

R005-0203

10 **RESOLUTION CONCERNING THE**
20 **THE CONSTITUTIONALITY OF STATES' FIREARMS LAWS AND REGULATIONS**

30 **WHEREAS:** The Second Amendment to the United States reads as follows, “A well regulated 40
militia, being necessary to security of a free state, the right of the people to keep 50
and bear arms, shall not be infringed”; and,

60 **WHEREAS:** The Fourth Amendment of the United States reads as follows, “The right of the 70
people to be secure in their persons, houses, papers and effects, against
80 unreasonable searches and seizures, shall not be violated, and no warrants shall
90 issue, but upon probable cause, supported by an oath of affirmation, and
100 particularly describing the place to be searched and the persons or things to be
110 seized; and,

120 **WHEREAS:** The Fifth Amendment of the United States reads in part, “... [No person] be
130 deprived of life, liberty, or property without due process of law”; and,

140 **WHEREAS:** The Ninth Amendment of the United States reads as follows, “The enumeration
150 in the Constitution, of certain rights, shall not be construed to deny or
160 disparage others retained by the people”; and,

170 **WHEREAS:** The Tenth Amendment of the United States reads as follows, “The powers not
180 delegated to the United States by the Constitution, nor prohibited by it to the
190 States, are reserved to the States respectively, or to the People; and,

200 **WHEREAS:** The definition of infringe is, “To encroach on someone or something”; and,

210 **WHEREAS:** In the case of United States v. Verdugo-Urquidez, the Court unanimously held
220 that the term “The People” in the Second Amendment had the same meaning
230 as in the Preamble to the Constitution and in the First, Fourth, and Ninth
240 Amendments, i.e., that “The People” means at least all citizens and legal
250 aliens while in the United States; and,

260 **WHEREAS:** All fifty states have varying gun laws and restrictions that infringe upon the
270 the right to keep and bear arms as defined in the Second Amendment; and,

280 **WHEREAS:** There have been incidents in several states and localities where State and/or
290 Local officials have confiscated firearms from law abiding citizens; and,

300 **WHEREAS:** Washington DC’ ban on handgun sales took effect in 1977 and by the 1990’s
310 the city’s murder rate had tripled; and,

320 **WHEREAS:** Chicago imposed handgun registration in 1968, and murders with handguns
330 continued to rise. Its registration system in place, Chicago imposed a DC
340 style handgun ban in 1982, and over the next decade the annual number of
350 handgun-related murders doubled; and,

360 **WHEREAS:** California increased its waiting period on retail and private sales of handguns
370 from five to fifteen days in 1975, outlawed “assault weapons” in 1989 and
380 subjected rifles and shotguns to the waiting period in 1990. Yet since 1975,
390 the state’s annual murder rate has averaged 32% higher than the rate of the rest
400 of the Nation; and,

410 **WHEREAS:** Maryland has imposed a waiting period and a gun purchase limit, banned

420 several small handguns, restricted “assault weapons” and regulated
430 private transfers of firearms, even between family members and friends,
440 yet for the last decade its murder rate has averaged 44% higher than the rest
450 of the Nation and its robbery rate has averaged highest amongst all states; and,

460 **WHEREAS:** New York has had a hand gun licensing law since 1911, yet until the New York
470 City Police Department began a major crackdown on crime in the 1990’s,
480 New York’s violent crime rate was highest amongst U.S. cities.

490 **THEREFORE BE IT FURTHER RESOLVED:** The Maryland Student Legislature urges
500 Solicitor General Ted Olson to file a legal brief with the United States Supreme
510 Court, urging the High Court to declare unconstitutional those State laws and
520 regulations that violate the Constitution by infringing on the right to keep and
530 bear arms as well as those that violate other amendments in the constitution.

540 **MANDATES:**

550 Solicitor General Ted Olson
560 Chief Justice William Rehnquist
570 Attorney General John Ashcroft

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