

RESOLUTION OF ROCKINGHAM COUNTY BOARD OF SUPERVISORS

WHEREAS, each member of the of the Board of Supervisors of Rockingham County, Virginia, made oath at the time of taking office to support the Constitutions of the Commonwealth of Virginia and the United States of America, an oath which they understand obligates them to stand for and defend all individual rights protected therein; and,

WHEREAS, Article 1, Section 1, of the Constitution of Virginia provides "That all men are by nature equally free and independent and have certain inherent rights, of which, when they enter into a 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 1, Section 13, of the Constitution of Virginia provides "That a well-regulated militia, composed of the body of the people, trained in 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, the Second Amendment of the United States Constitution provides "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), restated that the phrase "shall not be infringed" indicates that the right to bear arms is acknowledged in and protected by the Constitution, but is not created by the Constitution. The right to bear arms was pre-existing and emanates from higher authority; and,

WHEREAS, the United States Supreme Court in *District of Columbia v. Heller*, 554 U.S. 570 (2008), affirmed that the term "bearable arms" includes any weapon of offense or thing that a man wears for his defense, or takes into his hands, that is carried for the purpose of offensive or defensive action; and,

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

WHEREAS, the United States Supreme Court in *District of Columbia v. Heller*, also 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 *Caetano v. Massachusetts* 577 U.S. _____,

136 S. Ct. 1027 (2016) affirmed that the Second Amendment extends, *prima facie*, to all instruments that constitute bearable arms, even those that were not in existence at the time of the founding, and that this Second Amendment right is fully applicable to the States; and,

WHEREAS, the United States Supreme Court in *McDonald v. Chicago*, 561 U.S. 742 (2010) held 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, Article 1, Section 9, of the Constitution of Virginia provides "that the General Assembly shall not pass any bill of attainder, or any ex post facto law" and;

WHEREAS, Article 1, Section 11, of the Constitution of Virginia provides "that no person shall be deprived of his life, liberty, or property without due process of law;" and

WHEREAS, the Constitutions of both the Commonwealth and the United States forbid the taking of private property without just compensation; and,

WHEREAS, certain legislation which has been and may be introduced into the Virginia General Assembly would, if adopted, infringe on the rights of law abiding citizens to keep and bear arms as guaranteed by Article 1, Section 13, of the Constitution of Virginia and the Second Amendment of the United States Constitution, and;

WHEREAS, the members of the Rockingham County Board of Supervisors, in carrying out the duties of their office, are concerned about the passage of any bill or execution of any executive order which would infringe on the Constitutional rights of the citizens of Rockingham County; and,

WHEREAS, the Rockingham County Board of Supervisors expresses its opposition to any law that would restrict any constitutional rights, including those protected by Article 1, Section 13, and the Second Amendment; and,

WHEREAS, the Rockingham County Board of Supervisors expresses its intent to stand with others in defense of Virginia Constitution Article 1, Section 13 and U.S. Constitution Second Amendment rights and to oppose, within the limits of the Constitutions of the United States and the Commonwealth, any efforts to unconstitutionally restrict such rights, and to use such legal means at its disposal to protect the right of the citizens to keep and bear arms, including through legal action, and the right to petition for redress of grievances.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF ROCKINGHAM COUNTY, VIRGINIA:

That the Board of Supervisors hereby expresses its continuing intent to uphold, support and defend all rights protected and guaranteed by the Constitution of the Commonwealth of Virginia and the Constitution of the United States; and in particular,

That the Board of Supervisors hereby expresses its intent to uphold the Virginia Constitution Article 1, Section 13 and U. S. Constitution Second Amendment rights of the citizens of Rockingham County, and its commitment that public funds not be used to unconstitutionally restrict such rights;and,

That the Board of Supervisors hereby declares the intent to oppose unconstitutional restrictions on the right to keep and bear Arms through any and all legal means.

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