

Resolution 2019-40

Affirming the Town of Pulaski's Support and Defense of the Constitution of the United States, the Second Amendment and Article 1, Section 13 of the Constitution of the Commonwealth and Declaring the Town of Pulaski, Virginia a Second Amendment Sanctuary Town

WHEREAS, each member of the Town Council has solemnly sworn a public oath before the Circuit Court of Pulaski County, Virginia to support the Constitution of the United States of America (the "U.S. Constitution") and the Constitution of the Commonwealth of Virginia (the "Virginia Constitution"); and,

WHEREAS, the Council holds dear all inalienable rights enumerated and bestowed within the U.S. Constitution and those protections granted to us within the Virginia Constitution ; and,

WHEREAS, the Second Amendment of the U.S. Constitution, declaring the rights of U.S. citizens and the citizens of the Town of Pulaski, Virginia to keep and bear arms without infringement , is one such right this Council finds inalienable and unfringeable ; and,

WHEREAS, Article 1, Section 13, of the Constitution of the Commonwealth provides this same right and protection of its people to keep and bear arms without infringement; and,

WHEREAS, the Second Amendment to the U.S. Constitution and Article 1, Section 13 of the Virginia Constitution are included within the Bills of Rights of those respective documents; and,

WHEREAS, the United States Supreme Court has held that the right to keep and bear arms is an individual right which pre-existed the enactment of the Second Amendment and which is guaranteed and protected by the Second Amendment ; and,

WHEREAS, it is the duty and obligation of the Town of Pulaski Town Council to support, uphold and defend the sanctity of the U.S. and Virginia Constitutions for the protection and welfare of its citizens; and,

WHEREAS, the Council wishes to further affirm our strong commitment to and unwavering support for the U.S. and Virginia Constitutions by objecting in advance to any federal or state legislation contrary to the rights conferred therein or construed as an erosion of said rights; and,

WHEREAS, it must be understood that town councils within the Commonwealth of Virginia have no legislative, regulatory or enforcement authority related to "the purchase, possession, transfer, ownership, carrying, storage or transporting of firearms, ammunition, or components or combination thereof," as provided by Section 15.2-915 of the Code of Virginia , 1950, as amended, and has no authority over the independent execution of the duties of the constitutional officers involved in law enforcement and must rely on those elected officials to independently uphold and defend the Constitution when and where applicable; and,

WHEREAS, to effect meaningful safeguards against infringements to our Constitutions and the inalienable rights recognized and protected therein, we must have alignment with and concurrence from our constitutional officers involved in law enforcement to help preserve and ensure these rights; and,

WHEREAS, the Town of Pulaski Town Council wishes to respond to the outpouring of its citizenry on this issue and put forth an official position on the Second Amendment of the U.S. Constitution that shall serve to edify federal and state lawmakers on where the Town of Pulaski stands on any current or future legislative considerations deemed contrary to the rights granted within both the Second Amendment and Article 1, Section 13 of each respective constitutional document, or deemed as an erosion of either's sanctity.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Pulaski, Virginia, in direct response to its citizens, does hereby support upholding the Constitution of the United States and shall defend with all legal means necessary, all the inalienable rights held therein, with emphasis upon, and deference to, the Second Amendment and the right it guarantees the citizens of the Town of Pulaski, Virginia to keep and bear arms without infringement.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Town Council of the Town of Pulaski, Virginia that the governing body of the Town of Pulaski shall hereby honor and uphold always the oath each individual member has duly taken to support the U.S. and Virginia Constitutions, and shall do so by pledging this day never to propose or pass local legislation contrary to or eroding those rights and fundamental principles granted and held within these instruments of freedom; will employ all nullification measures legally possible against federal or state legislation that unconstitutionally infringe upon our Second Amendment right; and furthermore pledge not to expend Town of Pulaski tax payers' funds to enforce any undue legislation that is declared an infringement upon their Second Amendment rights.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Town Council of the Town of Pulaski, Virginia, that we encourage our local constitutional officers involved in law enforcement to stand in agreement with this Council to uphold our oaths of office and preserve, protect and never infringe upon the Constitution or our Second Amendment right.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Town Council of the Town of Pulaski, Virginia that we do hereby declare proudly the Town of Pulaski, Virginia, shall for all intents and purposes be considered a Second Amendment Sanctuary Town.

NOW, THEREFORE, BE IT LASTLY RESOLVED by the Town Council of the Town of Pulaski, Virginia, that our official position and our declaration to be a Second Amendment Sanctuary Town be shared with our federal and state legislators, our fellow localities and municipalities throughout the Commonwealth and with all those who have interest in the Town of Pulaski's stance to uphold, support and defend the Constitution of the United States, the Constitution of the Commonwealth and their frameworks.

This resolution is effective upon adoption and is hereby adopted this 17th day of December 2019 by the duly recorded vote of the Town Council of the Town of Pulaski Virginia as follows:

Lane R. Penn	-Aye	Joseph K. Goodman	-Aye
Brooks R. Dawson	-Aye	G. Tyler Clontz	-Aye
Gregory C. East	-Absent	James A. Radcliffe	-Aye

THE TOWN OF PULASKI, VIRGINIA

BY: _____
David L. Clark
Mayor

ATTEST:

David N. Quesenberry
Clerk of Council