

HARTSVILLE/TROUSDALE COUNTY METROPOLITAN GOVERNMENT

RESOLUTION # 2020-10-685

RESOLUTION DESIGNATING AND DECLARING HARTSVILLE/TROUSDALE COUNTY A SECOND AMENDMENT SANCTUARY COUNTY

On date of affirmation and on behalf of the citizens of Hartsville/Trousdale County, TN, the Hartsville/Trousdale County Commissioners state and accept as true the following:

1. The Declaration of Independence states the people are "endowed by their Creator with certain unalienable rights...to secure these rights, Governments are instituted among men... deriving their just powers from the consent of the governed".
2. John Adams wrote in A Dissertation of the Canon and Federal Law (1765): "I say Rights, for such they (the people) have, undoubtedly, antecedent to all earthly government, Rights, that cannot be repealed or restrained by human laws, Rights derived from the Great Legislature of the universe."
3. Natural Law Rights, given to each of us by our Creator are the basis of our Constitution by which they are protected and secured to each of us. Natural Law Rights, including that of self-protection, are guaranteed by our laws, our history and our traditions.
4. It is the natural tendency of civil government to expand beyond the limits of its rightful Constitutional authority and to usurp powers which have not been given to it through the delegated consent of the governed.
5. Whenever the uses of government are perverted, individual sovereignty is overly endangered or threatened, and all other means of redress are ineffective, the people may, and in fact ought to, force the re-establishment of the original constitutional limits of government.
6. Resistance against arbitrary power and oppression is the obligation of every patriot, as not to do so is destructive to the good and happiness of mankind. In fact, it is the duty of the people of Hartsville/Trousdale County TN, through the actions of their lesser magistrates, namely local elected officials and Sheriff, to challenge the civil government when and where it exceeds or threatens to exceed its bounds.
7. The Constitution of the United States is the supreme law of our nation.
8. The Second Amendment to the Constitution of the United States of America 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".
9. The U.S. Supreme Court in *Miranda v. Arizona* (1966) stated that "Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them".
10. The U.S. Supreme Court in the *District of Columbia v. Heller* (2008) decision affirmed that the Second Amendment right to keep and bear arms is not connected in any way to service in a militia.
11. The U.S. Supreme Court in the *United States v. Miller* (1939) decision stated that firearms that are part of the ordinary military equipment with use that could contribute to the common defense are protected by the Second Amendment.

12. The Fourteenth Amendment to the Constitution of the United States, Section 1 states: "No state shall make or enforce any law which shall abridge the privileges or immunities of the citizens of the United States; nor deny to any person within its jurisdiction the equal protection of the laws."
13. The U.S. Supreme Court in the McDonald v. City of Chicago (2010) decision 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. The decision also protects rights closely related to the Second Amendment, namely the right to manufacture, transfer, accessories and ammunition.
14. The Tennessee State Constitution Article 1, Section 26 states that the citizens of this state have a right to keep and bear arms for their common defense; but the Legislature shall have power, by law, to regulate the wearing of arms with a view to prevent crime.
15. The Tennessee State Constitution Article 1, Section 24 states " That the sure and certain defense of a free people, is a well-regulated militia; and, as standing armies in time of peace are dangerous to freedom, they ought to be avoided as far as the circumstances and safety of the community will admit; and that in all cases the military shall be kept in strict subordination to the civil authority".
16. The Tenth Amendment to the Constitution of the United States of America 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."
17. The U.S. Supreme Court found in *Prinz v. United States* (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 intends.
 - The unalienable right to keep and bear arms, as specified in the Second Amendment to the U.S. Constitution, the Constitution of Tennessee, and further upheld by subsequent decisions of the U.S. Supreme Court
 - The Right, as originally written and understood, to keep and bear arms for self-defense, personal safety, protection of one's family and in defense of one's community and county
 - The right to manufacture, transfer, purchase and sell firearms and ammunition designed for those purposes outlined above, rights guaranteed by the U.S. Constitution and the Constitution of Tennessee.

Furthermore, any regulation of the right to keep and bear arms or affiliated firearm rights that violates the Second, Ninth, Tenth or Fourteenth Amendments of the U.S. Constitution, that violates Article 1, Section 24 and 26 of the Tennessee Constitution, or that violates numerous related Supreme Court Decisions including those listed above shall be regarded by the people of, on, or in Hartsville/Trousdale County to be unconstitutional, a transgression of the Supreme Law of the Land and its spirit of individual sovereignty, and, therefore by necessity, unenforceable and invalid from the outset.

Moreover, the criminal misuse of firearms is due to the fact that's criminals do not obey laws and this is not a reason to abrogate or abridge the unalienable, constitutionally guaranteed rights of law-abiding citizens. The last protectors of the Constitution of the United States are We the People of the United States and our ability to fulfill that roll successfully rests on our Second Amendment rights.

Therefore, the Hartsville/Trousdale County, TN government will not authorize or appropriate government funds, resources, employees, agencies, contractors, buildings, detention centers or offices for the purpose of enforcing or assisting in the enforcement of any element of such acts, laws, orders, mandates, rules or regulation that infringe on the right by the people to keep and bear arms as described and defined in detail above.

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Hartsville/Trousdale County, TN meeting in regular session that we declare that Hartsville/Trousdale County, TN is officially declared a gun sanctuary county. This resolution shall become effective on passage, the public welfare requiring it.

Sponsored by: Commission Chairman Dwight A. Jewell and Commissioner Rachel Jones.

Recommended by Law Enforcement Committee on February 27, 2020.

Motion to approve: Rachel Jones **Roll Call Vote | Virtual Mtg**
Second motion: David Nollner YES 19 NO 1 ABSENT 0

APPROVED AND ADOPTED ON APRIL 27, 2020

APPROVED:

ATTEST:


Dwight Jewell
Commission Chair


Rita Crowder
County Clerk