

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 HOUSE CONCURRENT
5 RESOLUTION 1004

By: Steagall

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7
8 AS INTRODUCED

9 A Concurrent Resolution declaring President Biden's
10 executive action addressing gun violence issued April
11 7, 2021, as unconstitutional; and directing
12 distribution.

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

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

1 WHEREAS, Thomas Jefferson once wrote in the Kentucky Resolutions
2 in 1798, "Whenever the General Government assumes undelegated
3 powers, its acts are unauthoritative, void, and of no force". No
4 enumerated, delegated authority exists within the full text of the
5 Constitution of these United States which would permit any member,
6 body, or agency of the federal government to regulate the people's
7 right to "keep and bear arms"; and

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

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

19 WHEREAS, "Red Flag Laws" plainly contradict a United States
20 citizen's Fourth Amendment protected right "...to be secure in their
21 persons, houses, and effects, against unreasonable searches and
22 seizures", as well as the Fifth Amendment right that "No person
23 shall be...deprived of life liberty, or property, without due process
24 of law"; and

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 Legislature solemnly swear that they will support, obey,
12 and defend the Constitution of the United States and the
13 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, THE SENATE
16 CONCURRING THEREIN:

17 THAT President Biden's executive action, issued April 7, 2021,
18 titled "FACT SHEET: Biden-Harris Administration Announces Initial
19 Actions to Address the Gun Violence Public Health Epidemic",
20 prescribes measures that are in direct violation of the provisions
21 of the First, Second, Fourth, Fifth, Sixth, Ninth, and Tenth
22 Amendments to the Constitution of the United States, as well as
23 Article I, Section 1 and Article II, Section 3, and is thus declared
24 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.

6
7 DIRECT TO CALENDAR.

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