



Written by [Joe Wolverton, II, J.D.](#) on May 2, 2016

Glendale, Ariz., Police Become Enforcers of ATF Gun Control

The federal Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) has entered into an agreement with the Glendale, Arizona, Police Department that makes the latter the unpaid enforcers of the former's regulations, the Tenth Amendment Center reports.

According to the Tenth Amendment Center, under the terms of a Memorandum of Agreement (MOA) signed by the ATF and the Glendale police, local officers will be dedicated to a unit whose sole mission will be to enforce federal firearm regulations and "laws." This despite the fact that under the U.S. Constitution: 1) "the right of the people to keep and bear arms shall not be infringed," and 2) the federal government has no authority to subsidize, control, or interfere with local police.



Yet, not only will the Glendale police officers be doing the ATF's unconstitutional work in the Grand Canyon State, they'll be doing it without any compensation from the federal agency that will be calling the shots.

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Section 5 of the MOA mandates that the only expense for which the Glendale Police Department will be reimbursed is overtime pay associated with the performance of MOA-related duties, and these additional expenses will be paid only if the ATF approves the request.

It is well known that many federal agencies do not have the funds to finance their unconstitutional programs and policies. As a remedy, they make up the difference by demanding that state resources be placed at the disposal of the federal government, typically through the entering of a MOA.

Not only does this violate the prohibitions spelled out in the anti-commandeering principle, but it places undue and often excessive fiscal burdens on the backs of taxpayers already hobbled by a progressive tax scheme that leaves many otherwise hard-working Americans unable to make ends meet without working more than one job.

The MOA currently in force between the ATF and the Glendale Police is set to expire on September 30, 2020. A state law could accelerate the demise of this deal, however.

While many may consider these agreements the price to pay for belonging to the union, this is not the system established by the Constitution of 1787 and it is not in accordance with the facts of the drafting of that document.



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Regardless of the incessant “supremacy clause” rhetoric parroted by pundits on the Right and Left, the federal government was never intended by the Framers of the Constitution to hold the trump card over state laws.

The states created the federal government and reserve the right to resist the exercise by Congress of any powers not specifically granted to it by the states in the Constitution.

Lawmakers from the several states must demand that the U.S./ government cease the constant abuse of power and conform itself to confine their activities within those boundaries drawn by state representatives in the Constitution and later agreed to by separate state ratifying conventions.

With history as a reliable guide, we need only look to the statements issued by nearly every state legislature upon ratifying the Constitution. In nearly all of these letters, the state legislature or ratifying convention delegation explicitly reminds Congress that the consent of the states formed the federal government.

Next, states must not be placed in the position of subordinate to a federal overlord. This violates the principle known as anti-commandeering.

As expressed by the Supreme Court in the cases of *New York v. U.S.* and *Printz v. U.S.*, the states retain sovereignty and are not constitutionally obliged to expend their resources and their money to carry out federal orders.

The ability of the state legislature to nullify the MOA remains and should be deployed by state representatives who recognize their constitutional duty to protect the Constitution.

Article VI of the U.S. Constitution reads in relevant part:

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.

Therefore, state legislators are not only wise to resist federal encroachment on their authority, but they are required to do so.

The people must hold their representatives’ feet to the fire and demand that they not sacrifice their sovereignty on the altar of federal supremacy.

Quite simply, nullification is the surest, safest, and constitutionally soundest weapon in state arsenals.

Nullification is the principle that the states retain the power to refuse to follow or enforce any federal act that exceeds the boundaries placed around its powers by the states in the Constitution.

If nullification is to be successfully deployed and defended, states lawmakers must remember that the Constitution is a creature of the states and that the federal government was given very few and very limited powers over objects of national importance. Any act of Congress, the courts, or the president that exceeds that small scope is null, void, and of no legal effect. No exceptions. James Madison said it best in *The Federalist*, No. 45, “The powers delegated by the proposed Constitution to the federal government, are few and defined. Those which are to remain in the State governments are numerous and indefinite.”

Finally, the Memorandum of Agreement between the ATF and the Glendale, Arizona, Police Department is yet another example of the federal government’s goal to obliterate the local police and their link to those they are hired to serve, replacing it with law enforcement that is local in geography only and is in



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reality nothing more than an outpost of the federal law enforcement apparatus.

Militarized police controlled by Washington threaten the protections of fundamental civil liberties afforded us by the Bill of Rights. While there remain legions of law-enforcement officers devoted to protecting and serving their fellow citizens, the federal government's proffer of powerful, free (or almost free) weapons, vehicles, gear, and tactical training is making the allure of becoming an unofficial branch of the armed forces irresistible.

When they are patrolling the streets of their cities, cops these days increasingly look more like soldiers or Darth Vader-esque Imperial Storm Troopers than police, thanks again to the buckets of cash dumped into coffers by Homeland Security. 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 nationalization of all 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 cops into federal security agents sworn not to protect and to serve their neighbors, but to protect the prerogatives of politicians. This is precisely the type of tyrannical symbiosis that our Founders feared would one day obliterate the liberty they sacrificed so much to preserve.

To preserve the accountability of police to the people they protect, as well as the sovereignty of their state, citizens of Arizona are encouraged to contact their state representatives and senators and demand that they propose legislation that would terminate the MOA between the Glendale Police Department and the federal Bureau of Alcohol, Tobacco, Firearms, and Explosives. Moreover, citizens should demand that the independence of local law enforcement be restored, and that Arizona taxpayers not be forced to foot the bill for the federal program of putting states under the thumb of Washington, D.C.



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