

“SECOND AMENDMENT COUNTY” RESOLUTION Affirming Cleburne County's Effort to “Guard Against Any Encroachment On” Individual Liberty Rights Enumerated in The U.S. Bill of Rights and the Arkansas Declaration of Rights, Including but Not Limited to THE RIGHT TO “KEEP AND BEAR ARMS.”

Whereas, Cleburne County residents have a long-standing belief in the Bill of Rights in the United States Constitution and the Declaration of Rights in the Arkansas Constitution;

Whereas, as elected officials, we are sworn to uphold both the U. S. Constitution and the Arkansas Constitution in our Oath of Office.

Whereas, it seems that several of our time-honored, individual liberty rights enumerated in the U.S. Constitution and the Arkansas Constitution are under attack; particularly, the right to keep and bear arms.

Rights of the People

Whereas, it is plainly stated in U.S. Constitution, Amendment 9: The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Whereas, it is plainly stated in the Arkansas Constitution, Article 2, Section 29: Enumeration of Rights of People Not Exclusive of Other Rights - Protection Against Encroachment - “This enumeration of rights shall not be construed to deny or disparage others retained by the people; and to guard against any encroachments on the rights herein retained, or any transgression of any of the higher powers herein delegated, we declare that everything in this article is excepted out of the general powers of the government; and shall forever remain inviolate; and that all laws contrary thereto, or to the other provisions herein contained, shall be void.”

Right to Keep and Bear Arms

Whereas, it is plainly stated in the U.S. Constitution, Amendment 2: “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.”

Whereas, it is plainly stated in the Arkansas Constitution, Article 2, Section 5: Right to Bear Arms - “The citizens of this State shall have the right to keep and bear arms, for their common defense.”

Right of Due Process

Whereas, it is plainly stated in the U.S. Constitution, Amendment 5: No person shall be ... deprived of life, liberty, or property without due process of law ...

Whereas, it is plainly stated in the U.S. Constitution, Amendment 14, Section 1: ... 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.

Whereas, it is plainly stated in the Arkansas Constitution, Article 2, Section 8: Criminal Charges - Self-Incrimination - Due Process - Double Jeopardy - Bail - No person shall be ... deprived of life, liberty or property, without due process of law.

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Whereas, it is plainly stated in the Arkansas Constitution, Article 2, Section 13: Redress of Wrongs - Every person is entitled to a certain remedy in the laws for all injuries or wrongs he may receive in his person, property or character; he ought to obtain justice freely, and without purchase; completely, and without denial; promptly and without delay; conformably to the laws

Whereas, it is plainly stated in the Arkansas Constitution, Article 2, Section 21: Life, Liberty and Property - Banishment Prohibited - No person shall be ... deprived of his life, liberty or property; except by the judgment of his peers, or the law of the land

Right of Equal Protection

Whereas, it is plainly stated in the U.S. Constitution, Amendment 14, Section 1: ... No State shall deny to any person within its jurisdiction the equal protection of the laws.

Whereas, it is plainly stated in the Arkansas Constitution, Article 2, Section 2: Individual Liberty - All men are created equally free and independent, and have certain inherent and inalienable rights; amongst which are those of enjoying and defending life and liberty; of acquiring, possessing and protecting property, and reputation; and of pursuing their own happiness. To secure these rights governments are instituted among men, deriving their just powers from the consent of the governed

Whereas, it is plainly stated in the Arkansas Constitution, Article 2, Section 18: Privileges and Immunities - Equality - The General Assembly shall not grant to any citizen, or class of citizens, privileges or immunities which, upon the same terms, shall not equally belong to all citizens.

Whereas, it is plainly stated in the Arkansas Constitution, Article 2, Section 3: The equality of all persons before the law is recognized, and shall ever remain inviolate; nor shall any citizen ever be deprived of any right, privilege or immunity; nor exempted from any burden or duty, on account of race, color or previous condition.

Right Against Unreasonable Search and Seizure

Whereas, it is plainly stated in the U.S. Constitution, Amendment 4: The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Whereas, it is plainly stated in the Arkansas Constitution, Article 2, Section 15: Unreasonable Searches and Seizures - The right of the people of this State to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue, except upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or thing to be seized.

Powers of the State

Whereas, it is plainly stated in U.S. Constitution, Amendment 10: 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.

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Whereas, it is plainly stated in U.S. Constitution, Article 2, Section 1: Source of Power - All political power is inherent in the people and government is instituted for their protection, security and benefit; and they have the right to alter, reform or abolish the same, in such manner as they may think proper.

Whereas, it is plainly stated in the Arkansas Constitution, Article 2, Section 12: Suspension of Laws -No power of suspending or setting aside the law or laws of the State, shall ever be exercised, except by the General Assembly.

Sworn Duty of County Officials and Officers

Whereas, in order to uphold our sworn duty, we are bound to follow and enforce support of all of the provisions in the U.S. Constitution Bill of Rights and the Arkansas Constitution Declaration of Rights;

Whereas, it is our duty to do our part to guard against any unconstitutional denial of, disparagement of, or encroachment on any of the enumerated or unenumerated rights retained by the people;

NOW, THEREFORE, BE IT RESOLVED BY THE QUORUM COURT OF CLEBURNE COUNTY, ARKANSAS:

1. **SECOND AMENDMENT COUNTY:** As an expression of Cleburne County's desire to join the present nationwide effort to affirmatively state county government support for the U.S. Constitution, Bill of Rights, Second Amendment, and the statewide effort to affirmatively state county government support for support for the Arkansas Constitution, Declaration of Rights, Section 5, as plainly written and historically interpreted and applied, let it be resolved and known that Cleburne County, Arkansas, is hereby designated a "Second Amendment County."
2. **RIGHT TO KEEP AND BEAR ARMS:** Cleburne County shall uphold each and every provision of the Bill of Rights in the U.S. Constitution and the Declaration of Rights in the Arkansas Constitution and, specifically, Cleburne County shall uphold the right of the citizens of this county to "keep and bear arms" as guaranteed by the U.S. Constitution, Amendment 2, and the Arkansas Constitution, Declaration of Rights Article 2, Section 5.
3. **UNCONSTITUTIONAL LAWS ARE VOID:** It is declared to be the official policy of Cleburne County that the U.S. Second Amendment right and the Arkansas Article 2, Section 5, right of citizens to keep and bear arms will be honored by the officials, officers and employees of Cleburne County as a constitutionally-protected individual liberty right and that any act of any legislature that plainly abrogates U.S. Constitution Amendment 2 or Arkansas Constitution Declaration of Rights, Article 2, Section 5, could be treated as void and, therefore, could be considered unenforceable in Cleburne County.
4. **LIBERTY RIGHTS BELONG TO THE PEOPLE:** Since it is clear from both U.S. Constitution Amendment 9 and Arkansas Constitution Article 2, Section 29, that individual liberty rights belong to the people and are to be forever retained by the people and not transgressed by any of the powers delegated to either the U.S. or Arkansas governments, Cleburne county shall neither interpret nor construe any legislation in any manner that would deny or disparage the Bill of Rights or the Declaration of Rights and shall guard against any encroachments on the U.S. Bill of Rights and the Arkansas Declaration of Rights.
5. **SHALL FOREVER REMAIN INVIOLETE:** Cleburne County agrees with and supports the U.S. Constitution Amendment 9 and Arkansas Constitution Article 2, Section 29 concepts that the individual

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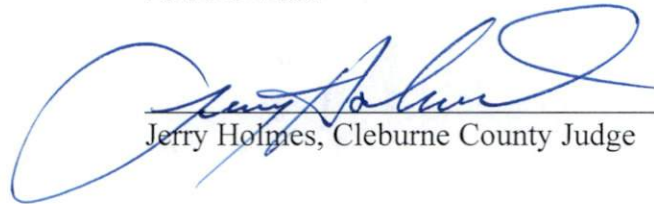
liberty rights enumerated in the U.S. Bill of Rights and the Arkansas Declaration of rights are excepted out of the general powers of the government and shall forever remain inviolate.

- DUE PROCESS OF LAW:** Cleburne County shall obey the Constitutions of the U.S. and Arkansas, including the Tenth Amendment police powers as needed to maintain order, ensure security, and keep the peace, all as limited by the Fourth Amendment right of every person to be free from unreasonable searches and seizures and the Fourteenth Amendment promise that the no person will be deprived of life, liberty or property except by due process of law.

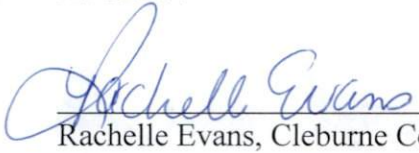
CERTIFICATION OF ADOPTION OF RESOLUTION

The undersigned Clerk of the County Court of Cleburne County, Arkansas, hereby certifies that the Resolution set forth above was adopted during an open meeting on March 12, 2020, by the Quorum Court.

APPROVED:


Jerry Holmes, Cleburne County Judge

ATTEST:


Rachelle Evans, Cleburne County Clerk

Book E page(s) R39-R42

FILED
2020 MAR 16 PM 12:09
RACHELLE EVANS
CLEBURNE COUNTY CLERK