

HOUSE CS FOR SENATE JOINT RESOLUTION NO. 6(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 3/5/13

Referred: Rules

Sponsor(s): SENATOR DYSON

REPRESENTATIVE Keller

A RESOLUTION

1 **Urging the United States Congress not to relinquish to the office of the President of the**
2 **United States the legislative duty to safeguard our most fundamental right; and urging**
3 **the President of the United States to refrain from any further efforts to restrict**
4 **ownership of firearms.**

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

6 **WHEREAS**, on December 14, 2012, a mentally unstable man fatally shot 20 children
7 and six adult staff members at Sandy Hook Elementary School in the town of Newtown,
8 Connecticut; and

9 **WHEREAS**, on January 10, 2013, Vice-President Joseph R. Biden, Jr., stated that
10 President Barack Obama was exploring the use of executive orders to help prevent mass
11 shootings in America because executive orders do not require Congressional approval; and

12 **WHEREAS**, on January 16, 2013, President Barack Obama issued 23 executive
13 actions, including orders that establish the groundwork for setting up a national registry
14 system for gun owners, clarify that the Health Insurance Portability and Accountability Act of
15 1996 and the Patient Protection and Affordable Care Act allow physicians to ask patients

1 about personal ownership of guns and report the findings, and create incentives for state and
2 federal agencies to share information about gun ownership and persons who may be mentally
3 ill; and

4 **WHEREAS**, on January 16, 2013, President Barack Obama called on lawmakers to
5 require anyone trying to buy a gun to undergo a criminal background check as a prerequisite,
6 and urged the Congress to reinstate the Public Safety and Recreational Firearms Use
7 Protection Act, a subtitle of the Violent Crime Control and Law Enforcement Act of 1994,
8 and restrict ammunition magazines to not more than 10 rounds; and

9 **WHEREAS** the Second Amendment to the Constitution of the United States provides,
10 "A well regulated Militia, being necessary to the security of a free State, the right of the
11 people to keep and bear Arms, shall not be infringed"; and

12 **WHEREAS** the greatest fear the founders of this nation had was that a strong central
13 government with a strong political leader at the center would be established, because they no
14 longer wanted to be ruled by kings or czars but by a loose association of states in which the
15 power emanated from the states and not from a central government; and

16 **WHEREAS** history is replete with examples of rulers and despots who inflicted the
17 most abhorrent evils on their subjects after requiring gun registration, followed by gun
18 confiscation, leaving the people powerless to defend themselves from tyranny; and

19 **WHEREAS** James Madison, author of the First through the Tenth Amendments to the
20 Constitution of the United States, collectively known as the Bill of Rights, said that
21 Americans possess the advantage of being armed over the people of most other nations,
22 whose governments are afraid to trust the people with arms; and

23 **WHEREAS** Noah Webster, a strong advocate of the United States Constitutional
24 Convention of 1787 and publisher of the first American dictionary, wrote, "Before a standing
25 army can rule, the people must be disarmed; as they are in almost every kingdom of Europe.
26 The supreme power in America cannot enforce unjust laws by the sword; because the whole
27 body of the people are armed, and constitute a force superior to any band of regular troops
28 that can be, on any pretense, raised in the United States"; and

29 **WHEREAS**, by restricting access to or taking away guns, the President of the United
30 States is forcing Americans to rely more and more on police forces across the country as the
31 only acceptable means of defending themselves and their families, a practical impossibility

1 and the very definition of a police state; and

2 **WHEREAS** the office of the President of the United States should not be allowed to
3 unilaterally assault the Second Amendment without the full consent of Congress; and

4 **WHEREAS** ruling against the Second Amendment to the Constitution of the United
5 States is not a presidential prerogative; if allowed to rule against that amendment, the
6 President of the United States could turn his attention to the First Amendment to the
7 Constitution of the United States and issue an order prohibiting criticism of the presidency in
8 the press; and

9 **WHEREAS** the Declaration of Independence states that "all men are created equal,
10 that they are endowed by their Creator with certain unalienable Rights, that among these are
11 Life, Liberty, and the pursuit of Happiness," and it is the sacred duty of every citizen of the
12 State of Alaska to protect and defend those rights by whatever means necessary; and

13 **WHEREAS** it is the right of the people to keep and bear arms that protects all other
14 rights; and

15 **WHEREAS** the Alaska State Legislature recognizes that the solution to violence in
16 America is not through more laws, but through a transformational cultural and spiritual
17 change that resists the glorification of violence in our culture, restores our unity and faith as
18 expressed in our national motto "In God we trust," promotes healthy families, and uses
19 existing laws to prosecute aggressively people who illegally use firearms to commit assaults
20 on our citizenry;

21 **BE IT RESOLVED** that the Alaska State Legislature urges the United States
22 Congress to not relinquish to the office of the President of the United States the legislative
23 duty of the United States Congress to safeguard our most fundamental right; and be it

24 **FURTHER RESOLVED** that the Alaska State Legislature urges the President of the
25 United States to refrain from any further efforts to restrict firearms ownership.

26 **COPIES** of this resolution shall be sent to the Honorable Barack Obama, President of
27 the United States; the Honorable Joseph R. Biden, Jr., Vice-President of the United States and
28 President of the U.S. Senate; the Honorable John Boehner, Speaker of the U.S. House of
29 Representatives; the Honorable Harry Reid, Majority Leader of the U.S. Senate; and the
30 Honorable Lisa Murkowski and the Honorable Mark Begich, U.S. Senators, and the
31 Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.