



Written by [Bob Adelman](#) on June 28, 2013

## California Sheriff Strips Forest Service Agents of Law-enforcement Powers

The CBS affiliate in El Dorado County, California, [expressed surprise](#) when it reported that County Sheriff John D'Agostini stripped agents of the U.S. Forest Service of their law-enforcement powers in his county.

Wrote D'Agostini:

I take the [standard of] service that we provide to the citizens of El Dorado County and the visitors to El Dorado County [[which includes Lake Tahoe](#)] very seriously, and the style and manner of service we provide.

The U.S. Forest Service, after many attempts and [having been] given many opportunities, has failed to meet that standard.

The writer covering the story, Laura Cole, asked law professor John Myers if D'Agostini could actually do this. Said Myers: "It looks to me as though the sheriff can do this."

This isn't the first time D'Agostini has written such a letter. Back in January, when the Senate was considering bills that would restrict gun ownership, he [sent a letter](#) to Vice President Joe Biden, saying:

The purpose of this letter is to go on record of re-affirming my oath of office and making it clear that I and my staff will never violate [our oath of office] by being pressured into enforcing any unconstitutional provision, law or executive order.

It is well-known and proven with facts ... that gun control of any kind has no effect on the reduction of crime anywhere.

Don't pass any laws where you are going to confiscate firearms and turn my law-abiding citizens into criminals.

The same writer for CBS, Laura Cole, quizzed D'Agostini about his intent if any Senate bill were actually signed into law:

Cole: Are you prepared to not follow federal law if it were to pass?

D'Agostini: If it's a clear violation of the United States Constitution, absolutely.

The path for D'Agostini has been made easier by another county sheriff, [Richard Mack](#), who took a stand against federal imposition in [Printz v. United States](#), and won. In his own words, Sheriff Mack said:

Soon [after my reelection as Graham County Sheriff in Arizona in 1992] the Brady bill was signed into law by Bill Clinton. Three federal agents showed up at our AZ Sheriffs Association meeting and handed each of us a document from the Department of the Treasury which detailed what our "orders" were to comply with the Brady Bill.





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All the sheriffs were shocked and against it. However, each sheriff said there was nothing we could do about it. "You can't fight city hall" was the frequent comment.

I disagreed and decided to sue my own government. Everybody said I was crazy and that I could not win. Six other sheriffs from various parts of the USA joined the lawsuit. The case went all the way to the U S Supreme Court and miracle of miracles, WE WON! [Emphasis in original.]

In that case the majority opinion was written by Justice Antonin Scalia, who taught a lesson in constitutional law when the decision was handed down in June 1997:

It is the whole object of the [Brady bill] to direct the functioning of the states' executives, and hence to compromise the structural framework of dual sovereignty....

It is the very principle of separate state sovereignty that such a law offends....

We expressly rejected such an approach in [New York](#), and what we said bears repeating:

Much of the Constitution is concerned with setting forth the form of our government, and the courts have traditionally invalidated measures deviating from that form....

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 adhere to that principle today, and conclude categorically, as we concluded categorically in [New York](#): "The Federal Government may not compel the States to enact or administer a federal regulatory program."

As the influence of Sheriff Mack's organization, the Constitutional Sheriffs and Peace Officers Association (CSPOA), continues to grow, so does not only the understanding of its members about the Constitution and their oaths to uphold it, but their willingness to stand fast, draw the line, and say, "This far and no farther." Whether he knows it or not, D'Agostini is on the front line of the war for freedom in the country. May both his backbone and that of the members of CSPOA continue to grow.

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