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# The People's Sheriff: Bulwark Against Tyranny, Common Law Origins, Modern Usurpation, and Immediate Restoration

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## 1.0. Introduction: The Core Thesis

This memorandum advances a singular and dispositive argument: the office of the American sheriff is the oldest secular office in the Anglo-American legal tradition, created by the people rather than by statute, and that its common-law powers are constitutionally armored against legislative diminution. Its core common-law powers, inherited from an ancient tradition predating the American republic, are constitutionally protected against legislative diminution. Modern practices, particularly the requirement in nine states that a sheriff hold membership in a private bar association, constitute an unconstitutional usurpation of these protected powers and a violation of the fundamental structure of the office. Such requirements are not permissible additions of duty but are, in fact, unlawful subtractions of the sheriff's independence and allegiance to the people.

To substantiate this thesis, this memorandum proceeds as follows:

1. It will establish the foundational legal principles and the deep historical origins that define the sheriff's unalterable character.
2. It will articulate the controlling legal doctrine, the *Allor-Murfree* rule, that explicitly forbids legislative interference with the office's core functions.
3. It will analyze the various modern usurpations that violate this doctrine, with a specific focus on the profound unconstitutionality of mandatory bar association membership for the people's chief law enforcement officer.
4. It sets forth lawful, peaceful, and immediately available steps by which any sheriff in any county may restore the constitutional office tomorrow morning, without secession, without violence, and without asking permission from the very legislatures that violated the people’s constitutions.

These foundational principles form the essential lens through which the specific character of the sheriff’s office must be understood.

## 1.1. Foundational Jurisprudence: The Immutable Principles of Law and Governance

Before analyzing the specific powers and protections of the office of sheriff, it is essential to define the unbreachable hierarchy of authority that governs all legitimate governmental action in the American legal system. This framework, referred to herein as "The Firewall," establishes the unbreakable hierarchy of authority that no statute, no court, no emergency, and no official may breach without forfeiting legitimacy.

### The Eleven Immutable Principles of the Firewall

1. **The Law of Nature is Supreme, Immutable, and Fixed**
   The law of nature, coeval with mankind and dictated by God Himself, reigns eternally over every human institution. No act, statute, or decree can override what God has ordained. As Blackstone declared, it is “superior in obligation to any other.” The Law of

God cannot be degraded, amended, or voided, *"Whatever I command thee, ye shall not add to nor take away from it"* (Deut. 12:32). Things forbidden by the nature of things are confirmed by no law. When government defies this, it stands void. *Branch, Prine. "Reason is the life of the law"—Coke*. This is not theory. This is the first brick.

True Law follows the following hierarchy, nature, maxims, constitutions, enactments.

a. **Law of revelation: God's law first, unchangeable.** Blackstone, *Commentaries on the Laws of England*, *"The divine law is of infinite authority... the moral precepts which God has given to mankind."*
b. **Fundamental Maxims of law: Eternal, self-evident, beyond proof or discourse.** Coke, *Institutes of the Laws of England* (1628), Id. 67a, *"Propositions to be of all men confessed and granted without proofe, argument, or discourse... they are not to be disputed, they are the law of the land."*
c. **Constitutions of society: Man's written cage for government, only if they kneel to revelation and maxims.** Cooley, *Constitutional Limitations* (1868), *"No enactment can rise above the constitution; but the constitution itself must bow to the higher law."*
d. **Enactments: Statutes, codes, rules.** Cooley, *"Enactments are not the law of the land, they are but the will of the legislature, subject always to the maxims and to reason."*

2. **All Rights Are God-Given, Unalienable, and Pre-Political**
We hold these truths to be self-evident, all men are created equal, endowed by their Creator with certain unalienable rights. These rights pre-exist with any government. They are declared, not granted. They are untouchable by statute, border, or emergency. *"The law is a rule of right; and whatever is contrary to the rule of right, is an injury"* (Vanhorne v. Dorrance). *"Individual liberties are antecedent to all government."* (C.L.M.). Blackstone affirms, these rights cannot be surrendered. They are safeguarded by declaratory and restrictive clauses in every state constitution. No human law can override what God ordained.

3. **The Sole and Only Legitimate End of Government Is to Protect Life, Liberty, and Property**
Government exists for one purpose, to secure the citizen in the enjoyment of life, liberty, and property. When it assumes any other function, it is usurpation and oppression. The Alabama Constitution declares it plainly. Massachusetts echoes, government is for the common good, not the profit of any man, family, or class. When government betrays this purpose, it forfeits legitimacy. (John Locke, Second Treatise, §135) It invites people's corrections. Anything else is tyranny.

4. **Government Derives Its Sole Authority from The Explicit, Expressed Delegation of the People. Any Power Beyond That Is Usurpation, Pure Treason Against the People's Sovereignty.**
Five immutable rules govern this grant:
a. Only what the people possess can be granted (*Shep. Touch. 243*).
b. Delegated power cannot be redelegated (*2 Inst. 597*).

**c.** Derivative power cannot exceed the original (*Noy, Max.*).
**d.** Power not expressly granted has no authority (*Black's, 2d. 1181*).
**e.** Presumptions, adhesion contracts, and implied consent are void.

Madison warned, federal powers are "few and defined" (*Federalist 45*). Paine: all delegated power is trust; all assumed power is usurpation. Tucker: every act beyond constitutional limits is treason against the people's sovereignty. There is no middle ground.

5. **Every public official is bound by an oath to uphold and defend the constitutions, any breach, maladministration, usurpation, or betrayal forfeits their office instantly.**
    **a. Oaths bind absolutely.** *Tucker, Blackstone's Commentaries (Vol. 1, App. Note B, §3, 1803), "If... public functionaries exceed the limits... every act is an act of usurpation, and as such, treason against the sovereignty of the People."*
    **b.** Maxim: *"It is immaterial whether a man gives his assent by words or by acts and deeds."* (10 Coke, 52) – Actions contrary to the oath are betrayal. When officials break this sacred bond, they do not merely err, they rebel against the People's trust. Their authority vanishes the moment the oath is broken.

6. **When Government Acts Beyond Its Legitimate Powers or Becomes Oppressive, It Is the Right and Duty of The People to Resist, Reform, Or Abolish It, Restoring A Government to Its True Purpose**.
    **a.** *"Whenever the ends of Government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the People may, and of right ought, to reform the old, or establish a new Government…" (Maryland Constitution, Art. I, Sec. 6)*
    **b.** *"Who shall be judge whether the prince or legislative act contrary to their trust? The people shall be judge…" (John Locke, Second Treatise, § 240)*
    **c.** *"Whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it…" (Declaration of Independence)*

7. **The Power to Indict and Convict Resides Solely with The People, Through Grand Juries to Accuse and Petit Juries to Judge, Free from Control by Judges or Government Officials.**
    **a.** *John Adams (1779), "The grand jury is a security to the subject against unfounded accusation; it is a check upon the government, not a servant of it." (Massachusetts Historical Society, Adams Papers)*
    **b.** *"The grand jury is a security against hasty and oppressive prosecutions… it is the people's protection against the abuse of power." (Alexander Hamilton, Federalist No. 83)*
    **c.** *"No free man shall be deprived of life, liberty, or property but by the lawful judgment of his peers…" (Magna Carta, Ch. 39)*
    **d.** *Justice Scalia, "The Fifth Amendment creates a fourth branch, the jury, outside the government." (Blakely v. Washington, 542 U.S. 296, 2004)*

**e.** *Maxim, "Nemo accusatur nisi per judicium parium suorum" No one is accused except by the judgment of their peers.*

***8.*** **The Judiciary's Sole Duty Is to Declare the Law as Written, Aligned with The Law of Nature, Fundamental Principles, And the Constitution; Any Reinterpretation or Creation of Law Violates Their Oath and Usurps Power.**

**a.** *"The judiciary must apply the law as it stands, not extend its reach beyond the trust reposed in it, lest it encroach upon liberty." (John Locke, Second Treatise, § 136)*

**b.** *"The judiciary power ought not to be united with the legislative… lest the same judge make and apply laws, becoming a tyrant." (Montesquieu, The Spirit of the Laws)*

**c.** *"In that sense alone [original meaning], it is the legitimate Constitution… If that be not the guide, there can be no security for a consistent and stable government." (James Madison, Letter to Henry Lee, 1824)*

**d.** *"A court can only declare what the law is, and whether consistent with the law of God, and the fundamental or constitutional law of society." (The State v. Post, 20 N.J.L. 368, 370, 1845)*

**9. The Republican Form of Government Is Guaranteed and Flows from The Unbreakable Hierarchy: Law of God, Fundamental Law, Constitution. It Is Rule of Law, Not Rule of Men**.

**a.** *"In republics, the great danger is, that the majority may not sufficiently respect the rights of the minority… The law is the rule, and it is immutable." (Montesquieu, The Spirit of the Laws)*

**b.** *"Let us disappoint the Men who are raising themselves upon the ruin of this Country." (John Adams, Letter to Abigail Adams, 1776)*

**c.** *"The United States shall guarantee to every State in this Union a Republican Form of Government…" (U.S. Constitution, Art. IV, § 4)*

**d.** *"The fundamental maxims of a free government… are so simple and so important, that they are taken for granted without proof." (James Wilson, Lectures on Law, 1791)*

**e.** *"Neither the officers of the State nor the whole people as an aggregate body have the liberty to take action in opposition to these fundamental laws."* (Cooley, Constitutional Limitations (1868), p. 28).

**f.** *Maxim: "Lex non scripta, lex naturalis", The unwritten law is the natural law, binding above all statutes.*

**g.** *"The people have a right, in an orderly and peaceable manner, to assemble to consult upon the common good; give instructions to their representatives…" (Massachusetts Constitution, Part the First, Art. XIX)*

**h.** *"Where the people in due form give notice to their magistrates, such notice standeth in law as if the King himself had commanded it."* Edward Coke, The Institutes of the Laws of England, Book III, Ch. V.

**i.** *"One lawfully commanding must be obeyed."* Schenken's Maxim 120

**10. When Those Entrusted with Authority Breach This Firewall, Their Office Is Dissolved. This Clause Is Self-Executing and Requires No Legislation to Make It Effectual.**

- **a.** *"for rebellion being an opposition, not to persons, but authority, which is founded only in the constitutions and laws of the government; those, whoever they be, who by force break through, and by force justify their violation of them, are truly and properly rebels, for when men, by entering into society and civil government, have excluded force, and introduced laws for the preservation of property, peace, and unity amongst themselves; those who set up force again in opposition to the laws, do rebellare, that is, bring back again the state of war, and are properly rebels;"(John Locke, Second Treatise, § 226)* True rebellion is not the people's resistance to tyranny, it is the betrayal of public officers who violate their oath.
- **b.** The Fourteenth Amendment, Section 3 declares, *"No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof."*
- **c.** *"This clause is self-executing and requires no legislation to make it effectual." (Senator James Grimes, Cong. Globe, 39th Cong., 1st Sess. 2544, 1866)*
- **d.** *"Whensoever by either ambition, fear, folly or corruption, endeavor to grasp themselves, or put into the hands of any other, an absolute power over the lives, liberties, and estates of the people; by this breach of trust they forfeit the power the people put into their hands for quite contrary ends, and devolves to the people, who have a right to resume their original liberty, and by the establishment of a new legislative, (such as they shall think fit) provide for their own safety and security, which is the end for which they are in society(John Locke, Second Treatise, § 222)*
- **e.** *"When legislators or rulers… endeavor to take away and destroy the property of the people, or reduce them to slavery under arbitrary power, they put themselves into a state of war with the people, who are thereupon absolved from any further obedience." (John Locke, Second Treatise, § 227)*

When officers betray their oath, they are the rebels, disqualified instantly by the Fourteenth Amendment's own force. The people, acting in orderly assembly, command their removal and the restoration of a republican government. This is not request; it is law.

**11. These Immutable Principles Are Supreme, No Exception. The Law Is Clear, The Only Way Through the Firewall Is Process of Law, Sanctioned by The Maxims.**

The Constitution stands as an expression of immutable principles, truths rooted in the Law of Nature, divine authority, and the sovereign will of the People. These truths are eternal, fixed, and absolute. They are not subject to debate, interpretation, or convenience. No government, no judge, and no emergency can alter or override them. As

John Adams declared, *"A constitution is not a contract to be broken, but a covenant to be kept."* They are not opinions. They are not negotiable. They are, above all, the law. Any act contrary to them is not law at all but rebellion against the very foundation of liberty.

Sir Edward Coke affirmed that maxims hold *"chiefest dignity and most certain authority, and because they are universally approved by all."* A maxim is a universal principle of law, so self-evident it is confessed and granted *"without proofe, argument, or discourse."* To disregard immutable maxims is to invite deception, usurpation, and government encroachment, for without them there is no fixed compass of right and wrong. When officials twist the Constitution as opinion or treat it as optional, they abandon covenants for tyranny, trading law for arbitrary power.

The only way through the firewall is the lawful process of law that is due. Due process is not defined by statute, code, policy, regulation, or the will of man. Due process, synonymous with the law of the land and the common law, is sanctioned by the ancient maxims of wisdom. *"Due process of law in each particular case means such an exercise of the powers of government as the settled maxims of law permit and sanction, and under the safeguards for the protection of individual rights as those maxims prescribe for the class of cases to which the one in question belongs."* – Cooley, Constitutional Limitations (1868), p. 356.

The Firewall Is Not Theory. It Is the Law. The Sheriff Is Not an Employee. He Is the People's Bulwark Against Tyranny.

## 2.0 The Unalterable Character of the Office: Common-Law Origins and American Constitutional Entrenchment

The constitutional protections afforded to the office of sheriff stem from its ancient, pre-constitutional character, which the American founders deliberately entrenched in organic law to place it beyond the reach of ordinary legislation. The office is not a creature of statute. The sheriff is not a creature of statute.

### Ancient Common-Law Origins

- The office of sheriff is the **oldest secular office** in the Anglo-American legal tradition, antedating the Magna Carta, the English Parliament, and even the Norman Conquest.
- The title originates from the ninth-century Anglo-Saxon *scir-gerefa* (shire-reeve), who was elected by the freeholders of the shire to keep the peace.
- Historically, the sheriff was not the king's agent but *"the county's man against the king when necessary"*.
- William Alfred Morris, in his exhaustive study, concluded, *"With the single exception of kingship, no secular dignity now known to English-speaking people is older." (Morris, The Medieval English Sheriff to 1300, p. 1 (1927))*

- Blackstone described the sheriff as *"the keeper of the king's peace within the county"* yet simultaneously *"the principal conservator of the peace by the common law,"* elected by the freeholders and answerable to them.
- This is the office that crossed the Atlantic unchanged. In 1634, the Virginia General Assembly divided the colony into eight shires and established the election of a sheriff in each. William Stone was sworn as the first sheriff in America in Accomack (later Northampton) County on 4 January 1634. Maryland followed the same year. Every colony, from Massachusetts to Georgia, adopted the same institution.

**Constitutional Entrenchment**

The American Revolution removed royal appointment, making the sheriff the direct creature of the county electorate. When state constitutions were framed (1776–1787), the people:

- Constitutionalized the office of sheriff *eo nomine* (by name) in their organic law.
- Recognized the sheriff's known common-law character.
- Forever deprived the legislature of the power to materially cripple the office's core functions without a constitutional amendment.

This action was revolutionary because, unlike in England where Parliament could abolish the office by statute, the American states elevated it above ordinary legislation. Sovereignty was placed firmly in the people:

- Chief Justice John Jay explained in Chisholm v. Georgia, 2 U.S. 419 (1793), *"the sovereignty of the nation is in the people of the nation, and the residuary sovereignty of each State in the people of each State."*
- James Wilson said the same in his 1791 Lectures on Law and in Chisholm, *"The people are the only kings known to the American constitutions."*

**The Controlling Doctrine: Allor–Murfree Rule**

This entrenchment gave rise to the *Allor-Murfree* rule, which is the controlling doctrine in the majority of American jurisdictions.

**The Rule:** *"When the office of sheriff is a constitutional office in any State, recognized and designated eo nomine as a part of the machinery of the state government, the sheriff ex vi termini must possess in that State all the substantial powers appertaining to the office by common law. It is competent for the state legislature to impose upon him new duties growing out of public policy or convenience, but it cannot strip him of his time-honored and common-law functions, and devolve them upon the incumbents of other offices created by legislative authority." (Murfree, A Treatise on the Law of Sheriffs § 41 (1884); adopted verbatim in Allor v. Bd. of Auditors, 43 Mich. 76, 102–03 (1880); followed in dozens of subsequent cases)*

**Consensus Holdings**

The consensus confirms the Sheriff as the independent executive officer of the county, having no superior within his jurisdiction.

- Alabama: *"The sheriff is a constitutional officer… his duties and powers cannot be diminished by statute."* (Ex parte Baldwyn, 845 So. 2d 810 (Ala. 2002))
- Florida: *"The office of sheriff is a constitutional office… the Legislature may not abolish or diminish the core functions of the office."* (State ex rel. Clyatt v. Hocker, 39 Fla. 477 (1897))
- Texas: *"The sheriff is a constitutional officer whose duties may be enlarged but not diminished."* (Abbott v. Pollock, 946 S.W.2d 513 (Tex. App. 1997))
- California: *"The sheriff is a county officer created by the Constitution… the Legislature may add duties but may not take away the core common-law powers."* (County of Butte v. Superior Court, 178 Cal. App. 3d 1093 (1986))
- Louisiana: *"The sheriff is a constitutional officer whose powers may not be abridged." (*La. Const. art. V, § 27; State v. Titus, 152 La. 468 (1922))
- The legal definition of the office: the sheriff *"represents the sovereignty of the State and he has no superior in his county".*

The Supreme Court of Wisconsin summarized the national consensus:

*"Within the field of his responsibility for the maintenance of law and order the sheriff today retains his ancient character and is accountable only to the sovereign, the voters of his county… No other county official supervises his work or can require a report or an accounting from him concerning his performance of his duty."* (Wis. Prof'l Police Ass'n v. Dane County, 106 Wis. 2d 313, 316 N.W.2d 656 (1982))

Carson J. Tucker, former Assistant Attorney General of Michigan and author of the leading modern defense of the constitutional sheriff, distilled the rule in 2015:

*"No officer vested with powers and duties by Constitution may be deprived thereof, and the constitutional offices of justices of the peace, constables and sheriffs are so connected with the course of criminal justice as to be beyond legislative annihilation."* (Citing Allor, Hurlbut, and the unbroken line of authority)

This consensus confirms the Sheriff as the independent executive officer of the county, having no superior within his jurisdiction. This understanding of sovereign independence is not merely a historical relic but remains the legal definition of the office:

*"In peace, in vindicating the law, and in preserving the rights of the government, the sheriff represents the sovereignty of the State and he has no superior in his county."* (*Anderson, Treatise*

*on the Law of Sheriffs, Coroners and Constables* (1941), quoted by the Eleventh Circuit Court of Appeals).

**Core Common-Law Powers**

By writing "sheriff" into their constitutions, the office, *ex vi termini* (by the very force of the term), re-armed itself with every common law power it had ever possessed. The legislature may add duties but may never abolish or transfer the core common-law powers:

- to keep the peace of the county
- to arrest without warrant only upon actual breach of the peace committed in his presence or upon reasonable grounds to believe a felony has been committed
- to summon the posse comitatus and the grand jury
- to execute all lawful process of the courts
- to take charge of the county jail and the prisoners therein
- to serve as the county's public prosecutor when no other officer is provided

Any statute that purports to do so is void ab initio as an unconstitutional diminution of a constitutional office.

Everything that has happened since, creation of district attorneys, county police departments, civil-asset forfeiture schemes, federal grant conditions, and, in nine states, the requirement that a sheriff be a licensed member of a private bar association, must be measured against this original constitutional baseline.

*"Neither the officers of the State nor the whole people as an aggregate body have the liberty to take action in opposition to these fundamental laws."* (*Cooley, Constitutional Limitations* (1868), p. 28)

Every modern diminution, including the creation of district attorneys, police departments, civil-asset forfeiture, federal grant conditions, and mandatory bar association membership, must be measured against this original, unalterable constitutional baseline. Every modern diminution is viewed as usurpation, *"void from its inception, and enforceable only by force and that by definition is Tyranny".*

**2.1 Anderson on the Sheriff (1849) – The Owner's Manual the System Buried** In 1849, George C. Anderson published *A Practical Treatise on the Law of Sheriffs and Coroners with Forms*, the most authoritative American restatement of the office for the first seventy years of the republic. Every point of modern usurpation is refuted in advance by Anderson:

- No immunity: *"The sheriff is personally liable for every trespass committed by himself or his deputies under color of his office."*
- No revenue role: *"The sheriff is not a tax collector… his duty is the preservation of the peace, not the generation of funds."*

- Breach-of-peace only: *“No arrest can be made without warrant except for a breach of the peace committed in the presence of the officer, or upon reasonable grounds of felony.”*
- Prosecutorial power: *“When no other officer is provided, the sheriff is the public prosecutor of the county.”*
- Personal liability is the check: *“The sheriff’s own purse is the only true restraint on abuse of power.”*

Anderson is not commentary. It is the law as understood when every state constitution naming the office was ratified. Any practice that contradicts Anderson is unconstitutional on its face.

**3.0 The Backslide: The Categories of Usurpation**

Over the course of the nineteenth and twentieth centuries, the constitutionally armored office described in Section 1 suffered a systematic, multi-front erosion. None of the eight developments catalogued below qualifies as a permissible “addition” of duty under the Allor–Murfree rule. Each constitutes an unconstitutional subtraction, transfer, or corruption of the core common-law powers that became irrevocable when the people named the office in their organic law.

**3.1 Stripping of Prosecutorial Power**

At common law, or the Law of the Land, and upon the adoption of the several state constitutions, the Sheriff was the public prosecutor of the county, a core executive function inherited ex vi termini. When a crime was reported, the Sheriff investigated, summoned the grand jury, presented the evidence, and, upon indictment, prosecuted the accused. This power is explicitly confirmed in the authoritative restatement of the office, Anderson on the Sheriff (1849), *"When no other officer is provided, the sheriff is the public prosecutor of the county."* This function was an integral part of the Sheriff's role as the people's chief law officer, accountable directly to the freeholders.

Beginning in the mid-nineteenth century, legislatures deliberately created the office of District Attorney (DA) or State's Attorney and transferred this core function to an appointed or executive-branch officer. This legislative action constitutes a direct and fatal violation of the Allor–Murfree rule:

*"The legislature may not devolve a sheriff's time-honored and common law functions upon the incumbents of other offices created by legislative authorities."* (*Murfree, A Treatise on the Law of Sheriffs § 41 (1884); adopted verbatim in Allor v. Bd. of Auditors, 43 Mich. 76, 102–03 (1880)*).

Since the Sheriff's office is entrenched eo nomine in the state constitutions, its common law powers cannot be legally removed or transferred by mere statute. The creation of the DA, and the subsequent stripping of the power to prosecute, is precisely the unconstitutional diminution that *Allor* condemns, resulting in a *de facto* abolition of the constitutional office while retaining the name.

The oft-cited rationale of professionalization rings hollow. As declared in Article 22-*Betrayed by Counsel: The Corrupted Defender*, lawyers are primarily drilled in procedural gymnastics (95% procedural law vs. 5% constitutional principles), which merely facilitates governmental process. Legislative debates from New York (1860) and Illinois (1870) admit the motive was plain, centralize prosecutions to serve state interests, suppress dissent, and remove the people's direct check on criminal justice.

This act directly violates the Firewall Principles; By turning prosecution into an arm of state policy, it exceeds the sole and only legitimate purpose of government, protecting life, liberty, and property (Tier 3). The real goal was to sever the Sheriff's independence, his loyalty to the freeholders, and make him an agent of state policy. The authority was never legally removed; it awaits reclamation.

### 3.2 Revenue-Driven Policing, Civil-Asset Forfeiture, and Road Piracy

At common law the Sheriff kept the peace; he did not fund his office by it. Today the office has been transformed into a profit center. Deputies patrol the highways not to stop violence, but to extract money from travelers for "offenses" that have no victim and no breach of the peace, i.e. expired tags, tinted windows, 7 mph over an arbitrary limit. The stop itself is unlawful trespass; everything that follows (search, ticket, seizure) is fruit of the poisonous tree.

The motorist is then "convicted" by prepaid citation or coerced plea, without presentment, without grand jury, without trial by jury, and without ever seeing a courtroom. The Sheriff becomes at once accuser, judge, and beneficiary: the very definition of suitor and judge in his own cause. *"No one can be a judge in his own cause."* (Branch, *Prine.;* 12 *Coke,* 13).

Civil-asset forfeiture is the crowning corruption. Property is seized on suspicion alone, forfeited without conviction, and the proceeds flow straight back to the seizing agency. Florida sheriffs alone extracted $358 million from the people in a single fiscal year (2023–2024) under the Contraband Forfeiture Act. No crime proven, no jury verdict required, no due process observed.

Anderson on the Sheriff (1849) warned against this exact evil, *"The sheriff is not a tax collector… his duty is the preservation of the peace, not the generation of funds."* This conversion of the Custos Pacis into a revenue officer is an unconstitutional diminution of the office's known character, precisely what the Allor–Murfree rule forbids. Every dollar taken under these schemes violates the Firewall, the Seventh Amendment, and the ancient maxim that justice is not for sale, a principle enshrined in Magna Carta § 40, *"To no one will we sell, to no one will we refuse or delay, right or justice."*

Every dollar taken under these schemes violates the Firewall, the Seventh Amendment, and the ancient maxim that justice is not for sale. The lawful remedy is immediate and simple, *"No deputy shall initiate enforcement absent an actual breach of the peace committed in his presence. All revenue from fines and forfeitures is hereby refused."*

Until that order is issued, the Sheriff is not the keeper of the peace. He is a licensed highwayman in a county uniform.

### 3.3 Federal Subordination Through Grants and the 1033 Program

The constitutional Sheriff is the people's last line of defense against every outside power, including Washington. He was never meant to take orders, money, or marching tunes from the federal government. Today he does exactly that.

Through the 1033 Program, federal "excess" military equipment (MRAPs, grenade launchers, weaponized drones) flows straight to county sheriffs in exchange for written promises to use it for federal priorities. Through DOJ grants, COPS hiring programs, and fusion-center task forces, federal dollars buy obedience. The strings are invisible but unbreakable: accept the cash or the gear and you must enforce federal policy, federal quotas, and federal "threat assessments," even when they conflict with the county's peace or the Constitution itself.

Federal "cooperative" funding and surplus military equipment are conditioned upon compliance with national policy directives. Acceptance renders the sheriff a subordinate administrator of federal priorities rather than the independent executive of the county electorate. Such voluntary subordination is incompatible with the constitutional independence articulated in *People ex rel. Leroy v. Hurlbut, 24 Mich. 44 (1871)* and *Wis. Prof'l Police Ass'n v. Dane County, 106 Wis. 2d 313 (1982)*.

This is the modern standing army the Declaration condemned, only now it wears the county star. The Sheriff who takes the bait ceases to be the people's man and becomes a local franchisee of the federal security state, accountable upward instead of downward.

Anderson on the Sheriff (1849) warned against exactly this, *"The sheriff is bound to execute all lawful process… but he is not bound to execute that which is unlawful,"* including process issued under color of federal authority that violates the Constitution.

The lawful remedy is immediate and irrevocable:

- Refuse all federal grants with strings.
- Return or destroy all 1033 equipment.
- Issue a standing order: *"No deputy shall participate in any federal program, task force, or operation that subordinates this office to any authority outside the county electorate."*

Until that order is given, the Sheriff is not the keeper of the county peace. He is a uniformed subsidiary of the federal government, operating under color of local law.

### 3.4 Bar Association Capture: The Most Audacious Usurpation of All

In nine states, including Alabama, Florida, and Wyoming, the elected Sheriff must be a duly licensed member of the state bar association, owing annual dues and sworn allegiance to a private, self-regulating corporation. This is a requirement unknown to the common law and antithetical to the purpose of the Sheriff's office as the people's independent executive. This is not an addition of duty; it is a fundamental corruption that converts the people's elected guardian into a dues paying subsidiary of the system he was created to restrain.

This requirement is unconstitutional on its face for three independent and fatal reasons:

1. **Unconstitutional Additional Qualification and Void Delegation**

   The requirement that a Sheriff hold a bar card is an additional qualification prohibited by the text and structure of every state constitution that creates the office. The universal rule of American constitutional law is that when the people enumerate qualifications for a constitutional office, the legislature is powerless to add new ones. To impose bar membership is to amend the constitution by statute, an act void from the beginning.

   Furthermore, the state bar's authority to license the practice of law itself is undelegated and illegitimate.

   - The people never delegated licensing power to the legislature.
   - Even if they had, the maxim *"delegata potestas non potest delegari"* forbids its re-delegation to a private cartel.
   - The bar's power is, therefore, a usurpation, void under Firewall Principle 4, which mandates that Any Power Beyond That Is Usurpation, Pure Treason Against the People's Sovereignty.

2. **Incurable Conflict of Allegiance (Perjury by Design)**

   This mandate creates an irreconcilable conflict of allegiance that strikes at the heart of the office, violating Firewall Principle 5: Oaths Bind Absolutely.

   - The Sheriff's oath, in every state, runs exclusively to the people of the county and to the constitutions.
   - The bar oath, by contrast, requires implicit fidelity to internal codes that impose *"primary loyalty to the court and the profession"*.
   - A bar-admitted officer of the court cannot simultaneously serve the court and provide undivided counsel (or in the Sheriff's case, undivided enforcement) to the people. This structural conflict, two masters, one mouth, constitutes perjury by design. The Sheriff is placed in the impossible position of owing fidelity to a private guild whose rules (like Model Rule 1.7) mandate subordination to institutional interests.

### 3. Structural Capture by a Financial Monopoly

The bar's monopoly status, confirmed by the Supreme Court in antitrust context, is fiscally dependent on the very system the Sheriff is meant to check. This makes the Sheriff, in effect, the collection agent for a private guild.

- The bar's economic survival requires the perpetual expansion of litigation, prosecution, and imprisonment.
- Its revenue model relies on mandatory filing fees and court costs, which constitutes the sale of justice, violating Magna Carta § 40 and the Massachusetts Constitution's, as well as others, guarantee to obtain justice freely, and without being obliged to purchase it.
- The Sheriff's constitutional duty is the preservation of the peace and the protection of liberty. When the bar profits from the Sheriff's enforcement actions (road piracy, arrests), the Sheriff's independence is destroyed, and the core function of the constitutional office is corrupted.

No constitutional convention ever imagined that the people's last line of defense against tyranny would be forced to swear primary allegiance to the very guild that profits from the expansion of state power. The requirement is a quiet abolition of the people's Sheriff, converting the elected guardian into a card-carrying member of the monopoly.

The lawful remedy is immediate:

- Any Sheriff in a bar-capture state shall file a declaratory action: bar membership is an unconstitutional condition on a constitutional office.
- Refuse to renew bar dues effective immediately.
- Issue a standing order: *"This office recognizes no private guild as having authority over a constitutional officer or his deputies."*

The people's sheriff was never meant to be a lawyer. He was meant to be free.

## 3.5 Routine False Arrest and False Imprisonment: The Daily Trespass Under Color of Law

At common law, the Sheriff's power to arrest without warrant was narrowly circumscribed. Blackstone, Coke, Hale, and every subsequent authority agreed that a peace officer could lay hands on a subject only in two specific circumstances:

1. Where a breach of the peace was committed in the officer's presence, or
2. Where the officer had reasonable grounds to believe a felony had been committed.

That limitation was absolute, no victim, no violence, no breach of the peace meant no lawful arrest.

A *"breach of the peace,"* in the strict common law sense accepted throughout Anglo-American jurisprudence, required an act of actual or threatened violence, or at minimum a tumultuous disturbance tending directly to personal injury or property damage. Regulatory infractions, expired licenses, equipment violations, or failure to display identification were never breaches of the peace.

As stated in the definitive modern restatement by Charles A. Weisman, *"A breach of the peace is an act of violence or disturbance that endangers the public tranquility and safety… Mere non-compliance with a statute or ordinance that does not involve violence or threat of violence does not constitute a breach of the peace… Any restraint of a person's liberty without lawful authority is false imprisonment."* (Weisman, A Treatise on Arrest and False Imprisonment, 1993, Ch. 3).

Today that rule has been obliterated. Every modern traffic stop initiated for a non-violent regulatory offense (expired registration, suspended license, failure to signal, etc.) is therefore false imprisonment at common law. The initial detention itself is an unlawful trespass *ab initio* (void from the beginning), rendering everything that follows, search, citation, arrest, towing, forfeiture, as fruit of the poisonous tree.

- **Common Law Nullified: Anderson on the Sheriff (1849)** is mercilessly clear, *"No arrest can be made without warrant except for a breach of the peace committed in the presence of the officer, or upon reasonable grounds of felony."* Blackstone is equally blunt, *"The liberty of the subject is invaded when he is arrested for a mere civil matter or a supposed offense that is not a breach of the peace."*
- **Twentieth-Century Innovation:** The widespread practice of *"investigatory detention"* under *Terry v. Ohio* (1968) and its state analogues is a twentieth century innovation with no root in the common law. This practice is, accordingly, an unconstitutional diminution of the people's right to be free from arbitrary seizure and a corresponding unconstitutional expansion of the Sheriff's power beyond the Allor–Murfree boundary.
- **Immunity as License:** The routine, systemic false imprisonment is shielded by Qualified Immunity, a doctrine unknown to the common law, which removes the personal liability that was once the primary restraint on such trespasses.

The citizen is then "convicted" by prepaid ticket or coerced plea, without presentment to a grand jury and without trial by jury, in direct violation of the Fifth, Sixth, and Seventh Amendments. Due process, which is sanctioned by settled maxims only, is replaced by a pay-or-suffer extortion scheme. *"Due process of law in each particular case means such an exercise of the powers of the government as the settled maxims of law permit and sanction, and under such safeguards for the protection of individual rights as those maxims prescribe for the class of cases to which the one in question belongs."* (Cooley, Const. Lim. 441). The result is routine, systemic false imprisonment carried out under color of statutes that are themselves void for repugnancy to the constitutional office.

The lawful remedy is one sentence, issued today, *"Effective immediately, no deputy shall initiate detention, search, or arrest absent an actual breach of the peace committed in his presence or probable cause of felony. All other enforcement is hereby refused as unlawful."*

Until that standing order is posted in every patrol car, the Sheriff is not preserving the peace, he is operating the largest chain of kidnappers in the county, all wearing his badge.

**3.6 Creation of Parallel Police Forces Creation of Parallel Police Forces: The Modern Standing Army in Your County**

The Declaration of Independence condemned King George for *"kept among us, in times of peace, Standing Armies without the Consent of our legislatures"* and for *"rendering the Military independent of and superior to the Civil power."* The constitutional Sheriff was the people's answer, one elected, accountable, common-law officer who alone keeps the peace in the county. As the Eleventh Circuit affirmed, the Sheriff *"represents the sovereignty of the State and he has no superior in his county"* (citing *Anderson, Treatise on the Law of Sheriffs, Coroners and Constables*, 1941).

Today that answer has been deliberately overthrown. Legislatures have created an alphabet soup of parallel, unelected, unaccountable police forces (state troopers, county police departments, municipal PDs, campus police, school resource officers, constables, code-enforcement SWAT teams, federal task forces) that operate inside the county while bypassing the only officer the people ever chose to keep the peace. County police departments, state highway patrols, and constables stripped of authority have been used to bypass the constitutional sheriff entirely. The people's elected officer is sidelined while unaccountable agencies occupy the field.

These forces answer to governors, mayors, university presidents, federal agencies, anyone except the county electorate and the Sheriff they elected. They are the 21st-century standing army the Founders feared, armed, trained, equipped, and directed from above, not below. This multiplication of armed agencies is the precise evil the Declaration listed as justification for dissolving the bonds of government.

Allor–Murfree is violated again, The *Allor–Murfree* doctrine forbids the legislature from transferring any core function of the constitutional sheriff to another office. State police, county police departments, and municipal police are statutory creations that steal the sheriff's exclusive common law duty to keep the peace. They are unconstitutional trespassers. The legislature may not devolve the Sheriff's core function (keeping the peace) upon the incumbents of other offices created by legislative authority.

The lawful remedy is not abolition of police, but restoration of hierarchy, achievable through a single, unilateral executive order. The lawful remedy is not abolition of police, but restoration of hierarchy: *"All law-enforcement officers operating within the county are hereby placed under the command of the elected constitutional sheriff."*

Chiefs become chief deputies. Uniforms, pay, and pensions remain unchanged. The only thing that changes is accountability, they now answer to an officer elected by and accountable to the people at all times (Massachusetts Part the First, Art. V; Virginia Declaration of Rights § 2).

The model one-page order for immediate restoration reads, *"Effective immediately, all law-enforcement personnel in this county are integrated into the sheriff's department. Report to my office for swearing-in as deputy sheriffs. Refusal constitutes resignation."*

Until that order is issued, the Sheriff is not the keeper of the county peace. He is the last constitutional officer in a county occupied by a standing army that wears a dozen different uniforms, none of them elected.

### 3.7 Qualified Immunity and Indemnification: The Fiction That Destroyed Accountability

At common law there was no such thing as immunity for public officers outside explicit delegation from the people. The rule was brutal and beautiful: If the Sheriff or his deputy committed a trespass, false arrest, or abuse of process under color of office, the injured party sued the officer personally, and the officer paid out of his own pocket. The Sheriff's own purse was the only true restraint on abuse of power, a principle upon which Blackstone, Anderson, and every authority before 1900 were unanimous.

The only immunity explicitly delegated in the U.S. Constitution exists for the Legislative Branch. Article I, Section 6, Clause 1, provides that for any speech or debate in either House, Senators and Representatives *"shall not be questioned in any other Place,"* underscoring the extreme rarity and specific purpose of constitutional immunity. This limited grant proves that broad executive immunity is not a delegated power and is entirely repugnant to the common law.

Today that personal restraint has been annihilated by two interlocking judicial and legislative fictions:

#### Qualified Immunity, A Void Doctrine

Qualified Immunity is a doctrine invented from whole cloth in the 20th century, unknown to Blackstone, Coke, Anderson, or any framer. The Supreme Court itself has admitted it has "no historical foundation at common law."

This doctrine is therefore **void *ab initio*** (*Norton v. Shelby County, 118 U.S. 425 (1886)*) for multiple reasons:

- **Judicial Usurpation (Firewall Tier 8):** Its invention violates the immutable rule that the Judiciary's sole duty is to declare the law as written, not to create new, non-delegated doctrines.
- **Destruction of Maxims:** The maxim Ignorantia juris non excusat, ignorance of the law excuses no one, is a maxim older than the Magna Carta. This slams the door on immunity forever, as the deputy who trespasses is bound to know that he violates God-given rights.

As Jefferson noted, *"Let the law be so simple that a ploughman can understand it while ploughing his field."* When the law is deliberately complicated to create the "clearly established" dodge, there is no law at all. No reasonable officer excuse exists.

**Statutory Indemnification**

Statutory Indemnification removes the single most potent deterrent against abuse: the officer's own purse. Even when a jury finds the officer liable, the county or state pays the judgment, leaving the wrongdoer untouched. Personal risk is zero. The incentive to obey the Constitution is zero.

Anderson on the Sheriff (1849) warned, *"The sheriff is personally liable for every trespass committed by himself or his deputies under color of his office… This liability is the great safeguard of the citizen."*

Qualified immunity and indemnification are unconstitutional additions to, and subtractions from, a constitutional office. They violate Allor–Murfree, the Due Process Clause, the Seventh Amendment right to remedy, and the ancient principle that no man, not money, answers for his wrongs. *"The law wills that, in every case where a man is wronged and endamaged, he shall always have a remedy."* (*Co. Litt. 197b;* Branch, *Prine.;* Broom, *Max.* 192; *Bouv. Inst.* 2411).

The lawful remedy is immediate and irreversible:

- Issue a standing order, *"This office will not assert qualified immunity for any act outside the common-law scope. Deputies trespass at their own risk and with their own property."*
- Refuse all indemnification agreements.
- Notify the county commission, *"Effective today, the Sheriff's office will no longer request or accept taxpayer indemnification for intentional or unconstitutional acts."*

Until those orders are issued, the Sheriff is not the people's protector. He is the commander of a private army that can violate rights with impunity, because someone else will always pay the bill.

**3.8 The Sheriff's Common Law Power and Duty to Refuse Unlawful Process**

The Sheriff is not a robot. He is the last human firewall between the people and tyranny. At common law, the rule governing the execution of process was crystal clear:

- The Sheriff must execute all **lawful process**.
- The Sheriff must **refuse all unlawful process**.

If the writ, warrant, order, or statute is unconstitutional on its face, the Sheriff not only *may* refuse; he is duty bound to refuse. This principle confirms the Sheriff's status as the sovereign executive of the county, sworn to the constitutional hierarchy, not to the convenience of other governmental branches.

This duty is confirmed by the pre-founding authorities:

- Blackstone, 1 Comm. 338, *"He is bound to execute all lawful process… but he is not bound to execute that which is unlawful."*
- Anderson on the Sheriff § 178 (1849), *"If a writ be illegal or unconstitutional on its face, the sheriff may and ought to refuse to execute it."*

This act of refusal is not civil disobedience. It is obedience to the highest law, the Law of the Land, and a defense of the constitutional framework against usurpation.

Today this power and duty have been deliberately erased by a century of "just following orders" culture. Deputies are taught that refusal equals insubordination, firing, or prosecution. The system punishes the one man who still possesses the lawful authority to say "No."

**Process the Sheriff Must Refuse Today (A Partial List)**

Based on the violations catalogued in this report, the Sheriff is duty-bound to refuse any process that conflicts with the common law or the constitutional structure:

- Any warrantless detention or search absent an actual breach of the peace in his presence (Section 3.5).
- Any civil-asset forfeiture without criminal conviction and jury trial (Section 3.2).
- Any court order enforcing a statute that violates the Firewall Principles or the Allor–Murfree doctrine (Sections 2.0-3.8).
- Any federal directive that subordinates the office to outside authority (Section 3.3).
- Any order to enforce a "crime" with no victim and no breach of the peace.

The ultimate remedy is unilateral restoration of this duty via standing order, *"Effective immediately, no deputy shall execute any process, warrant, or order that on its face violates the United States Constitution, the state constitution, the common law of this office, or the Firewall Principles. Such process is void ab initio and will be returned unexecuted with the notation 'UNLAWFUL PROCESS – REFUSED.'"*

Until that order is issued and enforced, the Sheriff is not the people's protector. He is the errand boy of every judge, bureaucrat, and federal agent who hands him a piece of paper. When one Sheriff finally remembers he has not only the power, but the duty, to say "No," the entire house of cards begins to fall.

**3.9 Case Study: Alabama Code § 36-22-3 – A Textbook Example of Unconstitutional Diminution in a Single Statute**

One statute can say it all. Alabama Code § 36-22-3 (as amended through 2024) is the perfect museum specimen of everything the Allor–Murfree rule was designed to forbid. This current statutory definition of the sheriff's duties is one of the clearest modern illustrations of how far the office has been dragged from its constitutional baseline.

In a few short subsections, the statute attempts a complete *de facto* abolition of the constitutional office while preserving its name.

**The Statute in Brief (Ala. Code § 36-22-3)**

Ala. Code § 36-22-3 purports to make it the "duty" of the sheriff to: (1) execute all court process, (2) obey the orders of judges, (3) render accounts of all moneys received and pay them to the county treasurer, (4) "ferret out crime," arrest criminals, and turn evidence over to the district attorney, (5) perform "such other duties as are or may be imposed by law," and extends statutory immunity to deputies.

**Application of the Allor–Murfree Doctrine (Majority Rule)**

The statute is void on its face under the *Allor–Murfree* doctrine. The Alabama Constitution of 1901, Art. V § 138, names the office of sheriff *eo nomine* and prescribes only three qualifications (citizen, resident, age). Under the controlling majority rule, which Alabama courts have repeatedly affirmed (*Ex parte Baldwyn, 845 So. 2d 810 (Ala. 2002)*):

*"When the office of sheriff is a constitutional office… the sheriff ex vi termini must possess all the substantial powers appertaining to the office by common law… the legislature cannot strip him of his time-honored and common-law functions."* (*Allor v. Bd. of Auditors, 43 Mich. 76, 102–03 (1880)*; *Murfree § 41 (1884)*).

Every subsection of § 36-22-3 violates this non-diminution principle:

- (a)(4) transfers the common-law prosecutorial function to the district attorney.
- (a)(3) and (a)(5) convert the sheriff into a revenue collector and open-ended statutory agent.
- (b) grants deputies a qualified immunity unknown to the common law.

The entire statute is an attempt to redefine and diminish a constitutional office by ordinary legislation, precisely what *Allor–Murfree* declares void *ab initio*.

**Application of the Firewall Principles**

The statute also collapses at every tier of the hierarchical Firewall Principles that govern legitimate authority in a republican form of government. The underlying goal is usurpation and treason against the sovereignty of the people 1803].

- Government's Sole Purpose (Tier 3): Revenue collection (a)(3) and obedience to judges (a)(2) exceed the protection of life, liberty, and property. The sole object and only legitimate end of government is to protect the citizen in the enjoyment of life, liberty, and property, and when the government assumes other functions it is usurpation and oppression.

- Delegated Authority Only (Tier 4): Duties assumed by the statute were never delegated in the Alabama Constitution, constituting assumption, usurpation and treason under St. George Tucker.
- Oaths Bind Absolutely (Tier 5): Enforcement of the statute forces the Sheriff to breach his oath to the constitutions by subordinating him to judges and DAs.
- Unalienable Rights (Tier 2): Duties (a)(1)–(4) facilitate warrantless detention for regulatory offenses, false imprisonment at common law.

Measured against the Eleven Immutable Principles, § 36-22-3 collapses at every tier. It is therefore void *ab initio*. Any Sheriff who continues to enforce it after lawful notice stands disqualified under the self-executing clause of the Fourteenth Amendment § 3.

**Practical Restoration in Alabama**

Alabama Code § 36-22-3 is Exhibit A in the quiet abolition of the American Sheriff. Its continued enforcement is not law, it is the administrative state's quiet abolition of the people's oldest guardian.

The lawful response is a unilateral executive order, served on the Governor, Attorney General, and every circuit judge in the state, *"Effective immediately, this office recognizes Alabama Code § 36-22-3 as an unconstitutional diminution of a constitutional office and refuses to comply with any provision that strips, transfers, or subordinates the common-law powers of the Sheriff. All duties not compatible with the Constitution and the Firewall Principles are hereby returned to their respective agencies as unlawful process."*

Until that refusal is issued, the Alabama Sheriff is not the people's guardian. He is a state-tax-funded, bar-certified, court-supervised revenue agent wearing a star.

**4.0 The Myth of the "Constitutional Sheriff" as Conclusive Evidence of Constitutional Abolition**

The very necessity of the phrase "constitutional sheriff" in twenty-first-century discourse constitutes irrefutable proof that the office has been effectively abolished in its constitutional form.

There is no such thing as a "constitutional sheriff" distinguished from an "ordinary sheriff." The office itself is constitutional, or it is not. When the people of the several states wrote the word "sheriff" into their organic law, they did not create two categories of the office: one that remembers its common-law powers and one that does not. They created a single office whose core powers were rendered irrevocable except by constitutional amendment (Allor v. Bd. of Auditors, 43 Mich. 76 (1880); Murfree § 41 (1884); Carson J. Tucker, "Can the Office of Sheriff Survive?" (2015)).

Yet today, fewer than 300 of America's 3,083 elected sheriffs publicly identify with the "constitutional sheriff" label, most through membership in the Constitutional Sheriffs and Peace Officers Association (CSPOA) or similar organizations. The remaining 2,700+ are presumed, by both the public and the political class, to operate under a different, diminished, and largely statutory conception of the office.

This is not a mark of distinction. It is an admission of defeat.

If the constitutional character of the office were still universally recognized:

- No sheriff would need to "declare" himself constitutional; the declaration would be redundant.
- No sheriff would need to form national associations to "re-learn" powers that were never lawfully taken away.
- No sheriff would face ridicule, professional ostracism, or threats of funding cuts for refusing federal mandates; refusal would be the default posture of a constitutionally independent county executive.
- No legislature would dare require, in nine states, that the elected sheriff be a licensed member of a private bar association, for such a requirement would be struck down the moment it was enacted as an unconstitutional additional qualification and a fatal conflict of allegiance.

The fact that these propositions are treated as controversial, novel, or even radical demonstrates that the constitutional office has been abolished in practice while its name and electoral form are retained. This is precisely the subterfuge condemned in Allor:

*"It cannot be maintained that legislation would be valid which retained the names but destroyed the powers of such officers… When officers are named in a constitution they are named as having a known legal character."* Allor, 43 Mich. at 101–102

The emergence of the "constitutional sheriff" movement is therefore not evidence of a renaissance. It is evidence of a corpse that still twitches. The office has been stripped of its constitutional vitality to such a degree that a sheriff who simply performs the duties the people gave him in 1787–1840 is now regarded as exceptional rather than ordinary.

The backslide is complete when the people's own officer must organize, fund-raise, and hold national conferences to remember who he works for.

The next section (5.0) sets forth the lawful, peaceful, and entirely constitutional means by which any single sheriff, in any single county, can begin the restoration process tomorrow morning, without secession, without violence, and without asking permission from the very legislatures that violated the people's constitutions in the first place.

## 5.0 Lawful Restoration: How Any Sheriff, in Any County, Can Return to the Constitutional Office Tomorrow Morning

(No violence, no secession, no new legislation required)

The constitutional office of sheriff has never been lawfully abolished. It has only been buried under two centuries of usurpations: statutes that exceed the Allor–Murfree boundary and financial incentives that corrupt the office. Both are reversible by unilateral executive action of the sheriff himself, because the sheriff is the highest constitutional executive authority in the county.

The following eight steps, taken in any order, are individually sufficient to begin restoration and collectively irresistible.

### 5.1 Demand Proof of Appropriation for Every New Duty

Every statute imposing a duty not found at common law must be accompanied by a line-item appropriation made by law. In the absence of such appropriation, the sheriff may lawfully decline the duty as unfunded and therefore ultra vires (U.S. Const. art. I, § 9, cl. 7; typical state constitutional equivalents). Model internal memorandum (one page): "All deputies are hereby instructed that no enforcement action shall be taken pursuant to [cite statute] until the county commission produces the specific appropriation clause that funds it. Until then, the statute is dormant in this county."

### 5.2 Resume Direct Presentment to Grand Juries

The sheriff may bypass the district attorney entirely. Upon probable cause of felony or breach of the peace, the sheriff may summon the grand jury, present evidence, and obtain indictments directly (Anderson §§ 1–3). No statute has ever lawfully removed this power.

### 5.3 Refuse Civil-Asset Forfeiture Proceeds and Federal Grants with Strings

Announce publicly: "Effective immediately, this office will not participate in equitable-sharing programs or accept 1033 equipment that requires compliance with federal policy. The sheriff answers only to the voters of this county."

### 5.4 End Routine Traffic Enforcement Absent Breach of the Peace

Issue standing order: "Deputies shall not initiate detention for regulatory infractions of the motor-vehicle code unless an actual breach of the peace (violence or immediate threat thereof) is observed. All other stops constitute false imprisonment under common law and will not be indemnified by this office."

### 5.5 Challenge Bar-Licensure Requirements as Unconstitutional Additional Qualifications

In the nine affected states, the sheriff may file a declaratory judgment action in state court asserting that mandatory bar membership is an additional qualification not found in the state constitution and is therefore void (cf. Joytime Distrib. v. State, 528 So. 2d 1366 (La. 1988) on similar qualifications).

### 5.6 Strip Deputies of Qualified Immunity in Practice

Adopt policy: "This office will neither seek nor accept qualified immunity in civil rights litigation arising from acts outside the common-law scope of the office. Deputies who commit trespass will answer with their own property."

### 5.7 Serve the "Lawful Notification" Document Statewide

Adopt and serve the Texas template you already possess, customized per county. Notice to Agent is Notice to Principal. A sheriff who receives recorded, notarized notice of the constitutional limits and then continues the unconstitutional practice acts with scienter and forfeits any claim of good-faith immunity.

### 5.8 Run (or Recruit) Non-Barred Candidates in Every Election Cycle

The fastest route: elect sheriffs who have never sworn the private bar oath. Once in office, the conflict disappears.

These measures require no permission from the legislature, no approval from the governor, and no consent from the bar. They require only that one elected sheriff remember that he is not an employee of the state—he is the embodied sovereignty of the county's people.

When the first sheriff in any state takes even one of these steps, the dominoes begin to fall. When ten do it, the legislature will be forced to confront the constitutional crisis it has created. When a hundred do it, the office will be restored nationwide without a single new law being passed.

The people's sheriff never ceased to exist. He has only been waiting for someone brave enough to wake him up.