



## LEGISLATIVE MODERATES KILL GUN FREE ZONE REPEAL LEGISLATION!

BY AARON DORR, POLICY ADVISOR

State Representative Dean Plocher.

You are going to want to remember that name.

As the 2019 legislative session convened in Jeff City in early January, the Missouri Firearms Coalition had one primary offensive goal -- in addition to our defensive goal of stopping 'Red Flag Gun Seizure' legislation -- which was repealing Missouri's 'Gun Free Zones.'

As you may know, Missouri has dozens of places that are off-limits to law-abiding gun owners, whether they carry with a permit or utilize the Constitutional Carry provisions that we enacted in 2016.

Just some of these places include churches, colleges, secondary schools, daycares, hospitals, voting locations on election day, sports arenas that seat over 5,000 people, and many different restaurants. As you know, these are exactly the kinds of places that are so often targeted by mass killers.

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## RED FLAG GUN SEIZURE LEGISLATION STOPPED - FOR NOW!

BY ALEXANDRA SALSMAN, POLITICAL DIRECTOR

On Valentine's Day of 2018, Nikolas Cruz broke over a dozen different laws when he walked into Marjory Stoneman Douglas High School in Parkland, FL and killed seventeen people, and wounded seventeen others.

The shootings kicked off a firestorm of political pressure at the federal, state, and local level for a host of gun control measures including a ban on the AR15, state and federal universal gun registration, a ban on magazines over 10 rounds and much more.

Of course, the lawmakers calling for these gun control bills ignored the fact that the Florida shooting only emphasized the failure of so-called 'Gun Free Zones' and background checks -- as well as the failure of local and federal governmental bodies, who ignored multiple specific threats about Cruz.

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"MISSOURI'S ONLY NO  
COMPROMISE GUN  
RIGHTS ORGANIZATION"

# LEGISLATIVE MODERATES CONTINUED...

But honestly, is anyone surprised by this?

Afterall, when a psycho is looking for a location to kill as many people as possible, it's natural that he would go to a location where law-abiding citizens like you and I are forced to disarm ourselves, leaving us disarmed and helpless.

As every gun owner knows, these places are attacked all too often. Just a handful of these horrific situations include:

>>> The February 14, 2018 shooting in Parkland, FL, when Nikolas Cruz walked into the Marjory Stoneman Douglas High School -- violating the state's ban on guns in schools -- where he shot and killed 17 people and wounded 17 more.

>>> The November 5, 2017 church shooting in Sutherland Springs, TX which gripped the nation as 26 innocent people were murdered by Devon Kelley, while 20 more were wounded. Churches in Texas, as in Missouri, are largely off-limits to law-abiding gun owners.

>>> The June 12, 2016 shooting that took place in an Orlando, FL nightclub where a self-avowed terrorist sympathizer, Omar Mateen, committed a mass shooting in a place where he knew law-abiding citizens would be unarmed pursuant to Florida law.

Of course, I could go on and on as hundreds of people have been murdered -- with over a thousand more wounded -- in so-called 'Gun Free Zones,' in at least 30 shootings spanning the last ten years.

And that's why the Missouri Firearms Coalition is working so hard to rid the state of these 'Gun Free Zones,' before we have a mass shooting here in Missouri. After careful consideration, we asked gun-rights champion, Representative Jered Taylor (R-Nixa,) to be our lead bill sponsor in the House.

Rep. Taylor, a long time advocate for gun owners, immediately agreed and sponsored the bill, which became known as House Bill 258. And thanks to the relentless calls and emails from MOFC members, almost two dozen additional lawmakers cosponsored the bill!

The bill was assigned to the General Laws Committee, which should have been an easy committee to get the bill through since Rep. Taylor is the Vice-Chair of the committee and many committee members were cosponsors on the bill.

But almost immediately, the chairman of the committee, Rep. Dean Plocher, began signaling that he didn't want to advance the bill through the committee. In fact, he tried to refuse even granting the bill a hearing initially.

MOFC members flooded the committee with calls and emails, demanding that Rep. Plocher hold a hearing on the bill, which took place in early March.

The Missouri Firearms Coalition's Political Director, Alexandra Salsman, testified at the hearing on behalf of our members and delivered a stack of thousands of your signed petitions in support of this legislation.



*Rep. Jered Taylor was the lead sponsor for House Bill 258, legislation that would rid Missouri of deadly 'Gun Free Zones.'*

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Many times at the Capitol things happen on a moments notice and we need to alert you immediately to call your legislator. While we'll email you as fast as possible, we are able to alert you via Facebook right away.

So please take a moment to "Like Us" on Facebook by going to [www.facebook.com/MissouriFirearmsCoalition/](https://www.facebook.com/MissouriFirearmsCoalition/) today and click on the "like us" button in the upper right corner.

# LEGISLATIVE MODERATES CONTINUED...

Salsman reminded the committee that with thousands of people wounded and hundreds more killed in 'Gun Free Zones' in just the last ten years, it's high time that Missouri lawmakers change this reckless policy.

But despite the committee hearing and the signed petitions from thousands of grassroots gun owners, Chairman Dean Plocher dug in his heels and refused to advance the bill



*State Rep. Dean Plocher chairs the General Laws Committee and was more than willing to kill H.B. 258 to try to further his political ambitions.*

through the committee and onto the House floor.

One excuse we kept hearing from Rep. Plocher was, 'why should I bother with this bill if the Senate is not advancing it.'

But this was just a cheap excuse.

Insiders report to us that the real reason Rep. Plocher killed the bill is because he is gunning to be the Majority Floor Leader next session and that he's trying to convince anti-gun moderates in the Republican caucus that he's willing to 'play

ball' with them. If he's successful at becoming the Majority Floor Leader, Plocher would have a much higher chance at becoming the Speaker of the House during the upcoming leadership election.

This has always been Plocher's long term goal, and he's clearly willing to stab gun owners in the back to further his personal political ambitions.

In the Senate, we turned to our long-time ally and State Senator Eric Burlison, who agreed to run the bill in the Senate. The legislation, Senate Bill 121, was a mirror image of the House language.

MOFC members again took action and flooded the Senate with calls and emails, insisting that the Transportation, Infrastructure, and Public Safety Committee hold a hearing on the bill.

This hearing took place in the final days of February. Senator Burlison offered compelling testimony on the bill, and strongly urged his colleagues to advance it so that law

abiding Missourians would not be forced to disarm in so many locations.

But despite the committee being controlled by the Republicans 5-2, Chairman Doug Libla refused to move the bill out of the committee and onto the Senate floor for a full vote.

One of the common excuses that we heard from the Senate was, 'if the House won't move this bill, why should be bother here in the Senate?'

Does that sound familiar?

Representative Plocher blames the Senate, while Senator Libla blames the House.

Both of them did so on orders from legislative leaders in their respective chambers. Both of them tried to blame each other. And both of them are hyper moderates, looking to advance their careers on the backs of gun owners.

And so, despite the Republicans having a massive majority in both chambers, 'Gun Free Zone' repeal legislation was killed this year in Jeff City by our 'friends.'

Please don't think this is a case of 'sour grapes,' that we are just bitter because our bill died while other gun bills advanced and were signed into law.

Not a single gun bill passed this year in Jeff City. Not a single gun bill passed last year. And not a single gun bill passed the year before last, either. That's right, lawmakers in Jeff City haven't passed a single pro-gun bill since 2016!

It's clear that Missouri is at a cross-roads.

While virtually every lawmaker in the Capitol claims to be 100% pro-gun at election time when they are counting on

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## Not Getting Our E-mails?

If you are not receiving our low-volume e-mail alerts then you are missing out. Using these alerts, MOFC is able to keep you up-to-date on important legislative fights that sometimes require your immediate attention!

If you are not receiving these, please to go our website:



[www.MissouriFirearmsCoalition.org](http://www.MissouriFirearmsCoalition.org)



and sign up on the homepage.

If you wonder why you have not been receiving our e-mails, please check your spam blocker or sign up again on our website.



## LEGISLATIVE MODERATES CONTINUED...



*Senator Eric Burlison (L) and MOFC's Policy Advisor Aaron Dorr (R) on the opening day of the 2019 legislative session, finalizing Senate Bill 121, our bill to end 'Gun Free Zones' in Missouri.*

gun owners to give them their vote, volunteer time, and campaign contributions, they have done absolutely nothing to fight for us in years.

And trust us, our gun rights don't exist in a vacuum.

We are either gaining ground or losing ground where our gun rights are concerned.

And with moderates killing every pro-gun bill in Jeff City for three sessions in a row now, gun-grabbers are feeling empowered like no time in recent memory. And let me assure you, they are on the warpath. Whether it's Rep. Peter Meredith's efforts to repeal Stand-Your-Ground law, Senator Kiki Curls' bill to repeal Constitutional Carry, or Senator Schupp's fight to pass 'Red Flag Gun Seizure' legislation -- the gun-grabbers in Jeff City are fighting harder than ever!

And while a handful of lawmakers in Jeff City are fighting for gun owners, most aren't.

There may have been a time where the fight for gun rights in Jeff City was exclusively Republican v. Democrat, but those days are long over. Instead, these days, the fight is largely between smug insiders at the Capitol v. grassroots gun owners.

That's why we hope that you will continue to stand with us, so that the Missouri Firearms Coalition can continue to organize as many gun owners as possible and resume the fight to rid Missouri of deadly 'Gun Free Zones' next session with an even larger grassroots army!

Until Missouri lawmakers fight for us and pass this legislation once and for all, law-abiding Missourians are simply sitting ducks for any madman who wants to launch a deadly attack in one of our many 'Gun Free Zones!'

Should one of these attacks happen here in Missouri, because lawmakers like Dean Plocher refused to allow Missourians the ability to fight back and defend themselves and their loved ones, the blood of those victims will be on their hands.



## RED FLAGS CONTINUED...

But while most of the proposals fizzled out, 'Red Flag Gun Seizure' legislation has gained significant momentum at the state and federal level across the country, support that includes a growing number of Republican lawmakers and Governors!

'Red Flag Gun Seizure' legislation is far worse than a typical AR-15 ban or a universal gun registration bill, in that this legislation allows the government to confiscate every firearm that you own, before you've ever set foot in a court of law!



*Senator Jill Schupp (D- St. Louis) is the primary Senate sponsor of 'Red Flag Gun Seizure' legislation in Jeff City.*

More than that, these gun seizure orders will be issued before you have been convicted, or even charged, with anything!

A gun owner with absolutely no criminal background of any kind can have his firearms seized before he ever sets foot in a courtroom. You would have more due process rights in traffic court than you would in defending your constitutional right to keep and bear arms.

Worse still, the hearings that determine whether or not to strip you of your firearms happen in secret!

Known as ex-parte proceedings, these hearings take place in your absence. You will have no ability to question your accuser, provide your own evidence, or testify in your own defense. In fact, the first time you will be made aware of this is when law enforcement officers come to your home to seize your firearms.

In many cases, the legislation is written so broadly that the mere fact that you recently purchased a firearm or any ammunition constitutes evidence that can be used against you!

Under the list of 'evidence' that the court can consider in deciding to disarm you is the 'recent acquisition of a firearm, ammunition, or other weapons.' So just buying a firearm or a box of .22's could be enough for a judge to order you stripped of your firearms!

Every gun owner in the state knows someone who has gone through a bad divorce; maybe you've gone through that misery yourself.

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Can you imagine what an embittered ex-spouse could do to you if Missouri enacts this legislation? How about a neighbor who doesn't like your pro-gun bumper sticker? The risk to gun owners is endless!

And as bad as this concept is, it can get much worse.

You see, once this bill is enacted, radical gun-grabbers will move to expand the scope of this bill immediately! For example, New York just expanded their 'Red Flag Gun Seizure' bill so that teachers, doctors, and nurses can now petition for one of these gun seizure orders.

In California, just last month, lawmakers opened up their 'Red Flag Gun Seizure' laws so far that even a jealous co-worker can ruin your life by filing one of these seizure orders against you!

But it's not only 'blue states' that are passing this legislation.

Florida, a state controlled exclusively by Republicans, enacted this legislation last year, as part of a major gun-control package that passed in Tallahassee. The bill had the backing of almost 70 Republican lawmakers!

Ohio Republican Governor John Kasich spent his last year in office pushing for 'Red Flag Gun Seizures' throughout the 2018 legislative session and had a large number of Republican lawmakers pushing for it.

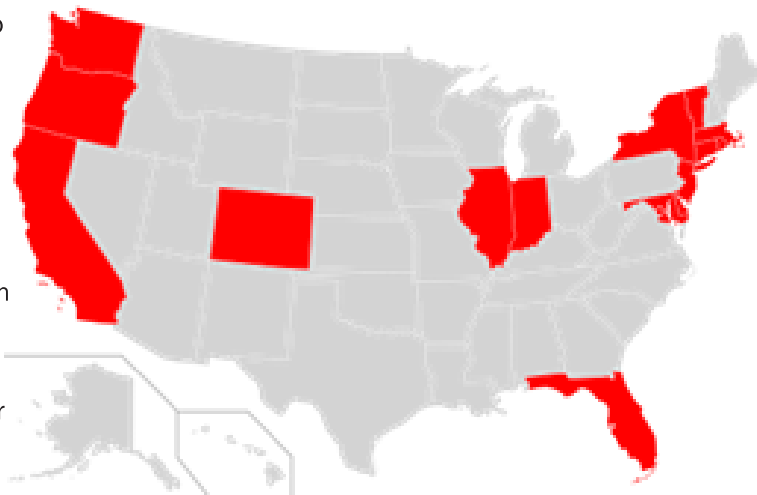
The legislation was only stopped thanks to the relentless efforts of our sister organization, Ohio Gun Owners.

In nearby Arkansas, Republican Governor Asa Hutchinson made national news last year by telling the media that he was open to signing this legislation and worked to find legislative support.

The bill did not advance but had the public support of high level Republican lawmakers in the state legislature.



*Arkansas's Republican Governor Asa Hutchinson is one of a growing number of Republican lawmakers and governors who are supportive of 'Red Flag Gun Seizure' legislation*



*Weak-kneed Missouri lawmakers are open to backing 'Red Flag Gun Seizure' laws that would make Missouri's gun laws rival radical anti-gun states like New York, Oregon, Illinois, and Maryland. The map above shows current 'Red Flag' states.*

And in Pennsylvania, there is a massive fight underway to pass 'Red Flag Gun Seizure' legislation with one of the worst bill drafts that we've ever seen. The lead sponsors in both the House and the Senate (Rep. Stephen and Sen. Killian) are Republicans!

Here in Missouri, Senator Schupp sponsored 'Red Flag Gun Seizure' legislation in the State Senate (S. B. 42) and Representative Deb Lavender was the lead sponsor in the State House (H.B. 40.)

This legislation did not advance in Jeff City, mostly due to the tens of thousands of emails that the members of the Missouri Firearms Coalition sent into the Capitol, demanding that lawmakers not support it.

But make no mistake, this legislation is not going away here in Missouri.

On the contrary, Capitol insiders report to us that moderates in the legislature are merely biding their time, waiting to advance this legislation in the wake of a future mass shooting.

Given the fact that our 'pro-gun majority' in Jeff City hasn't passed a single gun bill in three years now, and the growing hostility that Second Amendment bills are receiving from legislative leadership, this is a fight that we need to prepare for now!

Thank you to all of the MOFC members that helped us defeat this legislation this year in Jeff City, and for your financial support that allowed us to mobilize tens of thousands of additional grassroots gun owners into taking action!



# INTRODUCING THE SECOND AMENDMENT PRESERVATION ACT!

BY AARON DORR, POLICY ADVISOR

In just over seventeen months, gun owners in America could be watching Senator Bernie Sanders take his oath of office as our next President.

While every gun owner in the country is hoping that President Trump secures a second term in the White House, it is certainly possible that he could be replaced by the Democratic nominee.

And whether that's Bernie Sanders, or Joe Biden, or Elizabeth Warren or another one of the 20 plus Democrats who are vying to be the Democratic nominee, it's clear that whoever runs against President Trump will be the most anti-gun candidate in the history of presidential politics!

It's a threat that we simply can not ignore.

And that's why, during the 2020 legislative session, the Missouri Firearms Coalition will be putting significant effort into advancement of the 'Second Amendment Preservation Act,' in addition to maintaining our fight to rid our state of deadly 'Gun Free Zones.'

Known as simply SAPA in the Capitol, the bill would insulate gun owners in Missouri against future federal gun control edicts that may come down from an anti-gun President by declaring that all federal gun control laws are unenforceable in the state of Missouri.

And while this concept is not new in pro-gun circles, the bill that we are going to be backing in Jefferson City is the most well-written version that we have ever seen and, if passed into law, will provide the kind of protections against federal overreach that our founding fathers intended when they drafted our Constitution.



*Pro-gun champion and current State Senator Eric Burlison (R-Springfield) is the lead sponsor of the Second Amendment Preservation Act!*

The bill, currently known as Senate Bill 367, has six key components. First and most importantly, the bill states that no governmental entity in the State of Missouri shall be allowed to enforce federal attacks on our Second Amendment rights. Specifically it reads:

*No person, including any public officer or employee of this state or any political subdivision of this state, shall have the authority to enforce or attempt to enforce any federal acts, laws, executive orders, administrative orders, court orders, rules, regulations, statutes, or ordinances infringing on the right to keep and bear arms as described under section 1.410.*

This means that no matter what legislation a future anti-gun President tries to force upon Americans, it would not have the force of law here in Missouri!

Rest assured, this is far from a new concept. In fact, our founding fathers set up our system of government to grant primary authority for the governance of the respective states into the members of each state's legislature. While not unlimited in their power, the state legislature certainly outweighs federal overreach when it comes to our gun rights.

Regarding this section, the bill states:

*The people of Missouri have vested the general assembly with the authority to regulate the manufacture, possession, exchange, and use of firearms within the borders of this state, subject only to the limits imposed by the Second Amendment to the Constitution of the United States and the Missouri Constitution.*

As you just read, the state legislature has a duty to only advance gun bills that are in accordance with our national and state constitutions. But provided that Missouri gun laws meet that standard, they supersede all forms of federal gun laws and especially federal gun control.



# THE SECOND AMENDMENT PRESERVATION ACT! CONTINUED...



*It shall be the duty of the courts and law enforcement agencies of this state to protect the rights of law-abiding citizens to keep and bear arms within the borders of this state and to protect these rights from the infringements defined under section 1.420.*

If a gun manufacture in Missouri engages in commerce outside of the state of Missouri, he would no longer be operating 'within the borders of this state' and would then be liable to federal gun control laws through the 'interstate commerce clause' -- which is found in Article 1, Section 8 of the U.S. Constitution.

Nor does this bill leave any ambiguity for peace officers here in Missouri, potentially leaving them in a difficult situation when trying to determine which set of laws they are to enforce.

On the contrary, this bill is designed to provide clear legal protection to peace officers who ignore federal mandates, as you can see below:

*It shall be the duty of the courts and law enforcement agencies of this state to protect the rights of law-abiding citizens to keep and bear arms within the borders of this state and to protect these rights from the infringements defined under section 1.420.*

In this way, state law will not just protect law abiding gun owners, it will also protect the peace officers in Missouri who follow the law and do their job in accordance with this legislation and our state constitution.

However, we all know that there are jurisdictions in the state that are likely to blatantly ignore our state laws and exceed the limits of their constitutional authority. Previous versions of this legislation in other states were written with good intentions but allowed anti-gun police and sheriff's departments to end-run the intent of the law by citing the immunity that they enjoy for most of their official actions.

Politically motivated mayors and department heads won't have that option under this legislation, as the bill specifically specifies that anyone who violates this state law and enforces unconstitutional federal gun control laws can not cite their immunity as a defense. That language reads as follows:

*Sovereign, official, or qualified immunity shall not be an affirmative defense in such actions.*

One of the best parts of this legislation is it's actionability clause, the language that determines who can bring suit against violators of this legislation. Previous versions of this legislation in other states required a state's attorney general or a county prosecutor to enforce this language.

In many cases, this meant that the legislation, even after it was passed into law, would never be enforced! As hard as it is to pass good Second Amendment legislation in Jefferson City, the last thing we want to do is allow the new law to be ignored.

And that's why the bill is designed to allow anyone who has been knowingly deprived of their Second Amendment rights by a governmental entity and/or individual officer -- in violation of this legislation -- to bring civil charges against them on his own initiative!

It is important to note that this is not some 'feel good' legislation that is being kicked around in Jefferson City that is likely to be blown out of the water via a court challenge down the road.

In fact, this concept of states rights (also known as the anti-commandeering doctrine) is well established in American jurisprudence and has been upheld by the US Supreme Court for over 175 years. Consider some of the following examples:

In 1842, the Supreme Court held in *Prigg v. Pennsylvania* that the federal government could not force states to implement or carry out the Fugitive Slave Act of 1793, making it clear that state legislatures have the final say about laws in their respective states.

# THE SECOND AMENDMENT PRESERVATION ACT! CONTINUED...

More recently, in 1992, in the case of *New York v. United States*, then-justice Sandra Day O'Connor said that 'Congress may not simply commandeer the legislative process of the State' in a case surrounding federal legislation that sought to force states to take possession of nuclear waste.

In the famous case of *Printz v. United States* in 1997, the Supreme Court decided that a county sheriff could not be forced to participate in enforcement of the Brady gun control bill, in a case involving Sheriffs' Mack and Printz.

Just last year, in the case of *Murphy v. NCAA*, the court held that Congress cannot 'dictate what a state legislature may and may not do' even when the state's actions conflict with federal law. Justice Alito said, 'a more direct affront to state sovereignty is not easy to imagine.'

While some of the justices listed above are not exactly friends of the Second Amendment, the court has been consistent in recognizing the sovereign authority of state legislatures to determine the laws for their citizens, which is why SAPA should be upheld should it ever be challenged.

Every gun owner in Missouri knows that today's gun-grabbers are far different than they were a generation ago. Today's gun-grabbers aren't trying to make minor adjustments or just 'tweak the edges.'

Senators Cory Booker, Elizabeth Warren, Kamala Harris and every single one of the Democrats vying to take on President Trump, are openly talking about advancing the most aggressive gun control agenda that we've ever seen in this country.

If Missouri enacts the Second Amendment Preservation Act in 2020, all of those federal gun control laws will smash up against the sovereign protection of the Missouri Constitution and Missouri state law and will be null and void!

But first we need to pass this legislation -- and that's going to be a fight. Stay tuned!



*The Second Amendment Preservation Act would ensure that should our gun rights be attacked by a future President Bernie Sanders, or anyone else for that matter, those federal gun control edicts would be null and void here in Missouri!*



## How Can I Help?



The Missouri Firearms Coalition gets emails and phone calls often from members and supporters looking for more ways to get involved in the fight for gun rights. Here are some ways you can assist.

1. You can volunteer to assist MOFC by helping us at gun shows. Most of you are coming anyway, and this way you can fight for your gun rights at the same time. If you spend 4 hours volunteering, we'll give you a free MOFC T-shirt as a thank you!
2. You can help us look for candidates who are willing to run for office that will actually fight for the 2nd Amendment in Jeff City! Too many lawmakers are only in politics for their own personal advancement. We need to change that.
3. You can convince five of your friends to join the Missouri Firearms Coalition. Our state is at a crossroads, and we need every gun owner involved in this fight!