

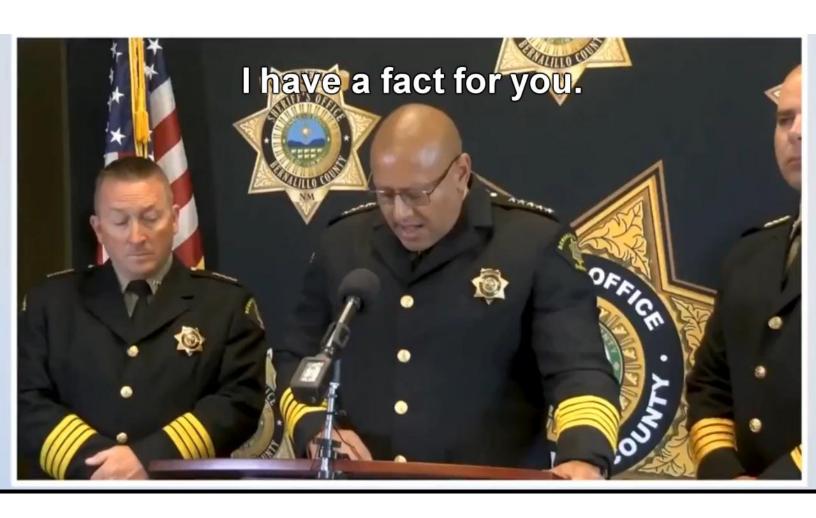
The Constitution For Peace Officers

Sheriff Richard Mack (Retired)

CSPOA.org







Who Said It?

There are two types of laws: just and unjust. I would be the first to advocate obeying just laws. One has not only a legal but a moral responsibility to obey just laws. Conversely, one has a moral responsibility to disobey unjust laws.

Dr. Martin Luther King, Jr.

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Your Oath of Office

I, ______, do solemnly swear (or affirm), that I will faithfully execute the duties of my office, and will to the best of my ability preserve, protect and defend the Constitution of the United States and of this state, and will bear true faith and allegiance to the same, so help me God.

US Constitution Article VI - Oath Requirement

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution

What is the purpose of all government, as stated in the Declaration of Independence?

...to secure these rights, governments are instituted among men...

...whenever any form of government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new government...

...when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such government, and to provide new Guards for their future security.

State nullification... was the idea expressed by then sitting vice president, Thomas Jefferson, when he authored what came to be called the Kentucky Resolutions of 1798. The resolutions made the case that the federal government is a creature of the states and that states have the authority to judge the constitutionality of the federal government's laws and decrees.

He also argued that states should refuse to enforce laws which they deemed unconstitutional.

James Madison wrote a similar resolution for Virginia that same year, in which he asserted that whenever the federal government exceeds its constitutional limits and begins to oppress the citizens of a state, that state's legislature is duty bound to interpose its power to prevent the federal government from victimizing its people.

SUPREME COURT OF THE UNITED STATES

Jay Printz & Richard Mack

VS

The United States

The question is whether certain interim provisions of the Brady Handgun Violence Prevention Act ... violate the Constitution.

We have held, however, that state legislatures are not subject to federal direction.

Mack is thus forced to choose between keeping his oath or obeying the act, subjecting himself to possible sanctions...

Judge John Roll, Federal District Court, Tucson, Arizona When a CLEO receives the required notice of a proposed transfer from the firearms dealer, the CLEO must "make a reasonable effort to ascertain within 5 business days whether receipt or possession would be in violation of the law, including research in whatever State and local recordkeeping systems are available and in a national system designated by the Attorney General."

Under a separate provision of the GCA, any person who "knowingly violates [the section of the GCA amended by the Brady Act] shall be fined under this title, imprisoned for no more than 1 year, or both."

From the description set forth above, it is apparent that the Brady Act purports to direct state law enforcement officers to participate ... in the administration of a federally enacted regulatory scheme.

The petitioners here object to being pressed into federal service, and contend that congressional action compelling state officers to execute federal laws is unconstitutional.

Our federal tax system is, in short, utterly impossible, utterly unjust and completely counterproductive, it reeks with injustice and is fundamentally un-American... it has earned a rebellion and it's time we rebelled...

-President Ronald Reagan

Britain, with an army to enforce her tyranny, has declared that she has a right (not only to TAX) but 'to BIND us in ALL CASES WHATSOEVER' [British Declaratory Act] and if being bound in that manner, is not slavery, then is there not such a thing as slavery upon earth.

~ Thomas Paine

I can personally attest to the use of egregious tactics by the IRS agents which are encouraged by members of the IRS management. These tactics, which appear nowhere in the IRS manual, are used to extract unfairly assessed taxes from taxpayers, literally ruining families' lives and businesses, all unnecessarily and sometimes illegally.

~ Jennifer Long



What signifies it to me, whether he who [destroys my property, and kills or threatens to kill me] is a king or a common man; my countryman or not my countryman; whether it be done by an individual villain, or an army of them? If we reason to the root of things we shall find no difference; neither can any just cause be assigned why we should punish in the one case and pardon in the other.

- Thomas Paine

It is incontestible that the Constitution established a system of "dual sovereignty." Although the States surrendered many of their powers to the new Federal Government, they retained "a residuary and inviolable sovereignty"

Residual state sovereignty was also implicit, of course, in the Constitution's conferral upon Congress of not all governmental powers, but only discrete, enumerated ones, which implication was rendered express by the Tenth Amendment's assertion that "[t]he powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

The great innovation of this design was that "our citizens would have two political capacities, one state and one federal, each protected from incursion by the other"

The Constitution thus contemplates that a State's government will represent and remain accountable to its own citizens.

As Madison expressed it: "[T]he local or municipal authorities form distinct and independent portions of the supremacy, no more subject, within their respective spheres, to the general authority than the general authority is subject to them, within its own sphere."

This separation of the two spheres is one of the Constitution's structural protections of liberty. "Just as the separation and independence of the coordinate branches of the Federal Government serve to prevent the accumulation of excessive power in any one branch, a healthy balance of power between the States and the Federal Government will reduce the risk of tyranny and abuse from either front."

Hence a double security arises to the rights of the people. The different governments will control each other, at the same time that each will be controlled by itself."

The power of the Federal Government would be augmented immeasurably if it were able to impress into its service—and at no cost to itself—the police officers of the 50 States.

"The Federal Government," we held, "may not compel the States to enact or administer a federal regulatory program."

But the Constitution protects us from our own best intentions: It divides power among sovereigns and among branches of government precisely so that we may resist the temptation to concentrate power in one location as an expedient solution to the crisis of the day."

We held in New York that Congress cannot compel the States to enact or enforce a federal regulatory program. Today we hold that Congress cannot circumvent that prohibition by conscripting the State's officers directly. 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.

It matters not whether policymaking is involved, and no case-by-case weighing of the burdens or benefits is necessary; such commands are fundamentally incompatible with our constitutional system of dual sovereignty.

"Counselor, do not pretend in this courtroom that your statistical analysis somehow equates to constitutionality."

~ Federal District Judge John M. Roll

"It is incumbent on the courts to ensure decisions are made according to the rule of law, not hysteria...

One hopes that this great principle - essential to any free society, including ours - will not itself become yet another casualty of Covid-19."

Michigan State Supreme Court 7-0 decision.
 (Karl Manke v State of Michigan)

"If Congress believes that such a statute will benefit the people of the Nation, and serve the interests of cooperative federalism better than an enlarged federal bureaucracy, we should respect both its policy judgment and its appraisal of its constitutional power."

~ Dissenting opinion, Justice Stevens



~ Justice Scalia, regarding the dissenting opinion

Thomas Jefferson mentioned the Sheriff's Office in his "The Value of Constitutions." He said "the Office of Sheriff is the most important of all the executive offices of the county."

Badge vs Badge

Local lawmen bump heads with feds on the range

Article in Range Magazine, 2003

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Owyhee County, Idaho Sheriff Gary Aman

Sheriff Gary Aman made it clear that he didn't want BLM help in local law enforcement and warned that he expected to be notified of any federal investigation or enforcement action, including impoundment of cattle the feds considered to be trespassing on U.S. property.

The San Bernardino sheriff simply revoked local law enforcement authority from the federal government across all 20,000 square miles of his county... and advised them to consult him first before taking any action on private property.



San Bernardino County, California Sheriff Gary Penrod



"What they really want is to extend federal authority over all law enforcement in the United States, whether local people agree with that or not," says Jones. "Well, it's 'not' in this county."

Eureka County, Nevada Sheriff Ken Jones

Sheriffs Standing for Freedom:

Were they wrong?

Sheriff Glenn Palmer of Oregon standing against the BLM

BADGE BADGE

When we have lived under a pernicious power long enough, no matter how oppressive, we grow so accustomed to the yoke that its removal seems frightening, even wrong.

Attorney Gerry Spence

When asked if he considered himself a constitutional sheriff, San Juan County, UT Sheriff Rick Eldredge replied, "I do. I thought every sheriff was supposed to be a constitutional sheriff. That's our job."







Mayor Bryce Hamblin - Eagar, Arizona:

What authority does the Town of Eagar, or any other state or local government, have to infringe on the rights of healthy law-abiding citizens?

My response from the onset of COVID-19 pandemic has been that, if we err, we will err on the side of freedom.

Pennsylvania Federal District Judge William Stickman:

But even in an emergency, the authority of government is not unfettered. The Constitution cannot accept the concept of a 'new normal' where the basic liberties of the people can be subordinated to open-ended emergency mitigation measures.

The Michigan Supreme Court in a unanimous ruling ruled Karl Manke could open his shop:

"It is incumbent on the courts to ensure decisions are made according to the rule of law, not hysteria," State Justice David Viviano wrote in a concurring opinion. "One hopes that this great principle — essential to any free society, including ours — will not itself become yet another casualty of COVID-19.

We the people are the rightful masters of both Congress and the Courts, not to overthrow the Constitution but to overthrow the men who would pervert the Constitution.

Abraham Lincoln



