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By [Chip Brownlee](#) Nov 21, 2022

In Colorado Springs, Local Officials Resisted the State’s Red Flag Law

El Paso County, the site of the mass shooting at Club Q, is one of at least 37 Colorado counties that have declared themselves a “Second Amendment sanctuary” and openly defied the state’s gun laws.



The Colorado Springs shooting, in which a gunman killed five people and wounded more than a dozen at a queer nightclub on November 19, has already been framed as a failure of [red flag laws](#), policies designed to allow law enforcement to disarm people considered a clear risk to themselves or others.

But in this case, it appears a red flag order could have been used against the suspect — and local officials may have chosen not to.

Of 64 counties in the state, El Paso County, home to Colorado Springs, is one of at least [37 counties](#) that have declared themselves a “[Second Amendment sanctuary](#)” and openly defied the state’s gun laws. El Paso County’s commissioners [did so](#) in response to the state’s proposed red flag law in 2019.

“We’re not going to pursue these on our own,” El Paso County Sheriff Bill Elder [said](#) as the law was being debated in the state Legislature, “meaning the Sheriff’s Office is not going to run over and try to get a court order.” Elder has said that the Sheriff’s Office would enforce court orders, but that it wouldn’t pursue petitions on its own, except in some extreme circumstances.

Data suggests that Elder has been true to his word. In Colorado, red flag petitions can be filed by law enforcement, or a family or household member. An analysis of court records by 9News found that, between January 2020, when the law went into effect, and November 2021, just 39 risk protection order petitions were filed in El Paso County, the most populous county in the state, with more than 737,000 residents. Only eight of those petitions — or 21 percent — were granted.

None of the approved petitions were filed by law enforcement, the 9News analysis shows. Unlike most counties in the state, they were all initiated by family and household members.

Oftentimes, law enforcement are the people who are coming into contact with individuals who pose a danger to themselves or others,” said Allison Anderman, senior counsel and director of local policy at the Giffords Law Center to Prevent Gun Violence. “If they’re not using them, they’re going to be less effective.”

In the case of the Club Q shooting, the suspect — who was charged Monday with multiple murder and hate crimes charges — allegedly threatened in June 2021 to detonate a bomb and harm his mother with “multiple weapons.” He was arrested and charged with multiple felonies, although the charges were later dropped.

The suspect’s history made him an ideal candidate for a gun removal order under a red flag law. Yet he was never subject to one, and legally purchased the two guns he allegedly used in the shooting.

Colorado’s Extreme Risk Protection Orders law is not an automatic process and requires cooperation from local law enforcement and from the community members it aims to protect. Unlike other states that have removed guns from thousands of people deemed dangerous, as in Florida, Colorado’s state courts have issued relatively few risk protection orders.

Under Colorado law, for an order to be granted barring someone from possessing or purchasing firearms, a law enforcement official or agency, or a family or household member, must file a petition in court and show that a person is a risk to themselves or others. A judge can then grant a temporary risk protection order lasting up to 14 days, after which point they can grant a final extreme risk protection order lasting up to one year, though the order can be extended further if warranted.

But, according to its website the El Paso Sheriff’s Office will not petition for a red flag order except in some “exigent circumstances,” or if there is probable cause that a crime has been or will be committed. Elder has said that he believes the law violates the Fourth and Fourteenth Amendments.

“It is the policy of the Sheriff’s Office to respect and protect the constitutional rights of all those we serve,” reads a post on its website. “The El Paso County Sheriff’s Office will ensure that the rights of people to be free from unreasonable search and seizures, and to receive due process of law, are safeguarded and maintained.”

By contrast, in less populous Denver County to the north, law enforcement and family filed some 63 petitions, and judges issued a risk protection order in 79 percent of those cases. Of the 50 orders approved, 47 were filed by law enforcement.

Denver County’s statistics, unlike El Paso County’s, reflect a national trend, according to Anderman: Law enforcement officers and agencies are more likely to file and be granted a red flag petition, she said, in part because family members are often intimidated by the process of going to court, and in at least seven states, only law enforcement officials are allowed to petition for a red flag order.

But leaving the implementation of red flag laws to local, elected law enforcement officials like sheriffs allows politics to interfere. Unlike city or state police, county sheriffs are elected and, according to a national survey, many of them believe that gun laws go too far and, in several cases, have refused to implement them.

“There is a pattern of sheriffs trying to step in and proclaim their authority to both set policy, as well as enforce policy,” said Emily Farris, an associate professor of political science at Texas Christian University. Along with Mirya Holman, of Tulane University and the Marshall Project, [Farris surveyed more than 500 sheriffs](#) about their views of their authority. “They themselves feel that they get to interpret whether or not something is constitutional, and what their office is or is not going to do.”

Some states have taken steps to train law enforcement officials and residents on how to file red flag petitions. In New York, where a mass shooting at a supermarket in Buffalo prompted questions about the state's red flag law, Governor Kathy Hochul ordered State Police to file for red flag orders whenever they have probable cause. The directive, along with a new law passed by the state Legislature requiring all law enforcement agencies to increase their use of red flag orders, led to a substantial increase in red flag petitions.

While Hochul's order appears to have increased red flag applications among the agencies she can control, it may not affect county sheriffs. Governors can control state police, and city councils can control city police, but sheriffs offices lack that same oversight.

"Sheriffs have really been overlooked in their role in gun control because it's these kinds of laws, like red flag laws, that either involve law enforcement doing the petition, or rely on law enforcement's right to enforce the petition," Farris said. "So you can have this uneven enforcement even within one state because sheriffs are individually asserting themselves. It underscores the importance of paying attention to who your sheriff is. If they choose not to [enforce red flag laws], if they just disagree, there's very little oversight mechanisms to make them."

The sheriff in El Paso County is not the only local official who opposed the red flag law. Republican District Attorney Michael Hall, who assumed office in January 2021, took an even tougher stance against the law when campaigning for the office in 2020. "This law is a poor excuse to take people's guns and is not designed in any way to address real concrete mental health concerns," he wrote on Facebook in January of that year.

A month later, he went even further, writing that those living in his judicial district "can rest easy" knowing that the District Attorney's Office "will not participate in 'red flag' confiscation."



October 10, 2023

Constitutional Sheriffs Association Doubles Down on the Hate Group Associations

Sam Bushman, CEO of the Constitutional Sheriffs and Peace Officers Association (CSPOA), attended a barbecue this summer hosted by a known white nationalist. Bushman also guested on a radio show syndicated by his [online network](#) alongside a host who praised Hitler.

The July barbecue and radio appearance finished off a month when Bushman joined and promoted an event held by a neo-Confederate hate group in South Carolina featuring many who attended the deadly ["Unite the Right"](#) rally in Charlottesville, Virginia.

Bushman is a founding staff member of the CSPOA. Previously CSPOA's national operations director, Bushman became the organization's CEO on Nov. 1, 2022, when the group's founder, [Richard Mack](#), left the position. Mack became chair of the group's advisory board and maintained his roles as CSPOA's key spokesperson and law-enforcement trainer.

CSPOA tries to convince county sheriffs that they are the highest law enforcement authority in the country and have the power to decide which laws are constitutional, promoting the misconception that the nation's sheriffs have the power to pick and choose what laws will, or will not, be enforced in their counties. CSPOA often villainizes the federal government and dismisses the authority of the U.S. Supreme Court.

The group uses in-person events, an online television show, social media, books authored by Mack and law-enforcement training sessions held across the country to attract sheriffs and members of the public to its extreme belief system. On May 25, Texas [banned CSPOA](#) from offering “constitutional” training to law enforcement in the state.

The relationships between CSPOA leaders like Bushman and Mack with U.S. white supremacists are an unfortunate continuation of the racist origins of the [constitutional sheriff movement](#). The movement began in 1970 with [William Potter Gale](#), who developed the Posse Comitatus. Gale was a member of two conspiratorial extremist groups, the [John Birch Society](#) and the [Constitution Party](#).

Gale was [angry](#) about federal support for school integration, an issue he used to recruit like-minded individuals into opposing the federal government and its courts. He was also closely involved with the racist and antisemitic [Christian Identity theology](#), which espouses the belief that Caucasians are God’s chosen people while Jews are spawned by the devil.

Jews, according to Gale, were also part of a satanic conspiracy to destroy America. In 1982, Gale said live on the radio, “If a Jew comes near you, run a sword through him.”

Posse Comitatus, Latin for power or force of the county, was originally a British practice that allowed sheriffs to draft citizens into a posse that would assist them in enforcing the law. Gale exported and perverted the Posse Comitatus concept, making claims that U.S. counties were the only legitimate American government entities and U.S. sheriffs were the only legal law enforcement.

Gale declared that sheriffs had the power to call up private militias as a posse, and that those militias could remove federal officials from office or execute them. While displaying their racist beliefs and fighting the federal government, members of the Posse Comitatus threatened and committed acts of intimidation and violence including murder against farm workers, law enforcement and federal agents.

Starting in 2011, CSPOA renewed Gale’s version of the Posse Comitatus by declaring county sheriffs to be the highest law enforcement authority in the country, with the power to block federal government activities and laws within their county borders. This idea is fundamentally untrue. According to Feb. 24 testimony from Mary McCord, executive director of the Institute for Constitutional Advocacy and Protection, who testified on Montana’s HB604 Sheriffs First bill, the Constitution’s Supremacy Clause means that states cannot interfere with the exercise of the federal government’s power through its officers. Therefore, it is unconstitutional for sheriffs to keep federal agents from enforcing federal law in their counties.

Despite the falsity of the concept that Gale developed, [which instigated citizens and sheriffs against the federal government](#), CSPOA continued his trajectory, advocating for and acting upon it. Members of the group, including its leader, attended [a standoff against the U.S. government](#) in Nevada in 2014. Mack would later support [HB 85](#), a 2021 law passed in Missouri that allowed county sheriffs to arrest and fine federal officers who enforced federal gun laws. However, a U.S. District Court found [HB 85 unconstitutional](#) this March. In 2022, during a CSPOA presentation to the [Oath Keepers](#) in Yavapai County, Arizona, Mack described as a success story the [tasing and arrest by local police of an agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives \(ATF\)](#) during the course of his job. Hatewatch determined that the story Mack wrongly accredited to the sheriff’s department was most likely about a 2018 incident involving police officers in Columbus, Ohio. The subject of the arrest, ATF agent James Burk, later sued the city of Columbus over the arrest, claiming his civil rights were violated. The city settled with Burk for \$440,000 in November 2022.

CSPOA has also leaned toward the racist right on multiple occasions. Mack co-wrote a book with white supremacist [Randy Weaver](#). CSPOA recently added [Michael Peroutka](#) to its advisory board. Peroutka is a former

member of [neo-Confederate](#) hate group [League of the South](#). On a July podcast, Bushman [publicly complained about not being able to use blackface](#).

Bushman has also publicly promoted racist ideas and hobnobbed with hardcore white nationalists. During Bushman's tenure at CSPOA, he has also owned an online radio station, Liberty News Radio (LNR). Bushman's station, as previously reported by Hatewatch, syndicates [multiple radio shows with extreme and racist content](#), including antisemitism, white nationalism and the myth of white genocide.

One of the shows that LNR airs is "The Political Cesspool" (TPC), hosted by white nationalist [James Edwards](#). The show's motto is "Pro-Christian (God), Pro-White (Family), Pro-South (Republic)." Its guests have included known extremists in the white nationalist and neo-Confederate movements, including [former Klan leader David Duke](#), "Unite the Right" organizer [Jason Kessler](#) and members of the [League of the South](#).

Bushman doesn't just employ James Edwards as owner of LNR. Bushman is also a consistent guest on TPC, and his relationship with the show goes further than just business. While hosting Bushman on the show in January 2020, Edwards described him as "the owner of this network that syndicates us, a lifelong friend and what a guy."

Edwards hosted Bushman at the July barbecue at his home, along with his former TPC co-host Eddie Miller. Miller is a former Oath Keepers militia member whose bio says that he "advocates for the white race." He currently hosts "Blood River Radio" (BRR), which is also syndicated by Bushman's LNR. BRR's theme is the false concept of white genocide, a term white nationalists use to describe the ["Great Replacement" conspiracy theory](#) that claims white people are being replaced and wiped out by a non-white population.

BRR declares they "are the only media whose sole purpose of being is to fight against the ever-rising tide of global white genocide, both soft and hard genocide [...] in the form of ethnic cleansing via the current mass of invasion of non-white non-Christian hordes that are overwhelming the once all white nations."

Miller hosted a recent episode of BRR from the barbecue at Edwards' home. Bushman and Edwards were both guests. The following regular guests appeared on the episode: Nancy Hitt, who was once a correspondent for *The First Freedom*, an antisemitic, racist, neo-Confederate paper [found in the apartment](#) of Boston Marathon bomber Tamerlan Tsarnaev. Holocaust denier Monika Schaefer, who was [convicted of incitement to hatred](#) in Canada in 2018. Rayn Owens. A man with that name has been the Alabama chapter leader of the League of the South and has a Facebook page where he shared a meme of the march in Charlottesville that states, "Tomorrow Belongs to Us."

During the second half of the show, the host and some of the guests held a discussion about former Vice President Mike Pence. Miller declared, "If I'd have been standing within ten feet of [Pence], I think I would put him on a ventilator, but like our people said, I'd probably be writing letters from jail, too." To which a woman asked, "Who said the good people meet behind bars?" Another person piped up with "the Führer," and another agreed, saying, "Wasn't that our hero, Adolf Hitler?" Miller replied: "He was. He's my hero."

Miller went on to claim that the country's leaders are controlled by Jewish people who want white people and Christians dead. Five minutes later, another guest repeated the longtime antisemitic conspiracy theory that Jewish people control everything.

Bushman never opposed the comments about Hitler's heroism or the antisemitic or conspiratorial messages the host and guests were making. He also didn't shut the show down or keep it from airing or being syndicated by his online radio network. These measures were all within his power as owner of Liberty News Radio. His decision not to denounce any of the rhetoric, or take any action to limit the program's distribution, seems at least to indicate a level of comfort with the viewpoints expressed, if not a tacit endorsement of them.

In addition to Bushman's seeming support and syndication of public hate discourse, he also attended and promoted an event hosted by a [neO-Confederate](#) hate group earlier in July. The Southern Poverty Law Center defines the neo-Confederate movement as a "subset of American white nationalism predominant in the Southeastern U.S. that fuses the typically strong, nativist immigration policies, [Christian dominionism](#), Confederate 'heritage and pride' and other supposedly fundamental values of the 'heritage crowd' with a belief in the inherent superiority of whites of European descent."

On July 8, Bushman broadcast his own radio show, "Liberty Roundtable," at an annual event called "Dixiefest" at [Dixie Republic](#), a store in Travelers Rest, South Carolina, run by a hate group that sells neo-Confederate merchandise. Bushman repeatedly promoted Dixiefest to his listeners on the show. He made it clear that he was also there to support Dixie Republic and have a good time. According to Bushman, James Edwards was apparently rounding up guests for the show.

The guests included a man who goes by the pseudonym Padraig Martin, a Southern secessionist who wants to see an all-white South and says he did a stint in prison related to his time in the military. He previously attended Unite the Right in Charlottesville, where the original rallying cry "Jews will not replace us" shocked the nation.

More recently, Martin, while speaking about Unite the Right and the Jan. 6 insurrection, called on right-wing protesters to "[be prepared to kill them all](#)" the next time they marched. "Do not leave a single police officer, congressman, judge or any other functionary of government alive," said Martin, who later declared, "Half measures are no longer an option."

Martin is an author for [Identity Dixie](#), another neo-Confederate hate group that has been linked to a variety of [militia, neo-Nazi and white nationalist groups](#). He has said an independent South should be all-white or white-run, and he presented at the 2023 neo-Confederate [League of the South \(LOS\) conference](#), which coincided with Dixiefest at the same location. Martin started his speech talking about interracial rape, telling the audience, "Your women are targeted."

Another guest who goes by the pseudonym Manse Jolly, also the name of a controversial Confederate soldier, made his displeasure with former South Carolina Gov. Nikki Haley, known for having the [Confederate flag removed from the South Carolina Capitol](#). The man disdainfully called her by her birth name, Nimarata, and told Bushman, without pushback, that "She wanted to dictate to the native people here what our culture should be, when she's just an interloper." Haley was born to immigrant parents who are Sikh-Punjabi.

Bushman also spoke with a craftsman who called himself Johnny Reb and a man devoted to the task of putting up a new monument for a Confederate ancestor. Bushman also appeared as a guest on TPC while at Dixiefest, joining James Edwards to chat about his time there.

Despite his enthusiastic appearance at Dixiefest and his clear friendships, business partnerships and radio appearances with individuals who consider Hitler a hero or call for a return to the Dixie-era Old South, Bushman has continually sought to downplay the overt and subtly racist nature of the shows, groups, associations and events with which he is aligned.

In a previous interview with [Hatewatch](#), Bushman claimed to be a proponent of free speech and intriguing political conversations. He claimed James Edwards, who is linked to multiple white nationalist, neo-Nazi and neo-confederate groups and hosts a show filled with white nationalist rhetoric, "is a good guy" and "not a white supremacist." He has said people "can agree to disagree," while at Dixiefest, and pointed to a "Christian camaraderie and general understanding" to justify his time talking to "dozens and dozens and dozens of people" at the event.

Although he attempts to make these connections seem benign, Bushman's alliances are anything but. During the July BRR show, the point was made that "Without 'Liberty News Radio' there would be no 'Blood River Radio,' there would be no 'Political Cesspool,' there would be nothing like that at all." This identifies Bushman as a very real force behind the spread of hate, one which gives such people as Eddie Miller, Padraig Martin and David Duke the bully pulpit.

His other job is to communicate and radicalize law enforcement through CSPOA. Amplifying this is the fact that the organization's main spokesman, Richard Mack, also has a history of working and appearing with both [antisemites](#) and [white nationalists](#).

Bushman makes no apologies for these associations. When Hatewatch asked him about them in a series of email questions, he chose to address them instead on a Sept. 20 episode of his radio show, "Liberty Roundtable."

Bushman said he doesn't feel the need to oppose the comments of Hitler. "Personally, I believe Hitler was a bad guy. That's my personal opinion. ... I don't like Hitler at all. I don't like what he stood for. But he did some good things."

The crossover between racism, antisemitism and other forms of extremism are nothing new for the constitutional sheriff's movement. In fact, these ideologies are deeply embedded in the movement's founding ideology.

Reveal by Jessica Pishko November 5, 2022

These Sheriffs Say They're More Powerful Than the President. Now, They're Targeting Elections.



This fall, weeks after members of the Arizona far-right group known as the Yavapai County Preparedness Team announced they were forming a watch group to guard ballot drop boxes in shifts, they welcomed a guest to their regular biweekly meeting.

Wearing a brilliant purple collared shirt and a black cowboy hat, Richard Mack stood before rows of chairs in the church gymnasium, a black-and-white picture of Jesus with the crown of thorns over the basketball hoop. Mack leads a network of sheriffs across the country – the so-called constitutional sheriffs movement – who believe their powers supersede those of the president and the Supreme Court. Under his leadership, they've embraced the false narrative that the 2020 election was stolen from former President Donald Trump and are pledging to use their positions to do something about it.

"There are millions of people in our country who call our Constitution evil," he said, on the verge of tears. He said it was "part of their scheme to destroy America and replace our Constitution with their socialistic agenda."

Mack emphasized his view that Democrats are intentionally lying about the security of the election. "It just goes on. And they keep getting away with," he spread his palms in frustration, "murder."

"This whole thing is the greatest crime ever committed against the American people," he concluded. "And all we want and all we are asking for is that every county sheriff look at what happened in his county and make sure that we don't fall prey."

At the early October meeting, most attendees and leaders, male and female, wore an exposed sidearm. They donned the black-and-yellow T-shirts and caps of the Oath Keepers, an anti-government militia whose leader and several members [have been charged](#) with sedition over the Jan. 6 insurrection. The Yavapai County Preparedness Team – which claims to be the largest existing Oath Keepers branch but says it's split from the national group – is run by Jim Arroyo, a loud man of retirement age with a trim white goatee who was an Army Ranger and has a passion for disaster preparedness.

“Everybody is worried about civil war,” Arroyo said at the October meeting. “All we do is threat assessment.” During a session on home medicine, attendees discussed the use of mushrooms as a healing elixir. Arroyo spoke in a bullish way about the need to protect oneself from a nuclear attack. He provided examples like sealing off doors and windows with plastic. A woman in front of me took notes on the iPhone Notes app under the headline: NUCLEAR.

Over the last couple of years, the group – just like Mack's sheriffs – has gravitated toward a new mission, animated by conspiracy theories spread by Trump and glorified in the film “2000 Mules.” The theories, which have never been proven, assert that left-wing groups stole the 2020 election by stuffing absentee ballot drop boxes with a flood of fraudulent votes.

Now, they're preparing to do something about it: Far-right groups have made an intense, concerted push to monitor absentee ballot drop boxes. And they've found a growing group of staunch allies: sheriffs who've appointed themselves election police.

To be clear, sheriffs do not have authority over elections, which are run by county recorders or other local officials. Once there is a criminal complaint, sheriffs, as law enforcement officials, can sometimes investigate these violations, which are sometimes felonies carrying prison time.

Two weeks before Mack's visit, the Preparedness Team had [welcomed](#) Yavapai County Sheriff David Rhodes, who championed the fact that he'd worked with local election officials to put cameras near ballot drop boxes.

“You have put your trust in me to provide public safety,” he told the group. “I am going to be available and accessible to you all the time.”

The specter of coordination between legitimate law enforcement – which has the backing of law, courts and taxpayer-funded weapons – and militia-inspired vigilantes raises increasing concerns about voter intimidation heading into next week's midterm elections and beyond. It also hints at a schism beyond repair. As Arroyo said: “This nation is divided. ... That is leading to civil unrest and will eventually lead to a civil war.”

Such groups are facing some pushback as Election Day nears. After voting rights groups filed a lawsuit against groups in Yavapai County over drop box monitoring, the Preparedness Team told ballot watchers to “stand down” and [officially ended the program](#).

But armed vigilantes were also spotted patrolling a drop box in Mesa, Arizona.

And Mack's outreach is going far beyond groups that are armed to the teeth. Recently, he did a virtual event with the [California Federation of Republican Women](#) to advise members on how to talk to their sheriffs.

“Take a plate of cookies,” he said. “Don’t do donuts because that’s too stereotypical. But cookies, that definitely have nuts in them.” Preferably walnut or pecan, he added.

How Sheriffs Embraced the Big Lie

Mack’s national influence stretches back to the 1990s, when he became a [leading figure against gun control](#). In 2011, during Barack Obama’s presidency, Mack found himself inspired. As a former sheriff of Graham County, Arizona, he wanted to start a movement: to recruit and train sheriffs to a special kind of ideology, one that says the local sheriff has the power to overrule federal and state authority to defend constitutional rights.

So Mack created the Constitutional Sheriffs and Peace Officers Association. And until at least 2014, he was also a board member of the Oath Keepers. While Mack [continued to be associated](#) with Oath Keepers members, he left the board and said it was because he opposed the group’s use of violence.

The so-called constitutional sheriffs movement is rooted in a far-right ideology promulgated by the virulently racist [Posse Comitatus movement](#), started by a White supremacist named William Potter Gale in the 1970s. A core tenant of Posse Comitatus was a reverence for county-level law enforcement, specifically elected sheriffs. According to the ideology, a sheriff could interpose – or block – federal and state laws, so long as those laws were deemed “unconstitutional.” Posse Comitatus ideals spread throughout the West, inspiring sovereign citizen and militia movements.

Mack’s group fizzled out in the years after Obama left office. He had a heart attack and asked for financial help on [GoFundMe](#).

But then came the pandemic. The mask and later vaccine mandates that came with it reinvigorated Mack and his association, increasing the number of trainings and members. Then came Biden’s election. Mack began touring the country, bringing new recruits to his cause. “They were converted,” Mack [proclaimed](#) at one event, talking about a group of sheriffs he trained.

The ARISE USA tour (also sometimes called the “[Resurrection Tour](#)”) brought together anti-vaxxers, tax resisters, FBI haters and election deniers under one metaphorical roof. The tour’s [tagline](#): “to unify the ninety-nine percent of the American population against the one percent in government who no longer represent the people.”

As part of this tour, Mack inflamed fears about election integrity, supporting the false idea that the 2020 election was rigged. A baseball hat distributed at a sheriffs association event in 2021 read “#Unrig” across the front. Crowds at the rallies wore Make America Great Again hats and waved Trump 2024 flags. At one rally during the summer of 2021 in Battle Mountain, Nevada, I was startled by a sign that said, “America was raped. 11-3-20,” in white blocky paint.

The tour ran out of money and Robert David Steele, a well-known anti-vaxxer and one of the tour’s main organizers, [died of COVID-19](#) in August 2021. But Mack – a devout Mormon who started as a beat cop in Provo, Utah – has found new relevance in promoting a narrative that the 2020 election was stolen and that sheriffs were the ones to prove it.

He has also inspired other sheriffs to join far-right election groups, as well as state Republican committees, grassroots far-right groups and local militias.

In Arizona, Pinal County Sheriff Mark Lamb and his own far-right sheriffs group Protect America Now partnered with True the Vote, a group with [a history of spreading](#) false voter fraud claims while also enriching its insiders. Together, they produced a video in which Lamb fans the flames of the Big Lie and tells viewers to submit complaints to their county sheriff. The [website](#) directs people to “nominate your Sheriff to be a part of ProtectAmerica.vote.” If they do, they get a form letter, signed by Lamb, to send to their sheriff. The letter, which I obtained through public records requests, encourages sheriffs to “be ready to enforce the law and protect our constituents from any form of illegal activity” and offers “much needed grant resources to help you secure the voting procedures in your county with equipment, personnel, and increased citizen communication.”

An attached page includes “election integrity recommendations” like “increased patrol” around ballot drop boxes and increased video surveillance of drop boxes accessible to sheriffs on a daily basis. Sheriffs are encouraged to send community members to a national hotline run by True the Vote to report suspicious activity that will be “routed and tracked for follow up.” Finally, the document points out that sheriffs have “control in their county” – “When other areas of government breakdown our local Sheriffs step in to make sure the law is enforced.”

In Johnson County, Kansas, [Sheriff Calvin Hayden](#) requested that deputies be permitted to handle the transportation of ballots; this was rejected by county leaders. He has also continued to investigate claims of election fraud and told [a small assembly](#) in the fall: “I’m so sick and tired of hearing, ‘You’re hurting our democracy. You’re hurting our democracy.’ We don’t have a democracy. It’s a constitutional republic.”

In Wisconsin, Racine County [Sheriff Christopher Schmaling](#) conducted a criminal investigation into allegations that some people in nursing homes improperly voted; he argued that members of the Wisconsin Elections Commission should be charged with crimes. Inspired by Schmaling, the Republican-led Legislature [passed a bill](#) earlier this year making it a felony for nursing home employees to interfere in the voting process. No charges were ever filed and there was no evidence of fraud. The Democratic governor [vetoed the bill](#).

Then there’s Dar Leaf, sheriff of Barry County, Michigan.

How One Sheriff Threw Himself into Election Chaos



In the weeks following the 2020 election, Michigan descended into political chaos. Trump [invited](#) Republican legislative leaders to the White House to see whether they’d stop the certification of Biden’s victory in the state. Republican election bureaucrats in the state’s most populous and most Democratic county [held up the results there](#), threatening to take away the votes that swung the state to Biden. And a group of Republican fake electors talked about [camping overnight in the state Capitol](#) to swing the state’s electoral votes to Trump.

Into that chaos stepped a man with a badge and a gun: Dar Leaf of Barry County, a rural square of land outside Grand Rapids with just over 60,000 residents. Leaf – who is ruddy, squat and speaks with a strong

Midwestern accent – was particularly drawn to the conspiracy theories that had bolted through conservative politics.

He was a key figure in early COVID-19 denial rallies and appeared at one with [members of the Wolverine Watchmen](#), some of whom were later [convicted](#) in a failed plot to kidnap Democratic Michigan Gov. Gretchen Whitmer.

In December 2020, Leaf filed a lawsuit questioning the use of “disposable pens” (Sharpies, to be exact), giving official credence to a [debunked internet conspiracy](#) that election officials were attempting to invalidate votes for Trump by giving presumed Republican voters Sharpies to use. This was quickly [thrown out](#) by a federal judge. Last year, he [chased](#) another popular conspiracy theory by sending a private investigator and a deputy from his office to question local election officials about the possibility that Dominion voting machines had been tampered with to alter votes.

One of Leaf’s targets, [Rutland Township Clerk Robin Hawthorne](#), told me the investigator asked her “a whole bunch of questions” about how the voting machines were programmed. The investigator told her the Sheriff’s Office planned to interrogate all the election clerks in the county in search of vote manipulation. Hawthorne was baffled by the line of questioning; Trump had easily won the county by [2 to 1](#). Other election clerks asserted that there was no way to manipulate votes using those machines. At least one clerk later [said](#) the investigator took one of the voting machines.

I requested Leaf’s emails for 2021 and most of 2022 under public records law and found he’d had frequent contact with Mack, of the Constitutional Sheriffs and Peace Officers Association. The sheriff’s conversations with Mack show the deep influence of conspiracies about elections and their own political and policing powers.

Leaf and Mack, for example, shared a number of emails about a theory that the [Electronic Registration Information Center](#) – an interstate database used to confirm voters’ addresses – is part of a Democratic plot to control elections. (This has been thoroughly [debunked](#).) In response to one email forward about the center, Mack responded, “Dar, I am not sure about this. We should discuss this and common law juries.”

A [common law jury](#), in a nutshell, is an idea popular with sovereign citizens – people who believe they are exempt from federal law – holding that the people, led by county sheriffs, can summon posses and enforce the law as vigilantes. It’s essentially a shadow system used by sovereign citizens to justify militia rule and has no relation to the American legal system.

(When I asked Mack via email about this exchange over common law juries, Mack said, “I do not approve of them.”)

In another note to Mack, Leaf included a presentation called “The American Sheriff: At the Common Law,” co-written by [Brent Allan Winters](#), a self-styled “American geologist, Bible translator, common lawyer, author, and teacher of comparative law.” Winters supports the theory of common law juries. The PowerPoint even compares Leaf, as sheriff of Barry County, favorably to King Alfred the Great because of his unique ability to summon a posse of volunteer recruits.

Leaf sent Mack regular updates about the potential for voter fraud, mostly relying on conspiracy-laden information. One email forward was entirely composed of various articles about [alleged \(and debunked\) U.S. vote manipulation by Italian groups](#), compiled by a power grid consultant.

Mack and Leaf also corresponded regularly about the ARISE USA tour, for which Leaf was a speaker. In one email, Leaf – whose email signature ends with the quote, “A great leader knows when to lead and when to get out of the way” – asked Mack about the views of tour organizer Steele, who touted [anti-Semitic conspiracy theories](#). In response, Mack wrote: “Robert said several dumb things and yes, he tries to explain the difference between Zionists and Jews. He said Jews are good people and that Zionists are not and that they have a subversive agenda.” Mack then offered to “back” Leaf in any sort of public backlash.

Leaf wouldn’t comment for this story, but in the course of fulfilling my public records request, he called to tell me that he was handling the request personally because of the sensitive nature of the investigation. In addition to the emails, he gave me a PDF titled, “Power of ‘No!,’ ” a quasi-historical justification for what’s known as nullification, the (illegal) process by which some far-right sheriffs believe they can disobey federal law. While the presentation casts nullification as rooted in august figures like Thomas Jefferson and James Madison, the theory [was primarily used](#) by Southern states and counties to explain why they believed they could continue Jim Crow laws and segregated schools despite federal laws and Supreme Court decisions stating otherwise. The goal of the presentation is to explain how nullification is less violent than the alternative: out-and-out revolution.

In two presentations Leaf gave me – both by a Michigan lawyer named [Carson Tucker](#) – the history of the sheriff is presented as dignified, rooted in Anglo-Saxon law (including the Bible), and inherently concerned with “keeping the peace” through whatever means necessary, including the recruitment of a posse. (Tucker has also [represented](#) Leaf in some of his failed vote fraud investigations. He did not return a request for comment.)

According to [The Detroit News](#), Leaf and others are now subjects of “an ongoing investigation into the unlawful movement of tabulators outside of the jurisdictions of election clerks in multiple counties” by Michigan Attorney General Dana Nessel. According to Nessel’s office, the plot included removing Dominion voting machines to a secret location, where they were disassembled and used to perform “tests.” While no one has been indicted yet, Nessel is requesting a special prosecutor to consider criminal charges against Leaf and other Republican politicians, including the GOP’s candidate running against Nessel, [Matt DePerno](#), who rose from obscurity after questioning the 2020 election results in Michigan and later getting Trump’s endorsement.

Last week, the all-Republican Barry County Board of Commissioners decided to [revoke](#) funding from the Sheriff’s Office because Leaf continues to pursue election-related claims instead of hiring another detective to investigate violent crimes, as other leaders have suggested. Leaf has assigned one of his two detectives to “election fraud” full time; only one detective is working on all other crimes. Barry County Prosecuting Attorney Julie Pratt described the situation in the Sheriff’s Office this way: “If you’re not driving or no one is driving the bus, I don’t know how the passengers can feel safe and secure.” When I asked Mack about concerns that Leaf was ignoring other investigations for his quixotic question, he chuckled and hung up.

Leaf says the state investigation is simply confirmation that he is on the right track: “We’re ready for the battle,” he said on [the website](#) of Mack’s group.