



Written by [Joe Wolverton, II, J.D.](#) on January 24, 2016

States Step Up Efforts to Nullify Federal Gun Control Edicts

*If now ye suffer grievously through
cowardice all your own,*

*Cherish no wrath against the gods for this,
For you yourselves increased the usurper's
power by giving him your guard in his
hands,*

*And now, therefore, as his servants you must
do as he commands.*

— Solon, the Lawgiver of Athens,
circa 560 B.C.



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.

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,



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the right of the people to keep and bear Arms, shall not be infringed.”

Now, in the era of an executive without consideration for any constitutional restraints on his power, states must come to the defense of the rights of the people, and many states are doing just that.

As of the date of publication of this article, at least 15 states are in the process of passing bills that would stop the enforcement of federal gun control measures — congressional, executive, and judicial — at the state borders, protecting this fundamental freedom from the application of unconstitutional acts.

James Madison would applaud these state governments’ “refusal to cooperate with officers of the Union” when those officers are attempting to enforce unconstitutional orders.

Thanks to the educational efforts of organizations such as the Tenth Amendment Center and The John Birch Society, many more state lawmakers are becoming aware of their obligation to deny any aid to the statists in Washington, D.C. and the armies of agents that are sent, in the words of Thomas Jefferson, “to harass our people and eat out their substance.”

Americans determined to defend their right to mount armed resistance to the imposition of tyranny on a once self-governing people must seek out those candidates who will not cower in the face of federal threats if the states are to be successful in nullifying the current administration’s attempts to control the owning, buying, selling, trading, and transferring of all weapons and ammunition.

While there are many state representatives fighting to defend this freedom, the situation in Virginia is disheartening, particularly considering the Old Dominion is the home of James Madison and Thomas Jefferson, the authors of the Virginia and Kentucky Resolutions, the clearest explanations of the principles protecting the sovereignty of states and the liberties of their people from usurpations by the federal authority.

Consider this report from the Tenth Amendment Center published on January 18:

New documents show that Virginia police are not only admitting to regularly helping the feds enforce federal gun control measures, they’re also worried about losing the funding that comes with it.

House Bill 83, [filed in the Virginia state House](#), would prohibit state agencies and officers from enforcing new federal gun control laws. The bill has been referred to the Appropriations Committee over financial concerns.

According to [state documents](#), although the bill is not expected to have a “direct fiscal” impact on the Department of State Police, the department is claiming that there is a “potential of reduction or elimination of federal grants that they currently have related the National Instant Criminal Background Check System (NICS).”

Among those federal grants are for mental health Web service between the state Supreme Court and the police department.

“The first thing that comes to mind is that Virginia state police is outright admitting to being actively involved in helping the feds enforce federal gun measures,” said Michael Boldin of the Tenth Amendment Center. “There’s nothing in the constitution that requires Virginia to help the feds violate your rights — and this needs to stop.”

Fortunately, on that same day South Carolina’s state legislature saw the introduction of a bill that would:



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Prohibit the use or allocation of public funds, personnel, or property to implement, regulate, or enforce a federal law, executive order, regulation, or rule regulating the ownership, use, or possession of firearms, ammunition, or firearm accessories.

That is the kind of language needed if nullification is to perform its proper function, that of forcing the federal beast back inside its constitutional cage and maintaining the manifold rights of the people.

If nullification is to be successfully deployed and defended, other states lawmakers must follow the example of the state lawmakers in these 15 states and remember 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.

As Alexander Hamilton explained *The Federalist*, No. 28:

It may safely be received as an axiom in our political system, that the State governments will, in all possible contingencies, afford complete security against invasions of the public liberty by the national authority. Projects of usurpation cannot be masked under pretenses so likely to escape the penetration of select bodies of men, as of the people at large. The legislatures will have better means of information. They can discover the danger at a distance; and possessing all the organs of civil power, and the confidence of the people, they can at once adopt a regular plan of opposition, in which they can combine all the resources of the community. They can readily communicate with each other in the different States, and unite their common forces for the protection of their common liberty.

If states permit the federal government to rob the people of their ability to resist tyranny, then all other liberties will be at the mercy of that same federal force, for a disarmed populace is a slave populace.



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