



Iowa Gun Owners

Iowa's Only No Compromise Gun Rights Organization
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Memorandum of Support for Constitutional Carry and the Second Amendment Preservation Act

DATE: February 23, 2021

TO: Members of the Iowa House of Representatives and Iowa State Senate

FROM: Aaron Dorr, Chairman of Iowa Gun Owners, on behalf of our members and supporters across Iowa

RE: Support for H.F. 250 and H.F. 518

The members of Iowa Gun Owners did their jobs last fall and rejected anti-gun candidates up and down the ballot.

Besides defeating Joe Biden, gun owners threw Abby Finkenauer out of Congress and kept J.D. Scholten, Rita Hart, and Theresa Greenfield out of office -- while increasing the size of the GOP's majorities in the Iowa legislature.

In other words, the Iowa legislature was given a mandate by Iowans to advance the Second Amendment as much as possible.

On behalf of the members of Iowa Gun Owners, I am writing to urge you to support two bills that are top priorities for our members this year.

First is H.F. 250, Constitutional Carry legislation, filed by Jeff Shipley. Constitutional Carry law would allow law abiding Iowans to carry a firearm for all lawful purposes, without having to pay fees or add their names to a government database.

Law abiding citizens shouldn't have to be tracked, traced, and registered like a criminal to be able to exercise a God-given and Constitutionally protected right.

This legislation is well known to the Iowa legislature and while it has passed House and Senate sub-committees over the years, it has not yet become law. At the same time, a full seventeen states have enacted this legislation, with two states doing so in the last few weeks alone.

Constitutional Carry does not allow criminals to own or possess a firearm, in fact, it doesn't change the laws on who can own a gun at all. And this legislation would not alter Iowa's current 'Shall Issue' laws in any way, either. It simply makes the permit process optional for law abiding citizens.

Finally, Constitutional Carry doesn't lead to an increase in violent crime, if anything, the opposite is true. Iowans were told that 'Shall Issue' and 'Stand-Your-Ground' laws would lead to spikes in violent crime, but that never happened. The same thing will be true with Constitutional Carry.

The second bill that our members would like to see you support is H.F. 518, the Second Amendment Preservation Act, known as SAPA for short.

SAPA legislation is designed to safeguard the gun rights that we have in Iowa from federal gun control laws that violate the Constitution as well as our own state laws.

SAPA legislation does this by requiring Iowa peace officers to only enforce Iowa laws where firearms, ammunition, and accessories are concerned -- ignoring federal laws in these areas.

So while federal laws or executive actions may make owning certain firearms or accessories illegal, they would not be able to be enforced here in Iowa unless the Iowa legislature makes owning these items illegal, as well.

The states are sovereign entities that are free to pass whatever laws they choose, so it is well within your authority to pass this legislation.

The U.S. Supreme Court has upheld this 'anti-commandeering' for hundreds of years, holding, repeatedly, that the federal government may not simply 'commandeer' the authority of the states, and force the states to enforce federal law that does not align with state law.

The laws surrounding marijuana are an example of this. The federal government says that the possession of this narcotic is illegal, but in a growing number of states, the legislature has decided otherwise. Consequently, their law enforcement agencies are not enforcing the federal laws pertaining to marijuana.

(For more on this, see the following Supreme Court decisions: *Prigg v Pennsylvania*, *New York v United States*, *Printz v United States*, *NFIB v Sebelius*, and *Murphy v NCAA*.)

SAPA legislation would not mean the end of federal/state law enforcement task forces or that Iowa's peace officers could not work with federal agencies in other areas. And frankly, it would do nothing to stop federal authorities from enforcing federal gun control laws here in Iowa.

But Iowa's troopers, deputies, and municipal officers would have no part in enforcing these federal gun control laws.

If an agency in the state decided to violate SAPA law and order their officers to enforce federal gun control laws, that agency could be brought to civil court by the impacted gun owner, who could sue them for damages.

Without an enforcement mechanism, this legislation would have no teeth and would be pointless.

Just so you know, this identical bill passed the Missouri House of Representatives several weeks ago (H.B. 85) and is awaiting action in the State Senate right now.

The members of Iowa Gun Owners have stood up and fought hard to reject gun control here in Iowa and to create the conditions where we could see action on these two bills.

Please give them your full, public support.

If I can answer any questions about these bills, please feel free to shoot me an email at director@iowagunowners.org.