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Citizens listen during a presentation Monday evening requesting passage of a resolution that backs the state's newest law protecting citizens' rights in the Second Amendment to the U.S. Constitution, which resulted in a threatening letter from U.S. Attorney General Eric Holder to Kansas Gov. Sam Brownback that the feds can do anything they want if federal laws are changed concerning gun laws. L&T photo/Robert Pierce

County vows to not enforce unconstitutional laws or executive orders

By ROBERT PIERCE • Leader & Times On April 16, after overwhelming passage in the Kansas House and Senate, Governor Sam Brownback signed into law the Second Amendment Protection Act in an effort to keep the federal government from enforcing unconstitutional gun laws in Kansas. U.S. Attorney General Eric Holder later wrote a letter to Brownback calling the new law unconstitutional itself, and now, Kansas counties have begun taking action to support the state in enforcing the protection act.

One of those counties is Seward, and county commissioners took a step toward that support Monday night with a unanimous vote to pass a resolution stating the county would back the state on the new law.

Local Second Amendment advocate Larry Phillips explained the resolution to the commission and the crowd on hand.

“Essentially, what this resolution does is it ties the people and the county to Senate Bill 102,” he said. “We feel that this is important for several reasons.”

Phillips then talked about Holder's letter to Brownback, stating the attorney general is threatening action against the state should it choose to enforce the act.

“Holder wrote, ‘In purporting to override federal law and to criminalize the official acts of federal officers, S.B. 102 directly conflicts with federal law and is therefore unconstitutional,’” Phillips said.

Phillips then stated that Kansas is not looking to criminalize the exercise of “constitutional federal responsibilities,” but rather what the state has determined as unconstitutional.

“No matter how much Eric Holder might believe it to be otherwise, his view is obviously not universal, especially in Kansas,” he said.

Phillips then read the next portion of Holder’s letter.

“Under the Supremacy Clause of the United States Constitution, Kansas may not prevent federal employees and officials from carrying out their official responsibilities. And a state certainly may not criminalize the exercise of federal responsibilities,” he said.

Phillips said that is not the intention of SB 102.

“It makes enforcement of unconstitutional acts, laws and resolutions that go against the Second Amendment unlawful,” he said.

Holder’s letter then said that federal agencies will continue to enforce laws, constitutional or otherwise.

“I am writing to inform you that federal law enforcement agencies, including the Bureau of Alcohol, Tobacco, Firearms and Explosives, the Federal Bureau of Investigation, the Drug Enforcement Administration and the United States Attorney’s office will continue to execute their duties to enforce all federal firearm laws and regulations,” Phillips said, reading from Holder’s letter.

Phillips said the state has OK’d this as long as those laws are not unconstitutional when it comes to the Second Amendment.

“We’re here tonight to ask our duly elected governmental body, the Seward County Commission, to stand up with us through resolution to affirm our commitment to the state and Senate Bill 102 so that no agency or person in the employ of Seward County shall enforce, provide material support for or participate in any way in the enforcement of any act, treaty, law, rule or regulation of the federal government regarding personal firearms, fire and accessories or ammunition within the boundaries of Seward County that the state deems is unconstitutional,” he said.

Kansas Representative Reid Petty was also in attendance at Monday’s meeting, and he spoke about the passage of SB 102, calling the action a joint one between both Republicans and Democrats.

“This was passed by the House and the Senate,” he said. “Not only was it passed by the House and the Senate and signed into law by the governor, but it was overwhelming numbers. The House passed it with over 90 votes out of 125. The Senate passed with over 30 votes out of 40. It was a bipartisan effort to pass it. It had nothing to do with party lines. I think it is something the state of Kansas is overwhelmingly in support of, and they want their Second Amendment guaranteed to them.”

Before the vote, commission vice chairman Doug LaFreniere talked about what the controversy of the Second Amendment has become in the U.S.

“It is sad that we do have an administration that doesn't recognize things sovereign,” he said. “It's even sadder we've reached the point where it's a 50/50. Everybody's picking sides, and nobody's working together. I wish it could be different. These are our rights. These aren't negotiable, and they're not to be voted on. These were the foundation, and they were put there for a purpose.”

After a brief correction in a clause in the resolution adding the phrase “that the state of Kansas deems unconstitutional” to the unenforceable federal acts under SB 102, the commission voted unanimously to pass the resolution.

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