

RESOLUTION 586

AR RESOLUTION OF THE TOWN OF YACOLT, WASHINGTON, IN SUPPORT OF THE RIGHT TO KEEP AND BEAR ARMS

WHEREAS, the 2nd Amendment to the United States Constitution guarantees, "...the right of the people to keep and bear Arms, shall not be infringed." and Article 6, Section 2 declares, "This Constitution, and the laws...made in pursuance thereof; shall be the Supreme Law of the Land..."; and

WHEREAS, Article I, Section 2, of the Washington State Constitution declares "The Constitution of the United States is the supreme law of the land"; and

WHEREAS, Article I, Section 24, of the Washington State Constitution further guarantees "The right of the individual citizen to bear arms in defense of himself, or the state, shall not be impaired, but nothing in this section shall be construed as authorizing individuals or corporations to organize, maintain or employ an armed body of men.; and

WHEREAS, Article 1, Section 29, of the Washington State Constitution "declares the provisions of this constitution are mandatory, unless by express words they are declared to be otherwise"; and

WHEREAS, Article I, Section 32, of the Washington State Constitution declares, "A frequent recurrence to fundamental principles is essential to the security of individual right and perpetuity of free government"; and

WHEREAS, the United States Supreme Court has declared "...a law repugnant to the Constitution is void..." (see *Marbury v. Madison*); and, "An unconstitutional act is not law; it confers no rights; it imposes no duties; it is in legal contemplation, as inoperative as though it had never been passed." (see *Norton v. Shelby County*); and

WHEREAS, the United States Supreme Court has declared "The Second Amendment protects an individual right to possess a firearm unconnected with service in a militia, and to use that arm for traditionally lawful purposes, such as self-defense within the home." (See *District of Columbia v Heller*); and

WHEREAS, the United States Supreme Court has declared "The Second Amendment protects an individual right to possess a firearm unconnected with service in a militia, and to use that arm for traditionally lawful purposes, such as self-defense within the home." (See *District of Columbia v Heller*); and further the United States Supreme Court has declared the Second Amendment is applicable to the individual States pursuant to the Fourteenth Amendment (See *McDonald v. City of Chicago*); AND

WHEREAS, a core principle of the Town of Yacolt, Washington is not to infringe on the Constitutionally guaranteed right to keep and bear arms and the inherent human right to self-defense; and furthermore, in its exercise, derive economic benefit and enjoyment in all safe forms of manufacture, commerce, recreation, hunting and shooting; and

WHEREAS, the myriad of measures imposed by government that criminalize lawful gun ownership do, in their substance and effect, infringe upon and impair the Constitutionally guaranteed right to keep and bear arms as exercised by law abiding citizens, inhibit lawful self-defense, and do nothing to increase security in our schools and homes, nor do they address gang violence; and

WHEREAS, the Council of the Town of Yacolt are elected to represent the Citizens within their respective jurisdictions and are duly sworn by their Oaths of Office to support and defend the United States and Washington State Constitutions.

NOW, THEREFORE, BE IT RESOLVED BY THE YACOLT TOWN COUNCIL THAT: the Council and the citizens call upon Clark County Councilors and Sheriff to make it the official public policy of Clark County, by official public statement, within their respective jurisdictions to be legally required to adhere to and preserve the inalienable right to keep and bear arms and the right of self-defense as enumerated in the United States and Washington State Constitutions and to exercise their authority, including discretionary authority, in a manner consistent with the protection of that right.

BE IT FURTHER RESOLVED BY THE YACOLT TOWN COUNCIL that it is the official policy of Yacolt to encourage local State Legislators, the Clark County Council and the Clark County Sheriff to take whatever action is necessary, including but not limited to joining any judicial action, to challenge and to seek repeal of any act, order, rule, law, or regulation repugnant to the Constitutionally guaranteed right to keep and bear arms as exercised by law-abiding citizens of Yacolt, Washington, and further, to oppose any attempts to abridge these rights.

THEREFORE, BE IT FURTHER RESOLVED BY THE YACOLT TOWN COUNCIL that it is the official policy of Yacolt to urge Washington Courts when reviewing such acts, orders, regulations, laws or initiatives to acknowledge the right to keep and bear arms is a fundamental right and to apply the strictest constitutional standard of review to such laws, and further, to urge Washington Courts not to grant a presumption of constitutionality to any citizen initiative affecting fundamental constitutional rights.

THEREFORE BE IT FURTHER RESOLVED, the citizens of the Town of Yacolt call upon the Town of Yacolt Council members within their respective jurisdictions to neither authorize nor support the enforcement of any act, order, rule, law, or regulation repugnant to the legally binding, Constitutionally guaranteed right to keep and bear arms exercised by law-abiding citizens of Yacolt, Washington, enacted after November 1st, 2018.

BE IT FURTHER RESOLVED that Resolution #586 shall become effective upon the date of adoption by the Town Council of Yacolt, Washington on this 5th day of August, 2019

APPROVED this 5th day of August 2019, in Yacolt, Washington by the Town Council of the Town of Yacolt, Washington

Town of Yacolt



Vince Myers, Mayor

Attest



Katie Younce, Assistant Town Clerk

Ayes: Boget, D. Moseley, M. Moseley, Noble, Rowe-Tice

Nays _____

Absent _____

Abstain: _____