

Williamson County Republican Party

Williamson County, Tennessee

April 20, 2023

a resolution requesting the general assembly of the state of Tennessee preserve the fundamental right of Tennesseans to keep and bear arms

WHEREAS, the Second Amendment to the U.S. Constitution reads as follows: “*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 Second Amendment of the United States Constitution was incorporated against the states in 2010 by the U.S. Supreme Court in *McDonald v. Chicago* 561 U.S. 742, reinforcing an earlier decision in *District of Columbia v. Heller* 554 U.S. 570 (2008) emphasizing the individual right of citizens to keep and bear arms; and

WHEREAS, the United States Supreme Court held in *New York State Rifle and Pistol Ass’n, v. Bruen*, 142 S.Ct. 2111 that conduct covered by the Second Amendment is presumptively protected from government regulation and that the burden is therefore on government to identify a law having a national historical tradition as of 1791 in order to arguably justify any such regulation; and

WHEREAS, self-defense and self-preservation are rights bestowed by God to all people; and

WHEREAS, so-called “red flag” laws are repugnant to the U.S. Constitution, specifically to the Second Amendment, because such laws, 1) potentially deprive law abiding citizens of their right to self-defense, 2) violate the due process doctrine by potentially depriving a citizen of property and self-defense based on presumptions, accusations, or a prediction of future behavior of a person, 3) unfairly punish and infringe, without a criminal conviction, the right of citizen(s) to keep and bear arms and 4) have no basis in the national historical tradition of the states as of 1791.

NOW, THEREFORE, BE IT RESOLVED by the Williamson County Republican Party County Executive Committee, this 19th day of April 2023 as follows:

SECTION 1: That the General Assembly of the state of Tennessee is urged to reject any so-called legislation, whether branded as a “red flag” law or otherwise that seeks to authorize the seizure of any individual’s firearms unless it is first finally determined by a court of law in a contested hearing that such person is prohibited by law from purchasing or possessing a firearm.

SECTION 2: That the General Assembly of the state of Tennessee focus on the root cause of violent crime, including gun violence, and that it pursue better enforcement of existing laws to deprive violent criminals or the adjudicated mentally defectives of their ability to do harm, and provide greater adult mental health services appropriate to treat conditions that may lead to violent crime.

SECTION 3: That the General Assembly of the state of Tennessee require than any legislation or resolution which does or may be construed to infringe or impair any right or activity within the broad scope of the Second Amendment be rejected as unconstitutional and that it be prohibited from consideration unless the sponsor thereof first demonstrates by clear and convincing historical evidence and proof, as shown in the record and the preamble of such legislation or resolution, that such proposal satisfies all of the requirements imposed by the United States Supreme Court in the *Bruen* decision and that such condition precedent be imposed pursuant to each such Legislator’s sworn oath of office.

SECTION 3: That upon approval and signing of this resolution, a copy be transmitted to the legislators that represent Williamson County, Tennessee, the governor of the state of Tennessee, the speaker of the Tennessee House of Representatives, the speaker of the Tennessee Senate, and the chairman of the Tennessee Republican Party.