



Written by [Patrick Krey](#) on September 30, 2009

Can the County Sheriff Save the Constitution?

Richard Mack, former sheriff of Graham County, Arizona, is not afraid to ruffle some feathers in order to halt what he considers violations of the U.S. Constitution.

In 1993, Congress passed the Brady Handgun Violence Prevention Act (commonly referred to as the Brady Bill), which was signed into law by President Bill Clinton and went into effect on February 28, 1994. A provision of the Brady Bill compelled state and local law-enforcement officials to perform mandatory background checks. Mack, then a Graham County sheriff, was outraged. In response, Mack gained distinction by being the first sheriff in the nation to file a lawsuit against the Brady Bill. The lawsuit made it all the way to the Supreme Court, which ruled that the provision was indeed unconstitutional as a violation of the Tenth Amendment principles of federalism.



Now Mack is once again making headlines with his latest effort to stand up for the Constitution. In a 50-page booklet entitled *The County Sheriff: America's Last Hope* (available from his website www.sheriffmack.com), Mack concisely explains what he believes is the proper role of law enforcement, as well as how your local sheriff can be the last line of defense for the U.S. Constitution. Mack passionately argues that real change is not going to come from Washington, D.C., but instead from local county sheriffs who finally stand up and stop being pawns in the federal government's unconstitutional schemes. "We must start at home, in our counties, in our own 'spheres.' We must erect the barriers and keep those at bay who would confiscate bank accounts, guns, land, property, and children. Sheriff, you are the people's sworn protector. You cannot shrink from that duty merely because the violator comes into town with a three piece suit and a fancy attaché case."

In an interview with *The New American*, Sheriff Mack explained what his goal was with writing this booklet. "My goal is to educate sheriffs to their proper authority and their standing as the ultimate check and balance for the people in their county. If we are going to get back to those principles upon which our country was founded, then the county sheriff has to be involved in that process. That's where we are today. We don't have anywhere else to turn, so why not turn to the guy who promised to do just that?"

Why just 50 pages? Mack explains: "I know law enforcement and I know sheriffs; they're not going to get involved in anything that's too long. They can read this really easily and there's no excuse not to read it." Mack has started a campaign via his website to distribute one booklet to each sheriff in the United States. "We have about six states covered right now. We're going to keep moving and identify



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sheriffs in the country who have the guts to fulfill their constitutional duty.”

The County Sheriff: Hope for America

Mack’s experience with fighting federal gun-control legislation of the mid ’90s was quite the learning experience for him. “So here’s the U.S. Congress making an unconstitutional gun-control law, requiring a county official to enforce it and pay for it, and then threatening to arrest him if he refuses! What a government!”

Looking back on the episode, though, Mack wishes he handled things differently. “In retrospect ... I wish I had never filed it. The most effective and inexpensive measure that should have been taken was for all the sheriffs of Arizona to simply send the Brady Bill back to Congress with a CC to the White House and with a strongly worded explanation as to why the Brady Bill, or 20 more just like it, would have no place in Arizona.” Mack suggests that a non-complying county sheriff would be a much more efficient and effective way to restore constitutional governance to the land of the free than endless legal challenges in federal courts filled with politically appointed lawyers. “Sheriff Nixon from Lincoln County, Montana, did just that. He didn’t join our lawsuit. He just said, ‘No, I’m not enforcing the Brady Bill,’ and he didn’t. We won a major landmark monumental decision but the sheriffs in this country have the authority to say ‘no’ to the federal government and that’s what we all should have done.”

Who Is Sheriff Richard Mack?

Mack, who started his law-enforcement career in the Provo police department in Utah during the late ’70s, doesn’t mince words when it comes to describing his personal transformation from a standard police officer to a committed constitutionalist. “I was ... a by-the-numbers jerk.... We had to write tickets and lots of them. We needed arrests and felonies and DUIs and druggies in jail and our efforts supported in the newspapers. I got caught up in all of this and loved it. We literally justified our existence — on the backs of citizens.” Then in the early ’80s, Mack went undercover for a one-year assignment in narcotics, and it got him to question the entire war on drugs. “What was this all for? Why did so many people have to go to jail because of marijuana, especially when it was less harmful than alcohol? Is law enforcement really about public service, or public harassment?”

His soul searching, combined with years of research, led him to the following conclusion: “I am now totally convinced that the ‘Drug War’ is a farce. It provides no benefit to the public and actually makes the drug problem worse.” This personal epiphany didn’t just stop at the issue of drug prohibition but also extended to the entire method of using law enforcement as a revenue-raising tool for government. “I got fed up with the numbers game in law enforcement and with the idea that we, the police, were here to force people to wear their seat belts and to have their papers [license, registration, insurance, inspection, etc.] in order before they could freely go about their lives.”

Mack looked at the way law enforcement was being handled and didn’t see public servants searching for the truth or advocating the rights of the accused. Instead, he saw a system contrary to what he in his heart believed to be right. “It is a corrupt system based on ‘win-loss’ records. Principles of freedom and equality are bypassed in order to concentrate on the money-generating numbers and plea bargains. If innocent citizens get nailed in the process, then it is ... considered collateral damage.” Mack didn’t just see abuses being perpetrated at the state level but also at the federal level in a much more flagrant and blatant manner.

Greatest Threat to America: ?The Federal Government

What does Sheriff Mack view as the biggest threat facing America today? Global warming? Terrorism? The swine flu? Again, Mack pulls no punches and states exactly what is on his mind. “The greatest



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threat we face, as a nation, is our own federal government.” Mack’s opposition to federal overreach is not limited to just when Democrats control the levers of federal power. Mack staunchly opposes right-wing overreach. He vigorously objects to an interventionist foreign policy, as well as abusive national-security tactics applied domestically. “The elitists of Washington, D.C., including those of both major parties, have turned America into a socialistic democratic dictatorship. We are a police state and welfare state all rolled into one enormous gluttonous debt.”

Sheriff Mack does not see a bright future for America if we don’t turn back the clock on the expansive growth of government. “It is a mathematical certainty that the bigger the government, the smaller the freedom. You cannot have huge government and abundant freedom simultaneously.”

Saying “No” to the Feds

For those who are absolutely fed up with the constant violations of the U.S. Constitution, Sheriff Mack’s proposition to nullify federal overreach by just saying “no” is entirely practical advice.

The notion of state interposition, or state nullification of unconstitutional federal laws, is a concept as old as our Republic; Mack’s proposal to extend it to the county sheriff level merely adds a new decentralist twist. Could such a proposal possibly work? Michael Boldin, the founder of the Tenth Amendment Center and an expert on the subject of state nullification, believes that it could. Boldin told *The New American*, “It’s my opinion that the best way to resist the federal government and its incessant violations of the Constitution is not to continually try to ‘vote the bums out’ every election season, but instead, to virtually ignore it. Nullification, simply saying no to federal laws outside the scope of their constitutionally delegated authority, is the path to liberty for this country. It’s powerful, it’s peaceful, and it works, as can be seen in the state-level revolt against the Real ID Act of 2005. In 2007, multiple states passed resolutions refusing to implement the federal Real ID act on grounds that it was unconstitutional. Instead of attempting to force the law to implementation, the federal government delayed implementation, and earlier this month the Obama administration announced that it was looking to ‘repeal and replace’ the controversial law.”

Has the time come for such action? Boldin believes that the time has definitely come. “James Madison, in his report of 1800, said that interposition must not be employed ‘either in a hasty manner, or on doubtful and inferior occasions.’ And he was quite right. But, with the massive amount of constitutional overreach coming from the federal government, choosing one overreach to resist is like shooting fish in a bucket.”

The Next Step

What kind of feedback has Mack received from other sheriffs who have read his book? “Sheriffs from Oregon, Montana, Colorado, Washington, and Wisconsin have all voiced overwhelming support and ... are getting more on board every day.” The only type of negative feedback he has received is from “a couple [of sheriffs] who have expressed reluctance, but most of those just boil down to whether or not they have the guts to do it. I think most of them know this is true but just don’t want to be the tester to see if it really works.”

Indeed, as Mack is quick to point out, “There are already several examples of sheriffs and local governments standing against federal intrusiveness.” Mack highlights an incident in Nye County, Nevada, where the local sheriff told federal agents that if they tried to confiscate cattle from a local rancher, he would arrest them. The feds backed down and the cattle remained. Mack explains, “For federal officers to come in to the county and take over in any respect is the epitome of usurpation, and he who is the rightful steward of the county needn’t tolerate any such usurpations whatsoever.”



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As far as federal legislation requiring the action of local sheriffs, Mack asserts that “they’re entirely meaningless and have no way of being enforced unless [the county sheriff] says so.” Mack argues that the worst that can happen is that the sheriff will lose out on some federal funding.

Mack himself acknowledges how very revolutionary his proposal is, but argues that it is vital to preserve our freedoms. “I know this all sounds radical. Standing for freedom has always been labeled as radical, but ‘extremism in the defense of liberty is no vice,’ to quote Barry Goldwater.”

Mack stands firmly by his warning that for “the tyrant to win ... the only thing that has to happen is for the nation’s police and sheriffs to be convinced that all laws must be enforced.”



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