

*Resolution 10 -2013*

**of the Montrose County  
Board of County Commissioners**

**in Defense of 2nd Amendment Rights**

**WHEREAS**, the Second Amendment of the United States Constitution provides that "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 right to arms and self defense is recognized in State Constitutions; and

**WHEREAS**, the natural and unalienable right to self-defense is well established in the writings of many philosophers and authors since ancient times of Greece and Rome; and

**WHEREAS**, for centuries tyrants have recognized that a disarmed population is readily dominated; and

**WHEREAS**, the Second Amendment protects the rights of self-defense, defense of others and defense of the nation, and assumes the rights to hunting and sport shooting; and

**WHEREAS**, it is estimated that more than 70 million people, representing more than half of the households in America, have chosen to lawfully exercise the right to bear arms and defend themselves and their families; and

**WHEREAS**, many gun-control laws implicitly assume the guilt of lawful and responsible firearms owners with little effect on the ability of criminals to obtain firearms and use them unlawfully; and

**WHEREAS**, the vast majority of all lawfully owned firearms in America are not used in crime; and

**WHEREAS**, statistically, lawful gun owners are less likely to break the law than the average member of the public; and

**WHEREAS**, in 2008 the United States Supreme Court in *District of Columbia v. Heller* ruled that the Second Amendment protects an *individual's—rather than a collective—*right to keep and bear arms, and in 2010 in *McDonald v. City of Chicago* the Supreme Court further opined that the right of an individual to keep and bear arms protected by the Second Amendment is incorporated by the Due Process Clause of the Fourteenth Amendment and applies to the States; and

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**WHEREAS**, studies by the National Academies of Science and the Centers for Disease Control have found no persuasive evidence that "gun control" laws actually reduce crime; and

**WHEREAS**, today, Americans are safer from violent crime than they have been at any time since the mid-1960s; and so

**THEREFORE, BE IT RESOLVED** that Montrose County by and through its Board of County Commissioners, WILL uphold the Second Amendment of the Constitution of the United States, and WILL act in conformity with our sworn duties as duly elected officials charged with public trust, and WILL, in conjunction with prior decisions by the United States Supreme Court, NOT enforce any statutes, edicts, Presidential Directives, or other regulations and proclamations which conflict—and are expressly preempted by—the U.S. Supreme Court's rulings. The Board of County Commissioners strongly urges the United States Senate to reject international treaties that will infringe on the Second Amendment rights of American citizens; including United Nations (UN) Arms Trade Treaty, any treaty not in conformance with the Constitution or presented but not ratified by Congress, Inter-American Convention Against Illicit Manufacturing of and Trafficking in Firearms (CIFTA), or the UN Programme of Action. And that neither the United States Congress nor the Colorado General Assembly of the State of Colorado should entertain consideration of any new legislation that would infringe on constitutionally protected rights under the Second Amendment through any means, including additional restrictions on lawful firearms and accessories; or on the possession, use, sale or transfer of legitimately owned firearms; and

**BE IT FURTHER RESOLVED** that the Montrose County Board of County Commissioners calls upon the United States Congress and the Colorado General Assembly to recognize the multitudes of existing laws related to the manufacture, sale and possession of firearms, and acknowledge that in order to combat gun violence, the Country must enforce existing laws and more effectively punish and deter those who commit these crimes.

**DONE THIS** 4th day of February 2013 at Montrose County, Colorado.