

Importance of having a Constitutional Sheriff

Some people think the Sheriff is just another kind of police chief. This really misses the mark by a long way. One of the the local constables recently told me he was sure that a prerequisite for being a Sheriff was to be a licensed peace officer. This is even further out in left field. While it is true the Sheriff is the Chief Law Enforcement Officer (CLEO) of the county and the broader title is Conservator of the Peace, being a former police chief would be a more dis-qualifier than a qualifying trait. Quality military experience may be more desirable than police experience. You can read about this in Texas Local Government Code Chapter 85 and the Texas Occupations Code CHAPTER 1701.

The Texas Constitution Article V Section 23 establishes the Office of the Sheriff. The Constitution of the United States of America establishes the sovereignty of the office which was reaffirmed by a ruling from the Supreme Court of the United States of America in 1997. This has extremely broad and very important implications in defense of citizens rights. Here are a few examples in recent history where the Sheriff has interposed to protect it's citizens.

February 7, 2015—New Mexico's Eddy County, Sheriff Scott London, regarding seizure of property in a dispute with the IRS, sent the IRS via letter - notice that sale of Kent Carter's property is canceled until Carter receives due process of law. London stood in front of Carter's gate until U.S. Marshals backed down, even when they threatened to arrest London.

Owyhee County, Idaho, Sheriff Gary Aman established an agreement where Bureau of Land Management employees and environmental activist could go in the county. Any activist or federal agent who does not comply with the agreement will be arrested.

San Bernardino County, CA, Sheriff Gary Penrod, revoked local law enforcement authority of federal agents and advised them to consult with him before taking any action on private property.

James Madison "...whenever the federal government exceeds its constitutional limits and begins to oppress the citizens of a state, that state's legislature is duty bound to interpose its power to prevent the federal government from victimizing its people."

Even as I write these words (3 March 2015) the Texas Legislature is debating changes to the Texas 2nd Amendment rights regarding Texas Concealed Handgun Carry Law. In my opinion the Sheriff should be the one to manage this program for obvious Constitutional reasons. The Sheriff is elected by the people and answers to the people in protecting everyone's constitutionally protected rights. The Sheriff has deputies, reserve deputies, can have a county police force, and can call the local militias to do what is needed to conserve the peace. To this end the Sheriff should maintain an awareness of the population, environment and resources in the jurisdiction. The Constitution is the foundation of our Liberties and the Sheriff is the front line Defender.

Bill Kelberlau