



## **Property Rights Collide with Second Amendment Rights Policy Development 2012**

### **Issue:**

Private property rights and the efforts of some to diminish their significance are a serious concern among farmers, landowners and business owners. Along with that, many of those same concerned property owners believe in the importance and maintenance of Second Amendment gun rights. Recent legislation would allow individuals to transport their own personal firearms onto private property regardless of the policies put in place by the owner. It also seeks to provide statutory protection to gun owners from employment policies regarding guns. This causes a direct conflict between property rights and gun rights.

Farm Bureau policy supports property rights, Second Amendment rights, and less regulation for business owners. Where should Farm Bureau's support be in this collision of interests?

### **Background:**

Gun rights advocacy groups are pressing firmly to pass laws which would allow anyone to bring their weapons to work or on private property provided they are secured and concealed in their vehicle. Currently, property owners have the right to set their own policy regarding firearms on their property and employment provisions regarding firearms. Legislative proposals would remove that right. Private property rights and Second Amendment rights are both very important individual rights. In an Attorney General's (AG) opinion requested by one of the sponsors of the legislation, the AG stated, "(these are) *two competing rights Tennesseans hold dearly. One is the right to bear arms and the other is the right to use private property as you see fit.*"

Major points in proposed legislation would prohibit any property owner from establishing a policy which would prohibit guns or ammunition from being brought onto their property when contained inside or affixed to a vehicle. Legislation also creates a new class of protection by banning employers from inquiring about employees' ownership, storage, transportation or possession of a firearm.

Those in opposition of the proposals will say it is not unreasonable for a property owner to be able to establish policies for their employees or be able to talk with employees about whether the individual may bring firearms onto the property. Opposition also claims the establishment of such laws prohibiting the employer from making decisions about what is allowed on their own property is excessive government encroachment.

Adding another layer to the collision between gun rights and property rights is the fact that as a farm organization, we represent farm families who live and work at their home. This presents another interesting scenario that a farmer cannot limit or dictate weapons allowed near their home.

Supporters of the legislation claim the proposals confirm our Second Amendment right and prevent employers from discriminating and enforcing policies against the storage of firearms in employees' vehicles while at work. Additionally, supporters believe that currently, Tennessee firearm carry permit holders are being prevented from carrying weapons while commuting to and from work because of the policies of their employer.

**Questions:**

1. Farm Bureau policy language in support of property rights far exceeds the number of times Second Amendment rights are mentioned. Which fundamental rights do TFBF members believe to be most important?
2. Gun rights and property rights should complement one another. How do we accomplish this in a positive way for both?
3. Should a producer be allowed to discuss gun related matters with employees if they pertain to bringing a firearm onto his or her property?

**TFBF Policy (partial)**

**Gun Control**

The second amendment to the Constitution gives people the right to keep and bear arms. We strongly oppose any effort to regulate firearms and ammunition for law-abiding citizens.

**Philosophy**

Property rights are essential to the preservation of individual freedom. Most property should be privately owned, privately managed, and operated for profit.

**Property Rights**

Any erosion of private property rights weakens all other rights guaranteed to individuals by the Constitution.

**Law and Order**

Laws protecting private and public property rights must be strictly enforced.

*(Similar statements are referenced numerous times throughout TFBF policy.)*