

RESOLUTION 2024-XXX

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF FRESNO IN SUPPORT OF THE SECOND AMENDMENT OF THE UNITED STATES CONSTITUTION

WHEREAS, the Second Amendment to the Constitution of the United States 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 Fresno County Board of Supervisors intends that this resolution will support and defend the rights, of the people as outlined in the Second Amendment, of Fresno County's diverse community, comprising people of various ethnic, religious, and political groups, with a population of over 1,000,000 residents, who may or may not choose to own a firearm; and

WHEREAS, the Board of Supervisors acknowledges the Declaration of Independence as one of the foundational documents in the formation of the United States of America and which provides, in part, that “all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness...”; and

WHEREAS, the Board of Supervisors affirms that the United States Constitution was established by our founding fathers "to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity."; and

WHEREAS, the Board of Supervisors acknowledges that the first ten amendments to the United States Constitution are known as the Bill of Rights and that the support and defense of these rights were necessary for the ratification of the United States Constitution by the States. Therefore, the defense and preservation of the Bill of Rights is still important today for all Fresno County residents; and

WHEREAS, the members of the Board of Supervisors have taken, sworn, and affirmed the Oath of Office, which includes supporting and defending the United States Constitution, in its entirety, including the Second Amendment, against all enemies foreign and domestic; and

WHEREAS, Article I, Section 1 of the California Constitution declares, “All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and privacy.”; and

WHEREAS, the Oath of Office taken by the members of the Board of Supervisors included an oath to bear true faith and allegiance to the United States Constitution and the Constitution of the State of California; and

WHEREAS, the Board of Supervisors believes that evil people kill the innocent and do damage with all kinds of instruments; and

WHEREAS, the Board of Supervisors believes that after instances of people killing or injuring people, there is often an outcry to “do something” and a calling for more restrictive gun laws, which the Board of Supervisors believes negatively infringes upon the right of law abiding citizens to bear arms; and

WHEREAS, the Board of Supervisors believes there are many questions about the true effectiveness of more gun laws in stopping gun violence or suicide and that both are issues of the conscience and mind, among other factors; and

WHEREAS, the Board of Supervisors believes there have been many problems with reports and studies claiming that gun laws work and that those reports and studies cherry-pick the data used and do not give an accurate picture of the effectiveness of these laws; and

WHEREAS, the Board of Supervisors believes the State of California continues to release violent criminals onto the streets and into our communities through acts such as Proposition 47, and Assembly Bill 109, all the while refusing to address mental health issues and criminal activity in our State that lead to most of these tragedies; and

WHEREAS, in *United States v. Cruikshank*, 92 US 542 (1875), the Court stated that the Second Amendment to the United States Constitution “shall not be infringed by Congress...”; and

WHEREAS, the right of the individual to keep and bear arms was restated in *District of Columbia v. Heller*, 554 U.S. 570 (2008); and

WHEREAS, *Cooper v. Aaron*, 358 U.S. 1 (1958) reaffirmed that the United States Constitution is the supreme law of the land and that States are bound by its decisions and must enforce them even when the States disagree; and

WHEREAS, Article III., Section 1. Of the California Constitution, provides, in part, that “the United States Constitution is the supreme law of the land.”; and

WHEREAS, the determination of whether a law, regulation or mandate is unconstitutional or unlawful is left to courts of competent jurisdiction; and

WHEREAS, the United States Supreme Court issued a decision in *McDonald v. City of Chicago*, 561 U.S. 742 (2010), which stated that the Fourteenth Amendment makes the Second Amendment right to keep and bear arms fully applicable to the States; and

WHEREAS, t h e landmark decision issued by the United States Supreme Court in *New York State Rifle & Pistol Association Inc. v. Bruen*, 142 S.Ct. 2111 (2022) (“*Bruen*”), stated that there is a constitutional right to bear arms in public for self-defense and held that New York’s “proper cause” standard, under which the applicants had to demonstrate a special need for self-protection distinguishable from that of the general community, violated the applicants’ Second and Fourteenth Amendment rights; and

WHEREAS, in *Caetano v. Massachusetts*, 577 U.S. 411 (2016), the Supreme Court stated that the Second Amendment rights applied to bearable arms even though they were not in existence at the time of the Second Amendment's enactment; and

WHEREAS, in *Bruen*, the Court declared that the Second Amendment presumptively protects conduct which complies with the plain text of the Second Amendment as the Founders understood the language of the day and that the lawfulness of any new firearm regulations must be based on an analysis of "whether a historical regulation is a proper analogue for a distinctly modern firearm regulation requires a determination of whether the two regulations are 'relevantly similar.'"; and

WHEREAS, the Board of Supervisors believes that the California Legislature has passed laws that will be determined to be unconstitutional under the Second Amendment, and continues to pass laws that will be determined to infringe, unconstitutionally, upon people's rights under the Second Amendment; and

WHEREAS, Governor Newsom stated the Second Amendment is becoming a "suicide pact" (CBS Evening News, January 23, 2023, Nora O'Donnell interview); and

NOW, THEREFORE BE IT RESOLVED, the Board of Supervisors supports and defends the Second Amendment for all Fresno County residents, whether they choose to own a gun or not; and

BE IT FURTHER RESOLVED, the Board of Supervisors shall may, in accordance with applicable law and with minimal delay, draft or amend county policies, procedures, and ordinances, or take other actions necessary to enforce this resolution in support of the Second Amendment; and

BE IT FURTHER RESOLVED, the Board of Supervisors will use all lawful means at its disposal to support and defend the Second Amendment, this Resolution, and all County Officials acting in accordance with this Resolution; and

BE IT FURTHER RESOLVED, that to the extent allowed by law, the Board of Supervisors may use all lawful means to prohibit, by resolution or ordinance, any Fresno County Department, Officer, or Employee acting in their official capacity, from applying for grants, spending county public funds, using County public resources or County public employees, that directly or indirectly support any past, present, or future, state or federal infringement on the Second Amendment; and

BE IT FURTHER RESOLVED, that the Board of Supervisors of the County of Fresno supports all discussions seeking new ideas to protect our citizens from potential violence and criminal activity, and declares that, to the maximum extent allowed by law, it will not abide by any order, provision, law, or agency initiative that violates the United States Constitution the California Constitution, or the Second Amendment.

DULY PASSED AND ADOPTED, this ____ day of _____, 2024 by the Board of Supervisors of the County of Fresno by the following vote: