

**BOARD OF COUNTY COMMISSIONERS  
COUNTY OF KITTITAS  
STATE OF WASHINGTON**

**RESOLUTION REGARDING INITIATIVE 1639**

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**RESOLUTION No. 2019-\_\_\_\_\_**

**WHEREAS**, Purported popular sentiment may not infringe on Constitutional Rights<sup>1,2</sup>; and

**WHEREAS**, Initiative 1639 imposes restrictions on commonly owned and used semiautomatic rifles without factual basis<sup>3,4</sup>; and

**WHEREAS**, Initiatives do not receive judicial deference in the Federal Courts<sup>5</sup>; and

**WHEREAS**, The United States Supreme Court has recognized that the Second Amendment to the United States Constitution guarantees an individual right to possess and carry weapons<sup>6</sup> and that self-defense is the central component of that right<sup>7</sup>; and

**WHEREAS**, The United States Supreme Court has also recognized that the Second Amendment to the United States Constitution applies to “all instruments that constitute bearable arms, even those that were not in existence at the time of the founding”<sup>8</sup>; and

**WHEREAS**, The United States Supreme Court has ruled that this individual right is among those fundamental rights necessary to our system of ordered liberty<sup>9</sup>; and

**WHEREAS**, The United States Supreme Court has thus ruled that this right applies to the States through the Fourteenth Amendment to the United States Constitution<sup>10</sup>; and

**WHEREAS**, The Washington Supreme Court has concluded the same with regard to the similar provision of the State Constitution and predicted the application of the Second Amendment to the States in the same manner and for the same reasons as the United States Supreme Court<sup>11</sup>; and

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<sup>1</sup> *Duncan v. Becerra*, 366 F. Supp. 3d 1131, 1136-7 (2019).

<sup>2</sup> *McDonald v. City of Chicago*, 561 U.S. 742, 791 (2010).

<sup>3</sup> <https://crimeresearch.org/2018/11/new-cprc-research-mass-public-shootings-are-much-higher-in-the-rest-of-the-world-and-increasing-much-more-quickly/>, last visited June 10, 2019.

<sup>4</sup> *Duncan v. Becerra*, 366 F. Supp. 3d 1131, 1137 (2019).

<sup>5</sup> *Duncan v. Becerra*, 366 F. Supp. 3d 1131, 1167 (2019).

<sup>6</sup> *District of Columbia v. Heller*, 554 U.S. 570, 592 (2008).

<sup>7</sup> *Id.*, at 599.

<sup>8</sup> *District of Columbia v. Heller*, 554 U.S. 570, 582 (2008).

<sup>9</sup> *McDonald v. City of Chicago*, 561 U.S. 742, 778 (2010).

<sup>10</sup> *McDonald v. City of Chicago*, 561 U.S. 742, 791 (2010).

<sup>11</sup> *State v. Sieyes*, 168 Wn. 2d 276, 287 (2010).

**WHEREAS**, All public officers have the duty to uphold the Constitutions of the United States and the State of Washington; and

**WHEREAS**, Initiative 1639 cannot be reconciled with the Constitutional Rights of the law-abiding;

**NOW THEREFORE, BE IT HEREBY RESOLVED** that the Board of County Commissioners of Kittitas County, Washington concludes that Initiative 1639 cannot withstand judicial scrutiny and the efforts to do so appear to be frivolous and a waste of public funds.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_ 2019.

**BOARD OF COUNTY COMMISSIONERS  
KITITAS COUNTY, WASHINGTON**

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Vice-Chair

\_\_\_\_\_  
Commissioner

**ATTEST:**

\_\_\_\_\_  
 Clerk of the Board- Julie Kjorsvik

Deputy Clerk of the Board- Mandy Buchholz

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Gregory L. Zempel, Prosecuting Attorney