

2nd Amendment Sanctuary Cities

VA ATTORNEY GENERAL MARK HERRINGS STATEMENT

These resolutions appear to be nothing more than symbolic since no new gun laws have passed or even been considered yet. It's not clear what a second amendment sanctuary is, what its proponents are hoping to accomplish, or what authority they think they have to preemptively opt-out of gun safety laws, but if the Virginia Citizens Defense League is circulating it you can bet it's a bad idea. If the General Assembly passes new gun safety laws, as Virginia voters demanded just two weeks ago, we expect that everyone will follow the law and keep their citizens safe."

Please share Non Partisan information with your city & county elected officials Coalition To Stop Gun Violence Senior Advocacy Director Lori Haas sent info below .

General Talking Points on the "Second Amendment Sanctuary" Movement

- The so-called "Second Amendment Sanctuary Movement" is no surprise. The gun lobby extremists have tried it in other states to no avail. It is an act of desperation by those fearful of change.
- Resolutions passed by County Boards carry no weight in state law and were passed only to send a message to their voters - the Board's support of the 2nd Amendment. These resolutions in no way direct any defiance of law.
- Given the results of the November 5th elections where GVP was the #1 issue in Virginia, the General Assembly has a mandate from the voters to take action on gun violence prevention.
- Given the artificial majority caused by gerrymandered districts that Republicans have enjoyed for far too long, the gun lobby and its supporters have incorrectly asserted that GVP bills were killed in committee due to lack of support. The gun lobby is wrong - every poll in Virginia shows widespread support for GVP laws and now that we have a GVP majority in the General Assembly, the will of the people of the Commonwealth will actually happen.
- The counties that have passed these resolutions are sparsely populated and do not represent the majority of Virginians.

These So-Called "Second Amendment Sanctuary Counties" (SASCs) Hold No Authority

- Under our Constitution, the legislative branch passes laws, and the executive branch upholds and enforces these laws unless and until the judicial branch declares such laws unconstitutional, or they are repealed by the legislature or by ballot initiative. County supervisors are not in a position to pick and choose which state laws to support. It is up to the courts to decide whether or not laws infringe upon the Second Amendment.
- The majority of Americans, and Virginians, support common-sense gun safety laws. That support cuts across party lines. Not only would passing an SASC Resolution be defying Virginia's separation of powers, but it would also be going against the people's will in the state. Gun policy was the top issue for Virginia voters in the 2019 elections. [1]
 - o 88% of Virginia adults support universal background checks (81% of Republican Virginians)
 - o 82% of Virginians support allowing police to remove guns from people a judge

finds dangerous (75% of Republican Virginians)

o 58% of Virginians support a state limit of one handgun per month [2]

- Comparing sanctuary counties for immigrants to so-called SASCs is a false equivalency. Immigration laws are federal laws. Under our Constitution's principles of federalism, local governments are not obligated to enforce federal policies. This is not the case for so-called SASCs because our county supervisors are trying to undermine state -- not federal -- laws, and our county is a creation of our state.
- Because of this, if counties decline to enforce gun violence prevention laws, it could be opening their jurisdictions up to costly civil lawsuits -- for which Virginians, as taxpayers, would foot the bill.

"Sanctuary" Resolutions and Public Safety

- In 2017, 345 Virginians died by firearm homicide; Virginia's firearm homicide rate increased 45% between 2013 and 2017.[3] Commonsense gun laws can save countless Virginia lives. The Virginia Beach shooter took twelve lives using extended magazines, giving victims less of a chance to escape and allowing the killer more shots until he was stopped. If Virginia passes a limit on magazine size but these so-called SASCs allow our sheriffs to be able to decline to enforce this law, they will be allowing more people to fall victim to gun violence in Virginia.

- Supporting the right to keep and bear arms does not have to come at the expense of public safety. The Supreme Court in District of Columbia v. Heller recognized that the right to bear arms does not extend to those who pose a threat to the safety of themselves or others. Passing a resolution opposing any common sense gun laws is an ill-conceived, and empty, attempt to protect access to guns for dangerous people while making our constituents less safe. We deserve commissioners and sheriffs who care more about the safety of our community than about dangerous individuals' access.

"Sanctuary" Resolutions and Virginia's Economy

- Cities that pass the "Sanctuary" resolution may find it difficult attracting new business to the area and may in fact, drive existing businesses away.
- Corporations may decide to avoid locating businesses in any county that passes a resolution rather than running the risk of being associated with the gun lobby's radical and dangerous "any gun, anywhere, by anybody" mantra.
- Nationwide, we have seen a growing trend in corporations adopting new restrictions on firearms sales in the absence of action by Congress and the White House.[4] These corporations will certainly not want to be associated with "2A Sanctuary Cities."

[1] Doug Schoen, Virginia Elections Prove Gun Safety is the Winning Issue for 2020, FORBES, Nov. 23, 2019, available

at <https://www.forbes.com/sites/dougschoen/2019/11/23/virginia-elections-prove-gun-safety-is-the-winning-issue-for-2020/#4c5506a01c5b>.

[2] [Washington Post-Schar School Virginia Poll](https://www.washingtonpost.com/news/energy-environment/wp/2019/09/25/washington-post-schar-school-virginia-poll/), Sep. 25-30, 2019, available

at <https://games-cdn.washingtonpost.com/notes/prod/default/documents/322256e2-ddff-41e8-b813-6f96a351e381/note/6b8171ba-41d2-4e75-b1e1-018a9a6ba0c0.pdf#page=1>.

[3] CTR. DISEASE CONTROL & PREVENTION, NAT'L CTR. H. STATS., Underlying Cause of Death 1999-2017, CDC WONDER (2017), accessed

at <http://wonder.cdc.gov/ucd-icd10.html>.

[4] Scott Wong & Mike Lillis, Corporations step into gun control void, The Hill, September 5, 2019, available at <https://thehill.com/homenews/house/459989-corporations-step-into-gun-control-void>.

The DPVA Press Director Sent the Background info below- The Democratic Message

Memo: Second Amendment Sanctuaries Background

"Second Amendment sanctuary" resolutions refer to laws, ordinances, and resolutions passed by city, state, and local governments that express a sentiment of opposition to any legislation that infringes on the rights of gun owners. The text of the resolutions are often brief, and they have few legal ramifications. Most experts agree the resolutions are [purely symbolic](#). A [number of counties](#) in Washington, Oregon, New Mexico and Illinois passed "Second Amendment Sanctuary" resolutions following Democratic wins in 2018, and a similar pattern is emerging in Virginia.

Primarily being pushed by the Virginia Citizens Defense League (for a backgrounder on its leader Philip Van Cleave, [see this release](#) put out by the DPVA), over 40 (primarily rural) counties in Virginia have passed Second Amendment Sanctuary resolutions. However, sheriffs and law enforcement officials in these counties have made clear that they intend to follow the law and enforce what the legislature passes.

[Polling](#) from throughout the year in Virginia shows that residents overwhelmingly support common sense gun reforms that Democrats ran and won on in 2019. A [recent poll](#) from Roanoke College shows 84% of respondents support universal background checks, 76% support a red flag law, and 57% support an assault weapons ban. Opponents of gun safety legislation therefore represent a severe minority of Virginians.

Talking Points

- Remember, the Republicans in the General Assembly cut short the special session on gun violence after just 90 minutes without passing a single bill. Virginians put Democrats in power so that we could put a stop to their cowardice and actually do something about gun violence in our Commonwealth.
- So-called "Second Amendment Sanctuaries" are purely symbolic. We expect all law enforcement officials to do their duty and uphold the laws that the General Assembly passes.
- Senator Kaine put it best when he said our entire nation is a Second Amendment Sanctuary because we already have the protection of the Second Amendment. Democrats support the Constitution and the measures we're proposing have passed constitutional muster in other states before.
- Attorney General Mark Warner confirmed that these "Second Amendment Sanctuaries" have no legal effect and said he expects all law enforcement officials to

follow the law.

- Democrats across the Commonwealth campaigned and won on a platform of finally passing common sense gun safety measures. Come January, we're going to deliver on what we promised. It's what the people of Virginia demand we do.
- The gun safety measures Democrats support are popular with both Democrats and Republicans
 - 88% of Virginians support universal background checks, including 81% of Republicans
 - 82% of Virginians support a red flag law, including 72% of Republicans
 - A majority of Virginians also support limiting handgun purchases to one a month, a ban on assault weapons, and a ban on high capacity ammunition clips
- The vast majority of people in Virginia want us to do something about gun violence, and extremists like Philip Van Cleave aren't going to change that.

Significant News Clips

[WTVR: Attorney General's response to 2nd Amendment sanctuary resolutions: 'Gun safety laws will be followed'](#)

December 6, 2019

Virginia Attorney General Mark Herring has responded to the trend of Virginia counties passing Second Amendment sanctuary resolutions ahead of next year's General Assembly, saying they are being "ginned up by the gun lobby" and that any new gun laws passed will be enforced.

Following the November's election, which saw Democrats take control of both the state House and Senate, the expectation is lawmakers will pass a number of gun control measures in 2020 for Democratic Governor Ralph Northam to sign.

Northam has said that Democrats would start with the legislation he introduced for a special session on gun control this past summer. Republicans, who held the majority at the time, ended the session after 90 minutes.

In response to this expectation, Republican-leaning counties around Virginia have passed resolutions declaring themselves to be Second Amendment sanctuaries and voiced opposition to any future laws that may infringe upon Second Amendment rights.

Last week, Philip Van Cleave, president of the Virginia Citizens Defense League, a gun rights group, told CBS 6 in a statement that the "flood of Second Amendment sanctuary localities across the state, and the massive crowds at those government meetings, is sending a message to the General Assembly that Virginia does not need any more unconstitutional gun control."

Speaking to CBS 6 on Wednesday, Herring said when the General Assembly passes gun control legislation those laws will be enforced.

"The resolutions that are being passed are being ginned up by the gun lobby to try to scare people. What we're talking about here are laws that will make our communities and our streets safer. We're talking about universal background checks, finally, maybe, Virginia will pass universal background

checks to make sure that people who are dangerous, who are criminals and who aren't permitted to buy guns, won't be able to buy guns," said Herring. "So, when Virginia passes these gun safety laws that they will be followed, they will be enforced."

At least one Democratic lawmaker, Del. Jay Jones (D - 89th) has said he wanted a formal opinion from Herring on the issue of Second Amendment sanctuary resolutions. In a tweet, Jones posted a letter addressed to Herring calling the issue a "flashpoint across our state".

On Wednesday, when he spoke to CBS 6, Herring said his office had not officially received Del. Jones' request, but would respond when they do.

"We'll get it when it comes in. We'll take a look at it and we'll make an appropriate response," added Herring.

CBS: Sabato: Second Amendment sanctuary resolution "means nothing" December 4, 2019

Larry Sabato from the University of Virginia Center for Politics said the rash of Second Amendment sanctuary resolutions being passed by Virginia counties will be meaningless if they are in conflict with state law.

Sabato said counties are trying to send a message to the General Assembly and Governor Ralph Northam.

Democrats took control of the House of Delegates during the 2019 election and they now have the majority in the General Assembly.

Sabato believes Republicans in rural areas are fearful that Democrats could pass gun control measures that would limit their ability to own guns.

Sabato said this reminds him of what happened in 2008 when Barack Obama was elected president and many Republican areas passed resolutions that would prevent gun confiscation.

He believes the Second Amendment resolutions are an over-reaction because he does not believe Democrats can pass any type of legislation that would take guns away from people who legally own them.

"I think strengthening background checks is the most likely piece of legislation to pass the General Assembly," Sabato said. "And it does not violate the Second Amendment, at least as it has been proposed."

He also said local ordinances don't have much impact because state law over-rides local law.

"Passing a local ordinance means nothing," Sabato said. "It means absolutely nothing if the state law overrides it. If they think the Second Amendment overrides the state law, take it to court, take the state to court."

He said cities that are more liberal will likely not make any type of statement regarding Second Amendment sanctuaries before the General Assembly session begins.

Virginian Pilot: Virginia gun rights groups are pushing “Second Amendment sanctuaries.” But what does that mean?

December 5, 2019

So your city or county has passed a resolution declaring it’s a “Second Amendment sanctuary.”

Now what?

The question is emerging across the commonwealth as gun rights groups successfully lobby localities large and small to vote on such resolutions declaring that officials there will not use public funds to in any way restrict rights granted by the Second Amendment.

It’s intended as a warning to the newly elected Democratic majority as they enter the General Assembly session: We don’t want stricter gun laws, and we dare you to pass them.

As the movement swept into Hampton Roads, Gloucester County’s Board of Supervisors passed such a resolution Tuesday — the same night hundreds of gun rights supporters crowded Virginia Beach City Hall to push for one. On Wednesday night more than 600 supporters flooded a Suffolk City Council meeting; a petition on the issue had more than 1,200 signatures, one speaker said. A vote is set later this month in York County, and Virginia Beach will likely take it up in January.

But do these resolutions have any teeth?

The short answer is: Not really. If local officials refuse to enforce the new state laws, they themselves would be breaking the law. Since most wouldn’t do that, the measure is really just symbolic.

Take Virginia Beach Sheriff Ken Stolle. He said he personally doesn’t believe the proposed gun control laws will work and wants Second Amendment rights to be protected. In fact, he was glad to have a gun on him in mid-November when he had to detain a burglar who attempted to break into his Great Neck home. The burglar was not armed and Stolle did not draw his weapon, an office spokeswoman said. But it’s not up to him, Stolle said. He’ll follow whatever the law says, regardless of any resolution passed by the city.

“It’s a political effort more than anything else,” Stolle said. “Every sheriff should enforce the Constitution, but there’s a process for (determining what’s constitutional), and it’s not individual sheriffs. ... There’s a process for taking these things to appeal through a court.”

Democrats promised sweeping gun control legislation when they take power in January, and Gov. Ralph Northam has proposed several bills that were previously defeated by a GOP-led legislature.

They include requiring background checks on all gun transactions, limiting handgun sales to one a month, a “red flag” law — allowing courts to temporarily take away someone’s firearms if they’re deemed a threat to themselves or others — letting localities regulate whether guns are allowed in government buildings, and more. Senate Bill 16, which would prohibit the sale — and possession — of what lawmakers call “assault firearms” and magazines, has drawn particular ire among gun

advocates who don't want the government taking their guns.

Phillip Van Cleave, president of the Virginia Citizens Defense League, which has been leading the statewide push, put it this way: Previous legislative attempts at putting restrictions on guns "were cherry bombs."

"This is a nuclear bomb."

The term "sanctuary cities" might remind some of similar efforts taken on the issue of immigration enforcement — cities that said they would not do the government's bidding when it came to pursuing undocumented immigrants.

But there are key differences between those and the current situation, said Richard Schragger, a law professor at the University of Virginia. States and localities have the option to cooperate with federal immigration laws because the Constitution limits the ways the feds can force locals to enforce federal law.

But if a local official refuses to follow state law, that becomes more of a problem, he said.

Police officers do have discretion when it comes to certain laws. Little could be done legally, for example, in a situation where a cop pulls someone over and finds they have a gun they're not allowed to have and decides not to do anything about it.

But local officials then open themselves up to contempt charges and police officers to individual liability, Schragger said. Say the officer doesn't confiscate a gun that's supposed to be under a new law, and then someone gets killed with the same weapon. The officer could become liable.

Dana Schrad, executive director of the Virginia Association of Chiefs of Police, said the association's been fielding calls from police chiefs across the state, and she's been advising them to inform citizens of the limitations of such resolutions.

"We need to respect that that is the separation of powers, the balance of powers," she said. It's up to the courts to decide what can pass constitutional muster.

"Our chief concern is citizens might think the passage of (a resolution) means the locality has enacted an authority to thwart a state law that someone thinks is unconstitutional," she said. "These are statements of preference being made by localities."

York-Poquoson Sheriff J.D. "Danny" Diggs compared the resolutions to municipalities' annual legislative package that they send to the state, making clear what their priorities are. He's in a group of sheriffs planning to release their own "declaration" of sorts, in support of the Second Amendment, which he believes would be infringed upon by some of the proposed bills.

He added that it would be "very difficult to enforce" new laws as they are currently proposed because he expects some would be unconstitutional and immediately challenged in the courts. When a noise ordinance in Virginia Beach was appealed in court, for example, he didn't enforce a similar one on the books in York.

Nancy Guy, the Democratic delegate-elect in Virginia Beach's 83rd House District, questioned the precedent these "sanctuary cities" would set.

"We would have chaos," said Guy, who supports gun control measures put forth by her party.

She said the proposals are commonsense and not aimed at taking away people's Second Amendment rights. She argues many have been passed in other states and helped reduce gun violence.

A spokeswoman for Attorney General Mark Herring called the resolutions symbolic.

"It's not clear what a second amendment sanctuary is, what its proponents are hoping to accomplish, or what authority they think they have to preemptively opt-out of gun safety laws, but if the Virginia Citizens Defense League is circulating it you can bet it's a bad idea," Charlotte Gomer said in an email. "If the General Assembly passes new gun safety laws, as Virginia voters demanded just a few weeks ago, we expect that everyone will follow the law and keep their citizens safe."

Still, Van Cleave with the league said he's hearing that many counties won't enforce the new gun laws. He declined to name them. One sheriff, in Amelia County, told the Washington Post he wouldn't seize guns under a law he views as unconstitutional, even on a judge's orders.

Bill DeSteph, a Republican state senator representing Virginia Beach, said the proposed gun control laws are unconstitutional and he's circulating a petition to protect Second Amendment rights against a "radical, liberal-controlled General Assembly."

He also said the gun control bills proposed by Democrats have scared and upset gun owners.

Brooke Corson went with her husband and their two sons to the Suffolk council meeting Wednesday. A former Army drill sergeant, Corson said her family hunts and teaches their boys how to use guns safely.

"If we don't stand up and defend our rights, then they're going to disappear quickly," she said.

Her 11-year-old son, Wyatt, agreed.

"If the second amendment falls, everything else does too," he said. "Once you get the weapons of defense gone, everything else goes. History points that out."

[Washington Post: Editorial: Mischief-makers with an agenda promote 'gun sanctuaries' in Virginia](#)

November 29, 2019

Vigilantism, with its alluring tinge of defiance and frontier justice, conjures a cinematic idea of American individualism. A similar impulse is at work among advocates of the so-called Second Amendment sanctuary movement, a trend in mainly rural counties declaring they will refuse to enforce restrictive state gun laws. Both are examples of individuals who, lacking legal authority, put themselves above the law, thereby promoting chaos.

In Virginia, the movement has lately become a fad, spurred by legislative election results that will, starting in January, hand pro-gun control Democrats control of both houses of the General Assembly for the first time in a generation. With a Democrat also in the governor's mansion, some rural Republicans are raising the specter of mass gun confiscations — and pronouncing themselves Second Amendment Sanctuaries.

The idea — and the term itself — has gained traction in Western states and elsewhere, inspired by “sanctuary cities” that have adopted policies barring cooperation with federal immigration officials to deport unauthorized migrants.

The distinction between the two sanctuaries is basic. Localities that have passed resolutions declaring themselves Second Amendment sanctuary jurisdictions are threatening to ignore laws enacted by duly elected state legislatures and signed by governors. Immigration-focused sanctuary localities are breaking no law; rather, they are refusing purely voluntary cooperation in service to federal law enforcement. And, in practice, sanctuary cities often do — and should — fully coordinate with Immigration and Customs Enforcement in cases involving violent felons such as murderers and rapists.

In Virginia, local governing bodies in a few dozen Appalachian southwest and central Piedmont counties have passed or are considering resolutions declaring themselves gun sanctuaries. In many, longtime gun owners are hunters who say their way of life is threatened by liberal lawmakers in Richmond.

This is nonsense fanned by mischief-makers with an agenda. In fact, the gun legislation with the best chance of passage would promote public safety by requiring universal background checks — a measure with overwhelming bipartisan support among Virginians in public opinion surveys. Other bills with broad support would limit the number and types of weapons that can be sold. For instance, by restricting handgun purchases by individuals to one per month — an anti-trafficker measure that was the law in Virginia for 20 years before it was repealed in 2012.

The only cases in which gun confiscation could take place would be if the legislature enacts a “red flag” bill, which would allow law enforcement authorities to take away firearms from individuals deemed a threat to themselves or others. Such laws, which have received bipartisan support in many states, generally depend on an order from a judge who would consider evidence presented in court.

Local authorities who refuse such orders would be thumbing their noses not just at state law but also at judicial orders — and they should be removed from office and prosecuted. Short of that, however, the gun sanctuary movement seems mainly symbolic, another manifestation of growing division in an increasingly tribal nation.