

## First Amendment and Second Amendment

# How do you petition a grievance without access to records?

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Those of us blessed with a career made possible by the First Amendment are duty bound to honor the Constitution's other 26.

Our Constitution is an evolving document that has been oh-so-slowly amended to reflect our nation's changing attitudes to race, gender, voting and presidential term limits. That evolution created the balloting system that allows popular vote losers to be presidential winners.

It also banned and restored alcohol sales within 16 years, one of the quickest attitudinal evolutions in the document.

Iowa legislators this year flexed two of their constitutionally amended rights. They expanded Second Amendment personal gun freedoms by invoking the 10th's affirmation of state's rights. As a result, Iowans permitted to carry firearms can now bring them into the statehouse.

They also can challenge local governments that attempt to ban firearms in courthouses and other public buildings.

Iowa's new gun law affirms a new right for gun owners to "stand their ground," a phrase that authorizes firing upon those threatening property, not just life. It also allows parents to arm children under 14.

Those changes are a departure from Iowa tradition, but long practiced in other states without fanfare or catastrophe.

I flinch at the part of the new state gun law that dictates what local governments can do. Every police chief and sheriff I've spoken with does not want guns carried into courthouses or schools. But this Iowa law invites gun proponents to file suits challenging local preferences publicly approved by locally elected city, county and school board leaders.

That seems an overreach.

### New secrecy

But the provision that really gets me is the new requirement that Iowa gun carry permits are now secret.

The First Amendment has made me a student of public records for my entire career. My good-government radar starts beeping whenever public things become private.

Most property records, including ownership, sale price, mortgage

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## On the Record



by Mark Ridolfi

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commitments and liens are public.

All government salaries are public. So are any government payments, though you often have to dig to track down public checks cut for lawsuit settlements.

Government property and wage and benefit negotiations may remain private, though any final settlement must be public, and ultimately published so interested taxpayers can find out.

Almost every regulated occupation is subject to public release of disciplinary proceedings, although the restrictions get tighter higher up the pay scale. You can read public complaints against your licensed hair dresser. Specific allegations against lawyers remain secret until affirmed by a Supreme Court attorney disciplinary board.

Exercising the regulated right to bear and carry firearms, in my view, seems neither an embarrassment to be covered up, nor a benefit to be automatically pushed into print or online. It simply creates a publicly managed record.

And publicly managed records, in my view, should be public.

Those wanting secrecy say public gun records can be a road map for thieves. But the state's new stand-your-ground law pretty much assures a grim end to crooks who use that map.

### Second Amendment

My First Amendment career generates plenty of interest in Second Amendment records.

I've visited the Scott County Sheriff's office and inspected the hand-written permit and carry permits. In the 1980s and '90s, the records I researched sometimes included handwritten notations to expedite, or forbid a permit. That occurred under Iowa law where each of Iowa's 99 county sheriffs could have his own standard for carry

permits. Sheriffs Forrest Ashcraft and Mike Bladel provided instant access to those public records.

When legislators established a statewide standard carry permit standard in 2010, I returned to take another look. Sheriff Dennis Conard personally showed me the records.

In 2016, I requested Scott County's carry permit data without the names, for a story that documented the surge of gun ownership. Again, Conard immediately complied, providing it in a handy Excel spreadsheet. We broke it down by professional versus civilian permits, gender and community. The story disclosed 12,824 carry permits then, and identified Scott County towns, including McCausland, where one in five adults hold a carry permit.

The story also included police and sheriff's deputies' assessments of all these new gun carriers. They concluded it has neither helped nor hindered law enforcement. None told stories of reckless permit holders. None knew of any crime thwarted or solved by a private resident with a gun. All told stories of encountering armed permit holders during traffic stops who dutifully divulged the permit and weapon location in the vehicle without incident.

If the reporting would have found abuse and mayhem, we would have published that. But we published the story supported by factual reporting based on public records.

### Public records

Now the public records are inaccessible. No one but law enforcement professionals can look to determine if permits are being issued in accordance with the statewide standard.

No one can discern why individuals have been turned down.

No one will know if a thrice-denied applicant gets his or her fourth request granted.

Before the Iowa Legislature made these public records secret, *North Scott Press* publisher Bill Tubbs formally requested the full database, names and all. Newly elected Sheriff Tim Lane instantly complied, supplying the names, town of residence and application dates for 12,662 carry permit holders this year.

That database will be helpful when we report on crime. We can check the 2016 records, at least, to see if armed criminal suspects were lawfully permitted, or were illegally holding guns.

I can think of many more useful stories.

Which teachers hold carry permits? Might they be useful in improving school safety? How many private security guards have been denied carry permit requests because of prior offenses? Who has been wrongly denied a carry permit? Who might have been recklessly granted a permit? Are there Iowa permit holders with undisclosed Illinois offenses that should prohibit their use of guns? Or vice versa? Are women denied more frequently than men? Blacks more than whites?

Now, only those managing the permits will know.

That awkwardly worded Second Amendment gives a "well regulated militia" as the only stated reason for not infringing "the right of the people to keep and bear arms." We might infer other reasons. But they're not included in the Second Amendment.

### First Amendment

So gun ownership remains regulated and subject to registration, just like voting or driving. Those records are public. We don't publish them in a long list. But the press and public can inspect them.

Should the regulated right to bear a firearm capable of depriving liberty and life remain public as well? My journalist's heart says yes. The founders wrote the First Amendment to give every American, and by name, "the press," the right to ask these questions and offer these opinions. Unlike the Second Amendment, the founders saw no need to offer a reason to regulate the First.

The First empowers the public and press to "petition the government for a redress of grievances." How does the public discern a grievance without access to public records? *The North Scott Press* has the last full, public record. I've shared a few reporting ideas for that database.

How would you like to see that record used? Should it be used? Or should the public's First Amendment rights necessarily defer to its Second?