



Written by [Joe Wolverton, II, J.D.](#) on February 1, 2023

Arizona Bill Would Prevent Federal Takeover of Local Law Enforcement

Republican lawmakers in Arizona have [introduced a bill](#) that would prohibit “any personnel or financial resources to enforce, administer or cooperate with any act, law, treaty, order, rule or regulation of the United States government that is inconsistent with any Arizona state law regarding the authority of state and local law enforcement agencies.”

As described by the Tenth Amendment Center:

Practically speaking, the passage of HB2309 would ensure state and local police remain exclusively under state control. The proposed law would limit the powers of state and local police in Arizona to those provided for in state law, and law enforcement agents would not be able to take on additional powers by virtue of federal law alone. If membership on a joint state/federal task forces involves additional police powers not provided for in state law, Arizona police would be barred from participating with the task force.



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For many years, I have chronicled the federal government’s consolidation of control over local law enforcement. For a couple of decades now, the federal Department of Homeland Security (DHS) has silently and gradually converted local police agencies into regional subdivisions of the surveillance state.

From license plate readers to facial recognition software, from surveillance cameras to cellphone signal trackers, the DHS is providing police with all the gadgets, hardware, and software necessary to keep everybody under surveillance, without the targeted public ever realizing that it’s D.C., not the cops, behind the monitoring.

Not only do local police who participate in the program have access to a shockingly broad array of personal information on citizens, but facial recognition technology, license plate readers, and stop-light camera video feeds are all funneled to a Regional Operations Intelligence Center where FBI and DHS agents can watch the live feeds.

In fairness, most police chiefs and sheriffs are unaware of the larger, more sinister DHS program to



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foment riot as a pretext for quelling it. But whether these lawmen realize it or not, when they accept federal gadgets and grants, they are surrendering their independence and their citizens' civil liberties.

Perhaps the most important argument against the federalization of local police departments is that there is not a single syllable of the Constitution authorizing any such federal participation in law enforcement. If the power isn't granted to the federal government in the Constitution, then authority over that area remains with the states and the people as described in the Tenth Amendment.

Self-serving bureaucrats inside the U.S. government are tirelessly trying to obliterate local police forces answerable to local citizens and promote the consolidation movement as a step toward federalization of law enforcement. These proponents of regional and national police forces desire nothing less than the eradication of all local police departments and sheriffs' offices, the surrender of state and municipal sovereignty, and the conversion of police into federal security agents sworn not to protect and to serve their neighbors, but to protect the prerogatives of politicians.

And this is where the efforts of the Arizona state legislators to limit the federal government's usurpation of authority of local law enforcement in the Grand Canyon State come in.

States, as Madison expressed it in the [Virginia Resolution of 1798](#), "have the right, and are in duty bound, to interpose for arresting the progress of the evil" of federal overreach.

To that end, state lawmakers and judges are, as set out in Article VI of the U.S. Constitution, "bound by oath or affirmation, to support this Constitution."

Furthermore, James Madison, in [The Federalist, #46](#), laid out a plan for state legislators and governors to force the federal beast back inside its constitutional cage, should it begin to roam free and devour the lives, liberties, and properties of the people.

Madison was certain that if the states demurred when agents of the general government insisted on their contribution to this or that act contrary to the Constitution that the feds wanted executed within the sovereign borders of the several states, then there would be little hope that the centralizers could carry out their unconstitutional programs, plans, and projects.

Every state legislature should immediately prohibit state agents and resources from being used to cooperate with the federal forces in any activity not explicitly enumerated in the U.S. Constitution as being within the territory of federal authority. This constitutionally sound strategy is known as anti-commandeering.

Put simply, anti-commandeering forbids the federal government from enjoining states to participate in any federal program that does not concern "international and interstate matters."

This expression of federalism ("dual sovereignty," as it was named by Justice Antonin Scalia) was first set forth in the case of *New York v. United States* (1992), and was reaffirmed by the United States' highest court in the case of *Printz v. United States* (1997).

The *Printz* ruling makes it clear that the states do not and should not take orders from the feds. The states are constitutionally bound to accept and execute federal directives when these directives relate to matters within the metes and bounds of federal power, but in any and all matters beyond those boundaries, the feds are on their own!

Without question, at least to James Madison's mind, if states follow the *The Federalist* #46 formula for freedom from consolidation, we would find that the federal government would be unable to muster the men and materiel necessary to accomplishing its authoritarian agenda. Judge Andrew Napolitano



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expressed his belief in this thesis in 2014 while discussing then-President Obama's reticence to enforce federal drug laws in states with laws contravening them.

"The federal government does not have the person power and resources to enforce all federal laws on its own," he said. "It needs the assistance of state and local police as well. They don't have that in Washington and Colorado because marijuana is lawful there, so it might be impractical and be too costly for the feds to enforce there."

"Our home state of New Jersey could not, for example, use the police to frustrate federal law enforcement. What it could say to state and local police (is) 'you will not cooperate.' That will make federal enforcement of tighter federal gun laws nearly impossible," Napolitano added.

"If the federal government limits guns in a state, will it need the assistance of state police to enforce those limitations?" the judge asked rhetorically. "Yes, they will. And do the states have the right to refuse to enforce federal law that's against state public policy? Yes, they do. That's where we are on this."

And that's how states can use "refusal to co-operate with the officers of the Union" to stop the federal government's "long train of abuses" in its tracks, including the effort underway throughout the union to subvert local law enforcement to the command and control of the federal government.

And, to this end, then, the efforts of the nine state legislators in the sovereign state of Arizona to prevent the federal government from commandeering state and local law enforcement to carry out unconstitutional edicts of Washington, D.C., is precisely what our Founding Fathers laid out to keep the feds inside the boundaries of their enumerated authority.





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