



Written by [Bob Adelman](#) on September 21, 2015

Heller III Ruling Upholds Most of D.C.'s Onerous Gun Laws

Following the flawed Supreme Court's decision in *Heller — District of Columbia v. Heller* — virulent anti-gun members of D.C.'s city council enacted "every gun restriction they could find from every other state and gave them to us as thumbtacks on the road to our march to Second Amendment freedom," according to plaintiff Dick Heller.



The original 2008 decision, although widely celebrated as a victory for the Second Amendment by the National Rifle Association since it guaranteed, in writing, an individual's right to possess a firearm, left so many loopholes, thanks to Justice Antonin Scalia's commentary, that the Brady Campaign saw it is merely a minor hindrance to furthering its anti-gun agenda. (The decision is described in detail [here](#) by Second Amendment lawyer Edwin Vieira.) As Paul Helmke, Brady's president, promised: "Our campaign to enact sensible gun laws will be undiminished [by this decision]."

Immediately following the original *Heller* decision, Dick Heller filed a lawsuit against D.C. (which became known as *Heller II*), complaining that, for all practical purposes its 17-step gun registration scheme effectively kept lawful citizens in the federal district from exercising those rights despite the Supreme Court's decision. As Emily Miller, the author of *Emily Gets Her Gun But Obama Wants to Get Yours*, outlined those steps, which include completing an "eligibility" form and getting it notarized, taking a firearms safety course with at least four hours of classroom instruction and one hour of live-fire range time, proving that the applicant could pass a vision test, taking and passing a 20-question test on D.C.'s gun laws and regulations, taking the completed paperwork in person to the Metropolitan Police Department (MPD) for fingerprinting and photographing, and paying \$465 for the privilege of exercising a right.

That scheme applied equally to semi-automatic "assault rifles," as well as handguns, and it required that the offending weapons be physically transported by their owners to MPD headquarters. The registration scheme, once navigated successfully, had to be repeated every three years, and limited the registrant from purchasing and registering more than one handgun every 30 days.

All of which was justified by the city council on the basis that knowing where firearms owned by lawful citizens resided would somehow protect police officers and public safety, despite the fact that few if any criminals in D.C. bothered with the process, and neither did the police! Evidence at trial revealed that MPD officers very rarely even bothered to check the firearm registry when responding to calls, conducting an investigation, or executing a search warrant.

In October 2011, the U.S. District Court of Appeals ruled that D.C.'s scheme passed constitutional muster because it were "reasonably related" to an "important governmental interest."

Heller filed again, in *Heller III*, challenging the district's scheme, and the court [determined](#) on September 18 that several of the scheme's requirements did not in fact promote public safety, including the requirement that applicants bring their firearms to MPD headquarters, the three-year expiration



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and reregistration mandate, along with the one-firearm-per-person-per month demand.

However, much of the scheme remained in place, according to the decision:

The district court's final order is AFFIRMED with respect to: the basic registration requirements as applied to long guns ... the requirement that a registrant be fingerprinted and photographed and make a personal appearance to register a firearm ... pay certain fees ... and complete a firearms safety and training course.

The district court's order is REVERSED with respect to the requirement that a person bring with him the firearm to be registered ... the requirement that a gun own re-register his firearm every three years ... the requirement that conditions registration of a firearm upon passing a test of the District's firearms laws ... and the prohibition on registration of "more than one pistol per registrant during any 30-day period."

One unheralded bright spot in the ruling, however, concerned the court's reasoning about how many firearms a citizen may keep at home:

Accepting that [limiting the number of firearms a person could own might limit gun violence] as true, it does not justify restricting an individual's undoubted constitutional right to keep arms (plural) in his or her home ... because ... taken to its logical conclusion, that reasoning would justify a total ban on firearms kept at home.

Until such time as the District of Columbia treats its citizens the same way as Wyoming, Kansas, and Arizona do, the battle to restore the Second Amendment will continue. In its annual ranking of the "Best States for Gun Owners 2015," *Guns and Ammo* kept Arizona number one:

Still the reigning champion, Arizona combines strong laws with an unmatched shooting culture and strong industry presence. An effort to strengthen the state's preemption law failed to make it out of the legislature this year, but a clarifying bill did pass, specifying that the transfer of firearms was immune from administrative or municipal regulation. Arizona gets full points in every category with both permitless and permitted carry, strong self-defense laws, a "shall sign" NFA statue and a thriving competitive shooting scene.

By contrast, *Guns and Ammo* had this to say about Washington, D.C., ranked 51st in its survey — dead last:

While D.C. is hardly a home for America's gun owners, things have improved slightly in the last few years. After the U.S. Court of Appeals ruled that the District's ban on carrying a firearm outside the home for self-defense was unconstitutional, D.C. abandoned its attempt to enforce an outright ban on the carrying of handguns. Instead, the District is in the process of imposing a "may issue" permit system that is unlikely to issue many, if any, permits to law-abiding citizens within the city. D.C. residents must still register all firearms with the Metro Police Department, and legal shooting opportunities within the District are nonexistent. If you're a gun owner looking to move to the D.C. area, take a hard look at Northern Virginia [number 24] instead.

Or Arizona.

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