



Testimony of  
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***Public Oversight Roundtable on the  
“D.C. House Voting Rights Act of 2009”  
and the “Ensign Amendment”***

Special Committee on Statehood  
and Self-Determination  
Council of the District of Columbia

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John A. Wilson Building  
1350 Pennsylvania Avenue NW  
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Good afternoon Chairman Brown and members of the Special Committee on Statehood and Self-Determination. I appreciate this opportunity to speak to you today regarding the “Ensign Amendment” to the “D.C. House Voting Rights Act of 2009.”

My name is Josh Horwitz and I am the Executive Director of the Coalition to Stop Gun Violence, an organization that seeks to secure freedom from gun violence through research, strategic engagement and effective policy advocacy. For many years, our organization has defended the right of the citizens of the District of Columbia to decide by democratic means how firearms will be regulated in their city. We were also proud to offer technical assistance to the D.C. Council as it revised the city’s gun laws in the wake of the controversial *D.C. v. Heller* decision by the Supreme Court.

The process by which the council drafted the District’s new firearm regulations was both deliberate and thoughtful, and these new laws comply fully with the *Heller* ruling. The ruling called on the District to allow residents to register handguns and carry them in the home so they could be effectively employed for self-defense. Through emergency legislation, the council quickly implemented such measures. D.C. residents can now register handguns, including semiautomatic pistols, and determine for themselves how to store firearms in the home. The law no longer requires that firearms be kept unloaded, locked or disassembled. These and other important changes were codified earlier this year in permanent legislation.

Recently, Senator John Ensign claimed in a published email that the *Heller* ruling said that the District’s new gun laws “went too far and infringed on people’s Second Amendment rights.” First, let me point out that the chronology of this statement is flawed. The *Heller* ruling was issued *before* the District revised its gun laws. Furthermore, the Supreme Court’s decision only declared the city’s handgun ban and firearm storage laws unconstitutional. No provision in

the District's *new* gun laws has been implicated as unconstitutional by the Supreme Court—or by any other court in the United States. To the contrary, the *Heller* decision clarified that a wide range of local gun regulation is both reasonable and constitutionally permissible. Finally, many other states have longstanding gun laws similar to those enacted by the District. I am distributing a handout (“D.C.’s New Gun Laws are Constitutional”) today that looks at the constitutional question and provides a detailed comparison of gun laws in the District and outside states.

I am confident that the District's new gun laws are clearly constitutional under the new *Heller* standard. The question is why is Senator Ensign using the voting rights bill as a vehicle to repeal these laws? The truth is that the language of the Ensign Amendment is nothing new—it was drafted by the National Rifle Association (NRA) years ago and has been introduced in Congress after Congress. It has gone by many names (the “District of Columbia Personal Protection Act,” the “Second Amendment Enforcement Act,” the “National Capital Security and Safety Act,” etc.), but its central goal has always been to overturn the democratic will of D.C. residents and enact a firearm regulation regime that is consonant with the extreme right-wing ideology of the gun lobby. The Ensign Amendment is revealing, because it demonstrates the NRA's frustration with the *Heller* decision, which did not go nearly as far as it would have liked in restricting gun regulation in the United States.

The result of this frustration—and of the gun lobby's arrogance—is an amendment that poses a direct threat to public safety in the District of Columbia. The Ensign Amendment would:

- Legalize assault weapons and high-capacity ammunition magazines in the District.

- Completely repeal the city's firearms registration system, thereby creating significant challenges for D.C. police in tracing guns and managing situations involving firearms.
- Allow potentially dangerous individuals—including domestic abusers, alcohol and drug abusers, and violent misdemeanants—to purchase and own firearms in the District.
- Roll back regulations aimed at curbing the illegal trafficking of firearms. The Ensign Amendment would make the District's gun laws *weaker* than those of the outside states that currently supply 97% of the city's crime guns.
- Impair efforts to protect sensitive targets and officials in the nation's capital from violent attack.
- Permit D.C. residents to carry handguns in public for the purpose of buying ammunition.
- Prohibit the D.C. Council from passing *any* law in the future that could "discourage" private firearms ownership in the city.

I am providing a handout ("Why is the Ensign Amendment So Dangerous?") today that examines these dangerous provisions in further detail, but suffice it to say that the Ensign Amendment is certain to lead to additional gun violence in the District of Columbia. It would facilitate the already easy access that criminals, traffickers and terrorists have to firearms in our country.

Finally, it should be stated that the Ensign Amendment language is severable from the "D.C. House Voting Rights Act of 2009." This means that if the bill is signed into law and the voting rights portion of the bill is later struck down by the courts as unconstitutional, then the Ensign Amendment will still stand. In fact, recent reports that Department of Justice lawyers in the Obama Administration find the voting rights bill to be unconstitutional should give pause to those that think the Ensign Amendment is an acceptable price for the city to pay to get the voting rights bill passed. It is not difficult to envision a nightmare

scenario in which D.C. residents end up with no voting Representative in the House, and no gun laws.

In conclusion, the Ensign Amendment is a direct threat to public safety. In recent weeks in this country, we have witnessed one mass shooting after another by dangerous individuals who were able to easily acquire firearms despite numerous red flags in their background. Keep in mind as you deliberate on this critical issue that the Ensign Amendment would make the District's gun laws weaker than those of virtually every state in our country—permanently.

If the District's elected officials accept such a "compromise" with a powerful lobby that openly despises the city, how will they explain their actions to the mothers, fathers, and others who lose their loved ones due to toothless gun laws? The true compromise in the "D.C. House Voting Rights Act" is that under the bill District residents would only get one-third of the congressional representation accorded all other Americans. That indignity should not be compounded by the city's elected officials by surrendering their jurisdiction over firearms to the National Rifle Association.

I thank you for this opportunity to testify in front of the committee and look forward to any questions you might have.