

# Why States-Rights States Can Take Responsibility for Their Own Catastrophes

Written by Patricia Sohn

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PATRICIA SOHN, FEB 23 2018

When you live in rural Florida, one of the most common phrases that you hear in relation to guns and shooting is, “The FBI doesn’t have any jurisdiction here!” And, “The Feds don’t have any jurisdiction here!”

Before I continue, let me situate myself – as far as subject position – by saying that I am right on the fine edge of the gun debate in the U.S. My husband is a strong advocate of the Bill of Rights, including the Second Amendment, and I am a really great shot (much to my own surprise). I grew up in the country, where being a great shot could, on occasion, be important. Politics wise, I am a strong advocate of state-organized and regulated militias (an anachronism from a much older day). I am not in favor of individuals with psychological disorders having access to guns. As a comparativist, I have witnessed that countries with widespread and military-regulated gun ownership tend to have low levels of petty crime. But they may have other complications that we do not (and they *never* allow mentally-unstable soldiers or citizens to own weapons).

States-rights states in the U.S. actively hamstring federal agencies like the Federal Bureau of Investigation (FBI) at the local level. Whether this is achieved through state-level policy coming from the executive branch, or local people and officials acting on their own in small efforts to disobey, obfuscate, mystify, obscure, and otherwise lead astray, it is a very real fact of life in states-rights states. It contributes to a general feeling (and reality) of lawlessness at the local level for law abiding citizens.

So, who has jurisdiction over school shootings? Who is supposed to have jurisdiction over school shootings, and who actually does *in practice* in states-rights states?

The alleged shooter in the recent South Florida school shooting is not in the custody of the FBI. The alleged shooter is in the custody of local police. This alone suggests that *the agency responsible for the local school shooting in fact and in practice in Florida is the local police*, not the FBI. At least in Florida. At least in Broward County. At least right now.

So, why the media hem and haw attacking the FBI, and not local police?

I am a big supporter of local police. I am also a big supporter of the FBI. I like law enforcement in general. (I do not like law enforcement when it is the Stasi or the Baath Party, but in democratic contexts.) I find the alternative to law enforcement is the daily crushing of small, law-abiding, and peaceful citizens endeavoring to pursue their Life, Liberty, and Happiness in what is supposed to be a free state.

Based upon police reports, local police had approximately 30 interactions going back to 2011 with the youngster who recently killed at least 17 people in South Florida, all categorizing him as problematic in various ways (violent, mentally handicapped, abusive to his elders, etc.). A local behavioral health facility was called in at least once and decided that a “Baker Act” (e.g., involuntary, temporary institutionalization) was not needed.

That was certainly a good decision. (Not.)

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So, with respect to those states-rights advocates and politicians who are all too concerned with “the Feds” and “the FBI” coming into Florida and over-stepping its bounds, it is not the FBI who is responsible for this catastrophe. It is local officials and personnel who used their discretion in their jobs, apparently, *very poorly* – for seven years!

The FBI, by all accounts, dropped the ball— twice. But not for seven years.

It is sad that local police, mental health officials, and the FBI did not heed warnings, of which the FBI had demonstrably fewer. No doubt. It is a travesty.

As a monarchist (in the European sense) living in a federated republic (in the U.S. sense), I am most certainly nothing if not a Federalist. I am a Federalist deeply committed to the vision of our great father and hero, Thomas Jefferson (for all of his social flaws of his era). That is, I am a “true believer” in democracy and the U.S. Constitution. And I don’t buy the garbage that tells us the Constitution is “too complicated” to understand. It was written to be very simple, so that regular people could understand it – and their own rights – very well. You don’t have to be a genius to understand the U.S. Constitution. That is the genius of it. Efforts to say that the U.S. Constitution is too complicated for us to understand are nothing more than the deflecting of attention from legal principles that such people do not like, or the seeking by some to enrich and empower themselves at the expense of others.

No, I do not buy that the Constitution is too complicated to understand.

I am all about the “*pshat*”. Constitution .S.U the of (טשפ)

And the “*pshat*, level local the at job its do FBI the let , protection Federal want you if :perspective my from , is (טשפ) “ stop complaining about it every step of the way, and allow it to ferret out criminals before we have 17 more dead children – or adults for that matter, because we matter, too – on our hands. Really.

Lawlessness is not just a state of mind. It is institutional ineptitude, grandstanding, and otherwise efforts to keep the law from being properly enforced.

People with severe mental health issues who are a danger to society need to be in mental health facilities *-upon diagnosis*. Period. It is no service to anyone to do otherwise. When mentally ill people who are a danger to society are in mental health facilities, they cannot purchase guns. Gun problem solved.

Counselors who anguish that such “clients” do not comprehend that they are mentally ill and therefore hide their diagnosis from the “powers that be” should have their licenses revoked, if not be put in jail themselves. Mental health practitioners are medical personnel who are *obligated by law* to report when someone is mentally ill in a way that makes him or her a danger to society. Public safety is not a game of *keep them free as long as they can be*. It is life and death. The recent Florida shooting is just another example of it.

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## About the author:

**Dr. Patricia Sohn**, Ph.D., is Associate Professor of Political Science at the University of Florida. She is co-editor of *Beyond the Death of God: Religion in 21<sup>st</sup> Century International Politics*, (University of Michigan Press 2022); and author of *Judicial Power and National Politics: Courts and Gender in the Religious-Secular Conflict in Israel* (SUNY Press 2017 and 2008).