

SCOMM

119:14

Alaska State Legislature

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Representative John Coghill

HJR 35 REPEAL THE BRADY ACT **Sponsor Statement**

I have introduced House Joint Resolution 35 to encourage Congress to repeal the Brady Handgun Protection Act because it "has directly undermined a fundamental protection each citizen has under the supreme law of the land."

HJR 35 is a resolution requesting the United State Congress uphold the Second Amendment to the Constitution of the United States and repeal the Brady Act. Coghill said the law is unconstitutional because "it violates the provisions of U.S. Constitution and the Alaska Constitution guaranteeing the right to keep and bear arms."

The Second Amendment protects a fundamental right. There's something wrong when a government assumes having a handgun makes you a criminal. Well over 90 % of all crimes are committed without the use of a handgun.

Amendments to the Brady Act have further limited ownership and use of rifles and shotguns. Now the FBI further invades the privacy of citizens through FBI maintained registration checks.

It's time to repeal the law that would be used against citizens instead of against criminals.

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HOUSE JOINT RESOLUTION NO. 35

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES COGHILL, Barnes, Dyson, Kohring

Introduced: 3/31/99

Referred: House Special Committee on World Trade and State/Federal Relations, Judiciary

A RESOLUTION

**1 Relating to requesting the United States Congress to repeal the "Brady Handgun
2 Protection Act".**

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

4 WHEREAS the Constitution of the United States, in the Second Amendment,
5 guarantees protection for all citizens to keep and bear arms; and

6 WHEREAS art I, sec. 19, Constitution of the State of Alaska, asserts that the right to
7 keep and bear arms is an individual right; and

8 WHEREAS the "Brady Handgun Protection Act" has directly undermined a
9 fundamental protection each citizen has under the supreme law of the land; and

10 WHEREAS the "Brady Handgun Protection Act" has been used by those who would
11 outlaw the use of arms by law-abiding citizens through regulations that are intrusive and
12 through intimidation by the Federal Bureau of Investigation through the use of background
13 checks; and

14 WHEREAS the "Brady Handgun Protection Act" violates the provisions guaranteeing
15 the right to keep and bear arms in both the Alaska and the United States Constitutions, and
16 it violates the Tenth Amendment to the Constitution of the United States;

1 **BE IT RESOLVED** that the Alaska State Legislature respectfully requests that the
 2 United States Congress uphold the Second Amendment to the Constitution of the United States
 3 and repeal the "Brady Handgun Protection Act".

4 **COPIES** of this resolution shall be sent to the Honorable Bill Clinton, President of the
 5 United States; the Honorable Al Gore, Jr., Vice-President of the United States and President
 6 of the U.S. Senate; Louis Freeh, Director of the Federal Bureau of Investigation; the
 7 Honorable Trent Lott, Majority Leader of the U.S. Senate; the Honorable J. Dennis Hastert,
 8 Speaker of the U.S. House of Representatives; to the Honorable Ron Paul, U.S. Representative
 9 from Texas; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S.
 10 Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska
 11 delegation in Congress.

FISCAL NOTE

STATE OF ALASKA
1999 LEGISLATIVE SESSION

BILL NO. HJR 35

Revision Date: _____
Title: Requesting Repeal of Brady Bill

Dept. Affected _____
BRU _____
Component _____

Sponsor: COGHILL
Requester: H. World Trade & State/Fed.
Relations

Component Serial No. _____

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES []						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
1091 Designated Program Receipts						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY98) cost: _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This resolution would not have a significant fiscal impact on any state agency.

Prepared by Donald M. Riehle WTR staff

Phone 465-6643

Phone _____

Date 2-8-00

Why Libertarians Support Equal Rights for America's Gun Owners



WHY
LIBERTARIANS
SUPPORT
**Equal
Rights
FOR
AMERICA'S
Gun
Owners**

Libertarians, like other Americans, want to be able to walk city streets safely and be secure in their homes. We also want our Constitutional rights protected, to guard against the erosion of our civil liberties. In particular, Libertarians want to see all people treated equally under the law, as our Constitution requires. *America's millions of gun owners are people too.*

Law-abiding, responsible citizens do not and should not need to ask anyone's permission or approval to engage in a peaceful activity. **Gun ownership, by itself, harms no other person and cannot morally justify criminal penalties.**

Constitutional Rights

America's founders fought the Revolutionary War to throw off British tyranny. Most of the revolutionaries owned and used their own guns in that war. After the war, in 1789, the 13 American States adopted the Constitution, creating the federal government. Before ratifying the Constitution, the people demanded a Bill of Rights to prevent our government from depriving them of their liberties as the British had done.

One of the most important protections we have against government tyranny is that we are presumed innocent of any crime until proven guilty, before a jury,

in a proper trial.

But, gun control advocates would declare all gun owners guilty without trial, simply for owning guns. Although millions of them have never used their guns to harm another person. Such blanket condemnation is immoral, unfair and *contrary to the principles* on which America was founded.

The Prohibition Lesson

Gun control advocates are much like the prohibitionists of the early 20th Century. By making liquor illegal, they spawned organized crime, caused bloody, violent turf wars and corrupted the criminal justice system. Today's war on drugs has exactly the same results.

Prohibition didn't stop liquor use; the drug laws can't stop drug use. **Making gun ownership illegal will not stop gun ownership.**

The primary victim of these misguided efforts is the honest citizen whose civil rights are trampled as frustrated legislators and police tighten the screws.

Banning guns will make guns more expensive and give organized crime a great opportunity to make profits in a new black market for weapons. Street violence will increase in new turf wars. Criminals will not give up their guns. **But, many law abiding citizens will, leaving them defenseless against armed bandits.**

The Right of Self Defense

Libertarians agree with the majority of Americans who believe they have the right to decide how best to protect themselves, their families and their property. Millions of Americans have guns in their homes and sleep more comfortably because of it. Studies show that where gun ownership is illegal, residential burglaries are higher. A man with a gun in his home is no threat to you if you aren't breaking into it.

The police do not provide security in your home, your business or the street. They show up after the crime to take reports and do detective work. The poorer the neighborhood, the riskier it is for peaceful residents.

Only an armed citizenry can be present in sufficient numbers to prevent or deter violent crime before it starts, or to reduce its spread. Interviews with convicted felons indicate that fear of the armed citizen significantly deters crime. A criminal is more likely to be driven off from a particular crime by an armed victim than to be convicted and imprisoned for it. Thus, widespread gun ownership will make neighborhoods safer.

Foolish politicians and police now seek to ban semi-automatic "assault rifles". They ignore the fact that only honest citizens will comply; criminals will still have them. **Such a ban will only increase the criminals' ability to victimize the innocent.**

Personal Responsibility

Guns are not the problem. They are inanimate objects. Gun control advocates talk as if guns could act on their own, as if human beings cannot control them, so the uncontrollable guns must be banished.

Let us put the responsibility where it belongs, on the owner and user of the gun. If he or she acts responsibly, without attacking others or causing injury negligently, no crime or harm has been done. Leave them in peace. But, if a person commits a crime with a gun, then impose the *severest penalties* for the injuries done to the victim. Similarly, hold the negligent gun user fully liable for all harm his negligence does to others.

Rather than banning guns, the politicians and the police should encourage gun ownership, as well as education and training programs. A responsible, well-armed and trained citizenry is the best protection against domestic crime and the threat of foreign invasion. America's founders knew that. **It is still true today.**



THE LIBERTARIAN PARTY

PLATFORM

THE RIGHT TO KEEP AND BEAR ARMS



The Bill of Rights recognizes that an armed citizenry is essential to a free society. We affirm the right to keep and bear arms and oppose all laws at any level of government restricting, regulating, or requiring the ownership, manufacture, transfer, or sale of firearms or ammunition. We oppose all laws requiring registration of firearms or ammunition. We also oppose any government efforts to ban or restrict the use of tear gas, "mace," or other self-protection devices. We further oppose all attempts to ban weapons or ammunition on the grounds that they are risky or unsafe.

We support repeal of the National Firearms Act of 1934 and the Federal Gun Control Act of 1968, and we demand the immediate abolition of the Bureau of Alcohol, Tobacco, and Firearms.

We favor the repeal of laws banning the concealment of weapons or prohibiting pocket weapons. We also oppose the banning of inexpensive handguns ("Saturday night specials"), and semi-automatic or so-called assault weapons and their magazines or feeding devices.



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