

RESOLUTION
TO AFFIRM THE SECOND AMENDMENT TO
THE CONSTITUTION OF THE UNITED STATES OF AMERICA
AND
TO DECLARE FANNIN COUNTY,
A POLITICAL SUBDIVISION OF THE STATE OF GEORGIA,
A “SECOND AMENDMENT SANCTUARY COUNTY”

WHEREAS, the Second Amendment to *The Constitution of the United States* 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, *Parker v. District of Columbia* (311 F. Supp. 2d 103 (D.D.C. 2004)) provides that: “the Second Amendment protects an individual’s right to keep and bear arms. That right existed prior to the formation of the new government under the Constitution and was premised on the private use of arms for activities such as hunting and self-defense, the latter being understood as resistance to either private lawlessness or the depredations of a tyrannical government (or a threat from abroad). In addition, the right to keep and bear arms had the important and salutary civic purpose of helping to preserve the citizen militia. The civic purpose was also a political expedient for the Federalists in the First Congress as it served, in part, to placate their Antifederalist opponents. The individual right facilitated militia service by ensuring that citizens would not be barred from keeping the arms they would need when called forth for militia duty. Despite the importance of the Second Amendment’s civic purpose, however, the activities it protects are not limited to militia service, nor is an individual’s enjoyment of the right contingent upon his or her continued or intermittent enrollment in the militia (*id.* at p. 395); and

WHEREAS, the Supreme Court of the United States has held that the Second Amendment guarantees an individual’s right to possess firearms independent of service in a state militia and to use firearms for traditionally lawful purposes, including self defense within the home (*Columbia v. Heller* 128 S. Ct 2783 (2008)); and

WHEREAS, the Supreme Court in *Heller* held that: “the amendment guarantee(s) the individual’s right to possess and carry weapons in case of confrontation,” and that the amendment’s text implicitly recognizes the preexistence of the right and declares only that it “shall not be infringed” (*Id.*, at 2790-2797); and

WHEREAS, the Supreme Court has held in *McDonald v. Chicago*, 561 U.S. 742 (2010) extended the holding in *Heller* to the states and local governments; and

Resolution Affirming the Second Amendment of the *Constitution of the United States of America*, and Declaring Fannin County, a political subdivision of the State of Georgia as a Second Amendment Sanctuary County

WHEREAS, Article I, Section I, Paragraph VIII of the *Constitution of the State of Georgia*, entitled “Arms, right to keep and bear,” provides that, “[t]he right of the people to keep and bear arms shall not be infringed, but the General Assembly shall have power to prescribe the manner in which arms may be borne,” and;

WHEREAS, the Official Code of Georgia Annotated § 1-2-6 (a)(9) provides that the right to keep and bear arms is among the rights of the citizens of the State of Georgia that are without limitation, and;

WHEREAS, Fannin County is a political subdivision of the State of Georgia; and

WHEREAS, the Board of Commissioners, composed of the duly elected chairman and two post commissioners, is charged with the governing of Fannin County, Georgia, pursuant to the foregoing and to ensure the safety and wellbeing of the citizens and guests of the same and have each sworn an oath to uphold and defend *The Constitution of the United States of America* and *The Constitution of the State of Georgia*; and

WHEREAS, any act, law, rule, regulation, scheme or plan that seeks to infringe or otherwise prevent or outlaw “[t]he right of the people to keep and bear arms” in violation of the Second Amendment to *The United States Constitution*, to the *Constitution of the State of Georgia*, and the holdings of the United States Supreme Court are not to be permitted; and

WHEREAS, the citizens of Fannin County, a political subdivision of the State of Georgia, consider the right of people to keep and bear arms for defense of life, liberty and property to be an inalienable right of the people, and;

WHEREAS, the citizens and visitors to Fannin County, a political subdivision of the State of Georgia, derive economic and social benefits from all safe forms of firearms recreation, hunting and shooting conducted within the County, and;

WHEREAS, the Board of Commissioners of Fannin County, a political subdivision of the State of Georgia, desires to affirm its belief in the Second Amendment to the *Constitution of the United States of America* and specifically to the Second Amendment of the same and to the *Constitution of the State of Georgia* and to publicly set forth its support of the same so as to ensure the citizens of the County’s individual, inalienable rights to keep and bear arms,

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Fannin County, a political subdivision of the State of Georgia, that:

1. The Second Amendment of the *Constitution of the United States of America* and the *Constitution of the State of Georgia*, as well as the provisions of the Official Code of Georgia Annotated § 1-2-6 (a)(9) to ensure the individual, inalienable rights to keep and bear arms is affirmed.
2. Fannin County, a political subdivision of the State of Georgia, is declared to be a “Second Amendment Sanctuary County.”

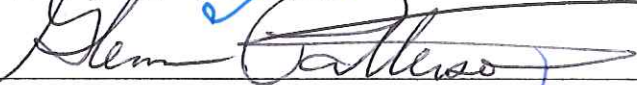
3. That no agent, employee or official of Fannin County, Georgia or any corporation doing business with the County shall provide material support or participate in any way with the implementation of federal acts, orders, rules, laws, or regulations in violation of the Second Amendment to *The Constitution of the United States of America*.


4. The Board of Commissioners of Fannin County will not authorize or appropriate funds, resources, employees, agencies, contractors, buildings, detention centers or offices for the purpose of enforcing or assisting in the enforcement of any element of any acts, laws, orders, mandates, rules or regulations that infringe on the right by the people to keep and bear arms, and;

5. Any federal acts, laws, orders, rules, regulations that violate the Second Amendment to the *Constitution of the United States* or Article I, Section I, Paragraph VIII of the *Constitution of the State of Georgia*, that violate the true meaning and intent of those constitutions as set forth in the above referenced holdings of the Supreme Court of the United States are hereby declared to be invalid and are specifically rejected in Fannin County, a political subdivision of the United States and shall be considered null and void and of no effect in said County.

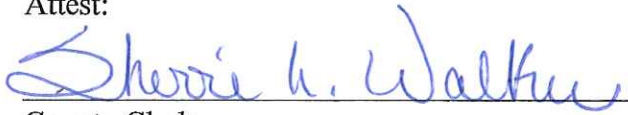
The foregoing having been adopted by a vote of the Fannin County Board of Commissioners held pursuant to notice at its regularly scheduled meeting of February 25, 2020.


R. Stanley Helton, Chairman


Glenn Patterson, Post One Commissioner


Earl Johnson, Post Two Commissioner

Attest:


County Clerk

