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July 20, 2017

The Honorable Chuck Grassley
Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

The Honorable Dianne Feinstein
Ranking Member
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Re: Opposition to S.446, the “Constitutional Concealed Carry Reciprocity Act of 2017”

Dear Chairman Grassley and Ranking Member Feinstein:

On behalf of the American Bar Association, the largest voluntary membership organization of legal professionals in the United States, consisting of more than 400,000 members from all 50 states, the District of Columbia and other jurisdictions, I write in opposition to S.446, the “Constitutional Concealed Carry Reciprocity Act of 2017.”

This bill mandates national reciprocity for concealed carry permits issued pursuant to state law. Any state that allows some form of concealed carry – and all states do – would have to recognize a concealed-carry permit issued in another state. That policy offends deeply rooted principles of federalism where public safety is traditionally the concern of state and local government. A state’s ability to consider safety factors—such as age, evidence of dangerousness, live firearm training, or criminal records—would give way to other states’ less stringent requirements. Unlike some efforts of Congress to create minimum safety standards, this bill could lead to no safety standards as more states enact laws to allow persons to carry concealed firearms without a permit.

The knowledge of local authorities, who best know the individual applicant, would also be rendered moot. For example, a person with a history of domestic disturbances, who might be denied a concealed-carry permit in his own state, could simply obtain a permit in another state. Even worse, permits that are revoked, counterfeited, or otherwise invalid would be difficult to identify by law enforcement or other officials who need to know, as there is little means of verifying an out-of-state permit. The growth of “permitless” carry states would only further confound this verification dilemma. For these reasons, the ABA in 2011 adopted policy expressly opposing “federal legislation that would force states to recognize permits or licenses to carry concealed weapons issued in other states.”

The proposed bill is also unnecessary. The majority of states, through reciprocity agreements, already recognize concealed carry permits issued in selected states. However, these reciprocity agreements are typically between states that have similar concealed carry licensing requirements. The discretion of states to enter, or not enter, into reciprocity agreements is critical to their core public safety function. With the increase in right-to-carry laws across the country, the crime rate has

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also increased. Just last month, Stanford Law Professor John Donohue published a rigorous, landmark study, based on decades of crime data, corroborating this point. Professor Donohue estimated that “Ten years after the adoption of [right-to-carry] laws, violent crime is estimated to be 13-15% percent higher than it would have been without the RTC law.”

We should not tie states’ hands when it comes to deciding who can carry guns within their borders. On behalf of the American Bar Association, I strongly urge you to reject this dangerous proposal and to vote against S.446. If we can provide you or your staff with any additional information regarding the ABA’s views, please contact ABA Governmental Affairs Principal Deputy Director Holly Cook at (202) 662-1860 or holly.cook@americanbar.org.

Sincerely,


Linda Klein