



## Kansas enacts law to nullify federal violations of Second Amendment

by: J. D. Heyes April 27, 2013

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The state of Kansas has enacted legislation that essentially cancels out any future federal attempt to regulate guns or impose new gun control measures and restrictions in a move seen by supporters as protecting the integrity of the Second Amendment and Kansans' right to bear arms without government infringement.

Senate Bill 102, which was signed by Gov. Sam Brownback, a Republican, April 24, was designed to push back against federal lawmakers and the Obama Administration, both of which are stumping for tighter gun control laws, shamelessly using the tragedy of the Sandy Hook Elementary School shootings for maximum political effect. The Kansas law, however, "nullifies any new limits on firearms, magazines and ammunition - whether enacted by Congress, presidential executive order or any agency," WorldNetDaily reported.

For example, had Congress passed a recent Senate measure calling for expanded federal background checks of gun purchases, the Kansas law would nullify it in the state.

Specifically, the Kansas law prevents federal law enforcement officials from enforcing any laws restricting Second Amendment rights. To ease concerns by some lawmakers over showdowns, federal officers would not be handcuffed or jailed, but they would be prosecuted.

What makes the law significant is not simply its intent, but rather, who signed it. Brownback, a major GOP political figure, has served as a U.S. congressman and senator; supporting a "nullification law" gives the growing movement much more credence.

Nullification movement picking up steam

In all, 32 state legislatures have considered or are considering similar legislation to protect the integrity and intent of the Second Amendment - so important to our founding fathers that they put it second on the list of the Bill of Rights, directly after the right to free speech, assembly and religion (none of which require "background checks," by the way).

Montana began the trend with a measure called the "Firearms Freedom Act," a law that is currently winding its way through the federal U.S. 9th Circuit Court of Appeals, which heard arguments in March.

Two think tanks, the CATO Institute and the Goldwater Institute, have filed amicus briefs in the case, arguing that "federal law doesn't preempt Montana's ability to exercise its sovereign police powers to facilitate the exercise of individual rights protected by the Second and Ninth Amendments."

Since Montana passed its law, several other states - including Arizona, Wyoming, South Dakota, Utah and Tennessee - have modeled legislation after it.

Some legal analysts monitoring the case say Montana has standing to pass such laws under the Second, Ninth and Tenth Amendments to the U.S. Constitution. The Second says the right to "keep and bear arms...shall not be infringed;" the Ninth clearly states that American citizens have rights that are not specifically listed in the Constitution; and the Tenth Amendment says states retain powers not specifically enumerated to the federal government.

Would nullification be successful this time?

Up to now, state-level "nullification" actions have been used as legal arguments in attempts to overturn a number of federal statutes, including pro-slavery laws and, most recently, Obamacare, but never successfully. The U.S. Supreme Court has ruled that under the so-called Supremacy Clause in the Constitution, all federal laws supersede or are otherwise superior to state laws, and that federal courts have the final say on constitutional interpretation.

"But with the momentum of 32 states having introduced pro-Second Amendment nullification bills, that may change," WND reported.

"The courts can strike a law down. The executive branch could refuse to enforce it. People in large numbers might refuse to comply," Michael Bolden, founder of the Tenth Amendment Center, told the

website. "A number of states could pass a law making its enforcement illegal. Or a number a states could refuse to cooperate in any way with its enforcement."

A key provision of the Kansas law provides that the state "would not be allowed to participate in any federal gun control measures that restrict the individual right to keep and bear arms as understood in 1861," Boldin says. That is the year the state joined the union, and, he maintains, state officials would not have done so back then if there had been the kind of Second Amendment restrictions currently under consideration in Washington.

And here's another thought. President Obama has chosen which federal laws he seeks to enforce and, more importantly, which laws he chooses not to enforce (the Defense of Marriage Act, and laws banning marijuana use, to name a few). There is nowhere in the Constitution that gives a president permission to do that; he/she is charged with seeing to it that the laws of the land are enforced, period.

If states don't have the right to nullify federal laws, presidents don't, either.

Learn more:

[http://www.naturalnews.com/040102\\_Kansas\\_Second\\_Amendment\\_gun\\_control\\_legislation.html#ixzz2RrTsTk9R](http://www.naturalnews.com/040102_Kansas_Second_Amendment_gun_control_legislation.html#ixzz2RrTsTk9R)