Constitutional Carry and Reciprocity

H.R. 923 and S. 498 -- legislation introduced by Rep. Marlin Stutzman (R-IN) and Senator John Cornyn (R-TX). H.R. 923 and S. 498 are the best reciprocity bills in the Congress. There are similar bills, but they don't protect citizens who travel from Constitutional Carry states. There are now ten Constitutional Carry states in the union -- states that have passed laws which don't require gun owners to get permission to exercise their constitutionally-protected rights or to be registered like sex offenders.

These states are Alaska, Arizona, Arkansas, Idaho, Kansas, Maine, Vermont, West Virginia, Wyoming and most of Montana. The Stutzman-Cornyn bills do not punish these states for being too pro-gun. They do not require a gun owner from these states to get a concealed carry permit before carrying a firearm out of state. Sadly, the other reciprocity bills in Congress would impose this restriction, forcing people to get registered through the permitting process before exercising their rights.

Why Reciprocity Legislation is Needed

Some gun owners have argued that reciprocity legislation is unnecessary because the Second Amendment recognizes the right to carry wherever we want. We agree that Americans have that right. But sometimes a "right" -- even a God-given right -- needs a mechanism to enforce it against a politicized judiciary.

So consider this: 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-Cornyn legislation is passed into law and forces these lawless states to comply. This legislation is consistent with the Second and Fourteenth Amendments. The Supreme Court (correctly) ruled in McDonald v. Chicago (2010) that the Constitution protects the right to keep and bear arms from federal AND state abuse. (Gun Owners of America)

Bureaucrats Strip Vets' Gun Rights

Senators Charles Grassley and Johnny Isakson sent a letter to the Secretary of the Department of Veterans Affairs asking why the agency reports any veteran who is assigned a fiduciary trustee to the FBI as mentally defective, thus stripping the veteran of their right to keep and bear arms. So far, the VA has reported to the FBI 260,000 individuals — equivalent to a quarter of the number of people in Texas who have a license to carry. While all federal agencies are required to report "mentally defective" individuals to the FBI so they can be noted in the National Instant Criminal Background Check System, the VA refers an astounding 99.3% of such cases. All other agencies account for just 0.7%. With ruthless "efficiency" like that coming from the same bureaucracy guilty of the wait-time scandal, does anyone suspect abuse of the system?

In a statement, Grassley said, "Our military heroes risked their lives to protect and defend this country and all that we stand for, including our most basic constitutional rights. Now the very agency created to serve them is jeopardizing their Second Amendment rights through an erroneous reading of gun regulations. The VA's careless approach to our veterans' constitutional rights is disgraceful."

No one wants someone with serious mental health issues to become a danger to themselves or others because they had access to firearms. But before basic constitutional rights are denied, the question is what constitutes mental illness? And who decides? A bureaucracy with no due process is most certainly not the answer. Yet the gun-grabbing Obama administration wants to institute a similar policy as the VA within the Social Security Administration. Our hope is that this new bureaucratic scheme won't survive the increased scrutiny that was established through the Supreme Court's Heller decision. (The Patriot Post 28 March 2016)

Replacing Scalia on the Supreme Court

With Justice Scalia's tragic passing, there is no longer a majority of support among the justices for the fundamental, individual right to own a firearm for self-defense. Four justices believe law-abiding Americans have that right – and four justices do not.

As soon as news broke that president Barack Obama would nominate Merrick Garland to the Supreme Court there was a mad scramble in the gun community to find out where this Chicago-born, appeals-court-Clinton-appointee stood on guns. President Obama has demonstrated nothing but contempt for the Second Amendment and law-abiding gun owners. Obama has already nominated two Supreme Court justices who oppose the right to own firearms and there is absolutely no reason to think he has changed his approach this time. In fact, a basic analysis of Merrick Garland's judicial record shows that he does not respect our fundamental, individual right to keep and bear arms for self-defense.

Merrick Garland is a judge on the U.S. Court of Appeals for the D.C. Circuit. He could be counted on not only to oppose Second Amendment rights in general, but even to nullify explicit congressional statutes that protect those rights.

In 2007, a three-judge panel of the D.C. Circuit ruled against the D.C. handgun ban in the case of Parker v. District of Columbia (which was the name of the case that eventually became *District of Columbia v. Heller* when it went before the Supreme Court). The D.C. government asked for a rehearing of the case, before all 10 judges of the D.C. Circuit. Six judges voted not to rehear the case, while four judges voted for a rehearing, presumably because they disagreed with the three-judge panel that had ruled against the handgun ban. Garland was one of the four judges who wanted a chance to validate the handgun ban.

In 2000, Garland was on a three-judge panel that heard the case of NRA v. Reno. In that case, the Janet Reno Department of Justice had flouted the congressional statutes that prohibit the federal government from compiling a registration list of gun owners, and which required the destruction of national instant check (NICS) records of lawful, approved gun purchases.

Judge Garland voted to let Reno get away with it. He said that registering all the people who were approved by NICS was permissible because Reno was not registering every gun owner in the country. And he said it was fine for Reno to keep gun buyer records for six months because although Congress had said the records must be destroyed, it did not say "immediately." So, while his anti-gun status isn't explicitly clear, it is apparent that he definitely leans toward the gun-control side of the debate.

Beyond Garland though, **our right to keep and bear arms hangs in the balance of the next president.** The next president could appoint two, three maybe even four justices in his or HER term in office, which depending on who is in the White House could mean the beginning of the end of the Second Amendment. (GunsAmerica News 16 March 2016)

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