



## **Rep. Pelosi's claim the House GOP is 'inviting' violent criminals to carry concealed weapons**

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"Inviting violent criminals to carry concealed weapons doesn't save lives. Inviting domestic abusers to carry concealed weapons doesn't save lives. Inviting convicted stalkers to carry concealed weapons doesn't save lives. Yet the @HouseGOP just voted to do exactly that." - House minority leader Nancy Pelosi, D-Calif., in a tweet, Dec. 6, 2017

Many readers asked for a fact check of this tweet, which inspired about 6,000 retweets and 10,000 likes - and about 10,000 responses, many of them critical.

Pelosi issued the tweet in response to House passage of H.R. 38, the Concealed Carry Reciprocity Act, which would make permits to carry a loaded concealed gun issued in one state valid in all other states. Advocates of the legislation say it would be akin to every state honoring driver licenses issued by individual states, but gun-control proponents say it would trample over the rights of states to set their own rules for permitting concealed weapons, such as requiring permits and training and barring certain individuals.

This is one of those complicated subjects with passion on both sides, so let's dig in.

### **The Facts**

Drew Hammill, a Pelosi spokesman, said her tweet was based on information provided by Everytown for Gun Safety, a gun-control group largely funded by former New York City mayor Michael Bloomberg. The group said the bill, sponsored by Rep. Richard Hudson, R-N.C., "would even force states to allow concealed carry by many people with no permit whatsoever - allowing people who have never been screened by a background check to carry throughout the country."

Hudson, for his part, objects strongly to this characterization. "It's a complete falsehood that H.R. 38 would 'invite' violent criminals, dangerous individuals, and convicted stalkers to carry concealed," he said in a statement. "Liberal elites are either cherry-picking data to fit their agenda or blatantly ignoring existing law which prohibits these categories of people from even possessing firearms. In fact, there is a specific provision in H.R. 38 that excludes any individual who is prohibited by federal law from 'possessing, transporting, shipping, or receiving a firearm.'"

So what's going on here?

All states have statutes authorizing the carrying of handguns in public places for self-defense, but 38 states have various requirements for permits. Only one state, Vermont, does not issue a carry permit, while 11 other states - Alaska, Arizona, Idaho, Kansas, Maine, Mississippi, Missouri, New Hampshire, North Dakota, West Virginia and Wyoming - make it optional to apply for a permit. (There are some advantages to getting a permit, such as being allowed to carry in some areas that are off-limits to people without permits.)

The laws can vary among states. Federal law prohibits people with felony convictions from obtaining guns, as well as persons convicted of domestic violence misdemeanors, or by persons subject to a restraining order involving actual or threatened violence against an intimate partner. Federal domestic abuse law can prohibit current or former spouses, co-parents and current and former co-habitants from possessing guns. If a state makes a stalking crime a felony, that would also be prohibited under federal law. But some states have broader definitions of domestic violence disqualifiers, such as boyfriend or girlfriends.

Advocates of the Concealed Carry Reciprocity Act say it is intended to allow people to keep their guns while traveling. Some states have refused to enter into reciprocity agreements with other states or allow nonresidents to apply for a permit. So if you want to drive from West Virginia to Vermont with a loaded concealed weapon, you are out of luck.

David Kopel, a policy analyst at the Cato Institute, said that given the Supreme Court ruling upholding the Second Amendment right to bear arms, this was essentially a civil rights issue. "The holdout states essentially brought this onto themselves," he said, because their rules have harmed people who would like to protect themselves while traveling.

"By federal regulation, violent criminals, domestic abusers and convicted stalkers cannot even legally possess a gun. Ergo, they can't get a concealed carry permit," said Kevin Michalowski, executive editor of Concealed Carry Magazine. He noted that criminals already carry guns illegally but that "this legislation allows the most law-abiding subset of the population to travel across state lines without fear of prosecution for possession of a firearm."

As one reader who had complained about Pelosi's tweet wrote to The Fact Checker: "All this does is allow someone like me, who can conceal carry in Virginia, not get thrown in jail for driving through, say Illinois, with a pistol in my car. People like me aren't who you need to worry about."

(Note: Federal law allows the transport across state lines of firearms that are unloaded, with the weapon and ammunition contained in a locked container or otherwise inaccessible. But advocates of the law say that is of little use for a tourist who wants to carry a weapon in an unfamiliar neighborhood.)

Still, in theory, under the proposed legislation, a person who was denied a permit in his home state could seek a permit from another state to carry in his or her own state.

"There's a grain of truth in that," Kopel said, who noted that companion legislation in the Senate sponsored by Sen. John Cornyn, R-Texas, more clearly states that it is for carrying outside one's state of residence. "So a Texan can't use a Mississippi permit in Texas," he said.

Everytown argues the Senate version is equally harmful because, for instance, an Idaho permit would allow a resident of Ohio to carry in every state except Ohio.

Adam Winkler, a law professor at the University of California in Los Angeles, said this aspect of the legislation "could create a race to the bottom" because it could narrow the laws of slightly more than half the states. "It effectively loosens the rules but does not eliminate them," he said.

Similar sentiments have been issued by law enforcement officers in states with tough gun laws. A letter signed by 17 attorneys general, including from New York and California, said both the House and Senate bills "would elevate the lowest state standard over higher ones and force some States to allow concealed carry by people who do not qualify under their laws."

Still, it's worth noting that that the large majority of states which don't issue nonresident permits already have reciprocity agreements to allow carry by visitors with a permit from their home state. A map on reciprocity agreements maintained by the USA Carry website indicates that only eight states - Hawaii, California, Maryland, New Jersey, New York, Connecticut, Rhode Island, Massachusetts - and the District of Columbia do not allow reciprocity with any other states. (Kopel says the map also incorrectly lists Illinois but that it allows carry from four states.)

Some states, such as Virginia, already honor permits from every state. Other states, such as Colorado, may mostly honor only residential permits (i.e., a Florida permit that has been issued to a Floridian, but not a Florida permit issued to Georgian).

Pelosi's office stood by her tweet, saying "the bill is terrible."

### The Pinocchio Test

This is one of those issues in which the Pinocchio rating probably will make neither side happy because of the sharply divergent viewpoints on the impact of the proposed legislation. But such is life.

Pelosi's tweet focuses on a possible loophole in the law and then uses inflammatory language such as "inviting."

But the reality is that most states already allow for reciprocity agreements with other states. Federal law also already prohibits violent criminals, abusers and stalkers from having guns; the issue is that some states already have tougher laws than at the federal level that could be overridden by permits from more lenient states. Still, the differences among most states may loom larger in the gun debate than in reality.

Pelosi's tweet inspired such anger because responsible gun owners believe their rights are being curtailed, even if they follow the concealed-carry rules - while violent criminals who want to have a gun are not going to be bothered with following such rules in the first place.

We wavered between Two and Three Pinocchios but ultimately settled on Three because her last line - "the @HouseGOP just voted to do exactly that" - is so over the top and exaggerated. One can have a respectful political debate, raising the issue of a lower common denominator for concealed-weapons permits, without accusing the other side of voting to let violent criminals and stalkers have guns.