

Statement of Positions

The following are the positions of the Constitutional Sheriffs and Peace Officers Association (CSPOA), on important issues of the day.

The County Sheriff

America needs to make a strong turn around to get back on the freedom track laid for us by our Founders. We believe it can't be done from the top down, due to many factors, not the least of which is corruption and entrenched bureaucracies in high places. We must, and we can, accomplish this turn-around starting locally at the county level, and lower. The office of county sheriff is the last hope of making this happen, and we are witnessing great deeds of protection, service, and interposition across America by courageous sheriffs who only want to serve the people who elected them.

Immigration

America has always welcomed immigrants to our shores. When we were truly a "melting pot", our culture and prosperity was strengthened because of immigration. Today things are much different. We are a nation of laws, and our immigration laws are not being enforced. Further, immigrants are not assimilating into our culture as they once did. This results in devastating consequences culturally and economically. The vast majority of immigrants today come here illegally, many committing crimes as they do. Administration policies actually encourage people to come here illegally, and the flood of children and thousands of others, including entire villages, that overwhelm our Border Patrol are causing a crisis that cannot be understated. These are the things that we must do immediately:

1. Station National Guard and regular military troops on our southern border immediately to close off the flood. We should defend our own borders before we defend the borders of dozens of foreign countries as we are now doing. Armed drones on the border should be deployed using those we bring home from the Middle East.
2. Summarily deport all illegal aliens as they manage to get across our border. The only exceptions would be individually considered and approved requests for asylum. Deport all illegal aliens caught committing crimes in the US. No exceptions.
3. Enforce laws against hiring of illegal aliens.
4. State governments have a duty and full authority to protect their own boundaries and to do whatever they deem necessary to make up for lax or non-existent federal enforcement.

5. After the border is secured, not before, legislation should be considered that will improve and streamline our immigration process and place reasonable limits on the numbers coming in.
6. County Sheriffs must use their authority to protect their citizens from abuse and violation of their rights by the invasion of illegal aliens.

Federal control of land within the boundaries of a state

Constitutional limits on ownership and/or control of land within a sovereign state should be returned to our policies and practices. States should have a plan for assuming control of all lands within their boundaries not obtained by Constitutional means. Article 1, Section 8, Clause 17 states that the Federal Government has the authority to:

...exercise like Authority over all 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;

The federal agencies now claiming control of land within a state should be drastically downsized and/or dismantled. County Sheriffs in these states should take their rightful position and use their authority to assist in the transfer of control of the land, and prosecution of violations of citizens' rights by federal authorities.

Asset Forfeiture Programs These are state and federal programs. According to the FBI,

*The Department of Justice Asset Forfeiture Program encompasses the seizure and forfeiture of assets that represent the proceeds of, or were used to facilitate federal crimes. The primary mission of the Program is to employ asset forfeiture powers in a manner that enhances public safety and security. This is accomplished by removing the proceeds of crime and other assets relied upon by criminals and their associates to perpetuate their criminal activity against our society. Asset forfeiture has the power to disrupt or dismantle criminal organizations that would continue to function if we only convicted and incarcerated specific individuals. ~Source:
<http://www.justice.gov/afp>~*

The problem, as it is explained by the *Institute for Justice*, is that

Every year, police and prosecutors across the United States take hundreds of millions of dollars in cash, cars, homes and other property—regardless of the owners' guilt or innocence. Under civil forfeiture laws, the government can seize this property on the mere suspicion that it is connected to criminal activity. No charges or convictions are required. And once property is seized, owners must navigate a confusing, complex

and often expensive legal process to try to win it back. Worst of all, most civil forfeiture laws give law enforcement agencies a powerful incentive to take property: a cut, or even all, of forfeiture proceeds....

...Forfeited cash and proceeds from the sale of forfeited property generate revenue for the government—and provide an important measure of law enforcement’s forfeiture activity.

- In 1986, the Department of Justice’s Assets Forfeiture Fund took in \$93.7 million in revenue from federal forfeitures. By 2014, annual deposits had reached \$4.5 billion—a 4,667 percent increase.
- The forfeiture funds of the DOJ and Treasury Department together took in nearly \$29 billion from 2001 to 2014, and combined annual revenue grew 1,000 percent over the period.
- Total annual forfeiture revenue across 14 states more than doubled from 2002 to 2013. Those 14 states were the only states for which the Institute for Justice could obtain forfeiture revenues for an extended period.
- Civil forfeiture laws pose one of the greatest threats to property rights in the nation today. They encourage law enforcement to favor the pursuit of property over the pursuit of justice, and they typically give the innocent little recourse for recovering seized property. And without meaningful transparency, law enforcement faces little public accountability for its forfeiture activity or expenditures from forfeiture funds.
- ~Source: <http://ij.org/report/policing-for-profit/executive-summary/>

The CSPOA position is that asset forfeiture is only appropriate after a conviction. This is the only method that falls in line with constitutionally founded principles such as *due process*, *search and seizure*, and *innocent until proven guilty*. **And even in these cases, it is a conflict of interest for those confiscating those assets to benefit therefrom!** Otherwise this is a recipe for corruption.

The Right to Keep and Bear Arms (RTKBA) The Second Amendment

Though the vast majority of Americans are totally ignorant of the fact, the Bill of Rights (the first 10 Amendments), like Constitution itself, has a Preamble. Here it is:

The conventions of a number of the States having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government, will best insure the beneficent ends of its institution.

The 2nd Amendment (hereinafter RTKBA) is one of those “further declaratory and restrictive clauses”. It declares in no uncertain terms that Americans have a right,

and a duty to possess the means for their personal defense of themselves, their families and property, and their liberties. As Patrick Henry stated,

“The great object is that every man be armed” and “everyone who is able may have a gun.”

(Patrick Henry, in the Virginia Convention on the ratification of the Constitution. Debates and other Proceedings of the Convention of Virginia, taken in shorthand by David Robertson of Petersburg, at 271, 275 2d ed. Richmond, 1805. Also 3 Elliot, Debates at 386)

CSPOA endorses these clear statements of right, and stands to defend the RTKBA in all times and all places it is threatened. The RTKBA is the one right in the Bill of Rights, which gives the people the means to defend the rest. The oaths we took demand nothing less. Americans are to be assumed to be “able” and innocent until proven otherwise, through the due process of law.

Criminals who have been adjudicated to be “prohibited possessors”, and the mentally ill who have been adjudicated as such through due process of law, and who have been shown to be a danger to themselves or others, should indeed be prohibited from possessing firearms.

The rights of such people, if and when, through the legal process, who have had their rights restored, should be allowed to exercise those rights once again.

Universal background checks: We oppose “universal background checks” for many reasons. One is that they can be used to create a gun owners’ list, which is a backdoor way to registration, and that can be used later for confiscation. In addition, the 4th Amendment protects citizens’ rights to have, acquire, and dispose of their private property without government interference. The private transfer of firearms, like the private transfer of knives or baseball bats is prohibited without probable cause. Also, we agree with the following from Reason Magazine:

1. Expanding the background check requirement [makes no sense](#) as a response to mass shootings (even though that is how it has been presented), because the perpetrators of these crimes, including last week's massacre in Oregon, typically either have actually passed background checks or could do so because they do not have disqualifying criminal or psychiatric records.
2. Expanding the background check requirement makes little sense as a response to more common forms of gun violence, since criminals with felony records can always [obtain weapons](#) on the black market, through buyers with clean records, or by theft.
3. Expanding the background check requirement, especially if it is coupled with "improved" databases, compounds the [injustice](#) of disarming millions of people who pose no threat to others but are nevertheless [forbidden](#) to own guns

because they use illegal drugs, overstay a visa, were once subjected to court-ordered psychiatric treatment, or have felony records, even if they have never committed a violent crime.

4. Expanding the background check requirement is not the same as actually compelling people to perform background checks for private gun transfers. Many gun owners will balk at the inconvenience and expense of finding and paying a licensed dealer who is willing to facilitate a transaction. In Oregon, which expanded its background-check requirement in August, some local law enforcement officials have publicly stated they do not plan to enforce the new rule, either because they do not have the resources or because they view it as an unconstitutional intrusion. The Oregonian [notes](#) that "there is no centralized registry of guns in Oregon...that could be used to track a gun found in a criminal's possession." The federal government has no such registry either, so how can it possibly hope to track transfers and make sure background checks are performed? Even with hefty criminal penalties, widespread noncompliance is a certainty. Consider: Does the theoretical prospect of a [10-year prison sentence](#) deter gun owners from smoking pot or pot smokers from owning guns?"

(Source:

<http://reason.com/blog/2015/10/08/4-reasons-universal-background-checks-ar>)