

County Sheriffs

For years now, I’ve had articles, CDs, and DVDs sent in regarding the role of sheriff and the power this office holds. With this page, I will try to touch on the commonalities of all the articles being circulated.

The True Role of the Sheriff

By Greg Steussel

Let’s start with some background. America was founded as a constitutional republic in which sovereignty is constitutionally divided between the federal government and the states. Our federal government has extremely limited powers set forth by the Constitution. In order to secure the principles of this Constitution, our Founders penned Article VI paragraph 3, which states very clearly:

“...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 ...”.

The sheriff is part of the executive branch of government and thus is constitutionally required by way of solemn oath, to uphold, defend, support, and obey the United States Constitution. So just like our President and Representatives, our sheriff’s supreme duty and responsibility is to protect and defend the Constitution.

This “defense”should rightly take the form of securing the county from encroachment by the federal government. The sheriff is the supreme law enforcement authority in his county and it is for this reason that the office of sheriff is an elected position. In fact, this is the most important aspect of the sheriff’s authority; he is elected by, for, and of the people. He is not appointed, he is not a bureaucrat, he does not report to the town manager or to the city council. He reports directly to the people and is answerable to them and them alone. The role of the sheriff is another checks and balance put in place by our founders to help secure a free nation. The office should serve as another level of protection between the government and the people.

For a real life example of a sheriff fulfilling his proper role in defending liberty, let’s go back to 1994. The Brady Bill was passed by Congress and signed in to law by President Clinton. This law, among other things, sought to force all sheriffs in the nation to promote gun control within their own jurisdictions with no funds being allocated for them to do this work. Additionally, The Brady Act even contained a provision to arrest the Sheriff should he fail to comply. At this time, seven sheriffs from around the country (Sheriff Mack, Sheriff from Arizona, Sheriff Koog from Texas, Sheriff Frank from Vermont, Sheriff Romero from Louisiana, Sheriff McGee from Mississippi, Sheriff Printz from Montana, and Sheriff Anders from Wyoming) filed suit against the federal government with the assertion that the Brady Bill was an unconstitutional law.

On June 27, 1997, they won their suit when the Supreme Court ruled that the Brady Bill was in fact unconstitutional stating that the federal government could not commandeer state or county officers for federal bidding. Justice Scalia asserted the following in the supreme court ruling:

“The great innovation of this design was that our citizens would have two political capacities, one state and one federal, each protected from incursion by the other, a legal system unprecedented in form and design, establishing two forms of government, each with its own direct relationship, its own privity, its own set of rights and obligations to the people who sustain it and are governed by it...”

The local or municipal authorities form distinct and independent portions of the supremacy, no more subject, within their respective spheres, to the general authority than the general authority is subject to them, within its own sphere...

This separation of the two spheres is one of the Constitution’s structural protections of liberty, a healthy balance of power between the States and the Federal Government will reduce the risk of tyranny and abuse from either front...”

The power of the Federal Government would be augmented immeasurably if it were able to impress into its service – and at no cost to itself – the police officers of the 50 States.”

The federal government must stay within its proper “sphere” and it is the sheriff’s job to ensure that they do just that. One of our “structural protections of liberty” is based on the notion and principle that “different governments” will keep each other in check and by so doing; provide a “double security”to the rights of the people. Justice Scalia makes it clear that the federal government does not have the power or authority to “impress” the police from the states into federal service. Therefore, the sheriff does not have a lawful obligation to go along with unconstitutional federal actions.

The Supreme Court Ruling of the Printz case repeatedly states that “state legislatures are not subject to federal direction.” Consequently, when the federal government steps outside its constitutional role, our local law enforcement officers have not only a lawful duty but a moral obligation to refuse to acquiesce. It is up to our local and statewide elected officials to “erect barriers”against such encroachments and to stand on the side of the people to provide them with the protection. Doing so is both right and proper and in accordance with an officer’s oath to support our constitutional republic.

The Sheriff – More Power than the President

By Alan Stang

The office of sheriff has a pedigree so long, we are not positive about when it was created. We think it was in the Ninth Century in England. We do know that each land district, or “shire,” was governed by a “reeve.”The sheriff of Nottingham became famous. At first, the king appointed them. With few exceptions, our American shire reeves are elected by the people.

In 1997, in Nye County, Nevada, federal agents arrived to seize cattle that belonged to rancher Wayne Hage. The sheriff gave them a choice: skedaddle or be arrested. They skedaddled. The cows stayed where they were. Wyoming sheriffs have told federal agencies they must check with the respective sheriff before they serve any papers, make any arrests or confiscate any property.

In Idaho, a 74-year-old rancher shot an endangered gray wolf which had killed one of his calves. The U.S. Fish and Wildlife Service sent three armed agents to serve a warrant. Lemhi County Sheriff Brett Barslou said that was “inappropriate, heavy-handed and dangerously close to excessive force.”More than 500 people turned out for a rally in the small towns of Challis and Salmon to support the sheriff and the rancher and to tell the federal government to back off.

While Richard Mack was sheriff of Graham County, Arizona, a bridge washed out. Parents had to drive twenty six miles to get their kids to school half a mile across the river. But the U.S. Army Corps of Engineers wouldn’t fix it. First they had to do an “environmental impact study,”to replace a bridge already there. They were in no hurry. The study would take a mere ten years.

The people’s suffering reached the board of supervisors. The board voted to dredge the river and fix the bridge. The feds warned that they would be fined \$50,000 per day if they tried. The supervisors hesitated. Sheriff Mack promised them and the workers protection and pledged to call out a posse for the purpose if necessary. They built the bridge and the Corps of Engineers faded. The board never paid a dime.

So the long dormant spirit of America is reviving. The states are beginning to adopt Tenth Amendment resolutions, using powers they have always had. The people are restoring our long unbalanced constitutional system.

Our Sheriff

By Melinda McCutchen

I have had the privilege of being married to Coke County Sheriff Wayne McCutchen for over 31 years and I probably know him better than anyone else. I was there when the call came in at 4 am that Hall’s Super Save was being burglarized and an employee could be in danger. He went from a dead sleep to arriving to search the store with drawn gun in 4 minutes. Even though he rarely said anything about it, I was there when memories of dead babies kept him awake from the wreck east of Bronte near Maverick. Or when other memories crowded in of having to be that knock on the door to tell parents he had just been with their dead children in one of the many wrecks that have happened in our county over the last 25 years of his service to Coke County. It’s not like he didn’t know these kids, he had known most since they were little and going to school with our daughters. I was there when he came home after doing his duty to transport one of our local citizens to prison. It’s not that he didn’t think they were guilty. He just hated to leave one of “his citizens” in such a scary place. I’m there when he stresses over the fact that he can’t find a qualified deputy to replace one who’s gone to another small department - one that pays \$20,000 more per year. That’s happened twice in the last four months. You can’t blame a certified Texas Peace Officer, a professional, for not wanting to come work for just over \$28,000 per year. In addition to having to compete with other rural counties paying so much more, he has to compete with the State of Texas who reward their brand new DPS troopers and game wardens with over \$47,000 per year fresh out of the academy.

It may have started out as “a job”, but he quickly realized it was his calling. That’s the only reason someone would stay in a job as a deputy for over 20 years where the salary was near or below the poverty level, you were on call and could not leave the county 24 hours a day for 5 days a week, and your wife had to answer the sheriff’s office phone after hours and on weekends for 10 days a month (in the days before cell phones).

Don’t get me wrong. I am glad Wayne does what he does. I’m extremely proud of him and his officers. What infuriates me are the comments from various other county officials about:

- how not much bad happens in here (Could that be because Wayne and his officers do amazing jobs? He and his officers handled over 250 calls per month last year.);
- how there are burglaries and the deputies aren’t doing their jobs (How can 5 men have an eye on every piece of property in this rural county 24 hours a day, 7 days a week?);
- how he could make do with fewer deputies (Do you want to be the emergency when the deputy on duty is 30 miles away answering another call?);
- how the deputies can’t make more money because the ladies in the courthouse or the road hands will be mad (when’s the last time they were called out at 4 am and had to draw their gun at their job?);
- how they knew what the job paid when they started (If you’d been at a job for a quarter century, wouldn’t you want to make considerably more than when you started?)

Did you know that until recently our Sheriff and his Deputies didn’t have any protective vests? It’s always been a possibility that when they stop a vehicle, the person inside could have and want to use a gun. However with the rapid rise in drug traffic, cartels and gangs traveling our highways, this possibility grows larger every day. With this last budget, they were able to purchase two vests. That means that two out of the five are protected (vests come in sizes like shirts and are not usually shared).

I didn’t ask Wayne if I could include this and I know he wouldn’t want me to. I’m hoping to use the old adage “better to ask for forgiveness”. I know I’m biased, but I believe Wayne has done an exceptional job during his time in the Sheriff’s Office. Judging by so many good comments from county citizens and the fact that he won his first election as a write-in, I believe many of you agree with me. Please contact your county commissioner and Judge Blair to voice your concerns.