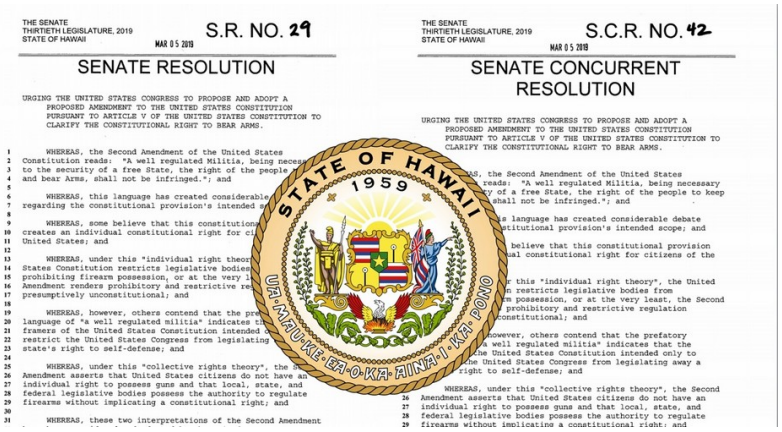
Written by **Christian Gomez** on March 8, 2019

Hawaii Lawmakers Urge Congress to Repeal 2nd Amendment


THE SENATE
THIRTIETH LEGISLATURE, 2019
STATE OF HAWAII
S.R. NO. 29
SENATE RESOLUTION
URGING THE UNITED STATES CONGRESS TO PROPOSE AND ADOPT A PROPOSED AMENDMENT TO THE UNITED STATES CONSTITUTION PURSUANT TO ARTICLE V OF THE UNITED STATES CONSTITUTION TO CLARIFY THE CONSTITUTIONAL RIGHT TO BEAR ARMS.
THE SENATE
THIRTIETH LEGISLATURE, 2019
STATE OF HAWAII
S.C.R. NO. 42
SENATE CONCURRENT RESOLUTION
URGING THE UNITED STATES CONGRESS TO PROPOSE AND ADOPT A PROPOSED AMENDMENT TO THE UNITED STATES CONSTITUTION PURSUANT TO ARTICLE V OF THE UNITED STATES CONSTITUTION TO CLARIFY THE CONSTITUTIONAL RIGHT TO BEAR ARMS.

Democratic legislators have introduced two virtually identical resolutions in the Hawaii Senate urging Congress to consider a constitutional amendment to either repeal or clarify the Second Amendment.

State Senators Stanley Chang (D-9), Karl Rhoads (D-13), Rosalyn Baker (D-6), Dru Kanuha (D-3), and Laura Thielen (D-25) introduced both Senate Resolution 29 and Senate Concurrent Resolution 42.

After spouting a list of "whereas" statements targeting every American's constitutional right to keep and bear arms — including one such whereas that asserts the Second Amendment is a "collective right" in which "United States citizens do not have an individual right to possess guns and that local, state, and federal legislative bodies possess the authority to regulate firearms without implicating a constitutional right" — both SR 29 and SCR 42 conclude with an egregious resolve; stating:

> BE IT RESOLVED by the Senate of the Thirtieth Legislature of the State of Hawaii, Regular Session of 2019, the House of Representatives concurring, that the United States Congress is urged to propose and adopt a proposed amendment to the United States Constitution pursuant to article V of the United States Constitution to clarify the constitutional right to bear arms; and
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> BE IT FURTHER RESOLVED that the United States Congress is requested to consider and discuss whether the Second Amendment of the United States Constitution should be repealed or amended to clarify that the right to bear arms is a collective, rather than individual, constitutional right.

This proposal to deny Americans their right to posess firearms underscores the serious dangers of amending the federal Constitution in this current age. And although neither resolution is an application to Congress to call a convention for proposing amendments, also known as a "convention of states" or constitutional convention (Con-Con), under Article V, they offer a preview into the type of amendments that a Hawaii delegation to such a convention would propose, should one be called by Congress.

In fact, Hawaii lawmakers have already suggested a convention to propose, among one of its aims, an amendment to do just that. In 2012, liberal Democratic state legislators introduced House Concurrent Resolution 114, a radical leftist Con-Con application that sought to repeal the Second Amendment, declare ObamaCare to be constitutional, and to abolish the Electoral College. The key excerpts from Hawaii's HCR 114 (2012) read:

> Whereas, the Legislature supports the proposal and ratification of the following amendments to the United States Constitution:
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> (1) The *repeal or modification of the Second Amendment to strengthen firearms restrictions*;
>
> (2) A declaration of the constitutionality of the federal Patient Protection and Affordable Care Act, including the individual mandate requiring the purchase of health insurance;

> (3) An amendment to Article I, Section 5, to prohibit the supermajority cloture requirement under Rule 22 of the United States Senate for ending floor debates and filibusters, to facilitate a more reasonable voting standard for cloture;
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> (4) An amendment abolishing the electoral college established under Article II, Section 1, and providing for the direct election of the United States President and Vice President by voters; and
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> (5) An amendment to Article II, Section 2, Clause 2, to require that Senate confirmations of appointments of officers of the United States be made by a simple majority vote within sixty days of the nomination….
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> BE IT FURTHER RESOLVED that this Concurrent Resolution *constitutes a continuing application in accordance with Article V of the United States Constitution until at least two-thirds of the legislatures of the several states have made application for a constitutional convention* that is limited to consideration of the amendments to the United States Constitution enumerated in this Concurrent Resolution. (Emphasis added throughout.)

Fortunately, HCR 114 failed to pass in 2012. However, like both SR 29 and SCR 42 of 2019, it also reveals just how far some on the Left are willing to go to eviscerate our constitutional freedoms. One should not expect liberal delegates to an Article V convention — especially coming from stronghold "blue states" such as Hawaii, California, New York, New Jersey, Connecticut, Rhode Island, Massachusetts, Oregon, and Washington — to sit idly by as purportedly conservative Republicans make changes to the nation's law of the land. In fact, even the so-called conservatives at Mark Meckler's Convention of States Project/Action organization, also known as COS, may not be reliable guardians of the Second Amendment.

As The John Birch Society, an education-action organization committed to the preservation and adherence of the Constitution, highlights in its short video entitled "Tricked Into Gun Control," the idea of "clarifying" the Second Amendment is very much on their agenda. As the video notes, in a comment posted on the Convention of States Project Facebook page, on June 23, 2017, a COS supporter asked: "Why not include an update to the Second Amendment in COS? Gun control advocates wear out the point that it was written when people only had muskets, so why not make it read the way we WANT it to read now?" [sic]. COS Project responded to the individual, saying: "It's called a 'Clarification Clause,' […] and that's very much on the agenda of any number of the study groups that are currently being conducted around the country composed of COSProject advocates and their state-legislators." As constitutional expert Robert Brown points out in the JBS video, "This post raises many red flags," the first one being the so-called "Clarification Clause." "This is not a new idea," Brown says. "Gun control advocates have suggested clarifying the wording of the Second Amendment on several occasions." Among those clarifications the Left desires, according to Brown, is that "the right to bear arms applies only to military and police forces, which would effectively repeal the Second Amendment."

In fact, radical liberal proposals to repeal or "clarify" the Second Amendment are not exclusively isolated to the Aloha state. In Texas, A&M University School of Law Professor Mary Penrose has also called for the elimination of the Second Amendment. "It's time today, in our drastic measures, to repeal and replace that Second Amendment," Penrose said in a speech she delivered at the 2013 UConn School of Law Second Amendment Symposium. She also affirmed, "There is not a single amendment that is absolute…. No constitutional right is sacred." Another more well-known voice on the Left that has echoed liberal calls to at the very least alter the wording of the Second Amendment so as to

neutralize it is former Supreme Court Associate Justice John Paul Stevens.

Justice Stevens has also called for the Second Amendment to be "amended to clarify that the right to bear arms is a collective," just as the Hawaii resolutions to Congress read. In his book, entitled *Six Amendments: How and Why We Should Change the Constitution* (2014), Stevens suggested that the Second Amendment be amended to read as follows: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms *when serving in the militia* shall not be infringed." (Emphasis added.)

The addition of these five words would essentially allow for the criminalization and disarming of law-abiding citizens unless they are serving in the "militia," by which liberals such as Justice Stevens mean the National Guard rather than the historical definition of simply referring to the average citizen.

After failing to pass any strong gun control legislation under President Obama, gun control advocates and Democratic lawmakers may turn to Article V to chop off the Second Amendment, especially via a convention of states, where even the mode of ratification could be altered. At the Philadelphia Convention of 1787, convention delegates went so far as to alter the mode of ratification for any changes to the then-Articles of Confederation from being "confirmed by the legislatures of every State," in Article XIII of the Articles of Confederation, to "the legislatures of *three fourths* of the several states, or by conventions in *three fourths* thereof," in Article V of the new Constitution. (Emphasis added.)

On September 13, 1788, with only 11 of the 13 states having ratified the new Constitution, the Continental Congress passed a resolution declaring that it "had been ratified." North Carolina and Rhode Island had not yet ratified and would not do so until nearly a year and a half later. On May 29, 1790, Rhode Island became the 13th and final state to ratify the Constitution. The new Constitution replacing the Articles of Confederation was adopted before being "confirmed by the legislatures of every State," as Article XIII required. With such precedent, who can say it will not happen again? For this reason, Americans and their states legislators should be wary of any emotional pleas to pass resolutions urging Congress to call a convention for proposing amendments regardless of the intended subject. Once Pandora's Box is open, there may be no way to close it — and without the Second Amendment's right to keep and bear arms, all other rights become at risk.