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Office of the Attorney General
Gentner Drummond
Attorney General



State of West Virginia
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John B. McCuskey
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May 21, 2025

The Honorable Mike Johnson
Speaker of the House
U.S. House
568 Cannon House Office Building
Washington, D.C. 20515

The Honorable Hakeem Jeffries
Minority Leader
U.S. House
2267 Rayburn House Office Building
Washington, D.C. 20515

RE: Support for H.R. 38, the “Constitutional Concealed Carry Reciprocity Act”

Dear Speaker Johnson and Minority Leader Jeffries:

We, the undersigned attorneys general of 24 states, urge Congress to pass H.R. 38, the “Constitutional Concealed Carry Reciprocity Act.” The perspective we offer comes from our experience as the chief law officers of our states, all of which either recognize the right of law-abiding citizens to carry concealed handguns without a permit or grant full recognition to concealed carry credentials issued by other states. Simply put, we know firsthand that recognizing a broad right of concealed carry among law-abiding Americans promotes public safety and respects the fundamental liberties of our constituents. It is with these constituents in mind that we urge Congress to pass H.R. 38.

News reports and commentary sometimes misconstrue what H.R. 38 does and whom it would benefit. We therefore believe it is helpful to reiterate certain facts about the legislation. First, H.R. 38 is aimed at the law-abiding gun owner. It categorically excludes anyone who is “prohibited by Federal law from possessing, transporting, shipping, or receiving a firearm.” This exclusion encompasses persons

convicted of felonies or misdemeanors punishable by more than two years in prison. Additionally, anyone who has been convicted of a misdemeanor crime of domestic violence, is subject to an active domestic violence restraining order, is facing a pending felony indictment, is a fugitive from justice, is present in the country illegally, or is an unlawful user of a controlled substance is excluded. Finally, persons with serious mental health issues, as established by court commitments or adjudications, are also excluded.

Some anti-gun pundits have criticized H.R. 38 as a violation of “states’ rights,” a concept that would have been completely unfamiliar, if not repugnant, to some of these same pundits in any other context. This criticism, however, is unfounded. The legislation does not change any state law, nor prescribe for states how to provide for lawful concealed carry within their borders. States are free under H.R. 38 to establish independent requirements for any concealed carry credential issued by the state and make publicly owned property off-limits to carry. They may also (within constitutional limits) establish their own rules of behavior concerning the display, brandishing, discharge, or use of guns in public, as well as the terms of defensive force. H.R. 38 additionally recognizes the right of property owners to establish their own policies for the carrying of guns on private property.

Another criticism is that H.R. 38 would prevent police from doing their jobs. This is obviously not true, as permitless carry is now the majority rule in the United States,¹ and police departments in such states continue to protect and serve the public as before. H.R. 38 recognizes the authority of a police officer encountering an individual with a concealed firearm to conduct an appropriate investigative stop, consistent with *Terry v. Ohio*, 392 U.S. 1 (1968), to determine the lawfulness of the behavior and whether the person meets the thresholds for protection under the Act. If the individual does not meet the Act’s thresholds, state law—including any licensing requirements or possession restrictions—remains fully enforceable. Any criminal conduct occurring in tandem with the firearm possession (e.g., possession of illegal drugs or traffic offenses) would of course remain subject to the full extent of the law.

Finally, critics of H.R. 38 complain that it would force states with strict permitting standards to accommodate carriers from jurisdictions with more lax requirements. What this typically means, however, is that some states—despite the U.S. Supreme Court’s rulings to the contrary—make getting a carry license as expensive, burdensome, and bureaucratic as possible, simply to discourage citizens from exercising the right. But failure to acknowledge the right is not the same thing as permitting only the “safest” people to carry. There is substantial evidence that concealed carry licensees are more law-abiding than the general population.² Yet there is zero evidence that any state has better standards for screening out dangerous

¹ <https://worldpopulationreview.com/state-rankings/constitutional-carry-states>

² <https://www.dailysignal.com/2016/08/09/these-gun-owners-are-least-likely-criminals-report-finds>

individuals with its licensing regime than any other state, especially considering H.R. 38's own exclusions.

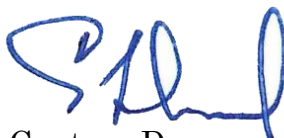
New York, for example, used to limit the number of people who carry by forcing applicants for a license to demonstrate an extraordinary need for self-defense. This had nothing to do with choosing the safest applicants, however. And, indeed, the “may-issue” nature of this regime promoted corruption within New York City’s licensing authority, with officials convicted of accepting bribes to issue licenses even to those who would fail the objective requirements of the licensing regime.³ Similarly, Los Angeles limits the number of people who carry by charging exorbitant fees and making applicants wait a year or more for their licenses to be issued. That has prompted a civil rights investigation by the U.S. Department of Justice.⁴ But it has not resulted in only “safer” people being issued licenses in Los Angeles.

Criminals, in our experience, do not wait for permission to carry guns. H.R. 38 is not for them. It is for honest and law-abiding citizens who deserve to have the means to protect themselves, should they have the misfortune of needing to use a firearm in self-defense or the defense of their loved ones.

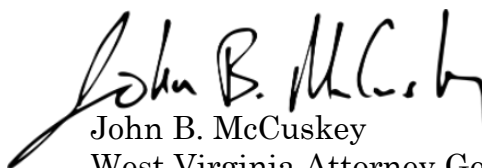
Concealed carry is a constitutional right, and it can have substantial public safety benefits by allowing people the means to respond to emergent threats to themselves or others when police are not immediately available to intervene. Yet our constituents are threatened with arrest, prosecution, and mandatory prison time for technical violations of licensing or possession laws involving conduct that is perfectly legal in all but a handful of states, most of which have well-established history and practice of suppressing the right to keep and bear arms. This is unacceptable, and Congress has the authority and the duty to protect these rights.

We therefore urge passage of H.R. 38 and look forward to continuing to welcome law-abiding gun owners from across the country to our own jurisdictions.

Respectfully,



Gentner Drummond
Oklahoma Attorney General



John B. McCuskey
West Virginia Attorney General

³ <https://www.justice.gov/usao-sdny/pr/former-new-york-city-police-department-official-pleads-guilty-conspiring-bribe-police>

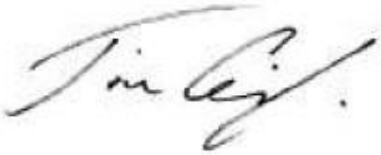
⁴ <https://www.reuters.com/world/us/us-civil-rights-probe-los-angeles-gun-permits-draws-criticism-2025-03-28/>



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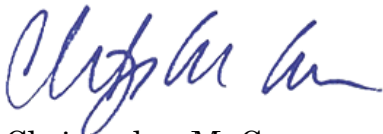
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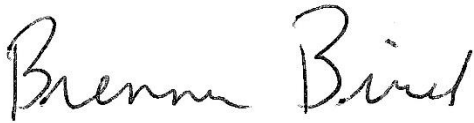
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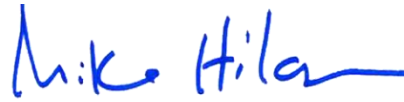
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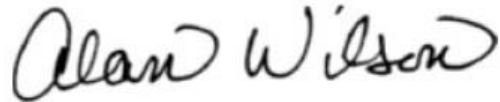
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