

National Commander: Department of Veterans Affairs' Disarming Policy Must Go

Mar 17, 2017

An op-ed written by American Legion National Commander Charles Schmidt appeared on Newsweek's website Thursday. In the piece (see below), Schmidt expressed the Legion's support for Veterans Second Amendment Protection Act.

Current Department of Veterans Affairs policy unfairly imposes upon the Second Amendment rights of veterans who are experiencing financial difficulty and require VA assistance in managing their money.

Under current VA rules, all such veterans are considered incompetent forcing officials to report them to the FBI to have their names listed on the National Instant Criminal Background Check (NICS) System.

All persons on the NICS list are ineligible to purchase firearms.

Unfortunately and unfairly, veterans who are capable of safely operating firearms have been restricted from exercising their constitutional rights.

More than 167,000 veterans are currently affected by this policy.

Today, veterans can lose their Second Amendment rights for life simply because a VA appointed fiduciary assumed control over their checkbook during a period of temporary mental stress.

The American Legion opposes this policy and seeks to rectify this injustice through passage of the Veterans Second Amendment Protection Act which would prohibit VA officials from stripping veterans of their rights to own firearms while preserving the authority of magistrates and other judicial officials to protect the public.

Under the Veterans Second Amendment Protection Act, if a judge fairly rules that a particular veteran represents a danger to society based on exhibited mental or criminal behavior, they are free to rule to restrict that veteran from owning firearms. It is clear that this decision should be made by the courts, not VA employees.

During their military careers, all veterans have received training in the safe use of firearms. They have also sworn to defend the Constitution with their lives, if necessary. It is only right that due process be followed for the defenders of our Constitution.

The new legislation merely transfers the authority to strip a veteran of their Second Amendment rights from VA to the courts.

In fairness to VA, the department is doing what current law unfairly dictates.

The question is: Who decides who is competent to possess and own a firearm? The American Legion's position is that decision should rest solely within the jurisdiction of the court. That is why we support the Veterans Second Amendment Protection Act.

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