

# FEDERALISM IN *Action*

## Campus Carry

On August 1, 1966, Charles Whitman climbed to the top of the clock tower at the University of Texas at Austin (UT Austin) and started shooting people in what is widely considered to be the first mass shooting in the United States. Exactly fifty years later, in 2016, a new law went into effect that required all public universities in Texas to allow individuals with conceal carry licenses to bring guns onto college campuses. The law, commonly referred to as campus carry, was passed in 2015 by the Texas Legislature.

Among the issues in the campus carry debate is which level of government should pass laws relating to guns. The federal government has enacted several laws restricting guns, such as the National Firearms Act of 1934, mandating the registration and restricting the sale of certain types of firearms, and the Gun Control Act of 1968, regulating interstate commerce of firearms. Individual states have passed additional legislation, such as Texas's campus carry law. The matter of gun legislation in Texas isn't just one between the federal and state governments, however. Campus carry also involves a fight over elements of local control.

The original campus carry legislation included a provision that allowed public universities to opt out, and several campuses across Texas indicated they would likely do that. But when the legislation was reintroduced in the 84th legislative session, that option was notably absent.

In the Texas debate over campus carry, much of the pushback concerns the opt-out option. During public hearings, universities appealed to the need for their campuses to reflect their diverse preferences and realities.<sup>i</sup> Campuses across Texas have diverse student bodies and political cultures, and they face widely disparate issues depending on their geography and demography. After the public hearing, the campus carry bill was changed to allow universities to declare some spaces as gun-free zones, but public schools could not opt out completely. Twelve student body presidents from Texas universities signed a letter to Governor Abbott, urging the inclusion of an opt-out clause in the legislation. Private schools in Texas can opt out, and so far all private universities in Texas but one have chosen to do so. Yet public universities do not have that choice.

A number of organized interests mobilized in support or opposition to the proposed campus carry legislation. At the outset, two powerful interest groups—the Texas State Rifle Association (TSRA) and the National Rifle Association (NRA)—declared campus carry a priority. In fact, the 84th Legislature saw a large number of TSRA- and NRA-supported legislation, including permitting campus carry, legalizing open carry, decreasing the training requirements for a concealed handgun license, and requiring hotels who do not allow guns to notify individuals during the reservation process.<sup>ii</sup> The state legislature seemed poised to pass a lot of gun legislation, including the bill on campus carry. The TSRA and NRA worked diligently to see the campus carry legislation become law, including contributing campaign dollars to many Texas legislators and state leaders, calling on their organizations' members to directly contact their representatives, and testifying at the legislature's public hearing on the proposed legislation. When Governor Abbott signed the campus carry bill into law, he thanked the NRA and the TSRA for keeping pressure on the legislature to get the bill passed.

Although campus carry was popular among conservatives in Austin, it was largely unpopular on college campuses. The loudest opposition to the law emanated from UT Austin. From the UT Austin chancellor, a retired U.S. Navy admiral who directed the raid that killed Osama bin Laden, to the faculty and even the Austin chief of police, opposition to allowing guns on campuses remains widespread. Likewise, university groups across the state organized against campus carry, including the Texas Association of College and University Police Administrators. A new grassroots group called Gun Free UT was created on the UT Austin campus to oppose the legislation with organized protests, a petition to the legislature, and even a teach-in in an attempt to pressure the legislature to vote down the policy. As of this book's publication, however, the state's law allowing campus carry without an opt-out clause for public universities remains in effect.

- Should the power to decide campus carry in Texas reside solely with the state? Why or why not?
- What is the federal government's role and responsibility when it comes to gun rights and restrictions in the states?
- What advantages or disadvantages do localities and their organized interests have on an issue like this, considering the involvement of better-funded interest groups such as the NRA?

---

i The Texas Senate Committee on State of Affairs, Streaming Video Player at <http://tlcsenate.granicus.com/MediaPlayer.php?clip.id=9093> (accessed August 3, 2016).

ii Texas State Rifle Association PAC, "TSRA Legislative Goals," <http://www.tsrapac.com/legislation> (accessed August 2, 2015).