



Written by [Joe Wolverton, II, J.D.](#) on March 9, 2016

South Carolina House Passes Bill Nullifying New Federal Firearm Restrictions

On March 2 the South Carolina state House of Representatives passed a bill that stops the enforcement of federal firearm regulations at the state border.

The Second Amendment Preservation Act — H. 4701 — prohibits state officials from cooperating with the federal government in the enforcement of any federal act that “limits the right of a person to own, possess, or use a firearm, ammunition or firearm accessories.”



Furthermore, the bill prevents the state of South Carolina from accepting “any federal funds related to any law, rule, or regulation that took effect after January 1, 2016, that requires firearms to be registered or confiscated.”

Finally, the proposal would block the state government from spending any money “toward the enforcement of any federal law, rule, or regulation” imposed by the federal government since January 1, 2016.

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Some state lawmakers who opposed the bill — it was approved along party lines by a vote of 69-27 — claim that should the measure become law, South Carolina would be left defenseless in its battle against “domestic terrorism” and against the “Charleston loophole,” which critics claim is the way alleged Emanuel AME Church shooter Dylann Roof obtained the weapon he used in that deadly act.

In a statement published by the (Charleston) *Post and Courier*, the bill’s sponsor, state representative Mike Pitts thinks such remarks are just a smoke screen. “The ‘Charleston loophole’ was a sidetrack to use a motion to fight this particular bill,” Pitts said, as quoted in the *Post and Courier*. “I don’t think (the bill) would’ve drawn any debate if it weren’t an election year.”

One of the bill’s most ardent opponents threw down the “domestic terrorism” card in his play to prevent passage of the measure.

Again, from the *Post and Courier*:

Charleston Democrat Leon Stavrinakis was among those who argued against the bill on the floor by stressing the need to protect the country from domestic terrorism. Now its opponents have to count on the bill gaining no traction in the Senate, which has been stuck in filibuster limbo since the start of the session, or for it to return with a more narrow scope.

Stavrinakis said the Legislature would fight “tooth and nail” as a whole if the federal government attempted to take away or force registration of the firearms from law-abiding citizens.

“I think that there’s some merit in sending a message to Washington that we’re going to protect the Second Amendment rights of law-abiding citizens,” Stavrinakis said. “But I don’t want to be a part



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of a bill that cements the rights of criminals and deranged people and terrorists to wreak havoc. After what we've been through in Charleston and what we've seen happen around the world and in this country with domestic terrorists, it's just something I could not support."

The problem with Stavrinakis's analysis is that it is the "protection from domestic terrorism" justification that is being used by the federal government in its drive to disarm American civilians.

In fact, in a Fact Sheet published by the White House on January 4 of this year, President Obama, citing the failure of Congress "to take action and pass laws that would expand background checks and reduce gun violence," took it upon himself to issue executive orders purporting to protect America from the very tragedies that Representative Stavrinakis considers the reason we need new gun laws.

The forces of the federal government will always rely — has historically always relied — on the "safety" excuse to justify its denial of the God-given rights of the citizens of this country.

Since the day he was inaugurated, Barack Obama has pursued twin policies of civilian disarmament and converting local police into a federally funded standing army free from the fetters of local accountability.

He is so sincerely dedicated to achieving these goals that he has usurped the lawmaking powers of Congress and has issued edicts that he promises to enforce with thousands of federal agents who, while the people are being left defenseless, count on an ever-increasing arsenal of military-grade weapons and billions of rounds of ammunition.

Our Founding Fathers were aware of the potential for presidents to accumulate powers not granted them in the Constitution, and they relied on the states to serve as barricades to protect the people from federal officials who would betray them and their oaths of office.

The principal and most effective weapon of state resistance to federal overreaching is nullification. This antidote can stop the poison of all unconstitutional federal acts and executive orders at the state borders and prevent them from being imposed on the people, exactly as the bill in South Carolina would do.

Every state in this union retains this right of refusal, owing to their role as creators of the federal government because they, the states, created the federal government and reserve the right to resist the exercise by Congress of any powers not specifically granted to it by the states in the Constitution.

States are, it is true, bound by the terms of their agreement (the Constitution) that created the federal government, but they have no obligation to sustain acts of the central government that go beyond the boundaries of that agreement.

This principle is easy to understand by answering the following question: Would anyone enter into an agreement with others to create an entity that would have unlimited authority over them?

Fortunately, when it comes to the right to keep and bear arms, not only did the states give no power to the federal government to interfere in it, but they explicitly prohibited it from infringing whatsoever on this critical liberty. The Second Amendment states, "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."

Representative Pitts understands this, and his bill would reinforce this right, as well as reassert the authority of the Palmetto State to reject all unconstitutional acts of the federal government, including the attempt to curtail in any way the right to arm oneself.



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Although he may have enemies in the state House of Representatives, James Madison would approve of Pitts's bill's "refusal to cooperate with officers of the Union" when those officers are attempting to enforce unconstitutional infringements on the right to keep and bear arms.

If nullification is to be successfully deployed and defended, lawmakers in all 50 states must be taught that the Constitution is a creature of the states and that the federal government was given very few and very limited powers over objects of national importance.

The Founders believed and enshrined in our Constitution the timeless principle of liberty that if an act of Congress exceeds the scope of the enumerated powers given to the federal government in the Constitution, then that act was not made in pursuance of the Constitution and is therefore "merely [an act] of usurpation"; it is not only not the supreme law of the land, but it is not law at all.

On March 8, the South Carolina Second Amendment Preservation Act was read for the first time in the state senate and was referred to the State Senate Committee on Judiciary for its consideration.



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