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Constitutional Sheriffs: A County-centric, Antifederalist movement emerging from
Southern and Western Political Cultures

A thesis submitted in partial satisfaction
of the requirements for the degree Master of Arts
in Geography

by

Lindsey Ann Rogers

2024

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ABSTRACT OF THE THESIS

Constitutional Sheriffs: A County-centric, Antifederalist movement emerging from

Southern and Western Political Cultures

by

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Master of Arts in Geography

University of California, Los Angeles, 2024

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Constitutional sheriffs are a self-described group of right-wing sheriffs that believe and act as though the elected county sheriff is the highest authority of the law within their jurisdiction, with the power to deem federal and state laws unconstitutional, and therefore, refuse to enforce them. In this thesis, I argue that constitutional sheriff ideology centers counties as the locus of authority and legitimacy, upending the traditional understanding of federalism, originating from Western and Southern political cultures. Constitutional sheriff ideology is shaped by the geographical region and contemporary right-wing movements in the American West and South. Anti-federal ideology is central to constitutional sheriff ideology, and similar right-wing movements.

The thesis of Lindsey Rogers is approved.

John A. Agnew

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Introduction

Constitutional sheriffs are a self-described group of right-wing sheriffs that believe and act as though the elected county sheriff is the highest authority of the law within their jurisdiction, with the power to deem federal and state laws unconstitutional and therefore, refuse to enforce them. Constitutional sheriff ideology is anti-federal in nature, in opposition to centralized power. In this thesis, I argue that constitutional sheriff ideology centers counties as the locus of authority and legitimacy, upending the traditional understanding of federalism, originating from Western and Southern political cultures.

Constitutional sheriffs are an example of the conservative, anti-federal reaction to increased federal regulation in the 1960s and 1970s. Conservatives perceived liberalism and federal regulation as a threat to the status quo for rural, white Americans through federal regulations. The Republican Party and right-wing extremist groups used these fears to their advantage to gain political support in the American South and West (Maxwell and Shields 2019, Berlet and Sunshine 2019, Woodard 2006). Constitutional sheriffs are a right-wing extremist group that are a product of both the rise in broader conservatism and right-wing extremism since the 1960s. Right-wing extremism is an extreme branch of conservatism that has strong anti-federal attitudes and will resort to violence to protect American values (Farris and Holman 2023). Constitutional sheriffs adhere right-wing ideology due to their anti-federal actions and calls to violence. Anti-federal sentiment is a reaction towards the perception of federal overstepping, most commonly due to a decrease in power for certain groups. Constitutional sheriffs are an example of this anti-federal sentiment as they oppose both the federal and state governments and promote local governmental rule centered on the county.

The study of constitutional sheriffs is both the study of the office of the sheriff and right-wing extremism. There has been little previous study on county sheriffs, or constitutional sheriffs specifically, but academic and journalistic interest has been increasing since the formation of the group in 2011. Local county sheriff elections have been criticized by political scientists for failing to provide adequate checks of balance for the office of the sheriff through a lack of competition and long incumbencies. (Tomberlin 2018, Zoorob 2022, and Hoeffel 2015). Like many sheriffs, constitutional sheriffs benefit from these elections to gain and maintain power. County sheriffs also hold a broad range of responsibilities, especially compared to police departments, such as the funding and maintenance of county jails. Sheriff responsibilities shape how the local law enforcement system negatively impacts citizens as sheriff jails have little oversight and regulation (Littman 2021). Sheriff's role in policing immigration demonstrates how local sheriffs exert their control. Under the 287(g) immigration program, local county sheriffs become agents of the federal government and aid in deportations and immigration control (Armenta 2012, Farris and Holman, 2017, Coleman 2012). Right-wing extremism provides the ideological foundation for constitutional sheriffs and has been on the rise in the United States alongside contemporaneous violent, right-wing, militia groups, such as the Oath Keepers or Posse Comitatus (Goldstein 2022, Jackson 2020, Levitas 2002). County sheriffs are politically moving further right, and because of this are adopting extremist and violent ideologies that already have tangible impacts on violence against federal employees (Farris and Holman 2023, Kopel 2015, Nemerever 2019). Constitutional sheriffs rely on both the powers of the sheriff and anti-federalist, right-wing thinking to spread their power.

This paper is divided into four sections. The first is an introduction to the office of the sheriff, exploring the early history through current responsibilities of these elected officials. The second

section describes constitutional sheriff ideology and practices. The third and fourth section are dedicated to the political cultures of the American West and South, respectively, exploring how the political environment of these regions gave rise to constitutional sheriffs.

Office of the Sheriff

Sheriffs are elected law enforcement officers at the county level with a broad range of responsibilities, such as making arrests or maintaining county jails. Sheriff departments have little regulation or oversight, especially when compared to similar police departments. Lack of regulation gives sheriffs the discretion to enforce the law how they choose to interpret the law. Constitutional sheriffs specifically have an opening to abuse the power of the office and oath to practice their right-wing ideology. This section details the history of the county sheriff, their general responsibilities, and limitations of regulation.

The office of the county sheriff dates back to ninth-century England. The position of the “shire reeve” translates to ‘keeper of the county.’ The sheriff served as a mediator between centralized and local power, enforcing the king’s laws through the control of a local military, called the *posse comitatus* (Kopel 2015; Tomberlin 2018). The office of the sheriff crossed the Atlantic through colonization and found its place within colonial America, with early American sheriffs holding similar power to English sheriffs. A key difference was that colonial sheriffs were elected, as opposed to the appointment of sheriffs by the crown in England (Kopel 2015). The office of the sheriff became strong in the American South due to slavery and the plantation economy of the region. The power of the sheriff was embraced in the American West during westward expansion and still plays a significant role in present day. The office of the sheriff was, and remains, weaker in the Northeast.

Sheriffs are elected in almost off of the 3,000 counites in the United States. Connecticut, Hawaii, and Rhode Island are the exceptions to sheriff elections: Alaska does not have counties, Connecticut does not have sheriffs, and Hawaii and Rhode Island have appointed sheriffs instead of elected sheriffs (Nichanian 2022). Though sheriffs are elected across the United States, their influence and power are not evenly distributed. For example, counties that are more rural tend to have a stronger sheriff presence than urban counties that rely primarily on municipal police departments.

The power of the sheriff is theoretically checked through regular elections, but due to low voter turnout, low competition, and high incumbency rates, elections do not serve as functional accountability checks on the office. Sheriffs hold a unique incumbency advantage and have a significantly greater chance of winning incumbency elections than other local elected officials. The average incumbency for a sheriff is 11 years, more than twice that of appointed police chiefs (Zoorob 2022). Since sheriffs are unlikely to be voted out of office, a powerful sheriff can remain in power for decades. This long incumbency is also seen with constitutional sheriffs. For example, Joe Arpaio, a famous constitutional sheriff, was elected sheriff of Maricopa County in Arizona in 1993 and held office until he was voted out of office in 2017. The nature of sheriff elections and incumbency advantages provide an opportunity for extremist sheriffs to gain and maintain power within their counties for significant periods of time.

The responsibilities and powers of county sheriffs vary between states and are typically outlined in state constitutions. The most common duties include:

1. criminal law enforcement and other general police services;
2. correctional services, involving the transportation of prisoners and the management of county jail;
3. the processing of judicial writs and court orders, both criminal and civil;

4. security of the court via bailiffs;
5. miscellaneous services, such as the transportation and commitment of the mentally ill;
6. seizure of property claimed by the county;
7. collection of county fees and taxes; and
8. sale of licenses and permits; plus other services that do not fall neatly under the statutory responsibilities of other law enforcement or social agencies. (Falcone and Wells 1995: 130-131)

These powers and responsibilities have some overlap with police departments, such as criminal law enforcement. But sheriff's responsibilities extend beyond that of the police, in particular the management of county jails. In addition to law enforcement, county sheriffs have additional economic responsibilities, including managing jail budgets, and the collection of county taxes.

Constitutional Sheriff Ideology

Constitutional sheriffs are a subset of elected county sheriffs that believe the local county sheriff has a higher authority than federal and state governments. If they perceive a federal or state law to be unconstitutional, they believe they have a choice, and duty, to *not* enforce that law or regulation. Constitutional sheriffs' central ideology is centered on a conservative interpretation of the US Constitution based on anti-federalism, originalism, and interposition. This section describes the formation of the group, defines the key aspects of their ideology, and demonstrates this ideology through practice.

The term constitutional sheriff was popularized by Richard Mack in 2011 when he formed the Constitutional Sheriff and Peace Officer Association (CSPOA). Richard Mack is a former sheriff of Graham County, Arizona and gained attention in the 1990s when he sued the federal government over the Brady Handgun Violence Prevention Act in opposition to background checks and waiting periods for firearm purchase (congress.gov). Mack argued the law "literally forced each sheriff to become a pawn for the Federal Government and do their bidding to promote gun

control within our jurisdictions” (Mack 2009). This objection to federal regulation of gun ownership led to Mack’s formation of the Constitutional sheriff group, where gun regulation still remains a central issue. Today, the CSPOA is an online group that provides resources on constitutional sheriff ideology, CSPOA sheriff training, and webinars and articles to promote their positions. Constitutional sheriffs are self-appointed and the CSPOA does not publish a membership list, so it is difficult to estimate the number of constitutional sheriffs in the US. Richard Mack claims that approximately 300 sheriffs, out of more than 3,000 total sheriffs, are constitutional sheriffs. (Kindy 2021). If this estimate is accurate, approximately ten percent of all sheriffs adhere to the right-wing, anti-federal ideology. Constitutional sheriff ideology is based on originalism, anti-federalism, and interposition to justify their claims to power.

Originalism argues for a literal interpretation of the US Constitution. This interpretation understands the Constitution as a text that was fixed at ratification (Chemerinsky 2022). Originalism is critiqued for this rigid approach by pointing out that modernity has brought changes unimaginable to the writers of the Constitution. The most well-known originalist argument is in support of the second amendment, or the right to bear arms. Originalists argue that the US Constitution explicitly has given citizens the right to bear arms, disregarding the changes in technology and society that make gun ownership a different issue today than during the writing of the Constitution. Originalism is not a coherent theory. There are instances when originalists choose to ignore originalism, such as the issue of segregation. According to true originalism, segregation is allowed by the Constitution, but is often ignored (Chemerinsky 2022). Originalism is useful to originalists when the argument benefits their position. Like other conservative groups, constitutional sheriffs use originalism to justify their interpretation of the Constitution to perpetuate a hierarchical way of life. Constitutional sheriffs look fondly back on history and argue

that America needs to return to those early days before the country strays any further away from its historical roots.

Constitutional sheriffs are anti-federalist. They have a strong belief that the federal government is tyrannical and overstepping their bounds. In order to protect individual citizens, constitutional sheriffs believe it is their duty and responsibility to protect individual freedoms in America. constitutional sheriffs believe in extreme separation in the levels of government. They believe that the federal government is responsible solely to the enumerated powers in the Constitution, whereas the state and local governments are responsible for everything else. This creates tension because constitutional sheriffs view many of the federal actions of the government today, such as gun control or environmental regulation, to be outside of their scope and therefore unconstitutional. They further argue that this overstep is tyrannical and a violation of individual freedoms. The feelings of anti-federalism are not unique to constitutional sheriffs, but are a core belief in similar right-wing groups, such as the Sagebrush Rebellion. Within the scope of constitutional sheriffs, anti-federalism has emerged through their key topics. For example, early in the formation of the group, gun regulation was the central issue to constitutional sheriffs. They believed the federal government was overstepping their bounds and restricting the 2nd Amendment. Federal gun regulation was used as ammunition against the federal government. As of late, constitutional sheriffs have been making arguments that the federal government and FBI are also overstepping their bounds when it comes to the investigations against the rioters at Capitol Hill on January 6th, 2021. Regardless of the issue, Constitutional sheriffs make claims against the federal government to promote their anti-federalist position.

Constitutional sheriffs practice interposition. The definition of interposition has changed over time to be synonymous with nullification, which is the practice of a state government vetoing

a federal act they deem unconstitutional. Richard Mack directly mentions the term interposition in many of his webinar interviews. To continue with the January 6th example, Mack stated in an interview with Steve Bannon, “We have to follow the Constitution. The sheriffs are now in a position where they can stop these horrible federal and FBI attacks against President Trump and take a stand and stand in the way and interpose and stop the abuses that the federal agents in this country have been getting away with for decades” (Mack 2024). Constitutional sheriffs use the language and practice of interposition to justify their position of power to promote their conservative politics through the guise of protecting American citizens.

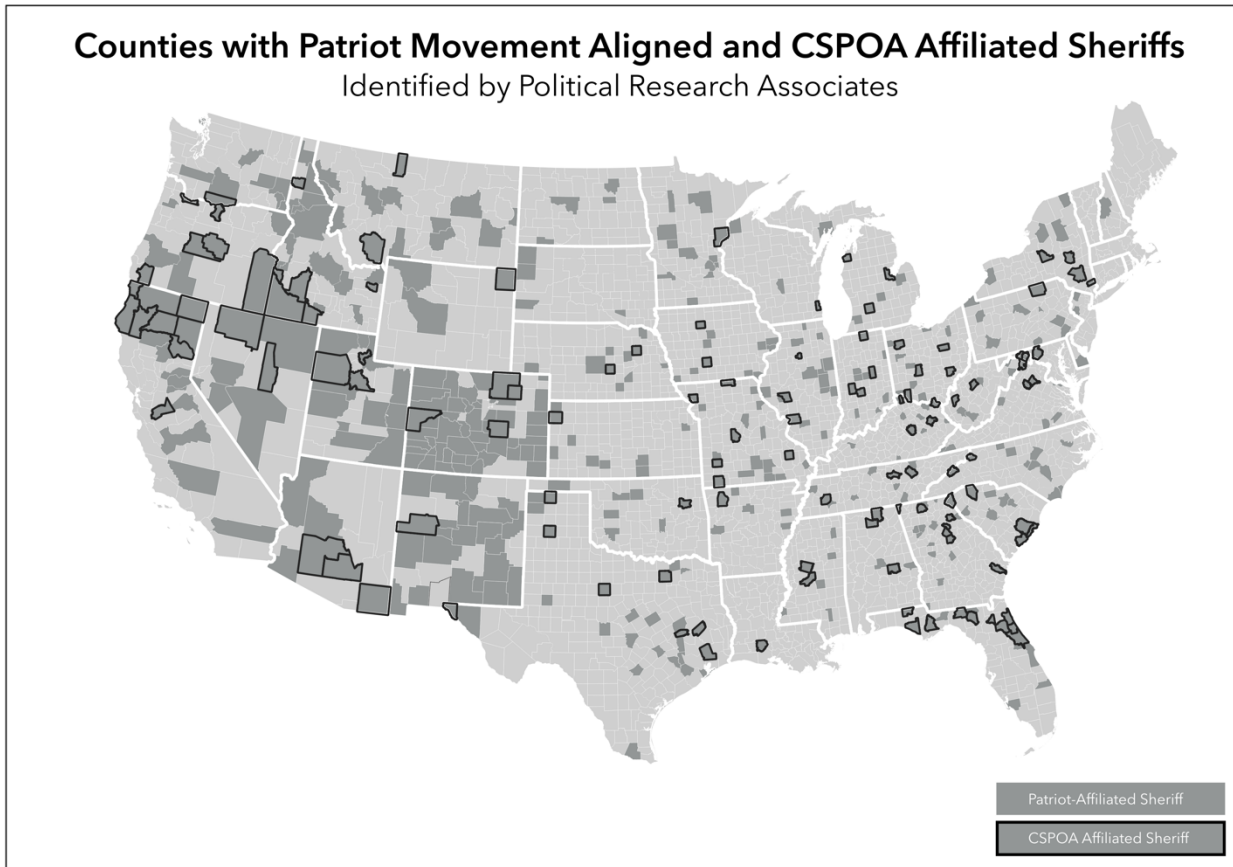
All three of these ideas work together to create the foundation of constitutional sheriff ideology. This is seen in the CSPOA statement of positions:

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 the county sheriff is the last hope in 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 (CSPOA Statement of Positions).

In the Statement of Positions, originalism is seen through the call to return to the Founder's intent. Anti-federalism is seen through the perceived corruption in the Federal government. Finally, interposition is seen through the call to county sheriffs to stand in the way of the federal government. The originalist interpretation of the US Constitution creates anti-federal sentiments that can only be resolved through interposition.

Geographically, constitutional sheriffs are primarily situated in the American West and American South, though there are constitutional sheriffs throughout the country. The organization has historical, political, and social ties to the American West and South, which explains the

concentration of constitutional sheriffs in these regions. The Political Research Associates collects data on sheriffs that are associated with the broader patriot movement, which contains constitutional sheriffs. Below is a map identifying counties that are Patriot-movement aligned and counties that have a direct CSPOA affiliation, as identified by the Political Research Associates. This map is not comprehensive dataset of constitutional sheriffs, as the patriot-movement aligned designation is too broad and the direct CSPOA affiliation is too narrow. This map does provide geographical context for where Constitutional sheriffs ideology is located.



Region - Census Designated	CSPOA-Affiliated Counties
Northeast <i>PA, NJ, VT, NH, ME, MA, CT, RI, NJ</i>	5
Midwest <i>ND, SD, MN, WI, MI, OH, NE, KS, IA, MO, IL, IN</i>	29
West <i>WA, OK, CA, NV, AZ, NM, UT, CO, WY, ID, MT</i>	36
South <i>TX, OK, AR, LA, MS, AL, KY, WV, MO, DE, VA, NC, SC, GA FL</i>	53

Constitutional sheriffs are a radical right group within broader right-wing extremism. The radical right is defined by through nativism and the desire to form an ethnocracy (Mudde 2019). Compared to the extreme right, the radical right still supports democracy, “at least in theory, but fundamentally challenges key institutions and values of liberal democracy, including minority rights, rule of law, and separation of powers (Mudde 2019, 30). In the case of constitutional sheriffs, these sheriffs still support the concept of democracy, as evidenced by the importance of sheriff elections, but strive to return America politically and culturally to a previous, lost era.

Richard Mack repeatedly claims that constitutional sheriffs are not a racially motivated group. He believes that Constitutional sheriffs uphold the law equally for everyone, regardless of their race. He also uses Martin Luther King Jr. quotes in his trainings and uses Rosa Parks of an example of how Constitutional sheriffs should act. However, Mack’s insistence that constitutional sheriffs are not a racially motivated group fail to acknowledge the ways that constitutional sheriff practice continues to uphold systems of white supremacy and violence. The teachings of the group have grown out of similar conservative groups that do uphold explicitly racist views, such as the Posse Comitatus movement.

The issues central to constitutional sheriff ideology have shifted since the conception of the group. Originally, constitutional sheriffs' primary concern was with gun rights due to Mack's connection with the Brady Bill. Public attention to constitutional sheriffs grew during the COVID-19 pandemic. Constitutional sheriffs believed that mask mandates, gathering restrictions, and other health regulations violated individual freedoms and chose not to enforce those regulations (Kindy 2021). During this time, journalists reported on the actions of the sheriffs, propelling the group into mainstream news outlets, gathering criticism for the group. Constitutional sheriffs have also taken a stance on immigration. Through the 287(g) immigration program, county sheriffs are able to help ICE with immigration policing, essentially becoming federal agents (Armenta 2012, Farris and Holman 2017). Though constitutional sheriffs oppose the federal government, they choose to participate because they believe federal and state governments are not doing an adequate job enforcing the borders (CSPOA). As of late, constitutional sheriffs have become increasingly concerned with perceived voter fraud and abuses of the Federal government in arrests and charges from the January 6th events (Mack 2024). Continuously, constitutional sheriffs center their central issues and ideology on anti-federalism. They oppose federal government action, except with immigration, where they feel the federal government is not taking enough action.

Though constitutional sheriffs as a group have only existed since 2011, the formation of the group has historical, cultural, and geographical ties to the political cultures of the American South and American West. The political formation of the group emerged from intertwined histories of contemporary conservative and right-wing movements in both the South and West.

Southern Political Culture

The American South provides historical, cultural, and political framework for constitutional sheriffs. The political culture of the American South solidified the modern conservative movement in the United States, provided a political landscape for contemporary right-wing movements, and shaped the office of the sheriffs. From historical right-wing and conservative movements in the American South, constitutional sheriffs have taken the hierarchical aspects of Southern political culture and implemented these traditions into their ideology.

The concept of political culture provides a framework for understanding the interaction between culture and politics in the United States. The term was developed in the 1960s in political science but has taken root in neighboring disciplines, such as history (Formisano 2001). Within the United States, three political cultures, individualistic, moralistic, and traditionalistic, have been used to describe regions (Elazar 1966). Instead of approaching politics from an individual level, political culture approaches politics from a group level. Individuals do not individually shape politics, but rather belong to a group that shapes attitudes towards politics (Woodard 2013). In the context of this paper, political cultures are still a beneficial way to conceptualize the interaction between history, politics, culture, and economics to produce a political group.

According to Daniel Elazar's political culture theory, the American South is a traditionalistic political culture. Traditionalistic political culture is rooted in hierarchy and elitism. The purpose of 'good government' under a traditionalistic understanding is to maintain traditional political and economic structures and social values (Elazar 1966). In the American South, political culture is heavily shaped by the history of plantations and slavery, which produced strong racial hierarchies within the region. Politics were used to maintain these institutions to maintain the

hierarchical social order. The south is also shaped by a religious and gendered tradition that similarly works to uphold tradition.

The proliferation of the Republican party in the American South since the 1960s is a demonstration in the strength of Southern political culture. The campaign of Barry Goldwater in 1964 represents the beginning of the realignment of the American South with the Republican Party. The Republican Party created an avenue for white southerners to maintain their racialized, hierarchical beliefs without outwardly stating their position by emphasizing concepts such as law and order, or the war on drugs (Maxwell and Shields 2019). This new conservatism associated with the American South was also closely tied to religion and gender. The Republican Party's new-found strength in the south maintained the centrality of the church and the traditional gender roles of men and women.

The Posse Comitatus movement is a religious and racist anti-federal movement that emerged in the 1970s and served as ideological inspiration for the constitutional sheriff movement. The movement was founded by Reverend William Potter Gale who perceived Jews, Black people, and communism as a threat to a white, Christian America. He called for a patriot movement to protect American values through violence and force. (Levitas 2002). The name Posse Comitatus is a call back to the sheriffs in 9th century England. The name translates into 'power of the country', which the Posse interprets as the ability to form patriot militias to protect the United States. Geographically, the Posse Comitatus movement was most prominent in the farm belt of the United States. Daniel Levitas explains their geographical origin and spread in an interview conducted by the Southern Poverty Law Center. Founder William Gale began his work in Southern California and the early ideology spread through the western region of the United States. From there, the

ideology took hold in the Midwest, primarily associated with rural farmland (Southern Poverty Law Center 1998).

The Posse Comitatus movement is an explicitly racist and Christian movement that uses the power of citizen's militias and violence to advance their ideology. While the movement was charged with racist intentions, Gale and his followers used constitutional and legal language to make their ideology more palatable to a wider audience (Levitas 2002). Posse Comitatus emphasized ideas such as individualism, state's rights, and legal arguments. Posse Comitatus also promoted the idea that the posse was to protect individuals from the tyranny of the federal government. Geographically, Gale advocated that the local county is the optimal scale of power (Levitas 2002).

Constitutional sheriff ideology is most closely related to the Posse Comitatus movement, compared to influence of similar right-wing movements. Though constitutional sheriffs move away from the explicitly racist language from the original Posse Comitatus movement, constitutional sheriffs continue the Posse's beliefs in the power of the sheriff and the rule of the local county. Similarly, constitutional sheriffs work to uphold traditional American values, which they believe are currently under attack.

The power of the sheriff in the American South is shaped by the economic and political organization of the region. The rural counties of the American south, centered around an extractive industry built on slave labor, reinforced the need for a strong, prominent county sheriff, compared to their northern counterparts. In the American South, the county sheriff is closely tied to racial policing; a connection that is still seen today by the continuous election of white sheriffs (Moore 1997). Today, the American sheriff still plays an important role in law enforcement, especially in

rural counties in the American West and South. In the American South, the office of the county sheriff is closely tied to racialized policing, emerging from slavery in the United States. Southern county sheriffs reinforced white supremacy through law enforcement and policing. The county sheriff, typically white males, in the American South had considerable power, both real and imagined. Through institutionalized power of law enforcement and jail maintenance as well as a strong portrayal of sheriff in Southern media, southern sheriffs held considerable power within their counties (Moore 2001). This power was used to reinforce racial hierarchies that still exist today.

Though the constitutional sheriff movement was founded in the American West, the American South still played an important role in shaping the political ideology of the organization. Through both mainstream and right-wing extremist ideologies, constitutional sheriffs have continued the traditionalistic political culture found in the American South.

Western Political Culture

The American West played an important role in shaping the constitutional sheriff movement. Not only is the American West the original geographic location of the organization, but historical, cultural, and political practices of rugged individualism, anti-federalism, and the prominent role of county sheriffs in the West have laid the foundation for the right-wing ideology to grow and spread. Out of the Western political culture, the Sagebrush Rebellion and County Supremacy Movement formed as an anti-federal reaction to federal regulations. These two conservative movements provided ideological inspiration for Constitutional sheriff's antifederal beliefs that are still seen in their ideology.

The American West is politically, culturally, and economically connected to the American South. Following the Civil War, Southern Confederates experienced a wane in their power. Through the westward expansion of America through the frontier, the hierarchy and power structures of the American South were reestablished in the American West (Richardson 2020). The frontier of the American West represented a mythical narrative of opportunity and individualism. Though in reality, the American West still had high levels of racialized discrimination (Richardson 2020, Agnew and Sharpe 2002). The political and cultural connection between the American South and West is important for the foundation of Constitutional sheriffs as the group has taken influence from both regions to form their ideology.

During Westward American expansion, the office of the sheriff also expanded westward. Frontier sheriffs served as the primary law enforcement, gaining local power, and helped establish the local county as an important unit of politics. Frontier sheriffs represented law and order in the American West, another key cultural aspect of the American West. These frontier sheriffs have structural similarities to sheriffs in the American South. Both regions hold a strong sheriff presence, especially when compared to the Northeast where police departments hold a higher place of power in law enforcement. In counties that have more rural land, the sheriff plays a strong role in law enforcement compared to urban counties that primarily rely on their municipal police departments for law enforcement.

The narrative of rugged individuality played an important role in shaping the antifederal sentiment in the American West. Though the federal government had a significant role in founding the American West, when the federal government instated federal environment regulations in the mid 20th century that changed the economic structure of the West, the West reacted against the

federal government. This reaction highlighted the American West's belief in rugged individualism to counter the actions of the federal government.

The Sagebrush Rebellion took place during 1979 and 1982 as a challenge to federal land ownership in the American West. The movement grew as a reaction to federal environmental regulation of federal lands. The Endangered Species Act regulated both access to land and water, which restricted access to previously free and open grazing lands in the American West. Other federal acts, such as the Clean Water Act and Clean Air Act, had similar restrictive effects (High Country News 2016). The ranchers saw this environmental regulation from the federal government as a restriction of the free use of federal land, which had negative economic impacts on ranching. The Bundy family were the primary actors during the Sagebrush Rebellion. The Sagebrush Rebellion had one, central demand: for a transfer of land ownership from the federal government to the states.

The Sagebrush Rebellion used the Equal Footing doctrine to argue for the transfer of landownership from the federal government to the state government. They argue that the current landownership structure is unequal between the east and the west. As shown in the map below, there is a lot more land owned by the federal government in the American West than the American East. When western lands were admitted into the United States, there were clauses that “disclaimed any right to unappropriated public lands within their borders” (Conable 1996, 1267). Members of the Sagebrush Rebellion disagree, claiming this violates the equal footing clause and demanded the transfer of federal land to state ownership. In addition to the Equal Footing Argument, the Cliven Bundy, a key personality in the Sagebrush Rebellion, evoked Article IV and I in the US Constitution to support his argument. According to Bundy, Congress has the right to make rules and regulations over land, but only if the states have consented to the federal government (Skillen

2020). Through this logic, since the states have not given the federal government consent, the federal government cannot enact regulations and ownership of federal land should be transferred to ownership by the states.

During the Sagebrush Rebellion, the Bundy family called upon their network of conservative allies to help support their cause, which highlights the interconnectedness of right-wing actors. One of the members the Bundy's contacted was future constitutional sheriff leader Richard Mack. Historical and contemporary right-wing movements rarely exist in a vacuum but instead grow and interact with intellectually similar right-wing movements to promote a broader conservative cause.

The Sagebrush Rebellion is a prime example of an anti-federal movement in the American West. The Sagebrush is explicit in their distaste for federal ownership of land and argue for the federal government to transfer land ownership to state governments. The Sagebrush Rebellion laid the foundation of anti-federal movements in the American West that would inspire and live on in future groups, such as the Constitutional sheriff movement.

The County Supremacy Movement is an anti-federal, right-wing movement that advocates for the political power to be centered on the local county. The movement grew out of the Wise Use movement and Sagebrush Rebellion, movements against federal environmental regulation by arguing against federal land ownership. The movement took place during the 1990s and similarly, much of the academic literature about the County Supremacy Movement was written during the same timeframe. County supremacists use the local county as a means of power to oppose the federal government. Counties in the American West, most famously Nye County, passed local ordinances that challenged federal land ownership (Osenbaugh 1996). The county ordinances

followed two arguments. The first, used in counties such as Catron County, required the federal government to consult with and acquire permission from the county before changes to the land were made. The second, used in counties such as Nye County, argues that the state owns all unappropriated land (Osenbaugh 1996; Skillen 2020). The County Supremacy Movement is another example of an anti-federal movement operating at the scale of the local county.

The County Supremacy Movement used the Constitution to advance their ideology. County supremacists mobilized the 'equal footing doctrine' and the Property Clause as an argument against federal lands ownership. Under the equal footing doctrine, states entering the Union were to cede unappropriated lands to the federal government, which was to then be sold to the people. County supremacists argue the land transfer back to the people has not happened. (Osenbaugh 1996; Conable 1996).

From American Western political cultures and contemporary Western right-wing movements, constitutional sheriffs adopted an antifederal ideology centered on the local county. Coupled with the traditionalistic political culture of the American South, constitutional sheriffs practice an anti-federal, right-wing extremist ideology that places the county sheriff as the highest authority of government.

Conclusion

Constitutional sheriffs are a right-wing political movement that have grown out of contemporary right-wing and conservative movements in the American West and South. These geographic regions provided the political culture to foster the growth of the organization. At its core, constitutional sheriffs are an anti-federal organization. They use this antifederal ideology to justify their positions on issues such as gun control, COVID-19 regulations, and voter fraud.

Constitutional sheriffs center their power on the local county. Counties have held political significance in both the American South and West due to the economic and political structures of the region. Counties are particularly important for constitutional sheriffs because this is the level in which sheriffs are elected. Constitutional sheriffs do not have interest in challenging the political boundaries of counties, but rather use these political designations to propel their local power over a given region.

Works Cited

- “Forty years of Sagebrush Rebellion” *High Country News*, January 4, 2016.
<https://www.hcn.org/articles/sagebrush-rebellion/>
- Agnew, John and Joanne Sharp. 2002. “America, frontier nation: From abstract space to worldly place.” In *American Space/American Place*, by John Agnew and Joanne Sharp. Routledge.
- Armenta, Amada. 2012. “From Sheriff’s Deputies to Immigration Officers: Screening Immigrant Status in a Tennessee Jail”. *Law & Policy* 34 no. 2: 191-210.
- Berlet, Chip and Spencer Sunshine. 2019. “Rural rage: the roots of right-wing populism in the United States.” *The Journal of Peasant Studies* 46 no. 3: 480-513.
<https://doi.org/10.1080/03066150.2019.1572603>
- Chemerinsky, Erwin. 2022. *Worse than Nothing: The Dangerous Fallacy of Originalism*. New Haven, CT: Yale University Press.
- Coleman, Mathew. 2012. “The ‘Local’ Migration State: The Site-Specific Devolution of Immigration Enforcement in the U.S. South” *Law & Policy* 34 no. 2: 159-190.
- Conable, Paul. 1996. “Equal Footing, County Supremacy, and the Western Public Lands.” *Environmental Law* 26 no. 4: 1263-1286. <https://www.jstor.org/stable/43267550>
- Congress.gov. “H.R.1025-103rd Congress (1993-1994): Brady Handgun Violence Prevention Act.” November 30, 1993. <https://www.congress.gov/bill/103rd-congress/house-bil/1025>
- CSPOA. “CSPOA Statement of Positions”. <https://cspoa.org/statement-of-positions/>
- Elazar, Daniel J. 1966. *American Federalism: A View from the States*. New York: Thomas Y. Crowell Company.
- Falcone, David N., and L. Edward Wells. 1995. “The County Sheriff as a Distinctive Policing Modality.” *American Journal of Police* 14 no. 3/4: 123-150.
- Farris, Emily, and Mirya Holman. 2017. “All Politics is Local? County Sheriffs and Localized Politics of Immigration Enforcement.” *Political Research Quarterly* 70 no. 1: 142-154.
- Farris, Emily, and Mirya Holman. 2023. “Sheriffs, right-wing extremism, and the limits of U.S. federalism during a crisis.” *Social Science Quarterly* 104: 1-10.
<https://doi.org/10.1111/ssqu.13244>
- Formisano, Ronald P. 2001. “The Concept of Political Culture”. *Journal of Interdisciplinary History* 31 no. 3: 393-426.

- Goldstein, Jared. 2022. *Real Americans: National Identity, Violence, and the Constitution*. Kansas City: University Press of Kansas.
- Hoeffel, Janet C., Catherine D. Pierson, and Stephen Singer. 2015. "Elections, Power, and Local Control: Reining in Chief Prosecutors and Sheriffs." *Legal Studies Research Paper Series Paper* 15 no. 2: 319-328.
- Jackson, Sam. 2020. *Oath Keepers: Patriotism and the Edge of Violence in a Right-Wing Antigovernment Group*. New York: Columbia University Press.
- Kindy, Kimberly, 2021. "Boosted by the pandemic, 'constitutional sheriffs' are a political force." *The Washington Post*. November 2, 2021.
https://www.washingtonpost.com/politics/constitutional-sheriffs-elections-trump-pandemic/2021/11/01/4c14c764-368b-11ec-91dc-551d44733e2d_story.html
- Kopel, David. 2015. "The *Posse Comitatus* and the Office of Sheriff: Armed Citizens Summoned to the Aid of Law Enforcement." *The Journal of Criminal Law & Criminology* 104 no. 4.
- Levitas, Daniel. 2002. *The Terrorist Next Door: The Militia Movement and the Radical Right*. New York: Thomas Dunne Books.
- Littman, Aaron. 2021. "Jails, Sheriffs, and Carceral Policymaking". *Vanderbilt Law Review* 74 no. 4: 861-950.
- Mack, Richard. 2009. *The County Sheriff: America's Last Hope*.
- Mack, Richard. June 12, 2024. "Sheriffs are in a Position Where They Can Stop These Horrible Federal and FBI Attacks." By Steve Bannon. *War Room*. Webinar.
<https://cspoa.org/latest-news/sheriffs-are-in-a-position-where-they-can-stop-these-horrible-federal-and-fbi-attacks/>
- Maxwell, Angie and Todd Shields. 2019. *The Long Southern Strategy: How Chasing White Voters in the South Changed American Politics*. Oxford: Oxford University Press.
- Moore, Toby. 2001. "Race and the County Sheriff in the American South." *International Social Science Review* 72, no. 1/2: 50-61. <https://www.jstor.org/stable/41882228>
- Mudde, Cas. 2019. *The Far Right Today*. Medford, MA: Polity Press.
- Nemerever, Zoe. 2019. "Contentious Federalism: Sheriffs, State Legislatures, and Political Violence in the American West." *Political Behavior* 43: 247-270.
- Nichanian, Daniel. 2022. "Which Counties Elect Their Prosecutors and Sheriffs in 2022?" *Bolts*.
<https://boltsmag.org/whats-on-the-ballot/prosecutors-and-sheriffs-in-2022/>
- Osenbaugh, Elizabeth, and Nancy Stoner. "The County Supremacy Movement." *The Urban Lawyer* 28 no. 3: 497-515. <https://www.jstor.org/stable/27895011>

- Political Research Associates. 2022. "Mapping Far Right and Anti-Immigrant Movement Alignment with County Sheriffs". <https://politicalresearch.org/sheriffs-map/>
- Richardson, Heather Cox. 2020. *How the South won the Civil War: oligarchy, democracy, and the continuing fight for the soul of America*. New York: Oxford University Press.
- Skillen, James. 2020. *This Land is My Land: Rebellion in the West*. New York: Oxford University Press.
- Southern Poverty Law Center. 1988. "Hate Group Expert Daniel Levitas Discusses Posse Comitatus, Christian Identity Movement and More." *Intelligence Report*. June 15, 1998. <https://www.splcenter.org/fighting-hate/intelligence-report/1998/hate-group-expert-daniel-levitas-discusses-posse-comitatus-christian-identity-movement-and>
- Thompson, Michael. 2007. "America's Conservative Landscape: The New Conservatism and the Reorientation of American Democracy" in *Confronting the New Conservatism: The Rise of the Right in America*, edited by Michael J. Thompson, 9-30. New York: New York University Press.
- Tomberlin, James. 2018. "'Don't Elect Me': Sheriffs and the Need for Reform in County Law Enforcement" *Virginia Law Review Association* 104 no. 1: 113-156. <https://www.jstor.org/stable/44864141>
- Woodard, J. David. 2006. *The New Southern Politics*. Boulder, CO: Lynne Rienner Publishers.
- Zoorob, Michael. 2022. "There's (rarely) a new sheriff in town: The incumbency advantage for local law enforcement." *Electoral Studies* 80: 1-13. <https://doi.org/10.1016/j.electstud.2022.102550>