

IMPORTANT QUESTIONS FOR NEW D.C. GUN LOBBY GROUP



In August 2008, a new gun lobby group in the District of Columbia, Capital Gun Owners, was founded. The group was started by four D.C. residents—including two plaintiffs from the *Parker v. District of Columbia* lawsuit (later known as *District of Columbia v. Heller*) which originally overturned the city’s tough gun laws in 2007—and early media reports have indicated they will lobby for “[less gun control](#)” in the District.

The group’s [website](#) contains no detailed description of the organization’s positions or goals (beyond their opposition to D.C.’s current ban on *semiautomatic* handguns). Therefore, we believe that Capital Gun Owners should be asked the following questions:

1) Is it the intent of Capital Gun Owners to help D.C. comply with the *Heller* decision, or does it intend to lobby for changes in the law NOT required by the *Heller* decision?

The [majority opinion](#) by Justice Antonin Scalia in the *Heller* case requires the District of Columbia to allow D.C. residents to register, and therefore possess, handguns in their homes. Residents must also be permitted to use registered firearms in their homes for “the purpose of immediate self-defense.” Through emergency legislation approved last month, the D.C. government has taken immediate steps to comply with the ruling. A system of handgun registration has been implemented and D.C. residents have begun registering handguns with the Metropolitan Police Department. While firearms in the home must still be stored unloaded and either disassembled or secured with a trigger lock/gun safe, an exception was created for any firearm that is used against “reasonably perceived threat of immediate harm to a person” within a registered gun owner’s home. D.C. officials have stated that they will engage in a more thorough and comprehensive re-working of the city’s gun laws in the fall when the D.C. Council returns from recess.

A recent [article](#) in the *Washington Times*, however, suggests that Capital Gun Owners will look to weaken D.C.’s gun laws far beyond the requirements of the *Heller* decision. The *Times* notes that Amy McVey, the head of Capital Gun Owners, has stated that the group will lobby to “allow residents to carry handguns outside of the home, streamline or **eliminate** firearm registration and...allow D.C. residents to buy handguns in Maryland and Virginia.”

Justice Scalia’s opinion, however, expressly states that firearm registration, prohibitions on carrying concealed weapons, and “laws imposing conditions and qualifications attached to the commercial sale of arms” are all reasonable and constitutional.

2) What will Capital Gun Owners do to address the problem of illegal guns that are trafficked into the District from outside jurisdictions?

In their arguments in the *Heller* case, the plaintiffs made a conscious effort to blame the District's problems with gun violence on the city's tough gun laws. For years, however, data from the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has confirmed that [more than 95% of guns found on crime scenes in the District are trafficked in illegally from outside states](#).

Criminals and traffickers exploit weak gun laws in these outside jurisdictions to acquire firearms which are then transported to the District. In many of the source states for D.C. crime guns, prohibited purchasers such as felons and the mentally ill can buy firearms through private sales without even undergoing a background check. Weak federal laws have also made it difficult to revoke the licenses of firearm dealers who repeatedly allow "straw purchases" to occur. In a straw purchase, an individual who is prohibited under federal law from purchasing firearms pays an individual with a clean record to fill out the background check form and purchase firearms for him/her.

D.C. police have worked tirelessly and at great personal risk to themselves to take illegal guns off the District's streets. In 2007, nearly 3,000 firearms were recovered by MPDC.

Given their repeated emphasis on "lawful firearm ownership," will Capital Gun Owners educate D.C. residents about the sources of crime guns in their city and support law enforcement in their efforts to remove illegal guns from District neighborhoods? Will they support legislative efforts to strengthen gun laws in other jurisdictions so that future criminals and traffickers are denied access to firearms?

3) Does Capital Gun Owners support voting representation for D.C. residents?

The United States of America was founded on the principle of "No Taxation Without Representation" and yet we are the only democracy in the world which denies citizens in its capital voting representation in the national legislature. The District of Columbia currently has no representation in the U.S. Senate and D.C. Delegate Eleanor Holmes Norton is prohibited from voting on the floor of the U.S. House of Representatives.

The District's lack of democratic representation has also impacted the current composition of the U.S. Court of Appeals for the D.C. Circuit, the court which initially struck down the city's gun laws in *Parker v. District of Columbia*. For all other federal appellate courts, home-state U.S. Senators who object to a judicial nominee can place a hold on the confirmation process by not returning a nominee's "blue slip" to the Judiciary Committee. Lacking Senate representation, D.C. has no input into this process whatsoever. As a result, the U.S. Court of Appeals for the D.C. Circuit has become one of the most conservative federal appellate courts in the country.

It is within the power of the U.S. Congress to provide basic democratic rights to D.C. residents who pay taxes, sit on juries, and serve in our nation's military. A diverse, bipartisan coalition of District organizations, led by DC Vote, has been pushing the House and Senate to give final approval to the "District of Columbia House Voting Rights Act," which would begin to rectify this injustice by giving the District a voting representative in the House for the first time ever.

Capital Gun Owners has indicated its strong interest in assuring the basic democratic rights of D.C. residents. Will they join the DC Vote Coalition and lobby the U.S. Congress to give D.C. residents voting representation on Capitol Hill without further delay?

4) Does Capital Gun Owners support efforts in Congress to unilaterally repeal D.C.'s gun laws without consulting with D.C.'s elected officials or law enforcement leaders?

In 1976, after the District was granted limited home rule by Congress, the D.C. Council passed strong gun control legislation with the overwhelming support of D.C. residents. A *Washington Post* poll conducted in January 2008 found that [76% of D.C. residents support the city's handgun ban and other tough gun laws](#).

Unable to generate any significant support inside the District for repealing the city's gun laws in the late 1990s, the National Rifle Association (NRA) and other gun lobby organizations turned to the U.S. Congress and the courts in order to further their agenda. For years, however, bills that would have repealed the District's gun laws across the board failed to gain approval by Congress. Finally, however, the repeal effort met with success as the Supreme Court's decision in the *District of Columbia v. Heller* case struck down the city's handgun ban and other elements of the city's gun laws on constitutional grounds.

Apparently not satisfied with this success, the National Rifle Association is now pushing legislation (H.R. 6691) in the U.S. Congress to further eviscerate the District's gun laws. With an eye on the November 2008 elections, the NRA has announced that it will be grading Members' votes on this legislation and communicating this information to its supporters. This legislation would go beyond the requirements of the *Heller* decision— by repealing D.C.'s handgun registration system, legalizing assault weapons, and prohibiting the D.C. Council from enacting *any* gun-related legislation in the future—and further limit home rule authority by denying the D.C. government the chance to make thoughtful, comprehensive and permanent revisions to its gun laws in the fall. Acknowledging the problems the city has had with gun violence, it is difficult to see why it would be unreasonable for District officials to take a few months to review potential options and best practices in other jurisdictions in order to provide for the public's safety.

Delegate Eleanor Holmes Norton has called the recent repeal legislation an “unprecedented attack on D.C.” D.C. Mayor Adrian Fenty and D.C. Council Chairman Vincent Gray have asked the U.S. Congress to demonstrate their “commitment to the democratic process” by allowing the city government to fulfill its charge to D.C. residents by complying with the *Heller* decision in a reasonable period of time.

Will Capital Gun Owners respect D.C. home rule and the democratic process and oppose *any* and *all* legislation in the U.S. Congress that would unilaterally repeal more of the District's gun laws without the consent of D.C.'s elected officials and residents?