

RESOLUTION 2013-2

A RESOLUTION OF THE TOWN OF HOLLY, COLORADO SUPPORTING THE SECOND AMENDMENT OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA AND ARTICLE II, SECTION 13 OF THE CONSTITUTION OF THE STATE OF COLORADO ESTABLISHING THE RIGHT OF LAW ABIDING CITIZENS TO KEEP AND BEAR ARMS

WHEREAS, the Second Amendment of the Constitution of the United States of America 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, Article II, Section 13 of the Constitution of the State of Colorado provides, “The right of no person to keep and bear arms in defense of his home, person and property, or in aid of the civil power when thereto legally summoned, shall be called in question...”; and

WHEREAS, throughout history, tyrants have recognized that a disarmed population is readily dominated; and

WHEREAS, the Second Amendment of the U.S. Constitution protects the rights of self-defense, defense of others and defense of the Nation and assumes the rights of hunting and sport shooting; and

WHEREAS, it is estimated that more than 70 million people, representing more than half the households in the U.S., 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 lawfully owned firearms in the United States 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 Fourth Amendment and applies to states; and

WHEREAS, studies conducted by the National Academy of Sciences 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-1960’s; and

WHEREAS, it is hereby found and determined that the meeting at which this Resolution is adopted to be open to the public as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Town of Holly Board of Trustees, that:

the elected and appointed officials of the Town of Holly, Colorado will uphold the Second Amendment of the Constitution of the United States of America and will act in conformity with our sworn duty as duly elected and appointed officials charged with public trust, and will in conjunction with prior decisions of the U.S. 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.

BE IT FURTHER RESOLVED, THAT:

the Town of Holly Board of Trustees strongly urges the United States Senate to reject international treaties that will infringe on the Second Amendment rights of United States citizens; including United Nations (UN) Arms Trade Treaty, 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.

BE IT FURTHER RESOLVED, THAT:

the Town of Holly Board of Trustees calls upon the United States Congress and the Colorado General Assembly to recognize the multitude of existing laws related to the manufacture, sale and possession of firearms, and acknowledge that in order to combat gun violence, our Country must enforce existing laws and more effectively punish and deter those who commit these crimes.

PASSED AND APPROVED THIS 6th DAY OF FEBRUARY, 2013.

/s/ Bradley J. Simon, Mayor

ATTEST:

/s/ Mary Rushton, Clerk/Treasurer