

ALGER COUNTY BOARD OF COMMISSIONERS

Mary Ann Froberg, Clerk
101 COURT STREET, MUNISING, MI 49862

RESOLUTION #2023-08

**RESOLUTION DECLARING ALGER COUNTY,
A CONSTITUTIONAL SECOND AMENDMENT SANCTUARY COUNTY**

WHEREAS, the County Board of Commissioners of the County of ALGER, State of Michigan, pursuant to Michigan statute, (Article 7 Section 2 MC) is vested with the authority of administering the affairs of the County government of ALGER County, Michigan, (Article 7 Section 1 MC) and is organized as a body corporate with powers and immunities provided by law, (Article 4 section 51 MC) and to protect the health, safety, and welfare of the residents of ALGER County and the employees of the ALGER County government; and

WHEREAS, a statute by a legislative authority (Alger County Commissioners) is considered constitutionally valid until a court decides it's not; and

WHEREAS, the Second Amendment to The Constitution of the United States of America, ratified in 1791 as part of the Bill of Rights, 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 United States Supreme Court in United States v. Miller, 307 U.S. 174 (1939), opined that possession or use of a firearm that has some reasonable relationship to the preservation of a well-regulated militia is protected by the Second Amendment; and

WHEREAS, the United States Supreme Court in District of Columbia v. Heller, 554 U.S.570 (2008), affirmed an individual's right to possess a firearm, unconnected with service in a militia, and to use that firearm for traditionally lawful purposes, such as self-defense within the home; and

WHEREAS, the United States Supreme Court in McDonald v. Chicago, 561 U.S. 742 (2010), affirmed that the right of an individual to "keep and bear arms," as protected under the Second Amendment, is incorporated to the States by the Due Process Clause of the Fourteenth Amendment; and

WHEREAS, Article I, Section 6 of the Michigan Constitution (1963) provides that "Every person has a right to keep and bear arms for the defense of himself and the state"; and

WHEREAS, it is the desire of this Board to reaffirm its commitment and support of The Constitution of the United States of America as well as the Constitution of the State of Michigan including all amendments which protect Alger County citizens' individual rights; and

WHEREAS, it is the desire of this Board to declare its support of the Second Amendment to the United States Constitution and to the provisions of the Michigan Constitution which protect ALGER County citizens' individual rights to keep and bear arms; and

WHEREAS, each Alger County Commissioner, as provided by Article IX, section 1, of the Michigan Constitution (1963), took an oath to support The Constitution of the United States of America and the Michigan Constitution.

WHEREAS, a "Constitutional Sanctuary County" is defined as a place of refuge for the law abiding citizen in regards to the citizens' rights under The Constitution of the United States of America and Michigan Constitution including but not limited to the Second Amendment right to Keep and Bear Arms.

NOW THEREFORE IT IS HEREBY RESOLVED, by the ALGER County Board of Commissioners, that the County of ALGER, Michigan, be, and hereby is, declared to be a "Constitutional Sanctuary County."

IT IS FURTHER RESOLVED, that this Board affirms its support for the Alger County Sheriff and the Alger County Prosecuting Attorney, in the exercise of their sound discretion to NOT enforce any statute or law that is contrary to the rights established by The Constitution of the United States of America and the State of Michigan constitution against any law-abiding citizen of Alger.

BE IT FURTHER RESOLVED, that this Board will not authorize or appropriate funds, resources, employees, agencies, contractors, buildings, detention centers or offices for the purposes of enforcing any law that restricts the rights of any law abiding citizen affirmed by the Second Amendment or Article 1, Section 6, of the Michigan Constitution, nor be used to aid any state or federal agency in infringing or restricting such rights which would be considered to be unconstitutional; and

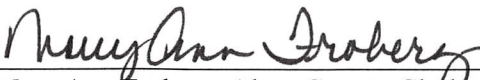
BE IT FURTHER RESOLVED, that the Board respectfully requests the Michigan Legislature, the United States congress and other agencies of State and Federal government to vigilantly preserve and protect those rights by rejecting any provision, law or regulation that may infringe, have the tendency to infringe or place any additional burdens on the rights of law-abiding citizens to keep and bear arms; and

BE IT FURTHER RESOLVED, that the Board directs its staff to forward a copy of this resolution to the Alger County Township Supervisors, Alger County elected officials, and the other 82 counties in the State of Michigan, the Michigan State Legislature (House of Representatives and State Senators), the Governor of Michigan and all of the Michigan U.S. Congress members.

CERTIFICATION

I hereby certify that the above is a true copy of a Resolution adopted by the Alger County Board of Commissioners at the time, date, and place specified above pursuant to the required statutory procedures.

Respectfully submitted,



Mary Ann Froberg, Alger County Clerk

Dated: April 10, 2023

