

STATE OF ALASKA THE LEGISLATURE

2008

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Resolve No.
28



Urging the governor to direct the attorney general to file an amicus curiae brief with the United States Supreme Court in the case of District of Columbia v. Heller, supporting the individual right to keep and bear arms under the Second Amendment to the United States Constitution.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

WHEREAS the United States Supreme Court has agreed to rule in the case of District of Columbia v. Heller, which challenges the enforcement of local laws that restrict the possession of firearms by private individuals; and

WHEREAS the decision of the United States Supreme Court will have a significant effect on the right to keep and bear arms, a fundamental right of American citizens; and

WHEREAS the decision of the United States Supreme Court should determine that the right to keep and bear arms is an individual right, and not a collective right that can be regulated or restricted by state and local governments; and

WHEREAS the right to keep and bear arms is so dear to the people of Alaska that the Constitution of the State of Alaska was amended at the general election in 1994 to specify that

the right is an individual right, and not a collective one; and

WHEREAS the rights protected in the Bill of Rights of the United States Constitution are the God-given rights of individual citizens, and their descriptions were derived from the English Bill of Rights of 1689 and the Virginia Declaration of Rights; and

WHEREAS historical analysis of social structure at the time of the enactment and ratification of the Bill of Rights of the United States Constitution clearly shows that our nation was a frontier, where firearms were an important part of nearly every household and the use of firearms was a part of everyday life, and the colonists who fought the Revolutionary War did so with their own firearms; and

WHEREAS the right of individuals in the United States to keep and bear arms is fundamental to the protection and enjoyment of the remainder of the rights enumerated in the Bill of Rights; and

WHEREAS history has shown that, in nations where individuals were forced to give up their firearms to government, such as in Nazi Germany and Soviet Russia, the result has been repression, tyranny, and genocide; and

WHEREAS statistics have shown that, in local jurisdictions such as Washington, D.C., where gun ownership has been restricted or prohibited in violation of the Second Amendment, the goal of reducing violent crimes such as murder has had the opposite effect, and violent crime rates are higher than when private individuals could protect themselves with personal firearms; and

WHEREAS the safeguard of the Second Amendment to the United States Constitution as an individual right to keep and bear arms is fundamental to the people of Alaska;

BE IT RESOLVED that the Alaska State Legislature urges Governor Sarah Palin to instruct the attorney general to timely file, on behalf of the State of Alaska and its citizens, an amicus curiae or friend of the court brief supporting the plaintiffs in District of Columbia v. Heller, or to join with other states' attorneys general in such a brief.

COPIES of this resolution shall be sent to the Honorable Sarah Palin, Governor of Alaska; and the Honorable Talis J. Colberg, Alaska Attorney General.