



Written by [Joe Wolverton, II, J.D.](#) on May 2, 2016

## Mississippi Law Reclaims Right to Keep and Bear Arms Without Gov't Permission

Mississippi is the latest state to codify the right of citizens to carry firearms without the permission of the government.

On April 15, Mississippi Governor Phil Bryant signed House Bill 786 into law.

The measure was originally intended to permit churchgoers to bring firearms into their houses of worship, but when the bill was sent to the state senate for its consideration, a state representative attached an amendment greatly expanding the scope of the proposal.



State Representative Andy Gipson is also a minister of a small congregation in the state, and his amendment allows anyone to carry a concealed weapon anywhere in the state as long as it is in a holster or scabbard on the belt or shoulder.

For a law of this latitude to actually make it to the governor's desk is an extraordinarily rare victory for advocates of the right to keep and bear arms as protected by the Second Amendment.

Gun grabbers did not just sit idly by and allow Mississippians to make their own laws, however.

An article published by [guns.com](#) recounted the resistance to Gipson's bill:

Blitzing the state with ads complete with Southern drawl and banjo music, social media campaigns and mailers is Moms Demand Action, who contend that 89 percent of gun owners in the state support requiring a permit to carry a concealed handgun in a survey paid for by Everytown, and that Gipson's proposal will lower the bar for persons carrying hidden guns in public.

"As a mother and a grandmother, I am concerned about dangerous people carrying hidden, loaded handguns in the public places that I frequent with my family," said Shirley Hopkins Davis, Leader of the Mississippi chapter of MDA, in a statement. "It's just common sense that if a person wants to carry a loaded, concealed handgun in public, particularly if they are in a place with children, they need to demonstrate they have a clean criminal record."

Fortunately, the representatives of the citizens of the state of Mississippi boldly withstood the attacks by enemies of constitutional liberty and shored up the sovereignty of their state and recommitted themselves to thwart any federal attempt to curtail a right which the Constitution explicitly forbids them from abridging.

The Second Amendment to the Constitution very plainly declares: "The right of the people to keep and bear Arms, shall not be infringed."

"Shall not be infringed." There is no wiggle room in that clear check on central government encroachment into the liberties of the people.

The rights of the people, our Founders believed, were given to them by the Creator and thus by Him



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alone could they be reclaimed.

Tyranny, since the beginning of the ancient republics of Athens and Rome, almost always began with the attempt by a would-be despot to disarm the people over which he wished to unlawfully rule.

In Athens, for example, the tyrant Pisistratus distracted the people while he confiscated their weapons, explaining to them when confronted about the secret confiscation, that it was for their own safety that they were denied the right of self-protection. He promised that he would protect them and that they would not need to protect themselves.

So the story goes and so it continues with every new generation of contemporary would-be dictators.

The best hope for the survival of the Second Amendment and the rights it protects is for all lawmakers in every state to completely restore the right to own weapons — a right whose value was described accurately by Joseph Story in 1833:

The right of the citizens to keep and bear arms has justly been considered, as the palladium of the liberties of a republic; since it offers a strong moral check against the usurpation and arbitrary power of rulers; and will generally, even if these are successful in the first instance, enable the people to resist and triumph over them.

Until citizens can compel their elected representatives to resist the siren song of federal supremacy and to exert the residual authority of states to check abuses and usurpations by the central government, threats to gun ownership will persist and will prevent the exercise of rights that are an inheritance from God and a necessary check on the planned purloin of the ability of the governed to prevent the governors from eliminating the ability of the people to fight off the federal attempt to fit them with fetters.

The new law in Mississippi and similar statutes enacted in other states are an expression of the best — the “rightful” — remedy to the disease of federal despotism: nullification.

Nullification recognizes the residual authority of states to invalidate any federal measure that a state deems unconstitutional. Nullification is founded on the fact that *the sovereign states formed the union*, and as creators of the compact, they hold ultimate authority as to the limits of the power of the federal government to enact laws that are applicable to states and their citizens.

That our Founders understood this principle is demonstrated by Alexander Hamilton in *The Federalist*, No. 78:

There is no position which depends on clearer principles, than that every act of a delegated authority, contrary to the tenor of the commission under which it is exercised, is void. No legislative act, therefore, contrary to the Constitution, can be valid. To deny this, would be to affirm, that the deputy is greater than his principal; that the servant is above his master; that the representatives of the people are superior to the people themselves; that men acting by virtue of powers, may do not only what their powers do not authorize, but what they forbid.

James Madison, also writing in *The Federalist*, recommended that state legislators, in order to prevent federal abridgment of fundamental liberties, should refuse “to co-operate with the officers of the Union.”

Or, in other words: the Constitution, every issue, every time, no exceptions.

What was once a clear principle has become a right on the verge of extinction. All the 49 other states



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would be wise to follow the example of Mississippi and reject the various federal and international schemes to strip Americans of their last and greatest defense against absolutism: the arms they keep and bear.



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