

Supreme Court justices lean toward expanding right to carry a concealed gun in public

David G. Savage – LA Times – November 3, 2021

The Supreme Court's justices, citing the "right to bear arms" in the 2nd Amendment, sounded ready Wednesday to strike down laws in New York and California that deny most gun owners permits to carry concealed guns in public.

Most of the justices said people who live in "high-crime areas" and fear for their safety should be allowed to carry a gun for self defense. And they said this applies equally to people who live in cities as well as in rural areas.

Justice Samuel A. Alito Jr. pointed to "ordinary, hard-working people who work late at night in Manhattan" and are "scared to death" as they head home. "How is it consistent with the core right to self defense" if they are denied a permit to have a gun with them, he asked.

Justice Brett M. Kavanaugh agreed. If people say, "I live in a violent area, and I want to be able to defend myself," the 2nd Amendment suggests they have a right to carry a gun for self defense.

During their comments and questions, the court's six conservative justices said they were skeptical of state and local officials who deny gun permits to law-abiding residents.

Only the court's three liberal justices spoke in defense of the laws that sharply restrict who may obtain a permit to carry a concealed gun.

But a ruling in the New York case could be limited, however. The justices, both conservative and liberal, said they would not prevent cities or states from enforcing bans on guns in "sensitive places," including subways, football stadiums and elsewhere.

What about Times Square in New York on New Year's Eve, asked Justice Amy Coney Barrett.

Washington attorney Paul Clement, who was representing the gun owners, agreed the city retained the authority to restrict guns in certain places.

At issue on Wednesday were laws in New York, California and six other states that limit who may obtain a license to carry a concealed handgun in public.

Typically gun owners are required to show they have a "special need" or "good cause" to be armed, not simply a general fear for their safety. In New York City and Los Angeles, these permits are rarely granted.

In the past decade, the high court had turned down challenges to those laws. But with the arrival of Justices Kavanaugh and Barrett, the court voted to hear the New York case.

It began when Robert Nash and Brandon Koch, who live near Albany, N.Y., applied for general concealed carry permits, but were turned down by a county judge because they did not "face any special or unique danger." They were, however, licensed to carry guns for hunting or target shooting.

They sued along with the New York State Rifle and Pistol Assn., alleging the restrictions violated their rights under the 2nd Amendment to bear arms for self defense.