

RESOLUTION NO. _____

RESOLUTION DECLARING THE TOWN OF ST. JOSEPH, ST. CROIX COUNTY, WISCONSIN
A SECOND AMENDMENT SANCTUARY TOWN

WHEREAS, the right of the people to keep and bear arms is guaranteed as an individual right under the Second Amendment to the United States *Constitution*, and under the *Constitution* of the State of Wisconsin, Article 1, Section 25, which states, “*The people have the right to keep and bear arms for security, defense, hunting, recreation or any other lawful purpose,*” and

WHEREAS, the Second Amendment to the *Constitution* of the United States of America 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

WHEREAS, the right of the people to keep and bear arms is further protected from infringement by State and Local Governments under the Ninth, Tenth, and Fourteenth Amendments to the Constitution of the United States of America; and

WHEREAS, the Supreme Court of the United States of America in *District of Columbia v. Heller* recognized the individual's right to keep and bear arms, as protected by the Second Amendment of the Constitution of the United States of America. Justice Antonin Scalia's prevailing opinion in that case stated that the Second Amendment protects an individual's right to possess a firearm unconnected with service in a militia, and the right to use that firearm for traditionally lawful purposes, such as self-defense within the home; and

WHEREAS, Section 1 of the Fourteenth Amendment to the *Constitution* of the United States of America 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

WHEREAS, The Supreme Court of the United States recognized in *McDonald v. City of Chicago* that the Second Amendment to the *Constitution* was incorporated by the Fourteenth Amendment and thereby made applicable to the States; and

WHEREAS, Justice Thomas M. Cooley in the *People v. Hurlbut* 24 Mich. 44, page 108 (1871), states: "The State may mould local institutions according to its views of policy or expediency: but local government is a matter of absolute right; and the state cannot take it away";

WHEREAS, the right of the people to keep and bear arms for defense of life, liberty and property is regarded as a fundamental right held by the people of the Town of St. Joseph, St. Croix County, Wisconsin; and

WHEREAS, the people of the Town of St. Joseph, St. Croix County, Wisconsin, derive economic benefit from all safe forms of firearms recreation, hunting, and shooting conducted within the Town of St. Joseph using all types of firearms allowable under the United States *Constitution* and the *Constitution* of the State of Wisconsin, and;

WHEREAS, Wisconsin State Senators and State Representatives have also sworn by their Oath of Office to uphold the United States *Constitution* and the *Constitution* of the State of Wisconsin; and

WHEREAS, legislation is currently being considered and expected to be proposed by both the Wisconsin State Legislature and Federal Legislature that potentially seeks to infringe on the constitutionally protected right of citizens to keep and bear arms; and

WHEREAS, it is desirable to declare that the Town of St. Joseph, St. Croix County, is a Second Amendment Sanctuary Township, as the Town of St. Joseph opposes the enactment of any legislation that would infringe upon the Constitutional right of the people of the Town of St. Joseph, St. Croix County, to keep and bear arms.

PROHIBITIONS:

Notwithstanding any other law, regulation, rule or order to the contrary, no agent, department, employee or official of the Town of St. Joseph, St. Croix County, a political subdivision of the State of Wisconsin, while acting in their official capacity, shall:

1. Knowingly and willingly, participate in any way in the enforcement of any Unlawful Act, as defined herein, regarding personal firearms, firearm accessories, or ammunition.
2. Utilize any assets, Town of St. Joseph funds, or funds allocated by any entity to the Town of St. Joseph, in whole or in part, to engage in any activity that aids in the enforcement or investigation relating to an Unlawful Act in connection with personal firearms, firearm accessories, or ammunition.

THEREFORE, the right to keep and bear arms is a fundamental individual right that shall not be infringed; and all local, state, and federal acts, laws, orders, rules or regulations regarding firearms, firearms accessories, and ammunition are a violation of the Second Amendment. Local governments have the legal authority to refuse to cooperate with state and federal firearm laws that violate those rights and to proclaim a Second Amendment Sanctuary for law-abiding citizens in their cities and counties.

NOW, THEREFORE, BE IT RESOLVED that the Town of St. Joseph Board Supervisors, St. Croix County, Wisconsin, hereby declare the Town of St. Joseph, St. Croix County, to be a Second Amendment Sanctuary Township, and hereby states its opposition to the enactment of any legislation that would infringe upon the Constitutional right of the people of the Town of St. Joseph, St. Croix County, to keep and bear arms.

Offered by the _____ Committee this ___ day of _____.

Statement of Purpose: Resolution Declaring the Town of St. Joseph, St. Croix County, Wisconsin, to be a Second Amendment Sanctuary Township.

Fiscal Note: No direct costs.