

## **Livingston County Democratic Committee**

8028 Grand River, Suite 7  
Brighton, MI 48114

810-229-4212

[livcodems@gmail.com](mailto:livcodems@gmail.com)

### **Dems Question County Sheriff's Support for Radical Sheriff**

A sheriff honored by a fringe group that believes sheriffs can defy the federal government will be speaking in Livingston County next month, and Livingston County Democrats want to know if County Sheriff Michael Murphy shares those radical and unconstitutional views.

David A. Clarke, former sheriff of Milwaukee County, is a follower of the right-wing fringe theory of the “constitutional sheriff.” In 2013, Clarke was named sheriff of the year by the Constitutional Sheriffs and Peace Officers Association.

“The constitutional sheriff movement is a radical theory that believes all authority within a county lies with the sheriff and that the sheriff has the power to refuse to enforce laws that he or she doesn’t like. Sheriff Murphy will be the master of ceremonies for the event when Clarke speaks to Republicans in Livingston County next month. County residents want to know if Mike Murphy shares those extreme views, and if not, why he is appearing with him. We would also like to know if Mike Murphy is a member of the Constitutional Sheriffs and Peace Officers Association,” said Judy Daubenmier, chair of the Livingston County Democratic Party.

Clarke, who spoke at the Republican National Convention, resigned recently as sheriff and is reportedly taking a post in a pro-Trump political action committee. Trump’s chief of staff, John Kelly, blocked attempts to give Clarke a job first in the Department of Homeland Security and then in the White House. “If Clarke is too toxic to take a job in the Trump administration, what kind of message does it send for Livingston County Republicans to invite him here?” Daubenmier asked.

Clarke's tenure as sheriff, which began in 2002, has been marked with controversy, including the deaths of four people in his jail in an 18-month period. The deaths included an infant born in the jail without the knowledge of Clarke's staff. Numerous lawsuits have been filed alleging abuse in the jail, including one by a woman who won a \$6.7 million jury award for being repeatedly raped by jail guards.

The association which honored Clarke grew out of the racist and anti-semitic Posse Comitatus movement of the 1970s and 1980s.

By appearing alongside Clarke, Murphy is bringing legitimacy to a theory that legal scholars say has no basis in the U.S. Constitution. It sends the wrong message about Livingston County and what it stands for.

The constitutional sheriff movement claims that a sheriff can demand that federal agents get his or her permission before conducting business in a county and could bar them from even entering the county. The association claims that sheriffs can refuse to enforce any federal laws they don't like, especially those relating to guns, land use, and environmental protection, according to a report by the Southern Poverty Law Center.

Under this theory of "interposition," a sheriff supposedly can "interpose" himself or herself between local citizens and the federal government if it tries to enforce laws a sheriff deems unconstitutional. The center says this is similar to the claims by Southern states prior to the Civil War that they could "nullify" any federal law they disapprove of, especially those related to slavery.

The Southern Poverty Law Center says in its report "A Line in the Sand," that association members also supported Cliven Bundy, a Nevada cattle rancher who in 2014 refused to pay for grazing his cattle on public land, and the January 2016 standoff at Malheur National Wildlife

Refuge in Oregon between federal officials and supporters of a man and his son accused of arson on public lands.

“I think the federal government would be very interested in knowing whether Mike Murphy recognizes its authority within Livingston County. The county recently spent \$17 million to expand our county jail so that we could house federal prisoners and those prisoners are helping pay for the cost of running our jail. Will the federal government continue to contract with a county if our sheriff does not recognize the federal government’s authority?” Daubenmier asked.

She said Murphy and other Republicans made moderate comments at a recent unity event in Howell, but their invitation to this “constitutional sheriff” makes a mockery of their support for diversity.

“Republicans like to call themselves ‘patriotic’ but there is nothing patriotic about a movement that rejects the principle of federal supremacy which is basic to our national government. Federal supremacy simply means that when a conflict exists between laws at the federal or state level, federal law prevails. Nowhere does our Constitution say sheriffs can decide which laws are constitutional and which are not,” Daubenmier said.

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