



Written by [Joe Wolverton, II, J.D.](#) on March 31, 2013

Montana Governor Vetoes State Nullification of Federal Gun Grab

On March 28, Montana Governor Steve Bullock (shown) vetoed a nullification bill protecting the Second Amendment rights of Montanans from infringement by the federal government.

As [The New American reported at the time](#) of its passage by the state legislature, the measure, House Bill 302, read in relevant part:



A peace officer, state employee, or employee of any political subdivision is prohibited from enforcing, assisting in the enforcement of, or otherwise cooperating in the enforcement of a federal ban on semiautomatic weapons or large magazines and is also prohibited from participating in any federal enforcement action implementing a federal ban on semiautomatic weapons or large magazines.

Another provision mandates that state officials may not use “public funds or allocate public resources for the enforcement of a federal ban on semiautomatic weapons or large magazines.”

Violation of this section of the bill would constitute misdemeanor theft.

Ironically, with his veto, Governor Bullock has committed theft of a more serious nature.

A story on Bullock’s rejection of the bill [published by U.S. News](#) proclaims the decision to be a move toward “modernity.”

They have a point, though likely not the one they intended to make.

Bullock’s ignorance of the role of the right to keep and bear arms, as well as the role of the states in checking federal overreaches of its constitutional powers, is typical of many modern lawmakers and executives.

For example, consider this excerpt from the veto message attached by Bullock to the bill when he sent it back to the state House of Representatives:

House Bill 302 puts law enforcement in the position of violating laws they have sworn to uphold. When public safety officers graduate from the Montana Law Enforcement Academy, they take an oath to “enforce or apply all laws and regulations appropriately, courteously, and responsibly” and also to “work in unison with all legally authorized agencies and their representatives in the pursuit of justice.” HB 302 would subject our peace officers to criminal sanctions for upholding the oath we



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ask that they take.

Wrong.

The oath would be more faithfully executed by the recognition of the state's retention of the authority to pass laws protecting citizens from the infringement of their rights by the federal government, which possesses only those (to quote Madison) "few and defined" powers enumerated in the Constitution. All other powers are reserved to the states or to the people, as is [explicitly stated in the Tenth Amendment](#).

The first step in thwarting the federal government's goal of consolidating all power in Washington is to remember that any federal act, regulation, or order that exceeds the constitutional limits on federal power has no legal effect. States can — must — courageously refuse to enforce those acts using the historically, legally, and constitutionally sound principle of nullification.

Simply stated, nullification recognizes the right 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.

For years, state representatives, governors, and wary citizens have sifted through the various legal methods available to combat economic enslavement and the federal government's intrusions into every aspect of our lives. Many are embracing nullification, recognizing it as the preferred weapon in the fight against federal oppression.

As the United States of America is manipulated closer and closer to an economic and social abyss, the unavoidable consequences of this decline are becoming familiar to all of us. Sadly, many young people, whose future is being mortgaged by those determined to perpetuate never-ending war and ever-expanding national debt, are awakening to a sense of their dire situation. To their credit, many of them have turned to the history of our nation to locate a lever for braking the runaway train of federal abuses carrying states and citizens toward economic and political slavery.

Despite the governor's decision to anoint himself the giver and taker of rights, there is yet hope that the political will of the people of Montana will be done. Bullock's veto sends the bill back to the state legislature where a two-thirds majority vote of each chamber could override his decision.

While the state House of Representatives likely has the numbers to override the veto, the vote in the state Senate is expected to be closer. On its first appearance in that body, the bill passed by a very narrow margin of 28-21.

Montanans are encouraged to contact their state representatives and senators and encourage them to stand up for state sovereignty and for the Second Amendment and override the Governor Bullock's veto.

Photo of Gov. Steve Bullock: AP Images

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