

AG Fitch asks U.S. Supreme Court to protect your Second Amendment right to bear arms



The Constitution is clear: Law-abiding Americans have the right to protect themselves. I support the Second Amendment, and I will continue to uphold the Constitution and protect your right to bear arms.”

Lynn Fitch

Attorney General Lynn Fitch joined a coalition of 23 state attorneys general in filing an amicus brief in New York State Rifle and Pistol Association v. Corlett in the United States Supreme Court, supporting the right of Americans to bear arms outside of their homes.

“The Constitution is clear: Law-abiding Americans have the right to protect themselves,” **said Attorney General Lynn Fitch.** “I support the Second Amendment, and I will continue to uphold the Constitution and protect your right to bear arms.”

The amicus brief makes two central arguments in defending citizens’ right to self-defense: objective-issue permitting increases public safety while subjective-issue permitting like New York’s decreases public safety, and the original meaning of the Second Amendment protects the right to bear arms for self-defense outside of the home.

Forty-two states have objective-issue permitting regimes, or “Shall Issue” permitting, meaning that an objective set of criteria is reviewed when considering issuing concealed carry or firearm permits. This criteria can be a background check, mental health records check, fingerprinting, knowledge of applicable laws, firearms training, or other requirements. By comparison, according to the brief, “In addition to requiring the above-mentioned objective criteria (e.g. background check, mental health records check, etc.), New York requires that an applicant ‘demonstrate a special need for self-protection distinguishable from that of the general community or of persons engaged in the same profession.’”

The Second Amendment provides all the “special need” that law-abiding Americans need to justify carrying a firearm to defend themselves.

“Our Nation was founded on liberty, the rule of law, and a commitment to preserve individual rights, like the right of law-abiding Americans to bear arms,” **said Attorney General Fitch.** “I remain steadfast in my commitment to safeguard the fundamental rights afforded to all Americans by the U.S. Constitution.”

The brief cites empirical evidence showing that concealed carry holders are less likely to commit crime and that objective-issue permitting and concealed carry permits in general decrease crime:

- “[P]ermit holders are less likely than members of the general public to commit violent crimes, and neither Washington, D.C., nor any state that has a permissive permit regime has experienced widespread trouble from those who go through the licensing process.” The brief cites several studies to bolster this point, including one that states, “An expansive 2009 study demonstrates just how law-abiding permit holders are: Michigan reported 161 charges involving handguns out of approximately 190,000 licensees in 2007–08 (from an estimated 25 to 35 criminal incidents), while the general population produced 953 violent crimes per 190,000 people. Ohio reported 639 license revocations, including licensees who moved from Ohio, out of 142,732 permanent licenses issued from 2004 to 2009. And Florida reported 27 firearm crimes per 100,000 licenses.”
- Citing Department of Justice data, the brief says, “the victims of crime who resist with a gun are less likely to suffer serious injury than victims who either resist in other ways or offer no resistance at all... The safety advantage of carrying a firearm is even more pronounced for women: Women are 2.5 times more likely to suffer a serious injury if they offer no resistance to a criminal attacker (as compared to women who resist with a gun), and 4 times more likely to suffer injury if they resist without a gun.”

The brief urges the Supreme Court to grant certiorari and reaffirm the original public meaning of the Second Amendment, allowing citizens to keep and bear arms for self-defense outside of their homes.

Along with Mississippi, state attorneys general from Alabama, Alaska, Arizona, Arkansas, Georgia, Florida, Idaho, Indiana, Kansas, Kentucky, Louisiana, Missouri, Montana, Nebraska, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Texas, Utah, and West Virginia also joined the brief.

The full brief can be found **[here](#)**.



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