WHEREAS, the American Legislative Exchange Council is the nation's largest individual membership organization of state legislators, dedicated to advancing the Jeffersonian principles of free markets, limited government, federalism and individual liberty,

WHEREAS, the private, individual ownership and use of firearms has existed in every American state throughout the nation's history and continues to this day as a cherished and fundamental aspect of American culture; and

WHEREAS, in the historic District of Columbia v. Heller decision, the United States Supreme Court affirmed that the Second Amendment protects the right of Americans, as individuals, to keep and bear arms in case of confrontation; and

WHEREAS, the Heller decision concerned the application of the Second Amendment only as against federal regulation and left unresolved the judicial question of whether the Second Amendment also prohibits infringement of the right to keep and bear arms by state and local governments; and

WHEREAS, the United States Supreme Court will address the application of the Second Amendment to states and localities through either the Due Process Clause or the Privileges or Immunities Clause of the Fourteenth Amendment to the United States Constitution in the case of McDonald vs. Chicago, Docket Number 08-1521; and

WHEREAS, this case will have major implications for the legality of gun bans in states and other restrictive gun laws in Chicago and other cities across the United States; and

WHEREAS, state lawmakers have a profound interest in this case as guardians of their constituents’ health, welfare, and constitutional rights; and

WHEREAS, the Fourteenth Amendment to the United States Constitution was extensively debated and ultimately ratified by the state legislatures;

THEREFORE, LET IT BE RESOLVED, that the American Legislative Exchange Council recognizes that the right of self-defense and the right to keep and bear arms are fundamental rights belonging to all free citizens everywhere, and that these rights have been deeply rooted in America’s constitutional tradition;

THEREFORE BE IT FURTHER RESOLVED, that the American Legislative Exchange Council affirms that the state legislatures that ratified the Fourteenth Amendment understood the Amendment to incorporate the right of self-defense and the right to keep and bear arms against state and local infringement; and

ALEC Resolution on McDonald vs. Chicago

WHEREAS, the American Legislative Exchange Council is...
THEREFORE BE IT FURTHER RESOLVED, that the American Legislative Exchange Council affirms that the Second Amendment and the fundamental right of self-defense apply to Americans throughout the United States, regardless of where they live against state and local governments so as to prohibit their infringement of the right to keep and bear arms.