



ATTORNEY GENERAL OF MISSOURI

ANDREW BAILEY

August 22, 2023

Mayor Tishaura Jones  
City Hall – Room 200  
1200 Market Street  
St. Louis, MO 63103  
*Via email: mayor@stlouis-mo.gov*

Dear Mayor Jones:

Today you announced plans to “Prohibit military-grade weapons on our streets” and “Prohibit insurrectionists and those convicted of hate crimes from having guns.” Your proposed measure would violate the constitutional right of Missourians to keep and bear arms.

Our state constitution guarantees that the right of law-abiding citizens to bear arms “shall be unalienable” and that “Any restriction on these rights shall be subject to **strict scrutiny** and the state of Missouri **shall be obligated to uphold these rights** and shall under no circumstances decline to protect against their infringement.” Mo. Const. art. I, § 23 (emphasis added). The people’s elected representatives have already spoken on this issue by preempting local authority in state statute. *See* § 21.750, RSMo. To implement your plan would be to violate Missouri law.

By this letter, let me be clear – I will zealously perform my constitutional duty to defend the rights of each law-abiding citizen to “keep and bear arms ... in defense of [their] home, person, family and property...” which is the promise made to them by the Missouri Constitution. Mo. Const. art. I, § 23.

Your proposal would not survive the strict scrutiny analysis codified in the Missouri Constitution, which requires a compelling state interest to be addressed with a remedy that is narrowly-tailored. Not even you believe that your proposal is narrowly-tailored to actually stop crime, as evidenced by your statement that, “Chicago has strict gun laws as well **but that doesn’t deter gun violence.**” (emphasis

added). Moreover, you have repeatedly blamed juveniles who open carry firearms as the major contributing factor of crime in your city, yet you have done nothing to use the statutes on the books to address those issues. *See* §§ 211.031.2(b) and 571.060, RSMo. The fact that there are currently statutes on the books to address these issues further proves that your proposal will not survive strict scrutiny.

It is my hope that you will reverse course and use existing law to combat the crime plaguing your city, rather than choosing to target the rights of law-abiding Missourians. In other words, I encourage you to go after criminals, not guns. As the Attorney General for the State of Missouri, I will discharge my duties under the Constitution and resist any effort to infringe on the right of the people of Missouri to keep and bear arms.

Respectfully,



ANDREW BAILEY  
Missouri Attorney General