



Trump Amplifies His Second Amendment Position

On Friday Donald Trump [posted](#) an expanded version of his position on the Second Amendment, including his position on concealed carry permits. Earlier his vision statement “Constitution and Second Amendment” said simply that he would “defend the rights of law-abiding gun owners [including the] national right to carry [which] should be legal in all 50 states.” His expanded vision statement added this:



The Second Amendment guarantees a fundamental right that belongs to all law-abiding Americans. The Constitution doesn't create that right — it ensures that the government can't take it away. Our Founding Fathers knew, and our Supreme Court has upheld, that the Second Amendment's purpose is to guarantee our right to defend ourselves and our families. This is about self-defense, plain and simple.

Trump has a concealed carry permit and contrasted it with having a driver's license:

The right of self-defense doesn't stop at the end of your driveway. That's why I have a concealed carry permit and why tens of millions of Americans do too. That permit should be valid in all 50 states. A driver's license works in every state, so it's common sense that a concealed carry permit should work in every state.

If we can do that for driving — which is a privilege, not a right — then surely we can do that for concealed carry, which is a right, not a privilege.

This happens to echo the purported intent of H.R. 923, a bill proposed by Senator John Cornyn (R-Texas) and Rep. Marlin Stutzman (R-Ind.) to require all states to accept concealed carry permits issued by any other state in the union. It's called “national reciprocity” and a similar bill passed the House back in 2011 before getting bogged down in the Senate.

Erich Pratt, the executive director of the Gun Owners of America (GOA), favors the concept:

That's the beauty of [it]. If it passes, all concealed carriers — even those from permitless carry states — will not have to fear prosecution when traveling with firearms from state to state.

And so does the National Rifle Association:

The current patchwork of state and local laws is confusing for even the most conscientious and well-informed concealed carry permit holders. This confusion often leads to law-abiding gun owners running afoul of the law when they exercise their right to self-protection while traveling or temporarily living away from home.

Senator Cornyn's legislation provides a much needed solution to a real problem for law-abiding gun owners. Our fundamental right to self-defense does not stop at a state's borders. Law abiding citizens should be able to exercise this right while traveling across state lines.

At first blush it seems reasonable. One can drive across the country and his driver's license is valid in



Written by [Bob Adelman](#) on November 13, 2016

every state. Today one driving across the country with a firearm must check with [Handgunlaw.us](#) or another website to make certain he won't be violating state laws along the way.

However, much more than convenience is at stake with Cornyn's bill or Trump's unambiguous support of the concept. To begin with, the bill doesn't resolve the issue concerning those citizens whose states already allow permitless or "constitutional" carry being forced to obtain an out-of-state permit in order to travel outside the state. In 2011 Pratt raised that issue over a similar bill that passed the House but got bogged down in the Senate. Pratt said at the time that the national right-to-carry bill "forces Vermont residents (who do not need a permit to carry) to either obtain an out-of-state permit, or to push their state to pass a more restrictive concealed carry law than it now enjoys."

The bill also undermines moves in various states to adopt Vermont's permitless carry, based on the reasonable concept that one doesn't — or shouldn't — have to ask the government for permission to exercise a right. It also would blunt ongoing and increasingly successful efforts on the state level to accept permits from other states, without the federal government getting involved in the matter at all.

Further, some states that are more restrictive in their gun laws would see visitors carrying while citizens aren't allowed to. Finally, it would constitute another unconstitutional expansion of the Commerce Clause that legislators and courts have used for years to justify the illegal growth of the federal government far beyond the Constitution's original intent.

In fact, when a bill similar to Cornyn's was proposed back in 2011, Rep. Justin Amash (R-Mich.), who understands those constitutional limitations better than many of his colleagues (his "Freedom Index" rating is an exemplary 93 percent), voted against it. At the time he said it's "an unconstitutional bill that improperly applies the Commerce Clause to concealed carry licensing."

Suggesting that the federal government get involved in what is exclusively a state matter bodes ill for the future. Thomas Jefferson's warning that government tends to expand over time while freedom tends to shrink is apropos here. If the government overreaches and forces the states to follow a federal dictum, what's likely to happen the next time there's a change in political direction in Washington? Having overridden states' laws concerning concealed carry, what would keep a new administration with a different view from rewriting the national law requiring national standards for concealed carry? Or from unilaterally canceling all concealed carry provisions across the country?

The trouble with Trump's position, and Cornyn's bill, is that it assumes that the federal government ought to have a say in the matter, a position, a power, that isn't specifically granted to it by the Constitution. In other words, why open up the question in the first place? Isn't this just asking for trouble?

Both would do much better, constitutionally speaking, by encouraging citizens in the various states to work to expand acceptance of concealed carry permits on a state-by-state basis, and leave the federal government out of it altogether. The net result would eventually be the same, while the federal government is restrained in its eagerness to "solve" the problem that citizens have been able to solve for years all by themselves.

Photo: Donald Trump

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