

FILED
TERRI ROSS
COUNTY CLERK

2019 NOV 15 AM 11:10

UPSHUR COUNTY, TX.

BY  DEPUTY

UPSHUR COUNTY COMMISSIONER'S COURT
Resolution Declaring Upshur County, Texas
a Second Amendment County

WHEREAS, the Constitution of the United States is the supreme law of our nation and the Texas Constitution is the supreme law of our state; and

WHEREAS, the Second Amendment to the United States Constitution provides in pertinent part 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 Fourteenth Amendment to the United States Constitution provides that "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 United States Supreme Court in the case of District of Columbia v. Heller, 554 U. S. 570 (2008) affirmed that the Second Amendment right to keep and bear arms is not limited to those serving in the militia, but also guarantees the rights of private citizens to remain armed; and

WHEREAS, the U. S. Supreme Court in the case of McDonald v. City of Chicago, 561 U. S. 742 (2010) further illuminated the parameters of the Second Amendment by ruling that the right of private citizens to keep and bear arms is further secured by the Due Process and Privileges and Immunities clauses of the Fourteenth Amendment, which, stated another way, means that the right of the people to keep and bear arms applies to state and local governments as well as to the federal government; and

WHEREAS, the Texas Constitution, Article 1, Section 23 provides that "every citizen shall have the right to keep and bear arms in the lawful defense of himself or the State; and

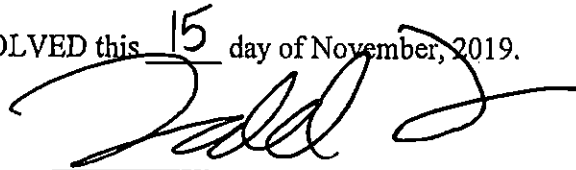
WHEREAS, we intend in this County to allow our law abiding citizens to be well armed to protect themselves from criminals and violence; and

WHEREAS, the last protectors of the U. S. Constitution and the Texas Constitution are the County Sheriffs and the people themselves of the United States of America, and that our ability to fulfill that role as protectors of our rights successfully rests on the Second Amendment.

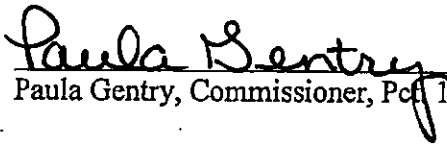
NOW, THEREFORE, be it resolved that the people of Upshur County, Texas, through their duly elected Commissioner's Court, Sheriff, and Constables, hereby designate Upshur County, Texas as a Second Amendment County in order to preserve for the people who reside in Upshur County, Texas their rights guaranteed by the United States and Texas Constitutions; and

FURTHERMORE, we the people of Upshur County, Texas, through this Resolution hereby declare our rights, our freedom and our liberty as guaranteed by the said founding documents of the United States of America and of the State of Texas.

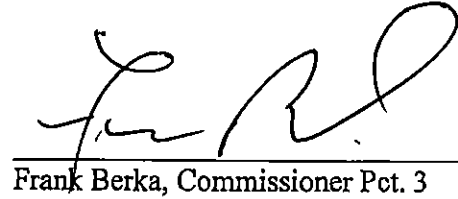
IN WITNESS THEREOF, RESOLVED this 15 day of November, 2019.



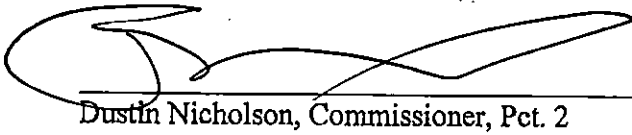
Todd Tefteller, Upshur County Judge



Paula Gentry, Commissioner, Pct. 1



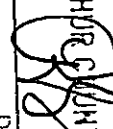
Frank Berka, Commissioner Pct. 3



Dustin Nicholson, Commissioner, Pct. 2



Jay Miller, Commissioner, Pct. 4

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