



Written by [Joe Wolverton, II, J.D.](#) on June 4, 2015

New Bill Forces Gun Owners to Buy Liability Insurance

In what surely comes as no surprise to gun owners, there is a Democrat member of Congress who wants to further infringe on the right to keep and bear arms by forcing gun owners to purchase liability insurance.

As reported by *The Hill*, Representative Carolyn Maloney (D-N.Y.) has introduced a bill, H.R. 2546, that would “require gun buyers to have liability insurance coverage before being allowed to purchase a weapon, and would impose a fine of \$10,000 if an owner is found not to have it. Service members and law enforcement officers, however, would be exempt from the requirement.”



The bill, the Firearm Risk Protection Act, carves out a significant and equally unsurprising exception to the liability insurance purchase mandate. Section 2 states that the insurance requirements “shall not apply to the purchase or sale of a firearm for the use of the United States or any department or agency of the United States.”

Given the purchase of millions of rounds by [various federal agencies](#) (including the notoriously poorly armed [U.S. Postal Service](#)), it makes sense to exclude them from the latest individual insurance mandate. Of course, exempting the federal government from the purchase requirement will undoubtedly be spun as a cost-saving measure by the establishment press and the constitutionally contrary congressmen it serves.

As for what sort of policy satisfies the proposed statutes mandate, Section 2 defines a “qualified liability insurance policy” as a policy that “provides liability insurance covering the purchaser specifically for losses resulting from use of the firearm while it is owned by the purchaser; and is issued by an insurer licensed or authorized to provide the coverage by the State insurance regulatory authority for the State in which the purchaser resides.”

“We require insurance to own a car, but no such requirement exists for guns,” Maloney said, using language very similar to that used during the debates on ObamaCare. “The results are clear: car fatalities have declined by 25 percent in the last decade, but gun fatalities continue to rise,” *The Hill* reports.

As for Maloney, she seems never to have met an oath she wasn’t willing to break: In this case, it’s the part of her constitutional oath of office regarding the preservation, protection, and defense of the Constitution. Presumably, that includes the Second Amendment, yet the Firearms Risk Protection Act was the second bill offered by Maloney this week that unconstitutionally restricts the right of Americans to keep and bear arms. *The Hill* reports:

A few weeks ago she reintroduced legislation that would require sellers to obtain a background check for all guns sold at gun shows.



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The Gun Show Loophole Closing Act, long championed by former Rep. Carolyn McCarthy (D-N.Y.), would subject anyone selling or transferring a gun to the National Instant Criminal Background Check System and require that transfers be reported to the attorney general.

As readers are aware, the Second Amendment imposes on the federal government an unqualified proscription on constriction of the right to keep and bear arms. The Second Amendment reads: "A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed."

The phrase that pays: *shall not be infringed*. That means "shall not," not "shall not unless a gun is used in a high-profile crime," or "shall not unless the president issues an executive order infringing upon it," or "shall not unless there is a risk that someone is injured."

Despite what many "conservative" voices would have Americans believe, there is no "reasonable" exception to the "shall not be infringed" phrase.

Our Founding Fathers understood this very well. They knew, from sad, personal experience with the oppression of tyrants, that the right to keep and bear arms was the right that protects all the other rights.

Founding-era jurist St. George Tucker wrote:

This may be considered as the true palladium of liberty.... The right of self defence [sic] is the first law of nature: in most governments it has been the study of rulers to confine this right within the narrowest limits possible. Wherever standing armies are kept up, and the right of the people to keep and bear arms is, under any colour [sic] or pretext whatsoever, prohibited, liberty, if not already annihilated, is on the brink of destruction.

In light of the nearly innumerable efforts by congressmen, the president, and the United Nations to effectively repeal the Second Amendment, there is an urgent need for states to stand up and assert their constitutional authority to resist any act of the federal government not specifically permitted in the "few and defined" powers delegated to it. States must nullify all such attempts to deny citizens of their God-given rights, including the right to keep and bear arms.

Nullification, not capitulation, is the way to defeat the powerful forces combined against the continued enjoyment of freedom.

Nullification is the "rightful remedy" and cannot only restore the rule of law in this Republic, but can restore the independence of states and cities, freeing them from the financial chains that have them bound to the federal behemoth.

Remarkably, there are even those among the Hollywood elite who understand the purpose of the protections provided by the Second Amendment. In an interview with the U.K. edition of *G.Q.* magazine, Vince Vaughn expressed what is surely a controversial (though constitutionally correct) opinion on the matter. "I support people having a gun in public full stop, not just in your home. We don't have the right to bear arms because of burglars; we have the right to bear arms to resist the supreme power of a corrupt and abusive government. It's not about duck hunting; it's about the ability of the individual," Vaughn said.

Regardless of the how widely the proper role of gun ownership spreads, the danger from Washington, D.C. remains clear and present.

The first step in thwarting Representative Maloney's move to shrink the scope of gun rights is to



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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.

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.

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.”

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 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.

Maloney’s bill is awaiting consideration by the House Judiciary Committee.



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