



## WHY IS THE NATIONAL RIFLE ASSOCIATION'S "SECOND AMENDMENT ENFORCEMENT ACT" SO DANGEROUS?

On April 27, 2010, Senators John McCain (R-AZ) and John Tester (D-MT) introduced S. 3265, the "Second Amendment Enforcement Act." The following day, Representatives Travis Childers (D-MS) and Mark Souder (R-IN) introduced a companion bill, H.R. 5162, in the House of Representatives. Drafted by the National Rifle Association (NRA), the "Second Amendment Enforcement Act" would gut the District of Columbia's new gun laws (enacted to ensure compliance with the Supreme Court's [D.C. v. Heller decision](#)) and prohibit the city's elected officials from regulating firearms in the future. [The NRA has repeatedly attached similar language to the "D.C. House Voting Rights Act" to undermine that legislation.](#)

District officials have pointed out the serious repercussions that the "Second Amendment Enforcement Act" would have for public safety in the nation's capital. Why is this legislation so dangerous?

**The "Second Amendment Enforcement Act" would legalize assault weapons and high-capacity ammunition magazines.** The "Second Amendment Enforcement Act" would legalize assault weapons like the AK-47 used in a [March 30 mass shooting](#) in Southeast Washington. Even [.50 caliber sniper rifles](#), which can take out armored targets up to a mile away, would be legalized. The bill would also repeal the District's current ban on high-capacity ammunition magazines which can hold more than 10 rounds. This would provide criminals and terrorists in the District with enormous firepower and pose a direct threat to both civilians and law enforcement.



**The "Second Amendment Enforcement Act" would completely repeal the District's firearm registration system.** The "Second Amendment Enforcement Act" would eliminate the requirement that D.C. residents register their firearms with the Metropolitan Police Department. Why is registration so critical? In the words of the Chair of the D.C. Council's Committee on Public Safety & the Judiciary, Phil Mendelson, ["Chances are, when an unregistered gun is seized by police, they have encountered a criminal, not an otherwise law-abiding citizen. Being able to charge that individual with possession of an unregistered firearm is an important crime-fighting tool. It might even get a gang member off the street before something worse happens."](#) A legal memo from the law firm Patton Boggs LLP expressed similar concerns: ["With these proposed changes, police can no longer easily trace crime guns to the registered owner and would have no easy way of determining if a person with a gun encountered during a domestic violence call or a traffic stop could legally possess the weapon."](#)

**The "Second Amendment Enforcement Act" would allow potentially dangerous individuals to purchase and own firearms.** Current D.C. law prohibits the following individuals from purchasing and

owning firearms: a) Anyone who has been convicted of a crime of violence within the last five years; b) Anyone who has been convicted of multiple drug- or alcohol-related offenses within last five years, and; c) Anyone who has been voluntarily committed to a psychiatric institution within the last five years. The “Second Amendment Enforcement Act” would eliminate these restrictions, allowing potentially dangerous individuals to purchase and own firearms in the District. The bill would also repeal a D.C. law that prohibits those who cannot pass a vision test from owning firearms.

**The “Second Amendment Enforcement Act” would roll back important regulations curbing the illegal trafficking of firearms.** Currently, [more than 98% of the District of Columbia’s crime guns come from outside states](#), where they are routinely purchased by criminals and traffickers. Rather than addressing this problem, the “Second Amendment Enforcement Act” instead acts to weaken the District’s gun laws to a standard *beneath* that of these outside jurisdictions. Furthermore, the bill would repeal longstanding anti-trafficking provisions in federal law by allowing D.C. residents to purchase firearms in Virginia and Maryland without *any* oversight by District authorities. The cumulative effect would be to facilitate illegal gun-running into—and within the borders of—the nation’s capital.

**The “Second Amendment Enforcement Act” would impair efforts to protect sensitive targets in the District of Columbia from violent attacks.** The nation’s capital is the seat of our government and home to the president, vice president, 535 Members of Congress, and a host of foreign dignitaries. It is also the stage for national demonstrations and presidential inaugurations. As such, it is a symbolic and attractive target for violent behavior. Testifying before Congress on a bill with language virtually identical to the “Second Amendment Enforcement Act,” D.C. Police Chief Cathy Lanier said that if the legislation became law, “It would be far more difficult for MPD and federal law enforcement agencies in the District of Columbia to ensure safety and security in the Nation’s Capital. I say this...as someone with extensive experience in homeland security and counterterrorism.”

**The “Second Amendment Enforcement Act” would prohibit the D.C. government and private property owners from restricting gun possession in spaces they lease to private individuals or businesses.** The “Second Amendment Enforcement Act” takes the decision of whether or not to allow guns on one’s own property out of the property owner’s hands, leaving it up to individual lessees. For example, if the owner of a coffee shop located in a government building wanted to keep guns on the premises, the government would not be able to do anything to stop that activity as owner of the building. This would further impair efforts to protect sensitive targets in our nation’s capital.

**The “Second Amendment Enforcement Act” would prevent the D.C. Council from enacting gun-related legislation in the future.** The “Second Amendment Enforcement Act” states that, “The District of Columbia shall not have the authority to enact laws or regulations that discourage...the private ownership or use of firearms.” This broad and vague language would give the gun lobby leverage to challenge virtually any gun-related regulation enacted by the D.C. Council and Mayor. In the words of the Chair of the D.C. Council’s Committee on Public Safety & the Judiciary, Phil Mendelson, District officials would be unable to “[respond to incidents of gun violence or suggestions on how to deal with gun violence \[from residents and law enforcement\]](#)” should the “Second Amendment Enforcement Act” become law.

Given the threat that the “Second Amendment Enforcement Act” poses to public safety in the nation’s capital, Members of Congress should reject it entirely. Weakening the city’s gun laws would serve only to facilitate the violent acts of criminals, traffickers, terrorists and other dangerous individuals.