



**POLICY
MATTERS**

Concealed Weapons on State College Campuses: In Pursuit of Individual Liberty and Collective Security

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In the wake of tragic shootings on college campuses in Virginia, Illinois and elsewhere, lawmakers in 17 states have introduced measures seeking to relax concealed weapons restrictions on college and university campuses. Gun-rights advocates argue that easing gun restrictions could enhance both individual and collective security on campus and may deter violence. In contrast, the vast majority of college administrators, law enforcement personnel and students maintain that allowing concealed weapons on campus will pose increased risks for students and faculty, will not deter future attacks, and will lead to confusion during emergency situations. This controversial debate is expected to continue on college campuses and in statehouses throughout the nation.

Context

The tragic events at Virginia Tech and Northern Illinois University have policymakers, campus officials and citizens looking for solutions to prevent future attacks. Violent shootings that have occurred on a few college campuses in recent years have provoked a debate over the best ways to ensure the safety of students, faculty and staff. Lawmakers

in several states have advanced the idea allowing citizens with concealed weapons permits to carry their weapons on campus. The term “weapons” usually refer to handguns, but in some instances may refer to other self-defense tools such as knives, stun guns and billy clubs. These legislative proposals have been met with considerable controversy, evoking strong emotion on both sides. Thus far, Utah is the only state to have adopted this policy. All other state legislatures where similar bills have been introduced have rejected the idea.

The Second Amendment—the right to keep and bear arms as established by the U.S. Constitution and many state constitutions—is not at issue in this controversy. Rather, this is a policy debate over how best to ensure public safety, as the Second Amendment is subject to reasonable restrictions, such as bans on guns in schools. The majority opinion of the U.S. Supreme Court recently concluded in *District of Columbia vs. Heller*:

Although we do not undertake an exhaustive historical analysis today of the full scope of the Second Amendment, nothing in our opinion should be taken to cast doubt on

longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms.

The majority also noted: “We identify these *presumptively lawful* regulatory measures only as examples; our list does not purport to be exhaustive.” While striking down the District of Columbia’s strict ban on handguns, the justices did not call into question any of the existing gun bans on college campuses.

Likewise, state constitutions affirming the right to keep and bear arms have not cast campus gun bans in doubt. Concealed weapons bans on college campuses have not been challenged under these longstanding provisions and no court has ever struck down a campus firearms restriction, whether imposed under state law or administrative policy.

Observations

Currently, nearly all public colleges and universities ban student possession of concealed weapons on campus through state laws, university regulations or both. In approximately 26 states, state law prohibits guns on public college campuses, even for people that have obtained concealed weapons licenses, with the exception of university public safety officers. Only one state, Utah, prohibits its state institutions from barring guns on campus (see *Figure 1*).

Twenty-three states allow public campuses or state systems to determine their own weapons policies, with nearly all choosing to be “gun-free.” Colorado State University (CSU) is an exception, but the campus still retains some restrictions. Some colleges and universities allow guns within campus boundaries for off-campus hunting activities, but campus officials usually require hunters to secure firearms in locked campus facilities.

Private colleges are usually allowed to create their own regulations in conformity with state concealed weapons laws. Utah, while prohibiting public colleges from barring guns, allows private colleges the autonomy to devise their own policies. However, in 2009 some state legislatures are likely to introduce legislation aimed at stripping both public and private colleges of the right to regulate weapons on campus.

State laws vary considerably with respect to allowing weapons on campus. Wyoming, for example, prohibits guns unless the person has the permission of campus security officials. Other states specifically disallow guns in classrooms and dormitories, while others provide exceptions for guns in automobiles. Two states, Wisconsin and Illinois, have outright bans on concealed weapons statewide, thus including colleges and universities. Finally, some states do not address guns on campus in state law, but because they seldom issue concealed-weapons permits, university-imposed regulations are a non-issue.

Current state concealed weapons laws and campus regulations are being challenged in state legislatures.

In some states, legislation will be introduced in 2009 that would permit all colleges and universities, both public and private, to allow concealed weapons on campus. However, in most states, it is anticipated that the proposed legislation would limit the possession of handguns on public college and university campuses to faculty, staff or students enrolled in the Reserve Officer Training Corps (R.O.T.C.) program.

In all, 17 states attempted major reforms to campus weapon laws in 2008: Alabama, Arizona, Georgia, Idaho, Indiana, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Ohio, Oklahoma, South Dakota, South Carolina, Tennessee, Virginia and Washington (see *Table 1*). In addition, Texas lawmakers, with the backing of Gov. Rick Perry (R), are considering introducing similar weapon reform legislation. When state legislatures reconvene in 2009, campus weapon regulations promise to be a

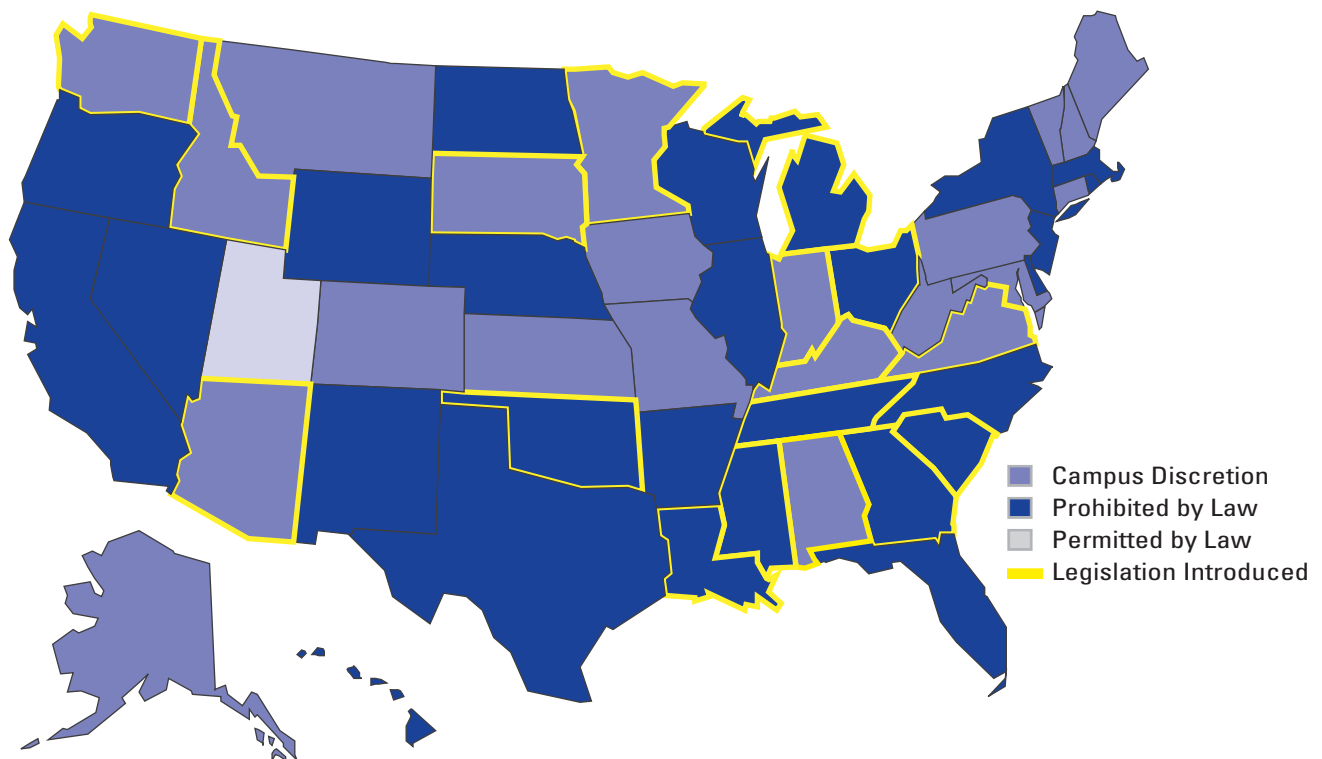
controversial topic for political leaders, students and university personnel.

Recent efforts have not yielded any victories for gun-rights advocates, in part because college administrators, law enforcement personnel and students have vehemently spoken out against the proposals. Polling also suggests, among students and non-students alike, that allowing guns on campus is unpopular. In 2001, a Harvard School of Public Health survey indicated that the vast majority (94 percent) of people believe citizens should not be allowed to carry guns onto college campuses. A survey of Missouri State University students, conducted in April 2008, found that only 24 percent

of respondents believed students should be allowed to carry guns on the Missouri State campus. Mike Robinson, Oklahoma State University director of public safety, echoed this sentiment in comments he made regarding a state measure to ease campus gun laws: “Students don’t want it. Faculty doesn’t want it. Administration doesn’t want it. Campuses are one of the safest places you can be. I am certain that campuses will be less safe if we allow guns.”

On one side of the controversy, gun-rights advocates argue that existing campus weapon restrictions do not allow for individual self-protection and may contribute to loss of life. Students for Concealed Carry on Campus (SCCC), a gun-rights advocacy group, contend that students

Figure 1. Authority Regarding Campus Concealed Weapons Policy: State Law vs. Public College Campus Discretion and States Where Concealed Weapons Legislation Has Been Introduced Since January 2007



Note: Currently, 49 states generally prohibit concealed weapons on campus by law. Twenty-six implicitly or explicitly ban concealed firearms by state law (with exceptions in some states), while 23 states provide for campus discretion and one state permits guns on public college campus by law. Since January 2007, 17 states have introduced legislation expanding gun rights on campus, but none have passed. Only one state, Nebraska, has passed legislation further restricting concealed weapons on campus during this time.

Sources: National Conference of State Legislatures, Legal Community Against Violence and American Association of State Colleges and Universities.

Table 1. Legislation Introduced Seeking to Ease Gun Regulations on College Campuses Since January 2007

State	Bill Number	Status of Legislation
Alabama	SB18	Failed in Committee
	SB27	Failed in Committee
	SB271	Failed in Committee
	SB473	Failed in Committee
Arizona	SB1214	Passed Senate Committee; Failed on Senate Calendar
Georgia	HB915	Failed in Committee
Idaho	S1381	Failed in Committee
Indiana	SB65	Failed in Committee
	SB158	Failed in Committee
	SB356	Failed in Committee
Kentucky	HB114	Failed in Committee
Louisiana	HB199	Passed House Committee; Failed on House Calendar
Michigan	HB4759	Failed in Committee
Minnesota	HF4198/SF3844	Failed in Committee
Mississippi	HB1286	Failed in Committee
Ohio	HB225	Failed in Committee
Oklahoma	HB2513	Passed House; Failed in Senate
South Dakota	HB1261	Passed House; Failed in Senate
South Carolina	H3964	Failed in Committee
Tennessee	HB3014/SB3730	Failed in Committee
Virginia	HB424	Failed in Committee
	HB1371	Failed in Committee
Washington	SB6860	Failed in Committee

with gun permits should be “afforded the same right to carry on college campuses that they are currently afforded virtually everywhere else.” For example, employees and students at colleges and universities often have to work late and then walk to their homes, automobiles or bus stops off campus in unsafe areas. The group contends that preventing these individuals from carrying a concealed weapon reduces their ability to protect themselves from would-be attackers once off campus.

Second, advocates for allowing concealed weapons on campus maintain that students, staff and faculty should have the right to self-protection in the event of a violent campus attack such as the one that occurred in April 2007 at Virginia Tech. Proponents of easing gun laws on campus argue that the victims at Virginia Tech were left with little recourse, as they did not have the right to possess weapons to defend themselves. They contend that current gun

regulations limit bystanders’ options to protect themselves in the event of a future attack.

Similarly, advocates maintain that armed and trained individuals could potentially save lives in a situation similar to Virginia Tech. The SCCC group argues that it is “now abundantly clear that ‘gun free zones’ serve to disarm only those law-abiding citizens who might be able to mitigate such tragedies.” In recent instances of gun violence, police charged with protecting the campus could not arrive soon enough to stop the massacres.

Third, gun-rights advocates contend that carrying concealed weapons could potentially deter campus attacks and lessen campus crime. Current regulations restricting firearms on campus have not deterred recent attacks, and some gun-rights advocates believe that would-be attackers might reconsider their actions if they knew students or

faculty were allowed to possess weapons. Louisiana State Rep. Earnest Wooten pointed out, "We've got a problem and maybe it'll be a deterrent if one of those disturbed persons or whackos thinks, 'If I go in shooting, they may shoot back.'"

In a broader sense, some researchers reason that greater possession of concealed weapons will translate into less crime. Drs. John Lott and David B. Mustard, two leading researchers on gun and crime issues, conclude: "Allowing citizens without criminal records or histories of significant mental illness to carry concealed handguns deters violent crimes and appears to produce an extremely small and statistically insignificant change in accidental deaths." Their studies, praised by gun right advocates, have been used to justify liberalizing state gun laws restrictions, including the effort to allow concealed weapons on campus.

Conversely, most college administrators, law enforcement personnel, students, gun-control advocates and editorial boards have expressed serious reservations about allowing concealed weapons on campus. Foremost in their reasoning is that the challenges that are often inherent in college life (including drug use, alcohol abuse, stress and social obstacles), when overlapped with weapons, could have potentially lethal consequences for all people in the campus community. Given these stresses, opponents argue that introducing guns onto college campuses may increase the safety risks to students, faculty and staff. The presence of firearms could lead to conflicts between roommates, classmates and others on campus, escalating to the point where one or more individuals could be injured or killed as a result of gun violence. As Bill King, chief of public safety at Florida International University suggests, "Students having weapons on campus could make a volatile situation worse." The presence of these weapons may also invite gun theft; resulting in potential misuse and exacerbating the likelihood that physical harm would ensue.

The availability of weapons on campus could also have an adverse impact on the student suicide rate. According to the Suicide Prevention Network,

suicide is the second leading cause of death for American college students, and thousands more attempt suicide and do not succeed. Easy access to firearms on campus would likely worsen this serious problem, as suicide attempts involving firearms are almost always successful. Studies show that having firearms in the household correlates with a greater risk of successful suicide. Opponents of easing campus gun laws contend that allowing access to firearms in student residence halls and on-campus apartments would provide an efficient and convenient method of suicide during a momentary mental health crisis, and thus increase the likelihood of additional human tragedy.

Second, campus police and security personnel are concerned about inappropriate responses during emergency situations. While police are extensively trained to deal with crises, students or university staff with concealed weapons permits are not trained or integrated into campus security plans. Even with the best of intentions, armed students or employees could escalate an already explosive situation further, accidentally cause harm or use a gun in a situation that is not warranted.

Likewise, police could mistake the attacker for an armed student or employee (or vice versa) during a situation in which failure to make quick, discernable judgments can be extraordinarily costly for all parties involved. In a *Christian Science Monitor* article (05/18/07) on the guns on campus debate, Dana Schrad, the executive director of the Virginia Association of Chiefs of Police, said, "I have my own concerns that, had there been a number of people who had been in that classroom with guns, [there could have been] additional persons killed just as a result of poor judgment calls."

Third, the hypothetical correlation between the presence of guns and crime deterrence as a justification for expanding areas where guns can be carried has been called into question by leading scholars. Ian Ayres of Yale Law School and John J. Donohue III of Stanford Law School refute data and contentions made by Drs. Lott and Mustard, arguing,

“Statistical evidence that these laws have reduced crime is limited, sporadic and extraordinarily fragile.” They continue, “If anything, there is stronger evidence for the conclusion that these laws increase crime than there is for the conclusion that they decrease it.”

Others argue that “deterrence” of mentally disturbed individuals is simply unrealistic. Opponents of the argument believe changes in weapons laws will not prevent people with mental disorders from proceeding with violent plans. Josh Horwitz of the Coalition to Stop Gun Violence wrote for *The New York Times* (05/16/08), “Most mass shooters are suicidal; they intended to die. Armed confrontation is not a deterrent, it is the point.”

Fourth, potential liability and administrative costs need to be considered by policymakers. Colleges are expected to provide a reasonable level of safety to students, faculty and staff. Liberalizing gun laws would deprive colleges of the discretion to set restrictions concerning firearms, thus exposing them to potential liability without the means to establish sensible policies to reduce risks. The Brady Center to Prevent Gun Violence cites a number of cases in which colleges and universities have been held liable for shootings, suicides and other violent acts.

Administrative costs may bring an additional financial burden to campus police. According to the International Association of Campus Law Enforcement Administrators, if firearms are allowed on campus, police may need to investigate firearm incidents and firearm theft, as well as regulate age requirements. This could be a sizable and unnecessary distraction for campus law enforcement personnel, with the associated costs adding to already mounting fiscal pressures faced by departments and universities.

Fifth, institutional autonomy is a key issue in the debate over control of weapons policies at schools. State constitutions grant administrative autonomy to either system or institutional governing boards that oversee public colleges and universities. Stripping them of the ability to regulate guns on

campus could be construed as an unconstitutional infringement on this autonomy.

Finally, private colleges also have private property rights. Legislation introduced in some states would strip these colleges of their rights to regulate guns on their campuses. State legislation either barring or mandating an allowance for concealed weapons on private college campuses could be construed as an intrusion on private property rights.

Conclusion

American public college and university campuses have long served as venues in which individual rights are championed. At the same time, however, the safety and security of all members of the campus community must remain paramount. As state lawmakers deliberate over allowing concealed weapons on campus, they should consider the following:

- 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

Recent tragedies demonstrate that campuses must be vigilant in identifying potential threats and develop coherent security strategies to effectively prepare for campus crises. Lawmakers must consider all consequences, both intended and unintended, of allowing concealed weapons on state college campuses.

Given the overriding goal to ensure that campuses are safe environments, the American Association of State Colleges and Universities (AASCU) maintains support for existing state laws that ban concealed weapons from public college campuses, or that provide for institutional and system autonomy with regard to concealed weapons policy. Further, the association discourages the passage of new state

legislation that would overturn or weaken concealed weapons bans on campus.

The issue of how best to uphold the individual right to self-protection while ensuring collective security on campus will continue to generate considerable public discussion. It is a debate that is certain to remain vigorous and one that will challenge public safety officials, campus leaders and lawmakers alike.

Resources

Resources: **Brady Center to Prevent Gun Violence.** *No Gun Left Behind: The Gun Lobby's Campaign to Push Guns Into Colleges and Schools* (2007) and *The Case Against Guns on Campus* (2007) outline the rationale behind keeping guns off college and university campuses. The sister organization, **Brady Campaign to Prevent Gun Violence**, maintains a website with up-to-date facts, links to recent news articles, and a map of states where legislation has been introduced. .
<http://www.bradycampaign.org/xshare/pdf/reports/no-gun-left-behind.pdf>
<http://www.law.gmu.edu/gmucrlj/docs/seibel.doc>
<http://www.bradycampaign.org/gunsoncampus>

Colorado State University. *Handguns on Campus: Do you have the facts?* A brochure describing CSU's regulations regarding guns on campus.
<http://publicsafety.colostate.edu/WeaponsBrochure.pdf>

Gary Brinker-Missouri State University. *Survey of Missouri State University Students' Opinions on Carrying Guns on Campus* (2008). Offers polling results of the views of carrying guns on the Missouri State campus.
<http://www.news-leader.com/assets/pdf/DO109012522.PDF>

John Lott and David Mustard. *Crime, Deterrence, and the Right-to-Carry Handguns* utilizes empirical data to correlate deterrence in crime associated with increased gun ownership.
<http://homepage.usask.ca/~sta575/cdn-firearms/Lott/lott.pdf>

Ian Ayres and John J. Donohue III. *Shooting down the "More Guns, Less Crime Hypothesis* challenges the conclusions of John Lott and David Mustard.
http://islandia.law.yale.edu/ayers/Ayres_Donohue_article.pdf

International Association of Campus Law Enforcement Officers (IACLEA). The IACLEA provides resources on campus safety and has adopted a position on concealed carry on campus.
http://www.iaclea.org/visitors/PDFs/ConcealedWeaponsStatement_Aug2008.pdf

Harvard School of Public Health. Guns and Gun Threats at College (2001). Describes attitudes towards guns on campuses.
<http://www.hsph.harvard.edu/cas/Documents/Gunthreats2/gunspdf.pdf>

Legal Community Against Violence is offers legal assistance in support of gun violence prevention.
<http://www.lcav.org/>

National Rifle Association (NRA). The NRA promotes gun ownership rights.
<http://www.nra.org/>

Students for Concealed Carry on Campus (SCCC). The SCCC believes students should have the right to carry concealed weapons on public college campuses.
www.concealedcampus.org

Supreme Court of the United States. *District of Columbia vs. Heller* (2008) states the Court's ruling on a key Second Amendment case.
<http://www.supremecourtus.gov/opinions/07pdf/07-290.pdf>