



Written by [Joe Wolverton, II, J.D.](#) on November 8, 2015

## Oregon County Nullifies All Unconstitutional State and Federal Gun Laws

Citizens of Coos County, Oregon, decided on November 3 that they consider their right to keep and bear arms beyond the reach of the federal government.

Specifically, voters approved a bill that authorizes the Coos County sheriff to interpose between the people of his county and any state or federal act that would infringe upon the rights protected by the Second Amendment.



The text of the ordinance declares as null and void “any regulation of the right to keep and bear arms.” It also empowers the county sheriff to ascertain whether any regulation — local, state, or federal — infringes unconstitutionally on the right of citizens to be armed.

Perhaps most importantly, the new law forbids the expenditure of county funds or other resources on the executing of Oregon’s recently reinforced background checks for anyone attempting to purchase a firearm.

According to the story in *The Oregonian*, over 60 percent of voters support the Second Amendment Preservation Act. The proposal made its way to the ballot as a result of dedicated efforts by advocates to secure the signatures of a sufficient number of registered voters to put the measure before the people.

The principal proponent of the measure is retired optician Rob Taylor. In an interview with *The Oregonian*, Taylor said he was confident that despite the recent armed assault at Umpqua Community College that resulted in nine deaths and the wounding of nine others, voters would show up and support their right to arm themselves.

“I’m so confident that this Second Amendment measure will pass, I’m not spending one dime,” said Taylor, as quoted in *The Oregonian*.

Taylor’s trust was borne out in the overwhelming percentage of his fellow citizens of Coos County that recognize the right to keep and bear arms and the authority of the county’s highest elected constitutional officer to protect that right.

Voters in Wheeler and Wallowa counties have approved nearly identical bills. On June 2 of this year, the county commission of Lane County voted 4-1 “that local government could not afford to investigate violations of the new law, and affirmed the ‘right of the people to keep and bear arms’ under the U.S. Constitution’s Second Amendment,” Reuters reported on June 4.

With the constant danger to unrestricted gun ownership coming from all corners of government, the voters of all four of these counties are to be congratulated on their nullification of all those threats, whether they be from the White House or the state House.

The most effective weapon in the war against small and large tyrannical attacks on liberty is



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*nullification*. Nullification occurs when a state, county, city, or other local entity holds as null, void, and of no legal effect any act of any government body that exceeds the boundaries of its constitutional powers.

As the Coos County ordinance demonstrates, the law of agency applies when one party gives another party legal authority to act on the first party's behalf. The first party is called the principal and the second party is called the agent. The principal may grant the agent as much or as little authority as suits his purpose. That is to say, by simply giving an agent certain powers, that agent is not authorized to act outside of that defined sphere of authority.

Upon its ratification, the states, as principals, gave limited power to the central government to act as their agent in certain matters of common concern: defense, taxation, interstate commerce, etc.

The authority of the agent — in this case the federal government — is derived from the agreement that created the principal/agent relationship. Whether the agent is lawfully acting on behalf of the principal is a question of fact. The agent may legally bind the principal only insofar as its actions lie within the contractual boundaries of its power.

Should the agent exceed the scope of its authority, not only is the principal not held accountable for those acts, but the breaching agent is legally liable to the principal (and any affected third parties who acted in reliance on the agent's authority) for that breach.

Under the law of agency, the principal may revoke the agent's authority at will. It would be unreasonable to oblige the principals to honor promises of an agent acting outside the boundaries of its authority as set out in the document that created the agency in the first place.

Imagine the chaos that would be created if principals were legally bound by the acts of an agent that "went rogue" and acted prejudicially to the interests of the principals from whom he derived any power in the first place. It is a fundamental tenet of the law of agency that the agent may lawfully act only for the benefit of the principal.

Inexplicably, this is the position taken by those who argue that the states may not nullify unconstitutional federal acts and refuse to be bound by an agent that repeatedly exceeds its authority. Not only does this agent (the federal government) habitually breach the agency contract, but it does so in a manner that irreparably harms the principal (the states).

Congress is full of lawyers. Many presidents are lawyers. All federal judges are lawyers. Yet somehow when it comes to the relationship between the federal government and the states, they conveniently forget the basic principles of contract and agency law that are understood by second-year law students.

You don't need a law degree, however, to understand that if the basic principles of the laws of contract and agency are applied to the relationship between states and general government, the states' right of nullification becomes laughably simple and (to borrow another phrase from Jefferson) "self evident."

What we do need, however, is a generation of conscientious Americans committed to repairing the barricades our Founders placed around our God-given rights, including the right to keep and bear arms.

What so many voters in these Oregon counties and others around the country seem to understand is that of all our fundamental rights, this particular right is under constant assault, likely because those would rob of us of all our liberty understand that it is the key to protecting the continued enjoyment of the others.

Today we need the millions of constitutionally minded Americans to band together in launching a multi-



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pronged approach to restoring this Republic, specifically the right to keep and bear arms.

First, we must elect only those candidates for federal office upon whom we can rely to be true to their oaths of office and uphold the Constitution.

Second, we must elect state lawmakers who will perform their duty to interpose between a tyrannical central government and the people. These legislators must do as James Madison counseled and refuse “to cooperate with officers of the union” when those officers are attempting to enforce acts that exceed the constitutional boundaries of federal authority.

Finally, sheriffs must resist the enticement of the federal government and remain dedicated to upholding the Constitution, bucking against the current trend to become subordinate to this or that federal agency in exchange for billions in supplies, vehicles, and weapons.



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