

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

HOUSE
RESOLUTION 1028

By: Steagall

AS INTRODUCED

A Resolution declaring President Biden's executive action addressing gun violence issued April 7, 2021, as unconstitutional; and directing distribution.

WHEREAS, Article I, Section 1 of the United States Constitution specifically states, "All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives", assigning all law-making authority to Congress exclusively; and

WHEREAS, Article II, Section 3 of the United States Constitution provides that the President may only "recommend to their consideration such measures as he shall judge necessary and expedient", and such language recognizes and substantiates the Constitution's implicit separation of powers between the executive and legislative branches; and

WHEREAS, Thomas Jefferson once wrote in the Kentucky Resolutions in 1798, "Whenever the General Government assumes undelegated

1 powers, its acts are unauthoritative, void, and of no force". No
2 enumerated, delegated authority exists within the full text of the
3 Constitution of these United States which would permit any member,
4 body, or agency of the federal government to regulate the people's
5 right to "keep and bear arms"; and

6 WHEREAS, the Second Amendment to the United States Constitution
7 assigns evident restriction upon the federal government providing
8 "the right of the people to keep and bear arms, shall not be
9 infringed", and such constitutional vernacular strictly prohibits
10 all branches of the federal government from imposing any regulations
11 on the people, directly or otherwise, regarding the aforementioned
12 right endowed to us by our creator; and

13 WHEREAS, "Red Flag Laws" clearly conflict with the United States
14 Constitution's First and Second Amendment limitations that "Congress
15 shall make no law...abridging the freedom of speech...", and "the right
16 of the people to keep and bear arms, shall not be infringed"; and

17 WHEREAS, "Red Flag Laws" plainly contradict a United States
18 citizen's Fourth Amendment protected right "...to be secure in their
19 persons, houses, and effects, against unreasonable searches and
20 seizures", as well as the Fifth Amendment right that "No person
21 shall be...deprived of life liberty, or property, without due process
22 of law"; and
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1 WHEREAS, "Red Flag Laws" also violate a United States citizen's
2 Sixth Amendment right that "...the accused shall enjoy the right...to be
3 confronted with the witnesses against him"; and

4 WHEREAS, "Red Flag Laws" are an attack on a United States
5 citizen's Ninth Amendment right which states "The enumeration in the
6 Constitution, of certain rights, shall not be construed to deny or
7 disparage others retained by the People." Such other rights include
8 an individual's inherent right to self-defense, the presumption of
9 innocence until proven guilty, and many more; and

10 WHEREAS, when taking the oath of office, all members of the
11 Oklahoma House of Representatives solemnly swear that they will
12 support, obey, and defend the Constitution of the United States and
13 the Constitution of the State of Oklahoma.

14 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES
15 OF THE 1ST SESSION OF THE 58TH OKLAHOMA LEGISLATURE:

16 THAT President Biden's executive action, issued April 7, 2021,
17 titled "FACT SHEET: Biden-Harris Administration Announces Initial
18 Actions to Address the Gun Violence Public Health Epidemic",
19 prescribes measures that are in direct violation of the provisions
20 of the First, Second, Fourth, Fifth, Sixth, Ninth, and Tenth
21 Amendments to the Constitution of the United States, as well as
22 Article I, Section 1 and Article II, Section 3, and is thus declared
23 unconstitutional.

1 THAT suitable copies of this resolution be delivered to the
2 President of the United States, the President Pro Tempore of the
3 United States Senate, the Speaker of the United States House of
4 Representatives, the United States Attorney General, and each member
5 of the Oklahoma Congressional delegation.

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