



## **WYTHE COUNTY RESOLUTION 2019-35**

**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 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, and

**WHEREAS**, the WYTHE County Board of Supervisors is concerned about the passage of any bill containing language which could be interpreted as infringing the rights of the citizens of WYTHE County to keep and bear arms, and

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

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

**WHEREAS**, the WYTHE County Board of Supervisors wishes to express its intent to stand as a Sanctuary County for Second Amendment rights 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 to use such legal means at its disposal to protect the rights of the citizens of WYTHE 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 the law enforcement and employees of WYTHE County to not enforce any unconstitutional law.

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

That the WYTHE Board of Supervisors hereby declares WYTHE County, Virginia, as a "Second Amendment Sanctuary", and

That the WYTHE Board of Supervisors hereby expresses its intent to uphold the Second Amendment rights of the citizens of WYTHE County, Virginia, and

That the WYTHE Board of Supervisors hereby expresses its intent that public funds of the county not be used to restrict the Second Amendment rights of the citizens of WYTHE County, or to aid federal or state agencies in the restriction of said rights, and

That the WYTHE 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, including, without limitation, court action.

#### **CERTIFICATION OF ADOPTION OF RESOLUTION**

The undersigned Clerk of the Board of Supervisors of Wythe County, Virginia, hereby certifies that the Resolution set forth above was adopted during an open meeting on November 26, 2019, by the Board of Supervisors with the following vote:

Aye: 7

Nay: 0

Abstentions: 0

Absent: 0

Signed this 26<sup>th</sup> day of November, 2019.



Clerk, Board of Supervisors