

# RESOLUTION



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## ***of the Board of Supervisors of Warren County Declaring Warren County to be a Second Amendment Sanctuary***

WHEREAS, the Constitution of the United States is the supreme law of our nation;  
and

WHEREAS, the Second Amendment to the Constitution states, “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 U.S. Supreme Court found in *Miranda v. Arizona*, 384 U.S. 436 (1966), that, “where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them”; and

WHEREAS, the U.S. Supreme Court in the *District of Columbia v. Heller*, 554 U.S. 570 (2008), affirmed that the Second Amendment right to keep and bear arms is not connected in any way to service in a militia; and

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

WHEREAS, the Fourteenth Amendment to the Constitution states, “no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws”; and

WHEREAS, the U.S. Supreme Court in *McDonald v. City of Chicago*, 561 U.S. 742 (2010), affirmed that a person’s Second Amendment right to “keep and bear arms” is further secured by the “due process” and the “privileges and immunities” clauses of the Fourteenth Amendment. This decision also protects rights closely related to the Second Amendment, namely the right to manufacture, transfer, purchase, and sell firearms, accessories, and ammunition; and

WHEREAS, the Tenth Amendment to the Constitution states, “the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the People”; and

WHEREAS, the U.S. Supreme Court found in *Printz v. United States*, 521 U.S. 898 (1997), that the Federal government cannot compel law enforcement officers of the States to enforce federal laws as it would increase the power of the Federal government far beyond that which the Constitution intended; and

WHEREAS, Article I, Section 13, of the Commonwealth of Virginia Constitution states: "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, due to dual sovereignty of the U.S. Constitution, the Federal government has no authority to enforce state laws and States cannot be compelled to enforce Federal laws; and

WHEREAS, the last protectors of the U.S. Constitution are the County Sheriffs and "we the people of the United States of America" and our ability to fulfill that role successfully rests on our Second Amendment rights; and

WHEREAS, the Warren County Board of Supervisors wishes to express opposition to any law that would unconstitutionally restrict the rights of the citizens of Warren County to keep and bear arms; 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 on the rights of law-abiding citizens to keep and bear arms, as guaranteed by the Second Amendment to the United States Constitution and Article I, Section 13 of the Constitution of Virginia.

NOW THEREFORE, BE IT RESOLVED by the Warren County Board of Supervisors that the County of Warren, Virginia is hereby declared to be a Second Amendment Sanctuary in order to preserve for the People of, on, and in Warren County, their rights guaranteed by the Constitution of the United States of America; and

BE IT FURTHER RESOLVED that the Warren County Board of Supervisors hereby expresses its intent that public local funds of the County shall not be used to unconstitutionally restrict the Second Amendment rights of the citizens of Warren County, or to aid federal or state agencies in the unconstitutional restriction of said rights; and

BE IT FINALLY RESOLVED that the Warren County Board of Supervisors hereby declares its intent to oppose any infringement on the right of law-abiding citizens to keep and bear arms using such legal means as may be expedient and further affirms the United States Bill of Rights.

Adopted: December 10, 2019