



ATTORNEY GENERAL OF MISSOURI

JOSHUA D. HAWLEY
ATTORNEY GENERAL

JEFFERSON CITY

65102

P.O. Box 899
(573) 751-3321

December 1, 2017

The Honorable Mitch McConnell
Majority Leader
U.S. Senate
Washington, DC 20510

The Honorable Chuck Schumer
Minority Leader
U.S. Senate
Washington, DC 20510

The Honorable Paul Ryan
Speaker
U.S. House of Representatives
Washington, DC 20515

The Honorable Nancy Pelosi
Democratic Leader
U.S. House of Representatives
Washington, DC 20515

Re: Constitutional Concealed Carry Reciprocity Act of 2017 (S. 446) and
Concealed Carry Reciprocity Act of 2017 (H.R. 38)

Dear Congressional Leaders:

As the chief legal officers of our States, we, the undersigned 23 state Attorneys General, write in support of the Constitutional Concealed Carry Reciprocity Act of 2017 (S. 446) and the Concealed Carry Reciprocity Act of 2017 (H.R. 38). We share a strong interest in the protection of our citizens' Second Amendment right to keep and bear arms, and we are committed to supporting federal and state policies to preserve that constitutional right. These bills, if enacted, would eliminate significant obstacles to the exercise of the right to keep and bear arms for millions of Americans in every State.

The Second Amendment to the U.S. Constitution provides an individual right to own and carry a firearm for self-defense. The Amendment states that "[a] well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." U.S. Const. amend. II. As the Supreme Court recognized in *District of Columbia v. Heller*, 554 U.S. 570, 592 (2008), the Second Amendment "guarantee[s] the individual right to possess and carry weapons in case of confrontation." Indeed, "individual self-defense is 'the central component' of the Second Amendment right." *McDonald v. City of Chicago*, 561 U.S. 742, 767 (2010) (quoting *Heller*, 554 U.S. at 599).

The core interest protected by this right is self-defense by law-abiding citizens. This right therefore extends to weapons “in common use” and “typically possessed by law-abiding citizens for lawful purposes.” *Heller*, 554 U.S. at 624–25, 627 (quoting *United States v. Miller*, 307 U.S. 174, 179 (1939)).

The Second Amendment historically has guaranteed the right to carry firearms outside the home for self-defense. In *Heller*, the Supreme Court relied on the preeminent authority on English law for the founding generation, William Blackstone, who explained that the right to self-defense, codified by the framers in the Second Amendment, was an “individual right protecting against both public and private violence.” *Heller*, 554 U.S. at 594 (citations omitted). As Justices Thomas and Gorsuch have written, “[s]elf-defense has to take place wherever the person happens to be,’ and in some circumstances a person may be more vulnerable in a public place than in his own house.” *Peruta v. California*, 137 S. Ct. 1995, 1998–99 (2017) (Thomas, J., and Gorsuch, J., dissenting from the denial of certiorari) (quoting Eugene Volokh, *Implementing the Right to Keep and Bear Arms for Self-Defense: An Analytical Framework and a Research Agenda*, 56 UCLA L. REV. 1443, 1515 (2009)).

To be sure, the right to carry firearms for self-defense is not unlimited, and the Supreme Court has stated that its decisions do not cast doubt on the “longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms.” *Heller*, 554 U.S. at 626–27. But these exceptions all assume that the right to carry a weapon in self-defense applies in public places generally.

The Second Amendment, moreover, applies to both the Federal Government and the States. The Second Amendment is a right “fundamental to our scheme of ordered liberty,” and so it applies not just to the Federal Government but also to the States under the Due Process Clause of the Fourteenth Amendment. *McDonald*, 561 U.S. at 767; *see also Caetano v. Massachusetts*, 136 S. Ct. 1027, 1027 (2016) (per curiam).

Nevertheless, some activist courts have held that the Second Amendment has no application at all outside the home, and thus have upheld state laws banning any firearm ownership outside the home. *See, e.g., Peruta v. California*, 137 S. Ct. 1995, 1997, 1999 (2017) (Thomas, J. and Gorsuch, J., dissenting from the denial of certiorari) (collecting cases); *e.g., Williams v. State*, 10 A.3d 1167, 1177 (Md. 2011); *Mack v. United States*, 6 A.3d 1224, 1236 (D.C. 2010). Further, ten states refuse to recognize any out-of-state concealed carry permits, and many more refuse to recognize out-of-state concealed carry permits unless certain conditions are met.

The citizen interest in self-defense, supported and protected by the Second Amendment, is called into serious question by such blanket refusals to permit carrying firearms in self-defense outside the home or to allow non-resident visitors to carry concealed weapons. Because some States refuse to give the Second Amendment its full import, Congress should enact concealed-carry reciprocity legislation, to help implement and enforce the constitutional right to self-defense for millions of law-abiding Americans across the country.

The exercise of Congress's power is particularly warranted in this case because the States that refuse to allow law-abiding, non-resident visitors to carry concealed weapons place their occupants in greater danger—not less—from gun violence. These States leave citizens without any real option for self-defense, and so it is not surprising that they have been unable to show that their regulations reduce crime.

Authorizing permit holders to carry across state lines will not result in an increased risk of crime. Concealed carry permit holders are among the most law-abiding members of society, and those States that allow for reciprocal concealed-carry permits have not encountered any significant safety issues. In Texas, for example, state data on permit holders shows that, compared to the general public, they are “ten times less likely to commit a crime, eleven times less likely to commit an aggravated assault with a deadly weapon, and seven times less likely to commit deadly conduct with a firearm.” Kevin Ballard, *Peruta v. County of San Diego: An Individual Right to Self-Defense Outside the Home and the Application of Strict Scrutiny to Second Amendment Challenges*, 47 GOLDEN GATE U. L. REV. 25, 59 (2017).

Further, strong evidence indicates that concealed-carry permit holders actually deter and reduce crime. Those who engage in lawful and licensed concealed carry are not only less likely to be involved in criminal activity themselves, but their presence also deters others from engaging in violent crime. See John R. Lott, Jr., *MORE GUNS, LESS CRIME* (University of Chicago Press, 3d ed. 2010). County-level data for the entire United States from 1977 to 2000, the period in which many concealed-carry laws took effect, shows annual reductions in murder rates between 1.5 percent and 2.3 percent for each additional year that a right-to-carry law was in effect, and the total economic benefit from reduced crimes usually ranges between approximately \$2 billion and \$3 billion per year. Florenz Plassmann & John Whitley, *Confirming “More Guns, Less Crime,”* 55 STAN. L. REV. 1313 (2003). “Violent crime falls after right-to-carry laws are adopted, with bigger drops the longer the right-to-carry laws are in effect.” John R. Lott, Jr., *What A Balancing Test Will Show for Right-to-Carry Laws*, 71 MD. L. REV. 1205, 1212 (2012).

Our experience as attorneys general further reinforces this data. Law-abiding individuals who choose to exercise their constitutional right to carry a firearm for self-defense promote public safety. Our states have chosen to respect the rights of residents and non-residents alike to carry arms for their defense, and we ask Congress to protect the same rights of our law-abiding residents as they travel throughout the United States.

States should not be able to deny citizens of other States the basic constitutional right to self-defense. We thus urge Congress to enact legislation such as the Constitutional Concealed Carry Reciprocity Act of 2017 (S. 446) or the Concealed Carry Reciprocity Act of 2017 (H.R. 38). These bills aim to protect the rights of law-abiding citizens to carry a concealed handgun. They do not allow for carrying firearms by felons, those involuntarily committed to mental health facilities, and other persons prohibited by federal law from possessing or receiving firearms. And these bills would not prevent States from allowing governmental and private entities to preclude concealed carry on their own property.

As the Supreme Court held in *McDonald*, it is “unmistakably” true that “the Second Amendment right to keep and bear arms” is “fundamental to our scheme of ordered liberty” and “deeply rooted in this Nation’s history and tradition.” *McDonald*, 561 U.S. at 767–68. Congress should act to safeguard and implement this deeply rooted right for those traveling across state lines.

Thank you for the opportunity to address this legislation. As the chief legal and law enforcement officers of our respective States, we urge Congress to pass this important legislation implementing one of the most basic American freedoms, the Second Amendment right to keep and bear arms.

Very truly yours,



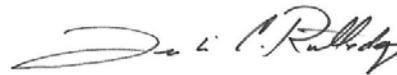
Joshua D. Hawley
Missouri Attorney General



Steve Marshall
Alabama Attorney General



Mark Brnovich
Arizona Attorney General



Leslie Rutledge
Arkansas Attorney General



Pamela Jo Bondi
Florida Attorney General



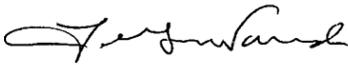
Timothy C. Fox
Montana Attorney General



Chris Carr
Georgia Attorney General



Doug Peterson
Nebraska Attorney General



Lawrence Wasden
Idaho Attorney General



Adam Paul Laxalt
Nevada Attorney General



Curtis T. Hill, Jr.
Indiana Attorney General



Wayne Stenehjem
North Dakota Attorney General



Derek Schmidt
Kansas Attorney General



Mike DeWine
Ohio Attorney General



Jeff Landry
Louisiana Attorney General



Alan Wilson
South Carolina Attorney General



Bill Schuette
Michigan Attorney General



Marty J. Jackley
South Dakota Attorney General



Ken Paxton
Texas Attorney General



Brad D. Schimel
Wisconsin Attorney General



Sean Reyes
Utah Attorney General



Peter K. Michael
Wyoming Attorney General



Patrick Morrisey
West Virginia Attorney General