

RESOLUTION #2013-2
NEVADA REPUBLICAN CENTRAL COMMITTEE
April 6, 2013

A GENERAL RESOLUTION TO TAKE AN EXPRESS POLITICAL POSITION ON THE FOUNDATIONAL, NATURAL AND CONSTITUTIONALLY PROTECTED RIGHT OF THE PEOPLE TO KEEP AND BEAR ARMS, UNINFRINGED AND UNENCUMBERED BY GOVERNMENT; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

BE IT RESOLVED, that the Nevada Republican Central Committee does hereby declare as follows:

WHEREAS, the Second Amendment of the Constitution of the United States, contained in the Bill of Rights, states: "A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed."

WHEREAS, the Constitution of the State of Nevada, Article I, Section 11 states: "Right to keep and bear arms; civil power supreme: 1. Every citizen has the right to keep and bear arms for security and defense, for lawful hunting and recreational use and for other lawful purposes. 2. The military shall be subordinate to the civil power; No standing army shall be maintained by this State in time of peace, and in time of War, no appropriation for a standing army shall be for a longer time than two years."

WHEREAS, in U.S. v. Cruikshank, 1876 92 US 542, 553

"The people's right to bear arms, like the rights of assembly and petition, existed long before the Constitution, and is not 'in any manner dependent upon that instrument for its existence.'" This ruling also upheld that all able bodied males are members of the militia (one of three such clear rulings).

WHEREAS, in Robertson v. Baldwin, 1897 165 US 275

The Supreme Court ruled that the right to arms is an "ancient" and "fundamental" right, a right which was "inherited from our English ancestors" and has existed "from time Immemorial."

WHEREAS, in U.S. v. Beard, 1895 158 US 550

"Individuals have a right to possess and use firearms for self-defense."

WHEREAS, in U.S. v. Verdugo Urquidez, 1990 No. 88-1353

"The term "the people" as explicitly used in the Second Amendment and elsewhere in the Constitution and Bill of Rights is a term chosen by the Founding Fathers to mean all individuals who make up our national community."

WHEREAS, in Patsone v. Pennsylvania, 1914 232 US 138

The Supreme Court ruled that that by implication even resident aliens have the right to possess "weapons such as pistols that may be supposed to be needed occasionally for self-defense."

WHEREAS, in District of Columbia v Heller, 2008 554 U.S. 570 (2008)

The Supreme Court affirmed the Court of Appeals for the D.C. Circuit in Heller v. District of Columbia. The Court of Appeals had struck down provisions of the Firearms Control Regulations Act of 1975 as unconstitutional, determined that handguns are "arms" for the purposes of the Second Amendment, found that the District of Columbia's regulations act was an unconstitutional banning, and struck down the portion of the regulations act that requires all firearms including rifles and shotguns be kept "unloaded and disassembled or bound by a trigger lock" "Prior to this decision the Firearms Control Regulation Act of 1975 also restricted residents from owning handguns except for those registered prior to 1975"

WHEREAS, in U.S. v. Miller, 1939 307 US 174

"The militia is comprised of all able bodied males ... ordinarily when called these men were expected to appear bearing arms supplied by themselves and of a kind in common (military) use at the time."

WHEREAS, in Presser v. Illinois, 1886 116 US 252

"All citizens capable of bearing arms constitute the reserve militia, and the states cannot prohibit the people from keeping and bearing arms so as to disable the people from performing the (militia) duty to the general government."

WHEREAS, in South v. Maryland, 1855 / Warren v. District of Columbia, 1981

"Police have no duty to protect any individual, but only a general duty to protect society, and cannot be held personally liable for failure to protect an individual."

WHEREAS, in U.S. v. Brown, 1921 256 US 335

The Supreme Court decided that a person facing a deadly attack may use lethal force in his self-defense, adding "Detached reflection cannot be demanded in the presence of an uplifted knife."

WHEREAS, in U.S. v. Lewis, 1980 445 US 95

The Supreme Court ruled that a person enjoys a fundamental right to possess arms until his first conviction for a felony offense.

WHEREAS, in Near v. Minnesota, 1931 283 US 697, 714

The Supreme Court stated that, the great and essential rights of the people are secured against legislative as well as against executive ambition. They are secured, not by laws paramount to prerogative, but by constitutions paramount to laws." (Chief Justice Hughes quoting James Madison).

WHEREAS, in Murdock v. Pennsylvania, 1943 319 US 105

The Supreme Court ruled "The power to impose a license fee on a constitutional right amounts to prior restraint and the power to restrict or deny the right ... a tax laid specifically on the exercise of these freedoms would be unconstitutional."

WHEREAS, in Reid v. Covert, 1957 354 US 1

The Supreme Court ruled that "The United States is entirely a creature of the Constitution. Its power and authority have no other source. It can only act in accordance with all the limitations imposed by the Constitution."

WHEREAS, in Bivens v. Six Unknown Federal Agents of the Federal Bureau of Narcotics, 1971 and 403 US 388 / Carlson v. Green, 1980 446 US 14

The Supreme Court has twice ruled that a federal official who deprives a citizen of a right guaranteed by the U.S. Constitution may be held personally liable for damages.

WHEREAS, in Hafer v. Melo, 1991 No. 90-681

The Supreme Court has ruled that a state official who, "under color of state law," deprives a citizen of a right guaranteed by the federal Constitution may be held personally liable for damages.

WHEREAS, The Supreme Court has ruled seven times since 1908 (plus one concurring opinion) that the first eight amendments express fundamental personal rights guaranteed by the Constitution.

Twining v. New Jersey, 1908 211 US 78 / Powell v. Alabama, 1932 287 US 45 / Grosjean v. American Press Co., 1936 297 US 233 / Gideon v. Wainwright, 1963 372 US 335 / Duncan v. Louisiana, 1968 391 US 166 / Moore v. East Cleveland, 1976 431 US 494 / Planned Parenthood v. Casey, 1992 No. 91-744 / Griswold v. Connecticut, 1965 (concurring) 381 US 479

WHEREAS, in Marbury v. Madison, 1803 5 US 137

The Supreme Court ruled that it had the power to overturn and/or control laws of Congress with the ruling written by the great Chief Justice John Marshall, which simply said: "All laws repugnant to the Constitution are null and void."

THEREFORE BE IT RESOLVED, that the Nevada Republican Party recognizes that government was intended by the Founding Fathers, through the Second Amendment and Federalist Papers 28, 29 and 46, to have no authority to legislate nor otherwise address the People of the United States regarding any use or possession of arms or ammunition; and,

THEREFORE BE IT FURTHER RESOLVED, that the Nevada Republican Party recognized the judicial branch of the government's inherent authority to interpret the laws passed by the legislative branch; and,

THEREFORE BE IT FURTHER RESOLVED, that the Nevada Republican Party advises the Nevada State Legislature and the United States Congress that any and all legislative considerations which stand in opposition to the Constitution of the United States and/or the Constitution of the State of Nevada and/or any standing rulings (such as those cited within this resolution) from the Supreme Court of the United States are null and void and advise all state and federal legislators to seek Constitutional review of any and all proposed legislation regarding firearms, ammunition and related items, inclusive, prior to debating such proposals; and,

THEREFORE BE IT FURTHER RESOLVED, that the Nevada Republican Party maintains the option of censuring any Republican official who supports the infringement of any rights related to the keeping or bearing of arms, ammunition and/or related items; and,

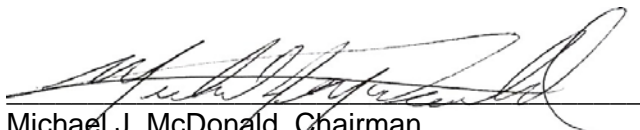
THEREFORE BE IT FURTHER RESOLVED, that the Nevada Republican Party and/or any Nevada County Republican Central Committee maintains the option of not supporting the reelection of any elected official who supports the infringement of any rights related to the keeping or bearing of arms, ammunition and/or related items; and,

THEREFORE BE IT FURTHER RESOLVED, that upon the approval of this resolution the Secretary of the Nevada Republican Central Committee shall deliver a copy of this Adoptive Resolution to:

- The President of the United States
- The Attorney General of the United States
- Each member of the U.S. Congress
- Each United States Supreme Court Justice
- The Governor of the State of Nevada
- The Nevada Attorney General
- Each member of the Nevada State Legislature
- Each Nevada Supreme Court Justice
- Each County Commissioner of every county within the State of Nevada
- The Chair of the Nevada Republican Party
- The Chair of each Nevada County Republican Central Committee

CERTIFICATION:

The within Resolution was duly presented, discussed and adopted by the Nevada Republican Central Committee on this 6th day of April, 2013.



Michael J. McDonald, Chairman
Nevada Republican Central Committee