



OpenCarry.org

(A pro-gun Internet community of over 30,000 registered members)

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Second Amendment is at Precarious 5-4 Risk!

Presidential and Vice Presidential Candidates Must Answer Question About Supreme Court Nomination Criteria

In the 2008 case of *District of Columbia v. Heller*¹ the US Supreme Court held by a narrow 5-4 margin that the Second Amendment “guarantee[s] the individual right to possess and carry weapons in case of confrontation.”

But the 4 *dissenting* justices in *Heller* stated in their dissenting opinion that “self-defense . . . is *not* the [Second] Amendment’s concern.”

Following *Heller*, in 2010 the Supreme Court held again by 5-4 in *McDonald v. Chicago*² that the Second Amendment’s guarantee of the individual right to possess and carry weapons in case of confrontation “is fully applicable to the States.”

Breaking with the legal doctrine of *stare decisis*,³ the dissenters, including President Obama’s nominee, Justice Sonya Sotomayor, refused to follow the *Heller* precedent, stating in their dissenting opinion that they could find “nothing in the Second Amendment’s text, history, or underlying rationale that could warrant characterizing it as ‘fundamental’ insofar as it seeks to protect the keeping and bearing of arms for private self-defense purposes.”

¹ <http://www.supremecourt.gov/opinions/07pdf/07-290.pdf>.

² <http://www.supremecourt.gov/opinions/09pdf/08-1521.pdf>.

³ http://www.law.cornell.edu/wex/stare_decisis.



OpenCarry.org co-founder and spokesperson John Pierce warns that

“it sure looks like our Second Amendment right to self-defense will be on the chopping block the next time a Supreme Court Justice is nominated.”

“President Obama’s first appointee, Sonia Sotomayor, voted against precedent, and for the idea that self-defense is *not* the [Second] Amendment’s concern,” warns Pierce, adding that voters should not take Mitt Romney’s commitment to the Second Amendment for granted either.

“As Governor, Romney supported a Massachusetts bill banning certain so-called ‘assault rifles,’” said John Pierce, **“but these guns turned out to be merely rifles that looked scary but were in fact less deadly than ordinary hunting rifles.”**

In a perfect world, all Presidential and Vice Presidential candidates would be forced to **swear on a stack of ammunition about their intent as to the vetting of Supreme Court nominees**, including nominees’ commitment to the Second Amendment and the doctrine of *stare decisis*. But that’s not going to happen.

Therefore, OpenCarry.org, and behalf of its more than 30,000 registered members, **and the American people who overwhelmingly, and on a non-partisan basis, believe in the Second Amendment’s concern about self-defense,**⁴ have asked the Commission on Presidential Debates⁵ to ask all the candidates to answer the question below.

⁴ “Most Americans support the right to use deadly force to protect themselves - even in public places . . . Eighty-seven percent of [April 2012 the Reuters poll] respondents - with high numbers among both Republicans and Democrats - supported the use of deadly force to protect themselves from danger in their home. Two-thirds said they backed laws permitting the use of deadly force to protect themselves in public.” URL: <http://able2know.org/topic/187833-1>.

⁵ <http://www.debates.org>.



THE Second Amendment Question
Americans need the Presidential and Vice-Presidential Candidates to Answer!

Governor Romney/President Obama or Representative Ryan/Vice President Biden:

A divided United States Supreme Court has twice ruled by way of razor thin 5 to 4 votes that the Second Amendment “guarantee[s] the individual right to possess and carry weapons in case of confrontation.”

However the 4 dissenting justices in the case known as *District of Columbia v. Heller* stated that “self-defense . . . is not the [Second] Amendment's concern.”

If you are elected and have the occasion to nominate a Supreme Court justice, will you choose a nominee who believes that the Second Amendment is concerned with the individual right of self-defense, or one who believes that self-defense is not the Second Amendment’s concern?

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