

March 11, 2011

The Honorable John Boehner
Office of the Speaker
H-232, U.S. Capitol
Washington, D.C. 20515

The Honorable Nancy Pelosi
Office of the Democratic Leader
H-204, U.S. Capitol
Washington, D.C. 20515

Re: More than 550 Mayors Call on Congress to Respect Local Law Enforcement Prerogatives by Voting NO on "Concealed Carry Reciprocity" (H.R. 822)

Dear Speaker Boehner and Democratic Leader Pelosi:

As members of Mayors Against Illegal Guns, a bi-partisan coalition of more than 550 mayors representing more than 50 million Americans, we write to express our strong opposition to H.R. 822, introduced by Rep. Cliff Stearns (R-FI), which would impose national "concealed carry reciprocity" for handguns.

If passed, this bill would roll back the authority of state and local governments to protect their citizens with sensible, constitutional, community-specific laws for carrying hidden guns. At the same time, the legislation would empower gun traffickers, making it easier for them to secretly transport the guns they sell to criminals. The Stearns bill would also threaten the safety of our law enforcement officers by making it far more difficult to distinguish between legal and illegal firearm carrying.

Because of those problems, a broad national coalition successfully opposed similar concealed-carry reciprocity legislation when it was proposed by Sen. John Thune in 2009 (S.Amdt. 1618 to S.1390). That coalition included our coalition of mayors; seven state attorneys general; major domestic violence prevention organizations; prosecutors; the International Association of Chiefs of Police; the Major Cities Chiefs Association, representing the police chiefs of 56 major U.S. cities; the National Black Police Association; the National Latino Peace Officers Association; the National Organization of Black Law Enforcement Executives; many individual law enforcement officials across the country, and others.

Mayors Against Illegal Guns continues to oppose this attempt to eviscerate states' rights. We have long believed that the issue of concealed carry regulation is one best left to cities and states to decide. Our coalition understands that what state officials, law enforcement and legislators decide are the best crime-fighting policies for rural areas may not fit the needs of big cities – and vice-versa.

States often set standards for carrying handguns on city streets that include criteria beyond an applicant's ability to pass a federal background check. For example, many states, including those with strong gun rights traditions, have enacted common-sense concealed-carry laws that prohibit concealed handgun carrying by teenagers and by persons who have an alcohol abuse problem, who pose a danger to others, who have been convicted of certain misdemeanors or who have not completed basic safety training. In particular:

- At least 31 states prohibit youths age 20 and under from obtaining a concealed carry permit, including one – Missouri – which sets a minimum age of 23.
- At least 29 states prohibit alcohol abusers from obtaining a concealed carry permit, including South Carolina, which prevents “habitual drunkard[s]” from carrying guns.
- At least 21 states grant law enforcement agencies discretion to deny carry permits to people who appear especially dangerous, including Alabama, which allows sheriffs to grant or deny licenses based on whether “it appears that the applicant . . . has any . . . proper reason for carrying a pistol, and [whether] he or she is a suitable person to be so licensed.”
- At least 35 states prohibit persons convicted of certain misdemeanor crimes from carrying concealed firearms, including Pennsylvania, which bars carrying by those who have been convicted of impersonating a law enforcement officer and other misdemeanor offenses. Research supports these restrictions. One study found handgun buyers who have been convicted of just one misdemeanor are almost five times as likely to be convicted of a serious violent crime as handgun buyers with no criminal record.
- At least 30 states require the completion of a gun safety program or other proof of competency prior to the issuance of a permit, including Nevada, which requires a written exam and live fire training from three different positions with a certified instructor as components of their required gun safety course.

This legislation would eliminate all of these standards, reducing concealed carry permitting to a new federal lowest common denominator. Incredibly, it would even allow persons ineligible for a carry permit in their own state to shop around for lower standards in the many states that offer permits to out-of-state residents. That stratagem would allow a criminal to circumvent laws that would otherwise render him ineligible to carry a concealed handgun. While H.R. 822 would not let people carry in their own state of residence using an out-of-state permit, it would allow them to abuse reciprocity to carry concealed handguns in almost every other state.

Criminals are already exploiting concealed carry reciprocity, with deadly consequences. For example, a recent investigation by the Philadelphia Daily News revealed that as of February 2010, 2,651 Pennsylvania residents had obtained Florida permits, including many individuals who would have been or were actually denied a permit in Pennsylvania. In one case, a Pennsylvania man obtained a Florida carry license even though his Pennsylvania license had been revoked and went on to use the gun to murder a teenager. The number of Texans who obtained permits from Utah, where the safety training requirements are significantly more lax than Texas', more than doubled from 2,173 in 2009 to 5,678 in 2010. In fact, in 2010, more than 70 percent of Utah's carry permits were issued to non-residents.

In response to such abuses of concealed carry reciprocity, several states have tightened the requirements for their residents to obtain out-of-state carry permits. For example, New Mexico has stopped recognizing concealed carry permits issued by Utah, and Nevada has stopped recognizing carry permits issued by both Utah and Florida.

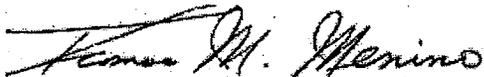
These standards continue to vary from state to state, as they should, because each state should have the ability to decide whether to accept concealed carry permits issued in other states. Seven states have chosen to honor concealed carry permits issued in any other state and three states allow carrying by nonresidents without a permit. Eight states, however, choose not to recognize any out-of-state permits. And 30 states recognize permits only from selected states – typically from states with equivalent or higher standards. Any of these options should be available – and it should be each state’s choice to make.

This legislation would also aid and abet gun traffickers. In September 2010, Mayors Against Illegal Guns issued a groundbreaking report illustrating how traffickers already rely on states with weak laws as a source for the guns they sell illegally. In fact, 43,254 guns (30 percent of those found at crime scenes) crossed state lines before they were recovered. Traffickers often purchase guns in one state and then drive them hundreds of miles to other states to be resold to criminals. H.R. 822 would allow gun traffickers who hold an out-of-state permit to walk city streets with a backpack full of loaded guns, enjoying impunity from police unless they were caught in the act of selling a firearm.

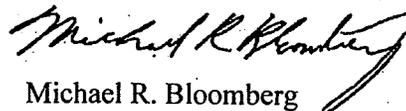
Finally, this law would endanger law enforcement officers as they work to keep us safe. Policing our streets and making traffic stops are already perilous enough without increasing the number of guns officers encounter. H.R. 822 would make it vastly more difficult to determine whether someone carrying a gun is doing so illegally. Officers would have to distinguish between real and fake carry permits issued not only by their own state, but by every state. And in many cases, whether a person is entitled to carry a gun would depend on their state of residence, which is impossible to verify rapidly. Such ambiguities would lead to confusion among police officers, with tragic consequences that can result in lost lives. Congress should support law enforcement by making their jobs more safe – not less.

We urge every member of Congress who respects states’ rights, wishes to shield communities from gun trafficking, and respects our nation’s police officers to oppose this legislation.

Sincerely,



Thomas M. Menino
Mayor of Boston
Coalition Co-Chair



Michael R. Bloomberg
Mayor of New York City
Coalition Co-Chair