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Smith explains his position on proposed assault firearms prohibition bill: 'I'm not going to enforce the law'

Claire Mitzel, Staunton News Leader Published 12:41 p.m. ET Nov. 26, 2019 | Updated 10:29 p.m. ET Nov. 26, 2019



Proposed gun laws by a soon-to-be Democrat-controlled General Assembly have counties across Virginia becoming Second Amendment sanctuary counties. (Photo: vchal, Getty Images/iStockphoto)

Update: The story's headline was updated at 5 p.m. on Nov. 26 to be more specific about what Sheriff Donald Smith was referring to.

VERONA — Augusta County supervisors on Monday indicated that they want to affirm the Second Amendment, but they stopped short of saying for certain whether they plan to vote to become a "sanctuary county."

"We're still in the fact-finding portion," South River Supervisor Carolyn Bragg said. "We're still learning. And there are a lot of questions."

At their monthly staff briefing, supervisors discussed residents' demands for the county to affirm the Second Amendment along with potential ramifications for becoming a sanctuary county. Sheriff Donald Smith also gave the supervisors a primer on the proposed gun control bills and explained his position ahead of next week's special meeting to let county residents speak on the matter.

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"What the community is looking for is for you all to plant your feet in the ground and create a clear line in the sand and say that you support the constitution and you support the Second Amendment," Smith said.

The supervisors nodded in agreement with most of what Smith had to say, in line with how other counties have reacted. But they seemed to also take a more pragmatic approach: Several supervisors reiterated that they want to first understand exactly what it means to become a sanctuary county and what unforeseen consequences might occur.

"What is this thing called a sanctuary county? What are the consequences?" Wayne Supervisor Wendell Coleman asked rhetorically, adding that he supports the Second Amendment and is on the same page as Smith.

Smith said he wasn't exactly sure what consequences might come from the governor's office and explained his understanding: "I think that by doing this, you are saying that we will not use county, tax-payer dollars to enforce these laws. Even if it is symbolic in nature, (residents) want the board to pass

this."

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'I'm not going to enforce the law'

There is one bill in particular that Smith strongly opposes and that he cautioned will likely become the flashpoint for next week's special meeting: Senate Bill 16, which would expand the definition of an "assault firearm" and make it a Class 6 felony to possess such weapons. According to Smith, there would logically need to be some sort of buy-back program or way to collect those weapons from citizens.

"This is the big hot-ticket item," Smith said. "This is the one that's going to cause controversy."

Should the bill be signed into law, Smith summed up the sheriff's role in one sentence: "I'm not going to enforce the law."

"If they tell me in Richmond that I have to go pick up assault rifles from my constituents, I will not do that," he said.

Smith believes it infringes upon citizens' constitutional rights, he said. Smith clarified his position after Beverley Manor Supervisor Butch Wells asked him specifically what he would do with other bills. What about Senate Bill 15, Wells asked, which would make it illegal to carry a gun into any building owned or leased by the Commonwealth of Virginia?

"I'm not sure about that," Smith said. "That one is in my eyes completely different than taking somebody's gun and infringing on their rights. Ticketing somebody, arresting somebody for a class one misdemeanor because they ended up in a state building — that's for the legislators to decide, as far as I'm concerned."

Smith said he expected residents at next week's meeting to also focus on the general idea that the government shouldn't get involved with placing restrictions on gun rights.

"Can we just say keep your damn hands off our guns and end it at that?" Chairman Gerald Garber asked.

"You can say whatever you want," Smith said.

Bragg wondered aloud whether the state might withhold funding or grants from the county if they became a sanctuary county or refused to enforce the law.

"I think that when it comes to a funding issue versus the constitution, I think that this county will implore everybody to plant their feet and say, 'We're not willing to let our constitutional rights be infringed upon,'" Smith said.

He warned that if the supervisors didn't vote in favor of a resolution, he believed residents would "absolutely do everything they can to get you off of that board."

Smith also said that he has testified against gun control bills before and helped defeat them, and he'll go back to Richmond again. Sheriffs across the Commonwealth are already working to defeat the new bills. He noted that he doesn't believe the support for the proposed bills is as high as some people believe, either. Not all Democrats support the bills, he said, though he didn't elaborate on which legislators.

Commonwealth's Attorney Tim Martin also supports affirming the firearms rights of all Augusta County citizens, Smith said, and they have discussed the issue extensively.

Riverheads Supervisor Mike Shull said he hoped sanctuary counties across the state would be ready to join in a lawsuit together against the state if the bills end up signed into law.

"I don't like none of these bills that are proposed," Shull declared.

Supervisors ended the meeting on a final question: Do they need to become a sanctuary county, or can they simply support a resolution affirming their support for the sheriff?

"I think however you word it, that if we ... stand firm for the constitution and stand firm for the people that we were elected to represent, I think we've done what we were elected to do," Smith said.

County Attorney James Benkahla said that he wasn't entirely sure whether such a resolution would have any legal teeth.

"I think it's largely symbolic," Benkahla said.

How did we get here?

Rural counties across Virginia have mobilized to pass resolutions to become Second Amendment sanctuary counties in the past several weeks, encouraged by the pro-gun nonprofit Virginia Citizens Defense League. The movement has come in the wake of Democrats taking control of the General Assembly come January and vowing to pass comprehensive gun control and gun safety bills.

Charlotte Gomer, a spokesperson for Virginia Attorney General Mark Herring, said last week that the attorney general expects all localities to follow the law if new gun control legislation ends up signed into law.

"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," Gomer said.

Carroll County in April was the first Virginia locality to approve a resolution. The idea of a second amendment sanctuary gained traction after Democrats won control of the General Assembly; mere days after the election, Campbell County approved a resolution.

While the idea of a second amendment sanctuary is newer in Virginia, other cities and counties elsewhere in the U.S. — mostly in the western part of the country — have passed similar resolutions. Attorneys General in other states have indicated that sheriffs of sanctuary counties could face consequences for not enforcing the law.

The name "sanctuary county" takes a page out of the playbook of largely liberal cities who have named themselves as a "sanctuary city," where more liberal cities have reacting to stiffer federal enforcement standards of immigration laws.

Next week's special meeting

Garber on Monday also explained why Stuarts Draft High School was chosen as the special meeting's location. Garber said they quickly decided a different location was needed after county officials realized that hundreds of people were interested and wouldn't all fit in the government center.

"It really come down to let's make sure we have a situation where people can be heard and be heard safely," Garber said.

On 12 hours notice over the weekend, he said county officials scoured the county to find a place. "This was the largest facility that we could find" that was available and could fit so many people, Garber said.

The meeting was set for 6 p.m. Dec. 4 in the Stuarts Draft High School auditorium.

Please share questions, comments and story ideas. Email me at cmitzel@newsleader.com or follow me on Twitter [@c_mitzel](https://twitter.com/c_mitzel).

Our on-the-scene account of Augusta County Second Amendment sanctuary meeting

Claire Mitzel, Staunton News Leader Published 5:22 p.m. ET Dec. 4, 2019 | Updated 12:03 a.m. ET Dec. 5, 2019

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By 5:15 p.m. on Wednesday, the line to get into Augusta County's Second Amendment sanctuary meeting was wrapped around the building. (Photo: Claire Mitzel/The News Leader)

This story shares videos, photos and comments from the Second Amendment sanctuary meeting, updated in real-time with most recent updates at top. The meeting ended just before 9 p.m. with the Board of Supervisors passing language declaring Augusta County a second amendment sanctuary county. Look for more in-depth coverage of this developing story

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8:55 p.m.



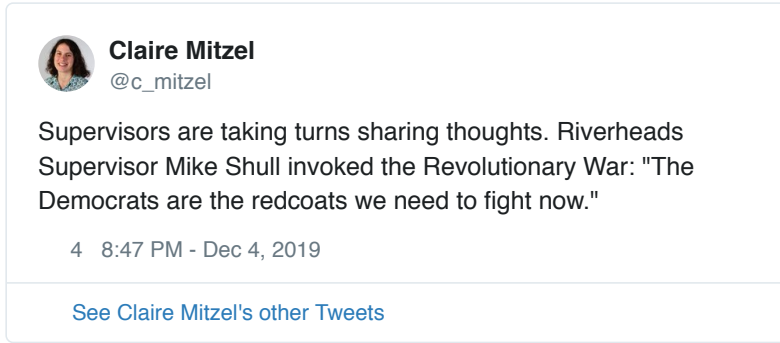
Claire Mitzel
@c_mitzel

Supervisors just passed the resolution 7-0. Augusta County now joins 40+ other counties as a Second Amendment sanctuary county. Story soon (if I can get out of the parking lot)
[@NewsLeaderNOW](#)

10 8:54 PM - Dec 4, 2019

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8:47 p.m.



Claire Mitzel
@c_mitzel

Supervisors are taking turns sharing thoughts. Riverheads Supervisor Mike Shull invoked the Revolutionary War: "The Democrats are the redcoats we need to fight now."

4 8:47 PM - Dec 4, 2019

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8:45 p.m.

All of the supervisors took turns speaking on their thoughts about becoming a sanctuary county.

South River Supervisor Carolyn Bragg said she originally planned to say that while she supported the Second Amendment, she had a concern about specifically becoming a sanctuary county. But after listening to all people had to say, "I was wrong," she said.

Pastures Supervisor Pam Carter: "This is taking a stand to protect your constitutional rights. ... As the first speaker started out saying, and I will close by saying: Don't mess with Augusta County."

8:33 p.m.



Claire Mitzel
@c_mitzel

A motion has been made by Supervisor Mike Shull, and seconded by Supervisor Pam Carter, to pass the 2A sanctuary resolution. Sounds like they will vote momentarily.

[@NewsLeaderNOW](#)

2 8:32 PM - Dec 4, 2019

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8:25 p.m.

Ron Sprouse said he was "born in America under freedom and I will die under freedom.

"Guns don't harm no one unless it's in the hands of the wrong person."

Sprouse then said the county should end the public comment and vote on the proposal right now, which received a rousing applause and standing ovation. Chairman Gerald Garber said he didn't want to deprive anyone of the chance to speak, but specifically called Sheriff Donald Smith to the microphone. The crowd roared to their feet.

8:15 p.m.



Claire Mitzel

@c_mitzel

I tried to keep track of # of speakers, but it became harder to do so as we got going and sped up. Definitely over 30, possibly over 40 so far. Still going down the list! [@NewsLeaderNOW](#)

8:13 PM - Dec 4, 2019

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8:10 p.m.



Claire Mitzel

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Several people tonight have asked the supervisors to pass a resolution soon — even tonight — because they say it's clear that it's what people want. [@NewsLeaderNOW](#)

1 8:11 PM - Dec 4, 2019

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8:00 p.m.

Renee Craig, a teacher, said that she was a first responder at Virginia Tech in 2007, on the day the Virginia Tech massacre took place.

The room fell silent as she explained what she saw. "None of the students or teachers had a means to protect themselves that day," she said. She said she's never felt so helpless as the moment she rushed into the building with nothing more than a stethoscope, unsure of what she was about to face.

"To ban one category of weapons is an extremely slippery slope," she said. "Once that Pandora's box is opened, the power shifts to the government rather than the people."

7:50 p.m.

"Government has forgotten its place," Matthew Whittaker said. He said government gets its power from the people, not the other way around.

Absolute power corrupts, absolutely, he reminded the crowd. An unarmed population is indeed a controllable one. The gun control bills are not about safety, he said, but "just that, control."

He ended his statement by saying "Give me liberty or give me death," which the crowd recited along with him.



Claire Mitzel

@c_mitzel

Mary Miller works in health care and says that while she knows “people here are very responsible with guns,” she wants people to be aware of how often guns are used in suicides, esp. with veterans. The second her time was up, people jeered and yelled “time” again.



1 7:44 PM - Dec 4, 2019

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She didn't specifically say she was for or against the resolution; she spoke more generally that she wanted people to be aware of how people can take precautions.

7:45 p.m.



Claire Mitzel

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Alicia Hebner (not sure on that spelling, sorry!) says she worries that if SB 16 passes, Virginia will become a “tourist destination for career criminals.”



1 7:34 PM - Dec 4, 2019

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7:40 p.m.

Allen Mays reads the motto of Virginia, 'Sic semper tyrannis' meaning 'thus always to tyrants.'

"We now have tyrants in Richmond, making feel-good laws that serve no purpose and make no difference."

7:35 p.m.

Keith Willis said he has 78 names on a petition wanting the supervisors to approve a resolution.

"Stand tall. Tell Richmond it's not going to work because we're not going to give up our guns easily," Willis said.

7:30 p.m.

 **Claire Mitzel**
@c_mitzel


Supervisors asked those in favor of the Second Amendment sanctuary resolution to stand up, which included most of the crowd. (Also they said there's actually 1,800 here, even more than original number.)



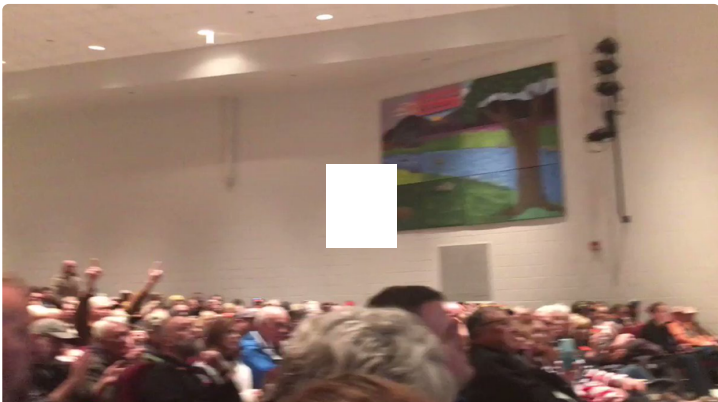
3 7:27 PM - Dec 4, 2019

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Below: The speaker said the First Amendment is under attack because people get called "Nazis" and "racists" when they speak their mind, so he encouraged 1A sanctuary, too.

 **Claire Mitzel**
@c_mitzel

Someone just encouraged the county to pass a First Amendment sanctuary resolution in addition to the Second Amendment, which got a big applause and standing ovation.



7:25 PM - Dec 4, 2019

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7:25 p.m.

Some speakers focused solely on the Second Amendment, but others centered more on partisan politics. One speaker, referring to Democrats, said "the left" used misinformation, control and fear to pass legislation into law.

7:20 p.m.

County Administrator Tim Fitzgerald made an announcement that there was space in the gym for anyone outside wishing to get warm. He said there were speakers set up outside for people to hear.

7:15 p.m.

Keith Allen said he's been a Virginian all his life.

"I ask that y'all seriously vote on this Second Amendment right because we are the people," Allen said. "You need to listen to what we say instead of someone from Richmond saying 'you need to do this' or 'you need to do that.'"

"Once they get a foothold, they're gonna continue," Allen said, saying that he worried freedom or speech or religion might come next.

7:10 p.m.

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Leonard Lance, who wore a Vietnam veteran hat and shirt, recounted his experience in Vietnam. He said that after he came home, he's hunted all his life.

"I've never threatened to shoot anybody, I've never wounded anybody, I've never killed anybody," Lance said. "And the reason for that is it's based on the person."

7:00 p.m.



Claire Mitzel
@c_mitzel

Former 25th House candidate says some folks who signed up weren't let inside. There have been a few names called so far who didn't come to the podium. [twitter.com/JK4Delegate/st...](https://twitter.com/JK4Delegate/status/1198888888)

Jennifer Kitchen for Delegate @JK4Delegate
Replying to @c_mitzel @NewsLeaderNOW

Did they also let you know that they didn't let in people who had signed up to speak?

6:57 PM - Dec 4, 2019

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6:55 p.m.



Claire Mitzel
@c_mitzel

Chairman Gerald Garber announced that Sheriff Donald Smith just let them know that over 1,500 people are in attendance tonight. [@NewsLeaderNOW](#)

6:52 PM - Dec 4, 2019

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6:50 p.m.

Jim Wood, a firearms instructor, said he has taught conservative and liberals alike to shoot. He noted that only a fraction of registered voters turned out in Virginia. He said that Virginia is the birthplace of America.

"But it's becoming the burial ground of ideas that made this great republic," Wood said.

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Augusta County residents gather for public comment on the idea of a 2nd Amendment sanctuary county. (Photo: Claire Mitzel/The News leader)

6:45 p.m.

The first person to speak in opposition to the sanctuary idea is not received well.

"The proposed resolution is unnecessary and puts the cart before the horse," he said, explaining that no new laws passed.

While the crowd had been extremely supportive up until this point, people began booing him. As the timer hit zero, people began to jeer and yelled "time" over and over to prevent him from finishing. At least one pro-sanctuary county speaker had gone over their time, but no one booed them.

As he walked away, people yelled at him, including one person who called him an idiot.



Claire Mitzel
@c_mitzel

This man was the first to speak in opposition. He was booed throughout, and people started yelling "time" as soon as the timer ran out (Fwiw a couple pro-gun folks ran out and no one yelled at them.)



3 6:42 PM - Dec 4, 2019

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6:30 p.m.

Philip Martin: "I don't do this lightly, but because of the current climate ... I see this as the only reasonable course of action." He cited Senate Bill 16 specifically, adding, "How many law-abiding citizens in this room would be instantly deemed felons?"

6:25 p.m.

Several people have said that they need the ability to protect themselves because they live in rural parts of the county farther away from law enforcement.

If they are in harm's way, they said, they don't always have time to wait for police to come 15 or 20 minutes away.

6:20 p.m.

Chris Haskins: "With the intrusiveness that is coming down the pipe from Richmond, we need to protect ourselves the best we can." He said that it doesn't matter what the law is; criminals don't abide by the law.

6:10 p.m.

So far, all three speakers have been pro-Second Amendment and voiced opposition to proposed gun bills, namely Senate Bill 16, which would make it a Class 6 felony to possess an "assault firearm." Speakers have pointed out that if the bill becomes a law, people who currently legally own the weapons would become felons.

After each speaker, the room erupted in thunderous applause. Attendees also clapped, echoed back support and nodded their heads as speakers spoke.

6:05 p.m.

The auditorium is full, and county staff said an overflow room was open.

Speakers are limited to three minutes. After the first speaker, the auditorium erupted in cheers.

Charles Minnix, the second speaker of the night, said that as a police officer, he knows that criminals don't obey the law, so he wants the right to protect himself. He said guns are tools, which can be used for good or harm.

5:50 p.m.



Claire Mitzel @c_mitzel · Dec 4, 2019

45 minutes ahead of an Augusta County meeting on becoming a Second Amendment sanctuary county, the line already wraps around the building of Stuarts Draft High School.

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Claire Mitzel

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As y'all might have guessed, I'll be live-tweeting the meeting. The main room is almost filled, and county staff told me they'll have a second one open.



2 5:48 PM - Dec 4, 2019

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5:30 p.m.

By 5:15 p.m., the high school's parking lot was nearly full. Cars snaked along Augusta Farms Road, and people began to park on the grass to find space. People huddle together to stay warm as they waited to enter the building when doors opened at 5:30 p.m., and the line wrapped around almost the entirety of the building.

Second Amendment advocates marked themselves by wearing hunter-orange "Guns save lives" stickers.



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45 minutes ahead of an Augusta County meeting on becoming a Second Amendment sanctuary county, the line already wraps around the building of Stuarts Draft High School.
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11 5:16 PM - Dec 4, 2019

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Pre-meeting

Hundreds are expected to show up to a special Augusta County Board of Supervisors meeting called to hear residents' thoughts about proposed gun-control bills in the upcoming General Assembly session.

The meeting starts at 6 p.m at Stuarts Draft High School, and doors open at 5:30 p.m. Those wishing to speak can sign up when they arrive. A Facebook event showed over 600 people said they would attend, and more than 1,300 indicated they were interested.

Most attendees are expected to urge the supervisors to join a growing list of counties across the state who have passed Second Amendment sanctuary resolutions.

The movement, which is centered in rural Virginia but has spread quickly to urban areas, started after Democrats flipped the General Assembly blue in November and vowed to pass comprehensive gun reform.

More: [Augusta County seeks to become next Virginia second amendment 'sanctuary county'](#)

More: [Smith explains his position on proposed assault firearms prohibition bill](#)

More: [Readers react: Second Amendment 'sanctuary county' movement](#)

No legislation has been signed into law yet — lawmakers won't take up any bills until they convene in January — but Second Amendment advocates

quickly sprang into action. Spurred on by the pro-Second Amendment nonprofit Virginia Citizens Defense League, residents across the state have asked their counties to pass resolutions opposing gun-control bills and limiting enforcement should the bills become law.

The resolutions are largely symbolic, affirming participating counties' support for the Second Amendment and opposition for bills that elected officials believe runs contrary to the U.S. Constitution. Gun advocates hope the slew of resolutions — over 40 by Wednesday — will show lawmakers the bills don't have many counties' support.

Augusta County Sheriff Donald Smith has specifically said that if Senate Bill 16 is signed into law, which would expand the definition of an "assault firearm" and prohibit its possession, he would not enforce the law.

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'Don't mess with Augusta County' the cry as 1,800 turn out for Second Amendment sanctuary decision

Claire Mitzel, Staunton News Leader Published 11:50 p.m. ET Dec. 4, 2019 | Updated 7:04 p.m. ET Dec. 5, 2019

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Over 1,800 people showed up to a special Augusta County Board of Supervisors meeting to voice opinions about becoming a Second Amendment sanctuary county. This photo shows one half of the auditorium. The board passed the resolution unanimously. (Photo: Claire Mitzel/The News Leader)

STUARTS DRAFT — Renee Craig walked up to the podium Wednesday night in the Stuarts Draft High School auditorium and introduced herself as a teacher and a mother.

She explained that both she and her husband were born in Augusta County. She went on to Virginia Tech to study teaching, and she volunteered as a first responder. She was there on April 16, 2007, she said, choking up slightly at the memory.

As people listened to her and pieced together what she was saying, the room fell absolutely silent for the only time that night. For a moment, it felt as everyone stopped moving.

Craig was a first responder on the day a man shot and killed 32 people at Virginia Tech.

"None of the students or teachers had a means to protect themselves that day," she said.

Craig said she never felt more helpless than the moment she ran into the building armed only with a stethoscope and a medical bag, unsure of what she was facing.

"To ban one category of weapons is an extremely slippery slope. ... Once that Pandora's box is opened, the power then shifts to the government rather than the people," she said.

Craig was one of dozens who spoke Wednesday in favor of Augusta County becoming a Second Amendment sanctuary county. Craig, like the vast majority of the others who spoke, said she opposed bills that would infringe upon the Second Amendment.

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The Board of Supervisors approved a resolution 7-0 at the end of the meeting to become a sanctuary county, joining over 40 counties who have passed similar resolutions in the past month. After nearly two and half hours of listening to speakers — and a crowd of 1,800, a majority of whom wore "guns save lives" stickers — supervisors said they didn't need to hear more.

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"It's taking a stand to protect your constitutional rights and sending a message to Richmond that we will not stand by and do nothing," Pastures Supervisor Pam Carter said. "As our first speaker started out saying, I will close in saying: Don't mess with Augusta County."



Claire Mitzel
@c_mitzel

Supervisors asked those in favor of the Second Amendment sanctuary resolution to stand up, which included most of the crowd. (Also they said there's actually 1,800 here, even more than original number.)



3 7:27 PM - Dec 4, 2019

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The supervisors held the special meeting specifically to hear from residents about the resolution before making a decision. At a staff briefing last week, they mulled the meaning of becoming a sanctuary county and voiced some concerns about what it actually meant to be a sanctuary county and potential unforeseen consequences.

But the large turnout and compelling accounts seemed to erase any worries they might have had prior to the meeting. Throughout the night, the crowd was enthusiastic, often yelling out an "amen" or random shout and cheer. A thunder of applause followed every pro-gun speaker, and there were several standing ovations. The few who spoke in opposition received boos and other negative shouts.

Toward the end of the night, spurred on by a speaker who encouraged the supervisors to vote then and there on the resolution, people chanted, "Vote! Vote! Vote!"

South River Supervisor Carolyn Bragg said she originally planned to say that while she supported the Second Amendment, she had some concern about specifically becoming a sanctuary county. But after listening to all people had to say, "I was wrong," she said.

Throughout the night, speakers said repeatedly that they worried gun-control bills were only the start. Several posed rhetorical questions: What if lawmakers came from the First Amendment, Fourth Amendment or others next? One man suggested becoming a First Amendment sanctuary, too, saying that people were called "nazis" and "racists" for voicing their opinions.

The concept of Second Amendment sanctuary counties rapidly gained steam after Democrats flipped the General Assembly blue in November and vowed to pass comprehensive gun reform. Participating counties were centered first mainly in rural Virginia, but the idea has spread quickly to urban areas, too.

No legislation has been signed into law yet — lawmakers won't take up any bills until they convene in January — but Second Amendment advocates quickly sprang into action. Spurred on by the pro-Second Amendment nonprofit Virginia Citizens Defense League, residents across the state have asked their counties to pass resolutions opposing gun-control bills and limiting enforcement should the bills become law.

The resolution Augusta County supervisors approved Wednesday night states that the board "protects and expresses its intent to uphold the Second Amendment rights of the citizens of Augusta County;" "declares its intent to oppose unconstitutional restrictions on the right to keep and bear arms;" and declares itself a Second Amendment sanctuary. A full version can be seen at the bottom of the story.

The resolutions are largely symbolic, affirming participating counties' support for the Second Amendment and opposition for bills that elected officials believe runs contrary to the U.S. Constitution.

But speakers said Wednesday night that it didn't matter if the resolutions were mostly symbolic; they said it's the least the county can do, and they hoped it would show lawmakers that the counties are serious in their opposition to gun-related bills.

"With the intrusiveness that is coming down the pipe from Richmond concerning our gun rights, we must protect ourselves as best as we can," Chris Haskins said.

More: [Our on-the-scene account of Augusta County Second Amendment sanctuary meeting](#)

Augusta County news: [Hershey Chocolate against proposed cement plant in Stuarts Draft; permit to go before zoning](#)

Throughout the night, speakers shared both personal vignettes and broader stories of why it was important to them that no gun-control bills are passed.

Kevin Harris said that 27 years ago he started a small business: a Christian bookstore. He once received a question from someone: "How did you go from Bibles to selling guns?"

After thinking and praying on it for a time, he said he found his answer.

"What I've come to really understand is without the Second Amendment, we have no protection over Bibles," Harris said.

The proposed bill referenced most often on Wednesday, either directly or indirectly, was Senate Bill 16, which would expand the definition of an "assault firearm" and make possessing one a Class 6 felony.

"How many law-abiding citizens in this room would be instantly deemed felons?" Phillip Martin asked.

Tom Shumate, who said he's a Korean War veteran, said residents were "very, very concerned that our lifestyle, rural lifestyle, our heritage and our freedoms are being taken away."

Multiple people quoted the U.S. and Virginia constitutions, saying they thought it was unconstitutional to pass a law that would control gun rights.

Augusta County Sheriff Donald Smith also spoke. He said some people have been upset with him for saying he wouldn't enforce the law, likely referring to a News Leader story that quoted Smith.

Asked directly last week by Wayne Supervisor Wendell Coleman about "enforcing the law that's in violation of the Constitution," Smith said he would not. He then said expanded on that and said he would not go door-to-door to collect guns from citizens if the state told him to, referencing Senate Bill 16.

"I said I wouldn't take firearms from them," Smith said on Wednesday. "I was put in some of the media saying that I was saying that I wouldn't enforce the law. That's not what I meant. The Constitution is the law."

He said the oath that hangs in his office says "that I will honor the Constitution."

While some speakers referenced lawmakers generally, others used partisan language and specifically called out Democrats, sometimes referencing "the left."

Riverheads Supervisor Mike Shull invoked memory of the Revolutionary War when applauding the large turnout: "This shows your concern, and it's going to be a fight. Just as here tonight, think back 250 years ago when they were sitting there wanting freedom. They were fighting the Red Coats."

"The Democrats are the Red Coats that we've got to fight now," Shull said.

Shull continued, saying that "I'm not advocating we go to the streets. We've had one Civil War in this country. And if we keep on, we gonna have another civil war."


"My thoughts — this may not be nobody else's — they say that they're not inciting a civil war, but I think sometimes they are," he said. "Because if there's a civil war, they can enact martial law."

The few speakers who spoke against becoming a sanctuary county were loudly booed by others in the audience.


"The proposed resolution is unnecessary and puts the cart before the horse," said Tom Engle. "No one knows exactly what new laws the new legislature in Richmond may pass, but the likely options do not threaten Second Amendment rights as described by the U.S. Supreme Court."

He was booed during and after he finished speaking. Speakers each had three minutes, and time was kept on a large timer projected at the front of the room. The second the timer hit zero for speakers voicing opposition, people jeered and shouted "time" repeatedly.

One man yelled out "idiot" at Engle as he walked away. On multiple occasions, pro-Second Amendment speakers went over time, and they did not receive the same treatment. The supervisors occasionally tried to quiet the audience.

 **Claire Mitzel**
@c_mitzel

This man was the first to speak in opposition. He was booed throughout, and people started yelling "time" as soon as the timer ran out (Fwiw a couple pro-gun folks ran out and no one yelled at them.)



3 6:42 PM - Dec 4, 2019

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Mary Miller didn't specifically say that she was for or against becoming a sanctuary county, but she said that as a health care worker, she knew suicides — especially veteran suicides — were prevalent.

"I know people here are very responsible with guns," she said, but she wanted to share the importance of gun safety.

Others said becoming a sanctuary county was important, for a larger reason than standing up for the Second Amendment. They worried that state government officials — namely, Democrats — want to use the bills as control.

"Government has forgotten its place," Matthew Whitaker said, adding that government exists to serve the people, not the other way around.

"Absolute power corrupts, absolutely," he said. "An unarmed population is indeed a controllable one."

North River Supervisor Marshall Pattie, whose term expires at the end of December, said he encouraged future boards to join other counties in a lawsuit if a bill the board believes to be unconstitutional signed into law.

Speakers and supervisors also encouraged residents to get out and vote in future elections, noting the difference in beliefs between urban areas like Northern Virginia and the coast and the Shenandoah Valley.

"The power's at the ballot box," Shull said. "So exercise it; let's get out and vote."

After massive rally at county hearing, gun-rights advocates target Staunton and Waynesboro

Claire Mitzel, Staunton News Leader Published 11:51 a.m. ET Dec. 6, 2019 | Updated 3:01 p.m. ET Dec. 9, 2019

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Ben Cline talks to an employee at Nuckols Gun Works during his "Summer of the Walk" tour in Staunton. (Photo: The News Leader | Julia Fair)

Fearful gun politics, now that Republicans no longer control the state legislature, swamped Augusta County's political agenda this week. The message: Don't make any changes to gun laws in the state, even minor ones.

Also, if the state changes the law: don't follow it in Augusta County.

Now, these same gun advocates are looking to conservative Waynesboro and more liberal Staunton to make similar proclamations.

The city of Staunton is not scheduled to consider action on becoming a Second Amendment sanctuary city, [according to a statement from the city](#).

"While some localities in Virginia are adopting resolutions to become a 'Second Amendment sanctuary' city or county, at the present time, Staunton City Council is not scheduled to consider such action," the statement reads. "We remain open to listening and conversation."

After 1,800 people showed up to Augusta County's Second Amendment sanctuary meeting this week, organizers asked people to attend this week's Waynesboro and Staunton city council meetings to speak during public comment periods urging city council members to take similar action.

Augusta County voted 7-0 on Wednesday to become a sanctuary county during a special meeting. Facebook events circulated asking people to attend the regularly scheduled Dec. 9 Waynesboro City Council and Staunton City Council at 7:30 p.m. on Dec. 12.

More: ['Don't mess with Augusta County' the cry as 1,800 turn out for Second Amendment sanctuary decision](#)

More: [What We Heard: The pro-gun movement in rural Virginia speaks to its elected leaders. Urgently.](#)

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Staunton city officials are aware that some citizens have concerns about proposed gun-control legislation, according to the statement.

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"We assure Staunton citizens that the City is wholly committed to upholding the U.S. and Virginia Constitutions and all the protections and freedoms they guarantee, including the right of citizens to bear arms," the statement says. "City Council members took an oath to uphold the U.S. and Virginia Constitutions when they were elected to City Council and have no intention of violating that oath. We respect that the United States Supreme Court has the final say on this issue."

Council members will address any legislative concerns they have with state representatives, the statement says.

There was nothing on Waynesboro's agenda that mentioned the Second Amendment, either. Ahead of the meeting, Mayor Terry Short did not immediately return a message requesting comment. A reporter also left a message with City Manager Mike Hamp's office. This story will be updated if a statement is made by Waynesboro.

As of Dec. 6, more than 100 people marked "going" on the Facebook event for Waynesboro and 137 marked "interested." Close to 45 marked "going" for Staunton and another 72 marked "interested."

SAW Patriots, a group founded by two Army veterans, has organized the local movement to become a sanctuary county and started the Facebook events. The group is described on its Facebook page as "A patriotic resource for the great citizens of Staunton, Augusta County, Waynesboro and surrounding areas."

Counties, mostly in rural Virginia, quickly began to pass resolutions after the election declaring themselves sanctuary counties to affirm rights and oppose proposed gun-control bills filed for the upcoming General Assembly session. The push started with the pro-Second Amendment nonprofit Virginia Citizens Defense League. The initiative has gained steamed statewide, including in Hampton Roads and Northern Virginia.

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Gun support leads to separate Waynesboro Second Amendment meeting

Claire Mitzel, Staunton News Leader Published 11:20 a.m. ET Dec. 10, 2019 | Updated 11:40 a.m. ET Dec. 10, 2019

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Waynesboro residents packed city council chambers for the Monday night meeting in anticipation for comments about gun legislation. Several more people entered after the meeting started, and it was standing room only for most of the meeting. (Photo: Claire Mitzel/The News Leader)

WAYNESBORO — Waynesboro City Council plans to hold a meeting in a larger venue to hear residents' opinions about a Second Amendment sanctuary resolution.

It was standing room only in council chambers Monday night. Seven spoke on the issue, four in favor of such a resolution and three against. Deputy City Manager Jim Shaw confirmed after the meeting that the city plans to schedule a January meeting. Shaw said the city wants to first confirm the venue before advertising an exact date.

During council's work session prior to the regular meeting, council members also agreed to add language about the Second Amendment to the city's legislative agenda. The Council members present, Mayor Terry Short, Vice Mayor Bobby Henderson and Councilman Sam Hostetter, approved the legislative agenda during the consent agenda portion of the regular business meeting.

Short suggested the following language: "The city of Waynesboro fully supports a citizen's right as afforded under the U.S. Constitution specific to the Second Amendment and look to the General Assembly to strike a balance between gun rights and commonsense gun legislation."

Short said that doesn't necessarily mean the city won't act further.

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Waynesboro's meeting brought a turnout of about 80 people. Several people who signed up to speak had apparently left being called, so a total of seven spoke on the topic of guns. Those speaking in favor of the resolution received the largest amount of applause, but there was also support in the room for those voicing opposition.



Eleanor Pugliese read a verse from the Bible and the Second Amendment. She said she supported a resolution becoming a Second Amendment sanctuary.

Dwight Williams said that the point of becoming a Second Amendment sanctuary city "is to notify Richmond ... that we the people of Waynesboro, we do not support your proposed legislation."

"The Second Amendment was written to protect the First Amendment," Williams said. "And everyone likes their right to free speech. So how about we use ours? And let's tell Richmond that we're going to protect our Second Amendment rights here in Waynesboro."

Sara Kite said that she was concerned about becoming a sanctuary city for guns. The proposed legislation is a "maybe," she said. As a small business owner, she said her business attracts hundreds of couples per year. The city also tries to attract visitors and potential new residents. A resolution could make them wary, she said.

"What are we saying to them?" Kite asked. "We're not a sanctuary city for immigrants. We're not a sanctuary city of LGBTQ. So what are we saying to those people? Are our police officers not going to obey any law or just this law?"

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Josh Rubinstein also spoke against a resolution, saying that a line needed to be drawn somewhere.

"If somebody comes in here with a semi-automatic, we're dead," Rubenstein said. "We're all dead. And it doesn't matter if you have a semi-automatic. We're all dead. Because it's so quick. Now we all draw the line somewhere. If you have an absolute right to a gun, that means everybody has to have a gun to protect them against everybody else. Don't put me in that position. Don't put our community in that position."

Last week, Augusta County joined more than 40 other localities in the Commonwealth when supervisors voted to approve a resolution declaring the county a Second Amendment sanctuary. The resolution approved affirmed the Second Amendment and stated officials were opposed to any gun-control legislation that would violate the U.S. Constitution.

With the county on board, gun-rights advocates have targeted the cities of Waynesboro and Staunton. [Staunton doesn't plan to take up the matter at its Thursday meeting](#), but SAW Patriots, which has organized the local sanctuary movement, encouraged people to attend and speak during the public comment period.

The resolutions, passed largely by rural counties in response to a new Democratic legislative majority, are a preemptive action. Elected officials say it sends a message to Richmond that not everyone supports proposed gun-control measures.

Though multiple gun-control bills have been filed ahead of the General Assembly session, that doesn't guarantee the bills' future as they are presently written; bills are often changed before they make it to the governor's desk, and some bills don't even make it that far. It's also unknown, should any of those bills become law, whether a court would uphold them or declare them unconstitutional.

More: [Waynesboro Christmas parade is 'off the chain,' according to parade-goers](#)

More: [SweetNanaCakes to call Fishersville area home; Staunton mini speedway gets new location — The buzz](#)

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Staunton City Council makes no immediate move on Second Amendment resolution

Claire Mitzel, Staunton News Leader Published 11:57 a.m. ET Dec. 13, 2019 | Updated 12:13 p.m. ET Dec. 13, 2019

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An hour before Thursday's Staunton City Council meeting started, council chambers had almost filled up. By 7:30 p.m., attendees also filled other parts of City Hall, including the hallway. (Photo: Claire Mitzel/The News Leader)

STAUNTON — An energetic and large crowd filled Staunton City Hall Thursday evening to speak about the Second Amendment during the public comment period. Like other localities' meetings, most seemed to want a Second Amendment sanctuary. But this meeting was different: This crowd was more respectful, and a larger number of people spoke in opposition.

A crowd of 250 people attended to voice support or opposition to a movement that became popular in the Commonwealth following November's election; about 45 people spoke. More than half — nearly 30 — said they supported Staunton becoming a Second Amendment sanctuary city. About 15 people spoke against the idea, which was a larger show of opposition than at last week's Augusta County meeting.

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"You were sworn into office to uphold the Constitution of the United States of America and the Constitution of Virginia," Ron Gilbert said. "You have no other choice but to declare the city of Staunton a Second Amendment — and all the amendments — sanctuary city."

Speakers reiterated that the Second Amendment states that people can own weapons. Some interpreted that to mean all weapons, while others took a more nuanced interpretation.

"(The Second Amendment) says a 'well-regulated militia,' and I emphasize the word regulated, 'being necessary to the security of a free state,'" said Ingrid Blanton, who identified herself as a gun owner. "Those words are really important. It does suggest that common-sense gun control is absolutely appropriate."

More: [Gun support leads to separate Waynesboro Second Amendment meeting](#)

More: ['Don't mess with Augusta County' the cry as 1,800 turn out for Second Amendment sanctuary decision](#)

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Councilwoman Andrea Oakes called for council to put the topic on next meeting's agenda, and she said after the meeting that people deserve to be heard. Read more about what council members had to say after the meeting [in our premium, subscribers-only story](#).

By the end, several speakers called on residents to "vote with their wallets" and boycott council members' local businesses if they didn't vote in favor of a resolution.

One speaker specifically called out Councilman Terry Holmes, who owns the Mill Street Grill. Jeremy Nance said that while the restaurant has "one of the best brunches in Staunton," residents should take their money to pro-Second Amendment businesses if council members didn't support the "voters that got y'all sitting up there."

Holmes told The News Leader after the meeting that he respects and understands if people choose not to patronize his restaurant.

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Staunton City Hall, as seen during a break during the public comment period. Attendees also stood upstairs. The fire marshal estimated 250 people attended Thursday's meeting. (Photo: Claire Mitzel/The News Leader)

'Evil exists'

While the Second Amendment was not a topic on Thursday's agenda, SAW Patriots, a local group that has mobilized gun rights activists in recent weeks, asked residents to attend and speak during the public comment period.

Anticipating a large crowd, police and fire-rescue staffed City Hall for crowd control. Everyone who lined up was able to speak, limited to three minutes. The crowd applauded those who spoke in favor of the resolution. Unlike Augusta County's meeting, there were no boos for those who spoke in opposition, just an occasional murmur through the crowd. Several speakers even thanked the crowd for coming out to speak on both sides.

Reasons people gave for their views were varied.

Anne Hunter, a social psychologist, said that social psychologists "believe in common-sense gun regulation because the research for decades has indicated that gun regulations are essential."

"It's very possible to support the Second Amendment and to support common-sense gun regulations," Hunter said.

Several speakers opposed to a Second Amendment sanctuary resolution mentioned that no new laws had been passed yet and said it was preemptive to pass a resolution.

"All that we have right now are proposals," Kevin Rose said. "Proposals for laws which even if passed would still undoubtedly be challenged in the courts. That is the process that the framers of the Constitution designed to ensure our rights are protected."

But others said it was better to be proactive than reactive.

"We should not wait to see what the Virginia General Assembly takes away or does not take away," Janet Ewing said. "We need to take a stand for what we believe and for what we want."

John Thomas Wilson, who spoke in support of a resolution, said he didn't think imposing gun restrictions would curb criminal behavior.

"There is no banning or changing human nature," he said. "Evil exists."

Speakers against a Second Amendment sanctuary said they were concerned about potential ramifications, and whether that meant law enforcement would disregard laws they believed to be unconstitutional.

Rose said that proponents of a sanctuary city might get more than they bargained for.

"What happens if a sheriff gets elected in the future that thinks differently than you?" Rose asked. "Maybe he has a different interpretation of the Second Amendment. The same method that you're using now to defend the Second Amendment could possibly be used later to strip that right from you."

Gun rights activists encouraged residents to show up to Thursday's meeting to push back against the city's statement, which they saw as a refusal to engage. Toward the end of the meeting, Pastor Eric Brown called on each council member to publicly state their opinions, "not just a newspaper article hidden somewhere."

"I'm not here to deal with people's minds. I came to Staunton, Virginia, to deal with people's hearts," Brown said. "The very first murder in the Bible was committed with a rock. Nobody's banning a rock. Nobody's saying we can't gravel our driveway."

The concept of Second Amendment sanctuary counties rapidly gained steam after Democrats flipped the General Assembly blue in November and vowed to pass comprehensive gun reform. Participating counties were centered first mainly in rural Virginia, but the idea has spread quickly to urban areas, too.

The resolutions are largely symbolic, affirming participating counties' support for the Second Amendment and opposition for bills people believe run contrary to the U.S. Constitution. Pro-resolution speakers on Thursday said it sends a message to Richmond.

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What's next for Staunton City Council after a request for 2nd Amendment sanctuary status?

Claire Mitzel, Staunton News Leader

Published 11:56 a.m. ET Dec. 13, 2019 | Updated 12:11 p.m. ET Dec. 13, 2019

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Staunton City Council members listen to residents speak Thursday during public comment about the Second Amendment. (Photo: Claire Mitzel/The News Leader)

STAUNTON — After hearing over two hours of public comments from Staunton residents on the topic of Second Amendment sanctuary city status, a Staunton City Council member requested the item be put on the next meeting's agenda.

But whether council would approve a Second Amendment Sanctuary resolution was up in the air. Based on conversations The News Leader had with council members following the meeting, it seemed unlikely a resolution would pass. Seven members sit on city council, which means four would need to vote in favor of the resolution.

"We already support the (U.S. and Virginia) Constitutions...anything else is unnecessary," Mayor Carolyn Dull said.

About 250 people turned out Thursday night to support and oppose a Second Amendment sanctuary resolution. Based on the level of applause pro-resolution speakers received, a majority in attendance seemed to support the idea. But a larger number than at other localities' meetings spoke against the idea.

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Two members, Councilman Terry Holmes and Vice Mayor Ophie Kier, explicitly said they would not support a Second Amendment sanctuary resolution.

"I think the Second Amendment stands on its own," Holmes, a veteran, told The News Leader.

More: [Staunton City Council makes no immediate move on Second Amendment resolution](#)

More: 'Don't mess with Augusta County' the cry as 1,800 turn out for Second Amendment sanctuary decision

Dull, given her statement, indicated she would not vote in favor of a resolution.

Toward the end of the meeting, Councilwoman Andrea Oakes called for council to add the topic to the next meeting's agenda. Mayor Carolyn Dull rebuffed her attempted motion and told her to follow procedure.

Councilwoman Andrea Oakes said after the meeting that she didn't yet have a position on whether Staunton should become a sanctuary city, but she believed a larger forum should be held to specifically address the topic.

"I want everyone to have a voice," Oakes said.

Oakes can request that City Manager Steve Rosenberg place the topic on the next agenda. Council members have to approve agendas ahead of the meeting.

Council members Brenda Mead and Erik Curren deferred to a statement the city released, and Councilman James Harrington left council chambers before a reporter could talk to him.

Staunton city officials said in a statement released last week that city council did not have any action scheduled on the matter but remained open to listening.

"We assure Staunton citizens that the City is wholly committed to upholding the U.S. and Virginia Constitutions and all the protections and freedoms it guarantee, including the right of citizens to bear arms," part of the statement read. "We respect that the United States Supreme Court has the final say on this issue. City Council members took an oath to uphold the U.S. and Virginia Constitutions when they were elected to City Council and have no intention of violating that oath."

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