



Written by [Joe Wolverton, II, J.D.](#) on December 16, 2013

Sheriffs' Resistance to Federal Gun Control Acts Makes Major Media

Sheriffs' refusal to enforce unconstitutional federal gun control measures has garnered national media attention.

An [article published Sunday, December 15 in the New York Times](#) reported declarations made by Sheriff John Cooke of Weld County, Colorado. The story noted that in speeches, Sheriff Cooke holds up two 30-round magazines — one he purchased before enforcement of federal restrictions on magazine size and one “maybe” purchased after the regulation.



“How is a deputy or an officer supposed to know which is which?” Sheriff Cooke asks, as quoted by the *New York Times*.

The story goes on to report on a crescendo of resistance by constitutional sheriffs to play enforcer of unconstitutional federal infringement on the right of the people to keep and bear arms. The story reads:

Some sheriffs, like Sheriff Cooke, are refusing to enforce the laws, saying that they are too vague and violate Second Amendment rights. Many more say that enforcement will be “a very low priority,” as several sheriffs put it. All but seven of the 62 elected sheriffs in Colorado signed on in May to a federal lawsuit challenging the constitutionality of the statutes.

For months, *The New American* has chronicled the Colorado sheriffs' courageous push back against federal tyranny.

Lawmen in Colorado are not alone in their determination to protect the rights of the citizens they swore to protect.

Sheriffs nationwide are awakening to the reality of their role as the ultimate constitutionally-elected county executive. Once aware of this role and its responsibilities, the lawmen are stepping up in defense of the Constitution, including the Second Amendment. [As reported in January by The New American](#):

Elected sheriffs, as the top law enforcement officers within their counties, work for the citizens and taxpayers in their jurisdictions, not the federal government. Even the Supreme Court ruled that sheriffs cannot be compelled to follow federal dictates or mandates in a landmark case on gun control. Now, with Obama pushing hard for new restrictions on gun rights — finding strong support from some anti-Second Amendment Democrats in Congress and much of the increasingly discredited establishment media — sheriffs nationwide are putting their foot down to defend the rights of their constituents.

Chief law enforcement officers from Kentucky, Oregon, Texas, California, Missouri, Idaho, Alabama, Colorado, South Carolina, Georgia, Minnesota, Florida, Nevada, Arizona, Ohio, New York, Utah, Oklahoma, and other states have all spoken out already — many of them in unison. It seems that



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virtually every single day, more sheriffs are adding their voices to the expanding list of prominent lawmen who have vowed to ensure that the U.S. Constitution is respected in their jurisdictions.

[On its website](#), the Constitutional Sheriffs and Peace Officers Association (CSPOA) reports that 18 state sheriffs associations have signed on to join “the growing numbers of faithful protectors of our freedom.” The state associations that have enlisted in the fight against Obama’s gun control are:

California Sheriffs Association, Colorado Sheriffs Association, Florida Sheriffs Association, Georgia Sheriffs Association, Illinois Sheriffs Association, Indiana Sheriffs Association, Kentucky Sheriffs Association, Michigan Sheriffs Association, Minnesota Sheriffs Association, Missouri Sheriffs Association, Montana Sheriffs and Peace Officers Association, Nebraska Sheriffs Association, New Mexico Sheriffs Association, Oklahoma Sheriffs Association, South Carolina Sheriffs Association, Texas Sheriffs Association, Utah Sheriffs Association, and Wyoming Sheriffs Association.

CSPOA also offers a data base of individual sheriffs across the country who have signed on to enforce the Second Amendment’s protection against government deprivation of this most basic liberty.

Remarkably, the *New York Times* piece contains a quote from CSPOA founder Sheriff Richard Mack on his organization’s opposition to federal attempts to abridge the rights of citizens.

“The Supreme Court does not run my office,” Mr. Mack said in an interview. “Just because they allow something doesn’t mean that a good constitutional sheriff is going to do it.” He said that 250 sheriffs from around the country attended the association’s recent convention.

This reporter was honored to have been invited by Sheriff Mack to be a [featured presenter](#) at the two latest CSPOA national conventions.

To their credit, the CSPOA stood beside one of their own who was persecuted and prosecuted for his refusal to punish a citizen for exercising the right guaranteed by the Second Amendment.

Without mentioning him by name, the *New York Times* article from Sunday records the story of Sheriff Nick Finch:

In Liberty County, Fla., a jury in October acquitted a sheriff who had been suspended and charged with misconduct after he released a man arrested by a deputy on charges of carrying a concealed firearm. The sheriff, who was immediately reinstated by the governor, said he was protecting the man’s Second Amendment rights.

Sheriff Finch’s story is instructive and inspiring.

Minutes after noon on Thursday, October 31, an eight-person jury acquitted Sheriff Nick Finch of both charges against him. Finch, the sheriff of Liberty County, Florida, was accused of official misconduct and falsifying records. Finch maintained that he was simply standing up for the right of the people to keep and bear arms as protected by the Second Amendment.

The jury agreed, reaching its verdict in fewer than 90 minutes. Within minutes of being found not guilty, Sheriff Finch spoke with Governor Rick Scott, who reinstated Finch within hours.

Scott had previously removed Finch from his office, despite the fact that such power was a not a gubernatorial prerogative.

The New American has followed the persecution of Sheriff Finch since it began in June, including publishing an exclusive interview with Finch days after his arrest.



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In June, Finch was arrested after being charged with misconduct based on his alleged altering and destroying of official court documents. Finch, 50, was booked into the county jail but was later released on his own recognizance.

Sources close to the investigation recount the events of the night before Sheriff Finch was arrested.

At about 11:00 p.m., agents showed up at the jail with search warrants to seize the arrest records. After seizing the records, they subpoenaed employees.

Inexplicably and inexcusably, Sheriff Finch was never contacted by the Florida Department of Law Enforcement (FDLE) and was never allowed to answer questions regarding the release of the suspect or his actions related to it.

Again, regulations were ignored, the law was violated, and a good, duly elected sheriff was arrested and persecuted for defending the right of all people to keep and bear arms.

Upon learning of the incident, Governor Rick Scott immediately suspended Sheriff Finch and appointed Carl Causey, an agent in charge of the Florida Department of Law Enforcement, as interim sheriff.

In July, Scott replaced Causey, naming Walter "Buddy" Money as the interim sheriff of Liberty County.

Governor Scott's actions are nowhere authorized by the Florida state constitution.

Sheriff Finch is answerable to those who elected him to serve as their sheriff. If he acts in a way they find offensive or beyond his power, then his constituents can demonstrate their disdain by refusing to reelect him.

In the case of Sheriff Finch, however, Governor Rick Scott has usurped powers not given to him and has effectively disenfranchised every citizen of Liberty County who voted for Finch.

When the prosecution of Sheriff Finch by a state governor is couched next to [statements by U.S. Attorney General Eric Holder](#) that the Obama administration considers any attempt to protect the Second Amendment "unconstitutional" and that federal agents will "continue to execute their duties," regardless of state, local, or law enforcement resistance to the contrary, several questions arise.

First, will other governors use the Finch case as precedent for the assumption of the power of approval over voters' election of county sheriffs? Will every act of every one of those sheriffs in any of the country's more than 3,000 counties be subject to summary dismissal should they do something that doesn't sit well with the governor or his wealthy campaign supporters?

Furthermore, imagine that a county sheriff refuses to lock someone up for openly preaching Christianity in a public place in defiance of some federal regulation. Would a governor dare remove that sheriff from office? It is very unlikely.

This, then, brings up the next important question: Why are the rights protected by the Second Amendment subordinate to those guaranteed by the First Amendment?

The protection of each of our God-given rights is as crucial to the perpetuation of liberty as any other. Freedom and self-government are threatened just as much by deprivation of the right to keep and bear arms as by a revocation of the right to exercise religion.

Sheriffs and others are to be commended for their efforts to thwart encroachment on this fundamental liberty.

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