

by Cassandra Anderson
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In this 3-part video interview with Tony DeMeo, Sheriff of Nye County, Nevada, he explains that he is a Constitutional Sheriff and that authority for public office holders is derived from the people. He tells the story about how he used the Constitution as his foundation in the saga of Nye County rancher Wayne Hage's disputes over encroachments by the federal government. While Wayne Hage's case centered around property rights in federally managed lands, Sheriff Tony DeMeo's example is relevant for everyone to understand the power of local government, the importance of following the Constitution and upholding the Tenth Amendment (states' rights and sovereignty).

Wayne Hage, the author of "Storm Over Rangelands, Private Rights in Federal Lands" owned the Pine Creek cattle ranch in Nye County. Wayne Hage wrote his book after suffering illegal cattle seizures by armed federal agents and chronicled the history of how the robber baron bankers and railroad magnates monopolized the western states over 100 years ago. Hage wrote that the northern core financiers were aware that there are two ways to monopolize any resource, "One, get all of it for yourself that you can; two, keep anybody else from getting what you can't." Public Lands and National Forests were created along with restrictive regulations, using environmental protection as the excuse.

PART ONE:

The first video covers Wayne Hage's discovery that the US Department of Forestry, an agency of the USDA, filed a claim for his water rights and later seized his cattle; the USDA Forestry

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Service used armed agents to accomplish the seizure. Hage believed that his cattle were confiscated so that he would be unable to show that he was using his water rights for 'beneficial use' in order to shut down his ranch. Water is scarce in Nevada and unless the landowner can prove he is using the water rights for 'beneficial use', the rights are removed.

PART TWO:

In the late 1990's, before Sheriff DeMeo took office, the Bureau of Land Management (BLM), an agency of the Department of Interior, seized more of Hage's cattle off of his ranch, using armed federal agents. The sheriff at that time left town on a fishing trip.

Subsequently, when Sheriff DeMeo took office in 2003, he told his deputies that illegal cattle seizures were prohibited and that any federal agents attempting to confiscate cattle would be arrested. Shortly thereafter, the BLM arrived at Hage's ranch to perform a seizure. The Sheriff's Deputy told the federal agents that there would be no seizure or taking of cattle, per DeMeo's decision based on the Constitution. The Deputy was told that the BLM federal agents intended to arrest DeMeo and use armed force to take Hage's cattle. Sheriff DeMeo advised the federal agent that their SWAT team would be faced with Sheriff DeMeo's SWAT team if they proceeded.

Sheriff DeMeo clearly stated that he refused any unlawful seizures on Wayne Hage's estate. He further advised federal agents that if they could produce a lawful court order for seizing cattle, he would not take the cattle off of the land, but impound them there on Hage's ranch. This is important because if seized cattle were to remain impounded on Hage's ranch, then Wayne Hage could still show 'beneficial use' of his water rights.

PART THREE:

In 2004, the BLM wanted authority for law enforcement over the roads in the federally managed Public Lands. Sheriff DeMeo said that because they were asking for the authority, that meant that they didn't have that law enforcement power. Nye County passed a Resolution forbidding the BLM from encroachment, protecting state sovereignty under the Tenth Amendment. Nevada also passed a State Law in 2005 ([NRS 565.125](#)) that requires a court order from the court of competent jurisdiction and submission of the order to the Sheriff's Office before any

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agency seizes animals. All cattle ranches in Nye County are independent family owned operations.

Sheriff DeMeo also explains that his deputies are empowered to refuse unlawful orders, if the orders violate the US Constitution, the Nevada State Constitution, local laws or policy.

PUBLIC LANDS:

Sheriff DeMeo said that while Nevada is more than 90% federally managed, these Public Lands are actually owned by The People and the federal government is limited in their authority under the Tenth Amendment and states' rights.

Land ownership in Nevada is a complicated issue and the land is divided into "split estates", or land that has both private and government interests. This means that while the private property owner holds title over his land that is Public Land (National Forests), he may or may not also own the water, mineral, grazing, oil, timber or wildlife rights on that property. Wayne Hage's book "Storm Over Rangelands" details the history of the laws that bind the Western States to federal land management.

Public Lands are lands owned by the people of the United States under our Constitution Section 8 Clause 17: 'To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;'

Sheriff DeMeo said that since the federal government has authority over 10 square miles, then the Public Lands are owned by the people for the benefit of all.

The federal government's jurisdiction and authority in Public Lands are important for all Americans to become aware of because the federal government is expanding its control and

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privately owned property across America is targeted by the Wildlands Project.

CONCLUSION:

Sheriff DeMeo reported that after several disputes with the USDA's Department of Forestry and the Department of Interior's BLM, an understanding of jurisdiction has been accomplished to the satisfaction of his office. In fact, the federal government has since established annual meetings, the Western Sheriffs Summit, between these agencies and western area sheriffs.

Sheriff DeMeo studied the Constitution in New Jersey when he was a police officer, as it was a requirement for promotion. He said that because nearly every encounter with the public involves some aspect of respecting the Constitution, he has added additional study of the Constitution to the Nye County Sheriffs training academy curriculum that was in place before he took office.

Additionally, he has given his deputies decision making authority based on the Constitution, the Nevada State Constitution, local laws and policy. They are empowered with the right to refuse unlawful orders. Sheriff DeMeo issues Empowerment Cards to his deputies which set policy for deputies when they are in contact with the public and allows deputies to make field decisions as long as they do not violate the respective Constitutions, State Law and Policies.

[Download Nye County Sheriff Empowerment Card \(PDF\)](#)

Sheriff DeMeo created the Empowerment Cards for his deputies shortly after he entered office in 2003. He attended a seminar given by Alan Brunacini of the Phoenix Fire Department who was the original author; DeMeo modified the cards to apply to law enforcement for his deputies to reference in the field. Sheriff DeMeo is interested in encouraging his deputies to make decisions and to be leaders.

A Sheriff's Forum is held each month in Nye County and Sheriff DeMeo addresses all questions and concerns from the public.

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