

An Open Letter To All Elected Servants of the People:

The Constitutional crisis the citizens of Washington State are currently undergoing at the hands of Gov. Jay Inslee is the most important issue every elected official must address with the utmost urgency.

RCW 43.06.220 Subsection 1 E, F & H makes it clear that the governor has the right to reasonably restrict the sale, purchasing or dispensing of alcoholic beverages or other commodities or goods, or other activities, as he reasonably believes should be prohibited to help preserve and maintain life, health, property or the public peace.

There is nothing reasonable about the governor's overreach under this law. There are no deaths in Cowlitz County or three of the counties we border. The majority of the 19 deaths in Clark County were at a single nursing home and were nearly a month ago.

There is no data that would lead any reasonable person to believe that there is an emergency related to COVID-19 anywhere in SW Washington, but especially in Cowlitz County and the City of Kalama, where there are zero deaths and one possibly confirmed case. Do we have confirmation on that even?

Ultimately, 1/10th of 1% of all citizens in all counties in SW Washington have not even had symptoms of Coronavirus. There are twice as many unemployed waitresses and waiters in Kalama than there are COVID positive cases in the whole of Cowlitz County.

The governor's overreach has caused considerably more stress for the citizens and businesses of Kalama and Cowlitz County than the actual Coronavirus that Mr. Inslee appears intent on turning into his own personal War in Afghanistan, a neverending battle which will soon result in a mass disruption of the public peace.

The language of the law regarding the governor's ability to declare an emergency in regions of the state requires a natural disaster or other such event that one would reasonably consider an emergency. Science clearly shows that the emergency resides predominantly in three counties that border one another to the east of the Puget Sound. In his daily updates, Gov. Inslee rarely, if ever, mentions other portions of the state outside of the region actually affected. This is not a state-wide emergency, yet the governor insists the entire state suffer at his whim.

Without reason and logic being applied to the data, the Governor's state of emergency can last indefinitely and can be declared for whatever purpose the Governor may see fit. The law is written broadly, but the need for reason in determining what defines a state of emergency is clear. Gov. Inslee has shown himself to not be a reasonable leader in his decision-making processes, ignoring facts and data, while also letting his personal politics interfere with his better judgement.

During this pandemic, Gov. Inslee quickly shifted the blame for his own lack of preparedness as the executive to the federal government and President Trump, despite our state having spent millions of dollars on defective medical supplies from China that had to be returned, in addition to millions of dollars' worth of equipment that was allegedly trapped in Canadian customs until the seller canceled the

sale. In early April, the field hospital built inside Seattle's CenturyLink Field was dismantled without treating a single patient. Also at the beginning of April, 400 of the 500 ventilators provided by the National Strategic Stockpile were returned at Mr. Inslee's order, citing a decline in cases and the state's own purchase of 750 ventilators that were supposed to arrive within the coming weeks. Under Gov. Inslee's leadership, the state has ordered in excess of 250 million pieces of medical equipment and supplies since the crisis began, yet we have only received approximately 5% of these units.

RCW 38.52.120 Political Activity Prohibited. No organization for emergency management established under the authority of this chapter shall participate in any form of political activity, nor shall it be employed directly or indirectly for political purposes.

Following lawsuits brought forth by multiple politicians and small business owners against the governor, Washington State Democratic Party Chair Tina Podlodowski accused those seeking to have the governor's defiance of our U.S. & State Constitutions reign in of being "dangerous" and "extremist", and vowing to make the virus response an issue in campaigns this fall.

Gov. Inslee himself explained in detail during a May 13th discussion entitled *Saving Our Planet from the Existential Threat of Climate Change* - which was livestreamed on the YouTube channel of Bernie Sanders - that he will use this declared emergency to push his political agenda, stating:

"This has always been an economic opportunity, but it is such a no-brainer this moment with the Covid crisis that has precipitated this enormous economic challenge that we should not miss an opportunity to drive home... that this has enormous backing of our constituents who understand the economic necessity of this, and we should not be intimidated when people say, 'Oh, you can't use this Covid crisis, you know, to peddle a solution to Climate Change.' No, we have to recognize the necessity of this moment, that this will allow us to rebuild our economy and jumpstart it. It was a necessity before the Covid crisis, and it is an absolute requirement now to rebuild our economy. We shouldn't be intimidated by Republicans about this at all. And the last thing I'll say is we can't use Covid as an excuse for inaction on Climate Change. These are two things we have to deal with, and we can deal with both because they are both so similar; they are based on an understanding of science, and that is under our control, and they're both fatal threats to our communities."

It is not lost on the people of Kalama and Cowlitz County that Governor Inslee and other Progressive Democrats are using this virus to pursue the political interests of himself and his political party, with the intent to bankrupt a portion of this state, blame it on his personal political rivals at the federal level, and demand a one trillion dollar bailout from the U.S. Congress (which occurred in a letter dated May 11th), further damaging the economic gains our country has seen in the past three years and driving us further into debt through massive irresponsibility and, quite frankly, abject tyranny. This is, after all, the candidate for Democratic Presidential Nominee who said, "The biggest threat to the security of the United States is Donald Trump. No question about it." We must compare this statement against the track record of President Trump, a man who has fostered our nation to some of the lowest unemployment rates in recorded history. Mr. Inslee is a man who bitterly failed at his attempt at the presidency, being incapable of collecting even 1% of Democratic support and quickly dropping out of the primary, only to announce his candidacy for a third term as our governor.

It is apparent to any adult with even a modest attention span that Mr. Inslee would likely do anything to help unseat President Trump this November, including using Covid-19 to bankrupt much of Washington State, then lay responsibility for it all at the feet of Donald Trump while simultaneously demanding the Congress bail our state out of the crisis the governor is manipulating for his own political interests. It is not a coincidence that multiple Progressive Governors elsewhere are taking this same route of Constitutional defiance and unnecessary state-wide oppression of their citizens for the sake of increasing their own power, not saving lives.

Furthermore, U.S. Attorney General William Barr has made it clear that the Justice Department is watching our state closely and stated in an April 27th memo to all U.S. Attorneys that, quote, "The Constitution is not suspended in times of crisis. We must therefore be vigilant to ensure its protections are preserved, at the same time that the public is protected."

Noting AG Barr's statement, I remind all elected officials that we took an oath to support the Constitution of the United States and the Constitution and laws of the State of Washington, and all local ordinances, and that we will faithfully and impartially perform and discharge the duties of our office, according to the law and the best of our ability.

Whereas Governor Inslee has chosen to defy the U.S. Constitution, Washington State Constitution, the RCW dictating how emergency management may be used, and thus his own oath of office (not to mention any semblance of morality and responsibility a person in his position must have to faithfully execute the role of their office), we must not follow him down that path, lest we defy our own oaths and make ourselves subject to recall and the city subject to countless lawsuits from our own citizens and business owners.

The courts have previously ruled that a public officer's relationship with the public is that of a fiduciary, and the state legislature has expressly recognized that relationship in various statutes, including RCW 42.30, the Open Public Meetings Act.

The people themselves, in passing Initiative 276 by a 72% popular vote, declared trust to be the public policy of the State of Washington. RCW 42.17A.001 clearly states: "That the people have the right to expect from their elected representatives at all levels of government the utmost of integrity, honesty and fairness in their dealings."

The Washington State Constitution does not give any elected body or official the right to ignore Article 1 Sections 1, 3, 4, 6, 11, 12, 27, 29 and 30 because the Governor has insisted we do so.

It is our duty as elected representatives of the people to reject the antiquated Dillion's Rule of the 19th Century, just as the Washington Supreme Court did in the 1909 case *Hilzinger v. Gillman*, holding that: "Growing cities should be empowered to determine for themselves...the many important and complex questions of local policy..."

The 1966 Municipal Code Committee, which recommended the Optional Municipal Code, expressed "the state legislature's intent to confer the greatest power of local self-government, consistent with

provisions of the State Constitution, upon the [code] cities..." The report also clarified that a key purpose of the Optional Municipal Code was "that the laws be liberally construed in favor of the city as a clear mandate to abandon the so-called Dillion's Rule..."

RCW 35A.11.020 declares that the "legislative body of each code city shall have all powers possible for a city or town to have under the Constitution of this state, and not specifically denied to code cities by law," including "the rendering of local social, cultural, recreational, educational, governmental, or corporate services..."

ARTICLE 1, SECTION 1 of the WASHINGTON STATE CONSTITUTION: All political power is inherent in the people, and governments derive their just powers from the consent of the governed, and are established to protect and maintain individual rights.

SECTION 2: The Constitution of the United States is the supreme law of the land.

SECTION 3: No person shall be deprived of life, liberty, or property, without due process of law.

SECTION 4: The right of petition and of the people to peaceably assemble for the common good shall never be abridged.

I will not take the time to discuss the clear prohibitions Gov. Inslee has placed on Christianity being practiced as Christians see fit, including the sacred rite of Holy Communion being banned, as even the most simple-minded person can grasp the 1st Amendment of the U.S. Bill of Rights, which is re-affirmed as the supreme law of the land in Article 1 of our State Constitution, which Attorney General Barr also re-affirmed in his aforementioned memo to all 93 U.S. Attorney offices.

If Governor Inslee wishes to send the State Patrol here to enforce his unconstitutional demands, then he can attempt to do that to further suppress our citizens, but he does so in direct opposition to the consent of the governed and does so with a knowing disregard for the founding documents of our nation and state, as well as the RCW dictating the limitations surrounding emergency management.

Until such time that the Governor comes into compliance with the rights we've sworn an oath to protect, Kalama must continue to uphold the fundamental rights of the individual. We must also focus on what Gov. Inslee describes as "building the herd immunity". This will only be accomplished one way, and it is the only option on the table. Kalama and all unaffected cities and counties throughout our nation must reopen, lest we find ourselves living in a very real, legitimately violent dystopia before summer arrives.

If all people are created equal, then all humans are essential. If a highly intertwined civil society is to be maintained, then cities and counties must open in defiance of those executives who themselves stand in defiance of our laws and our people's will.

Our forefathers founded this nation during a smallpox epidemic. Our forefathers also crossed a frozen river... at midnight... to kill their enemies while they were sleeping... on Christmas. These two facts of U.S. history stand as a testament that humans have immensely more to fear from people claiming to be

the supreme authority over their lives than they do from a virus.

Open Kalama. Uphold Freedom. Preserve Liberty.

With The Greatest Consideration For Our People,

Matthew Merz
Kalama City Council
Position #5