



Written by [Patrick Krey](#) on December 24, 2018

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Exercising the Right

Constitutional Carry

In this issue, we have decided to explore the “Constitutional Carry” movement that has gained momentum in recent years. “Constitutional Carry” is the popular way to refer to “permitless carry,” which means that the laws in a state authorize a state resident to carry a gun without first seeking approval from a state licensing authority.

Ironically enough, it is the home state of avowed socialist Bernie Sanders where permitless carry has been the norm throughout its history. Vermont was a trailblazer in this regard by not requiring citizens to obtain a permit to carry a firearm on their person, either open or concealed. Even though it has been widely practiced in the state since its inception, it wasn’t until 1903 that the Supreme Court of Vermont recognized permitless carry in the landmark decision *State v. Rosenthal*. The highest court in Vermont ruled that a local ordinance that prohibited the carrying of a firearm without getting the advance permission of the mayor or the police chief was “repugnant to the Constitution, and to that extent void.”

Even though this court decision was made more than a hundred years ago, it wasn’t until the past decade that similar permitless-carry laws began spreading to other states. Chris Cox, executive director of the NRA, explained at the NRA Carry Guard blog in February of 2018, “Beginning with Alaska in 2003, permitless carry has spread across the country with remarkable speed. Since 2010, several states have amended their [right-to-carry] statutes to allow permitless carry, including six states in the last two years alone. The momentum is gaining steam every day, with permitless carry bills being introduced in legislatures throughout the country. We expect even more states to adopt this approach in the coming years.”

As of the writing of this column, permitless carry, or some version of permitless carry, is on the books in Alaska, Arizona, Arkansas, Idaho, Kansas, Maine, Mississippi, Missouri, New Hampshire, North Dakota, Vermont, West Virginia, and Wyoming. Some of these states limit permitless carry to state residents, while others extend it to non-residents. In addition, some have other restrictions such as concealed-carry only, with open-carry strictly prohibited, so readers of this column are always encouraged to check their state’s laws to determine the applicable rules related to carrying a firearm.

The NRA wrote a post at Medium explaining that permitless carry has expanded across the nation and, despite the dire warnings of the anti-Second Amendment crowd, the results have been quite positive. “Enter: Alaska, Arizona, and Wyoming. Each state enacted permitless carry in 2003, 2010, and 2011, respectively. And according to data from the FBI’s ‘Crime in the United States’ report, it’s clear that none of the aforementioned states experienced an increase in the number of murders — including handgun murders — after enacting permitless carry.”

The NRA went into detail explaining that some of these states actually saw a decline in handgun-related murders. “In Alaska, handgun murders actually declined after the state enacted permitless carry in 2003.... Arizona also saw a decrease in the percentage of murders committed with a handgun after its permitless carry law took effect in 2010. Overall murder declined, too. Similar trends were seen in Wyoming — a state with a historically low murder rate. Once permitless carry went into effect in 2011, there was no spike in murders overall, or in those committed with a handgun.”

The NRA argued that permitless carry has defied the fearmongering predictions of anti-gun zealots



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such as Michael Bloomberg and shown that armed law-abiding citizens are a net positive contribution to society. “The fact is, permitless carry simply hasn’t produced the kind of dire, anarchic scenarios gun control advocates want you to believe. Public safety is not being threatened, and last we checked, saloon shootouts at high noon aren’t on the rise. As West Virginians and countless other law-abiding Americans have learned over the years, permitless carry simply allows a person who is otherwise legally able to possess a firearm, to carry it in a discreet, concealed manner. It doesn’t loosen gun laws already on the books. It doesn’t allow felons or any other prohibited person to carry guns. It simply puts law-abiding gun owners on equal footing with criminals (who, by the way, carry concealed on the regular).”

This doesn’t mean that permitless carry or constitutional carry is on an inevitable path to legal recognition in all 50 states, as even some high-profile Republican politicians are standing in the way of its enactment. One Republican governor in a deep Red State even vetoed such a bill earlier this year. *USA Today* reported in May that Oklahoma’s Republican Governor, Mary Fallin, vetoed a constitutional-carry measure citing concerns from the business community. Fallin mentioned her previous support for pro-Second Amendment measures while issuing the veto and said, “I believe the firearm laws we currently have in place are effective, appropriate and minimal.” But her actions drew a stiff rebuke from pro-Second Amendment voices who felt it was a betrayal of a loyal constituency.

Steve Byas, writing at [TheNewAmerican.com](#) on May 18, explained that the original bill was sponsored by Oklahoma State Senator Nathan Dahm, who has plans to resubmit the bill and potentially override the governor’s veto if necessary. “Had the Dahm bill on constitutional carry been signed by Fallin, Oklahoma would have become the 12th state to recognize that citizens do not need the state’s permission to exercise their right to keep and bear arms. The bill would have prohibited the carrying of firearms in schools and other government buildings, and private property owners would still have been able to bar the carrying of a gun on their premises, as well. Perhaps with Dahm’s dogged persistence, Oklahomans will soon be afforded their full Second Amendment-protected rights, despite the opposition of their governor.”

The political reality of the situation is that such constitutional-carry measures are most likely only possible in Red States, with deep Blue Vermont being more of an outlier. Still, this is a reminder that things that may have seemed politically impossible a few years ago can quickly become feasible owing to the actions of a few brave patriots.

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