



Written by [Bob Adelman](#) on December 4, 2017

National Reciprocity Likely to Pass House, Get Bugged Down in Senate

With the House due to take up, and likely pass, the national reciprocity bill this week, attention is being given to [the argument often presented to support it](#): all that's wanted is to treat CCW (carrying a concealed weapon) permits like drivers' licenses. After all, goes the argument, states allow drivers from other states to drive on their roads with licenses issued by those other states, why shouldn't they allow CCW permits issued by others states as well?



On December 1, 24 state attorneys general sent a letter summarizing the argument: the patchwork quilt of state laws is so cumbersome that some get caught in the trap of carrying illegally when they didn't know it. Besides, the laws not only contradict other laws in other states not only in their language but in their enforcement. And, finally, they inhibit rights under the Second Amendment. Said the AGs:

We share a strong interest in the protection of our citizens' Second Amendment rights to keep and bear arms, and we are committed to supporting federal and state policies that preserve that constitutional right. These bills [in the House and Senate], if enacted, would eliminate significant obstacles to the exercise of the right to keep and bear arms for millions of Americans in every state.

Florida's Attorney General Pamela Bondi added:

States should not be able to deny citizens of the United States the basic constitutional right to self-defense. Florida has chosen to respect the rights of residents and non-residents [i.e., tourists] to carry arms for self-defense. I ask Congress to protect these same rights for law-abiding Floridians as they travel throughout the United States.

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Would that it would be so simple: Treat everyone equally under the law. Who could not agree with that? Let's look:

First, the agreement to let drivers from other states use their highways while carrying an out-of-state-issued license is voluntary. The national reciprocity bills, if enacted, would apply a federal mandate that every state treat each CCW permit holder the same. This infringes on states' rights to do for themselves as they themselves see fit. Second, 26 states have in place "shall issue" laws that allow almost anyone who wants a CCW permit to obtain one, unless they are prohibited by state law from doing so. The requirements vary from state: some, such as Vermont, don't issue permits at all. Other states require applicants to meet certain minimum standards, such as training classes and range time. With a driver's license each state assumes that the driver knows how to drive. Some CCW permit holders have never fired a gun.

Next is the "common denominator" factor: Every CCW permit holder, regardless of capacity, skill, training or experience, will be treated the same. Law enforcement officials have claimed, with some



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justification, that they would be dealing with an “unknown quantity” during a traffic stop involving an out-of-state driver who might be carrying concealed.

Finally, there is the “retribution factor.” Some states, such as New Jersey, have it in for violators such as Shaneen Allen, a resident of Pennsylvania who got caught violating New Jersey law prohibiting carrying a weapon on her person or in her car while driving in the state. A single mom with a couple of children, she was charged with a felony and, except for the intervention of New Jersey’s Governor Chris Christie, would likely have spent years in jail for committing essentially a petty crime. At the time he pardoned Allen, Wayne LaPierre of the NRA nailed it: “This ends a vulgar chapter in an endless series of shameful episodes where political opportunists seek nothing by their own advantage. I compliment Governor Christie for doing the right thing.”

Recognizing that in states such as New Jersey political opportunists use the law specifically to punish gun owners, reciprocity supporters want to return the favor, to teach them a lesson, as it were. As Adam Winkler, a law professor at the University of California at Los Angeles, expressed it: “What the NRA really wants to do on concealed carry is overturn restrictions on people carrying guns.”

While the House is expected to pass national reciprocity handily — the bill has more than 200 co-sponsors — the Senate bill isn’t likely to have such clear sailing. To pass the upper chamber the bill would need to have 60 votes in order to overcome a filibuster. Even if every Republican voted yea, the bill would still require eight Democrats to support it. In this remarkable year of acrimony that would amount to a miracle.

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