



Written by [Bob Adelman](#) on May 18, 2015

Pressure Building to Pass National Concealed Carry Reciprocity Law

In February when Representative Marlin Stutzman (R-Ind.) [reintroduced](#) his Constitutional Concealed Carry Reciprocity Act of 2015, Senator John Cornyn (R-Texas) introduced an identical one in the Senate. Stutzman touted his bill:

Americans enjoy a natural right to self-defense preserved by the Second Amendment. This federally guaranteed liberty should not be forfeited when state lines are crossed.

Unfortunately, this fundamental right has been under attack from the anti-gun lobby on both the federal and state levels. This bill preserves the right to keep and bear arms for law-abiding citizens while respecting the roles and responsibilities of state legislatures.

Promoters such as the pro-Second Amendment group Gun Owners of America (GOA) are urging their members to press for passage:

If you have a concealed carry permit — or if you come from a freedom-loving “constitutional carry” state that doesn’t require one! — you should be able to carry anywhere in the country without fear of losing your constitutional rights [just] because of where you are.

They go further to remind their members of what happened two years ago when Shaneen Allen, a Pennsylvania resident traveling by car in New Jersey, was stopped for a minor traffic violation. Thinking that her Pennsylvania concealed carry permit was valid in New Jersey, she offered the information that she had a gun, ammunition, and a Pennsylvania permit to carry to the law-enforcement officer. She was immediately arrested and charged with a felony in a case that caught national attention and threatened to put her behind bars for years before New Jersey Governor Chris Christie intervened.

According to the GOA, “Sometimes a ‘right’ — even a God-given right — needs a mechanism to enforce it ... when you carry concealed in New York, New Jersey, California or another state, the fact that you are ‘right’ isn’t going to keep you from going to prison for decades — *unless the Stutzman bill is passed into law [to] force these lawless states to comply.*” (Emphasis added.)

It’s that use of the word “force” that reveals the fatal flaw behind the reasoning of those pushing for passage of Stutzman’s reciprocity bill. It’s helpful to remember that the Bill of Rights (which contains the Second Amendment to the Constitution) was placed there to further restrict the federal government, leaving states to determine such matters on their own. It was only with passage of the 14th Amendment following the Civil War in 1868 that such restrictions began to be applied to the states as well:

No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person from life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.





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It took the *McDonald* case, decided by the Supreme Court, to awaken Americans to the power of such a turning of restrictions originally intended to rein in the national government to press states to recognize Second Amendment rights. Now Representative Stutzman wants to use the 14th Amendment to hammer into federal compliance all states that have restrictions on gun rights.

It's being sold as a two-pronged strategy to expand Second Amendment rights: The bill "would allow Americans from constitutional carry (permitless) states to carry nationally without any permit," and it would "work to turn large numbers of additional states into constitutional carry states which would benefit from this legislation."

It wouldn't create a "national permit" or "national registration" system, according to the GOA, but would merely "encourage" (by force) reluctant states into recognizing the right of citizens to carry without permits or licenses:

The beauty of the Cornyn/Stutzman legislation is that citizens will be able to carry without permits or licenses, not only in their home states, but all across the country, as well.

But at what cost? At the cost of the federal expansion of power, the illegal assumption that the federal government has any say in the matter, and at the cost of further neutering states' rights to make those decisions regarding carrying of sidearms on their own. This time the anti-gun Brady Campaign got it right. Dan Gross, its president, asserted:

Under [the Stutzman/Cornyn bills], law enforcement in states with stronger gun laws would be handcuffed and helpless to take their own reasonable precautions to prevent dangerous people from carrying guns.

Handcuffed and helpless is accurate. Constitutional authority Joe Wolverton at *The New American* makes precisely the same point:

The problem plaguing Americans [is] looking to Washington, D.C. for permission to do that which is beyond their authority to rule....

Our Republic was not founded by men and women who looked to government for the green light for the exercise of timeless rights that have been enjoyed by their ancestors for years....

Promotion of a proposed federal law that would force states to recognize concealed carry permits issued by others states ... would be unconstitutional.

Leave the states alone to make their own individual decisions. Keep the federal government out of the matter altogether. At present 30 states already have reciprocity laws in place allowing citizens to exercise their rights without federal intervention. With freedom to carry continuing to gain momentum, legislators in other states without reciprocity will see the light and introduce similar laws — on the state level, without federal intervention or pressure of legislation such as that proposed by Stutzman and Cornyn.

A graduate of an Ivy League school and a former investment advisor, Bob is a regular contributor to The New American magazine and blogs frequently at www.LightFromTheRight.com, primarily on economics and politics.

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