



Written by [Kelly Holt](#) on January 11, 2011

Murdered Judge Defended Sheriff Mack

Judge John M. Roll, murdered in Saturday's shooting rampage in Tucson, was the leading judicial voice supporting former Graham County, Arizona Sheriff Richard Mack in his 1997 lawsuit against the federal government. Mack is a speaker, states' rights advocate and author of *The County Sheriff: America's Last Hope*.



Sheriff Mack observed [in an interview on Alex Jones'](#) Jan. 10 radio broadcast that John Roll changed his life. He has quoted Roll in his books. In 1997, when Mack was sheriff of Graham County, he joined with Sheriff Jay Printz of Montana in filing a suit against the federal government regarding the Brady Act. The resulting Supreme Court decision found the Act unconstitutional.

The Brady Act not only would have required state and local officials to carry out and fund a federal mandate regarding gun regulations, but it also called for the arrest of any law enforcement officer who refused to enforce it. On the basis of these provisions, Mack and Printz filed suit, and were eventually joined by five other sheriffs around the nation. Mack recalled of the judge:

He was really worried about the sanctions against me (or any other sheriff) — he protected me. Judge Roll stood up for me in particular because I was the only one filing the lawsuit at the time.

Mack was challenging the act as unconstitutional and in violation of the Tenth and Thirteenth Amendments of the U.S. Constitution. Judge Roll added that it was "unconstitutionally vague in violation of the Due Process Clause of the Fifth Amendment." Mack hoped to gain a permanent injunction against the Brady Act.

[Judge Roll's 1994 decision](#) included his defense of Mack:

Mack is thus forced to choose between violating his oath or violating the Act, subjecting himself to possible sanctions.... See *Board of Education v. Allen*, 392 U.S. 236 (1968) (plaintiffs' belief that statute forced them to choose between following oath and statute supplied personal stake necessary for standing). The government's position is untenable. When the language of a criminal statute is clear, as is true of 18 U.S.C. 922(s), the executive branch is not at liberty to amend that statute by fiat.

During Alex Jones' January 10 radio interview, Sheriff Mack reminded him that six months previously Arizona had returned to a constitutional form of adherence to the Second Amendment. No permits, fees, or licenses are required for Arizonans to carry. Mack said he believed that the recent mass shooting is being used to reinstate gun laws in Arizona, asserting, "This may be another spoke in the wheel of this whole story."

Not all remember Judge Roll quite so fondly. [The Jan. 10 New American reported](#),



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The other prominent victim who was killed during the shooting rampage, John M. Roll, was chief federal judge in Arizona. He was appointed in 1991 by the senior George Bush. Ironically, Roll had been the target of hundreds of threats in February 2009 after he allowed a lawsuit filed by illegal immigrants against a rancher to go forward. "They cursed him out, threatened to kill his family, said they'd come and take care of him. They really wanted him dead," a law enforcement official told the *Washington Post* in May 2009. But it took a madman to kill him.

Though positions such as this on the judge's part may seem at variance with his actions in the Mack case, he nevertheless made an important contribution to individual liberties in his defense of Sheriff Mack.

Alex Jones called the judge a patriot, noting the irony that his death was "blamed on the Tea Party" and other constitutional conservatives.

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