



# GUN OWNERS OF AMERICA

**To: The Honorable Mike Johnson**  
Speaker of the House  
U.S. House  
Washington, D.C. 20515

**From: Tim Macy**  
President and Chairman of the Board  
Gun Owners of America  
8001 Forbes Place, Suite 202  
Springfield, Virginia, 22151

**RE: Dispelling Common Law Enforcement Misconceptions About H.R. 38, the Constitutional Concealed Carry Reciprocity Act, and Our Second Amendment Rights**

***November 25, 2025***

**Dear Speaker Mike Johnson,**

I write to you today on behalf of more than two million members and supporters of Gun Owners of America to support Representative Richard Hudson's H.R. 38, the *Constitutional Concealed Carry Reciprocity Act of 2025*, against the unwarranted and ill-considered criticisms of the Fraternal Order of Police (FOP).<sup>1</sup>

After decades of unconstitutional attacks, the *Constitutional Concealed Carry Reciprocity Act* is necessary to restore the Second Amendment right to carry a firearm for self-defense nationwide and without fear of harassment by law enforcement in anti-gun states.<sup>2</sup> The FOP supports nearly identical protections for law enforcement to carry firearms nationwide, yet it opposes those same protections for ordinary Americans here.<sup>3</sup> That smacks of hypocrisy and elitism. "Shall not be infringed" does not just apply to law enforcement – it is the God-given, constitutionally protected right of the People!<sup>4</sup>

Gun Owners of America has always supported Constitutional Carry.<sup>5</sup> As we fought to expand permitless carry from Vermont to the present 29 Constitutional Carry states, we have consistently dealt with the same law enforcement "concerns" as are being raised by the FOP now. Historically, anti-gun law enforcement organizations have almost always raised "public safety" concerns with permitless concealed carry. In reality, those concerns have never panned out in states that have enacted GOA-backed Constitutional Carry legislation.<sup>6</sup> Permitless carry did not make any of the 29 Constitutional Carry states any more dangerous, and neither will H.R. 38 decrease public safety nationwide.

It must be understood that the FOP has taken a minority position among law enforcement officers, who overwhelmingly support the Second Amendment right to carry. A 2021 survey of chiefs of police and sheriffs nationwide showed almost 90% of respondents supporting concealed carry reciprocity.<sup>7</sup> Furthermore, a survey of more than 14,000 police officers proved that the majority of rank-and-file law enforcement believe that "armed citizens" are the most effective way to stop mass shootings.<sup>8</sup> On behalf of the millions of gun owners and law enforcement officials who support the Second Amendment, we will address and correct each of the Fraternal Order of Police's concerns.

## **States Do Not Have a Right to Infringe on the Second Amendment**

First, the FOP claims that H.R. 38 would “strip states of their ability to set and enforce their own standards for concealed carry” such as unconstitutional gun, magazine, and ammunition bans.<sup>9</sup> But, those states never had constitutional authority to set those restrictions in the first place. This bill restores the right to carry firearms nationwide, which “shall not be infringed” even by the states.<sup>10</sup> Hypocritically, the FOP has also endorsed a bill that would override unconstitutional state gun control laws in a nearly identical manner to H.R. 38—but only for law enforcement.

In a letter to the House Judiciary Committee earlier this year, FOP President Patrick Yoes praised the *LEOSA Reform Act* for exempting law enforcement officers from state and local restrictions on concealed-carry firearms and magazine capacities, stating it would remove conflict and confusion for those constituents. Going even further, the *LEOSA Reform Act* allows eligible persons to carry within federal buildings, a step beyond what H.R. 38 would allow. But the Second Amendment does not grant special privileges to law enforcement. Congress should protect and restore the right to carry handguns free from local gun, magazine, and ammunition bans for all the People—not just police.

## **H.R. 38 Does Not Prevent Police from Conducting Lawful Investigations**

Next, the FOP misleadingly asserts that H.R. 38 “prohibits law enforcement officers from making any arrest or detaining a suspect for any violation of state or local laws pertaining to the possession, transportation or carriage of a firearm.”<sup>11</sup> But nothing in H.R. 38 will prohibit officers (1) from making lawful arrests of criminals and prohibited persons who are carrying firearms illegally or (2) from enforcing the many local firearms laws that are not preempted by the bill.<sup>12</sup>

FOP further misleadingly states that H.R. 38 prevents the “securing of a firearm from a person” while investigating “other criminal activity unrelated to the firearm.”<sup>13</sup> This is also incorrect, as H.R. 38 only prohibits the detention or arrest of those engaged in the lawful possession, transportation, or carrying of a firearm. Officers may still, consistent with the Second and Fourth Amendments, secure firearms during the lawful investigation of “other suspected criminal activity” that is unrelated to firearm possession, transportation, or carrying.<sup>14</sup> To use the FOP’s example, if police pull a driver over or determine that a “driver is impaired,” nothing will prohibit the police from investigating or making a lawful arrest for driving under the influence.

## **H.R. 38 Does Not Override the *Gun Free School Zones Act***

The FOP also misstates that H.R. 38 would override “laws such as carriage in school zones.”<sup>15</sup> This is blatantly false. In no way does this language prohibit law enforcement from arresting persons with a firearm in a school zone in accordance with state and federal law. H.R. 38 makes no changes to the federal regulatory scheme prohibiting the possession of a firearm in a school zone, which categorically excludes out-of-state permit holders and permitless carry from its exemption.<sup>16</sup> Further, as H.R. 38 states, “[t]his section shall not be construed to supersede or limit the laws of any State that ... prohibit(s) or restrict(s) the possession of firearms on any State or Local government property, installation, building, or base.”<sup>17</sup> Hypocritically, the FOP does support overriding the *Gun Free School Zones Act*, but only for its own members.<sup>18</sup>

## **Identifying Lawful Concealed Carry Is No More Difficult than Identifying Valid Driver's Licenses Under H.R. 38**

The FOP complains that “law enforcement [will be] unable to confirm lawful possession during encounters [with gun owners], creating confusion.”<sup>19</sup> However, verification of nonresident concealed carry permits is not a problem in the 39 states that have some degree of concealed carry reciprocity already.<sup>20</sup> Officers will be able to confirm the lawful permitless carry of a firearm as quickly as they are able to confirm the validity of an out-of-state driver's license, something law enforcement does nationwide almost a million times per day.<sup>21</sup>

For example, FOP specifically raises concerns about a hypothetical scenario where “a driver from Vermont... is stopped by a Virginia State Trooper.” In Virginia, it is lawful to openly carry a firearm without a permit. So, respecting the permitless concealed carry law of the Vermont resident is as easy as applying Virginia's open carry policy.

### **H.R. 38 Will Not Decrease Officer Safety; It Will Increase Public Safety**

The FOP unnecessarily worries about the “impact on officer safety” that might be caused by increased “encounter[s with] armed citizens when responding to a disturbance call or making a traffic stop.”<sup>22</sup> Ironically, a recent study in Texas and Florida revealed that “concealed carry permit holders are convicted of misdemeanors and felonies at less than one-sixth the rate for police officers.”<sup>23</sup> Furthermore, there has been no demonstrable decrease in officer safety in any of the 29 states that have enacted permitless concealed carry regimes.<sup>24</sup>

The FOP also fails to take into consideration any of the benefits of an armed citizenry to law enforcement. In fact, there are several instances in which police officers' lives have been saved by good Samaritans carrying concealed firearms:

- Cody Deeter of Whatcom County, Washington stepped in to assist Deputies Jason Thompson and Ryan Rathbun after both were shot responding to a neighborhood dispute. Deeter engaged Deputy Thompson and Deputy Rathbun's attacker and then dragged the first officer to cover until backup arrived.<sup>25</sup>
- In Youngtown, Arizona, State Trooper Ed Andersson was struck by a bullet on Interstate 10 at 4:30 AM. He was then charged and pinned down by the perpetrator, who attempted to take his gun. He was saved by Thomas Yoxall, a good Samaritan who pulled over to assist by shooting Trooper Andersson's attacker. Trooper Andersson would have had no way to call for backup fighting with the man, and he states that while the encounter only lasted minutes, he “probably wouldn't be here (if not for him).”<sup>26</sup>
- Deputy Bardes of Fort Myers, Florida was attacked by a man on Interstate 75 when a Concealed Weapons Permit holder pulled over and assisted the Deputy by shooting the assailant. Sheriff Scott of Fort Myers publicly praised the anonymous individual for saving the Deputy's life.<sup>27</sup>

For police officers working in expansive jurisdictions such as rural areas, highways, or large counties, police backup may be miles and minutes away, but armed private citizens can be much nearer. In fact, the 2021 National Firearms Survey estimates that there were 1,670,000 instances of defensive gun uses (DGUs), with 65% of DGUs being with handguns.<sup>28</sup> The reality is police officers would not be able to respond to a fraction of these instances of defensive gun usage. Nor would they be able to respond at the same time to prevent any potential loss of life.

Eli Dicken is a perfect example of a concealed carrier who responded to and ended a mass shooting in an Indiana mall within two minutes.<sup>29</sup> Greenwood Police Chief James Ison credited Dicken with saving lives by quickly taking action. Chief Ison's belief is not an isolated one either. This is why a nationwide survey of chiefs of police and sheriffs showed that 83% of respondents believe qualified, law-abiding armed citizens can help law enforcement reduce violent crime.<sup>30</sup>

## **H.R. 38 Will Not Affect Officers Unless They Infringe on the Second Amendment**

Finally, the FOP opposes H.R. 38 because it “seems to cancel any qualified immunity for the officer.” The FOP acknowledges that qualified immunity does not protect officers if “they violate clearly established statutory or constitutional rights,” yet is concerned that H.R. 38 might put officers “in very real legal peril.”<sup>31</sup>

The Second Amendment is a clearly established constitutional right. Depriving any person of that right SHOULD be met with “very real legal peril.” This exemption for gun owners does not end qualified immunity for police officers. Rather, it protects gun owners from overzealous anti-gun states that wish to hide behind blanket immunity to harass citizens and infringe on their rights.<sup>32</sup>

In conclusion, Congress should reject the Fraternal Order of Police's ill-considered “concerns.” The vast majority of law enforcement officers support the Second Amendment right to bear arms for self-defense in public—a right that H.R. 38 seeks to restore for interstate travel. Therefore, we urge you to stand with gun owners and the majority of law enforcement in support of Representative Richard Hudson's GOA-backed *Constitutional Concealed Carry Reciprocity Act of 2025*.

In Liberty,

**Tim Macy**

President and Chairman of the Board  
Gun Owners of America

CC: Rep. Richard Hudson

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<sup>1</sup> <https://fop.net/wp-content/uploads/2025/11/FOP-IACP-HR38-call-to-action.pdf>

<sup>2</sup> <https://x.com/GunOwners/status/1904345153864704244?s=20>

<sup>3</sup> Fraternal Order of Police. *LEOSA Act Re-Introduced in House*. (March 21, 2025)

<https://fop.net/2025/03/leosa-act-re-introduced-in-house/>

<sup>4</sup> See *District of Columbia v. Heller*, 554 U.S. 570 (2008); *N.Y. State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1 (2022).

<sup>5</sup> Erich Pratt. Gun Owners of America. *Why Adopt a Constitutional Carry Law*. (January 16, 2017)

<https://www.gunowners.org/why-adopt-constitutional-carry-law/>

<sup>6</sup> K. Alexander Adams. University of Wyoming, College of Law, Firearms Research Center. *Research Highlights the Impact of Permitless Carry Laws on Crime and Violence*. (May 29, 2024).

<https://firearmsresearchcenter.org/forum/research-highlights-the-impact-of-permitless-carry-laws-on-crime-and-violence/>

<sup>7</sup> National Association of Chiefs of Police. *33rd Annual National Survey Results*.

<https://c2bkr368.caspio.com/dp/33a840002ebb7ae503f44d52b467/files/6903329>

<sup>8</sup> <https://www.gunowners.org/wp-content/uploads/2020/05/PoliceOnes-2013-Gun-Policy-Law-Enforcement-Survey-Results.pdf>

<sup>9</sup> Fraternal Order of Police, FOP and IACP Issue Call to Action on H.R. 38: Urges Congress to Reject Bill Over Major Changes on Officer Liability and Qualified Immunity, November 18, 2025. Pg 3

<sup>10</sup> *McDonald v. City of Chicago*, 561 U.S. 742 (2010).



- <sup>11</sup> Fraternal Order of Police, FOP and IACP Issue Call to Action on H.R. 38: Urges Congress to Reject Bill Over Major Changes on Officer Liability and Qualified Immunity, November 18, 2025. Pg 1
- <sup>12</sup> Text - H.R.38 - 119th Congress (2025-2026): Constitutional Concealed Carry Reciprocity Act of 2025. (2025, October 3). <https://www.congress.gov/bill/119th-congress/house-bill/38/text> Sec. 2. Pg 6
- <sup>13</sup> Fraternal Order of Police, FOP and IACP Issue Call to Action on H.R. 38: Urges Congress to Reject Bill Over Major Changes on Officer Liability and Qualified Immunity, November 18, 2025. Pg 2
- <sup>14</sup> Ibid, Pg 1
- <sup>15</sup> Ibid, Pg 1
- <sup>16</sup> 18 U.S.C § 922(q)(2)
- <sup>17</sup> Text - H.R.38 - 119th Congress (2025-2026): Constitutional Concealed Carry Reciprocity Act of 2025. (2025, October 3). <https://www.congress.gov/bill/119th-congress/house-bill/38/text> Sec. 2. Pg 6
- <sup>18</sup> NOTE: The LEOSA Reform Act does alter the Gun-Free School Zones Act of 1990 by removing the requirement for law enforcement officers to be acting in an official capacity in order to possess a firearm in a school zone.
- <sup>19</sup> Fraternal Order of Police, FOP and IACP Issue Call to Action on H.R. 38: Urges Congress to Reject Bill Over Major Changes on Officer Liability and Qualified Immunity, November 18, 2025. Pg 1
- <sup>20</sup> World Population Review. Concealed Carry Reciprocity States 2025. <https://worldpopulationreview.com/state-rankings/concealed-carry-reciprocity-states>
- <sup>21</sup> Nlets. Candle 101: What it is, How it Works, and Why You Should Care. (March 9, 2022) <https://nlets.org/resources/blog/candle-101-what-it-how-it-works-and-why-you-should-care>
- <sup>22</sup> Fraternal Order of Police, FOP and IACP Issue Call to Action on H.R. 38: Urges Congress to Reject Bill Over Major Changes on Officer Liability and Qualified Immunity, November 18, 2025. Pg 2
- <sup>23</sup> John R. Lott, Jr. Concealed Carry Permit Holders Across the United States: 2019, Crime Prevention Research Center (November 19, 2025), at 38, [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3463357](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3463357)
- <sup>24</sup> K. Alexander Adams. University of Wyoming, College of Law, Firearms Research Center. Research Highlights the Impact of Permitless Carry Laws on Crime and Violence. (May 29, 2024). <https://firearmsresearchcenter.org/forum/research-highlights-the-impact-of-permitless-carry-laws-on-crime-and-violence/>
- <sup>25</sup> AJ Janavel. Fox 13 Seattle. 'I drop an entire magazine': Neighbor shares story about saving Whatcom Co. deputies. February 15, 2022. <https://www.fox13seattle.com/news/i-drop-an-entire-magazine-fox-13-news-talks-to-man-who-helped-save-whatcom-co-deputies>
- <sup>26</sup> Jason Kravarik & Stephanie Elam. CNN. Good Samaritan With a Gun Saves Wounded Cop. (April 6, 2017). <https://www.cnn.com/2017/03/17/us/beyond-the-call-of-duty-arizona>
- <sup>27</sup> Jillian Idle. Fox 4 Southwest Florida. LCSO Praises Hero in Monday's Attack on a Deputy Along I-75. (November 17, 2016). <https://www.fox4now.com/news/lcso-praises-hero-in-mondays-attack-on-a-deputy-along-i-75>
- <sup>28</sup> English, William, 2021 National Firearms Survey (July 14, 2021). Georgetown McDonough School of Business Research Paper No. 3887145, Available at SSRN: <https://ssrn.com/abstract=3887145> or <http://dx.doi.org/10.2139/ssrn.3887145>
- <sup>29</sup> <https://www.cnn.com/2022/07/19/us/eli-dicken-indiana-mall-shooting-bystander>
- <sup>30</sup> National Association of Chiefs of Police, 33rd Annual National Survey Results. <https://c2bkr368.caspio.com/dp/33a840002ebb7ae503f44d52b467/files/6903329>
- See also: John R. Lott. The Federalist. Study: Concealed Carriers Do A Better Job Of Stopping Active Shooters Than Police. (March 11, 2025) <https://thefederalist.com/2025/03/11/study-concealed-carriers-do-a-better-job-of-stopping-active-shooters-than-police/>
- <sup>31</sup> Fraternal Order of Police, FOP and IACP Issue Call to Action on H.R. 38: Urges Congress to Reject Bill Over Major Changes on Officer Liability and Qualified Immunity, November 18, 2025. Pg 2
- <sup>32</sup> United States. Congress. House. (2016, February 26). Representative Morgan Griffith Champions Amendment to Defend Civil Liberties, Protect Lawful Transportation of Firearms [Press Release]. <https://morgangriffith.house.gov/news/documentsingle.aspx?DocumentID=398539>