

SR-128, As Adopted by Senate, January 13, 2016

Senator Kowall offered the following resolution:

Senate Resolution No. 128.

A resolution to urge the United States Congress to overturn recent executive actions put forth by the President concerning gun control.

Whereas, The Second Amendment of the Constitution of the United States guarantees Americans the right to keep and bear arms. Our Founding Fathers recognized that this and other fundamental rights preserved in the Bill of Rights were needed to ensure a free and peaceful nation. Further, Article I, Section 6 of the Michigan Constitution clearly affirms a right to keep and bear arms. Congress and the Michigan Legislature have reinforced this right repeatedly through legislative action; and

Whereas, The President has exceeded his authority and usurped legislative power solely vested in the Congress by the U.S. Constitution. The President should not issue executive actions contrary to federal laws passed by Congress and signed by the President, thereby violating the separation-of-powers doctrine enshrined in our Constitution; and

Whereas, Current law clearly requires only federally licensed gun dealers to conduct background checks, and only sellers who repeatedly purchase and sell firearms to make a living are required to obtain a federal license. Federal law specifically exempts individuals who sell their privately-owned firearms from licensing. The recently issued executive action requiring all those who sell guns to become licensed and conduct background checks is clearly an infringement on the authority of the United States Congress to enact legislation concerning gun control; and

Whereas, Gun control measures proposed by the President will not protect our nation and our citizens from terrorists. Studies have shown that criminals typically acquire guns through theft, on the black market, or from family or friends. Expanding background checks opens the door to a national gun registry and harassment of lawful citizens while doing nothing to prevent the crisis situations that Americans want addressed; now, therefore, be it

Resolved by the Senate, That we urge the United States Congress to overturn recent executive actions put forth by the President concerning gun control; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.