

Date: March 7, 2024
HB 2803, Hearing in the House Federal and State Affairs Committee
Robert Wood, Kansas citizen and gun owner
Proponent HB 2803, with written and oral testimony
Pittsburg, KS 66762

I am Robert Wood, from Pittsburg. I am a Kansas Gun Owner and former Board Member of the Kansas State Rifle Association and the Kansas Chamber of Liberty.

Honorable Chairman Carpenter and members of the House Federal and State Affairs Committee, I support HB 2803.

HB 2803 the Kansas Gun Rights Preservation Act is a simple bill that uses the anti-commandeering doctrine to stop the invasion of unconstitutional federal gun control at the border of Kansas. It simply allows our State entities and Law Enforcement to concentrate on their job of securing their communities from crime and criminal activity instead of being commandeered by federal agencies to chase after law-abiding Kansas gun owners who happen to have an item or accessory the Biden administration has recently unconstitutionally banned or regulated after decades of lawful use by law-abiding citizens of this State.

Why is this necessary? Over the last several years the executive branch of the federal government has taken it upon itself to declare many commonly used guns, accessories and parts be banned that have been legally owned and used by millions of law-abiding gun owners for decades. This has made around 40 million gun owners in this country unknowing felons overnight, even though our representatives in government did not vote on any of these items and no such language appears anywhere in law. Beyond that, these edicts are a complete violation of our right to bear arms, our Kansas and U.S. Bill of Rights.

The anti-commandeering doctrine upon which the Kansas Gun Rights Preservation Act utilizes is a longstanding precedent of over 180 years of Supreme Court opinions. It is fully supported in law that States and State authorities cannot be commandeered by the Federal Government to enforce their laws, rules, orders or edicts. Essentially if the Federal Government wants something enforced, they must do it themselves and cannot force or push any State entity to do it for them. One of the recent and most powerful anti-commandeering opinions was *Printz v. U.S.* where Sheriffs Printz and Mack sued the Clinton administration that attempted to demand the sheriffs enforce their unconstitutional Brady Gun Control law. This case was one of the biggest 10th Amendment supporting opinions ever in the history of the court and this country. The Kansas Gun Rights Preservation Act is 100% supported in law and by our Constitution.

Other Supreme Court Precedent for the Anti-Commandeering Doctrine:

-- In its 2018 *Murphy v. NCAA* decision, the Supreme Court reaffirmed the fact that the state legislature in New Jersey had the right to place restrictions on sports gambling, even though the new state law contradicted federal law.

-- In its 2012 *ObamaCare* decision (*NFIB v. Sebelius*), the Supreme Court cited the anti-commandeering doctrine again, as they affirmed the states' right to refuse to expand Medicaid.

More, the Court also prohibited federal retribution through the withholding of federal funding for state programs!

-- In its 1997 *New York v United States* decision, the Supreme Court stated that the federal government could not simply force New York State to dispose of radioactive waste in violation of a state law that prohibited it. Writing for the majority, Justice Sandra Day O'Connor stated that "Congress may not simply commandeer the legislative process of the States."

-- In its 1842 *Prigg v Pennsylvania* decision, the Supreme Court held that the federal government could not simply force the states to enforce the Fugitive Slave Act of 1793.

HB 2803 the KS Gun Rights Preservation Act is a simple, but stronger version of the MO SAPA or Missouri 2nd Amendment Preservation Act passed there in 2021. It's stronger because we have the benefit of a court challenge that was used to mold our bill into one that is bulletproof. We also will benefit if that challenge is successful in the 8 Circuit or Supreme Court. We also know that this bill and doctrine are working in Missouri because of how fast the Department of Justice went after them.

Most importantly, the KS Gun Rights Preservation Act does not rely on the state government to secure our gun rights against Federal overreach, because the 2013 KS-SAPA bill proved that won't happen, but it puts the enforcement squarely in the hands of the people who can wage civil fines upon any state entity who attempts to help the federal government violate the rights of law-abiding citizens of this state or confiscate their arms. Without state help the feds do not have the resources to enforce federal edicts themselves thus completely neutering their unconstitutional gun control in the state of Kansas.

In 2013 Kansas led the way when it passed the Kansas 2nd Amendment Protection Act by a huge, bipartisan, and veto-proof margin. KS SAPA, was one of the first laws to push back against unconstitutional federal gun control. We were the driving force behind many other states following our lead and learning lessons from us to make their laws much stronger and more effective.

Today our right to bear arms is being threatened more than ever with new Executive Orders and made-up regulatory rules that follow no law or language ever passed by Congress. It is an obvious and willful attempt to disarm us and universally register every firearm in order to confiscate them and target gun owners. It is time our State stands against this lawlessness and tyranny. Other states are already leading the charge.

Many states around the country and many around Kansas are working on these types of 2nd Amendment defending and anti-commandeering bills including Nebraska, Tennessee, Iowa, Ohio, Alaska among others this year. Missouri, Arkansas and Oklahoma have passed them in the last few years with the Missouri bill being the most effective. Many other bills defending privacy and other rights are being passed in states around the country with these anti-commandeering provisions.

Today we have the opportunity to use everything we have learned from our 2013 law and those other state laws and challenges to create a new law that is simple, solid and strong to protect

and secure the rights of the law-abiding gun owners of this state from the tyranny of unconstitutional federal gun control. It is time to finish what we started and show the country that Kansas is the strongest defender of gun rights in the union!

In conclusion, I urge this committee to vote for HB 2803.

Respectfully submitted,

Robert Wood