

RESOLUTION DECLARING PRESIDIO COUNTY A SECOND AMENDMENT SANCTUARY

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

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

The U.S. Supreme Court found in *Miranda v. Arizona* (1966) that “Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them.”, and

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, and

The U.S. Supreme Court in *United States v. Miller* (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

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

The U.S. Supreme Court in the *McDonald v. City of Chicago* (2010) decision affirmed that a person’s Second Amendment rights 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, purchase, and sell firearms, accessories, and ammunition, and

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

The U.S. Supreme Court found in *Printz 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, and

The Texas Constitution, Article 1, Section 23 states “Every citizen shall have the right to keep and bear arms in the lawful defense of himself or the State”, and

Due to dual sovereignty structure of the Constitution, the Federal government has no authority to enforce state laws and States cannot be compelled to enforce federal laws, and

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.

Therefore, Be It Resolved, the People of Presidio County, through their duly elected Commissioners Court, Judge and Sheriff, hereby designate Presidio County a Second Amendment Sanctuary in order to preserve for the People of, on, and in Presidio County, their rights guaranteed by the Constitution of the United States of America, furthermore

Any regulation that violates the Bill of Rights to the Constitution of the United States of America shall be regarded by the People of Presidio County to be unconstitutional, and therefore by necessity, unenforceable and invalid, furthermore

We, the People of Presidio County, Texas, through this resolution hereby declare our rights, our freedom and our liberty as guaranteed by the Constitution of the United States of America.