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**WND EXCLUSIVE**

## STATE GRANTS SECRET SERVICE VAST NEW POWERS

Soon will be able to enforce Obama gun laws without sheriffs' help

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A bill is heading to Colorado Gov. John Hickenlooper's desk that Republican lawmakers say would give members of the Secret Service broad arrest powers in the state and could provide a framework for federal agents eventually to enforce gun restrictions.

"This is absolutely insane," Rep. Lori Saine, R-Dacono, said. "In theory if a Secret Service agent is in a county where the sheriff has refused to enforce some of the recent unenforceable gun laws, the agent could arrest an individual if he believes the law has been broken."

The idea actually aligns with an Obama agenda to create vast new restrictions and regulations on guns. WND has reported that hundreds of sheriffs nationwide, including many in Colorado, have said they cannot enforce federal restrictions that would violate the Second Amendment.

In Colorado, [Weld County Sheriff John Cooke](#) said he and many other county sheriffs "won't bother" with several laws poised to go into effect in Colorado because they would be impossible to enforce.

One of the laws would require private sellers to do a background check on purchasers in private gun transaction, but the sheriffs wonder how to keep track of whether gun owners are meeting the new requirements.

Cooke said many new gun laws are "feel-good, knee-jerk reactions that are unenforceable" and would "give a false sense of security."

Cooke said he and other sheriffs are considering filing a lawsuit to block the laws. And sheriffs in other parts of the nation agree, with more than 340 already banding together to promise to uphold the U.S. Constitution.

The Colorado Legislature also passed a bill putting a 15-round limit on ammunition magazines.

*What's really RIGHT about America these days? Find out in "America the Beautiful" by Dr. Ben Carson.*

The new bill regarding the Secret Service, SB-13-013, passed on a nearly party line vote in the Democrat-controlled House and is now awaiting the governor's signature. The bill grants members of the Secret Service arrest powers by considering them to be a peace officer, putting them on a par with state law-enforcement officials with respect to arrest authority.

The legislation does not only apply to agents guarding the president or other government officials but also to special agents, uniformed division officers, physical security technicians, physical security specialists and special officers of the United States Secret Service.

Republican lawmakers say that when they asked why the bill was needed they were given a series of conflicting answers.

Sen. Kevin Lundberg, R-Berthoud, said he was told the purpose of the bill was to make it easier to hold a person for mental health reasons.

"When I asked in committee why they need this I was told it was so we can exercise 72-hour mental holds on our own citizens," Lundberg said.

"I found it curious that this was the big reason they thought they needed it. Currently a police officer, doctor, psychiatrists, registered nurses and other professionals just on the strength of their word can say they want a person taken against their will and put in a mental institution for up to three business days, meaning it could be even longer if it was over the weekend, for an evaluation as to whether they are mentally sane or a danger to themselves or others."

Sen. Vicki Marble, R-Fort Collins, said despite the bill being sponsored by a fellow Republican, the 72-hour mental hold caught the attention of several Republicans in the Senate.

"This was one of the big flags for us in the bill," Marble said. "It's very suspicious because we have the separation of federal, state and even the local police services. Everyone has their own jurisdiction, and there is a special reason for keeping federal agents away.

"No federal authority should have the ability to detain somebody for 72 hours," she said. "If there is a legitimate reason for doing so for someone who is mentally ill, that should come at the local level where people in the community know one another."

Marble said the mental hold was the reason the bill slipped under the radar.

“The mental health hold was what they testified to in committee, and that was the big thing they didn’t want to get out, but it does give them the authority to put that hold on people.”

Lundberg said the big concern is that the bill essentially places members of the Secret Service on an equal footing with law-enforcement, without being constrained by jurisdictional issues.

“If you look at the bill, it says they can operate alongside of local police authorities and function as equals you might say,” he said. “However, when you read it carefully it basically gives them state police power so whatever power a regular policeman such as the state patrol, sheriff’s office or local police has they will have also.”

However, in debate on the House side, Saine said she was given a different reason for why legislators needed to pass the bill.

“Rep. Jared Wright was talking about how when he was in committee he asked several times why they needed it, and the reason given was if there was a motorcade and something happened during the procession the Secret Service needed the authority to arrest the perpetrators,” Saine said.

“Then we were told by the sponsor that’s not it, it’s because they were going to help our local law enforcement and sheriffs with check and wire fraud. However, check and wire fraud are not mentioned anywhere in the bill,” she said.

The bill states that the agents are automatically granted peace officer status when several conditions apply. For instance, if the agent is responding to a non-federal felony or misdemeanor being committed in their presence, he has the full authority to arrest any Colorado citizen.

The bill also gives the Secret Service agents wide discretion to arrest citizens based merely on probable cause that a non-federal felony or misdemeanor involving injury or threat of injury to a person or property has been or is being committed.

Lundberg said one of the problems with bills like this is they start out by giving broad authority to a government agency or entity, then they place language later in the bill that appears to restrict that authority in an attempt to provide cover for those expressing alarm about the language.

“Often in laws like this they will give broad authority in one section, then later in another section they will have wording which appears to restrict the authority,” he explained. “Unlike the state’s law enforcement, the Secret Service would not have any jurisdictional concerns. Under this bill they can

go anywhere in the state of Colorado regardless of jurisdiction.”

But Wright, a former law-enforcement official, told Marble the Secret Service told him their current policies would prohibit them from arresting Colorado citizens under the bill’s provisions.

“They told Jared that making an arrest of a Colorado citizen for a misdemeanor crime unrelated to their own duties would actually violate their own guidelines,” Marble said. “So his question was why are we passing a law that violates their own internal policies.”

In Texas, a Democrat in the state legislature has proposed a bill that would allow the state to remove an elected sheriff for refusing to enforce the law. The bill defines law as including any rule, regulation, executive order, court order, statute or constitutional provision.

After the passage of a several gun control laws, which would among other things restrict magazine size and prohibit private sales between individuals without a background check, several sheriffs have said the laws are unenforceable and they will not enforce what they call unconstitutional laws.

Under Colorado law, the only individual with the authority to arrest a sheriff is the coroner.

Saine said she believes the bill is intended to be used as a foundation for later legislation that will surrender still greater control to federal officials.

“There’ve been so many explanations for the reasons they really need this bill passed. So what is it really?” Saine asked. “I believe it is intended to be used for setting up a framework so that at some other time they could expand it to possibly include being able to arrest a sheriff who is refusing to enforce unconstitutional laws. They would justify it by saying that since we’ve already given the Secret Service this ability, why not give them just one more?”

Lundberg said he agrees with Saine’s assessment that the bill could be used to expand federal power beyond what is stated in its language.

“It does give Secret Service powers in a broad sense, but I’m not sure the changes as stated will automatically change things significantly. It’s not a broad overreach, but it is an overreach. It’s one more step in the wrong direction.”

Lundberg said rather than expanding the ability of federal officials, state and local officials should be looking for opportunities to stand up against federal intervention in local affairs.

“I believe sheriffs can enforce their authority,” Lundberg said. “I also think

we need to draw the line as clearly as we can and at every opportunity to say the states are in charge, not the federal government.”

[WND has reported that sheriffs](#) across the country are expressing concern that they cannot enforce a Washington mandate that clearly violates the Second Amendment.

A growing list of now more than 340 sheriffs who have reportedly vowed to uphold the Constitution against efforts to undermine Americans’ gun rights is [being accumulated by the Constitutional Sheriffs and Peace Officers Association](#).

[As WND also reported](#), Cooke said he is getting political pressure to support the laws. He said he received an email chain pointing out that Senate Majority Leader John Morse, a Democrat, said if a salary bill were introduced, it would not be until late in the session, after the gun-control bills had been voted on.

Cooke said while he’s not willing to conclude the emails meet the legal definition of extortion, it was apparent that was the intent.

“When you look at the email, I don’t see how you could look at it any other way,” Cooke said. “It definitely implied the reason a pay raise bill was being held up was to punish us for our stance against these gun bills. Then they had another email suggesting if we were to support this bill, it would look better for us and maybe we can get a bill introduced for a raise.

“To me, that didn’t sit well at all. I’m not willing to say its extortion yet, but it just looked bad. We were not willing to compromise on our principles. We felt the bill was bad, and we were not going to support it.”

The sheriff’s pushback against the gun measures is significant because Democratic lawmakers are crafting similar bills in other states.

“The bills are a model for what they’ll try to push in Congress,” [said Independence Institute research director and Denver University law professor Dave Kopel](#).

“Colorado is a pawn for the Obama-Biden plan,” he added.

In fact, Vice-President Joe Biden called undecided Democrats and pushed for passage of the bills. Obama is scheduled to visit the state in just a few days.

While some see the measures as models for other states, laws that preserve gun rights are gaining momentum.

The first of these was the [Firearms Freedom Act](#) passed in Montana, which

says any firearms made and retained in-state are beyond the authority of Congress under its constitutional power to regulate commerce among the states.

Lawmakers in other states [are now following suit](#).

Two senators in Ohio have introduced a bill which would prohibit firearms seizures, registration and bans in their state.

A bill in Kentucky would prohibit the state from enforcing new federal gun-control laws, if enacted.

Idaho's House passed a bill that would criminalize enforcing any new federal laws that ban, restrict, confiscate or require registration of firearms or ammunition in violation of the state's constitution.

A bill in Louisiana would prohibit the enforcement of federal restrictions regarding the ownership or possession of semi-automatic firearms.

A bill that would prohibit the enforcement of federal gun laws passed in the House Public Safety Committee in Oklahoma.

The Texas House is considering a measure to prevent state and local police from enforcing new federal gun-control measures.

A bill in Arizona would make it a felony for the federal government to enforce new laws or regulations on guns, accessories and ammunition owned or manufactured in the state.

And a bill in Michigan would exempt firearms and firearms accessories made and sold exclusively in Michigan from federal gun restrictions.

Some of the strongest language to that effect has come from Utah, where 28 of the state's 29 elected sheriffs signed [a letter to President Obama](#) warning him not to send federal agents to start confiscating guns.

Similarly, in New Mexico in January, 30 of the state's 33 county sheriffs paid a visit to the state house, reminding the governor and state congressmen that a sheriff's job is to defend the Constitution, including the Second Amendment.

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