

**RESOLUTION OF THE CONSTABLE OF THE 9TH WARD OF THE  
CITY OF SUNBURY, COUNTY OF NORTHUMBERLAND,  
COMMONWEALTH OF PENNSYLVANIA  
RESOLUTION 2015-1**

**A RESOLUTION, WHICH SHALL BE KNOWN AND MAY BE CITED  
AS THE “COMPASSIONATE MEDICAL CANNABIS REFORM  
RESOLUTION.” TO PROTECT THE MEDICALLY NECESSARY  
USE OF CANNABIS OR MARIJUANA, HEMP, CANNABINOIDS,  
DRUGS, AND DRUG PARAPHRONALIA, AND THE RIGHT TO PRIVACY;  
NONCOMPLIANCE AND NON-ENFORCEMENT WITH ACTS  
IN VIOLATION OF THE CONSTITUTION OF THE COMMONWEALTH  
OF PENNSYLVANIA AND THE CONSTITUTION OF THE UNITED  
STATES.**

**WHEREAS**, Article I, Section 1 (“Inherent Rights of Mankind”) of the Constitution of the Commonwealth of Pennsylvania states:

*“All men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness.”*

**WHEREAS**, the 9<sup>th</sup> Amendment to the Constitution of the United States states:

*“The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.”*

**WHEREAS**, the Constitution of the Commonwealth of Pennsylvania, Article VI, Section 3 states:

*“Senators, Representatives and all judicial, State and county officers shall, before entering on the duties of their respective offices, take and subscribe the following oath or affirmation before a person authorized to administer oaths. “I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States and the Constitution of this Commonwealth and that I will discharge the duties of my office with fidelity.” The oath or affirmation shall be administered to a member of the Senate or to a member of the House of Representatives in the hall of the House to which he shall have been elected. Any person refusing to take the oath or affirmation shall forfeit his office.”*

**WHEREAS**, pursuant to the Oath of Office, all state and federal legislative, judicial and executive officers are sworn to support, obey, and protect the Constitution,

**WHEREAS**, laws not passed in “pursuance” of the Constitution are null and void from their inception,

**WHEREAS**, that this Office has a right to be free from the commandeering hand of the federal government, and this right has been most notably recognized by the United States Supreme Court in *Printz v. United States* when the Court held: *“The Federal*

*Government may neither issue directives requiring the States to address particular problems, nor command the States' officers, or those of their political subdivisions, to administer or enforce a federal regulatory program,"*

**WHEREAS**, the anti-commandeering principles recognized by the U.S. Supreme Court in *Printz v. United States* are predicated upon the advice of James Madison, who in *Federalist #46* advised "a refusal to cooperate with officers of the Union" in response to either unconstitutional federal measures or constitutional but unpopular federal measures,

**WHEREAS**, all federal, state, and local acts, actions, laws, orders, ordinances, resolutions, rules, or regulations which penalizes, prohibits, or criminalizes the medical use, possession, sale or transfer of cannabis or marijuana, hemp, cannabinoids, Schedule I substances, experimental substances, or drug paraphernalia are in violation of Article I, Section 1 of the Constitution of the Commonwealth of Pennsylvania, and the 9<sup>th</sup> Amendment to the United States Constitution,

**WHEREAS**, even if there were a constitutional mechanism for penalizing, prohibiting, or criminalizing the medical use, possession, sale or transfer of cannabis or marijuana, hemp, cannabinoids, Schedule I substance, experimental substance, or drug paraphernalia for medical use, patients with a medical necessity would still be justified and exculpated in violating any such act, law, order, ordinance, rule, or regulation due to the Common Law necessity defense; as the Common Law has remained part of the laws of Pennsylvania since the General Assembly approved an English Common Law reception statute in the year 1777,

**THEREFORE, BE IT RESOLVED,**

**For the above and foregoing reasons, I, Edwin Clarence Quiggle, Jr., Constable of the 9<sup>th</sup> Ward of the City of Sunbury, County of Northumberland, Commonwealth of Pennsylvania declare that the federal law known as the "Controlled Substances Act," signed by President Richard Nixon on October 27, 1970, and the state law known as the Controlled Substances, Drugs, Device, and Cosmetic Act of 1972, P.L. 233, No. 64., and any other federal, state, or local act, law, rule, order, ordinance, rule, or regulation which penalizes, prohibits, or criminalizes the medical use of cannabis or marijuana, hemp, cannabinoids, Schedule I substances, experimental substances, or drug paraphernalia, are not authorized by the Constitution of the United States, or the Constitution of the Commonwealth of Pennsylvania, and violate their true meaning and intent as given by the Founders and Ratifiers, and were and are null and void from their inception and will not be implemented, enforced, or otherwise supported in this Commonwealth by the Office of Constable of the 9th Ward of the City of Sunbury, and it is the express policy of the Constable that no officer, employee, or agent of the Constable's Office, including any Deputy Constable or member of a posse under the command of the Constable or a Deputy Constable, may implement, enforce or otherwise support, directly or indirectly, any of the above noted unconstitutional federal, state, or local acts, actions, laws, orders, ordinances, rules, or**

**regulations which penalizes, prohibits, or criminalizes the medical use, possession, sale or transfer of cannabis or marijuana, hemp, cannabinoids, or drug paraphernalia for medical use, and that they are specifically rejected by the Constable and the Office of Constable of the 9<sup>th</sup> Ward of the City of Sunbury. A violation of such policy by a Constable, Deputy Constable, officer, employee, agent, or member of a posse under the command of the Constable or a Deputy Constable, will be deemed a violation of their oath of office and/or employment, and will subject them to discipline up to and including termination and potential arrest,**

**FURTHER,** it shall be the duty of the Constable and the Office of Constable for the 9<sup>th</sup> Ward of the City of Sunbury, within the Commonwealth of Pennsylvania, to adopt and enact any and all measures as may be necessary to prevent the enforcement of any federal, state, or local acts, laws, orders, ordinances, rules, or regulations in violation of Article I, Section 1 of the Constitution of the Commonwealth of Pennsylvania, and to prevent any violation of this policy resolution,

**FURTHER,** in keeping with my oath to support, obey and defend the Constitution of the United States and the Constitution of this Commonwealth, I hereby express my commitment to interpose this office and stand in defense of all persons within this Commonwealth, against any and all attempts by the government of the United States, the government of the Commonwealth of Pennsylvania, the government of the County of Northumberland, the government of the City of Sunbury, or any other agents of the those governments to infringe upon the right to privacy, or to subject the people to the unconstitutional penalization, prohibition, or criminalization of the medical use, possession, sale or transfer of cannabis or marijuana, hemp, cannabinoids, Schedule I substances, experimental substances, or drug paraphernalia,

**FURTHER,** the right to privacy shall not be infringed, and it shall be the official policy of the Office of Constable of the 9<sup>th</sup> Ward of the City of Sunbury to defend, protect, support, and respect the right to privacy. The Constable shall ensure that the Office of Constable of the 9<sup>th</sup> Ward of the City of Sunbury, and its Deputy Constables, officials, agents, employees, and members of a posse under the command of the Constable or a Deputy Constable, shall defend, protect, support, and respect the right to privacy. A violation of such policy by a Constable, Deputy Constable, officer, employee, agent, or member of a posse under the command of the Constable or a Deputy Constable, will be deemed a violation of their oath of office and/or employment, and will subject them to discipline up to and including termination and potential arrest,

**FURTHER,** I urge the Representatives and Senators of the General Assembly of this Commonwealth to commence immediately efforts to support and secure passage and enactment of legislation that restores the right to cultivate, possess, process, sell, transfer, and use medical cannabis, without restricting conditions which qualify for protection, or limitations on the routes of administration of the medicine, as well as legislation to legalize industrial hemp, and legislation to protect the right to privacy,

**FURTHER**, I urge the Sunbury City Council and the Mayor of the City of Sunbury to commence immediately efforts to introduce, support, and secure passage and enactment of the Compassionate Medical Cannabis Reform Ordinance,

**FURTHER**, I urge the People of the City of Sunbury to commence immediately efforts to introduce, support, and secure passage and enactment of the Compassionate Medical Cannabis Reform Ballot Initiative,

**FURTHER**, I urge the Northumberland County Commissioners to commence immediately efforts to support, and secure passage and enactment of a county-level version of the Compassionate Medical Cannabis Reform Ordinance,

**FURTHER**, I urge my fellow Constables, as well as the Sheriffs of the various counties of Pennsylvania, to join me in signing their own Compassionate Medical Cannabis Reform Resolution, thereby adopting the same policies for their Office,

**BE IT FURTHER RESOLVED**, within thirty (30) days from the execution hereof, a copy of this resolution shall be sent via mail, fax, or e-mail with a return receipt, to the Governor of Pennsylvania, to the 108th District's Representative and the 27th District's Senator of the General Assembly of this Commonwealth, and to each Councilman of the Sunbury City Council and to the Mayor of the City of Sunbury, either directly or through the City Clerk's office, by the Constable or an agent of the office of Constable,

**BE IT FURTHER RESOLVED**, recognizing my oath-bound duty to support, obey, and defend the Constitution of the United States and the Constitution of this Commonwealth, as well as recognizing the duty of "We the People" to protect our unalienable natural rights to "Life, Liberty, and the pursuit of Happiness" as alliterated in the Declaration of Independence, I, Constable Edwin Clarence Quiggle, Jr. hereby adopt this resolution.

Signed, this 20th Day of January, 2015, by: \_\_\_\_\_ the duly-elected Constable of the 9<sup>th</sup> Ward of the City of Sunbury, County of Northumberland, Commonwealth of Pennsylvania.