



Written by [Warren Mass](#) on May 2, 2014

Utah Rep. Chris Stewart Says BLM, Other Fed Agencies Are Not “Paramilitary Units”

Representative Chris Stewart (R-Utah) strongly criticized the actions of the Bureau of Land Management (BLM) for deploying what the congressman described as a “SWAT team” during the recent standoff between federal agents and Nevada rancher Cliven Bundy, who was backed by a civilian militia.

“There are lots of people who are really concerned when the BLM shows up with its own SWAT team,” Stewart said off the House floor on April 29. The *Salt Lake Tribune* reported that Smith also expressed concern about other federal agencies, including the Internal Revenue Service (IRS), arming their agents, stating: “They’re regulatory agencies; they’re not paramilitary units, and I think that concerns a lot of us.”



Stewart, a member of the House Appropriations Committee, said he will attempt to cut funding for any federal “paramilitary units” and require the BLM, IRS, and other regulatory agencies to request assistance from local law enforcement, rather than sending in their own armed units, reported the *Tribune*.

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The Utah congressman stressed that he isn’t taking sides in the recent Bundy standoff, but was nevertheless shocked to see the federal government’s response and believes it led to the civilian militia that showed up to defend the rancher. But Stewart says agencies such as the BLM should defer to local police for muscle instead of bringing in their own. “They should do what anyone else would do,” Stewart told the *Tribune*. “Call the local sheriff, who has the capability to intervene in situations like that.”

The involvement of local law enforcement proved to be beneficial in the Bundy standoff, as Clark County Sheriff Doug Gillespie served as a negotiator between Bundy and the BLM on April 11. The *Las Vegas Review-Journal* reported the next day that “federal land officials backed off and agreed to give up the cattle to Bundy’s family and supporters ... fearing for the safety of its agents and the public.”

Stewart scored 60 percent on the most recent “Freedom Index,” compiled by *The New American* to rate members of Congress according to their faithfulness to the Constitution. A more solid constitutionalist, Sen. Rand Paul (FI score, 100 percent), also expressed dissatisfaction with the federal government’s display of armed force during the Bundy confrontation.

After Senate Majority Leader Harry Reid (D-Nev.) told Reno TV station KRNV that the standoff was not yet over and, “We can’t have an American people that violate the law and then just walk away from it. So it’s not over,” Paul countered with a statement of his own in a radio interview with WHAS in



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Kentucky:

I think there's an opposite thing to what Harry Reid said, and that's the federal government shouldn't violate the law, nor should we have 48 federal agencies carrying weapons and having SWAT teams.

Paul continued by saying that the disputed land should be returned to local control and recommended that the issue be settled in court. "Can everybody decide what the law is on their own? No, there has to be a legal process," said Paul. "But I think there is definitely a philosophic debate over who should own the land."

"I hope it'll go through a court. But if it were in a court, I would be siding and wanting to say that look, the states and the individuals in the state should own these lands."

The debate that Paul referred to is, in fact, more constitutional than philosophical. The belief the senator expressed regarding who should own the lands in question would be a moot point if the 10th Amendment would be adhered to without deviation: It states: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

Since the only land that the Constitution gives authority to the federal government to administer is the District of Columbia and "Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings," it is obvious that all other lands should be under the control of the states or the people. So Paul's statement that "the states and the individuals in the state should own these lands" is constitutionally sound.

A report from Fox News last September about a raid on the gold mining town of Chicken, Alaska — by what Fox described as "over armed EPA agents" — raised concerns about the 40 federal agencies that have armed divisions. The report noted that nearly a dozen of these agencies are not usually associated with law enforcement.

The EPA acknowledged taking part in the Alaska Environmental Crimes Task Force "investigation," which the federal agency said was conducted to look for possible violations of the Clean Water Act. EPA officials denied the operation was a "raid."

However, gold miner C.R. Hammond's statement to the *Alaska Dispatch* suggests otherwise:

Imagine coming up to your diggings, only to see agents swarming over it like ants, wearing full body armor, with jackets that say "POLICE" emblazoned on them, and all packing side arms.

Several other federal agencies participated in the raid ("operation") including the U.S. Fish and Wildlife Service, the Bureau of Land Management, the Coast Guard, the National Oceanic and Atmospheric Administration, and the U.S. Park Service. Apparently, the feds did not believe that a violation of the Clean Water Act justified calling out the Marines, the Army Special Forces, or the Navy SEALs!

Fox News reported:

The Fish and Wildlife Service, Bureau of Land Management and Park Service are among 24 federal agencies employing more than 250 full-time armed officers with arrest authority, according to the federal report, which is based on the 2008 Census of Federal Law Enforcement Officers.

The other 16 agencies have less than 250 officers and include NOAA as well as the Library of



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Congress, the Federal Reserve Board and the National Institutes of Health.

The number of federal departments with armed personnel climbs to 73 when adding in the 33 offices of inspector general, the government watchdogs for agencies as large as the Postal Service to the Government Printing Office, whose IG has only five full-time officers.

Alaska Governor Sean Parnell has ordered an investigation of the fortuitously (and appropriately) named “Chicken raid,” saying: “This level of intrusion and intimidation of Alaskans is absolutely unacceptable.”

Senator Lisa Murkowski, (R-Alaska) openly questioned the EPA’s actions: “Their explanation — that there are concerns within the area of rampant drug trafficking and human trafficking going on — sounds wholly concocted to me.”

Murkowski added, “This seems to have been a heavy-handed, and heavy-armor approach. Why was it so confrontational? The EPA really didn’t have any good answers for this.”

In the early years of America, the use of federal law enforcement within the boundaries of states and municipalities was almost nonexistent. One of the few legitimate federal law-enforcement agencies was the old U.S. Customs Service. After President Washington signed the Tariff Act of July 4, 1789, which authorized the collection of duties on imported goods, Congress established the Customs Service to enforce collection of the tariffs and prevent the smuggling of goods to circumvent payment.

Even the FBI (created in 1908 as the Bureau of Investigation [BOI] and renamed in 1935) was established (as its name implies) to *investigate* crime, not to serve as a federal police force. The FBI’s mandate is established in Title 28 of the United States Code (U.S. Code), Section 533, which authorizes the attorney general to “appoint officials to detect and prosecute crimes against the United States.”

The first FBI agents were not even armed. According to an online article posted by *American Rifleman*: “When Walter R. Walsh joined the FBI in 1934, he was in the first class of new agents to be officially armed. Prior to that class, agents often obtained commissions from local sheriffs and chiefs of police in order to carry a handgun.”

The obvious thing we might conclude from the above statement is that federal agents historically have deferred to local law enforcement when enforcing laws within local jurisdictions. This fact is made apparent in a question posted on the FBI’s FAQ page on its website:

If a crime is committed that is a violation of local, state, and federal laws, does the FBI “take over” the investigation?

No. State and local law enforcement agencies are not subordinate to the FBI, and the FBI does not supervise or take over their investigations. Instead, the investigative resources of the FBI and state and local agencies are often pooled in a common effort to investigate and solve the cases.

While the FBI might still recognize its proper place in the hierarchy of law enforcement under our federal system, it is apparent that the proliferation of armed federal agencies represents a dangerous change in the federal-state balance of power. It is for this reason that The John Birch Society, a constitutionalist organization (and affiliate of this magazine), has for decades been running a high-profile campaign to “[Support Your Local Police and Keep Them Independent](#).” With the increased takeover of law enforcement by federal agencies, the word “independent” has taken on even greater significance.



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