

## **RESOLUTION OF FREDERICK COUNTY BOARD OF SUPERVISORS**

**WHEREAS**, the Second Amendment of the United States Constitution reads “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.” and

**WHEREAS**, the United States Supreme Court in District of Columbia v. Heller, 554 U.S. 570 (2008), affirmed an individual’s right to possess firearms, unconnected with service in a militia, for traditionally lawful purposes, such as self-defense within the home; and

**WHEREAS**, the United States Supreme Court in McDonald v. Chicago, 561 U.S. 742 (2010), affirmed that the right of an individual to “keep and bear arms,” as protected under the Second Amendment, is incorporated by the Due Process Clause of the Fourteenth Amendment against the states; and

**WHEREAS**, the United States Supreme Court in United States v. Miller, 307 U.S. 174 (1939), opined that firearms that are part of ordinary military equipment, or with use that could contribute to the common defense are protected by the Second Amendment; and

**WHEREAS**, Article I, Section 13, of the constitution of Virginia provides “that a well regulated militia, composed of the body of the people, trained to arms, is the proper, natural, and safe defense of a free state, therefore, the right of the people to keep and bear arms shall not be infringed,”; and

**WHEREAS**, Article I, section 1, of the constitution of Virginia reads “That all men are by nature equally free and independent and have certain inherent rights, of which, when they enter into the state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety; and

**WHEREAS**, Article I, section 2 of the constitution of Virginia reads “that all power is vested in, and consequently derived from, the people, that magistrates are their trustees and servants, and at all times amenable to them.”; and

**WHEREAS**, certain legislation that has or may be introduced in the Virginia General Assembly, and certain legislation which has or may be introduced in the United States Congress could have the effect of infringing upon the rights of law abiding citizens to keep and bear arms, the right to which is guaranteed by the Second Amendment to the United States Constitution and Article I, Section 13 of the Constitution of Virginia; and

**WHEREAS**, the Frederick County Board of Supervisors is concerned about the passage of any bill containing language that could be interpreted in such a way as to infringe upon the rights of the citizens of Frederick County to keep and bear arms; and

**WHEREAS**, the Frederick County Board of Supervisors wishes to express its deep commitment to the constitutionally protected rights of all citizens of Frederick County to keep and bear arms; and

**WHEREAS**, the Frederick County Board of Supervisors wishes to express opposition to any law that would unconstitutionally restrict the rights of the citizens of Frederick County to keep and bear arms; and

**WHEREAS**, the Frederick County Board of Supervisors wishes to express its intent to defend the Constitutions of the United States of America and the Commonwealth of Virginia, and to oppose, within

the limits of the Constitution of the United States and the Commonwealth of Virginia, any efforts to unconstitutionally restrict such rights; and

**WHEREAS**, the Frederick County Board of Supervisors on behalf of the citizens of Frederick County, is intent in defending and supporting the Constitution of the United States of America and the Constitution of the Commonwealth of Virginia, shall when necessary, by such legal means at its disposal protect the rights of the citizens of Frederick County to keep and bear arms, including through legal action, the power to appropriate public funds, the right to petition for redress of grievances, and the power to direct employees of Frederick County to refrain from conduct which would infringe upon the Constitutional rights of our citizens.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Frederick County Virginia:

That the Frederick County Board of Supervisors hereby expresses its intent to uphold and defend the Second Amendment rights and all constitutionally guaranteed rights of the citizens of Frederick County, Virginia, and

That the Frederick County Board of Supervisors hereby expresses its intent that public funds of the county not be used to restrict the Second Amendment rights or any constitutionally protected rights of the citizens of Frederick County, or to aid any agency in the infringement of such constitutionally guaranteed and protected rights; and

That the Frederick County Board of Supervisors hereby specifically declares its intent to oppose any infringement upon the right of law-abiding citizens to keep and bear arms using such legal means as may be expedient.

ADOPTED this 11<sup>th</sup> day of December, 2019.

Charles S. DeHaven, Jr., Chairman	Absent	Gary A. Lofton	Aye
J. Douglas McCarthy	Aye	Blaine P. Dunn	Aye
Shawnee Supervisor	(Vacant)	Robert W. Wells	Aye
Judith McCann-Slaughter	Aye		

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Kris C. Tierney  
Clerk, Board of Supervisors  
County of Frederick, Virginia