

An Analysis of Second Amendment Sanctuary Counties in the United States

Kyler Hudson

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Abstract

This paper investigates the recent spread of Second Amendment sanctuary counties in the United States. This movement seeks to pass pro-Second Amendment resolutions at the local level, often via the county Board of Commissioners. Using a novel dataset, I first describe the characteristics of Second Amendment sanctuary counties, finding they are whiter, older, poorer, and more conservative than non-sanctuary counties. I create a logistic regression model to determine whether or not the partisan composition of the state legislature is associated with the likelihood that a county passes a sanctuary resolution. I find that counties in Republican-controlled states are significantly less likely to pass sanctuary resolutions. Finally, I assess the extent to which sanctuary resolutions reflect the concept of policy diffusion, concluding that a county is more likely to pass a pro-Second Amendment resolution if another county in its state has already passed a similar resolution.

Introduction

Over the past two years, counties across the United States have passed proposals declaring their support for the Second Amendment of the United States Constitution. These so-called “Second Amendment sanctuaries” draw inspiration from “sanctuary cities,” jurisdictions that choose not to aid federal authorities in carrying out national immigration laws. The Second Amendment sanctuary movement is generally traced back to April 16, 2018, when the Board of Commissioners of Effingham County, Illinois passed a resolution declaring their county a sanctuary for gun owners¹. Since then, several hundred counties have adopted similar resolutions expressing support for Second Amendment rights, often in response to proposed gun-control legislation from the state legislature. This movement has grown rapidly, yet has not been addressed in the political science literature. Nonetheless, it is an important topic of study, as it connects to the literatures on federalism, gun control, civic participation, and policy diffusion. This paper acts as an introduction to the concept and movement of Second Amendment sanctuaries. I explain why the movement is worth academic study and how it relates to extant research, describe the characteristics of sanctuary counties using a newly created dataset, and determine if the adoption of a sanctuary resolution is related to the partisan composition of the state government. I hypothesize that conservative counties in states controlled by Democrats are the most likely to pass Second Amendment sanctuary resolutions, theorizing that they are more likely to expect gun control laws from their state legislature. I also employ the concept of policy diffusion to investigate how the probability of passing a sanctuary resolution is affected by the passage of similar resolution in one’s state.

¹Other counties had previously passed pro-Second Amendment resolutions, some of whom even used “sanctuary” language, but journalists and Second Amendment activists often point to Effingham, Illinois as the beginning of the movement.

Conceptualization

Like the concept of “sanctuary cities,” which protect illegal immigrants from federal law enforcement, the Second Amendment Sanctuary movement as a concept is somewhat amorphous (O’Brien, Collingwood, and El-Khatib 2019). There is no universal, agreed upon definition among supporters, opponents, or journalists. For example, a county that passes a resolution that affirms its support for the U.S. Constitution and all of its constituent rights may be called a Second Amendment sanctuary county by some observers, but not by others. There is ample room for personal judgement in the line-drawing process.

In order to avoid a purely subjective operationalization, I have adopted clear rules in my classification system. In this paper, I define a Second Amendment sanctuary county as a county which has passed a resolution or ordinance that affirms support for the Second Amendment of the U.S. Constitution or recognizes its citizens’ rights to bear arms. I use this relatively broad definition for both conceptual and practical reasons.

While some resolutions explicitly state that the county will not provide resources to law enforcement agencies that carry out unconstitutional gun control laws, this is only possible in the states where the county has control over the local sheriff’s department. In other jurisdictions, the County Board of Commissioners has much more limited power. In order to analyze the country as a whole, the counties and their authority need to be relatively comparable. While not all counties have control over their sheriff department’s enforcement discretion, they do have the ability to pass resolutions that signal their support for citizens’ rights. For example, in Terry Boose, county commissioner of Huron County, Ohio, stated that “we have no authority to make the laws or enforce them. The only thing we can do is what we have done in this resolution” (Gilroy 2020). In addition, it appears that many supporters simply want their elected officials to recognize their rights; the specific term “sanctuary” is just a name for counties that belong to that category. For example, a Michigan resident who proposed a resolution to the Huron County Board stated that the word “sanctuary” was not a

necessary inclusion in the document and that the resolution is “reaffirming your oath of office to protect the Second Amendment of the U.S. Constitution and Article 6 of the Michigan Constitution” (Creenan 2020).

Another reason I adopt an inclusive definition is a feature of the non-ideal data that I have. While I would love to be able to read each resolution in full and classify it based upon its contents, I am unable to do so. There is no grand archive of every resolution passed by every county board in the country. Many counties do not even have websites to access a record of resolutions or meeting agendas. Because of this limitation, I am basing my classifications on local news reports about the passage of a Second Amendment resolution. These news reports vary dramatically in quality. While some include the full text of the resolution, others merely state that a pro-Second Amendment has passed while recounting other business undertaken at the board meeting. The more expansive conceptualization of Second Amendment sanctuary allows me to work with the information that I have available.

Literature Review

The Second Amendment sanctuary movement is a fascinating topic of study, because it connects to several extant literatures in political science, including federalism, gun control, civic participation, and policy diffusion. There is a vast literature concerning the topic of federalism, stretching back to the transition from the Articles of Confederation to the Constitution. Both empirical and normative authors have wrestled with the question of which level of government has authority and legitimacy in different contexts (Kramer 1994; Clark 1985). Legal scholars have debated the balance of local autonomy and national political equality (Amar 1986). While both Second Amendment sanctuary counties and illegal immigration sanctuary cities both relate to the authority of local government, the differences between the two highlight precisely how the former can speak to the federalism literature.

First, unlike sanctuary cities for illegal immigrants, Second Amendment sanctuaries are not a response to the federal government. While supporters occasionally reference Washington D.C. when justifying their resolution, they almost always refer to actions taken by the state government. This conflict between the state and local government is different from the sanctuary city movement, in which localities tussle with the federal government.

Second, the Second Amendment sanctuary movement is unique in that its supporters appeal to the federal government in order to defy the state government. By basing their resolutions on the U.S. Constitution, Second Amendment advocates are claiming that a federal statute supersedes those passed by the state. This is different from the sanctuary city movement in which jurisdictions flout federal law and make no connection to the state.

Second Amendment sanctuaries clearly connect to the political science literature on gun control. While many studies have been conducted on the public opinion and efficacy of gun control policies, fewer have focused on the reverse side of the coin (Spitzer 2015; Kleck 2017; Lott 2013; Kleck and Patterson 1993; Haider-Markel and Joslyn 2001). If a substantial portion of the population firmly believes in an individual right to bear arms, and is willing enough to engage in political activity because of it, political scientists have an obligation to investigate the phenomenon.

Relatedly, the Second Amendment sanctuary movement is important because it stands as a stark example of civic participation. While many political scientists claim that ordinary citizens do not impact public policy, Second Amendment advocates provide contrary evidence (Achen and Bartels 2017). Citizens often bring their resolutions to their county's board of commissioners, in order to address an issue they believe in. The board meetings and public hearings where sanctuary resolutions are passed are often very popular. Citizens from a variety of backgrounds attend the meetings, sometimes choosing to speak in favor of or in opposition to the proposed resolution. In some cases, the public comments can continue for hours on end. Prior to the adoption of a sanctuary resolution the Judge-Executive of

Muhlenberg County, Kentucky stated that “since I’ve been judge, there has not been one issue that I have been contacted about more than I have in regards to this resolution” (*Muhlenberg County, KY 2nd Amendment Resolution Fiscal Court Hearing* 2020). The resolutions apparently inspire significant participation from the public.

Finally, the Second Amendment sanctuary movement may also connect to the literature on policy diffusion. Previous research has found that a jurisdiction may adopt a policy because its elected officials imitate or learn from the policies of other jurisdictions (Shipan and Volden 2008; Meseguer 2005). As Godwin and Schroedel (2000) observe, much of the literature on policy diffusion focuses at the state and national level. Examining sanctuary counties provides an opportunity to use the concept of policy diffusion at the local level, where individual citizens have a closer connection to their elected officials. Because of the rapidity in the passage of resolutions, the Second Amendment sanctuary movement might be described by what Boushey (2010) calls a “policy outbreak.” County boards are not gradually learning from one another, incrementally improving on the work of the past, but instead merely imitating one another. It is possible that a county’s probability of passing a Second Amendment resolution increases once a nearby county passes a similar resolution. Because I have recorded the date when a resolution was passed, I can empirically test this possibility.

Data

Throughout this study, my dependent variable is whether or not a county has passed a Second Amendment sanctuary resolution. As previously noted, I gather local news reports of counties passing Second Amendment resolutions. I record if the county has passed a resolution, the date it was passed, and a link to the news story. Because of this technique, false negatives are more likely than false positives. In other words, I am more likely to classify a county as not having passed a resolution when it actually has than vice versa. This is particularly likely for

small counties or those with limited local news coverage. In order to combat this problem, I have consulted the websites of Second Amendment rights and pro-gun groups in each state, which often compile lists or maps of counties that have passed sanctuary resolutions. To be clear, I do not cite these websites as sources and attempt to verify their claims, but they are helpful in highlighting smaller counties that might otherwise be overlooked.

I also used economic and demographic data from the U.S. Department of Agriculture's Atlas of Rural and Small-Town America (ARSA). This dataset includes a plethora of variables of interest, including statistics on age, race, education, immigration, geography, income, and occupation. These variables can be used to get a sense of what the sanctuary counties look like. Because the concept is so new and has not been covered in the political science literature, it is useful to take this introductory step. I also use county ideology estimates created by Tausanovitch and Warshaw (2013). They use Bayesian Item-Response Theory models to estimate the liberal-conservative ideology of small geographic areas. Using these measures, I determine if sanctuary counties are, on average, more conservative than non-sanctuary counties. I also include the ideology estimates in my logistic regression models to determine if conservative counties in states controlled by Democrats are the most likely to pass Second Amendment sanctuary resolutions.

Finally, I use data from the National Conference of State Legislatures to measure the partisan composition of state legislatures from 2013 to 2020. This acts as my primary independent variable. I categorize a state as Republican controlled, Democrat controlled, or divided and then map this information onto each county for the year in which they passed their resolution. If a county has not passed a resolution, I use the composition of their state legislature in 2020. This is used to test my main hypothesis that conservative counties in states controlled by Democrats are the most likely to pass Second Amendment resolutions.

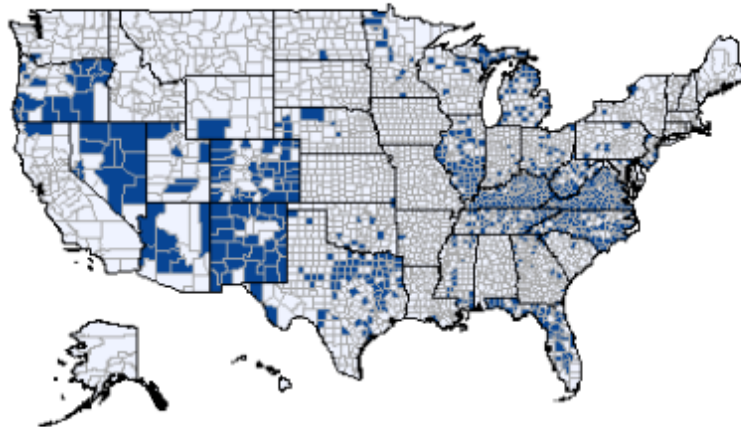


Figure 1: Map of Second Amendment Sanctuary Counties

Analysis

Descriptive Statistics

I begin my analysis by providing a general description of Second Amendment sanctuary counties in the United States. Given my definition, there are 840 Second Amendment sanctuaries in the United States, which comprise 26.7% of counties overall. Figure 1 displays a map of recorded sanctuary counties in the United States. Sanctuaries are geographically concentrated in particular states and regions. While the Southwest has many sanctuaries, the West Coast has very few. Quite a few counties in the Mid-Atlantic states have passed pro-Second Amendment resolutions, while very few have in the Northeast. Nearly all of the counties in Kentucky and Virginia are sanctuaries, but the movement has yet to spread to nearby states such as Indiana, Ohio, or Pennsylvania.

The main independent variables in this study are political ideology and the partisan control of state government, as they may explain some of the variance in the adoption of sanctuary resolutions. Table 1 breaks down the number of sanctuary counties for each category of

Table 1: Sanctuary Counties by Partisan Composition of State Government

	Nonpartisan	Democrat	Divided	Republican
Non-Sanctuary	86	328	564	1323
Sanctuary	7	274	252	307

partisan composition of the state government, as of 2020². A higher proportion of counties in states controlled by Democrats are sanctuaries, relative to counties in states controlled by Republicans or in states with divided government. There are also many fewer counties overall located in states controlled by Democrats. Figure 2 displays the distribution of the political ideology estimates for sanctuary and non-sanctuary counties. The leftward skew is likely because the analysis is at the county level. More conservative counties comprise a disproportionate share of the total number of counties, despite their smaller populations. Surprisingly, the distributions for sanctuaries and non-sanctuaries are quite similar. The distribution of non-sanctuaries has a longer leftward tail, likely because the most liberal counties in the United States are very unlikely to pass a pro-Second Amendment resolution, while the most conservative counties may or may not pass one.

I next show how sanctuary counties differ from non-sanctuary counties across a variety of variables. After merging my new sanctuary dataset and the ARSA dataset, I conduct t-tests to determine how the two groups differ demographically and economically. Table 2 contains the results from these t-tests. On average, Second Amendment sanctuaries are older and whiter than non-sanctuaries. Their populations have less formal education, fewer foreign born residents, and more veterans. Sanctuaries have much lower population densities, which corresponds with the common association of guns and rural places. They are also poorer, with lower median household and per capita incomes and a higher average poverty rate. Sanctuary counties have a higher unemployment rate and a higher share of their population working in the manufacturing and construction sectors. Interestingly, non-sanctuaries have a

²The “Nonpartisan” category contains the 93 counties in Nebraska, which has a nonpartisan, unicameral legislature and partisan governor.

higher proportion working in agriculture. This may be due to the relative absence of Second Amendment sanctuaries in farming states like Iowa, Nebraska, Kansas, and Missouri. There is not a significant difference in the percent of the population working in services or mining. Finally, Second Amendment sanctuary counties are, on average, more politically conservative than non-sanctuary counties, according to Tausanovitch and Warshaw’s ideology estimates.

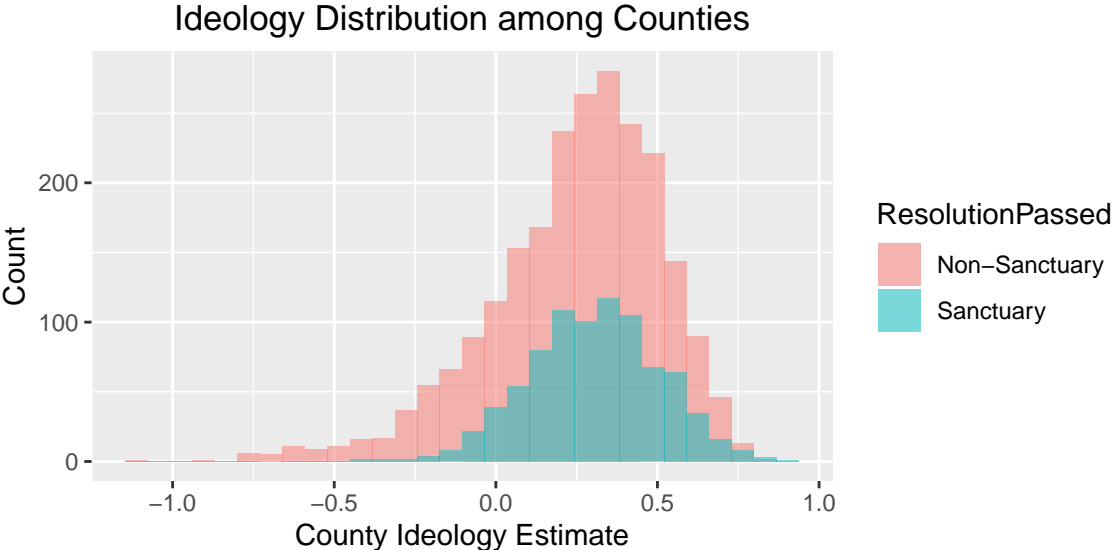


Figure 2: Distribution of Ideology Estimates

Logit Model

While Table 1 suggests that the partisan composition of the state government might be associated with a county’s probability of passing a pro-Second Amendment resolution, this needs to be assessed statistically. In addition, Table 2 shows that the mean ideology estimate of sanctuary counties is more conservative than non-sanctuary counties. In order to test my main hypothesis that conservative counties in Democratically-controlled states are the most likely to become Second Amendment sanctuaries, I create a logistic regression model. I regress the passage of a sanctuary resolution on the partisan composition of state government and political ideology, as well as all of the variables in Table 2. The partisan composition of state

Table 2: T-Tests of Sanctuary and Non-Sanctuary Counties

	Mean of Non- Sanctuaries	Mean of Sanctuaries	Lower CI	Upper CI	P-Value
Under18Pct	23.62	22.88	0.49	0.98	0.000
Age65AndOlderPct	15.77	16.18	-0.72	-0.08	0.014
WhiteNonHispanicPct	77.13	81.54	-5.80	-3.00	0.000
HispanicPct	8.53	7.61	-0.05	1.89	0.063
BlackNonHispanicPct	9.12	7.67	0.47	2.42	0.004
LessThanHSPct	13.27	15.29	-2.50	-1.53	0.000
HSDiplomaOnlyPct	33.98	35.63	-2.18	-1.13	0.000
AssocDegreePct	8.81	8.45	0.18	0.55	0.000
CollegePlusPct	22.11	18.70	2.78	4.05	0.000
ForeignBornPct	5.08	3.66	1.05	1.78	0.000
PopDensity	305.65	120.24	102.27	268.55	0.000
TotalPopEstimate	112565.09	58504.84	36178.97	71941.53	0.000
Vets18Pct	8.94	9.65	-0.93	-0.50	0.000
PovertyAllAgesPct	15.05	16.26	-1.69	-0.73	0.000
MedHHInc	51868.79	48924.98	1918.41	3969.21	0.000
PerCapitaInc	26549.26	24614.13	1498.09	2372.16	0.000
UnempRate2018	4.01	4.46	-0.55	-0.33	0.000
PctEmpServices	42.83	42.91	-0.57	0.41	0.746
PctEmpManufacturing	12.05	12.98	-1.50	-0.37	0.001
PctEmpAgriculture	5.72	3.49	1.83	2.64	0.000
PctEmpConstruction	7.13	7.50	-0.56	-0.19	0.000
PctEmpMining	1.61	1.82	-0.50	0.07	0.142
TWIdeologyEst	0.25	0.31	-0.08	-0.04	0.000

governments is determined by reports from the National Conference of State Legislatures from 2013 to 2020. A county is assigned a state government partisan control category depending on the party that controlled its state government in the year that it passed its resolution. If it has not passed a resolution, I assign it the partisan control category from 2020³. I then use my model to predict the probability that a county will pass a resolution, varying their ideology and partisan control of state government, while holding the other variables at their means. The predicted probabilities are plotted in Figure 3.

³Because of its nonpartisan legislature, I remove Nebraska from the analysis.

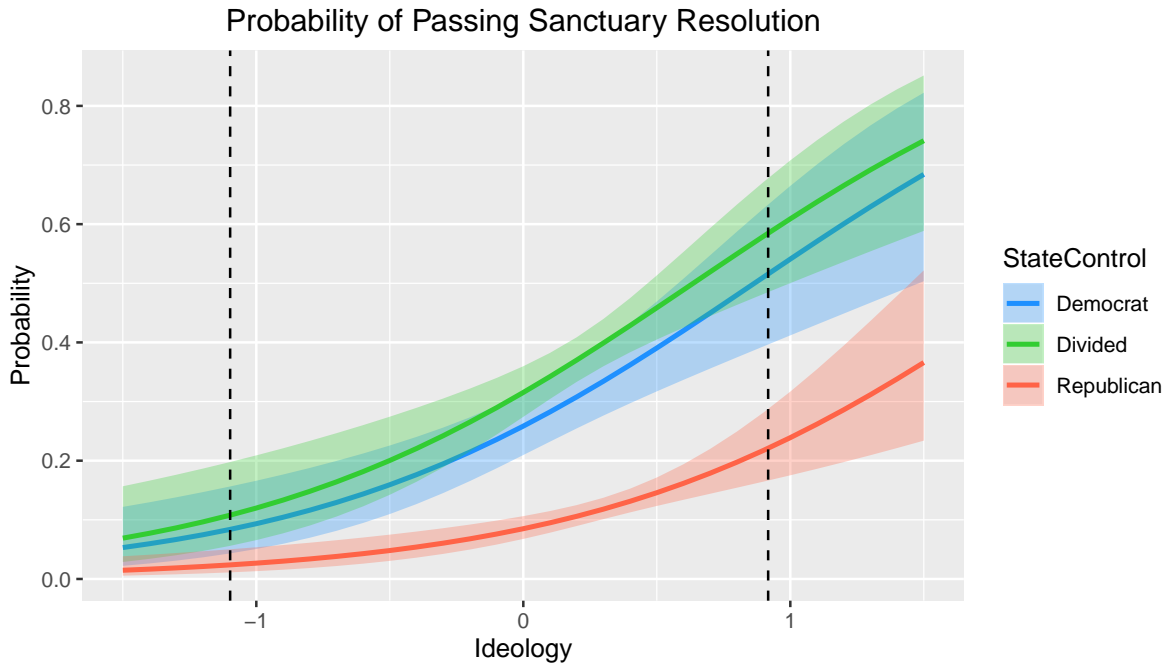


Figure 3: Logistic Regression Results; Dotted lines represent the minimum and maximum ideology estimates in the dataset

The regression results suggest that, across the entire range of ideology, counties in Republican-controlled states are the least likely to pass Second Amendment sanctuary resolutions. Meanwhile, counties in Democrat-controlled states are somewhat less likely to pass sanctuary resolutions than those in states with divided government, though the 95% confidence intervals overlap substantially. These results may seem counterintuitive; Republicans are generally thought of as the pro-gun party, so it might be expected that counties in Republican states are the most likely to pass pro-Second Amendment resolutions. However, it may be the case that residents in these states feel no need to pass such resolutions because they do not expect their state government to pass gun control legislation. Even the most conservative counties in Republican states have only a 20% predicted probability of passing a sanctuary resolution.

In contrast, residents in other states — particularly those in conservative counties — may

feel the need to voice their dissatisfaction with or defiance of their state government. For example, Ian Kempf, vice-chairman of the Lapeer County Commission in Lapeer County, Michigan stated that “the resolution is meant to send a message to Lansing that Lapeer County is a strong supporter of the Second Amendment and would not be in favor of additional laws that could impede upon those Second Amendment rights” (Keefer 2020). Counties in states with divided government may act like those in Democrat-controlled states because Second Amendment supporters do not differentiate between the possibility of Democrats passing gun control legislation in one chamber and passing it in both chambers and the governor’s office. To them, once gun control legislation is passed by one part of the state government, it is only a matter of time until it is signed into law.

The high probability of passage for counties in states with divided government may also be an effect of the way the partisan composition of the state government is measured. For example, Virginia is classified as “Divided” in 2019 because, in January of that year, Republicans controlled the legislature and a Democrat was governor. However, on November 5, Democrats won majorities in both houses of the legislature, achieving unified government. Of the 105 sanctuary counties in Virginia, 91.4% passed their sanctuary resolution between November 6, 2019 and December 31, 2019. They are therefore classified as having passed their resolutions under a “divided” state government, but it is likely that many of these counties were acting in response to the election results that promised a unified Democratic government. For example, on December 9, Brad Pollack, a county supervisor of Shenandoah County, Virginia, stated that “we want to send a loud signal to the General Assembly and the governor that [residents] do not want these restrictive gun laws to be passed” (WHSV 2019). This suggests that the probability of passing a sanctuary resolution may be overestimated for counties in “divided” states.

Policy Diffusion

Because of the rapid growth of the Second Amendment sanctuary movement, it is possible that sanctuaries reflect the concept of policy diffusion, in which a county is more likely to pass a sanctuary resolution if a nearby county has also passed one. In order to test this possibility, I add a variable to my logistic regression model that, for each county, indicates whether or not another county in its state had passed a resolution before it did. This should capture the associative relationship between a county passing a sanctuary resolution and their neighbors passing one. Including this policy diffusion variable improves the model's performance, decreasing the AIC from 2915 to 2828. The predicted probabilities of this new model are shown in Figure 4.

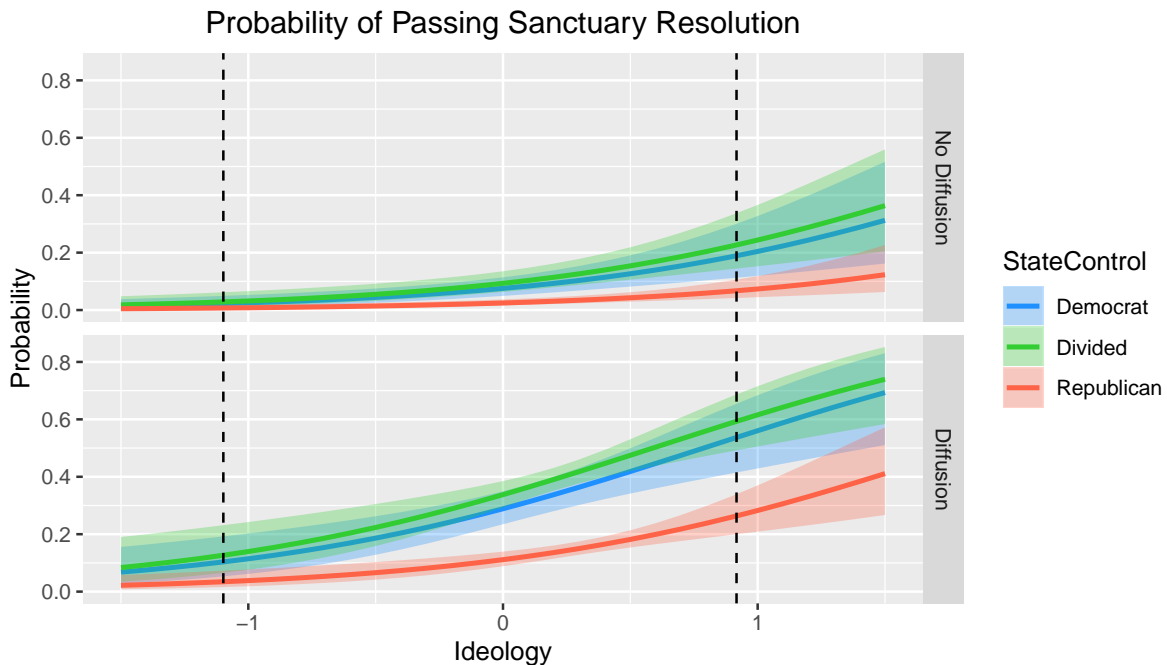


Figure 4: Logistic Regression Results with Policy Diffusion Variable; Dotted lines represent the minimum and maximum ideology estimates in the dataset.

Figure 4 shows that there is a substantial difference in the probability that a county passes a sanctuary resolution, depending on if another county in its state has already passed a

resolution. Among those in states where no one has passed a resolution (the “No Diffusion” pane), the probability that they pass a resolution is small, even among the most conservative counties. In contrast, the counties in states where another county has already passed a resolution (the “Diffusion” pane) have probabilities similar to those in Figure 3. As their ideology becomes more conservative, they are more likely to pass a sanctuary resolution. In addition, counties in Republican-controlled states are less likely, across the range of ideology estimates, to pass a resolution than those in Democrat-controlled states or those in states with divided government.

Because these results are only associative, we cannot assert that a neighboring county passing a sanctuary resolution *causes* a county to pass a resolution of its own. It is possible that these results reflect the fact that counties near one another are simply very politically similar and therefore tend to adopt similar legislation. For example, a county in a state with no sanctuary counties may be very unlikely to pass a resolution — not because it does not have an example to learn from — but because, like its neighbors, it is averse to pro-gun resolutions.

Discussion

This study serves as an introduction to the Second Amendment sanctuary movement. This is an important substantive topic for political scientists because it connects to the extant literature on federalism, gun policy, civic participation, and policy diffusion. Using my novel dataset, I find that, as of April 2020, Second Amendment sanctuaries are significantly different than non-sanctuaries in a number of ways. On average, their populations are older, whiter, poorer, have less formal education, and contain more veterans. These counties are less dense, are more politically conservative, and have a higher share of their population working in the manufacturing and construction industries. My logistic regression models suggest that the partisan composition of the state legislature has a significant effect on the probability that a

county passes a sanctuary resolution. While I expected conservative counties in Democrat-controlled states to be the most likely to pass sanctuary resolutions, counties in states with split government were actually marginally more likely to be sanctuaries. As expected, counties in Republican-controlled states were the least likely to be sanctuaries. After adding a policy dispersion variable to the model, I find that a county is unlikely to pass a sanctuary resolution if no other county in its state has passed one. In contrast, conservative counties, particularly those in Democratically-controlled or split government states, are quite likely to become sanctuaries if another county has already passed a similar resolution.

This study is a mere introduction to the Second Amendment sanctuary movement; there are many more opportunities for future research. As previously noted, the news stories describing the town halls and board meetings where the resolutions are passed emphasize the unusually high level of citizen engagement. Future research might attempt to assess the veracity of these claims or more systematically examine the motivation behind the resolutions' supporters. Are the resolutions introduced by board members, community residents, or external third parties? It may also be fruitful to measure how balanced these meetings are, between supporters and opponents to the resolutions. From my reading of the news stories, it appears that supporters often vastly outnumber opponents. How might these two groups differ ideologically and demographically? And what are the reasons that people give for opposing the resolutions? Are they strictly "anti-gun", or do they fear legal repercussions from the use of the term "sanctuary"?

A much larger project than this one might use text-as-data approaches to analyze the actual content of Second Amendment sanctuary resolutions. This would require a substantial amount of work in collecting the resolutions, as many cannot be found online and so would need to be attained directly from each county clerk, but it may shine light on how the language varies across space and time. For example, it is possible that the most ideologically conservative counties were the first to become sanctuaries and are most likely to use the term sanctuary. In

contrast, the counties with a higher share of moderate or liberal residents would be hesitant to use a term that is perceived as inflammatory. It would also be interesting to examine if and how counties refer to the state and national government in their resolutions. From the news stories I read to compile my dataset, it appears that activists support sanctuaries with the state government in mind, not the federal government. For example, Doug Nelson, a resident of Henry County, Kentucky attended his county's meeting when their sanctuary resolution was passed and stated that "I think this resolution was something we needed to pass tonight just so Frankfort can hear our voice" (Cohen 2020). It may be worthwhile to measure how pervasive this kind of attitude is for other supporters of sanctuary counties.

There is also an opportunity to more fully explore the process of policy diffusion. It is possible that members of the county board look to the proposed or passed resolutions of neighboring counties when drafting their own resolution. Third parties may play a role in this process, as elected officials copy or adapt preexisting draft resolutions from interest groups. Additionally, how does the situation change after a resolution is passed? Is there continuing debate by opponents? Are the resolutions challenged in court? Or are they passed, the gun supporters celebrate, and the Board of Commissioners return to discuss the budgets for the library and fire department? These substantive questions may require a variety of methodologies to answer and will further our understanding of this specific social movement, as well as other important topics in political science.

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