



Written by [James Murphy](#) on August 19, 2021

Biden's DOJ Says Missouri 2A Preservation Act Is Unconstitutional

On Wednesday, the Department of Justice (DOJ) weighed in on a Missouri court case challenging the state's new Second Amendment Preservation Act. The DOJ filed a statement of interest in the case in which the City of St. Louis, St. Louis County, and Jackson County are challenging the new law.

The [Second Amendment Preservation Act](#) was signed into law by Missouri Governor Mike Parsons, a Republican, on June 14. The new law "declares that federal supremacy does not apply to federal laws that restrict or prohibit the manufacture, ownership, and use of firearms, firearm accessories, or ammunition within the state because such laws exceed the scope of the federal government's authority."



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President Joe Biden's DOJ doesn't agree with the law. In its statement of interest, the DOJ claims that the State of Missouri is infringing upon the federal government's right to infringe upon our Second Amendment rights.

"[The new law] purports to nullify certain federal firearm laws, prohibits enforcement of those federal firearm laws, and imposes civil monetary penalties on political subdivisions and state law enforcement agencies that enforce, or assist in the enforcement of, those federal firearm laws," the department complained.

The new law is scheduled to go into effect on August 28. Those who run afoul of the new law could face a fine of up to \$50,000. The case challenging the new law is scheduled to be heard today in Cole County Circuit Court by Judge Daniel R. Green.

The DOJ claimed that the new law will undermine current law enforcement efforts in Missouri, "including valuable partnerships federal agencies have developed with state and local jurisdictions."

The DOJ went on to complain that the new law has already led to some Missouri law-enforcement agencies announcing that they would no longer submit data into the National Integrated Ballistic Information Network (NIBIN).

The statement of interest defended the NIBIN for its role in law enforcement in the state: "In the last three years, NIBIN has helped law enforcement officers in Missouri generate over 6,000 leads, including 3,149 leads in jurisdictions outside of where the lead was sourced."

The DOJ also expressed concern that some federal firearm licensees were confused by the new law regarding their federal record keeping and reporting requirements.

Perhaps most importantly, as far as the case is concerned, the DOJ claims that the Second Amendment



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Preservation Act seeks to supersede Article VI, Paragraph 2 of the U.S.s Constitution, commonly referred to as the Supremacy Clause, which reads:

This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

The operative words are “in pursuance thereof.” Laws or regulations infringing on the right to keep and bear arms, which violates the Constitution’s Second Amendment, are clearly not made in pursuance of the Constitution. States have a right — even a duty — to nullify federal measures that are unconstitutional, as many (if not most) federal gun laws are. The Missouri law is an attempt to let the federal government know that further infringements upon the Second Amendment will not be tolerated in the state.

When signing the Second Amendment Preservation Act in June, Governor Parsons said that the new law ensures Missouri’s commitment to “to reject any attempt by the federal government to circumvent the fundamental right Missourians have to keep and bear arms to protect themselves and their property.”

Parsons further stated that the new law “puts those in Washington, D.C., on notice that here in Missouri we support responsible, law-abiding gun owners, and that we oppose government overreach and any unlawful efforts to limit our access to firearms.”

Dozens of states and localities have passed new Second Amendment protection legislation in 2021, probably because they feared that Joe Biden means what he says when he talks about banning “assault weapons and high-capacity magazines.”



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