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Sheriffs, state lawmakers push back on gun control

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GRANTS PASS, Ore. - From Oregon to Mississippi, President Barack Obama's proposed ban on new assault weapons and large-capacity magazines struck a nerve among rural lawmen and lawmakers, many of whom vowed to ignore any restrictions - and even try to stop federal officials from enforcing gun policy in their jurisdictions.

"A lot of sheriffs are now standing up and saying, 'Follow the Constitution,'" said Josephine County Sheriff Gil Gilbertson, whose territory covers the timbered mountains of southwestern Oregon.

But their actual powers to defy federal law are limited. And much of the impassioned rhetoric amounts to political posturing until - and if - Congress acts.

Senate Majority Leader Harry Reid, a Democrat, said Wednesday it's unlikely an assault weapons ban would actually pass the House of Representatives. Absent action by Congress, all that remains are 23 executive orders Obama announced that apply only to the federal government, not local or state law enforcement.

Gun advocates have seen Obama as an enemy despite his expression of support for the interpretation of the Second Amendment as a personal right to have guns. So his call for new measures - including background checks for all gun buyers and Senate confirmation of a director of the Bureau of Alcohol, Tobacco, Firearms and Explosives - triggered new vows of defiance.

In Mississippi, Gov. Phil Bryant, a Republican, urged the Legislature to make it illegal to enforce any executive order by the president that violates the Constitution.

"If someone kicks open my door and they're entering my home, I'd like as many bullets as I could to protect my children, and if I only have three, then the ability for me to protect my family is greatly diminished," Bryant said. "And what we're doing now is saying, 'We're standing against the federal government taking away our civil liberties.'"

Tennessee Republican state Rep. Joe Carr wants to make it a state crime for federal agents to enforce any ban on firearms or ammunition. Carr instead called for more armed guards at schools.

"We're tired of political antics, cheap props of using children as bait to gin up emotional attachment for an issue that quite honestly doesn't solve the problem," Carr said.

Legislative proposals to pre-empt new federal gun restrictions also have arisen in Wyoming, Utah and Alaska.

A Wyoming bill specifies that any federal limitation on guns would be unenforceable. It also would make it a state felony for federal agents to try to enforce restrictions.

"I think there are a lot of people who would want to take all of our guns if they could," said co-sponsor Rep. Kendell Kroeker, a Republican. "And they're only restrained by the opposition of the people, and other lawmakers who are concerned about our rights."

Republican state Sen. Larry Hicks credited Wyoming's high rate of gun ownership for a low rate of gun violence.

"Our kids grow up around firearms, and they also grow up hunting, and they know what the consequences are of taking a life," Hicks said. "We're not insulated from the real world in Wyoming."

In Utah, some Republicans are preparing legislation to exempt the state from federal gun laws - and fine any federal agents who try to seize guns. A bill in the Alaska House would make it a misdemeanor for a federal agent to enforce new restrictions on gun ownership.

While such proposals are eye-catching, they likely could never be implemented.

"The legislature can pass anything it wants," said Sam Kamin, a constitutional law professor at the University of Denver. "The Supremacy Clause of the Constitution makes that clearly unconstitutional. Where there's a conflict between state and federal law, the federal government is supreme."

Kamin and other legal experts said such disdain of Obama's proposals is reminiscent of former Confederate states' refusal to comply with federal law extending equal rights for blacks after the Civil War.

The National Sheriff's Association has supported administration efforts to combat gun violence after the Sandy Hook Elementary shootings. President Larry Amerson, sheriff of Calhoun, Ala., said he understands the frustrations of people in rural areas with the federal government. But he feels his oath of office binds him to uphold all laws.

"Any sheriff who knows his duty knows we don't enforce federal law, per se," said Amerson, a longtime firearms instructor and hunter.

Some rural sheriffs view the federal government as an adversary, with gun ownership at the core of that belief.

In Minnesota, Pine County Sheriff Robin Cole sent an open letter to residents saying he did not believe the federal government had the right to tell the states how to regulate firearms. He said he would refuse to enforce any federal mandate he felt violated constitutional rights.

The Constitutional Sheriffs and Peace Officers Association, based in Fredericksburg, Texas, encourages that point of view. Founder Richard Mack, a former sheriff of Apache County, Ariz., speaks regularly at gatherings of Tea Party groups and gun rights organizations.

"I will tell Mr. Obama and everybody else who wants to impose gun control in America, that whether you like it or not, it is against the law," said Mack. "Now we have good sheriffs who are standing up and defending the law against our own president."