



Written by [C. Mitchell Shaw](#) on June 17, 2019

Published in the June 17, 2019 issue of [the New American](#) magazine. Vol. 35, No. 12

Letting Unconstitutional Laws Languish

With the right to keep and bear arms continually under attack from liberal politicians and organizations, it would be easy to see the future of gun rights as bleak. But recent developments have shown that there is a light at the end of the tunnel and that the tunnel may not be as long as it previously seemed. In one state alone, roughly 20 sheriffs and one police chief are standing up for the Constitution and refusing to enforce a batch of anti-gun regulations overwhelmingly approved by voters last fall.



On November 6, 2018, Initiative 1639 was passed by a popular vote in Washington State with more than 60 percent of the vote. I-1639 includes a plethora of new regulations restricting the right to keep and bear arms in the Evergreen State. As the *Seattle Times* reported at the time:

I-1639 raises the legal age to buy any semi-automatic rifle to 21, from 18. People wanting one also have to pass an enhanced background check, show proof that they have taken a firearms-training course, and wait 10 business days before they take possession of the weapon.

The initiative defines a semi-automatic rifle as one that uses energy from firing a cartridge to chamber the next round and requires “a separate pull of the trigger” to fire each bullet. Long guns that use manual operations — such as pumps, slides, levers or bolts — to chamber a round would still be available for people to purchase at age 18. (You currently have to be 21 to buy a handgun in Washington.)

That list of semi-automatic rifles would include popular rifles such as the AK-47 and AR-15. It would also include myriad .22-caliber rifles such as the popular Ruger 10/22, which many a father has used to train his sons and daughters in firearm safety. While it has become common to think of 18-year-olds as children, the truth is that they are adults who can vote, serve in the military, get married, and enter into contracts — but in Washington State, they are barred from buying a semi-automatic rifle. And it gets worse.

I-1639 also creates a gun registry (since an applicant has to list the serial number of the semi-automatic rifle he plans to purchase) and requires an applicant to waive his privacy rights under HIPAA (since he must agree to a full release of his medical records). There is also a 10-day waiting period, during which time police and sheriff’s departments — already busy fighting crime and enforcing legitimate laws — are required to perform detailed background checks and either approve or deny the purchase.

Those mandatory background checks apply even to private sales, meaning that both the buyer and the seller could be charged under I-1639 if a private sale happens without filling out forms and waiting the requisite 10 days.

Furthermore, gun owners are required to keep their firearms inaccessible to all unauthorized persons.



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That not only means that having a gun stored in a way that makes it readily handy in an emergency is likely a violation of I-1639, but also means that a gun owner who has his gun stolen in a burglary can be charged with a crime if the gun is later used by the real criminal to commit another crime.

Perhaps the worst part of I-1639 is that — as noted above — it was passed in a popular vote by more than 60 percent of Washingtonians who voted last November. Most of I-1639 became effective at the beginning of January, with some provisions set to take effect in July.

I-1639 is the brainchild of the leftist element in the more heavily populated areas of Washington State. In fact, the initiative was largely pushed through by a 22-year-old campaign manager named Stephen Paolini. A professional activist, Paolini's resume is a litany of leftist organizations, where he has held titles such as "Event Coordinator," "Assistant Canvass Director," "Campaign Director," and "Program Director." In other words, he has done nothing but work for one leftist group or another since he was in college. At a press conference when the votes showed that I-1639 had passed, Paolini said, "My generation has been defined by gun violence. We have been defined by continued and repeated inaction by our elected officials," adding, "I hope tonight this victory is a message to our elected officials: Enough is enough."

As if criminals will stop shooting people because of a new law.

It has long been noted that there are really *two* Washington States — the liberal western part of the state and the more conservative eastern part. As the *Seattle Times* reported, I-1639 led in large western counties and trailed in most eastern counties. Those large counties, more heavily populated than their smaller eastern counterparts, are an illustration of why George Washington famously condemned democracy as "the tyranny of fifty-one percent." The fact that, in this case, it was more than 60 percent does nothing to change the fact that it is still tyranny.

Photo credit: klickitatcounty.org

This article appears in the June 17, 2019, issue of The New American.

So what is to be done when more than half of the voters in a state are eager and willing to vote to violate the plain text of the U.S. Constitution, which affirms the God-given right to keep and bear arms? After all, the people voted and I-1639 is the law. Right? Wrong. A fundamental difference between a democracy and a republic is the balance between the unrestrained will of the people and the rule of law. In short, in a democracy there is no distinction between the will of the people and the rule of law — they are one and the same thing. By contrast, in a republic there is a rule of law that is related to (but distinct from) the popular vote. In the United States, that rule of law finds its primary existence in the Constitution. In fact, the Constitution — Article VI — states: This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding. This is one thing makes the United States different from many other nations. In monarchies, oligarchies, and other dictatorships, the will of the ruler (or rulers) is supreme. In democracies, the will of the people is supreme. In the United States, the wills of both the politicians and the people are held in check by the Constitution — or are supposed to be. Another thing that differentiates the United States from other nations is our system of policing. While the U.S. federal government does have its own agencies that have investigative and arresting powers, what we do *not* have is a national police force as is found in other countries. A fundamental part of a free society is the



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existence of a strong, *local* police force independent of outside influence — especially influence that is either political or federal. And that is where Washington State shines. In a state with 39 counties, at least 20 sheriffs and one police chief have publicly stated that they will not enforce the new “law” because it violates not only the federal Constitution, but also the state constitution. If those sheriffs and that chief don’t enforce the “law,” it might simply collapse under its own bloated weight. The law’s weak links are especially apparent in private sales and background checks. If those sheriffs and that police chief don’t do the background checks, the checks won’t get done, and if they don’t investigate and arrest those involved in private sales, the sellers and consumers won’t be investigated or arrested. One of those sheriffs is Klickitat County Sheriff Bob Songer. In an exclusive interview with The New American, Sheriff Songer said, “It’s a bad law. It’s an illegal law.” He added that this law “illegally amends the Constitution” by setting aside the Second Amendment. In passing I-1639 by popular vote, “They bypassed [the] process [for amending the Constitution] and called it ‘democracy.’” He asked, “Why would I — as sheriff of Klickitat County — go out and enforce a law that I believe is truly unconstitutional and end up arresting people, seizing their property, and so forth, based on a bad law?” And he has a valid point. After all, the Second Amendment says, “The right of the people to keep and bear arms shall not be infringed.” It does not say “unless the democratic majority of a state votes to infringe that right.” And as Sheriff Songer pointed out, the Constitution of the State of Washington includes an article that is “patterned after the Second Amendment [of the U.S. Constitution] except it’s even clearer in the sense that it says the right to keep and bear arms is an *individual* right.” The exact wording of Section 24, “Right to Bear Arms” is, “The right of the individual citizen to bear arms in defense of himself, or the state, shall not be impaired, but nothing in this section shall be construed as authorizing individuals or corporations to organize, maintain or employ an armed body of men.” In a democracy, Sheriff Songer would be obliged to enforce the “law” of I-1639. Thank God the United States is a republic whose Constitution states, in Article IV, “The United States shall guarantee to every State in this Union a Republican Form of Government.” Sheriff Songer expressed his frustration over the fact that an 18-year-old can get married, enter into a contract, vote, join the military, and kill or be killed for his country, but in Washington State he can’t buy a semi-automatic rifle without being made into a criminal. As for the ruse of “democracy,” Sheriff Songer told The New American that the *Seattle Times* report was correct: Passage of I-1639 was not equal across the state. The small communities that make up most of Washington were not in favor of the law, but they were outvoted by the big cities. He said, “Where you see the support for 1639 is in the heavily populated” areas of the state. In his county, Sheriff Songer said, he is “receiving very positive support” for his stand on I-1639. Songer, a 48-year veteran of law enforcement serving his second term as sheriff of Klickitat County, describes himself as a “constitutional sheriff” and told The New American that while most of the feedback he has received is positive, he has had some pushback on his stand. “I’ve had people say, ‘Well, you need to follow the rule of law,’ and I say, ‘That’s exactly what I’m doing.’” He went on to say, “The rule of law is the Constitution — the Washington State Constitution and the U.S. Constitution — and I’ve taken an oath to uphold those constitutions and that’s exactly what I’m doing,” adding, “Our attorney general, Bob Ferguson, and our governor — who’s running for president — need to follow the rule of law and go by the Constitution.” His ire toward Attorney General Bob Ferguson is in reference to statements Ferguson has made, including an open letter he wrote to the 20 sheriffs and one police chief who have said they will not enforce I-1639. In that open letter, Ferguson wrote, “Local law enforcement officials are entitled to their opinions about the constitutionality of any law, but those personal views do not absolve us of our duty to enforce Washington laws and protect the public.” That one police chief, Loren Culp of the small town of Republic, has his own response to that idea. In an exclusive interview with The New American, Chief Culp said, “Anyone who says the police should enforce the law — no matter what —



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needs to look at history. In 1955 in Montgomery, Alabama, Rosa Parks was arrested for sitting in the white section of a city bus, and in Nazi Germany, millions of Jews were sent to their deaths because it was the law." Culp added, "I will not be that officer — I will uphold my oath of office. I will not violate citizens' constitutional rights." Chief Culp — like Sheriff Songer — is no rookie. After serving as a sergeant in the U.S. Army and then being self-employed as a building contractor, he worked as a patrol officer, narcotics detective, and dual-purpose K-9 handler. With almost a decade of law-enforcement experience, he has been the chief of Republic's police department for two and a half years. But his patriotic bent goes back to his childhood, when his father went on a speaking tour for this magazine's parent organization, The John Birch Society, speaking about the importance of supporting your local police and keeping them independent. Those childhood lessons seem to have stuck. Chief Culp is not only the only police chief in Washington State to publicly take the stand he has, he was also the first law-enforcement officer of any type in the state to do so. He told The New American that he expected others to do the same, but initially, he was caught in the gaze of the spotlight's eye all alone. As a result of that exposure and looking for a way to make his point without trying to cram it into 30-second sound bites, he wrote a book. That book, *American Cop: Upholding the Constitution and Defending Your Right to Bear Arms*, held the number one slot at Amazon in its category for weeks and has sold thousands of copies on his website. He was a guest on *Tucker Carlson*, *Fox and Friends*, and *The Daily Ledger*, and he has done hundreds of radio and newspaper interviews all across the nation about his opposition to I-1639. Many of those interviews are available at [chiefculp.com](#). The salient point is that he is right about this. And he was right about something else: It wasn't long before sheriffs across the state were standing up beside him. In fact, before the dust could settle, a great portion of the law-enforcement community in Washington State was standing up in opposition to I-1639. As the *Seattle Times* reported in October, the Washington Council of Police & Sheriffs (WACOPS), the Washington State Sheriffs Association, the Washington State Law Enforcement Firearms Instructors Association, the Washington State Patrol Troopers Association, and the Washington State Fraternal Order of Police were among many of the outspoken opponents of the passage of I-1639. WACOPS also said that I-1639 was likely a violation of the Second Amendment. And with Stephen Paolini's 22-year-old rose-colored opinion that I-1639 is going to somehow curb gun violence duly noted, a statement from Teresa Taylor, executive director for WACOPS, rings much more realistic: "We do not believe that the passage of this initiative is going to make people safer in our community." Chief Culp made a similar observation, telling The New American, "Gun control laws infringe only on the law abiding citizens. Criminals don't obey laws; that's what makes them criminals." And there's the rub. While 40 percent of Washingtonians have been threatened with the tyranny of gun control by the other 60 percent of the state's citizens, for the promise of safety, that promise itself is a lie. Whereas the liberal, large population centers of Washington State favor that lie as a way to disarm the law-abiding, Chief Culp and those 20 sheriffs favor a system that Culp describes as "a republic, where the minority is protected by law." Coming from the police chief of Republic, Washington, that's a pretty good statement. Thank God for Chief Culp, Sheriff Songer, and the other members of the law-enforcement community in Washington State who take seriously their oaths of office and understand their duty to defend both the constitutions of the United States and Washington State, and the lives, liberty, and property of the people they have sworn to serve and protect. *Photo credit: [klickitatcounty.org](#)*



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