



Legislation Text

File #: 070977, **Version:** 2

070977

SUBSTITUTE 2

ALD. HAMILTON AND DAVIS

Substitute resolution authorizing and directing the City Attorney, on behalf of the City, to sign onto an amicus brief being coordinated by the Legal Community Against Violence in connection with the U.S. Supreme Court's anticipated review of District of Columbia v. Heller, relating to the District's laws banning most handgun possession by residents, provided that upon review of the amicus brief, the City Attorney determines that it is consistent with the intent of the Common Council expressed in this resolution.

This resolution authorizes and directs the City Attorney to sign onto an amicus brief being coordinated by the Legal Community Against Violence in connection with the U.S. Supreme Court's anticipated review of District of Columbia v. Heller, relating to the District's laws banning most handgun possession by District residents, provided that upon review of the amicus brief, the City Attorney determines that it is consistent with the intent of the Common Council expressed in this resolution.

Whereas, In March 2007, in a decision known as Parker v. District of Columbia, the U.S. Court of Appeals for the District of Columbia Circuit struck down the District's gun laws banning most handgun possession by District residents, holding that the ban violates the Second Amendment to the U.S. Constitution; and

Whereas, On September 4, 2007, the District of Columbia filed a petition for a writ of certiorari with the U.S. Supreme Court which many legal experts believe will be heard in the case now known as District of Columbia v. Heller; and

Whereas, The Parker decision is very significant because it is the only federal appellate decision in U.S. history striking down a firearm law on Second Amendment grounds, and the decision is contrary to long-standing Supreme Court precedent and hundreds of lower court decisions; and

Whereas, The Legal Community Against Violence (LCAV) has been helping to coordinate the filing of amicus curiae briefs in connection with the U.S. Supreme Court's review of District of Columbia v. Heller; and

Whereas, Municipalities have a particular interest and stake in the outcome of the case as the Supreme Court's decision has the potential to impact the ability of local governments to enact ordinances addressing issues of local concern, including community safety, youth violence, gang activity and access to illegal weapons; and

Whereas, LCAV has secured the services of well-known Supreme Court advocates from the law firm Munger Tolles & Olson to write an amicus brief, pro bono, on behalf of LCAV, which will argue, in support of the District of Columbia, that the Second Amendment does not bar municipalities from regulating guns as they see fit, in response to local needs and conditions; and

Whereas, LCAV is reaching out to municipalities to request that they consider signing onto the brief; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the City Attorney is authorized and directed, on behalf of the City, to sign onto an amicus brief being coordinated by LCAV in connection with the U.S. Supreme Court's anticipated review of District of Columbia v. Heller, relating to the District's laws banning most handgun possession by District residents, provided that upon review of the amicus brief, the City Attorney determines that it is consistent with the intent of the Common Council expressed in this resolution.

LRB07538-3
TWM/sd
10/29/2007