

# OpenCarry.org

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## **Petition to Restore Floridians' Open Carry Rights Breaks 1,000 in Days!**

Florida is one of only 6 states banning the open carry of handguns.

In most states adults may lawfully carrying unconcealed handguns without any license. 14 more states allow open carry with a license.

In the wake of the growing open carry movement (for example, see the ABC Nightline video <sup>(1)</sup> and NPR radio interview <sup>(2)</sup>) residents of 4 of the 6 states banning open carry have launched online petitions to correct state law.

And Florida residents are stepping up to the plate. The online petition at <http://flopencarry.com> has garnered over 1,000 signatures in just a few days.

Last week the United States Supreme Court held that the Second Amendment secures the right to keep and bear (i.e. "carry") arms <sup>(3)</sup>, including handguns. <sup>(4)</sup> But the Court also acknowledged previously stated holding in many cases that there is no constitutional right to carry "concealed" handguns. <sup>(5)</sup> By implication, the right to carry handguns openly is constitutionally protected, and even a licensure scheme for open carry is Constitutionally suspect. <sup>(6)</sup>

Media Contacts : John Pierce  
Mike Stollenwerk

[John@OpenCarry.org](mailto:John@OpenCarry.org)  
[Mike@OpenCarry.org](mailto:Mike@OpenCarry.org)

## Footnotes

1. <http://abcnews.go.com/search?searchtext=gun&type>
2. <http://www.npr.org/templates/story/story.php?storyId=92126421>
3. District of Columbia v. Heller, 554 U.S. \_\_\_, \_\_\_, slip op. at 64 (2008) (“At the time of the founding, as now, to ‘bear’ meant to, ‘carry.’ . . . [ in Muscarello w]e think that JUSTICE GINSBURG accurately captured the natural meaning of “bear arms.” Although the phrase implies that the carrying of the weapon is for the purpose of ‘offensive or defensive action,’ it in no way connotes participation in a structured military organization.”) (quoting Muscarello v. United States, 524 U. S. 125, 143 (1998) (quoting Black’s Law Dictionary 214 (6th ed. 1998) (Ginsberg, J., dissenting))
4. Id. at 64 (“we hold that the District’s ban on handgun possession in the home violates the Second Amendment, as does its prohibition against rendering any lawful firearm in the home operable for the purpose of immediate self-defense”).
5. Id. at 54.
6. E.g., Nunn v. State, 1 Ga. 243, 246, 250–251 (1846) (striking down similarly broad ban on openly carrying weapons on Second Amendment grounds); State v. Kerner, 107 S.E. 222 (1921) (state requirement for license to carry handguns openly in public is unconstitutional under North Carolina constitution). See also State v. Bolin, \_\_\_ S.E.2d \_\_\_, 2008 WL 2078141, 2 (S.C. 2008) (state statute banning handgun possession for persons under 21 years of age violates South Carolina constitution as applied to persons aged 18-20 years of age).