



Written by [Joe Wolverton, II, J.D.](#) on February 13, 2014

Missouri, Arizona Move on Measures Nullifying Fed Gun Grab

On Tuesday, the Missouri state Senate [approved a bill](#) that would nullify federal attempts to infringe upon the right of citizens of that state to keep and bear arms.

Senator Brian Nieves, sponsor of the bill, said that if enacted, his legislation would preserve the protections of the Second Amendment in the Show Me state. "This is primarily purposed to protect liberties of Missourians," said Nieves.



Citing the Missouri state constitution and the 10th Amendment to the U.S. Constitution, the measure restates the scope of federal authority as intended by our Founders. [The bill further declares](#) that federal supremacy does not apply to federal laws that restrict or prohibit the manufacture, ownership, and use of firearms, firearm accessories, or ammunition within the state "because such laws exceed the scope of the federal government's authority."

Any and all federal laws attempting to infringe on the right to bear arms under the Second Amendment to the U.S. Constitution and Article I, Section 23 of the Missouri Constitution are invalid according to relevant provisions in the legislation. Specifically, the bill nullifies "certain taxes, certain registration and tracking laws, certain prohibitions on the possession, ownership, use, or transfer of a specific type of firearm, and confiscation orders."

Furthermore, the bill states that "it is the duty of the courts and law enforcement agencies to protect the rights of law-abiding citizens to keep and bear arms."

Should the bill be enacted, all public officers and state employees would be stripped of any authority to enforce firearms laws declared invalid by the act.

With regard to penalties for violation of this legislation, the bill declares:

Any person who acts under the color of law to deprive a Missouri citizen of rights or privileges ensured by the federal and state constitutions shall be liable for redress. In such an action attorney's fees and costs may be awarded, and official or qualified immunity shall not be available to the defendant as a defense.

The bill would subject federal agents to civil and criminal penalties for knowingly enforcing federal gun laws. Agents could face up to one year in prison and a \$1,000 fine.

While the bill is a worthy attempt to thwart the Obama administration's seemingly endless effort to disarm civilians, an amendment tacked onto the measure at the last minute is worrisome.

As reported by the (Springfield, Missouri) *News-Leader*, the troublesome amendment would "require individuals to report stolen firearms to police within 72 hours after discovering a gun has been stolen."

The author of the amendment, Sen. Jamilah Nasheed (D-St. Louis), is quoted in the article as saying that the NRA opposes this mandate. "Many of the members of the Republican Party stated to me that the



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NRA called immediately after I offered the amendment,” Nasheed said, according to the *News-Leader* story.

The NRA released the following statement following the vote by the state Senate:

This modified anti-gun language would require every person to report the theft of a firearm they possess to a local law enforcement agency. Any missing firearm must be reported within 72 hours of the time he or she knew or “reasonably should have known” that the firearm had been stolen.

Those who are unable to report a lost or stolen firearm within this arbitrary amount of time, would be subject to penalties including: a \$1,000 fine, Class A misdemeanor and the loss of their Right to Carry Permit. Victims of gun theft should not be punished further by being prosecuted for such a “crime.” Police resources should be focused on finding the real criminals responsible, not further victimizing those who have had not only their belongings stolen, but their sense of security and privacy as well.

Regarding this addition, in a press conference held after the vote, Senator Nieves seemed unhappy, but resigned. “I can live with it. I wouldn’t raise it on a flag pole and say it’s the greatest thing I’ve ever seen but I can live with it,” Nieves said.

One hopes that by the time this bill reaches the governor’s desk, all such language will have been removed. Of course, even that doesn’t guarantee that Nieves’ colleagues will have the political wherewithal to withstand the challenges of those determined to carry out the will of President Obama and the enemies of the Constitution.

Last September, by a tally of 22-12, a vote in [the state senate fell one short of the two-thirds necessary to override Governor Jay Nixon’s veto](#) of a similar bill that would have nullified federal attempts to infringe on the rights guaranteed by the Second Amendment.

On the House side of the state legislature, representatives just crossed the constitutional threshold for a veto override by a vote of 109-49.

According to the latest bill’s official summary, it is substantially similar to last year’s measure, HB 436. In July 2013, Governor Nixon vetoed HB 436, after it was passed overwhelmingly by both houses of the legislature.

With the issuing of a terse, constitutionally confused letter, Nixon notified the secretary of state of Missouri that he refused his assent to HB 436 and why he made that decision. HB 436 was entitled the “Second Amendment Preservation Act” and would have denied to the federal government the authority to enact any statutes, rules, regulations, or executive orders “which restrict or prohibit the manufacture, ownership, and use of firearms, firearm accessories, or ammunition exclusively within the borders of Missouri.”

Now, and until the Nieves bill works its way through the state legislature, the federal government — because of the state senate’s failure to override Nixon’s veto of last year’s bill — is free to impose its unconstitutional control of the God-given right to keep and bear arms within the formerly sovereign borders of the Show Me State.

There is hope for the future of the Second Amendment, elsewhere, however.

On February 10, a committee of the Arizona state Senate voted 6-3 in favor of a bill that would all but completely nullify all federal disarmament efforts.



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As reported by the [Tenth Amendment Center](#):

Along with twelve sponsors and co-sponsors, Arizona State Sen. Kelli Ward introduced the Second Amendment Preservation Act in the Grand Canyon State. SB1294 prohibits the state from enforcing “any federal act, law, order, rule or regulation that relates to a personal firearm, firearm accessory or ammunition within the limits of this state.”

“We’ve sat back and allowed the federal government to trample the Constitution long enough,” Ward said. “We’re going to pass this bill and stop the state of Arizona from helping the feds violate your rights.”

In light of the various federal and international programs aimed at confiscating weapons from civilians and consolidating all control over firearms and ammunition in the hands of government, citizens jealous of their liberty should make sure they contact their representatives and let them know they will hold them accountable for their votes, particularly those directly impacting their ability to enjoy the constitutionally protected right to keep and bear arms.

As George Washington rightly counseled,

A free people ought not only to be armed and disciplined, but they should have sufficient arms and ammunition to maintain a status of independence from any who might attempt to abuse them, which would include their own government.

The Arizona bill now moves to the Arizona Senate Rules Committee, while the Missouri measure will have a third and final reading on February 17 before moving to the state House of Representatives.

Joe A. Wolverton, II, J.D. is a correspondent for The New American and travels nationwide speaking on nullification, the Second Amendment, the surveillance state, and other constitutional issues. Follow him on Twitter @TNAJoeWolverton and he can be reached at jwolverton@thenewamerican.com.



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