

White Paper on Freedom Amendment aka Right to Bear Arms Amendment

The Freedom Amendment to the Iowa Constitution, aka the Right to Bear Arms Amendment, will be on the ballot statewide on Nov. 8, 2022.

A majority vote on the amendment in November is the final step to the following language being added to the State Constitution:

"The right of the people to keep and bear arms shall not be infringed. The sovereign state of Iowa affirms and recognizes this right to be a fundamental individual right. Any and all restrictions of this right shall be subject to strict scrutiny."

Surprisingly, Iowa is one of only six states without explicit protections in its state constitution for the right to keep and bear arms. The other five are: California, Maryland, Minnesota, New Jersey and New York. Two of the most recent states to add a right to bear arms are neighboring Nebraska and Wisconsin.

To amend Iowa's constitution, an identical resolution must be approved by two consecutive General Assemblies. (Each General Assembly comprises two legislative sessions.¹) In 2022, it's finally time for voters to weigh in.

Rep. Steve Holt, R-Denison, who sponsored the gun amendment in the Iowa House, said it protects Iowans' "fundamental right to keep and bear arms" to protect themselves.

"We don't want felons to have firearms. We don't want violent people to have firearms. Reasonable firearm laws on the books are not going to be impacted and federal requirements for background checks aren't going to be impacted.

"Their argument is to stop mentally ill people from killing people ... (by taking away) an inanimate object that law-abiding citizens use to protect themselves and their families," Holt said. "That's not going to solve the problem.

"The problem we have is mental illness in this country. The problem we have is a loss of values that is resulting in these kinds of shootings and that is what we need to talk about."

Democrats claim Republicans are misleading Iowans when they say the amendment is equivalent to the Second Amendment of the U.S. Constitution. The "strict scrutiny" language, they claim, is the stickler.

The Iowa Firearms Coalition states: Many have been confused by the inclusion of the term "strict scrutiny." The choice of this phrase was quite purposeful since strict scrutiny is the highest standard of judicial review, or test, used by courts when the constitutionality of laws, regulations, or other governmental policies is challenged. This standard is generally applied in cases involving fundamental rights, yet courts have generally avoided using it when considering possible violations of the right to keep and bear arms. When using the standard of strict scrutiny, the court must

presume that a government policy is unconstitutional, unless the government can prove that the policy is necessary to achieve a “compelling state interest” and that the policy is both “narrowly tailored” to achieve that purpose and employs the “least restrictive means” possible to do so. The Freedom Amendment’s mandate that the courts employ strict scrutiny provides strong protection of our right to keep and bear arms.

Summary

The **Iowa Right to Keep and Bear Arms Amendment, aka Freedom Amendment**, is on the ballot in Iowa as a legislatively referred constitutional amendment on November 8, 2022.^[1]

A **"yes"** vote supports adding a right to own and bear firearms to the Iowa Constitution and require strict scrutiny for any alleged violations of the right brought before a court.

A **"no"** vote opposes adding a right to own and bear firearms to the Iowa Constitution.

FOOTNOTE: ¹We just completed the 89th General Assembly in May 2022. The 89th General Assembly included legislative sessions in 2021-2022. 88th General Assembly in 2019-2020.