the to the before-named penalty, all guns of the before-mentioned kinds found in possession or under control of an unnaturalized foreign born resident shall, upon conviction of such person, or upon his signing a declaration of guilt as prescribed by this act, be declared forfeited to the Commonwealth of Pennsylvania, and shall be sold by the Board of Game Commissioners as hereinafter directed.

1915 N.J. Laws 662-63

From and after the passage of this act it shall be unlawful for any unnaturalized, foreign-born person to hunt for or capture, or kill in this State, any wild bird or animal, either game or otherwise, of any description, excepting in defense of person or property; and to that end it shall be unlawful for any unnaturalized, foreign-

born person, within this State, to either own or be possessed of a shotgun or rifle of any make. Each and every person violating any provision of this section shall be liable to a penalty of twenty dollars for each offense; provided, that in addition to the before-named penalty, all guns of the before-mentioned kinds found in possession or under control of an unnaturalized, foreign-born person, shall, upon conviction of such person for such offense, be declared forfeited to the State, and shall be sold by the Board of Fish and Game Commissioners as hereinafter directed; provided, however, that this act shall not apply to any unnaturalized, foreign-born person who is the owner of real estate in this state to the value of two thousand dollars above all encumbrances.

1922 Mass. Acts 563

Whoever sells or furnishes to a minor under the age of fifteen, or to an unnaturalized foreign born person who has who has not a permit to carry firearms under section one hundred and thirty-one, any firearm, air gun or other dangerous weapon or ammunition therefor shall be punished by a fine of not less than ten nor more than fifty dollars, but instructors and teachers may furnish military weapons to pupils for instruction and drill.

1923 N.Y. Laws 140-41

It shall be unlawful for any unnaturalized foreign born person to hunt for, or capture or kill, in this state any wild bird or animal, either game or otherwise, of any description except in defense of person or property or except under a special license issued directly by the conservation commission; and to that end it shall be unlawful for any unnaturalized foreign born person within this state, to own or be possessed of a shotgun or rifle of any make, unless he possess such special license.

1923 Conn. Pub. Acts 3708-09

No person, firm or corporation shall sell at retail, deliver or otherwise transfer any pistol or revolver to any alien...

1931 Cal. Stat. 2316–17

[N]o person who is not a citizen of the United States of America and no person who has been convicted of a felony under the certain laws of the United States, of the State of California, or any state or any other government or county, or who is addicted to the use of any narcotic drug or drugs shall own or have in his possession or under his custody or control any pistol, revolver or other firearm capable of being concealed upon the person. Any person who shall violate the provisions of this section shall be punishable by imprisonment in the state prison not exceeding five years, or in a county jail not exceeding one year or by fine not exceeding five hundred dollars, or by both fine and imprisonment.

Immigration & Nationality Act of 1952, 66 Stat. 163 § 337

A person who has petitioned for naturalization shall, in order to be and before being admitted to citizenship, take in open court an oath:

- (1) to support the Constitution of the United States;
- (2) to renounce and abjure absolutely and entirely all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty of whom or which the petitioner was before a subject or citizen;
- (3) to support and defend the Constitution and the laws of the United States against all enemies, foreign and domestic;
- (4) to bear true faith and allegiance to the same; and
- (5)
 - (A) to bear arms on behalf of the United States when required by the law, or
 - (B) to perform noncombatant service in the Armed Forces of the United States when required by the law, or
 - (C) to perform work of national importance under civilian direction when required by the law.

1715 Md. Laws 116–17

Be it further Enacted by the Authority aforesaid that from hence-forth the Commissioners of Each respective County shall yearly and Every year, Viz: Between the twenty ninth Day of September and the twenty fifth day of December Nominate and Appoint two honest and Substantial men of their County to be press Masters for the year Ensuing and if any one Dye or Depart the County or be lame or Sick within that time that then the next Justice of Peace to Nominate and Appoint Another in his Stead that if occasion require they And no other shall Impress Victualls And other things given them in Charge to be prest by Warr' from his Excellency the Government or Comander in Chiefe for the time being. And if Any others but press Masters soe Appointed shall presume upon pretence of any Power as a Press Master to Seize take Press or Carry away any Goods or Commodities of Any the Inhabitants of this province he or they shall pay to the party Grieved treble the Val of the goods or Commodities soe as aforesaid Unjustly pressed.

Provided that no press master or any person or persons whatsoever shall presume at any time to Seize Press or Carry away from the Inhabitants residents in this province any Armes or Ammunition of any kind whatsoever upon any Duty or Service or upon Any Account whatsoever Unless by order of the Government or Commander in Chiefe of this province for the time being under the penalty aforesaid Any Law Statute or Usage to the Contrary hereof in any wise notwithstanding.

1692 Md. Laws 241–42

That from henceforth the Commissioners of each respective County shall yearly and every year Viz. between the twenty ninth day of September and twenty fifth day of December nominate and appoint honest and Substantiall men of their Counties for every hundred to be Press masters for the year ensuing, and if any one Dye or depart the Country or be lame or sick within that time that then the next Justice

of Peace to nominate and appoint another in his Stead, that if occasion require they and no other shall Impress Victualls or other things given them in charge to Press by Warrant from his Excellency the Govern' in Cheif for the time being, And if any other but such Press master so appointed shall presume upon pretence of any Power as a Press master to seize take Press or Carry away any Goods or Commodities of any the Inhabitants of this Province shall pay to the person Grieved treble the Value of the Goods or Commoditys so as aforesaid unjustly Pressed. Provided that no Press master or any Person or Persons whatsoever shall presume' at any time to seize Press or Carry away from any Inhabitant Resident in this Province, any Armes or Ammunition of any kind whatsoever upon any duty or Service, or upon any Account whatsoever under the penalty aforesaid any Law Statute or usage to the contrary hereof in anywise notwithstanding,

Act of Oct. 23, 1705 (Va.)

That the musket or fuzee, the sword, cartouch box and ammunition of every foot soldier, and the horse, saddle and furniture, the carbine, pistols, sword, cartouch box and ammunition of every trooper provided and kept in pursuance of this act to appear and exercise withal be free and exempted at all times from being impressed upon any account whatsoever, and likewise from being seized or taken by any manner of distress, attachment, or writt of execution, and that every distress, seizure, attachment or execution made or served upon any of the premises, be unlawfull and void, and that the officer or person that presumes to make or serve the same be lyable to the suit of the party greived, wherein double damages shall be given upon a recovery.

Uniform Militia Act of 1792, 1 Stat. 272

That each and every free able-bodied white male citizen of the respective states, resident therein, who is or shall be of the age of eighteen years, and under the age of forty-five years (except as is herein after excepted) shall severally and respectively be

erolled in the militia by the captain or commanding officer of the company, within whose bounds such citizen shall reside, and that within twelve months after the passing of this act. And it shall at all times hereafter be the duty of every such captain or commanding officer of a company to enrol every such citizen, as aforesaid, and also those who shall, from time to time, arrive at the age of eighteen years, or being of the age of eighteen years and under the age of forty-five years (except as before excepted) shall come to reside within his bounds; and shall without delay notify such citizen of the said enrolment, by a proper non-commissioned officer of the company, by whom such notice may be proved. That every citizen so enrolled and notified, shall, within six months thereafter, provide himself with a good musket or firelock, a sufficient bayonet and belt, two spare flints, and a knapsack, a pouch with a box therein to contain not less than twenty-four cartridges, suited to the bore of his musket or firelock, each cartridge to contain a proper quantity of powder and ball: or with a good rifle, knapsack, shot-pouch and powder-horn, twenty balls suited to the bore of his rifle and a quarter of a pound of powder; and shall appear, so armed, accoutred and provided, when called out to exercise, or into service, except, that when called out on company days to exercise only, he may appear without a knapsack. That the commissioned officers shall severally be armed with a sword or hanger and esponton, and that from and after five years from the passing of this act, all muskets for arming the militia as herein required, shall be of bores sufficient for balls of the eighteenth-part of a pound. And every citizen so enrolled, and providing himself with the arms, ammunition and accoutrements required as aforesaid, shall hold the same exempted from all suits, distresses, executions or sales, for debt or for the payment of taxes.

1650 Pub. Code of Conn. 36–37

It is ordered by the Authority of this Courts, that in case of fines and assessments to be levyed, and upon execution in Civill Actions, the officer shall demaund the same of the party or at his howse and place of usuall aboade; and upon refusall or non payment, hee shall have power (calling the Constable, if hee see

cause for his assistance,) to breake open the dore of any howse, chest or place where hee shall have notice that any goods lyable to such Levy or Execution shall be; and if hee bee to take the person, hee may doe the like, if uppon demaund hee shall refuse to render himself; and whatsoever charges the officer shall necessarily bee put unto, uppon any such occasion, hee shall have power to levye the same as hee doth the debt, fyne or execution; and if the officer shall levye any such goods uppon execution as cannott bee convayed to the place where the party dwells for whome such execution shall bee levyed, without considerable charge, hee shall levye the said charge allso with the execution. The like order shall bee observed in levying of fynes; provided, it shall not bee lawfull for such officer to levye any mans necessarye bedding, apparel, tooles or armes, neither implements of household, which are for the necessary upholding of his life; but in such cases hee shall levye his Land or person, according to Law; and in no case shall the officer bee put to seeke out any man's estate further then his place of aboade: But if the party will not discover his goods or Land, the officer may take his person. And it is allso ordered and declared, that if any officer shall doe injurye to any, by colour of his office, in these or any other cases, hee shall bee lyable uppon complaint of the party wronged, by action or information, to make full restitution.