



Written by [Alex Newman](#) on January 9, 2013

Police Chief Seeks Nullification of Unconstitutional Gun Control

While the Obama administration and [some Democrat lawmakers](#) plot [ever more extreme assaults on the Second Amendment](#), state and local officials across the country are working just as hard to find ways to protect the gun rights of law-abiding citizens in their jurisdictions. One local Pennsylvania police chief is helping to lead the way, asking officials in his borough to pass an ordinance or resolution [nullifying](#) any unconstitutional attacks on the unalienable rights of residents.



Meet Gilberton Borough Police Chief Mark Kessler. After watching anti-Constitution politicians in Washington, D.C., try to [exploit a tragedy](#) to [trample on Americans' right to keep and bear arms](#), he decided enough was enough. Now, he is speaking out, and asking lawmakers in his small borough of around 1,000 people to pass a [nullification](#) measure. He is also promoting the idea nationwide, most recently [appearing on the popular Alex Jones radio show](#) heard all across the country.

In a phone interview with *The New American*, Chief Kessler detailed his proposed "Second Amendment Preservation Ordinance," which would prevent any federal or state infringements on the right to keep and bear firearms, accessories, or ammunition within the jurisdiction. If approved, the resolution, citing the U.S. and Pennsylvania constitutions, would nullify any unconstitutional acts purporting to restrict gun rights.

Section 21 of the Pennsylvania Constitution reads: "The right of the citizens to bear arms in defense of themselves and the State shall not be questioned." Virtually all other state constitutions contain similar protections. The U.S. Constitution, meanwhile, states explicitly that the right of the people to keep and bear arms "shall not be infringed." For Chief Kessler, like for countless Americans, the constitutional language is clear, and any pretended acts of legislation contradicting those simple guarantees should be viewed as null and void.

"Hopefully this will spread like fire throughout the country, and the people will stand up and say, you know what, enough is enough, and under the Tenth Amendment, which grants the power of nullification of unconstitutional laws, we're going to recognize this as unconstitutional, we're not going to enforce it, we're going to make sure this doesn't happen," the police chief said, sounding determined. Other members of the law-enforcement community nationwide have been [pondering the subject in recent weeks](#), too.

The 10th Amendment to the U.S. Constitution, of course, reserves to the states or the people all powers not specifically delegated to the federal government — powers that are few and defined. All across the country, state and local lawmakers have been [nullifying unconstitutional federal statutes](#) by citing the amendment, constitutional limitations on the power of Washington, and the Founding Fathers.

Historically, American states have a long tradition of invoking nullification against federal usurpations



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— Wisconsin, for example, famously used it to prevent enforcement of a federal statute purporting to require the return of escaped slaves to their masters. More recently, state and local lawmakers and citizens have invoked it to nullify everything from [ObamaCare](#) and [federal gun control](#) to [marijuana prohibition](#) and the recent [National Defense Authorization Act \(NDAA\) statute claiming to unlawfully authorize the indefinite military detention of Americans without charge or trial](#).

“We want to nullify any and all rules, regulations, and acts against the Second Amendment or our freedoms. We need to say this is unconstitutional, we need to stick together, and we need to get our message out there. We’re not going to stand for this anymore,” Kessler explained. “We want to do this peacefully, we don’t want any kind of violence whatsoever — I’m totally against that— I just want to see a peaceful resolution to this. And under the Tenth Amendment, hopefully we can accomplish this through the nullification process.”

The police chief, who rose to instant online stardom in recent days after his proposal was announced, also praised the Founding Fathers, saying they were highly intelligent people who learned from their experiences. “They drafted the Constitution of the United States because they experienced oppressed nations, where the people were looked upon as peasants and servants or slaves,” he noted, referring to European nations ruled by oftentimes autocratic regimes. “They didn’t want that for America.”

However, over the last century, the clear meaning of the Constitution has increasingly been ignored or distorted in an effort to continually expand the size and scope of government far beyond its rightful bounds. That trend is accelerating, and in recent years, Kessler and countless other Americans who support limiting government say the assault on liberty and constitutionally guaranteed freedoms is only getting worse.

“The current administration and a lot of lawmakers in Washington want you to believe that the Constitution is a living document, but what’s in there is the law of the land, not their interpretation of it,” Chief Kessler said. “‘The right of the people to keep and bear arms shall not be infringed,’ I don’t know what part of that these people in Washington don’t understand, it’s just mind boggling. We need to say enough is enough, we’ve had it — there is too much power in government.”

It seems that many people across the country agree. According to Kessler, his phone has been ringing off the hook with supporters — sheriffs and other law-enforcement personnel, elected officials at all levels of government, and citizens throughout America have expressed overwhelming support for the idea. “I am asking our elected officials here to nullify any and all federal or state laws which would infringe on the citizens’ right to keep and bear arms, and I’ve been getting massive, massive support from all over the country,” he said. “I haven’t heard of anyone who is against my proposal.”

There is still much to be done, however, if Americans hope to preserve their gun rights and their freedom more broadly. Citizens, Kessler continued, should be educating themselves, registering to vote, talking to their elected officials at the local, state, and federal levels, and networking with others in their communities. They should also be meeting with their local law-enforcement leaders, he explained.

“People need to get their chief of police to step up and come forward. They need to say ‘hey, you’re either with us or against us — you stand with freedom and the citizens of the United States or you stand with the oppressors and tyranny in government,’” Kessler continued. As for him, his stance is clear: “I stand for freedom, I stand for the Constitution, and I will not support any unconstitutional laws — specifically anything against the Second Amendment, at all, never, and I will never confiscate anybody’s firearms, ever.”



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Just the idea that otherwise law-abiding gun owners could suddenly become criminals merely by the adoption of unconstitutional statutes is “absurd,” Kessler said — especially when some three fourths of murders committed with firearms in the United States are gang related. The highest murder rates, meanwhile, are in areas with the strictest gun control — Chicago and Washington, D.C., for example. But in the end, regardless of the bogus arguments put forth by anti-gun rights extremists, Americans must stick to their guns.

“The reason it is so important to preserve our gun rights is this: Our rights have nothing to do with sporting or hunting purposes; the reason the Second Amendment was put in the Constitution was because of tyranny in government,” Kessler said. “It gives the people, as a last resort — and I’ll say that again, as a last resort — to stand up against tyranny in government. Now, that’s the last thing I want to see, and that’s the last thing everyone I’ve spoken to all across this country wants — from California to Alaska and from Texas all the way up to New York. We don’t want to see any kind of last resorts, any kind of violence.”

Still, Kessler believes it is important for people like him — law enforcement, political leaders, and regular Americans — to always stand up for liberty, especially in this day and age. “I’m just doing what I believe is right. I’ve always been a Second Amendment guy, I’ve always been pro-gun, pro-Constitution, and I’m standing up for what I believe in,” he said. “It’s not about me, it’s about our freedoms, and there has never been another time in the history of our country that our freedoms have been so under attack.”

Concluding the interview, the principled police chief offered the following advice: “Spread the word and stand together.” All over the Internet, gun rights activists are already doing that. Whether Congress is listening, however, remains to be seen.

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