

Do you really want cops deciding what's legal?

Marty Trillhaase/Lewiston Tribune

In the rural West, guns are the third rail of politics.

Touch it and you die.

Hence, elected sheriffs in north central Idaho and eastern Washington get queasy about taking on the National Rifle Association.

They're distancing themselves from President Obama's call to restrict military-style assault weapons, shrink the size of ammunition magazines and close the gun-show background check loophole.

And these law enforcement leaders are lining up with Canyon County Sheriff Kieran Donahue and a group of Oregon sheriffs who have sent a letter to Vice President Joe Biden threatening to ignore any federal gun laws they conclude to be unconstitutional.

Here's what Nez Perce County Sheriff Joe Rodriguez, told the Tribune's Kevin Gaboury: "We have Second Amendment rights, and I don't believe that the government should step in and take people's rights because you have law-abiding citizens across the country who are going to be affected, especially here in Nez Perce County."

Why couldn't Rodriguez have simply said: In this country, Congress and the president make the laws. The courts decide if the laws are constitutional. My duty is to enforce the law. If you don't like the laws, elect a different president and Congress - or challenge the law in court.

Instead of asserting: "If it violates the Constitution, then I'm not going to enforce it," Asotin County Sheriff Ken Bancroft could have offered this observation: When are we going to get off this insurrection kick? This notion that local officials can nullify federal laws was settled as long ago as the Civil War and as recently as the 1960s when the federal government enforced judicial orders to desegregate the Southern schools. Can we please move on?

Rather than asserting the sheriffs are "absolutely right saying we will uphold the Second Amendment," what's wrong with Clearwater County Sheriff Chris Goetz suggesting: Everybody should just calm down. Federal law enforcement agencies would enforce these laws. Federal courts would render judgment. We in local law enforcement would play a miniscule role.

Lewis County Sheriff Brian Brokop is talking about organizing resistance among Idaho's 44 county sheriffs. Any ban on weapons, he says, is unconstitutional. Did Brokop ever contemplate this response?

Where did you get the idea Obama is violating the Constitution? No constitutional right - whether it's free speech, privacy or even gun ownership - is absolute. No U.S. Supreme Court has been friendlier toward individual gun ownership rights than the current body. Yet even that conservative court recognized government can restrict gun ownership and use.

Idaho County Sheriff Doug Giddings conceded the gun debate is emotional, but then he added more oxygen to the fire: "Most of Idaho supports what they're (the Oregon sheriffs) saying."

What's so hard about reminding everyone of this? As an officer of the law, I don't have the luxury to enforce only those rules I like or agree with.

In Whitman County, Sheriff Brett Myers said: "Our responsibility is to provide public safety to citizens as well as support the Constitution. The right to bear arms is very important. ... The vast majority of sheriffs, whether they send a letter or not, support the Second Amendment."

Why couldn't Myers observe: I have taken an oath to support and defend the U.S. Constitution and the Washington Constitution. To actively refuse to enforce any law would violate that oath.

Once a cop gets it in his head that he's all-knowing, it's not too long before he's all-powerful. Today it's willful violation of an unpopular federal gun law. Tomorrow, it could be ignoring parking tickets. Or drugs. Or bribery.

In a culture so suspicious of centralized authority, why would we want someone with a badge and a gun be allowed to declare what the law says and who must follow it?

These sheriffs know that.

Too bad they won't say it. - M.T.