

Background: "Should Adults Have the Right to Carry a Concealed Handgun?"

Carrying a concealed handgun in public is permitted for non-law enforcement officials in all 50 states. Washington, DC does not allow concealed carry except by active and retired law enforcement officers.

Proponents of concealed carry say that criminals are less likely to attack someone they believe to be armed. They cite the 2nd Amendment's "right of the people to keep and bear arms," and argue that most adults who legally carry a concealed gun are law-abiding and do not misuse their firearms.

Opponents of concealed carry argue that increased gun ownership leads to more gun crime and unintended gun injuries. They contend that concealed handguns increase the chances of arguments becoming lethal, and that society would be safer with fewer guns on the street not more.

State regulations on concealed carry fall into four categories. The first is "no-issue" which does not allow citizens to carry a concealed handgun. The second category is "may-issue" which grants concealed carry permits at the discretion of local authorities. The third category is "shall-issue" which requires police to issue concealed carry permits as long as the applicant meets certain minimum requirements such as a minimum age, no prior felony conviction, and no recent commitments to a mental institution. The fourth category is "unrestricted carry," where no permit is required to carry a concealed handgun.

In 1813, Kentucky and Louisiana passed the first laws prohibiting the concealed carrying of deadly weapons. By 1850, most Southern states had prohibited concealed carry in an attempt to reduce high murder rates. In the 1880s, non-Southern states began restricting the concealed carry of weapons. After WWI, the focus of gun control efforts switched from the state to the federal level. Congress imposed an excise tax on weapons in 1919 and prohibited the shipping of handguns through the US postal system in 1927. In 1934, the federal government began regulating possession of weapons with the National Firearms Act. "May issue" laws were dominant in the post-World War II period. In 1960, only Vermont and New Hampshire had "shall-issue" laws. Between 1960 and 1980, Washington (1961) and Connecticut (1969) also adopted "shall-issue" laws. "Shall-issue" laws began to spread in the 1980s and were adopted by Indiana (1980), Maine (1985), North Dakota (1985), and South Dakota (1986).

On May 12, 1987, Florida passed a "shall-issue" law that became a model for other states. "Shall-issue laws" require police to issue concealed carry permits as long as the applicant meets certain minimum requirements. Requirements vary by state, but typically include a minimum age, no prior felony conviction, and no recent drug convictions or commitments to a mental institution. Some states also require classes and training. In the early 1990s, the National Rifle Association launched a campaign to increase the number of states with "shall-issue" laws. By Feb. 21, 2014, 41 states had adopted "shall-issue" laws.



Eight states have "may issue" laws which give law enforcement discretion in issuing permits (as of Feb. 21, 2014). Of these states, Maryland, Hawaii, and New Jersey, and Rhode Island are considered "no issue" in practice, while Connecticut is considered "shall-issue" in practice. In California, New York, and Massachusetts, issuing is up to local officials and rural areas tend to issue more liberally than urban areas. Alaska and Arizona allow for concealed carry without a permit as long as you are legally able to own a firearm and are 21 years of age or older. Both states still issue concealed weapons permits. Vermont does not require permits but individuals must meet minimum requirements to carry concealed handguns.

In 1998, John Lott, PhD, published *More Guns, Less Crime* which concluded that the "shall-issue" laws correlated with a decrease in violent crime. Lott argued that if states that did not permit concealed handguns in 1992 had permitted them in 1977, 1,570 murders, 4,177 rapes, 60,000 aggravated assaults, and 12,000 robberies would have been prevented between 1977 and 1992.

Following the release of Lott's book, researchers began issuing studies both supporting and criticizing Lott's results. An Oct. 2001 peer-reviewed study found that concealed carry had a deterrent effect on crime in some states and contributed to increases in crime in other states. In Apr. 2003, Ian Ayres, PhD, and John Donohue, PhD, wrote in a peer-reviewed study published in the *Stanford Law Review* that "small increases in crime associated with the adoption of shall-issue laws." However, Carlisle Moody, PhD, and Thomas Marvell, PhD, concluded in a Feb. 2008 study that a "shall-issue law is

generally beneficial with respect to its overall long run effect on crime." The National Research Council, the working arm of the National Academy of Sciences, concluded in 2004 that "it is impossible to draw strong conclusions from the existing literature on the causal impact of these laws."

Political cartoon illustrating a pro-concealed carry argument.
Source: Scott Bieser, "Gun Free Zone," www.nationalgunrights.org, 2007



The Second Amendment features prominently in the concealed handgun debate. The Second Amendment states (in its entirety), "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." In 1897, the US Supreme Court ruled in *Robertson v. Baldwin* that "the right of the people to keep and bear arms is not infringed by laws prohibiting the carrying of concealed weapons." On June 26, 2008, the US Supreme Court ruled 5 to 4 in *District of Columbia v. Heller* that the Second Amendment guarantees "the individual right to possess and carry weapons in case of confrontation. This meaning is strongly confirmed by the historical background of the Second Amendment." The US Supreme Court ruled 5 to 4 in *McDonald v. Chicago* on June 28, 2010 that the findings in *District of Columbia v. Heller* apply to the state and local governments in addition to federal jurisdictions like DC.

States and counties frequently restrict where concealed weapons can be carried to exclude schools, government buildings, and establishments where alcohol is served. Some states allow businesses to post signs prohibiting the carrying of concealed firearms within the establishment. Starbucks in Washington, for example, had not posted such signs (and still has not as of Mar. 25, 2010) and gun rights activists began to assemble there in Jan. 2010.

On July, 22, 2009, the US Senate rejected an amendment in a 58 to 39 vote (60 votes were needed) by Sen. John Thune (R-SD) that would allow an individual who holds a concealed weapons permit in one state to travel with a loaded concealed weapon to any of the other 47 states that also issue permits. As of Feb. 5, 2010, Utah is the only state that allows concealed carry permit holders to bring guns on all Utah college campuses. On Feb. 23, 2010, Colorado State University banned the concealed carry of weapons on campus, but Larimer County, CO, Sheriff James Alderden said at the time that he "will not be a party to this very poor decision" and refuses to jail anyone who is arrested for carrying a concealed weapon. On Mar. 10, 2010, 10,000 gun owners marched on Illinois' State Capital to demand the ability to carry a concealed handgun.

Following the election of President Barack Obama, Ohio issued 56,691 new concealed weapon permits in 2009, a 67% increase from the 33,864 licenses issued in 2008. According to Jim Irvine, chairman of the Buckeye Firearms Association, this increase in concealed weapon permits is a result of "President Obama being anti-gun and the fear that he was going to do something to affect gun ownership." The Brady Campaign to Prevent Gun Violence gave President Obama an "F" rating for his first year in office for his efforts on gun control, in part because Obama signed the Credit Card Accountability Responsibility and Disclosure Act of 2009 on May 22, 2009 which included an amendment to allow the carrying of firearms in national parks. The National Rifle Association also gave presidential candidate Barack Obama an "F" rating on gun rights. Obama was quoted in an Apr. 2, 2008 article saying, "I am not in favor of concealed weapons. I think that creates a potential atmosphere where more innocent people could (get shot during) altercations."

On Sep. 28, 2010, Colton Joshua Tooley, 19, fired four shots into the air over 30 minutes at the University of Texas with an AK-47 before killing himself. That afternoon, John Lott, PhD, was scheduled to speak at a pro-concealed weapons event on the same campus where 14 students were killed in a 1966 shooting. The event was moved off campus to a nearby book store. Daniel Crocker of Students for Concealed Carry on Campus, one of the event's organizers, stated, "It's fortunate that the gunman took only his own life and injured nobody else, but students and faculty deserve options beyond relying on the altruism – or poor aim of a madman." State Sen. Rodney Ellis (D-TX), JD, countered, "Allowing guns on campus will do little to improve the safety of students and could, in fact, make dangerous situations that much more deadly by creating confusion for law enforcement." The shooting is expected to play a role in the debate over a planned reintroduction of a campus-carry bill that failed in the Texas legislature in 2009.