



Written by [Joe Wolverton, II, J.D.](#) on April 19, 2014

Missouri Considering Two Gun Grab Nullification Bills

Two separate bills are working their way through the two houses of the Missouri state legislature, both of which are aimed at protecting citizens of the Show Me State from the impending federal gun grab.

Senate Bill 613, the Second Amendment Preservation Act, explicitly nullifies all federal actions infringing on the right to keep and bear arms as protected by the Second Amendment, declaring:



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.

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.

SB 613 states 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.

Perhaps preparing for the implementation this year of the United Nations Arms Trade Treaty as [called for by President Obama](#), SB 613 forbids enforcement in Missouri of "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 passed by the House and signed by the governor, 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 that any person or entity that attempts to infringe on the rights of Missourians to keep and bear arms

shall be liable to the injured party in an action at law, suit in equity, or other proper proceeding for redress. In such action. Any person who acts under the color of law to deprive a Missouri citizen of



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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 to the defendant as a defense.

The state House of Representatives is scheduled to take a final vote on the bill on April 22.

For its part, that state Senate will soon vote on HB 1439, a similar bill already passed by the House and also called the Second Amendment Preservation Act.

Considered by most to be a weaker version of the Senate measure, HB 1439 likewise aims to protect the right of Missourians to keep and bear arms, protecting this right from the near constant assault of the federal government.

The measure begins by accurately rehearsing the boundary between state and federal authority as drawn by the Constitution:

Acting through the United States Constitution, the people of the several states created the federal government to be their agent in the exercise of a few defined powers, while reserving to the state governments the power to legislate on matters which concern the lives, liberties, and properties of citizens in the ordinary course of affairs;

Whenever the federal government assumes powers that the people did not grant it in the Constitution, its acts are unauthoritative, void, and of no force;

The several states of the United States of America respect the proper role of the federal government, but reject the proposition that such respect requires unlimited submission. If the government, created by compact among the states, was the exclusive or final judge of the extent of the powers granted to it by the states through the Constitution, the federal government's discretion, and not the Constitution, would necessarily become the measure of those powers. To the contrary, as in all other cases of compacts among powers having no common judge, each party has an equal right to judge for itself as to when infractions of the compact have occurred, as well as to determine the mode and measure of redress.

Specifically, the legislation declares:

Although the several states have granted supremacy to laws and treaties made pursuant to the powers granted in the Constitution, such supremacy does not extend to various federal statutes, executive orders, administrative orders, court orders, rules, regulations, or other actions which restrict or prohibit the manufacture, ownership, and use of firearms, firearm accessories, or ammunition exclusively within the borders of Missouri; such statutes, executive orders, administrative orders, court orders, rules, regulations, and other actions exceed the powers granted to the federal government.

The authors of this bill understand the limitations of the so-called Supremacy Clause of Article VI of the Constitution.

Despite what many in the mainstream press (including many "conservatives") claim, the Supremacy Clause does not declare that federal laws automatically trump state laws without qualification. What it says is that the Constitution "and laws of the United States made in pursuance thereof" are the supreme law of the land.

If pundits and reporters would read that clause more closely they would learn that supremacy extends only to those federal acts made "in pursuance" of enumerated powers. There is no such supremacy



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afforded to those acts made in violation of the federal government's constitutional authority.

If an act of Congress is not permissible under any enumerated power given to it in the Constitution, it was not made in pursuance of the Constitution and therefore not only is not the supreme law of the land, it is not the law at all.

Constitutionally speaking, then, whenever the federal government passes any measure not provided for in the limited roster of its enumerated powers, those acts are not awarded any sort of supremacy. Instead, they are "merely acts of usurpation" and do not qualify as the supreme law of the land. In fact, acts of Congress are the supreme law of the land only if they are made in pursuance of its constitutional powers, not in defiance thereof.

Alexander Hamilton put an even finer point on the issue when he wrote 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."

Unfortunately, during deliberation, lawmakers added an amendment to HB 1439 that eliminated the provision of the original version of the measure that would have permitted the arrest of federal agents attempting to enforce federal gun restrictions within the borders of the state of Missouri.

If the rights of Missourians are to be protected from the coming federal and globalist gun grab, state lawmakers had better act quickly as the legislative session is scheduled to end on May 30, and given the governor's history of vetoing such bills, time is of the essence.

Photo: Missouri state capitol building

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