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Holder To Brownback: New Kansas Gun Law Is Unconstitutional

U.S. Attorney General Eric Holder has told Kansas Gov. Sam Brownback that a new state law attempting to block federal regulation of some guns is unconstitutional.

The U.S. attorney's office for Kansas on Thursday released a copy of a letter to Brownback from Holder last week, sent the day after the new state law took effect.

The law says the federal government has no authority to regulate guns manufactured, sold and kept only in Kansas and makes it a felony for a federal agent to enforce any regulations of those guns.

Holder said the U.S. Constitution prohibits the state from pre-empting federal laws. He said the federal government is willing to go to court.

Aides to Brownback and Kansas Attorney General Derek Schmidt did not immediately return messages seeking comment.

U.S. Attorney Barry Grissom released the following statement Thursday:

“The new Kansas statute unlawfully threatens to prosecute federal officers for the exercise of their federal duties. The federal law enforcement personnel targeted by this statute are upholding their duties under federal law. In so doing, they are keeping the United States safer. These hard-working federal employees cannot be forced to choose between the risk of a criminal prosecution and the continued performance of their federal duties. This type of state effort to interfere with these officers’ federal responsibilities would directly conflict with federal law. Under the Supremacy Clause of the United States Constitution, no state may seek to prevent federal employees and officials from carrying out their official responsibilities. And a state certainly may not criminalize the exercise of federal responsibilities. So this statute is illegal, unenforceable, and also bad policy.”

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