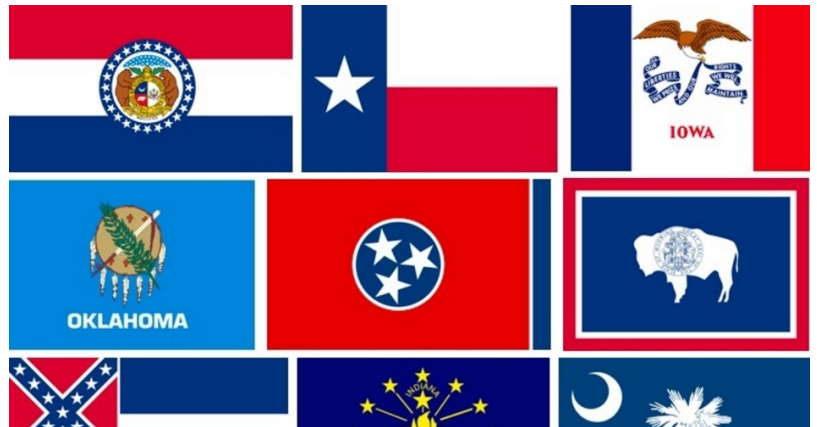




Written by [Alex Newman](#) on January 19, 2013

States Aim to Nullify Obama Gun Control

Across America, state lawmakers, governors, attorneys general, sheriffs, and other officials are promising to protect the gun rights of citizens in their jurisdictions in the face of the [most aggressive assault on the Second Amendment in generations](#). Indeed, as the Obama administration's unconstitutional agenda becomes increasingly transparent — backed by [some Democrats](#) and [much of the establishment media](#) — [resistance to further infringements](#) on the right to keep and bear arms is exploding nationwide.



Numerous bills have already been introduced in state legislatures, for example, that would nullify unconstitutional federal gun control and even criminalize enforcement of such lawless restrictions. Texas, Wyoming, Missouri, Oklahoma, Tennessee, Iowa, and other states are considering nullification legislation in the wake of Obama's recent push to [enact gun control by executive decree and proposals sent to Congress](#). Other states are expected to join soon, and many have already adopted laws in recent years protecting guns made and kept within their jurisdictions from federal regulations.

In Mississippi, Republican Gov. Phil Bryant [sent a letter](#) on Wednesday urging state lawmakers to "immediately pass legislation that would make any unconstitutional order by the President illegal to enforce in Mississippi." Citing widespread concerns over "our sacred rights as Americans," the governor noted that "several states have introduced similar measures and I believe will be successful in preventing this overreaching and anti-constitutional violation of our rights as American citizens." He also urged citizens to resist any such presidential decrees, according to [news reports](#).

Among the states that have already introduced strong legislation to protect gun rights from lawless federal restrictions is Wyoming, which has one of the most heavily armed populations in America while enjoying some of the lowest crime rates. State lawmakers there are [rallying behind a bill](#), which they expect to pass, that would nullify any and all future infringements on the right to keep and bear arms, including restrictions on semi-automatic weapons or magazines. Federal officials attempting to enforce unconstitutional statutes or executive orders would face felony charges and up to five years in prison.

"We're a sovereign state with our own constitutional form of government," [said](#) Republican state Rep. Kendell Kroeker, the chief sponsor of the [Firearms Protection Act](#) and a strong believer in both the Wyoming and U.S. constitutions he took an oath to uphold. "We've got a right to make our laws, and if the federal government is going to try to enforce unconstitutional laws on our people and take away the rights of Wyoming citizens, then we as a state are going to step up and make that a crime."

Following Wyoming's lead, lawmakers in Texas, South Carolina, Tennessee, Indiana, and other states all filed similar nullification legislation designed to put the federal government in its place on the gun rights issue. Legislators say that with the increasingly out-of-control federal government running wild and threatening to restrict the constitutionally guaranteed rights of citizens, it is time for states to take action and re-assert their sovereignty.



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“It’s our attempt to push back on the federal government’s ever increasing encroachment, not only on our personal liberties but on our state sovereignty, and this is what we’re going to do,” [said](#) Tennessee state Rep. Joe Carr during a press conference on his legislation to criminalize enforcement of the Obama administration’s anti-Second Amendment schemes. “We’ve had enough and enough is enough. We’re tired of cheap political antics, cheap props using children as bait to gin up emotional attachment for an issue that, quite honestly, doesn’t solve the problem.”

In Texas, famous for its independent-minded citizens and its relative respect for gun rights, state officials are also stepping up to the plate. State Attorney General Greg Abbott, for example, [noted](#) that the proposals being discussed in Washington, D.C., are unconstitutional and should be treated as such. Citing Supreme Court rulings on gun rights, the state’s chief law enforcement officer promised to take the infringements to court and get them thrown out. Gov. Rick Perry, meanwhile, also jumped on the Second Amendment bandwagon, [slamming](#) Obama and his allies in the media for exploiting dead children to advance an unconstitutional agenda.

State lawmakers in the Lone Star State are taking concrete action in defense of citizens’ rights, too. “We can no longer depend on the federal government and this administration to uphold a Constitution that they no longer believe in,” [said](#) state Rep. Steve Toth, who recently introduced a bill to nullify federal restrictions on gun rights and charge anyone trying to enforce them with a felony. “The liberties of the People of Texas and the sovereignty of our state are too important to just let the federal government take them away. The overreach of the federal administration’s executive orders that are do not align with the Constitution, are not very popular here in Texas.”

One state, however, is standing above even Texas. Analysts [say](#) that legislation filed in Missouri by Republican state Rep. Casey Guernsey with over 60 co-sponsors, known as the Second Amendment Preservation Act, appears to be among the strongest bills at this point. If passed, it would nullify any and all federal acts, orders, laws, statutes, rules, or regulations purporting to limit or restrict access to personal firearms, accessories, and ammunition. Any federal official caught attempting to enforce such unconstitutional rules in the state would be charged with a class D felony, facing up to four years in prison upon conviction.

The Tenth Amendment Center, which advocates state nullification of all unconstitutional federal statutes, celebrated the legislation in Missouri and called on other state governments to join the movement. The non-profit organization, citing history and the Constitution, insists that it is the duty of state officials to uphold their oath of office and protect the unalienable rights of citizens — especially with the federal government becoming increasingly lawless and unhinged.

“When you’ve got people like Feinstein talking about major bans and Biden telling us that all they need is an executive order, you know these folks are willing to go all the way. So, it’s good to see these folks in Missouri go all the way as well, all the way in support the 2nd Amendment without any ifs, ands, or buts,” [said](#) Mike Maharrey, the Tenth Amendment Center’s national communications director. “The feds have absolutely zero constitutional authority to make any laws over personal firearms. Period.”

The [principle of nullifying unconstitutional federal activities](#) goes back to the earliest days of the republic, when Founding Fathers like Thomas Jefferson invoked it. Throughout American history, though, it has always been around. The state of Wisconsin, for example, nullified a federal statute purporting to require that runaway slaves be returned to their masters.

Numerous constitutional scholars have studied the issue, and in recent years, the concept has exploded



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into the public consciousness, with even big government-oriented Americans nullifying unconstitutional federal power grabs. Some 18 states have nullified federal drug statutes by legalizing marijuana for medical purposes, for instance. Colorado and Washington State recently legalized the controversial plant even for recreational use — [all in open defiance of clear federal dictates](#).

Conservatives, meanwhile, are increasingly relying on nullification as well, targeting everything from [ObamaCare](#) to the latest round of gun-control scheming. In a recent article for *The New American* on Missouri's efforts, liberty-minded attorney Joe Wolverton, an expert on nullification, explained the foundation — both legal and historical — for state actions nullifying unconstitutional federal power grabs.

"Nullification is a concept of constitutional law recognizing the right of each state to nullify, or invalidate, any federal measure that exceeds the few and defined powers allowed the federal government as enumerated in the Constitution," he [explained](#). "Nullification exists as a right of the states because 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 central government to enact laws that are applicable to the states and the citizens thereof."

While states pursue nullification, county sheriffs nationwide have also [promised not to comply with new gun control](#), with more than a few chief law enforcement officers pledging to actively prevent the enforcement of such measures in their jurisdictions. At the federal level, of course, lawmakers who take their oath of office seriously are working to stop the administration's anti-gun rights machinations as well, with Sen. Rand Paul (R-Ky.) [working to push a bill targeting "King" Obama's executive orders](#). Some Republicans in the House have even [put impeachment on the table](#).

Despite the intense efforts to infringe on the right to keep and bear arms being led by the Obama administration and some Democrats in Congress and amplified by their allies in the press, the anti-constitutional push may be backfiring, according to analysts. Aside from renewed interest in nullification, recent polls [show two out of three Americans understand that the Second Amendment was added to the Constitution to protect the people from tyranny](#) — not for "hunting" or "sporting" purposes, as citizen-disarmament advocates continue to suggest.

Much of the state-level resistance is currently focused on stopping unconstitutional gun control, but the awakening taking place nationwide is increasingly expanding to other areas as well. As the federal government continues to lawlessly expand its size and scope far beyond constitutional limits — targeting more and more of the people's rights in the process — activists from all sides of the political spectrum will increasingly rely on nullification. And if the anti-constitutional trends out of Washington, D.C., continue, a showdown between states and the feds will become imminent.

Alex Newman is a correspondent for The New American, covering economics, politics, and more. He can be reached at anewman@thenewamerican.com.

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