



Conserving the Peace
SHERIFF
WASHINGTON COUNTY
Pat Garrett, Sheriff

January 17, 2013

Washington County Citizens,

I will protect your Second Amendment rights under the United States Constitution – I will not enforce federal law that will infringe upon those rights.

Saying that, I think it also helpful to take a breath and rationally consider what is likely and unlikely to happen with respect to the Second Amendment. First, I do not believe any branch of the federal government will unilaterally be successful in passing law that restricts your Second Amendment rights.

Our system of government ensures that any new law passed by Congress must be signed by the President, and is subject to being struck down by the courts if found to violate our Constitution. Second, in light of the Supreme Court's last two decisions on gun rights, I cannot conceive that the Court will find any significant additional regulation of firearms constitutional. Finally, I think it highly likely that if any new gun control law appears, it will be quickly challenged and rendered unenforceable pending the final outcome of judicial review.

Our Constitution, as you know, created three branches of government. Each has separate roles. The Executive Branch carries out current law and recommends new laws; the Legislative Branch creates law; and the Judicial Branch (Supreme Court) interprets laws, the Constitution, and decides cases involving states' rights. The separation of powers among the branches guarantees checks and balances, especially in times where one branch might be motivated to take unilateral action.

A good example of our system at work is the Supreme Court decision in *Printz v. United States*. That case tested a federal statute that required local officials to carry out portions of federal law under the Brady Bill. In this case the Court found that the federal government may not constitutionally require local officials to enforce federal law and the court held that the statute was unconstitutional.

As a sheriff (executive branch) there is no question that I am bound to uphold the law. In addition, the writers of our Constitution made it very clear that interpreting the law is not my role. The federal Congress has enacted statutes that clearly establish federal law enforcement authority. Those statutes have been challenged, and the Supreme Court has held that the statutes are valid and constitutional. I do not get to substitute my own judgment about what the law is or should be – to do so would violate the basic principle of separation of power established by our Constitution.

Yesterday the President announced 23 executive actions. I support recommendations around background checks, safe schools, and adding capacity to mental health services. I do not support action that would prevent law abiding Washington County citizens from possessing certain firearms or ammunition magazines. I will clearly communicate my position to our congressional delegation.

Sincerely,

Sheriff Pat Garrett