

STATE EXEMPTS GUNS FROM FEDERAL REGULATIONS

‘No firearm registration, serial numbers, criminal records check’

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The state of Montana has drawn a line in the sand, challenging the federal government to decide whether to follow the U.S. Constitution with a new gun law that exempts from federal regulations any gun, gun accessory or ammunition made in the state and intended for use there.

One blogger accurately described the measure as boiling down to this:

- “Guns and ammo made, sold and used in Montana do not require any federal forms.
- “Silencers made in Montana and sold in Montana would be fully legal and not registered.
- “There would be no firearm registration, serial numbers, criminal records check, waiting periods or paperwork required.

“Moving to Montana soon,” wrote the blogger, called Primevalpapa.

In an era in which the administration of President Barack Obama is replete with anti-gun activists in influential positions, including an attorney general who supported a complete handgun ban in the District of Columbia before it was tossed by the U.S. Supreme Court, Montana’s move is being called nothing less than revolutionary.

The legislative plan, signed recently by Gov. Brian Schweitzer, a Democrat, is called, “An Act exempting from federal regulation under the Commerce Clause of the Constitution of the United States a firearm, a firearm accessory, or ammunition manufactured and retained in Montana.”



Gov. Brian Schweitzer

The legislation cites the 10th Amendment to the U.S. Constitution, noting that it “guarantees to the states and their people all powers not granted to the federal government elsewhere in the Constitution and reserves to the state and people of Montana certain powers as they were understood at the time that Montana was admitted to statehood in 1889.

“The guaranty of those powers is a matter of contract between the state and people of Montana and the United States as of the time that the compact with the United States was agreed upon and adopted by Montana and the United States in 1889.”

Again citing the Bill of Rights, the legislation continues: “The regulation of intrastate commerce is vested in the states under the 9th and 10th amendments to the United States Constitution, particularly if not expressly pre-empted by federal law. Congress has not expressly pre-empted state regulation of intrastate commerce pertaining to the manufacture on an intrastate basis of firearms, firearms accessories, and ammunition.”

State lawmakers further predicate the plan on the Second Amendment right of the people to “keep and bear arms as that right was understood at the time that Montana was admitted to statehood in 1889.”

It specifies that “unshaped wood” and other components are not considered firearms and sets out simple requirements:

“A firearm manufactured or sold in Montana under [sections 1 through 6] must have the words ‘Made in Montana’ clearly stamped on a central metallic part, such as the receiver or frame.”

At the *FreedomsPhoenix* blog, where author Ernest Hancock had a checkbox for visitors asking whether they wanted to be a “gun owner” or a “victim,” he described the Montana action as simple defiance of the federal government.

“This will prompt a showdown between the federal government and the state of Montana. The federal government



Montana state house

fears citizens owning guns. They try to curtail what types of guns they can own. The gun control laws all have one common goal – confiscation of privately owned firearms,” he wrote. “Montana has gone beyond drawing a line in the sand. They have challenged the federal government.”

Hancock cited these “important points” about the plan:

- “If guns and ammunition are manufactured inside the state of Montana for sale and use inside that state then the federal firearms laws have no applicability since the federal government only has the power to control commerce across state lines. Montana has the law on [its] side,” he said.

- “Silencers made in Montana and sold in Montana would be fully legal and not registered. ... There would be no firearm registration, serial numbers, criminal records check, waiting periods or paperwork required. So in a short period of time there would be millions and millions of unregistered untraceable guns in Montana. Way to go Montana,” he added.

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