

MISSOURIAN

WHAT OTHERS SAY: House Bill 436 bad for Missouri

BY Springfield News-Leader - Tuesday, September 10, 2013

Rep. Jeff Messenger, R-Republic, thinks it is “time we had that debate” about gun laws.

Perhaps the real debate should have happened in the General Assembly when HB 436, the euphemistically titled Second Amendment Preservation Act, was being swept into law —instead of in the federal courts where it is definitely headed if the governor’s veto gets the override votes it needs this week.

Despite the fact that it is obviously unconstitutional, all but one Republican and a handful of Democrats, voted for the bill because it plays well with the pro-gun folks at home —and nobody, especially in rural Missouri, wants to be seen as anti-gun or they are sure to face a primary challenger well-funded by the gun lobby.

Rep. Jay Barnes, R-Jefferson City, is apparently the only Republican thinking clearly on the issue. He voted against the bill because it is not only unconstitutional, it would cause havoc in law enforcement efforts. As a true “law and order” legislator, Barnes doesn’t want to see that happen in Missouri.

Neither does Attorney General Chris Koster, according to a letter he sent to Speaker of the House Tim Jones, R-Eureka, on Thursday. In the letter, Koster outlines three clear problems with the law:

It would prevent Missouri law enforcement officers from doing their jobs by working with federal agencies, putting us all in danger. State and local law enforcement often work closely with FBI and DEA agents to stop all kinds of crime, including illegal gun running by criminals. This law would end that. In fact, an obviously unconstitutional part of the law would require those officers to arrest the federal agents for trying to enforce the federal gun laws when going after those criminals, including illegal immigrants.

It creates conflicts with the state’s conceal-carry law, which means law-abiding citizens who apply for a license to carry a gun could lose those rights. That is far from what Missouri legislators intended. Yet, because there was no careful vetting and serious debate, that conflict ended up in the bill.

On top of that, Koster pointed out that efforts to nullify federal law will lose in the high court. It’s been tried in the past —think civil rights —and it has failed.

While Koster doesn’t mention it, there is another pitfall of this law. In an effort to prevent a repeat of the “gun owner map” that was published in Rockland County, N.Y., the Missouri law would prevent media from publishing the name of any gun owner.

Remember that great story you read last week about the quick-draw liquor store clerk who stopped a would-be armed robber in his tracks by pulling out a gun of his own? Publishing that story would likely be illegal under the Second Amendment Preservation Act.

Do you like seeing those photos of grinning young Ozarkers who have bagged their first deer or turkey? You may not see them again.

You know all those ads with photos of candidates holding their hunting rifles to show that they are good Missourians who love to hunt and want to protect your gun rights? They may not run this political season.

All of those serious results of the Second Amendment Preservation Act could have been prevented if that “debate” Messenger wants had happened during the drafting of the bill.

But, instead of consulting constitutional experts, legal minds and some common sense advisers, the majority of our legislators kowtowed to the powerful gun lobby. It is interesting to note that even the National Rifle Association has steered clear of this fiasco, and the libertarian Cato Institute admits the bill has crossed the constitutional line. But the fear the NRA has put into the hearts of law-abiding, gun-loving Americans has Missouri voters clamoring for some sort of Second Amendment protection to keep their guns safe from the hands of the evil Obama administration, which has done nothing to take them away to date.

It is likely that the General Assembly will override Gov. Jay Nixon’s veto. It seems that most of the legislators, including Democrats like Rep. T.J. McKenna of Festus, know this flexing of muscle in a playground showdown will ultimately fail. But that won’t stop them from voting for an artificial protection of our right to bear arms.

We encourage reasonable, rational, reality-based voters to contact their legislators and ask —no, beg — them to reconsider their vote to override.

It is time to have a real debate, one that is based on facts and truths, not fear and posturing. Then our legislators can use their time focusing on the real issues that face our state.