



Written by [Bob Adelman](#) on April 2, 2015

D.C. Drops Appeal of Court Ruling Against Its Handgun Ban

The [announcement on Wednesday](#) by Washington, D.C.'s attorney general was no surrender but rather a strategic withdrawal. The district has decided not to press forward on its appeal of Judge Frederick Scullin's ruling in *Palmer v. District of Columbia* last summer that the district's total ban on handgun possession (except inside a home) was unequivocally unconstitutional. Wrote the judge:



In light of *Heller*, *McDonald*, and their progeny, there is no longer any basis on which this Court can conclude that the District of Columbia's total ban on the public carrying of ready-to-use handguns outside the home is constitutional under any level of scrutiny.

The judge then remanded the district's council to "adopt ... a licensing mechanism consistent with constitutional standards to enable people to exercise their Second Amendment right to bear arms."

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Instead of continuing to press a battle they could not win, D.C.'s Attorney General Karl Racine said, "We need to focus our energies not on litigating old laws [that have now been ruled unconstitutional], but defending new ones that our leaders enacted in good faith to comply with court rulings while still protecting public safety."

Whether those new rules were "enacted in good faith" is speculative. That they "comply with court rulings" is very much in doubt. So much in doubt, in fact, that the attorney general will have his hands full defending at least two lawsuits, one asking Judge Scullin to review the district's concealed carry permitting scheme, the other brought by gun owners denied concealed carry permits even after complying with that scheme.

Withdrawal to a stronger position was wise. As in warfare when the outer perimeter is in danger of being overrun, orders will be given to pull back to a stronger position. In Washington, D.C., that inner perimeter is not only being threatened, but is in danger of being obliterated altogether, thanks to bills presented in the House and Senate on March 26. Titled "The Second Amendment Enforcement Act of 2015," the bills would essentially remove all power and authority from the district's council of "leaders" to enact and enforce any gun laws whatsoever. As noted [here](#), the council's authority would be removed, allowing federal gun laws to govern gun ownership in the district. It would allow D.C. residents to purchase firearms from gun dealers in Maryland and Virginia; it would repeal altogether the scheme hatched by the anti-gun District council to inhibit D.C. citizens from exercising gun rights that are protected by the Second Amendment; it would install a "shall-issue" system for those wanting a concealed carry permit; and it would allow private owners of public buildings to decide for themselves whether those residents may carry on their properties.

In other words, if adopted, "The Second Amendment Enforcement Act of 2015" might more accurately be called the "Official Gun Control Obliteration Act of 2015."



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In the meantime, the scheme hatched by the council's anti-gun majority is remarkable in its complexity, its difficulty, and its cost. At present, its "may issue" system requires applicants to pony up \$110 in application fees, to attend 18 hours of classroom instruction (made more difficult because there are no licensed instructors in the district), and, finally, to "prove a need" beyond just wanting some personal protection in order to justify issuance of the permit. As of January 27, some 69 hardy souls attempted to enter the labyrinthine maze. Three withdrew, no doubt out of disgust and frustration. Of the remaining 66, just eight have been approved. When pressed on the matter, a spokeswoman for the Metropolitan Police Department said that 11 had been denied, and the remainder were still being processed.

Momentum is on the side of those supporting the Second Amendment. All that D.C. is trying to do is buy a little time. Once the internal stronghold is neutralized in Washington, D.C., pro-gun forces will move on to the next effort in expanding Second Amendment rights of all citizens: national reciprocity.

There are S. 498 and H.R. 923, introduced simultaneously by Senator John Cornyn (R-Texas) and Representative Marlin Stutzman (R-Ind.), that would allow citizens who possess concealed carry permits in their home state to exercise that same right in any other state (that allows concealed carry). The Senate bill already has 23 cosponsors, while the House bill has 17. In addition to H.R. 923, two other similar House bills, H.R. 986 and H.R. 402, have been offered by Rep. Richard Hudson (R-N.C.) and Rich Nugent (R-Fla.) respectively, to accomplish the same thing. H.R. 986 has 114 cosponsors while H.R. 402 has 81.

The clock is ticking and time is running out for the last bastion of anti-Second Amendment politicians holed up in Washington, D.C. With momentum all on the side of pro-gun advocates, the battle now being fought at the inner perimeter in the nation's capital will soon be recorded as another victory for freedom in the long gun wars.

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