



Written by [Joe Wolverton, II, J.D.](#) on April 27, 2015

Montana Nullifies Federalization of State Law Enforcement

On April 23, Montana Governor Steve Bullock signed a law protecting his state's law enforcement from being converted into an arm of a federal police force.

Not only does [House Bill 330](#) protect the independence of Montana's law enforcement, but it prevents it from being bribed by the offer of military grade weapons from the federal government, as well.



Section 1 of the new law declares:

A law enforcement agency may not receive the following property from a military equipment surplus program operated by the federal government:

- (a) drones that are armored, weaponized, or both;
- (b) aircraft that are combat configured or combat coded;
- (c) grenades or similar explosives and grenade launchers;
- (d) silencers; or
- (e) militarized armored vehicles.

Section 2 sets additional barriers along the road toward federalization:

If a law enforcement agency purchases property from a military equipment surplus program operated by the federal government, the law enforcement agency may only use state or local funds for the purchase. Funds obtained from the federal government may not be used to purchase property from a military equipment surplus program.

This provision refers to the ["1033 program"](#) established by the Department of Defense that sells surplus military weapons, vehicles, and technology to local law enforcement at a discount price. The idea, of course, being that once a police department or sheriff's office becomes a recipient of this martial materiel, it is a de facto dependent of the federal government.

The Pentagon isn't the exclusive provider of formerly federal arms and equipment, however. The Department of Homeland Defense (DHS) is another rich source of federal largesse.

DHS doles out millions of dollars to police departments and sheriffs' offices around the country.

Cash-strapped local law enforcement gobbles up the federal "grants," purchasing military-grade vehicles, weapons, ammunition, and surveillance technology that would make the National Security Agency (NSA) proud.

In a free society, police officers are more likely to be viewed as friends whose purpose is "to protect and serve" their fellow citizens. Their numbers are few and their firepower and other means of enforcement are not so immense and intimidating as to cow and overawe the local citizenry, from whom, ultimately,



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they receive their authority — and their paychecks. In an authoritarian or totalitarian society, on the other hand, police officers are viewed with fear and suspicion as agents of a despotic central government, vested with the authority and means to deprive the hapless citizenry of life, property, and liberty at whim. In many countries, the police force is a ubiquitous, nationalized gendarmerie that is indistinguishable from the military establishment, of which it is, in many cases, merely a subsidiary.

As the number of U.S. troop-heavy foreign interventions decreases, the warcraft and weaponry used in battle are now being deployed in American neighborhoods as the members, machines, and methods of law enforcement become increasingly indistinguishable from those of the military. For evidence of how this could play out in the future, see *The New American's* report on [Operation Jade Helm](#).

This is the situation as revealed in a new report published by the American Civil Liberties Union entitled “War Comes Home: The Excessive Militarization of American Policing.” The ACLU provides a brief history of the creation and transformation of SWAT:

SWAT [Special Weapons And Tactics] teams were created in the late 1960s as “quasi-militaristic” squads capable of addressing serious and violent situations that presented imminent threats such as riots, barricade and hostage scenarios, and active shooter or sniper situations. The first SWAT team, at the Los Angeles Police Department, was developed in the wake of a series of emergency situations in which local police felt unable to respond as swiftly or as effectively as was necessary. SWAT teams have since expanded in number, and are used with greater frequency and, increasingly, for purposes for which they were not originally intended — overwhelmingly to serve search warrants in drug investigations.

To be sure, the ACLU is less than an objective, trustworthy source. Besides constantly utilizing the federal courts to strike down the reserved powers of state and local governments and increase the power of the national government, the ACLU has been a frequent ally of totalitarian regimes and subversive and terrorist organizations. Not only has the ACLU been top-heavy with communist and pro-communist leaders since its founding (e.g., Roger “communism is the goal” Baldwin, and Communist Party USA officials Helen Gurley Flynn and William Z. Foster), but more recently the organization elevated unrepentant Weatherman terrorist Bernadine Dohrn to its national advisory board. Nevertheless, its “War Comes Home” report offers further documentation of the militaristic transformation of our police that this magazine and other sources have been exposing and opposing.

The question that remains is how long citizens will accept the arming of their local police until they rise up in resistance and, as DHS probably has orchestrated, are targets of all the tactical weaponry, ammunition, and monitoring technology.

From license plate readers to facial recognition software, from surveillance cameras to cellphone signal trackers, the Department of Homeland Security 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 the Capitol, not the cops, that are behind the monitoring.

Local police who participate in the program will have access to a shockingly broad array of personal information of citizens. Facial recognition technology, license plate readers, and stop light camera video feeds will all be funneled to a Regional Operations Intelligence Center where FBI, police, and DHS agents can watch the live feeds.

In fairness, most police chiefs and sheriffs are unaware of any larger, more sinister DHS program to foment riot as a pretext for quelling it.



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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.

A statement published by the Tenth Amendment Center praises the Montana state legislature and governor for their defense of the sovereignty of the states and of the Tenth Amendment and their resistance to the immense pressure put on them to feed at the federal trough. "By stripping state and local police of this military-grade gear and requiring them to report on their acquisition and use, it makes them less likely to cooperate with the feds and removes incentives for partnerships," the group wrote.

As Montana obviously understands, 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.

Unfortunately, there is not another state in the union even considering a bill as expansive as the new Montana law. New Jersey's governor recently signed a measure into law that heads down a similar path but stops well short of the newly enacted Montana statute.

The New Jersey law requires that state agencies must inform local governments before receiving any equipment under the Department of Defense's 1033 program. That's a laudable first step, but it leaves a long way to go in the road toward ending the unconstitutional "partnership" between the Obama administration and local law enforcement.

Constitutionalists are hopeful that all states will follow Montana's example and refuse to be co-opted into the federal police force and thwart the Obama administration's effort to convert local police into another branch of the U.S. armed forces.



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