

# The Seattle Times

## Boosted by the pandemic, ‘constitutional sheriffs’ are a political force

Kimberly Kindy

November 2, 2021

As Mark Lomax campaigns for the top law enforcement position in Bucks County, Pennsylvania, there’s one question some voters keep asking: Will he be a “constitutional sheriff”?

The 62-year-old former state trooper has largely avoided the polarizing label, which refers to a movement of sheriffs who argue that their power to interpret the law is above any state or federal authority — even the president.

Lomax embraces the unique powers of elected sheriffs, who report directly to voters, unlike police chiefs, who are generally hired and fired at will by city councils. “You pretty much have no authority above you government-wise; you answer to the voters,” Lomax said, adding that despite this freedom he plans to be “a sheriff who enforces the laws.”

In dozens of races around the nation, answering that question has become a key campaign topic, as the constitutional sheriffs movement has capitalized on anger at pandemic restrictions. While it’s unclear exactly how many law enforcement officials embrace the ideology, one group that promotes it claims up to a 10th of the nation’s sheriffs as dues-paying members, and numerous candidates for sheriff now on the ballot echo its rhetoric.

The stakes go beyond local policing issues, as sheriffs who follow the ideology have refused to enforce mask mandates and several have announced plans to resist President Biden’s impending rule that all businesses with 100 or more workers must be fully vaccinated against the coronavirus or face weekly testing.

“We will not become the mandate police,” Knox County Sheriff Tom Spangler said at a news conference in Tennessee as he discussed his Oct. 25 letter to Biden calling the vaccine mandate “unconstitutional” and “government overreach.”

Supporters of the movement see their elected sheriffs as the last line of defense against unwanted local, state and federal regulations.

“They are very much in this ‘don’t tread on me’ world that sees the federal government as a very threatening force,” said Michael Zoorob, a fellow at Northeastern University’s Boston Area Research Initiative who studies sheriffs. “They see themselves as an institution that can stand in the way of encroachment of the federal government against communities.”

The constitutional sheriffs movement has gained momentum at a time when sheriffs are playing an outsize political role as lawmakers debate bills to overhaul policing in the wake of George Floyd’s murder.

In several states, local and state sheriffs’ associations threatened to pull their support for policing bills if lawmakers didn’t remove provisions that called for banning qualified immunity, a legal defense that provides broad protections for officers in civil lawsuits. And in Congress, sheriffs — who number about 3,000, compared with 13,000 appointed police chiefs — were given significant negotiating power on the George Floyd Justice in Policing Act when Sen. Tim Scott, R-S.C., said he would not sign off on legislation that was opposed by the National Sheriffs’ Association.

Ultimately, negotiations over the bill ended as the association demanded, among other things, that a federal fund be established — and financed by taxpayers — to pay any legal fees associated with civil judgments against officers and deputies, according to several groups involved in the negotiations.

“They effectively stopped the legislation,” said Jay Schweikert of the Cato Institute, a libertarian group that was a lead proponent of the policing changes. “They were essentially given veto power.”

Greg Champagne, who is sheriff in St. Charles Parish, Louisiana, said the organization’s main concerns were over provisions that might have blocked local law enforcement from qualifying for federal grants — something he said was akin to the defunding police. In a joint statement, the Fraternal Order of Police and the International Association of Chiefs of Police disputed that law enforcement would have suffered any financial hit from the bill, saying, “At no point did any legislative draft propose ‘defunding the police.’”

Champagne also rejected the narrative around the bill’s defeat. “Statements were made that the sheriffs single-handedly stopped police reform,” he said. “That’s absurd.”

Champagne, the association’s chairman of legal affairs, said that his organization and sheriffs in general have become more politically active, especially on Capitol Hill, because he believes the efforts to change policing were misguided and an attack on the profession.

“We have gotten more engaged in the national debate on issues involving police,” he said. “We also get requests from senators, you know, congressmen saying: ‘Please critique proposals. Tell us what is good about it. Tell us what’s bad about it.’ ... There’s nothing sinister in it.”

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The power that sheriffs have been able to amass comes in part from their ability to hold onto their jobs.

Police chiefs’ average tenures are just three years. For sheriffs, the average tenure is 11 years, according to an analysis by Zoorob of sheriff elections from 1958 to 2018.

Some sheriffs’ long reigns are legendary. Former Jefferson Parish, Louisiana, sheriff Harry Lee held the office for nearly 30 years and was famous for saying that he was “the closest thing there is to being a king in the U.S.”

In many states, sheriffs have the ability to raise unlimited campaign funds that can be transferred to other political candidates in the state, which extends their influence beyond their county borders. Unlike many police chiefs, sheriffs are often local celebrities who seek the limelight, routinely holding news conferences to announce, for instance, their decisions to defy government orders.