



March 3, 2017

Hon. Nathan Deal  
Office of the Governor  
206 Washington Street  
111 State Capitol  
Atlanta, Georgia 30334

Dear Governor Deal:

As long-time advocates for Georgia's outstanding higher educational institutions, and those nationwide, we are writing to express our gratitude for your veto of campus carry in 2016 (HB 859). In your veto statement last year, you made a number of arguments as to why you could not support campus carry.<sup>1</sup> We write to express why those points remain as strong as ever, notwithstanding any change made to this year's version.

**First, you stressed that the Second Amendment, correctly interpreted by history, simply does not cover campus carry.** This remains as true as ever. Campus carry does not constitute a restoration of a Second Amendment right, but an unjustified radicalization – as you put it, a “radical departure from the classification of colleges as ‘sensitive areas’ where weapons are not allowed,” as unarmed “sanctuaries of learning.”

In your veto statement, you cited not only the U.S. Supreme Court doctrine, but the very fact that two Founding Fathers – one Federalist, James Madison, and the other a states rightist, Thomas Jefferson – by all accounts supported a ban on campus carry, particularly at the University of Virginia where they both served on the Board of Visitors. It remains accurate, as you stated, that:

The approval of these specific prohibitions relating to “campus carry” by the principal author of the Declaration of Independence, and the principal author of the United States Constitution should not only dispel any vestige of Constitutional privilege but should illustrate that having college campuses free of weapons has great historical precedent.

#### BOARD OF DIRECTORS

Gabriel Yomi Dabiri, Esq.  
John Johnson, Chair  
Jackie Williams Kaye  
Andy Pelosi  
John J. Phelan, Esq.

#### ADVISORY COUNCIL (IN FORMATION)

Hon. Michelle Schimel  
James L. Grayson, CPP  
Paul Grayson, Ph. D.  
(Dir., Counseling and  
Wellness Center –  
Marymount Manhattan  
College)  
Victor Schwartz, MD  
(Medical Director –  
Jed Foundation)

---

<sup>1</sup> *Deal Issues 2016 Veto Statements*, GEORGIA.GOV (May 3, 2016), <http://gov.georgia.gov/press-releases/2016-05-03/deal-issues-2016-veto-statements>.

Beyond American history, you also recognized our campuses have been “shielded from weapons . . . for generations in our state.” On this subject, we also wish to point out additional facts from Georgia history that further support this conclusion. In 1846, the Supreme Court of Georgia became the first court in America to overturn a gun restriction on Second Amendment grounds, in the case of *Nunn v. State*.<sup>2</sup> Even in that historic case, however, the Court recognized that not all restrictions come into conflict with the Second Amendment: “[A] law which prohibits the wearing of certain weapons in such a manner . . . making him less regardful of the personal security of others, does not come in collision with the Constitution.”<sup>3</sup>

Consistent with this ruling – and even more directly addressing bans on guns on campus, and other sensitive places in public – the Georgia Supreme Court later upheld the Act of 1870 passed by Georgia General Assembly, in the case of *Hill v. State*.<sup>4</sup> That law stated:

No person in said state shall be permitted or allowed to carry about his or her person any dirk, Bowie-knife, pistol or revolver, or any kind of deadly weapon, to any court of justice, any election ground or precinct, or any place of public worship, or any other public gathering in this state, except militia muster grounds.<sup>5</sup>

Of note, the author of *Nunn* was Chief Justice Joseph Henry Lumpkin, who later founded UGA Law School in 1859<sup>6</sup> – a school that certainly did not tolerate firearms on campus in the contemporary period. Memorably illustrating this was Joseph Toombs, who was expelled from UGA in 1825 for an incident with a pistol.<sup>7</sup> Only after his mother applied for his reinstatement was he able to complete his degree; he later became a U.S. representative and senator (then Secretary of State of the Confederacy).<sup>8</sup>

In these ways, Georgia courts, legislatures, and school practices throughout the 1800s clearly support your conclusion that campus carry restrictions have “deep roots in Georgia as well.”

---

<sup>2</sup> 1 Ga. 243 (Ga. 1846); Dave Kopel, *Guns in the Dock*, LIBERTY, Feb. 2003, at 31 (prominent gun rights advocate claiming *Nunn* as “the first case to use the Second Amendment to declare a gun control law unconstitutional”).

<sup>3</sup> *Nunn*, 1 Ga. at 249. Interestingly, the Court ruled that an open carry restriction – the restriction at issue in the case – was unconstitutional, but that a concealed carry restriction would *not* be:

We are of the opinion, then, that so far as the act of 1837 seeks to suppress the practice of carrying certain weapons *secretly*, that it is valid, inasmuch as it does not deprive the citizen of his *natural* right of self-defence, or of his constitutional right to keep and bear arms. But that so much of it, as contains a prohibition against bearing arms *openly*, is in conflict with the Constitution, and *void*.

*Id.* at 251.

<sup>4</sup> 53 Ga. 472, 481 (Ga. 1874) (“Within their limits, the legislature may prescribe the manner of bearing arms, including in this manner the mode in which they shall be carried upon the person, and the time, place and circumstances in which they may be borne.”)

<sup>5</sup> *Id.* at 474.

<sup>6</sup> *Joseph Henry Lumpkin Society*, UNIVERSITY OF GEORGIA SCHOOL OF LAW, <http://www.law.uga.edu/joseph-henry-lumpkin-society> (last visited Feb. 27, 2017).

<sup>7</sup> Tracy Coley Ingram, *Classic Places: Legend Surrounds UGA Sundial*, ATHENS BANNER-HERALD, May 24, 2000, available at [http://onlineathens.com/stories/052400/ath\\_0524000014.shtml](http://onlineathens.com/stories/052400/ath_0524000014.shtml).

<sup>8</sup> *Id.*

**Second, your veto statement stressed that “[i]f the intent of HB 859 is to increase safety of students on college campuses, it is highly questionable that such would be the result.** Your analysis implicitly asserted what remains true today: the costs of campus carry far outweigh its benefits.

In particular, you were dubious about any benefits, “since students who are under 21 years of age would be ineligible [for campus carry] . . . it is safe to assume that a significant portion of the student body would be unarmed.” And as far as costs, you expressed concern that “since most, if not all, of our colleges are open campuses, this bill will allow any licensed gun owner to bring a concealed weapon onto the campus and neither police nor other law enforcement personnel will be allowed to even ask the individual to produce evidence of his license.”

HB 280 addresses neither of these infirmities. In addition, HB 280 does not sufficiently address concerns you expressed, apart from the veto statement, about the need particularly to protect four highly sensitive areas on campus from guns: (1) places with high school joint-enrollees, (2) disciplinary hearings, (3) faculty and administrative offices, and (4) child-care centers.<sup>9</sup> As of Feb. 28, HB 280 addresses only childcare centers – and even then the bill is potentially lacking. In particular, it may not cover smaller facilities, as the exemption covers only those facilities licensed by O.C.G.A. § 20-1A, which defines daycare center as a facility that receives pay for groupcare of 19 or more children.<sup>10</sup>

The bill does *not* cover the other areas that were of concern to you last year –though even the very few states that have adopted campus carry have also seen fit to exempt such areas. For example, in Texas, where campus carry became effective in August 2016, colleges and universities have continued to be able to ban guns in disciplinary hearings and faculty offices.<sup>11</sup> They have also been able to continue banning guns in healthcare centers, centers dedicated to children’s wellness and development but are not childcare providers, and counseling facilities<sup>12</sup> – places on a campus where K-12 aged children routinely are present.

HB 280 also does not – and cannot – address what much of the debate on campus carry in Georgia has overlooked: the prevalence not of violent crime, but of accidents and suicides by gun. With respect to crime, FBI data shows that, campuses are, on average, actually safer from

---

<sup>9</sup> Greg Bluestein, *Nathan Deal Fires a Warning Shot on Campus Carry Measure*, AJC, Mar. 14, 2016, available at <http://politics.blog.ajc.com/2016/03/14/nathan-deal-suggests-hell-veto-campus-carry-measure-unless-changes-are-made>.

<sup>10</sup> Ga. Code Ann. § 20-1A.

<sup>11</sup> See, e.g., Madeline Conway, *UT-Austin Faculty Can Ban Guns in Offices*, TEXAS TRIBUNE, Jul. 13, 2016, <http://www.texastribune.org/2016/07/13/ut-regents-hear-proposed-campus-carry-rules>; UNIVERSITY OF TEXAS AT DALLAS, SB 11 – CAMPUS CARRY DRAFT RECOMMENDATIONS 3 (2016) (excluding guns in judicial hearing rooms).

<sup>12</sup> See, e.g., UNIVERSITY OF TEXAS AT DALLAS, *supra* note 11, at 3-4 (2016) (also excluding guns in patient care facilities, as well as facility dedicated to children’s speech, hearing, and behavior).

crime than most other environments.<sup>13</sup> What merits more attention is that suicides and all manner of injurious accidents are, not surprisingly, likelier to happen on college campuses than crime.<sup>14</sup> Guns – which have no utility in preventing suicides or accidents – will only exacerbate this problem. Indeed, health researchers have consistently concluded: not having firearms available on campus is the single biggest factor in explaining why more suicides do not occur among on-campus students, as compared to all college-aged youth.<sup>15</sup>

Your veto statement contained one of the most powerful affirmations of the idea that guns on campus will, rather than reducing the risk of violent crime, only increase it: you suggested, not permitting more guns, but actually “making the unauthorized possession and/or use of a firearm on a college campus an act that carries an increased penalty or an enhanced sentence for the underlying crime.” This remains ever prescient. And though your veto statement did not specifically address accidents and suicides, it is even easier to conclude that guns will only be counterproductive.

**Third, your veto statement suggested that, to respond to crimes that do happen on campus, the Technical College System of Georgia and the University System of Georgia should “review and improve, if necessary, their security measures in areas surrounding these colleges.”** They have answered this call. Your Executive Order mandating this review identified four areas in particular: (1) training for personnel, (2) building relationships with local police, (3) planning and oversight, and (4) crime prevention.<sup>16</sup>

In its Aug. 1, 2016 response, TCSG and USG addressed each of these points: referring additionally to their 105-page 2015 report on campus safety, the Clery Act, and Title IX,<sup>17</sup> they identified system-wide initiatives they have taken in the past two years,<sup>18</sup> and school-specific

---

<sup>13</sup> In 2014, there were 0 murders, 28.4 forcible rapes, 6.4 robberies, and 5.3 aggravated assaults on Georgia public college campuses per every 100,000 students. In comparison, there were 5.7 murders, 30.2 forcible rapes, 123 robberies, and 218.4 aggravated assaults in the state overall per every 100,000 people. Prof. Stephen K. Boss, University of Arkansas and Julie Gavran, Campaign to Keep Guns off Campus from: Clery Act Data (U.S. Dept. of Education) and FBI Uniform Crime Reports 2014.

<sup>14</sup> One study that surveyed 157 4-year colleges found reported mortality rates of 10.80 accidental injuries, 6.17 suicides, 1.94 cancers, and 0.53 homicides per 100,000 college students between 18 and 24 years old. See James C. Turner et al., *Causes of Mortality among American College Students: A Pilot Study*, 27 J. COLL. STUDENT PSYCHOTHERAPY 31 (2013).

<sup>15</sup> See, e.g., Allan J. Schwartz, *Rate, Relative Risk, and Method of Suicide by Students at 4-Year Colleges and Universities in the United States, 2004-2005 through 2008-2009*, 41 SUICIDE & LIFE-THREATENING BEHAV. 353, 359 (2011) (finding that suicide rate was 7.0 among students and 12.1 among national sample of college-aged population in 2004-2006, and that “[i]t is difficult to escape the conclusion that it is the diminished use of firearms as a method of suicide that is principally responsible” for the lower rates on campus).

<sup>16</sup> Ga. Exec. Order No. 05.03.16.01 (May 3, 2016).

<sup>17</sup> USG CAMPUS SAFETY AND SECURITY COMMITTEE, REPORT TO CHANCELLOR HENRY M. HUCKABY (2015) (cited BOARD OF REGENTS OF THE UNIVERSITY OF GEORGIA, THE UNIVERSITY SYSTEM OF GEORGIA CAMPUS SAFETY AND SECURITY REPORT 1 (2016) [hereinafter 2016 USG CAMPUS SAFETY AND SECURITY REPORT]).

<sup>18</sup> For example:

A system-wide program is being implemented to provide specialized training for campus law enforcement,

examples from Georgia State to Savannah State.<sup>19</sup> And there are still other initiatives that have developed since August 2016. Earlier in February, for example, Valdosta State introduced a campus safety mobile app – Blazer Guardian – which streamlines the ability of students to send tips to university police; introduces a safety “timer” for alerting police if a student has not arrived at a set destination in time; and features a panic button that immediately calls university police when pressed.<sup>20</sup>

These measures, both basic and innovative – along with various other bills proposed this year in the Georgia General Assembly– show that there are other ways to improve campus safety without introducing more guns. We should take seriously the legitimate concerns of those who are worried about any problems of assault and other problems on campus. Yet, there are far better, less counterproductive ways to do so than campus carry.

Here we also reemphasize: there are very real problems of suicides, and mental health in general, on campus – problems to which guns will also be counterproductive. We should be looking for real solutions to these problems. To that end, we hope that, akin to your Executive Order on campus safety, you will also consider issuing an Executive Order addressing mental health. By doing so, you would be drawing significant attention to a pressing issue – an issue that guns would only confound.

On all of these points, we ask you to consider that, in response to the 2007 shootings, a bipartisan Virginia Tech Review Panel put forth 70 recommendations, ranging from safety and security planning to mental health, for preventing future tragedies.<sup>21</sup> Pointedly, the Panel rejected campus carry as a means of deterring or responding to a mass shooting.<sup>22</sup> Considering both sides of the argument, the Panel ultimately appeared persuaded by data that having more guns on

including the Technical College System of Georgia. The USG has partnered with the Federal Law Enforcement Training Academies in Brunswick and Charleston, the Federal Bureau of Investigation, Governor’s Office of Highway Safety, Technical College System of Georgia, Georgia Network to End Sexual Assault (GNESA), and the Georgia Public Safety Training Center in developing and delivering these courses.

2016 USG CAMPUS SAFETY AND SECURITY REPORT 6, *supra* note 13.

<sup>19</sup> As the Report states:

For example, Savannah State University has taken steps to control access to its campus, and will be implementing a requirement that visitors have to show identification upon entering campus. Savannah State has also increased its campus police presence at specific high-traffic student areas, such as its student center. Georgia State is also in the process of significant upgrades to control access to its library that will include a biometric fingerprint scan for students and visitors will now have their ID scanned and be issued a temporary badge for display while in the library.

*Id.*

<sup>20</sup> Malynda Dorsey, *Blazer Guardian App Enhances Campus Safety*, VSU DIVISION OF INFORMATION TECHNOLOGY BLOG (Feb. 9, 2017), <http://blog.valdosta.edu/it/2017/02/09/blazer-guardian-app-enhances-campus-safety>.

<sup>21</sup> VIRGINIA TECH REVIEW PANEL, MASS SHOOTINGS AT VIRGINIA TECH: APRIL 16, 2007 (2007).

<sup>22</sup> *See id.* at 76 (“The Virginia General Assembly should adopt legislation in the 2008 session clearly establishing the right of every institution of higher education in the Commonwealth to regulate the possession of firearms on campus if it so desires.”)

campus would pose a greater risk of increasing accidental and intentional shootings, than of reducing crime.<sup>23</sup>

What the Panel did recommend, however, provides an additional blueprint for TCSG and USG to consider. A number of the recommendations on security planning mirror those presented in the 2015 and 2016 TCSG/USG reports; still others, like multi-disciplinary threat assessment teams, supplement those recommendations.<sup>24</sup> And a number of recommendations on mental health, such as establishing best practices for balancing safety with individual privacy, might provide a roadmap moving forward – particularly should you choose to make mental health on campus an additional focus.<sup>25</sup>

**At the conclusion of your veto statement, you powerfully asserted: “To depart from such time-honored protections [as a ban on campus carry] should require overwhelming justification. I do not find that such justification exists.”** No such justification exists in 2017, either. In the end, this bill would upend gun regulations that, in place for decades if not centuries, have themselves become a part and parcel of what American gun culture actually means. The onus should thus be on those seeking to subvert the wisdom of historical experience, to provide convincing, not middling evidence, that their ideas would provide substantial benefits, and not inadvertently harm others in the process. That onus was not met in 2016; it has not been met in 2017.

**We are part of the majority of Georgians who have repeatedly expressed opposition to campus carry in our state<sup>26</sup> – a majority that will long appreciate the legacy you left with your veto in 2016.** This includes many law-abiding gun owners – a population that is not monolithic, and includes people who own a gun for their home, but see why guns in schools is a bad idea. The majority of Georgians is on the right side of history – with respect to both its interpretation of Second Amendment history from our country’s founding to now, and its opinion on how our state should move forward to address campus safety.

We hope that, if faced with campus carry again in 2017, you leave intact this tremendous legacy.

---

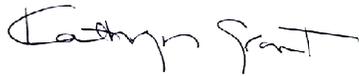
<sup>23</sup> See *id.* at 75 (considering arguments that “having more guns on campus poses a risk of leading to a greater number of accidental and intentional shootings than it does in averting some of the relatively rare homicides”).

<sup>24</sup> See *id.* at 19 (“Virginia Tech and other institutions of higher learning should have a threat assessment team that includes representatives from law enforcement, human resources, student and academic affairs, legal counsel, and mental health functions.”).

<sup>25</sup> See *id.* at 68-70 (discussing recommendations for privacy-compliant information-sharing within campuses).

<sup>26</sup> See Kristina Torres, *AJC Poll: Don't Allow Guns on Georgia's College Campuses*, *AJC*, Jan. 8, 2017, available at <http://www.ajc.com/news/state--regional-govt--politics/ajc-poll-don-allow-guns-georgia-college-campuses/1BoFZV6gB2RCA6lEdChU3L> (“More than half of voters — 54 percent — said they do not want state lawmakers to pursue the issue again this year.”).

Very respectfully,



Kathryn Grant  
Director of State Affairs  
Valdosta, GA



Marvin Lim  
Counsel  
Tucker, GA