



BUZ LIVINGSTON: The law of unintended consequences and firearms

Buz Livingston

April 01, 2012 12:43 PM

HOUSTON— Last year's blistering drought abated too late for many pines in Houston's Memorial Park. For decades, the urban forest's understory grew unabated by fire or mechanical means. Countless pines obviously could not compete for water efficiently so the vast majority in Memorial Park died in the scorching heat. In other parts of Houston's metro area, the die-off was not nearly as dramatic; letting the forest floor grow uncontrolled led to a situation where many trees fell victim to an extremely hot, dry summer.

Life often reminds us of the law of unintended and unforeseen consequences.

In the financial world, a few decades ago no one could imagine a savvy interpretation of the Internal Revenue Code for an executive deferred compensation plan would become a mainstay (and terribly expensive) component of retirement planning. Some analysts blame the Employee Retirement and Income Security Act (ERISA) regulations for forcing or allowing employers to abandon defined benefit pension plans in lieu of defined contribution pension plans. Again, the law of unintended consequences plays its hand.

During the emotional upheaval and tragic devastation of Hurricane Ivan's aftermath, a Northwest Florida homeowner shot a burglar. For several months the homeowner wondered if he would be prosecuted or not. Undoubtedly, the delay was exacerbated by an overwhelmed court system and strained law enforcement personnel. Despite charges being dropped against the homeowner, the Florida Legislature deemed it appropriate to expand a centuries-old common law concept regarding deadly force to protect a home or business.

In Walton County, from spring break through Labor Day, crowds descend on our sparkling white sands and emerald green waters. Walton County beaches will continue to draw visitors. Many weekends our population booms, and the overcrowding we face now will only worsen.

Given the now-dominant rule of concealed carry coupled with liberalized self-defense laws, Walton County has the potential for a situation not unlike the horrific shooting of an unarmed teenager walking home from a convenience store. All it could take is someone to park in the wrong place or pick an inopportune time/place to sit on the beach and one goofball with a gun.

Before we make national news headlines, our representatives should take an opportunity to revisit Florida's "Stand Your Ground" law. Even Governor Scott, hardly a liberal, indicates we should review the current law as written.

Walter Olson frankly admits in an opinion piece for the libertarian Cato Institute "the details of Florida's or similar laws are not to be assumed optimal and can properly be revisited to make sure they work well." The legislators who sponsored the law acknowledge they intended to protect only cases of legitimate self-defense and not vigilante-style shooters.

The current law gives a bubble of immunity to anyone with a licensed firearm and, equally important, circumscribes the ability of law enforcement to appropriately investigate crime. Common sense dictates Florida law, as currently written, leaves much to be desired.

As a gun-owner, the Second Amendment does not give me the right to use deadly force against someone who is unarmed and who is not committing a crime.

Buz Livingston is a certified financial planner. He operates Livingston Financial Planning Inc. focusing on hourly financial planning and investment management. Contact him directly at 850-267-1068 or at buz@LivingstonFinancial.net.