



Written by [Patrick Krey](#) on February 3, 2020

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## Exercising The Right

### AG Claims Second Amendment Sanctuaries “Have No Legal Effect”

The *Herald Courier* reported on December 20 that Virginia Attorney General Mark Herring issued an advisory opinion that claimed Second Amendment Sanctuary resolutions “have no legal effect.”

Democratic State Delegate Jay Jones, who is a proponent of stricter gun-control laws, requested that the state attorney general opine on the issue in the wake of numerous Second Amendment Sanctuary resolutions being passed by municipalities and counties throughout Virginia. Jones was incensed that the citizenry would dare to even assert that they have the right to refuse to comply with laws that infringe on their God-given rights, and Jones even went so far as to malign Second Amendment supporters as espousing an ideology similar to that which gave rise to the Civil War. “The bills passed by the General Assembly and signed into law by the Governor are binding for our entire Commonwealth and its citizens. The legal precedent we would set by allowing communities to selectively ignore those laws at will is alarming and indicative of the same mindset that nearly one hundred and fifty years ago led this country to dissolve into a civil war,” Jones claimed in his request to the attorney general.

Herring issued an opinion that must have been music to Jones’ ears. Herring based his opinion on requirements in both the state constitution and state code that require local governments to comply with state law. Herring wrote, “These [Second Amendment sanctuary] resolutions neither have the force of law nor authorize localities or local constitutional officials to refuse to follow or decline to enforce gun violence prevention measures enacted by the General Assembly.” Herring even used an oft-repeated trope, blaming any show of support for the Second Amendment as being the work of the gun lobby. Herring issued a statement that summarily dismissed the resolutions and disparaged the patriots behind them, saying, “When the General Assembly passes new gun safety laws they will be enforced, and they will be followed. These resolutions have no legal force, and they’re just part of an effort by the gun lobby to stoke fear.”

While many supporters of the resolutions admitted that the acts were mostly symbolic, it is frustrating to see elected leaders so quick to agree that Second Amendment rights can be easily abrogated if the state government wills it. Virginia House Minority Leader Todd Gilbert (R-Shenandoah) released a statement the following day that mocked Herring’s hypocrisy on the topic since it “directly contradicts his own statements and actions regarding the supremacy of state law over the preferences of the officials who must enforce them. In 2014, Herring declined to defend Virginia law in state court, despite a statutory duty to do so. He told the *Richmond Times Dispatch* ‘... If I think the laws are adopted and constitutional, (then) I will defend them...’ His opinion today notes that ‘it has long been the indisputable and clear function of the courts ... to pass upon the constitutionality of legislative acts.’ This not only conflicts with his previous statement about his own conduct, but also the position of a number of Democratic Commonwealth’s Attorneys regarding prosecution of marijuana possession.”

It is still uncertain what new gun-control measures might be passed, but Democratic Governor Ralph Northam has already proposed a number of bills that stand a good chance of passing with a legislature that is entirely controlled by Democrats. Some local leaders are adamant that Herring’s guidance is mistaken. Prince William County Board of Supervisors Chairman-at-large Corey Stewart spoke out in



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opposition to Herring's guidance. Stewart's county passed a Second Amendment Sanctuary resolution, and Stewart told the *Herald Courier* that just because the state might pass gun-control laws "doesn't mean that the localities and the local sheriffs have to use their resources to enforce a gun confiscation law, or any other unconstitutional law that Democrats and the general assembly pass.... The Attorney General is delusional if he thinks this is just some movement that's been ginned up by the so-called gun lobby.... This is a groundswell movement if there ever was one."

Others echoed Stewart's sentiments, including Culpeper County Sheriff Scott Jenkins, who came up with an innovative way to circumvent gun grabs. Jenkins told the *Herald Courier* that if "the legislature decides to restrict certain weapons I feel harms our community, I will swear in thousands of auxiliary deputies in Culpeper.... There's no limit to the number of people I can swear in." True enough. But should the right to keep and bear arms be dependent on deputization?

## **Marines Can Carry on Base**

Breitbart reported on January 3 about a welcome change in the U.S. Marine Corps (USMC) firearm policy. The USMC policy now permits off-duty USMC law-enforcement professionals to conceal carry their own private firearms while on base. The change was precipitated by two high-profile shootings at military installations.

The first occurred on December 4, 2019 at a naval shipyard in Pearl Harbor, and the second occurred on a naval air station in Pensacola, Florida. In both incidents, the military personnel involved were sitting ducks for the active shooter because the military installations prohibited concealed carry.

The Pensacola shooter was able to go on a 10-minute rampage before encountering any armed resistance. Installation commanders obviously recognized the dangers posed by such a situation and issued the USMC memo that authorized "active Marine Corps Law Enforcement (LE) professionals who possess valid Law Enforcement Officer Safety Act (LEOSA) 18 U.S.C. §926B credentials to carry concealed privately owned firearms (POF) aboard Marine Corps property in the United States and U.S. territories for personal protection not in the performance of official duties."

There were some restrictions on where they could conceal carry but, as Breitbart noted, it's a welcome step in the right direction.

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