



Written by [Joe Wolverton, II, J.D.](#) on February 26, 2014

Missouri and Arizona Closer to Nullifying Federal Gun Grab

A bill to nullify all federal attempts to  infringe on the right to keep and bear arms has been approved by the Missouri state Senate and is heading toward a vote in the state House of Representatives.

On February 20, [by a vote of 20-3](#), senators in the Show Me state lived up to the role the Founders intended them to play by shielding citizens of Missouri from suffering federal overreach and abrogation of the rights guaranteed by the Second Amendment.

Described by one observer as perhaps “the strongest defense against federal encroachments on the right to keep and bear arms ever considered at the state level,” SB 613 reads in part:

All federal acts, laws, executive orders, administrative orders, court orders, rules, and regulations, whether past, present, or future, which infringe on the people’s right to keep and bear arms as guaranteed by the Second Amendment to the United States Constitution and Article I, Section 23 of the Missouri Constitution shall be invalid in this state, shall not be recognized by this state, shall be specifically rejected by this state, and shall be considered null and void and of no effect in this state.

Senator Brian Nieves, sponsor of the bill, said that if enacted, his legislation would preserve the protections of the Second Amendment in Missouri. “This is primarily purposed to protect liberties of Missourians,” said Nieves.

Citing the Missouri state constitution and the 10th Amendment to the U.S. Constitution, the measure restates the scope of federal authority as intended by our Founders. The bill further 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.”

Any and all federal laws attempting to infringe on the right to bear arms under the Second Amendment to the U.S. Constitution and Article I, Section 23 of the Missouri Constitution are invalid according to relevant provisions in the legislation. Specifically, the bill nullifies “certain taxes, certain registration and tracking laws, certain prohibitions on the possession, ownership, use, or transfer of a specific type of firearm, and confiscation orders.”

Furthermore, the bill states that “it is the duty of the courts and law enforcement agencies to protect the rights of law-abiding citizens to keep and bear arms.”

Should the bill be enacted, all public officers and state employees would be stripped of any authority to enforce firearms laws declared invalid by the act.

With regard to penalties for violation of this legislation, the bill declares:

Any person who acts under the color of law to deprive a Missouri citizen of rights or privileges ensured by the federal and state constitutions shall be liable for redress. In such an action attorney’s fees and costs may be awarded, and official or qualified immunity shall not be available



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to the defendant as a defense.

The bill would subject federal agents to civil and criminal penalties for knowingly enforcing federal gun laws. Agents could face up to one year in prison and a \$1,000 fine.

Null, void, and of no effect. That state governments have the power to take this tack with regard to unconstitutional acts of the federal government, the Founders were universally agreed.

In *Federalist* 33, Alexander Hamilton wrote:

But it will not follow from this doctrine that acts of the large society which are not pursuant to its constitutional powers, but which are invasions of the residuary authorities of the smaller societies, will become the supreme law of the land. These will be merely acts of usurpation, and will deserve to be treated as such.

He restated that principle in a later letter, 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 Papers*, recommended that state legislators, in order to prevent federal abridgment of fundamental liberties, should refuse “to co-operate with the officers of the Union.”

Speaking during the War of 1812, Daniel Webster said:

The operation of measures thus unconstitutional and illegal ought to be prevented by a resort to other measures which are both constitutional and legal. It will be the solemn duty of the State governments to protect their own authority over their own militia, and to interpose between their citizens and arbitrary power. These are among the objects for which the State governments exist.

In the Kentucky Resolution of 1798, Thomas Jefferson wrote:

That the several States composing the United States of America, are not united on the principle of unlimited submission to their general government; but that, by a compact under the style and title of a Constitution for the United States, and of amendments thereto, they constituted a general government for special purposes — delegated to that government certain definite powers, reserving, each State to itself, the residuary mass of right to their own self-government; and that whensoever the general government assumes undelegated powers, its acts are unauthoritative, void, and of no force.

Speaking specifically of the right to keep and bear arms, George Washington counseled:

A free people ought not only to be armed and disciplined, but they should have sufficient arms and ammunition to maintain a status of independence from any who might attempt to abuse them, which would include their own government.

Finally, founding era jurist Joseph Story described the Second Amendment’s critical check on tyranny:

The right of the citizens to keep and bear arms has justly been considered, as the palladium of the



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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.

This bold expression of Missouri's state sovereignty has been read twice in the state House of Representatives and should soon see action by the entire body. Given the governor's history of playing lap dog to the federal government and state lawmakers' failure to override his veto, the bill's future is uncertain even if large majorities of both houses of the state legislature sign off on it.

A similar bill in Arizona [passed out of a state Senate committee](#) on Monday, February 24 and will soon be voted on by the entire body.

Citizens of these states are encouraged to contact their elected representatives and encourage them to vote in favor of these bills and to remind them of the oath they have taken as set out in Article VI "to support this Constitution."

Joe A. Wolverton, II, J.D. is a correspondent for The New American and travels nationwide speaking on nullification, the Second Amendment, the surveillance state, and other constitutional issues. Follow him on Twitter @TNAJoeWolverton and he can be reached at jwolverton@thenewamerican.com.



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