Written by **Joe Wolverton, II, J.D.** on November 26, 2018

Police Chief in Washington State Supports Second Amendment; Refuses to Enforce Gun Regs

The chief of the Republic, Washington, police department says he and his officers will refuse to enforce unconstitutional restrictions on gun ownership recently enacted by the state government.

On the police department's official Facebook page, Chief Loren Culp makes his position on the right to keep and bear arms very clear:

> I've talked with quite a few concerned citizens today so let me clear something up.
>
> I've taken 3 public oaths, one in the US Army and Two as a police officer. All of them included upholding and defending the Constitution of the United States of America.
>
> The second amendment says the right to keep and bear arms shall not be infringed.
>
> As long as I am Chief of Police, no Republic Police Officer will infringe on a citizens right to keep and Bear Arms, PERIOD!

Details of the new state statute Culp is refusing to enforce are provided by a story published in the *Western Journal*:

> Initiative 1639 was on the ballot this November and made Washington's gun control — at least when it comes to "assault rifles" — some of the strictest in the nation. It raises the age to buy what it describes as "semiautomatic assault rifles" to 21, requires mandatory training and stricter background checks, implements a 10-day waiting period on any purchase of said weapon and levies a purchase fee on such weapons.
>
> It also makes it a Class C felony to store a weapon in such a manner where a prohibited person can gain access to it and either display it or commit a crime with it.

Statewide, the measure apparently benefited from the supported of the majority of voters in the Evergreen State.

"Initiative 1639 passed with a statewide approval of nearly 60 percent of the vote," local TV station KXLY reported. "In Ferry County, where Republic is located, 73 percent of voters said no to the measure, which was 2,542 votes against."

To Chief Culp, laws made contrary to the Constitution are prima facie null, void, and of no legal effect, and if he and his officers were to enforce the new restrictions on the right to keep and bear arms, they would be violating their own oaths of office. "We took an oath to uphold and defend the constitution of the United States, and the constitution of the State of Washington, and [I-1639] completely flies in the face of both the U.S. and the state constitution," he said.

Some readers may agree with Culp in principle, but believe that since the citizens of Washington have spoken, he should recognize their will and carry it out, even if he is personally opposed to it.

The reality is that resisting federal trampling of the Constitution is not only a right of state lawmakers, it is a constitutional obligation. Therefore, the Washington state legislators who voted for Initiative 1639 were in violation of their oaths.

Article VI, Clause 3 of the U.S. Constitution reads:

> The Senators and Representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

Simply put, this clause puts all state legislators under a legally binding obligation (assuming they've taken their oath of office) to "support the Constitution." There is no better way, it would seem, for these elected state representatives of the people to show support for the Constitution than by demanding that the officers of the federal government adhere to constitutional limits on their power.

Perhaps a greater number of these state legislators, attorneys general, and judges would be more inclined to perform their Article VI duty if the people who elected them would sue them and hold them legally accountable for any failures to carry this burden.

Imagine, furthermore, the uproar in state assemblies across the country if every day the legislators were in session process servers showed up at their offices armed with lawsuits charging them with dereliction of their constitutional duty!

So, when viewed in the context of the U.S. Constitution, specifically the oath of constitutional fidelity mandated by Article VI on all state legislators, those Washington state representatives and senators should consider themselves lucky that they aren't being impeached for their own malfeasance.

In fact, with the constant danger to unrestricted gun ownership coming from all corners of government, Chief Culp should be congratulated on his nullification of all those threats, whether they be from the White House or the state House.

The most effective weapon in the war against small and large tyrannical attacks on liberty is nullification. Nullification occurs when a state, county, city, or other local entity holds as null, void, and of no legal effect any act of any government body that exceeds the boundaries of its constitutional powers.

As Alexander Hamilton explained in *The Federalist*, No. 78:

> There is no position which depends on clearer principles, than that every act of a delegated authority, contrary to the tenor of the commission under which it is exercised, is void. No legislative act, therefore, contrary to the Constitution, can be valid. To deny this, would be to affirm, that the deputy is greater than his principal; that the servant is above his master; that the representatives of the people are superior to the people themselves; that men acting by virtue of powers, may do not only what their powers do not authorize, but what they forbid.

Chief Culp believes that "eventually, this will be overturned in the courts, but that could take some time," he said.

There are better and surer paths to derail the "long train of abuses and usurpations."

To break state and federal lawmakers of their tyrannical habits, more men need to perform practically what Madison and Jefferson described on paper. They must unashamedly disregard any act of any

branch of the central government exceeds the very narrow limits of its enumerated power. Any such act purporting to have the force and function of law must be considered and treated as Thomas Jefferson recommended: “ab initio, null, void, and of no force or effect.”

Only after years of consistent practice of this principle of state sovereignty and nullification will we begin to restore our Republic to the four cornerstones of the Constitution upon which it was wisely built.