

RESOLUTION NO. 2020-01

A RESOLUTION OF THE VILLAGE OF HEMINGFORD, NEBRASKA, ESTABLISHING SUPPORT AND DEFENSE OF THE SECOND AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES OF AMERICA, effective as of the date of approval.

WHEREAS, the Second Amendment to the United States Constitution, adopted in 1791 as part of the Bill of Rights, protects the inalienable and individual right of the people to keep and bear arms; and

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

WHEREAS, the 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 by the Due Process Clause of the Fourteenth Amendment against the states; and

WHEREAS, the Supreme Court, in *United States v. Miller*, 307 U.S. 174 (1939), opined that firearms that are part of ordinary military equipment, or with use that could contribute to the common defense are protected by the Second Amendment; and

WHEREAS, Article I, Section I-1 of the Constitution of Nebraska provides that "All persons have certain inalienable rights; among these are life, liberty, the pursuit of happiness, and the right to keep and bear arms for security or defense of self, family, home, and others, and for lawful common defense, hunting, recreational use, and all other lawful purposes, and such rights shall not be denied or infringed by the state or any subdivision thereof. To secure these rights, and the protection of property, governments are instituted among people, deriving their just powers from the consent of the governed."; and

WHEREAS, Article I, Section I-7 of the Constitution of Nebraska provides that "The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or thing to be seized."; and

WHEREAS, Article I, Section I-16 of the Constitution of Nebraska provides that "No bill of attainder, ex post facto law, or law impairing the obligation of contracts, or making any irrevocable grant of special privileges or immunities shall be passed."; and

WHEREAS, Article I, Section I-21 of the Constitution of Nebraska provides that "The property of no person shall be taken or damaged for public use without just compensation therefor."; and

WHEREAS, it is the desire of the Board of Trustees to declare its support of the Second Amendment to the United States Constitution and the Nebraska Constitution protecting citizens' inalienable and individual right to keep and bear arms; and

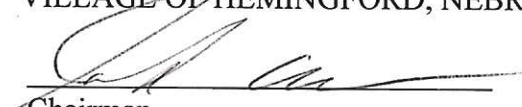
WHEREAS, the members of the Board of Trustees took an oath to support and defend the United States Constitution, the Constitution of the State of Nebraska and the laws of the State of Nebraska, insofar as they are constitutional.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Village of Hemingford, Nebraska by the authority granted the Board by the laws of the State of Nebraska and people of Hemingford, Nebraska, we hereby declare that we shall stand and defend the rights and liberties of all Village citizens, which are guaranteed by the United States and Nebraska Constitutions.

BE IT FURTHER RESOLVED that this Board affirms its support for the duly elected Hemingford Police Department in the exercise of his sound discretion and affirms its resolve to support decisions by our Police Department to defend the Constitution of the United States and the Constitution of the State of Nebraska.

DATED THIS 18 DAY OF February 2020.

VILLAGE OF HEMINGFORD, NEBRASKA


Chairman

ATTEST:



Barb Straub
Village Administrator