



Written by [Alex Newman](#) on January 11, 2013

Wyoming Bill Would Nullify Obama Gun Control, Jail Feds

As the Obama administration [plots various assaults on gun rights by “executive order”](#) and legislation, proposals [described as “very extreme”](#) even by some Democrats, state lawmakers in Wyoming have another idea. Republican legislators are rallying behind [nullification](#) legislation that would void unconstitutional infringements on the right to keep and bear arms, even providing prison time for any federal agents who may try to enforce Washington, D.C., gun control in the state. Lawmakers expect it to pass.



The new bill, [H.B. 0104 or the “Firearms Protection Act,”](#) would [nullify](#) any new federal infringements on the constitutionally protected gun rights of state residents — who enjoy some of the lowest crime rates while being among the most heavily armed people in America. Unconstitutional federal gun registration schemes, as well as restrictions on semi-automatic guns or standard-capacity magazines, would also be nullified under the legislation.

There are teeth in the proposed law too: Any federal official attempting to enforce unconstitutional statutes or decrees infringing on gun rights passed after January 1 of this year would be charged with a felony. If convicted, criminal officials would be punished by up to five years in state prison and a \$5,000 fine. The legislation also authorizes the state attorney general to defend citizens of Wyoming if federal authorities seek prosecutions under unconstitutional gun control rules.

At least eight state representatives and two state senators have already sponsored the legislation. And nationwide, support for similar measures is exploding. “We want to get things ahead of the game,” Republican state Rep. Kendell Kroeker, the primary sponsor of the bill, [told](#) the *Huffington Post*. “We take the Second Amendment seriously in Wyoming.... If the federal government is going to pass laws taking back our rights, it is our right as a state to defend those rights.”

Citing his oath to support and defend the U.S. and state constitutions, state Rep. Kroeker has been a leader in standing against lawless usurpations of power by the federal government. In a previous session, he introduced legislation to increase the use of gold as currency in the state, for example. “I take an oath to uphold, support and defend the Constitution of the United States and the Constitution of Wyoming,” Kroeker continued, telling reporters that his constituents and activists nationwide were thrilled by the move. “I believe it is my duty to take that oath seriously.”

In a separate interview with the Associated Press, the liberty-minded lawmaker [noted](#) that there are “a lot of people” who would seek to take all of Americans’ guns — at least if they could. The only thing restraining them, Kroeker said, is public opposition as well as other lawmakers who take their oaths seriously and are concerned about protecting the people’s unalienable rights.

“We’re a sovereign state with our own constitutional form of government,” he told the AP. “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



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make that a crime.”

In the state Senate, another co-sponsor of the legislation, Wyoming State Senator Larry Hicks, cited the 10th Amendment to the U.S. Constitution, which reserves all powers not specifically granted to the federal government to the states or the people. The nullification bill, he added in an interview with the *Washington Examiner*, will send a message to federal politicians considering further infringements on the rights of his constituents.

“It says that your one size fits all solution doesn’t comport to what a vast majority of the state believes,” Sen. Hicks [told](#) the paper about the message federal politicians should be taking from the legislation, telling other reporters that state lawmakers were receiving e-mails in support of the bill from all across America and that citizens were urging their own states to take similar action. “I don’t think this is controversial in Wyoming at all.... I fully expect this bill to pass.”

According to the liberty-minded state senator, even if Congress refuses to budge, the administration is determined to restrict gun ownership by presidential decree. “I think that’s the biggest threat we’re facing,” he told the AP. Sen. Hicks also said that his constituents were “absolutely terrified” about threats from Washington to assault gun rights — especially Vice President Joe Biden’s pledge this week to implement the lawless attack by executive order.

“They are very, very upset that we’re going to see some level of federal takeover of our weapons and abuse of our rights given to us by the Second Amendment,” the state senator was quoted as saying, referring to his constituents. “Also, that the federal government will bypass our legislative officials and confiscate our weapons through executive order. This gives citizens of the Western United States a great deal of concern.”

The AP, in an uncharacteristically honest assessment, pointed out that Wyoming has one of the highest rates of per-capita gun ownership in America, and that it also has among the lowest levels of gun violence. “Part of it’s our culture,” Hicks explained. “Our kids grow up around firearms, and they also grow up hunting, and they know what the consequences are of taking a life. And they know at an early age, whether you hunt or fish, that there’s consequences from pulling that trigger. We’re not insulated from the real world in Wyoming.”

At least one Democrat, Rep. James Byrd, has already expressed his opposition to the plan. “If you want to pick a fight with the feds, let’s pick a fight with the feds that’s about something that means something,” he was quoted as saying by the AP while claiming to be a staunch supporter of the Second Amendment. It was not immediately clear why Byrd thought the unalienable right to keep and bear arms — enshrined in both the Wyoming and U.S. constitutions — was not meaningful.

Predictably, Obama apparatchiks funded by billionaire statist George Soros are already crying foul, too. The far-left “Think Progress” blog, for example, claimed that nullification would be unconstitutional. “The constitution actually stipulates that federal law ‘shall be the supreme law of the land,’” Annie-Rose Strasser [alleged](#) falsely, without pointing out the [constitutional stipulation that federal laws must be “made in pursuance” with the Constitution](#). It was not clear whether the writer was simply ignorant of American history and the U.S. Constitution, or whether the false statements were deliberate lies in an effort to confuse readers.

Some analysts quoted in the establishment press, also presumably unfamiliar with [history or the U.S. Constitution](#), have claimed that states may not nullify unconstitutional federal usurpations as well. Of course, American history is replete with examples of nullification — Wisconsin nullified a federal statute



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purporting to require the return of escaped slaves to their masters, for example. Even Founding Fathers like Thomas Jefferson helped states void unconstitutional legislation in the early years of the Republic.

More recently, states all across America have been putting their foot down. Even causes traditionally associated with liberals, such as marijuana legalization, have succeeded through nullification — [Colorado and Washington state both legalized the controversial plant in November](#), and many other states have approved it for medical use in spite of unconstitutional federal statutes. Conservatives and libertarians have also been relying on [nullification](#), especially in recent years.

As the increasingly out-of-control federal government tries to restrict more and more of Americans' unalienable rights — with the Second Amendment just the latest target — state lawmakers all across the country are taking action. A [bill](#) just introduced in Indiana known as the [Firearm Freedom Act](#), for instance, would also protect the rights of gun owners to be free from federal regulations if the gun was produced and purchased in the state. Similar legislation has already been [adopted in other states](#).

Meanwhile, [law-enforcement officials, such as sheriffs and police chiefs](#), are also [developing legal strategies to protect gun rights in their jurisdictions](#), with some [lobbying for nullification measures](#) as well. As *The New American* reported this week, while the Obama administration [seeks to severely infringe on the Second Amendment](#), talk of [mass resistance nationwide](#) is growing in tandem. The president may believe he can violate the Constitution by decree, but it appears that many states have had just about enough of the lawlessness. If Congress refuses to rein in the out-of-control administration, state governments may have to do it instead.

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