



Written by [Joe Wolverton, II, J.D.](#) on March 6, 2023

Kansas Proposes Powerful Check on Past, Present, and Future Federal Gun Grabs

A bill filed in the Kansas state legislature would go a long way to shield citizens of that state from federal gun-grabbing schemes.

House Bill 2442 — the Kansas Gun Rights Preservation Act — would prohibit state and local agencies and their employees from enforcing any past, present, or future federal “acts, laws, executive orders, administrative orders, rules, and regulations” that reduce the scope of the right to keep and bear arms, as protected by the Second Amendment to the U.S. Constitution.



Zerbor/iStock/Getty Images Plus

Specifically, the measure mandates:

All federal acts, laws, executive orders, administrative orders, rules and regulations, whether enacted prior to or after the effective date of the Kansas gun rights preservation act, that violate subsection (a) shall be invalid and unenforceable in this state.

That’s about as clear as it gets, and Kansans should be proud.

There’s much to praise in the language of this bill. The authors demonstrate their appreciation of the constitutional limits on federal authority, as well as their commitment to enforce strictly those limits.

For example, the bill contains the following accurate recitation of the history of the creation of the federal government:

The legislature of the state of Kansas is firmly resolved to support and defend the constitution of the United States against every aggression, whether foreign or domestic, and is duty-bound to oppose every infraction of those principles that constitute the basis of the union of the states because only a faithful observance of those principles can secure the union’s existence and the public happiness;

(b) acting through the constitution of the United States, the people of the several states created the federal government to be their agent in the exercise of a few defined powers, while reserving for the state governments the power to legislate on matters concerning the lives, liberties and properties of citizens in the ordinary course of affairs

Next, the authors set out the correct constitutional limits on federal authority and the role of states in maintaining those limits:

The limitation of the federal government’s power is affirmed under amendment X to the constitution of the United States, which defines the total scope of federal powers as being



Written by [Joe Wolverton, II, J.D.](#) on March 6, 2023

those that have been delegated by the people of the several states to the federal government and all powers not delegated to the federal government in the constitution of the United States are reserved to the states respectively or the people themselves;

(d) if the federal government assumes powers that the people did not delegate in the constitution of the United States, its acts are unauthoritative, void and of no force;

In fact, a careful reading of the text of the Kansas bill reveals a substantial similarity between it and the Virginia Resolution of 1798 written by James Madison and passed by the Virginia state legislature. That document likewise marks the proper borders between state and federal power and the role of the states in patrolling those borders:

That this Assembly doth explicitly and peremptorily declare, that it views the powers of the federal government, as resulting from the compact, to which the states are parties; as limited by the plain sense and intention of the instrument constituting the compact; as no further valid that they are authorized by the grants enumerated in that compact; and that in case of a deliberate, palpable, and dangerous exercise of other powers, not granted by the said compact, the states who are parties thereto, have the right, and are in duty bound, to interpose for arresting the progress of the evil, and for maintaining within their respective limits, the authorities, rights and liberties appertaining to them.

Our Founding Fathers were aware of the potential for the federal government to accumulate powers not granted to it 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, or interposition, as it is sometimes called by the Founders. 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, as the proposed Kansas law explains, 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."

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 Kansas is doing just that.



Written by [Joe Wolverton, II, J.D.](#) on March 6, 2023

House Bill 2442 is currently pending consideration by the Kansas House Federal and State Affairs Committee.



Written by [Joe Wolverton, II, J.D.](#) on March 6, 2023

Subscribe to the New American

Get exclusive digital access to the most informative, non-partisan truthful news source for patriotic Americans!

Discover a refreshing blend of time-honored values, principles and insightful perspectives within the pages of "The New American" magazine. Delve into a world where tradition is the foundation, and exploration knows no bounds.

From politics and finance to foreign affairs, environment, culture, and technology, we bring you an unparalleled array of topics that matter most.



[Subscribe](#)

What's Included?

- 24 Issues Per Year
- Optional Print Edition
- Digital Edition Access
- Exclusive Subscriber Content
- Audio provided for all articles
- Unlimited access to past issues
- Coming Soon! Ad FREE
- 60-Day money back guarantee!
- Cancel anytime.