

STATE INTERPOSITION OF FEDERAL SECOND AMEND- MENT ENCROACHMENT ACT

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Senate Bill _____ and/or House Bill _____.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF
THE STATE OF _____,

An Act to codify interposition required against federal encroachments of second amendment rights of state and its citizens under authority of state law titled:

STATE INTERPOSITION ACT

Which codifies in perpetuity *“Defend state prerogatives by adopting “the simple expedient of not yielding” to federal blandishments whenever we do not want to embrace the federal policies, as States are separate and independent sovereigns. Sometimes States have to act like it.”* –Chief Justice John Roberts, Supreme Court of the United States, 2012.

Section 1. SUMMARY

This Act codifies the sworn duty and process of our State to interpose to prevent usurpation or encroachment upon our sovereign state by the federal government second amendment restrictions in violation of state rights in intrastate commerce, culture, federalism, and our citizen’s constitutional rights.

Section 2. LEGAL FOUNDATION

a. State rights and powers are sovereign, a unique culture,

heritage and history with liberties requiring neither permission or approval by the Federal Government, while federal government powers are enumerated, limited, and defined by the U.S. Constitution and subsequent federal law of the land.

b. James Madison, in his Virginia Resolution of 1798, asserted state governments not only have the right to resist unconstitutional federal acts, but that, in order to protect liberty, they are “duty bound to interpose” or stand between the federal government and the people of their State.

c. The Supreme Court of the United States confirmed state interposition rights in great detail, setting new precedent in *National Federation of Business et al v. Sebelius, 2011*.

Chief Justice John Roberts’ majority opinion...

See state law titled...STATE INTERPOSITION ACT.

Section 3. VIOLATIONS, USURPATION, ENCROACHMENTS BY THE FEDERAL GOVERNMENT UPON STATE CITIZENS SECOND AMENDMENT RIGHTS.

a. Presidential Executive orders and laws of Congress regarding background checks of state citizens purchasing, trading, or gifting of guns or restrictions on gun ammunition, parts or components are in violation of the U.S. Constitution and specifically the second amendment rights of citizens to keep and bear arms.

b. *Printz v. United States*, 521 U.S. 898 (1997) Supreme Court decision regarded federal government requirements that States perform background checks on citizens purchasing guns. The majority opinion by Justice Scalia refers to the “dual sovereignty” established by the U.S. Constitution that federalism is built upon. His opinion clearly states that the Framers designed the Constitution to allow federal regulation of international and interstate matters, not internal matters reserved to the State legislatures. The majority arrives at the conclusion that allowing the Federal Government to draft the police of-

ficers of the 50 States into its service would increase its powers far beyond what the Constitution intends. All such efforts are known to be unconstitutional, regardless of federal attempts to circumvent.

c. State citizen rights to keep and bear arms are not subject to federal wishes, laws, orders or other restrictions on the number or type of arms, the quantity or quality of ammunition, or other limitations that impede or restrict the rights of state citizens.

d. Federal treaties executed with foreign nations have no bearing or effect on state citizen rights to keep and bear arms whether ratified by the Senate or not. Any efforts to enforce such illegal acts, regardless of enforcement origins, will be resisted and repelled in perpetuity by state interposition upon authorization of this act.

Section 4. CIVIL AND CRIMINAL PENALTIES

Any person(s) who conspire or act to interfere with interposition or undermine interposition in this cause whether detailed in this Act or not, will be prosecuted by the State to recover all compensatory damages and treble that amount in punitive damages in civil courts, in addition to any and all criminal actions, which are punishable as a felony, with a minimum sentence of no less than 12 months and maximum of 36 months in a state penitentiary.

Section 5. SEVERABILITY

If any provision of this Act or the application thereof to any person, entity or circumstance is held invalid, the remainder of the Act and the application of such provision to other persons, entities or circumstances shall not be affected thereby.

Section 6. CONCLUSION OF LAW

For all the aforementioned reasons stated herein, this act shall take effect upon becoming a law, the public welfare requiring it.