



Iowa Gun Owners

Iowa's Only No Compromise Gun Rights Organization
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Memorandum of Support for HF 147

DATE: February 2023

TO: Judiciary Sub-Committee Members Kaufmann, James, and Wheeler

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

RE: Support for HF 147

Chairman Kaufmann, Representative James, and Representative Wheeler, on behalf of the members of Iowa Gun Owners I would like to express our strong support for House File 147, the Second Amendment Preservation Act (SAPA.)

Over the last three years, gun owners have faced non-stop attacks from Joe Biden and various agencies within our federal government as they try to ban AR-15s and similar firearms, institute a national gun owner registry, pass 'Red Flag Gun Seizures' and more.

Gun owners successfully fought to defeat these bills in Congress in 2021 and 2022, and then flipped the House last fall (in part by defeating Iowa's Cindy Axne) to stop Biden's attacks.

Unable to move gun control through Congress, Biden has turned to Executive Orders to declare gun control through executive fiat.

One of these orders redefined pistol braces as a National Firearms Act item, meaning that for the approximately 40,000,000 Americans who own one of these braces, they will be facing felony charges on May 30 of this year, unless they register the brace with the ATF!

But whether we're talking about legislative-based gun control or gun control enacted via Executive Orders, Joe Biden is assuming that Iowa cops will enforce this agenda against gun owners in our

state.

That's why it's urgent that the Iowa legislature approve SAPA legislation, before adjournment this year.

SAPA Defined:

SAPA law instructs Iowa cops to exclusively enforce Iowa laws when it comes to firearms, ammunition, and accessories.

In other words, Joe Biden would not be able to use our law enforcement community against law abiding gun owners, which would result in the vast majority of federal gun control laws going unenforced here in Iowa.

SAPA does this by asserting the 'anti-commandeering' doctrine and which holds that the federal government may not simply 'commandeer' the resources of the states and force them to carry out the dictates of the federal government.

Iowa is a sovereign state. Iowa has its own legislature to pass laws on behalf of her people. Iowa protects the Second Amendment in her laws and state constitution. Iowa law enforcement, funded by Iowa taxpayers, are charged with enforcing Iowa laws.

Simply put: Iowa is not the vassal of the federal government and our law enforcement community is not an appendage of the DOJ. SAPA law reminds Biden of that while protecting gun owners.

SAPA Not a Supremacy Clause Violation:

SAPA law is not a Supremacy Clause violation because SAPA law does **not** limit what the federal government may do here in Iowa.

If Joe Biden wants to send federal agents into Iowa to enforce his gun control agenda, SAPA law would not stop that. But SAPA would stop Joe Biden from forcing Iowa cops to help him do it.

The reality is that the federal government always relies on state and local partners to enforce their agenda, because they just don't have the manpower to do it themselves.

And so while SAPA is not a Supremacy Clause violation, the impact of SAPA here in Iowa would be massive, as Biden's gun control agenda would go almost exclusively unenforced.

This refusal to cooperate with federal laws or regulations is not

new. Blue states/cities refused to deport violent illegal aliens during 2017-2020, and dozens of states have refused to enforce federal laws regarding marijuana for decades.

SAPA's Supreme Court Precedent:

The anti-commandeering principle is not a new legal concept. The United States Supreme Court (SCOTUS) has upheld this principle in cases stretching back to 1842.

In each of these cases, SCOTUS has reaffirmed that where the state and federal government disagree, the federal government has no authority to compel or commandeer the state (or their resources) to aid in the enforcement of federal law.

While one of these cases touches directly on the Second Amendment, this concept is broader than that. SCOTUS's anti-commandeering decisions cover gun rights, runaway slaves, sports betting, nuclear waste material, and much more.

Some of these include:

- >>> The 1842 Prigg v Pennsylvania decision; in this case SCOTUS held that the federal government could not force the states to enforce the Fugitive Slave Act of 1793.
- >>> The 1997 New York v United States decision; in this case SCOTUS held that the federal government could not simply force New York State to dispose of radioactive waste in their state.
- >>> The 1997 Printz v United States decision; in this case SCOTUS held that the state/county government of Arizona could not be compelled to enforce the Brady Gun Control bill.
- >>> The 2012 NFIB v Sebelius decision; in this case SCOTUS held that the states could not be forced to expand Medicare. They further held that the federal government could not withhold money from the states to punish them for non-compliance.
- >>> The 2018 Murphy v NCAA decision; in this case SCOTUS held that that New Jersey state legislature had the right to place restrictions on sports gambling, even though those restrictions contradicted federal law.

Clearly the State of Iowa has the constitutional right to tell the federal government that our cops will not be enforcing federal gun

control laws any longer.

SAPA Protects Iowa Cops:

HF-147 contains civil penalties so that if a jurisdiction violated SAPA law and enforced federal gun control, the impacted gun owner could sue that agency (not the officer) in civil court for damages.

The simple fact is that without these penalties, certain jurisdictions in Iowa would walk right over SAPA law.

That's why the legislature had to add penalties to a variety of existing laws over the last few years, to ensure compliance with the law from politicians at the county and local levels.

Some have claimed that these penalties make SAPA anti-cop.

But that's simply not the case. The overwhelming majority of Iowa cops love the Second Amendment and do NOT want to be forced to carry out Joe Biden's gun control agenda on fellow gun owners.

Currently, our cops have two choices in dealing with these orders. One, violate their oath and their conscience and enforce gun control mandates. Second, refuse to carry out these orders, and get fired.

SAPA law gives them true protection, by making it illegal for them to be used to enforce federal gun control laws.

So while some law enforcement department heads may not like SAPA, front line officers love it! And to be clear, many of these same department heads opposed the Freedom Amendment, Constitutional Carry, Stand-Your-Ground law and even 2010's 'Shall Issue' law.

SAPA Does Not Help Criminals:

Some will argue that SAPA law will benefit criminals, much like they claimed that Iowa would run red with blood after the passage of Stand-Your-Ground and Constitutional Carry law.

This is, of course, false.

SAPA law does not apply to felons.

SAPA law does not apply to illegal aliens.

SAPA law does not apply to out-of-staters.

SAPA law does not mean that the federal government cannot help the State of Iowa enforce Iowa laws. It can.

SAPA law even allows Iowa cops to help the federal government enforce federal laws (even if a gun is involved) if an underlying state law regarding the distribution of narcotics or a violent crime against is being committed.

Clearly this legislation will not help criminals.

SAPA Precedent in Other States:

The identical version of HF-147 is the law of the land in nearby Missouri, which enacted SAPA in 2021.

In Missouri, state and local cops enforce state laws when it comes to firearms, ammunition, and accessories. The federal government enforces federal gun laws on occasion. And crime rates haven't changed.

The DOJ has sued to block SAPA law at the Circuit Court level two times, and lost both cases. An appeal to the State Supreme Court was also defeated.

The DOJ sued in federal district court over this last. And while oral argument were held last July, the judge has not issued an opinion in this case.

Missouri's AG who defended SAPA law in these cases was recently elected to the U.S. Senate. The Senate sponsor who passed SAPA law was recently elected to Congress. And not a single incumbent who voted for SAPA in Missouri lost their election over it.

SAPA is What Gun Owners in Iowa Want:

The members and supporters of Iowa Gun Owners have spoken very loudly about the Second Amendment here in Iowa since our inception in 2008.

Gun owners have removed dozens of members of the House who voted for gun control since the 2010 election, flipping the chamber that year, and rebuffing the left's efforts to take it back ever since.

The same thing happened in the Senate in 2016. After years of blocking Stand-Your-Ground and Constitutional Carry, six of six incumbent Senate Democrats were removed from office, the chamber

flipped into Republican hands, and it's stayed that way.

As a result of these efforts, Iowa recently passed Constitutional Carry and added protections for our gun rights in the state constitution by over 65% of the vote.

Iowans clearly value our gun rights.

But the threats we are facing today do not stem out of the Iowa legislature. They are coming from an increasingly hostile federal government and President who is now advancing gun control by executive fiat!

If Iowa adopts SAPA law, then the impact of Biden's gun control agenda will be severely muted here in Iowa. If not, later this year, Iowa cops will be forced to arrest countless Iowans who own a pistol brace.

So on behalf of the members of Iowa Gun Owners, we wholeheartedly support HF-147 and urge the members of this sub-committee to advance this bill to the full committee, as is.

If I can answer any further questions about this legislation, feel free to call our office at 515-309-7858 or email me at director@iowagunowners.org.