

STATE OF INDIANA

WHEREAS, the Board of Commissioners ("Board") of Brown County, Indiana ("County"), is the executive body of County government pursuant to the provisions of I.C. 36-2-2-2.

WHEREAS, the Board is also the legislative body of County government pursuant to the provisions of I.C. 36-1-2-9.

WHEREAS, on the same day as this ordinance, the Board has passed and adopted RESOLUTION NO. _____ ("Resolution") supporting the protection of rights under the Constitution of the United States and the Constitution of the State of Indiana.

WHEREAS, the Board hereby adopts and incorporates herein the "WHEREAS" recitals of the Resolution.

WHEREAS, the rights secured by the Constitutions are best protected by principals of limited government, respect of private property rights, respect for individual freedoms and liberties, and knowledge of and access to the laws by the public.

WHEREAS, the Board wishes to adopt this ordinance, and future ordinances as necessary, in accord with the Resolution.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE BOARD OF COMMISSIONERS OF BROWN COUNTY AS FOLLOWS:

Recodification: The ordinances of the County shall be recodified and published for the public's review and knowledge on the website of the County.

Review: The ordinances of the County shall be reviewed by the Board for compliance under the Constitutions.

Reduction: The ordinances of the County shall be reduced where possible and prudent to eliminate unnecessary regulations.

Rights:

The County is now, and forever shall be, a Constitutional Rights Sanctuary County. All agencies and departments of the County under the authority of the Board shall: take due care at all times, whether during a state of emergency or otherwise, not to infringe upon the rights and liberties of the persons and individuals in Brown County as stated in the Constitution of the United States and the Constitution of the State of Indiana; and, review, and change if necessary, their rules, regulations, orders, policies, practices, and all governmental documents of legal force for conformity with said Constitutions.

So passed and adopted by the Board of Commissioners of Brown County, Indiana, this

____ Day of _____, 20____.

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STATE OF INDIANA
BEFORE THE BOARD OF BROWN COUNTY COMMISSIONERS
RESOLUTION #

A RESOLUTION SUPPORTING THE PROTECTION OF RIGHTS UNDER THE
CONSTITUTION OF THE UNITED STATES AND THE CONSTITUTION OF THE STATE
OF INDIANA

WHEREAS, the Board of Commissioners ("Board") of Brown County, Indiana ("County"), is the executive body of County government pursuant to the provisions of I.C. 36-2-2-2.

WHEREAS, the Board is also the legislative body of County government pursuant to the provisions of I.C. 36-1-2-9.

WHEREAS, each member of the Board is required to take an oath of office prior to the assumption of duties as a Commissioner of the County.

WHEREAS, the oath of office requires each member of the Board to swear to support the Constitution of the United States and the Constitution of the State of Indiana and to faithfully, impartially and diligently discharge the duties of the office of Commissioner for the County, according to law.

WHEREAS, the Board maintains a strong commitment to all of the rights of the people in the County as stated in the Constitution of the United States and the Constitution of the State of Indiana, including, but not limited to, the provisions of said Constitutions that are stated below and that are applicable at all times, including, but not limited to, the declaration of emergencies, including, but not limited to, the Covid-19 pandemic.

WHEREAS, the Board opposes the adoption of laws, ordinances, rules, regulations, restrictions, and other governmental documents of legal force that unlawfully infringe upon the rights secured by said Constitutions.

WHEREAS, in the recent case of ROMAN CATHOLIC DIOCESE OF BROOKLYN, NEW YORK v. ANDREW M CUOMO, GOVERNOR OF NEW YORK, 592 U.S. (2020), the Supreme Court of the United States stated that "even in a pandemic the Constitution cannot be put away and forgotten."

WHEREAS, the rights of said Constitutions stated below appear to be the most in jeopardy at this particular time in our country's history and that no one should construe the absence of a stated right as protected by said Constitutions to mean that said right is not vigorously supported and protected by the County and its officials and officers.

WHEREAS, the First, Second, Fourth, and Tenth Amendments of the Constitution of the United States state the following:

Amendment I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Amendment II

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.

Amendment IV

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 Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

WHEREAS, Sections 1-3, 6-9, 16, 18-20, and 24 of Article One of the Constitution of the State of Indiana state the following:

ARTICLE I.

Sect. 1. That the general, great and essential principles of liberty and free Government may be recognized and unalterably established; WE declare, That all men are born equally free and independent, and have certain natural, inherent, and unalienable rights; among which are the enjoying and defending We and liberty, and of acquiring, possessing, and protecting properly, and pursuing and obtaining happiness and safety.

Sect. 2. That all power is inherent in the people; and all free Governments are founded on their authority, and instituted for their peace, safety and happiness. For the advancement of these ends, they have at all times an unalienable and indefeasible right to alter or reform their Government in such manner as they may think proper.

Sect. 3. That all men have a natural and indefeasible right to worship Almighty God, according to the dictates of their own consciences: That no man shall be compelled to attend, erect, or support any place of Worship, or to maintain any ministry against his consent: That no human authority can, in any case whatever, control or interfere with the rights of conscience: And that no preference shall ever be given by law to any

religious societies, or modes of worship; and no religious test shall be required as a qualification to any office of trust or profit.

Sect. 6. That no power of suspending the operation of the laws, shall be exercised, except by the Legislature, or its authority.

Sect. 7. That no man's particular services shall be demanded, or property taken, or applied to public use, without the consent of his representatives or without a just compensation being made therefor.

Sect. 8. The rights 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 persons or things to be seized.

Sect. 9. That the printing presses shall be free to every person, who undertakes to examine the proceedings of the Legislature, or any branch of Government; and no law shall ever be made to restrain the right thereof the free communication of thoughts, and opinions; is one of the invaluable rights of man; and every Citizen may freely speak, write, and print on any subject, being responsible for the abuse of that liberty.

Sect. 16. All penalties shall be proportioned to the nature of the offense.

Sect. 18. No ex post facto law, nor any law impairing the validity of contracts, shall ever be made, and no conviction shall work corruption of blood, nor forfeiture of estate.

Sect. 19. That the people have a right to assemble together in a peaceable manner, to consult for their common good, to instruct their representatives, and to apply to the Legislature for redress of grievances.

Sect. 20. That the people have a right to bear arms for the defense of themselves, and the state; and that the military shall be kept in strict subordination to the civil power.

Sect. 24. To guard against any encroachments on the rights herein retained, we declare, that everything in this article, is excepted out of the general powers of Government, and shall forever remain inviolable.

NOW, THEREFORE, THE FOLLOWING IS HEREBY RESOLVED BY THE BOARD:

The Board and County do hereby commit to stand and defend at all times, whether during a state of emergency or otherwise, the rights and liberties of the persons in Brown County as guaranteed by the Constitution of the United States and the Constitution of the State of Indiana.

Brown County is hereby declared to be a "Constitutional Rights Sanctuary County."

An ordinance in conformity with this Resolution shall be taken up by the Board for passage upon lawful procedures and vote after the adoption of this Resolution. The Board encourages and requests that all agencies, departments and officers of the County:

- continue to uphold their oaths and take due care at all times, whether during a state of emergency or otherwise, not to infringe upon the rights and liberties of the persons and individuals in Brown County as stated in the Constitution of the United States and the Constitution of the State of Indiana;
- review, and change if necessary, their rules, regulations, orders, policies, practices, and all governmental documents of legal force for conformity to said Constitutions; and,
- adopt resolutions, proclamations, or commitments similar to this Resolution for the protection of the Constitutional rights and liberties of the persons and individuals in Brown County.

So passed and adopted by the Board of Commissioners of Brown County, Indiana, this

_____ day of _____, 20_____.