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Date: Mon, Dec 14, 2009 at 10:17 AM
Subject: The Right to Keep and Bear Arms
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December 6, 2009

UA Board of Regents

Dear Gentlemen and Ladies:

We are writing this letter on behalf of the Alaska Students for Concealed Carry on Campus and, more generally, on behalf of all adults in Alaska who have chosen to carry firearms under Alaska law. We are requesting a re-examination and change to the current University policy on weapons possession on campus, as the relevant state laws and policy have changed dramatically since the current policies were enacted. There is now far more research and data available pertaining to the safety of lawful weapons carry on and off college campuses nationwide.

We would like to point out some apparent legal issues that we feel should be addressed by the Board or Regents in consultation with the Alaska AG and Legislature. On the practical side of the issue, we look forward to the opportunity to provide you with the most current facts and thinking about the topic in general. We would also like to go into detail about the innocuous experiences of the many other college campuses in the US that already allow carry, as well as suggestions as to what the new policy might look like. For starters, a good summary of the facts about the issue (with citations to studies and sources) are found on the website of the national SCCC:
www.concealedcampus.org/common_arguments.php
<http://www.concealedcampus.org/common_arguments.php>.

Federal Statutes define the classes of persons prohibited from possession of weapons (USC 18.44 922 (d)). Per current Alaska law (AS 11.61.220), any adult not so prohibited, who is over the age of 21, may carry a weapon (specifically a loaded firearm) on their person or in their vehicle in all but a limited number of enumerated places. Note

that universities, public or private, are not among the places restricted by either Alaska or federal law.

Therefore, it is now expressly lawful under Alaska law for any adult, 21 years or older, who may legally possess a weapon, to carry that weapon on or in any university property (not otherwise prohibited). The current policy is thus only based on AS 14.40.170 (b)(2), which authorizes the Board to "adopt reasonable rules, orders, and plans with reasonable penalties for the good government of the university and for the regulation of the Board of Regents." It does not seem certain that "reasonable" can be read to authorize the Board to completely deny a statutory right of law-abiding adult students in a public institution.

It is our understanding that the current UA policy is only enforceable in three ways. First, by trespassing an armed person off University property; however, note that the Alaska Statute for Trespass (AS 11.46.330) only prohibits entering or remaining unlawfully. As carrying weapons on campus property is lawful, that act alone would not seem to provide a legal justification for trespassing an otherwise law-abiding adult. Campus property covers many public streets, trails and parks used daily by law-abiding gun carriers in the community. We have not heard of many trespass cases, so it appears that if enforcement of the policy against non-students is occurring, it is being done arbitrarily, which seems to leave the university open to litigation. Second, while there may be no legal barrier to adult students carrying lawfully on campus property, per current policy the university may penalize that student with a variety of administrative sanctions, in effect penalizing them for simply obeying the same applicable state and federal laws that they do off-campus. This is a palpably unjust situation and our organization's largest concern. Finally, in the case of employees and faculty, we understand that the university is free to write its hiring contracts as it wishes, but do note that as employees they may be covered by Alaska law's preemption of an employer's ability to bar firearms in vehicles in publicly-accessible parking lots.

In short, while we are sure that those who created the current policy years ago had the safety and best interests of the university community at heart, we believe both law and fact have overtaken it. While emotions on the topic are strong, we believe the time has come to look dispassionately at the issue and bring university policy in line with the wishes and values of the community it ultimately exists to serve, as reflected by current Alaska state law.

We will wait for what we believe is an appropriate amount of time for a response to our letter. In the event that none shall be forthcoming, we will test the legality of UA gun ban by forcing authorities to respond to citizens of Alaska and UA students as they exercise their right to carry a legal firearm on campus.

Sincerely,

George Hines

President, SCCC Alaska Chapter

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