



Written by [Joe Wolverton, II, J.D.](#) on March 23, 2023

North Carolina Second Amendment Protection Bill Sits on Governor's Desk

Republican North Carolina state Senator Jim Perry is locked in a legislative vs. executive showdown with the state's Democratic governor, Roy Cooper, over the former's bill to protect the right to keep and bear arms in the Tarheel State. Notably, Governor Cooper has vetoed similar legislation in the past.

Perry is one of the primary sponsors of Senate Bill 41 — the Guarantee 2nd Amendment Freedom and Protections Act — a measure that was handily passed by both houses of the state's legislature and now sits on Governor Perry's desk, waiting for his signature or veto. If he hasn't rejected the bill by March 26, then it will become law without his signature.



AP Images
Gov. Roy Cooper

Speaking of Cooper's propensity to veto legislation that he sees as potentially detrimental to his political future, Perry told a local newspaper:

Roy Cooper has loved that veto stamp and we haven't been able to override him. Donations pour in from out of state donors when he vetoes certain bills. If he vetoes this one, his streak will come to an end and I believe he knows it. I think he is scared, politically. We will see if he has the courage of his convictions, or if he lets this become law without his signature.

Governor Cooper is already swimming in politically dangerous waters, being accused of acting improperly in his declaration of emergency that lasted 888 days.

While the Second Amendment bill isn't perfect in its protection of the right of the people to keep and bear arms — the act calls for the facilitation for the distribution of gun locks, for example — Perry and his 18 cosponsors deserve credit for attempting to remove restrictions on the concealed carry of firearms in places where concealed carry is currently prohibited under law in North Carolina.

As the bill's title indicates, the supporters intend that their measure will shore up the right to keep and bear arms as protected by the Second Amendment to the U.S. Constitution.

Sadly, many gun rights advocates describe the right to keep and bear arms as a "constitutional right," or a "Second Amendment right." Some even refer to the Second Amendment as their "concealed carry permit."

While I understand the sentiment behind these statements, they are inaccurate. Patriots should be precise in their attribution and appreciation of the source of the right to keep and bear arms.

The U.S. Constitution is not the source of our right to keep and bear arms — it merely protects that right. The right to protect oneself is a natural right, an endowment of our Creator, not our Constitution.



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As the immeasurably influential English jurist William Blackstone wrote, “the natural right of resistance and self-preservation” is among the “absolute rights of man ... a right inherent in us by birth, and one of the gifts of God to man at his creation.”

Could it be any plainer?

Unfortunately, understanding the right to keep and bear arms as Blackstone did and as the American Founding Fathers who were so profoundly influenced by him did is rare, and even many gun owners accept and even promote “reasonable restrictions” on the people’s God-given right to own, carry, and use firearms.

There is no constitutional authority given to the federal government to restrict the purchase of firearms, ammunition, or component parts. In fact, the Second Amendment explicitly proscribes any attempt by the federal government to infringe on the people’s right to keep and bear arms.

The definition of the word “infringe” — to violate, to breach a contract — does not permit even “reasonable” restrictions on the people’s right to keep and bear arms.

In fact, it is a plain interpretation and application of the language of the Second Amendment — and similar provisions in the constitutions of the several states — that to even require a permit to carry a weapon, concealed or open, is to convert that which is a right given by God into a permission given by government.

Our Founding Fathers very well intended that every American be armed, believing that such was the only way to avoid being enslaved by tyrants. They knew from their study of history that a tyrant’s first move was always to disarm the people, generally claiming it was for their safety, and to establish a standing army so as to convince the people that they didn’t need arms to protect themselves, for the tyrant and his professional soldiers would do it for them.

The historical record of the intent of the Second Amendment is an important consideration in any effort to understand why gun ownership must be protected, even though some may use those guns to commit unspeakable crimes.

I’ll give the last word to the esteemed Judge Blackstone: “Free men have arms, slaves do not.”

As of the writing of this article, Governor Cooper has neither signed the bill nor revealed his intentions regarding it.



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