Talking Openly About Concealed Carry on Campus

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Outline of Today’s Program

• Introduction of the Speaker
• The 2nd Amendment
• The Courts and Guns
• The Concealed Carry Debate
• Legislative Proposals
• Practical Tips

John Wesley Lowery, Ph.D.

• Faculty Member
  – Indiana University of Pennsylvania
  – Oklahoma State University
  – University of South Carolina
  – Bowling Green State University (Visiting Instructor)
• Director of Residence Life, Adrian College
• University Judicial Administrator, Washington University in St. Louis
The Second Amendment

Amendment II to the Constitution of the United States of America
A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Three Forms of Carry

• Concealed Carry Permits
• Open Carry
• Constitutional Carry

Concealed Carry Permits
In a 5-4 decision, the Supreme Court struck down the District of Columbia’s laws against gun possession and cited self-defense within the home as a key justification. However, the direct legal impact of the Heller decision was limited because Washington, DC is a federal entity.

Justice Scalia’s majority opinion in District of Columbia v. Heller (2008) identified areas in which gun possession could still be limited without violating the Second Amendment.

In a second 5-4 decision, the Supreme Court struck down the City of Chicago’s laws banning handgun gun possession. This decision extended the Heller (2008) decision to state and local governments.
The Supreme Court

**Caetano v. Massachusetts** (2016)

The Supreme Court overturned the Supreme Judicial Court of Massachusetts’ decision which had upheld the Massachusetts law banning all possession of stun guns.

Several state courts have examined the issues surrounding possession of guns on campus by individuals with concealed carry permits:

- **Oregon (2011)** — An Oregon Court of Appeals ruled that Oregon University System could not prohibit gun possession on campus.
- **Colorado (2012)** — Colorado Supreme Court ruled that the University of Colorado could not prohibit gun possession on campus by those with Colorado concealed carry permits.

State Courts

Several state courts have examined the issues surrounding possession of guns on campus by individuals with concealed carry permits:

- **Virginia (2011)** — The Virginia Supreme Court upheld the right of George Mason University to prohibit even those with Virginia concealed carry permits to bring guns into any building or events. However, George Mason’s policy did allow those with Virginia concealed carry permits to possess guns outside. The court ruled that the policy was narrowly tailored and consistent with *Heller* (2008) and *McDonald* (2010).
Several state courts have examined the issues surrounding possession of guns on campus by individuals with concealed carry permits:

• Michigan (2015)—A lawsuit against the University of Michigan by open carry advocate was dismissed because of the unique constitutional authority which Michigan, Michigan State, and Wayne State.

The Advocacy Debate

• If guns are outlawed, only outlaws will have guns.
• Deterrent effect of concealed carry on campus.
• Self-defense potential of concealed carry on campus.
• Fundamental constitutional right.

For more information, visit Students for Concealed Carry [http://concealedcampus.org/]

Against

• Campus is the very sensitive places envisioned by the Supreme Court.
• No evidence that there is a real deterrent effect.
• No evidence of a meaningful self-defense potential in the campus shootings that are identified.
• Concerns about alcohol and guns.
• Concerns about suicide and guns.

For more information, visit The Campaign to Keep Guns Off Campus and ArmedCampuses.org.

Higher Education Groups

NABITA 2016 Statement on Concealed Carry

ACPA, ASCA, ACUHO-I, NACA, NIRSA and NODA Joint Statement against Conceal and Carry on Campus
http://www.acuho-i.org/ports/is0/pdf/concealed_carry_statement_wNIRSA_ACSA.pdf

International Chiefs of Police
http://www.theiacp.org/ports/is0/pdf/2012Resolutions.pdf

Colleges and Universities Opposed to Guns on Campus Resolution
http://www.keepgunsoffcampus.org/resolution.html

IACLEA 2008 Statement on Concealed Carry

NABITA

“NaBITA does not believe that widespread access to firearms will make college campuses safer, and is in fact concerned that doing so could have dangerous, if not disastrous consequences, not just on mass shootings, but on the incidence of completed campus suicides.”
IACP promotes the prohibition of concealed carry weapons upon this nation’s college and university campuses.

- There is no credible evidence to suggest that armed students, faculty, staff and community users would make our campuses safer;
- Armed students, staff, faculty and community users would further complicate the jobs of college and university safety and security professionals; and
- Allowing concealed carry firearms upon our campuses would have no positive effect on campus safety and would, inversely, decrease the safety and security of our campuses, students, staff and community users.

The International Association of Campus Law Enforcement Administrators has stated that "concealed carry laws have the potential to dramatically increase violence on college and university campuses that our members are empowered to protect.”

“American Association of State Colleges and Universities (AASCU) maintains support for existing state laws that ban concealed weapons from public college campuses”

- The potential impact of guns given the dynamics of the college campus environment
- Responses during campus emergencies
- The actual likelihood of criminal deterrence
- The associated potential liability and administrative costs
- Federal and state constitutional issues, including individual rights and institutional autonomy
ACPA/ASCA/NACA/ACUHO-I

Statement ACPA/ASCA/NACA/ACUHO-I

- We believe that the possession of concealed weapons on campuses poses a threat to learning and working environments on college campuses and thus may undermine the institution’s mission:
  - “accidental discharge or misuse of the weapon by the licensed carrier, student or a visitor
  - theft of a weapon is a significant risk
  - confusion when campus safety personnel or local law enforcement respond to a critical incident and others have weapons”

Confirmation of Betty DeVos

On guns in schools:

“I will refer back to Senator Enzi [R-WY] and the school he was talking about in Wyoming. I would imagine that there is probably a gun in the schools to protect from potential grizzlies.”

PERCEPTIONS OF CONCEALED CARRY ON CAMPUSES
The University of Houston Faculty Senate advised its members after passage of Texas’ law and identification of campus policy:

• “Be careful discussing sensitive subjects,
• Drop certain topics from curriculum,
• Not ‘go there’ if you sense anger,
• Limit student access in off hours,
• Go to appointment-only office hours, and
• Only meet ‘that student’ in controlled settings.”
“Campus carry will make students and faculty less inclined to engage in the critical intellectual work that must take place in the classroom.”
—Firmin Debrabander writing in *The Atlantic*

**Perceptions—Faculty**

**The Legislative Landscape**

**Legislative Approaches**

State Law Bans Guns on Campus
State Law Allows Institutions to Decide
State Law Requires that Institutions Allow Guns on Campus
Can Limit Who or Where
Few If Any Campus Restrictions
In Locked Vehicles Only
Concealed Carry on Campus

In Locked Vehicles Only

Pending or Anticipated Legislation

- Arkansas
- Florida
- Georgia
- Indiana
- Iowa
- Kansas
- Kentucky

- North Carolina
- South Carolina
- Tennessee
- Utah
- West Virginia
- Wisconsin
- Wyoming
Legislation Introduced in 2017

If Legislation Is Proposed in Your State

- Organize
  - Student Affairs State Organizations
  - Faculty Groups
  - Boards of Trustees
  - College Presidents
- Work with Students

If Legislation Passes in Your State

Consider where guns can legally still be banned:

- Residence halls
- Buildings in general
- Athletic facilities
- Large scale outdoor events
- Possible classroom exceptions
- Places alcohol is served
- Day care centers
- K-12 programs
- Summer programs
- Bridge Programs
Additional Resources

If I Only Had A Gun from 20/20 (April 2009)
http://abcnews.go.com/video/player/index?id=7312540
http://abcnews.go.com/video/player/index?id=7312687

Guns on Campus White Paper by Darby Dickerson


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See you in Philly in 2018!