



Written by [Joe Wolverton, II, J.D.](#) on January 24, 2013

Utah State Rep Introduces State Supremacy Firearms Act

Think Americans don't care about the right to keep and bear arms? Think again.

In Salt Lake City, Utah, on January 19, nearly [3,000 liberty-minded Americans](#) disregarded temperatures in the single digits to express their opposition to impending federal gun control programs and their support for a state bill that will stop all such efforts at the borders of the Beehive State.



The legislation in question, the State Supremacy Firearms Act, is the work of first-time state representative [Brian Greene \(R-Pleasant Grove\)](#).

"The Utah Legislature knows what is best with respect to gun safety in our state," Greene told the crowd gathered on the steps of the State Capitol.

Greene also shared with the rally a letter from the Utah Sheriffs' Association to President Obama that informs the president that "no federal official will be permitted to descend upon our constituents and take from them what the Bill of Rights — in particular Amendment 2 — has given them."

The last line of the letter from the sheriffs brought the seriousness of the message home.

"And we are prepared," the sheriffs write, "to trade our lives for the preservation of its traditional interpretation."

As *The New American* has reported, similar statements in defense of the constitutionally protected right to keep and bear arms are being [issued by sheriffs all around the country](#).

In Utah, Representative Greene believes that sheriffs will arrest and detain any federal agent attempting to enforce any executive order or act of Congress that infringes on the right to purchase or possess firearms and ammunition.

In an interview with *The New American*, Greene, an attorney, explained the impetus behind his gun rights legislation.

"After the Connecticut school shooting, I saw a frenzy erupt in Washington, D.C.," Greene said. "President Obama seems determined to never let a tragedy go to waste."

Greene went on to question the connection between the federal gun grab and the stated purpose of it — safety.

In the days after the mindless massacre at the Sand Hook Elementary School, President Obama [issued the following statement](#), promising safety to the nation's children:

Can we honestly say that we're doing enough to keep our children — all of them — safe from harm? Can we claim, as a nation, that we're all together there, letting them know that they are loved, and teaching them to love in return? Can we say that we're truly doing enough to give all the children of this country the chance they deserve to live out their lives in happiness and with purpose?

I've been reflecting on this the last few days, and if we're honest with ourselves, the answer is no.



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We're not doing enough. And we will have to change.

Representative Greene questions the president's understanding of his constitutional role.

"President Obama just took the [presidential] oath of office again. In it he vows to uphold the Constitution, not make people safe," Greene said.

As set out in [Article II of the Constitution](#), the president swears to "preserve, protect, and defend the Constitution of the United States."

Along with the right to keep and bear arms, many basic liberties guaranteed by the Constitution are under attack by the federal government. Greene believes it's time to push back against that assault.

"The federal government has steamrolled state sovereignty on this and many other issues," Greene said. "It's incumbent on states to take action and uphold the Constitution and the rights of citizens."

To Greene's credit, his bill does just that.

Patterned after similar measures proposed in a dozen states, the Utah State Supremacy Firearm Act restores the walls of state sovereignty protected by the Constitution. Representative Greene provided *The New American* with an advance copy of the measure. The preamble of the legislation declares:

It is the exclusive authority of the Legislature of this State to adopt and enact any and all laws, orders, rules or regulations as may be deemed necessary regarding the manufacture, transfer, possession, ownership, and/or use of firearms within the State of Utah, and that any federal action which attempts to impose limitations on firearms contrary to the Second Amendment of the Constitution of the United States, or the Constitution or laws of the State of Utah, shall be unenforceable in Utah.

Greene's bill goes beyond simply restating the fact of state supremacy in this area, however. It criminalizes participation by a federal agent in any federal disarmament program within Utah. Section 2 B declares:

Any official, agent or employee of the United States government who enforces or attempts to enforce any act, law, order, rule or regulation of the United States government upon a personal firearm, a firearm accessory or ammunition that is owned or manufactured commercially or privately in Utah and while the same remains exclusively within the borders of Utah shall be guilty of a third degree felony, and subject to imprisonment not to exceed five (5) years and/or a fine not to exceed five thousand dollars (\$5,000.00).

State employees and officers are likewise prohibited from executing federal gun control laws:

It shall be unlawful for any officer or employee of this state, or any political subdivision, or any federal firearms dealer licensed under 19 U.S.C. Section 923 to enforce or attempt to enforce any act, law, order, statute, rule, or regulation of the federal government relating to a personal firearm, firearm accessory, or ammunition that is owned or manufactured commercially or privately in the state of Utah and while the same remains exclusively within the borders of the state of Utah.

Greene's bill and those being considered in other states are examples of an expression of the states' right to prevent the federal government from overstepping the constitutional boundaries of its power. This state action is known as nullification.

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



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government as enumerated in the Constitution.

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.

Greene told *The New American* that federal disregard for state sovereignty is obvious given the fact that no single state lawmaker or governor was invited to the gun control roundtable recently held at the White House.

The federal government's apparent goal of effecting a *de facto* repeal of the Second Amendment is not about safety, though, Greene insists. It's aimed at the abolition of freedom itself.

"It's not about protecting the public. It's about depriving Americans of the right to bear arms because that is the right that protects all the other rights."

Greene has good company in that opinion. Illustrious juror of the founding era [St. George Tucker](#) wrote in his commentaries on Blackstone:

This may be considered as the true palladium of liberty. ... The right of self defence [sic] is the first law of nature: in most governments it has been the study of rulers to confine this right within the narrowest limits possible. Wherever standing armies are kept up, and the right of the people to keep and bear arms is, under any colour or pretext whatsoever, prohibited, liberty, if not already annihilated, is on the brink of destruction.

Photo of Utah State Capitol, Salt Lake City, Utah

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