

*from the personal desk of*  
**D. Angus Lee**

Friday, February 4, 2022 *Anno Domini*

**Clark County Council**

1300 Franklin Street, Sixth Floor

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RE: Medical and Religious Freedom

Dear Council Members:

CDC Director Rochelle Walensky recently announced that “what the vaccines can’t do anymore is prevent transmission.” The CDC’s website states: “CDC expects that anyone with Omicron infection can spread the virus to others, even if they are vaccinated or don’t have symptoms.”<sup>1</sup> Washington State has already seen 238,895 documented breakthrough cases as of January 22, 2022.<sup>2</sup>

It is beyond dispute that government-imposed containment measures based upon vaccination status have not, and will not, stop the spread of Covid-19. Thus, while the citizens of Clark County voluntarily participated in “two weeks to flatten the curve,” continued socially distancing, and continued making sacrifices, they are tired of the mandates. Most of all, they are unwilling to tolerate irrational discrimination against those who, for religious or medical reasons, are unable to use any of the currently available “vaccines.”

While the tide of public opinion has turned throughout the majority of the United States regarding the “vaccines” and their ability to stop transmission, the citizens of Clark County know

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<sup>1</sup> <https://www.cdc.gov/coronavirus/2019-ncov/variants/omicron-variant.html> (last visited February 4, 2022)

<sup>2</sup> <https://www.doh.wa.gov/Portals/1/Documents/1600/coronavirus/data-tables/420-339-VaccineBreakthroughReport.pdf> (last visited February 4, 2022)

that they cannot rely on the State legislature to act. Nor can they expect that Czar Inslee will voluntarily surrender his “emergency” powers after two long years of having carte blanche. Thus, they came to you, expecting respect for their human dignity, and asking you to fight for their liberty and protect them from discrimination. They brought you an Initiative with over 10,000 signatures. The spirit of the initiative was simple: fight for us against irrational medical discrimination. Rather than agreeing to fight, it appears that you hardened your hearts and turned a deaf ear to their plea for help.

Making law takes time, drafting, comment, debate, and redrafting. The central purpose of the citizen’s initiative was not to present a perfectly crafted law to be accepted or rejected in a single night, but to present to you the need of the people to be protected by your legislative action from medical and religious discrimination. An initiative is the start of the rule-making process, not the end, and it gives the County Council an opportunity to lead... if it has the courage.

Instead of leading on this issue, at this week’s hearing on the Initiative, the Council majority tremblingly huddled behind two bureaucratic-toned letters: one written by Czar Inslee’s lawyer and another written by Prosecutor Golik’s office. Neither letter discussed or addressed the merits of the central purpose of the initiative (to prevent medical and religious discrimination). Instead, the letters focused on easily remedied technical deficiencies, and placed the biases of the authors on full display where neither offered legal options to address the perceived deficiencies.

The failure of Prosecutor Golik’s office to provide the County Council with legal options to address the perceived deficiencies was a total disservice to the County Council and the citizens of Clark County. To be very clear, every perceived deficiency noted in the memo from Prosecutor Golik’s office would be immediately and easily resolved by the addition of a single provision to the Initiative limiting its application to the full extent of that which is not contradicted by State

law. This legal reality stands wholly unrefuted by Prosecutor Golik's office. In fact, when Chairwoman Quiring O'Brien asked Prosecutor Golik's representative if the addition of such a clause would eliminate any concerns about the legal viability of the initiative, Prosecutor Golik's representative appeared stunned, attempted to evade the question, and eventually said that she did not know the answer to the legal question. The takeaway is simple: the addition of a clause limiting the Initiative's application to the extent allowed by state law would eliminate all legal concerns raised by Prosecutor Golik's office and Czar Inslee.

Likewise, the concern expressed by Councilor Medvigy at the hearing had nothing to do with the anti-discriminatory purpose of the Initiative, but instead questioned whether the passage of the Initiative directly into law might lead to litigation with Clark County when enforced. Again, this concern is easily navigated by the addition of a simple and often used provision placing the right of enforcement on the citizen who is the victim of discrimination. The addition of such a provision would eliminate any possibility of litigation with (and cost to) the County.

Such provisions have been included in other state and federal laws before and are on the books today. For example, Washington State provided for exactly such private enforcement in the area of campaign finance laws.<sup>3</sup> The private enforcement provision is also a critical provision of the federal Civil Rights Act. A private enforcement provision was lawfully used yet again in 2021 in Texas where the State provided for private enforcement of a newly enacted civil rights law.

It is quite troubling that the government lawyers did not advise the County Council of these simple remedies in their memos on the Initiative.

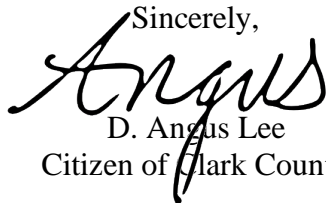
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<sup>3</sup> See Conservative activist files suit against former Rep. Tim Probst (<https://www.columbian.com/news/2018/apr/01/conservative-activist-files-suit-against-former-rep-tim-probst/>)

The Clark County Council has clear authority and ability to craft legislation to fight discrimination. They have legal options at hand. Over 10,000 members of the local electorate asked you to give due consideration to an issue of great concern by signing the recent Initiative started by Rob Anderson. Mr. Anderson, and those who supported the signature gathering effort, should be commended for such an impressive act of civic engagement, not scolded as they were by Karen Bowerman, whose comments at the hearing were bizarre and a disappointment to all.

You have the authority to act and an opportunity to lead on the issue of medical and religious freedom while opposing discrimination in Clark County. The only question is do you have the courage?

Sincerely,

  
D. Angus Lee  
Citizen of Clark County