

# **THE PROPER ROLE OF LAW ENFORCEMENT**

*What Every Citizen Should Know.  
What Every Cop Should Believe.*

By

**RICHARD MACK**

**A**FTER the Revolutionary War and the subsequent creation of the U.S. Constitution, certain safeguards to protect our newly acquired liberties were established. Among these was the requirement that all government officials, including the military and law enforcement, swear an oath of loyalty—not to the President or the governor or the legislative assembly or any judge, but to the Constitution itself, which was the great bulwark of our liberty. Thus was born a most noble and honorable tradition of police service in this country.

“I do solemnly swear that I will faithfully discharge the duties of my office and that I will protect and defend the Constitution of the United States from all enemies, both foreign and domestic, so help me God.” These, or similar, words are sworn to by every police officer, public servant, and government official in the entire United States. This oath carries with it a tremendous responsibility: to safeguard the principles of liberty for which hundreds of thousands of Americans have given their lives.

Yet, after the swearing-in ceremony police academy graduates give little attention to the Constitution. Most officers have never even read the document they have sworn in the name of God to protect and defend. Most police departments and academies

1 provide very little, if any, training regarding the Constitution.  
2 There are obviously some case law classes as part of law  
3 enforcement training curricula, but basics and fundamental  
4 principles are usually bypassed. If our integrity is to be  
5 maintained, then we, the peace officers of America, must  
6 study, know, and cherish the U.S. Constitution. Otherwise  
7 the Constitution becomes a collection of meaningless words in  
8 the hands of government officials.

9 I started my police career in 1977. I got a job as a part-time  
10 "meter maid" in Provo, Utah, while I worked my way through  
11 college. I graduated in May of 1978 and moved home to  
12 Arizona with our two baby boys to apply for the FBI there.  
13 I theorized that my chances would be better in Arizona, as my  
14 father had worked there for the Bureau for more than twenty  
15 years. However, for one reason or another, the FBI never gave  
16 me a chance to follow in my father's footsteps. At the time I  
17 was rather disappointed, but now I am grateful that fate took  
18 me on a different path. Besides, after J. Edgar left the FBI it be-  
19 came just another Washington, D.C. bureaucracy.

20 I received a phone call in 1979 from the Provo Police  
21 Department, offering me a full-time position. So we packed up  
22 and moved our young family back to Provo.

23 Overall, being a cop is very difficult. It consists of long hours,  
24 shift work, low pay, high stress, and constant life-and-death  
25 situations, and puts one constantly around a lot of dirt. My two  
26

oldest sons have both mentioned to me that they might want  
to be a cop. I have counseled them not to.

In 1982 I was asked to go undercover. This assignment was  
totally "under." I had to change my appearance, change my name,  
and basically forget family and friends for six months. I had asked  
to go undercover once before, but my request was laughed at.  
I was told that I was too "clean-cut" for what the job entailed.  
I guess the department learned in the meantime that the-  
"clean-cut" officers could do as good a job or even better than  
the officers who were used to the "partying" scene.

So with the support of a good wife, I did it. We had three  
small children at the time and I rarely got to see them. I could  
not go to church and could not be seen in public with my wife  
or kids. I had to sneak home  
from my apartment late at  
night just to see my family.  
This undercover work put a  
real strain on our marriage.  
My wife had no idea where  
I was most of the time, and  
only knew that I hung out  
in bars with ex-cons and drug dealers. I'm glad I did it now, but  
at the time I hated it. The education I obtained by living in the  
drug and gang culture for six months was priceless. Personally,  
this assignment was "marching into hell for a heavenly cause."



Richard Mack  
undercover  
with daughter  
Lucie, 1982

1 After taking my wife, Dawn, and the kids to Disneyland, I  
2 returned to finish the resulting aftermath of my undercover work  
3 and helped train my buddy Richard for his undercover  
4 assignment. Then I was re-assigned to the patrol division for  
5 a few months. It was during this short period on patrol that I  
6 got hit over the head with a two by four, metaphorically  
7 speaking, of course.

8 Police have long been accused of having quotas for ticket  
9 writing. Personally, I do not believe this has ever been true  
10 anywhere in America. On the other hand, there is unquestionably  
11 pressure applied by management on officers to write tickets.



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Officer Mack  
making arrest in  
drug raid, 1980

12 Most law enforcement  
13 agencies are so “addicted”  
14 to numbers and statistics.  
15 Generally, those officers  
16 who make the most arrests  
17 or who write the most  
18 tickets are honored and  
19 labeled as the best cops. I  
20 never was one for playing  
21 second string, so I got caught  
22 up in this “numbers game”

23 also. I am ashamed to admit it, but I was. I wrote tickets to increase  
24 my numbers and to prove my worth to my superiors. There were  
25 no quotas, but the effect was the same. If an officer were to go  
26 two or three days without writing any tickets, he definitely heard

about it. This is especially true with the Highway Patrol in every  
state.

I have heard numerous police chiefs, sheriffs, and police officers in general say, “Writing tickets is our job.” Officers are issuing tickets because citizens are violating the traffic code regulations. Very rarely do any of these tickets actually have anything to do with a real threat, any real harm or even the slightest possibility of someone causing an accident. The statute is violated, the ticket is issued and the officer’s job is justified. A citizen is subsequently “taxed,” pays the “tax,” and has his insurance raised about ten percent. Why? Because cops are supposed to write tickets! He is “just doing his job.”

Speaking of insurance companies, don’t you find it a little bit disturbing that they make money off the tickets that are issued by police? The more tickets police write, the more money insurance companies make. Furthermore, how is it that a private corporation is allowed access to police traffic enforcement records? Are citations serving the people, or the greed of the insurance industry?

Yes, I wrote tickets, and a lot of them. On one such day, a beautiful fall evening, I was parked facing north at an intersection near Franklin Elementary school in Provo. The intersection right in front of me was a four-way stop. I was adding up my statistics on my daily activity form when I was surprised by a vehicle running through the stop sign right in front of me. There was no other traffic in the area whatsoever. I was the only living

1 thing close to the intersection. The driver seemed to be having  
2 trouble with her children and I surmised that while she was  
3 attending to them she lost sight of the stop sign and accidentally  
4 went through it.

5 The driver, a lady about 35 years old, noticed me and im-  
6 mediately pulled over; I did not even turn on my red and  
7 blues. This was going to be easy! Another slash mark to add  
8 to my activity report!

9 When I walked up to the car the driver already had her license  
10 and registration in her hand ready to give to me. I took them  
11 and put them on my ticket book. The three or four kids in the  
12 car confirmed my theory. They were being quite unruly, at least  
13 one was crying and the others were still fighting and yelling.

14 The driver was obviously having a bad day and I certainly  
15 was not making it any better. She made no excuses and, in fact,  
16 never uttered a word. She simply sat there staring through her  
17 steering wheel. Her car was a dilapidated old compact station  
18 wagon, tan in color with some primer gray showing in several  
19 places.

20 I proceeded with my "work" and wrote the ticket. By the time  
21 I came to the end and started signing my name, I began  
22 moving a little slower. As I finished the "k" in "Mack," I  
23 paused for a moment. As I did, I looked down at this dejected  
24 woman, looked over at her unkempt, snotty-nosed kids, and  
25 looked at her cruddy old car. Then, I looked at me. It was the  
26 most profound and penetrating reflection I had ever experienced.

Several questions now raced through my head. "Mack, why are you doing this? Did this lady do anything wrong? Did she threaten anyone? Is writing her this ticket making Provo a safer and better place to live?" And finally, "Is giving this ticket bringing honor and respect to the badge you wear on your chest?"

There has never been a time in my life that I felt lower or more ashamed than I did at that moment. I handed the driver her license and registration and walked back to my car. I do not remember saying anything to her; I must have been too preoccupied with my own guilt. I am sure she wondered what in the world I was doing, driving away without even as much as giving her a verbal warning. Or perhaps I should have declared to her that this was her lucky day as the "benevolent" cop was going to "cut her some slack" and let her go with just a warning. No, I could not do that then. I already felt too much like a liar and hypocrite. To have that lady thank me for anything would have only served to exacerbate my feelings of shame.

Afterward, I drove lethargically to the station where I tore that ticket into a thousand pieces and threw them in the trash. This was actually against departmental policies, as each ticket had to be accounted for. Nevertheless, I did not hear about that ticket again.

There is very little that I remember about the rest of my shift that night, although I do know that I did not write any more tickets.

1 The next day I went to work a little early. I honestly do not  
2 know what was compelling me to do this. I only know that I  
3 was drastically looking for something. I went to the city clerk's  
4 office and asked for a copy of my oath of office. They made me  
5 a copy and gave it to me readily.

6 The oath was short and clear. I had even signed my name  
7 to it. Upon reading it, I felt worse than I did walking away from  
8 the lady in the old car the day before. What a liar and hypocrite  
9 I was! I took this solemn oath to get a paycheck. I paid no attention  
10 to it and actually had no intention of keeping it. I felt as if I should  
11 be arrested and that I certainly did not deserve my job.

12 In the oath I gave my word and promise to protect and defend  
13 and obey the U.S. Constitution and the Utah Constitution as  
14 well. I had never read either and knew virtually nothing about  
15 them. Sure, I knew the Miranda Warning by heart and a few other  
16 Supreme Court decisions, but I had promised to obey the  
17 Constitution! All of it! Was my oath solely contingent upon  
18 obeying the courts and my sergeant? What if they asked me to  
19 do something contrary to the Constitution? For anyone,  
20 especially cops or soldiers, to obey an order he or she knows  
21 to be unconstitutional or unlawful would be wrong, immoral,  
22 and an absolute outrage.

23 When we raise our right arm and promise to protect and defend  
24 the Constitution, does that oath mean only as far as my  
25 supervisor or the Supreme Court allows me to? Or does the oath  
26 essentially bestow a responsibility on *me* to know it, study it,

cherish it and ultimately defend it even against a well-meaning  
but misdirected supervisor or judge? I do not pretend to have  
all the answers, but I do know that the notion that cops should  
enforce all laws regardless of how abusive, immoral or  
unconstitutional they are, is dangerous and destructive.

While contemplating this moral dilemma, I first thought that  
I should go turn my badge in and quit. But what good would  
that do me or anyone else? So I decided instead to quit being  
a liar and hypocrite and immediately began studying the  
Constitution. It was beautiful! It was also rather easy to under-  
stand, as if regular people wrote it instead of a bunch of  
lawyers. I read it over and over, especially the Bill of Rights.

A few months later I noticed a training bulletin issued by  
POST (Peace Officers Standards and Training), the State  
bureaucracy appointed to oversee training and qualification  
standards for all police officers, announcing a two-day seminar  
entitled "Constitutional Studies For Law Enforcement Officers."  
I was shocked. Was this announcement for real? The state was  
sponsoring training about the Constitution?

When I saw the name of the instructor at the bottom of the  
announcement, I knew this seminar was for real. His name was  
W. Cleon Skousen. I had met this man once and I had seen some  
of his books. He was a friend of my father's, having served with  
him in the FBI. Cleon had also served as Chief of Police for Salt  
Lake City.

1 My request to attend the seminar was denied. I went all the  
2 way to the Chief to find out why I could not attend official POST  
3 training. "Cleon Skousen is not mainstream law enforcement,"  
4 I was told. That was the first time I determined that perhaps  
5 the "mainstream" is not where I wanted to be. So I took two  
6 vacation days and went to the seminar on my own time.

7 The training was conducted in Salt Lake City and over 240  
8 officers from all across the state attended. It was the largest  
9 group of cops I had ever seen at any training session.

10 During the next two days, I learned more about the signifi-  
11 cance of being a cop than I have in all twenty years of my  
12 career combined. We did not study case law, or the Miranda  
13 decision or any other modern police techniques and strategies.  
14 We studied the fundamental principles of freedom upon which  
15 this great country was founded. There was a powerful feeling  
16 in the room. Cleon had us captivated. At one point, he led us  
17 all through a "kindergarten" exercise of hand signs that  
18 coincided with the Preamble. To me it was like saying a prayer.  
19 I was really touched and felt converted. At this very moment,  
20 I promised myself that I would never be on the wrong side again.

21 After this, I continued to write traffic citations occasionally.  
22 But I reserved ticket writing for situations where the offender  
23 was clearly endangering safety and property, rather than playing  
24 a blind "numbers game" of writing a citation for every  
25 letter-of-the-law infraction I observed. Don't get me wrong:  
26 I believe in laws and police presence. We definitely need both.

But we've gone too far. We need to remember why we are in law enforcement: to serve and protect, rather than to harass and bully.

Luckily, I was promoted and soon moved to other assignments and never worked patrol again. However, I stood my ground on several issues at Provo P.D. and started to get labeled somewhat as a "Constitutional nut." I was never ostracized, or at least I did not feel I was, but there was definitely a supervisory concern about me.

I left Provo in 1988 and ran for sheriff in my home town in Arizona. I was elected Graham County Sheriff twice. During my time as sheriff I did a few things that were considered somewhat unorthodox. For example, I was the only sheriff in the state who became a DARE instructor. I also required all my deputies to attend a seminar about the U.S. Constitution. Curiously, several of the deputies did not like the seminar because they felt it was not "real law enforcement material."

A few of my deputies also did not care for the "mission statement" booklets I required them to keep in their uniform shirt pockets at all times while on duty. The "mission statement" booklet was actually a copy of the U.S. Constitution and the



Richard M  
working in  
schools w  
drug prev  
program,

1 Declaration of Independence. The deputies who didn't like keeping  
2 the "mission statement" close to their hearts referred to the booklet  
3 as "Mack's Bible."

4 I was also the first sheriff in the entire country to file a lawsuit  
5 against the federal government in order to stop the intrusiveness  
6 of the Brady Bill—a lawsuit that was taken all the way to the  
7 U.S. Supreme Court and in which I prevailed.

8 The ink was scarcely dry on the election results the first time  
9 I was elected sheriff, when the chairman of the Board of  
10 Supervisors (county commission) approached me with a  
11 proposition. He told me that my predecessors thought it was  
12 political suicide to write traffic tickets and that he sure hoped  
13 I wasn't thinking along the same lines. Before I could respond  
14 the chairman quickly added, "You see, Graham County is 95  
15 percent owned by the federal government, which doesn't leave  
16 us [the county] much tax base. So, it would really help us if you  
17 would have the deputies write more tickets, because we really  
18 need the money." Obviously, he didn't know who he was  
19 talking to!

20 I didn't particularly want to get on this "good ol' boy"'s bad  
21 side before I even took office, but writing tickets wasn't exactly  
22 on my priority list. So, as tactfully as I could, I informed the  
23 chairman that law enforcement and the sheriff's office were not  
24 here to balance his budget for him. I decided I should state my  
25 case loud and clear in order to keep this subject from coming  
26 up again. "The deputies will work hard," I exclaimed, "they will

be disciplined when necessary, and they will enforce the law.  
However, I will not allow the deputies to become the tax  
collectors or revenue generators for the county!"

Needless to say, my relationship with the chairman  
deteriorated steadily from that point on. Using enforcement of  
the laws or creating more laws in order to generate more  
fines so that politicians can fill the social troughs is wrong and  
immoral. When politicians are too gutless to confront the  
voters with appeals for higher taxes, they usually resort to raising  
the fines for certain crimes or traffic offenses, instead. Should  
the law enforcement community stand against such political  
corruption and coercion, I ask, or should they cowardly refrain  
from biting the hand that feeds them?

Maybe I was naïve, but the solution that I repeatedly  
proposed to Graham County's tax revenue problem was that  
the county reclaim some of that land it had lost to the federal  
government. After all, portions of that land had just been  
ceded to the feds in recent years, during the watch of some of  
the members of the sitting Board of Supervisors.

I have seen police officers and prosecutors as well who are  
more concerned with winning than they are about rights and  
freedom. This is not an uncommon phenomenon nationwide.  
Perhaps we have been brainwashed somewhat with phrases  
such as, "Let's do it to them before they do it to us," or, "It's  
my job to arrest and put people in jail," or, "Harassing the public  
is a dirty job, but somebody's got to do it."

1 If the courts and legislatures allow for frivolous arrests or  
2 property seizures without due process, are we going to go  
3 along? We have given our word and taken a solemn oath. Is there  
4 sufficient evidence to convict the law enforcement community  
5 of keeping this oath? If tyranny is to be held in check and if  
6 American idealism is to remain secure, law enforcement must  
7 be actively involved.

8 Let's take, for example, road blocks, or what are called, in  
9 today's politically correct terminology, "administrative  
10 checkpoints." Police routinely run road blocks nowadays,  
11 whereas they did not when we were a freer nation. Police  
12 rationalize this practice by explaining that the courts have  
13 ruled such procedures to be constitutionally proper. However,  
14 any cop will tell you and knows full well that before he can stop  
15 a motorist he must first substantiate "probable cause" for the  
16 stop. No officer is allowed capriciously to stop any vehicle he  
17 wants. No cop may look at a car moving down the street and  
18 say, "That looks like a good one. I think I'll stop him and see  
19 if he has his license, registration, and proof of insurance."  
20 Yet the courts have attempted to convince us that, as long as  
21 the police stop *all* traffic and check the papers of *all* drivers, such  
22 abuse is proper and constitutional.

23 Let's look at the logic here. If the police arbitrarily single  
24 out *some* motorists to demand to see their papers, then they are  
25 violating the law. But if they do it to *everybody*, then it's okay?  
26

What utter nonsense! Yet the police continue to excuse  
themselves with, "The courts said we could!"

Another example of the inattentiveness of local law enforce-  
ment is their failure to curb the abuses perpetrated by the IRS  
on law-abiding citizens. I am amazed that right here in the United  
States of America we continue to allow this abuse and criminality  
on the part of the IRS to go on. Numerous citizens and IRS  
employees recently testified before Congress of IRS agents  
fabricating cases against innocent citizens. Intimidation and  
extortion are routine procedures used by IRS agents all across  
the USA. So what was Congress' response to these IRS crimes?  
They merely required the IRS to be more "user friendly" and  
to open offices on Saturdays!

To use police jargon, let's examine the facts here. Widespread  
abuse and criminal activity within the IRS is irrefutable. Yet the  
people's protectors continue to go along with it. Other crimes  
committed by federal agents (Waco, Ruby Ridge, etc.) have left  
indelible scars on America's justice system. Corruption and cover-  
ups were exposed and many painful lessons have been learned  
and hopefully never forgotten. The bottom line is, had the sheriffs  
in both Idaho and Texas remained in charge and in control, no-  
body would have been killed, including federal agents; the  
law would still have been enforced; and we never would have  
heard of Randy Weaver or David Koresh.

The local authorities have to answer to the people for their  
actions, so they tend to be more cautious, whereas the feds can

1 just “hit and run.” The sheriff is the leading law authority in  
2 his county. Sheriffs should be more assertive in defending the  
3 prerogatives of their office against federal meddling in local  
4 concerns, rather than kowtowing to the feds in return for the  
5 pittance they offer local law enforcement to run federal  
6 programs.

7 Another recent attack on our freedom, aimed right at law  
8 enforcement by Congress, was the Omnibus Appropriations Act  
9 of 1996. This was the budget bill. But through the cunning and  
10 wheeling and dealing of power-hungry politicians, particularly  
11 Senator Lautenberg, a drastic provision was added to this  
12 budget bill. One might expect such additional amendments to  
13 the budget to be somewhat associated with the budget. Wrong!  
14 This federal budget contained an *ex post facto* law, arrogantly and  
15 proudly passed by your Congress, that declared that any  
16 American who had ever been convicted of a domestic violence  
17 crime at any time in his or her life, could never own or possess  
18 a firearm ever again. This literally means that if you had a do-  
19 mestic violence conviction 30 years ago, served your sentence,  
20 paid your fine, and had a pristine record ever since, you now  
21 would be arrested for even attempting to go hunting! Such laws  
22 are constitutionally prohibited (Article 1, Section 10, paragraph  
23 3), but what’s the Constitution to a politician with an agenda  
24 to pursue?

25 Law enforcement officers had been exempted from the  
26 tyranny of the Brady Bill, but not this time. As a result of the

Lautenberg Amendment many police officers lost their jobs or  
were moved to positions that did not require packing a gun. No  
chief of police or sheriff should have gone along with this  
abominable law, but they did. No officer should have lost his  
job because of this congressional action, but they did. When  
are we going to wake up? When is the law enforcement  
community going to learn to “just say no,” stand tall, and let  
the legislatures know that we will not be their little puppets?

Even though the lawsuit I filed against the Brady Bill was  
based on a Tenth Amendment challenge, I was motivated just  
as much by the Second Amendment’s guarantee of the right of  
the citizenry to bear arms. The United States Congress was actually  
attempting to force me to participate in a scheme that I knew  
was unconstitutional. Federal district judge John Roll, who was  
the first to rule on my case, astutely summed up the situation  
when he observed, “Mack is thus forced to choose between  
violating his oath or violating the act, subjecting himself to pos-  
sible sanctions.”

The Clintons, Shumers, Feinsteins, Bradys, etc., have all ar-  
gued that the Constitution does not protect an individual’s right  
to keep and bear arms; but, rather, that the Second Amendment  
provides for the arming of the militia, and not the individual.  
Thus, according to them, their legislative efforts to disarm law-  
abiding citizens are not unconstitutional.

In answering the gun control debate, perhaps we should  
examine and establish the intent of the Founders who wrote

1 the Second Amendment. After all, when any crime is prosecuted  
2 criminal intent must be established in order to convict the  
3 defendant. So, just what did the Founders say about gun  
4 control, and what was their intent? Well, let's ask them:

5  
6 **Thomas Jefferson:**

7 **Laws that forbid the carrying of arms disarm only**  
8 **those who are neither inclined nor determined to**  
9 **commit crimes, such laws make things worse for the**  
10 **assaulted and better for the assailants. (1764)**

11 (Today's statistics completely support Mr Jefferson's timeless  
12 insight.)

13 **Samuel Adams:**

14 **The Constitution shall never be construed to prevent**  
15 **the people of the United States who are peaceable**  
16 **citizens from keeping their own arms...**

17 (Mr. Adams clearly underestimated the ability of Clinton and  
18 his ilk to twist plain English.)

19  
20 **James Madison:**

21 **The Constitution preserves the advantage of being**  
22 **armed... (The Federalist, #46)**

23 (Hmm... I wonder who's right—Samuel Adams and James  
24 Madison, or Sarah Brady and Charles Shumer?)  
25  
26

**Richard Henry Lee:**

**A militia, when properly formed, are in fact the**  
**people themselves ... and include all men capable of**  
**bearing arms. (1788)**

(So, the Second Amendment's allusion to the militia  
actually refers to the citizens' militia, and therefore the "right  
of the people to keep and bear arms" exists to ensure the  
perpetuity of the people's  
militia!)

**Richard Henry Lee:**

**To preserve liberty, it**  
**is essential that the**  
**whole body of the**  
**people always possess**  
**arms... (1787)**

(Thank you, gentlemen,  
that pretty much sums it  
up!)



Sheriff Rick  
Mack, NJ  
Enforcement  
of the Year

Anyone who has taken a solemn oath to protect and defend  
the Constitution is obviously bound to abide by the Second  
Amendment and the Founders' intent in writing it.

Guns are power! In the hands of good people they are  
powerfully good, and in the hands of criminals, they are  
powerfully evil. Citizens have the right to use guns for the exact  
same reason that law enforcement uses them—just in case we

1 need them. To disarm the citizenry is to force them to depend  
2 on cops to respond in time, or pray that thugs will be more “user  
3 friendly.”

4 In Mel Gibson’s epic “documentary of freedom” and Oscar-  
5 winning movie *Braveheart*, Robert the Bruce betrays William  
6 Wallace and other Scots as well. Bruce repents of his treason  
7 and emotionally reveals his true feelings to his father. With tears  
8 filling his eyes, Bruce looks his father in the eye and declares,  
9 “I will never be on the wrong side again!”

10 Nothing in a movie has ever penetrated me so deeply.  
11 These were the exact words I had said to myself over fifteen  
12 years ago at the police Constitution training seminar.

13 Bruce’s father told his son that “everybody” does this sort  
14 of thing. It is how you get ahead in life. Yes, the mainstream  
15 is where “everybody” can find refuge and excuses. The political  
16 correctness of today is definitely mainstream. Very little real and  
17 meaningful change occurs there. It just keeps flowing downhill.  
18 The true definition of mainstream is, it’s what you fall into when  
19 you lose your grip on what is truly important.

20 What have we done with the stewardship handed to us by  
21 the many who have fought and died for America? Have we allowed  
22 the Executive (law enforcement) branch of government to be  
23 controlled by the Legislative and Judicial branches? The  
24 separation of powers was intended to be a vital part of protecting  
25 freedom. Yet the law enforcement community, by its own ad-  
26 mission, does whatever the courts and legislatures tell it to do.

Would the Founders have gone along with the notion that all  
laws, no matter how oppressive or wrong they might be, must  
still be enforced? Would we have fought a Revolutionary War  
and ultimately achieved independence if they had?

When legislatures and courts force us into the quandary of  
choosing between our oaths or obeying their statutes and  
orders, the choice should be clear and swift! We will side  
with the people, protect rights and liberty, keep our word,  
and let the consequences follow. When we enforce laws that  
we know are wrong, just whom are we protecting and serving?

About three and a half years ago I spoke at a freedom rally  
in Denver. Over 800 people were in attendance. It was a  
wonderful meeting. A local sheriff attended, as well as two or  
three local police officers. Afterwards, we all noticed numerous  
police cruisers around the area. I learned later that they had  
actually been staking out the freedom rally.

As we drove away from the meeting, at approximately  
4:30 in the afternoon, I noticed that one of the organizers of  
the meeting, Rosemary, had been stopped in her car by the police.  
There were several cops there, at least four or five, and  
Rosemary looked quite scared. I stopped nearby and went to  
see if I could help her. I was warned to clear the area or I would  
be arrested for “interfering.” Luckily, my wife pulled me away  
or I probably would have gone to jail that day. Instead, I moved  
about 75 feet away from the police who were investigating why  
Rosemary had taped a “7” on her license plate to look like a “9”.

1 The answer is simple: She was paranoid and did not want the  
2 cops running her license while she attended the freedom rally.  
3 Funny, isn't it? That is exactly what the police did! However,  
4 Rosemary had forgotten to take the tape off before she left the  
5 meeting.

6 The strange thing about this entire situation is they let  
7 Rosemary go; no ticket, no arrest, nothing! But, John had  
8 been to the rally also and was walking by when he noticed all  
9 the cops and commotion. John never said a word, was standing  
10 a good 50 feet from the closest cop, and was writing notes on  
11 his hand. A female officer walked over to him and ordered him  
12 to get in his car and leave. He said he didn't have a car. So the  
13 officer commanded John to "start walking!" With that, John  
14 began walking in place and I guess the officer wasn't  
15 amused. She arrested him on the spot and hauled him off to  
16 jail.

17 John was later convicted for "interfering." However, the cops  
18 would never have known John was even there had it not been  
19 for the female officer approaching him. It was the most unjusti-  
20 fied arrest I had ever seen. John had literally done nothing, yet  
21 a sworn officer hauled him to jail. It was just too easy!

22 Later, I filed a complaint and spoke with two or three of the  
23 female officer's supervisors, including a captain. They all  
24 backed her up and told me she was a good officer. What that  
25 officer did was tantamount to kidnapping, and her superiors  
26

supported it. Whose rights were violated? Who or what was  
protected?

The courts okayed John's arrest, the officer's supervisors  
supported her unethical behavior and the statutes of the  
Colorado legislature provided the ammunition for this cop to  
"just do her job." It's all wrapped up in a nice little package,  
isn't it? How ironic it is that on the side of the car in which they  
transported John it said, "To Protect and Serve".

What would these officers have done if they had been dis-  
patched to a call in 1960 when an audacious Rosa Parks refused  
to sit in her proper place at the back of the bus? She broke the  
law! She was causing a disturbance! She was disorderly! Do your  
duty, officer, and arrest that lawbreaker!

Would it not be appropriate for a peace officer to have  
stood by this brave American, perhaps even shake Rosa's  
hand, and accompany her until she exited safely off the bus?

At times the prevalence of governmental abuse has had a  
profound effect on my psyche. It's like waking up one day and  
realizing that the American dream has died. However, my  
feelings of melancholy turned to complete outrage and dismay  
when I learned about Warren and Shirley Black of Kansas  
City, Missouri.

Warren and Shirley are 71 and 66 years old, respectively. They  
are not tax protesters or "right-wing kooks." They are middle-  
class, patriotic, law-abiding Americans. In fact, they are two of  
the most humble and good Christian people I have ever met.

1 In the course of an IRS audit, the Blacks were taken before  
2 a federal judge who ordered them to sign some IRS papers. The  
3 papers were essentially drafted as Warren's and Shirley's  
4 confession to having committed tax fraud. Knowing they were  
5 guilty of no such thing, they refused to sign. The judge told them  
6 that if they did not sign, he would put them in prison.

7 Warren and Shirley conferred privately for a moment, and  
8 Warren thought he had better go ahead and sign in order to keep  
9 his dear wife out of prison. But when Mrs. Black asked her husband  
10 the heartfelt question, "If I weren't here, what would you  
11 do?" he responded, "I would not sign." "Then we're not  
12 signing!" Mrs. Black said firmly.

13 So they refused to sign, and this crook of a judge ordered  
14 them to prison. Warren and Shirley Black were hauled off to  
15 Leavenworth Penitentiary (yes, Leavenworth!) in leg irons, chains,  
16 and handcuffs! They had never committed a crime, were never  
17 charged with a crime, were never arrested, never had a trial, and  
18 were never arraigned! The judge held an inquisition, and when  
19 the "peasants" refused his "gracious offer" to sign a confession  
20 and "get off easy," he threw them in the "dungeon."

21 Warren and Shirley Black languished in Leavenworth for 366  
22 days and were only finally released after a reporter confronted  
23 the judge.

24 Should we blame the judge for this atrocious crime against  
25 the Blacks? Yes, but I also blame the cops who handcuffed and  
26 chained the Blacks and took them to prison. I blame the prison

guards, the booking officer, and the warden, as well. What could  
they possibly say to justify their participation in this most  
heinous crime against the Blacks, except maybe, "The judge told  
me to!"?

In *New York v. The United States*, the Supreme Court held that  
the "state legislatures are not subject to federal direction." In  
*Mack v. The United States*, the Supreme Court opined that the fed-  
eral government may not "issue directives" to the states or to  
their "political subdivisions." Wouldn't it be nice if the states  
or their political subdivisions were aware of this?

I want it well understood that I fully appreciate the time I  
spent in law enforcement. I also appreciate the education and  
example of professionalism I received in the Provo Police  
Department. I do not believe the present law enforcement  
situation in America is the result of a giant conspiracy, but rather  
that it is the result of a gradual evolution and deterioration of  
values and ideals. My values certainly have changed since the  
day I started my police career. That's why I am totally convinced  
that America's police can be effective and honorable at the same  
time.

We *can* protect and serve and still write tickets and make  
arrests. We *can* and *should* stand for liberty and *against*  
tyranny. We *can* and *should* stand against federal intervention  
and manage our own police affairs constitutionally and  
independently, putting principle before politics and freedom  
ahead of arrogance.

It is time that "... this nation under God, shall have a new birth of freedom ... ." It's time for law enforcement officers to get back to the basics of law enforcement for which their jobs were created—preserving our Constitution.

Police have a difficult and thankless job. They put their lives on the line every day in a world affected by drugs and violence and social decay. May each of us in this most noble profession, as we pursue the guilty among us, never be guilty ourselves of the greater crime, that of violating our oath in God's name to defend the constitutional rights of the people for whom we work.



## Excerpts from "Ballad of Shirley Allen" by Dave Riddell

Then in came law enforcement and they said "Come with us,  
And it proves that your unstable if you fight or make a fuss".  
Protect and Serve is what each lawman swears that he will do,  
But enforcing laws you know are wrong protects and serves just who?

If you just follow orders with no sense of right or wrong  
Then you're the one I'm singing to, I hope you hear this song.  
We ask each man who wears a badge to do what he must do,  
But ask yourself this question, would you want it done to you?

If you label as unstable all the ones who disagree  
You take away their right of speaking out and thinking free.  
If our founders were so labeled then where would our country be?  
You wouldn't have your freedom or your precious liberty.