



Written by [Joe Wolverton, II, J.D.](#) on June 3, 2010

Sheriffs Oppose Encroachment of Federal Agents Into Their Jurisdictions

The borders around Montana are being blurred by an overreaching federal government bent on obliterating state sovereignty and assuming all governmental power unto itself. That's the opinion of Rex Nichols, a candidate for sheriff of a rural county in Montana. Nichols is a retired police officer and he's on a mission — to stop the freight train of federal absolutism in its tracks and restore power to the state and local governments.



Nichols isn't alone on his quest. There are dozens of candidates for sheriff nationwide who share his view on the supremacy of state government and the constitutional locus of police power. These lawmen read the Constitution and nowhere in it do they find authorization for the federalization of law enforcement. In fact, they argue, the Constitution's federal system endows local police with greater authority than any federal agent when it comes to enforcing the laws in their counties.

"Frankly," Nichols said, "if he wants to, the sheriff can probably do more for the Constitution and protecting the people than anyone else."

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Most likeminded peace officers are members of a growing movement known as the Oath Keepers. Oath Keepers was founded in March 2009 by Stewart Rhodes, a Yale Law School graduate, former U.S. Army paratrooper, and former staffer of Congressman Ron Paul (R-Texas).

The mission of Oath Keepers is to encourage members (current and former military and law enforcement) to uphold and protect the Constitution of the United States by refusing to carry out unlawful orders, including any that violate the enumerated powers granted to the federal government in the Constitution.

Any such grass-roots organization is going to a target of criticism from those opposed to any group with even a whiff of patriotism or constitutionalism. Oath Keepers is no exception. Opponents have branded the movement as a "dangerous anti-government 'patriot' group" that recruits from disaffected servicemen and from the militia fringe of the wider patriot coalition."

The Southern Poverty Law Center (SPLC), in its 2009 report on the resurgence of the militia movement, warned that the Oath Keepers "may be a particularly worrisome example of the Patriot revival." One



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could deduce from such statements, then, that the SPLC considers the revival of patriotism to be more injurious to the welfare of our nation than the unchecked growth of the federal government and the concomitant eradication of liberty.

Whether card-carrying members of the Oath Keepers or not, the sheriffs and sheriff candidates associated with Rex Nichols firmly assert their preeminence in the field of law enforcement. Their principle premise is that as sheriffs are the highest elected law-enforcement agent in the land and they are directly answerable to the voters and chosen by them, then they stand on the top rung of the police ladder. Federal officials, they argue, are not on the ladder at all, as the Constitution does not endow the federal government with police power and therefore the Tenth Amendment reserves that right to the states and to the people.

Most of the growth in this group of sheriffs and sheriff contenders is occurring in the Western United States. There is a powerful current of constitutionalism running through the mainstream of political thought out West, and these men are a faithful representation of it.

Carl Bruning is running for sheriff in Larimer County, Colorado, and he is a prime example of the coterie of constitutionally savvy men seeking to wrestle control of law enforcement from the hands of federal agents. "It is time for the sworn protectors of our liberty, the Sheriffs of these United States of America, to walk tall and stand up for our Constitution and Bill of Rights," he proudly proclaims in his campaign brochure. Bruning is a retired Air Force pilot and is facing off against the incumbent sheriff, James Alderen, who himself is no friend of the feds.

Bruning's advocacy of the expulsion of federal laws and law enforcement from the sovereign territory of the states includes going so far as to pledge to never enter the names of concealed-carry permit holders into the database maintained by the state and shared with various federal agencies.

In a similar mold, we have Bill Hunt. Hunt is running for sheriff in Orange County, California, a large county with a population of over 2.5 million. Hunt is a proud Oath Keeper and has made the promise of steadfast and immovable opposition to the federal government the central plank of campaign platform. Hunt reckons that the federal government forces encroaching into what should rightly be the exclusive rights of states may be forced to retreat when faced with an army of informed and dedicated local law enforcement, particularly the county sheriff. He rejects the notion that an armed resistance would be required to accomplish the mission. "Leadership is meeting with other agencies in government and letting them know it if they are outside their jurisdiction," he commented.

While most of these candidates are Republican, there is no sense among them that Democrats are solely responsible for the unconstitutional expansion of the national government. Many of the constitutional violations cited by these men were committed by Republican Presidents, as well as those of the Democratic Party. President Barack Obama and his congressional water carriers have continued along the path of absolutism that was paved by Presidents of both parties.

Despite the enormity of the task they've signed on to carry out, most of the sheriff candidates figure that the real work will be done not in revolutionary ways, writ large for all to see, but rather in smaller, less glamorous ways such as checking the incremental abuses of federal power happening daily in counties across the country.

When asked for specific examples of egregious flexing of federal muscle, Nichols recalls the 1993 standoff between a religious sect and federal agents in Waco, Texas, and the violent confrontation between the FBI and the U.S. Marshalls and the Weaver Family in Ruby Ridge, Idaho. Nichols asserts



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that neither of those incidents would have occurred under his watch because he would not have let armed federal agents inside his jurisdiction to commit such atrocities.

It isn't all about martial resistance, however. "You have to be reasonable," explained Steve Kendley, a detective from Lake County, Montana, running for sheriff, "this is not about starting a revolution." He does not anticipate armed encounters with federal agents. He, like Bill Hunt in California, believes that there is a need for rational, educated, uncompromising dialogue between the federal government and the elected officials of state and local governments. This, he hopes, would eliminate the federal propensity for overreaching and eventually eradicate the problem of federal tyranny and restore the proper balance between states and the national government they created.

There is, however, the issue of exactly which acts of the federal government contravene the Constitution. Many of the Oath Keepers and their fellows insist that the continuing operation of the prison at Guantanamo Bay is unconstitutional. There are those who disagree. Some of these potential sheriffs support the wars in Afghanistan and Iraq, while others deem them unwarranted, unjust, and undeclared.

Regardless of disagreements, it is spooking to witness the swelling of such sentiment throughout the cadre of law enforcement. The fact that there is even a noticeable bloc of such candidates is encouraging and demonstrates the pervasiveness and popularity of the message of the widespread constitutionalist philosophy. Enemies of the movement, including those who promote themselves as "human rights advocates" admit that this trend is "concerning" and they have committed all available resources to stymie the campaigns of Oath Keepers and any other candidate resolved to resist the federal accumulation of power.

This article has been edited on June 4 to show that Rex Nichols is not a sitting sheriff, but is a candidate for sheriff. We would like to thank our reader for pointing out the error.



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