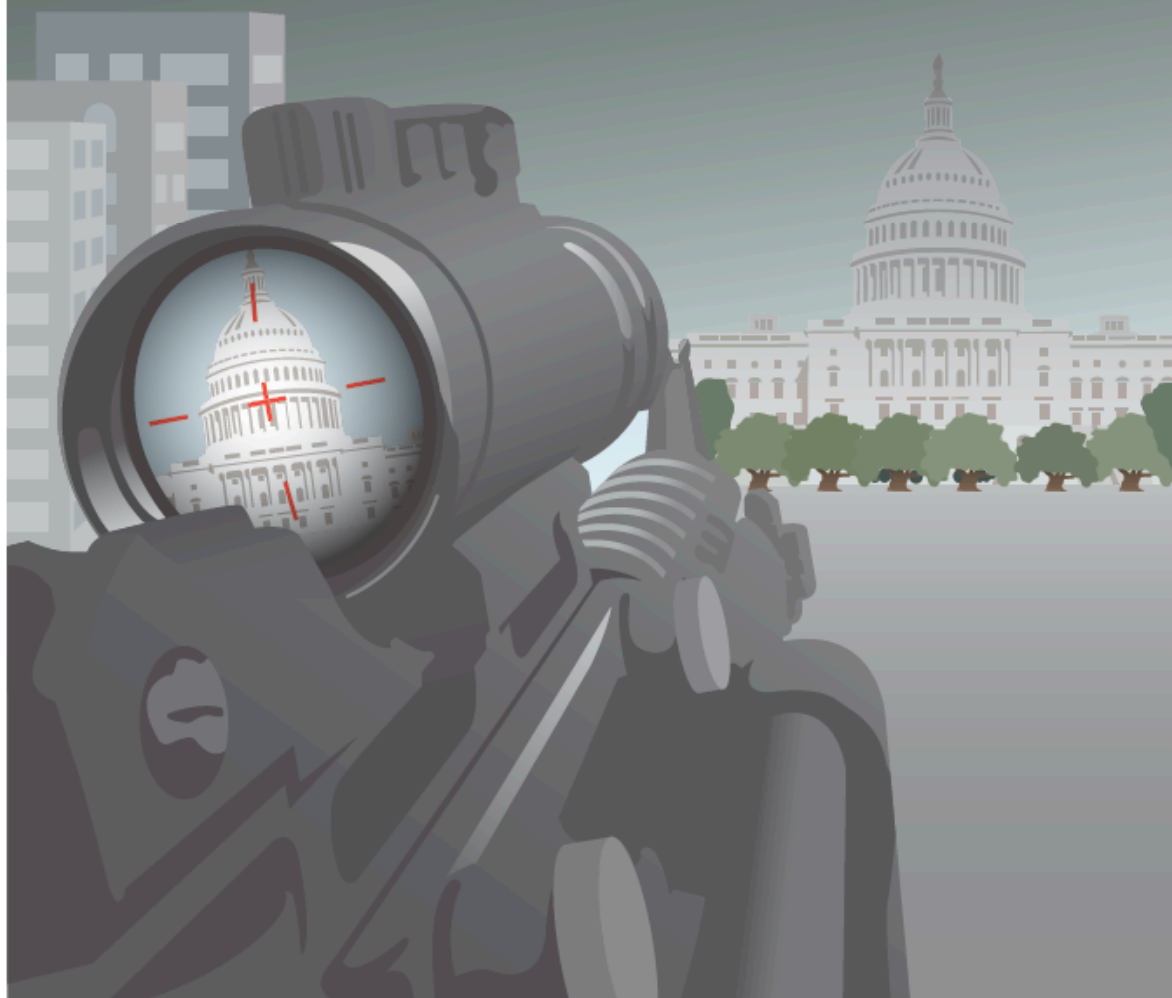


CAPITAL UNDER FIRE

How H.R. 6691 Threatens
Homeland Security



**Brady Center to Prevent Gun Violence
September 2008**

EXECUTIVE SUMMARY

“If these scenarios scare you—they should. They scare me.”

- *District of Columbia Chief of Police Cathy Lanier, testimony submitted in opposition to H.R. 6691 to the United States House of Representatives Committee on Oversight & Government Reform, on September 9, 2008*
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Envision a Washington, D.C. in which it would be entirely legal for individuals or groups to carry loaded AK-47s, or set up .50 caliber sniper rifles that can bring down aircraft, near Cabinet buildings, motorcades, or blocks from the Capitol, ready and able to fire at any number of high-ranking government officials or foreign dignitaries. It may sound ludicrous, but that would be the legal reality if H.R. 6691 becomes law.

If Congress passes and the President signs H.R. 6691, it will be legal to openly carry any of these weapons of war, fully loaded and ready to fire, on District of Columbia streets frequented by Senators, Representatives, White House and Cabinet officials, diplomats, foreign dignitaries, and tourists. An angry or disturbed political adversary, a terrorist, or any unstable person, unless otherwise prohibited from possessing guns, could wait, fully armed, for a high-ranking government official, diplomat, or motorcade to come within striking distance, leaving police without legal grounds to disarm the shooter until it was likely too late. Especially in this post 9-11 age, this bill would represent a dangerous step backwards in law enforcement’s efforts to protect our capital and our government from harm. As D.C. Police Chief Cathy L. Lanier testified in Congress, “Imagine how difficult it will be for law enforcement to safeguard the public, not to mention the new President at the Inaugural Parade, if carrying semi-automatic rifles were suddenly to become legal in Washington.”

The purported rationale for H.R. 6691 is to “restore Second Amendment rights” in the District in response to the U.S. Supreme Court’s June 26, 2008 ruling in *District of Columbia v. Heller*. However, the ruling, striking down D.C.’s ban on handguns in the home, made it clear that the Second Amendment does not mandate an “any gun, anywhere” policy. Justice Scalia’s majority opinion in *Heller* specifically noted that everything from laws “forbidding the carrying of firearms in sensitive places” to “conditions and qualifications on the commercial sale of arms” are “presumptively lawful.” H.R. 6691 goes far beyond what the Second Amendment demands, and implicitly repudiates the limitations endorsed by all nine justices.

This Congressional action is also not needed because the District of Columbia is diligently working to “restore Second Amendment rights” in light of the *Heller* decision. D.C. has already passed temporary, emergency regulations to comply with the Supreme Court ruling, and the plaintiff in the case, Dick Heller, was approved by the city to keep a gun in his home. D.C. is currently developing permanent regulations to conform all of its gun laws to the Court’s ruling. D.C.’s elected officials should be given a fair and reasonable opportunity to enact permanent regulations.

H.R. 6691 would endanger not only D.C. residents but also all those who work in and visit the capital. **At a time when terrorists continue to look for ways to attack our nation, enacting H.R. 6691 would be reckless and irresponsible.**

H.R. 6691 WOULD ALLOW OPEN CARRYING OF ASSAULT RIFLES ON THE STREETS OF WASHINGTON, D.C.

“This extreme bill goes way beyond what the high court required. * * *
Under the lunatic logic of this bill, made to order for the gun lobby, such rifles could be toted around on the street fully loaded.”

– *The New York Times*, Editorial, “Meaner Streets in Washington,” September 10, 2008

H.R. 6691 would place our elected representatives, government officials, foreign dignitaries, and tourists at grave risk. Over the past thirty years, firearms have been tightly regulated in our nation’s capital, allowing law enforcement to detain and investigate anyone seen carrying a gun.

If H.R. 6691 becomes law, it would be legal to carry loaded military-style semiautomatic assault rifles on D.C. streets – including AK-47s or AR-15s, weapons made for prolonged offensive assaults on people. Equipped with high capacity ammunition magazines (which would also be legal), such weapons would enable a disturbed, angry, or criminally-minded person to fire 20, 30, 50 rounds or more, rapid fire, without reloading.

The fact that someone was carrying a loaded assault rifle near a Senator, Representative, government official, aide, diplomat, or other high-profile target would provide law enforcement no legal grounds to stop them. Even if anti-government protesters were gathering near federal buildings or motorcade routes armed with loaded assault rifles, law enforcement would have no legal basis to stop them unless they showed an intent to do harm – which would probably be too late.

H.R. 6691 would not only expand what weapons can be carried in the District, and where, but it would expand the definition of who could carry those weapons. The bill would **allow gun possession by many persons who have committed violent or drug-related misdemeanor crimes** unrelated to domestic violence; by mental patients who had been voluntarily committed to a mental institution; and even by the blind. Teenagers and children would be allowed to carry loaded assault rifles, as the bill repeals all age restrictions on the possession of long guns. And D.C. would be **barred from imposing any reasonable requirements on gun possession, such as firearms proficiency or vision testing.**

H.R. 6691 WOULD ALLOW .50 CALIBER SNIPER RIFLES ON THE STREETS OF WASHINGTON, DC.

“To take an extreme case, H.R. 6691 would allow individuals to set up loaded semiautomatic 50-caliber rifles like those used by U.S. Marine Corps snipers in Iraq.”

- *“Effects of H.R. 6691 on the Possession and Use of Firearms in the District of Columbia,” Legislative Analysis by U.S. House of Representatives Committee on Oversight and Government Reform*

“It is, without a doubt, the most powerful weapon you can buy. And, as Correspondent Ed Bradley reports, it's powerful enough to kill a man or pierce armor from more than a mile away. **A Senate report said that a bullet from a .50-caliber rifle, even at 1.5 miles, crashes into a target with more energy than a bullet fired at point-blank range from Dirty Harry's famous .44 Magnum.**”

- *“Big Rifle A Terrorist Tool?” CBS News 60 Minutes report on .50 caliber sniper rifles, January 9, 2005*
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H.R. 6691 would even allow open carrying of .50 caliber sniper rifles, capable of destroying armored personnel carriers, aircraft and bulk fuel and ammunition sites. These guns can penetrate several inches of steel, a three and a half inch storm sewer cover, or a 600-pound safe. They are accurate at up to 2,000 yards, and can inflict effective damage to targets over four miles away.

Yet if H.R. 6691 becomes law, it would be entirely legal for someone to position such a weapon from a rooftop apartment, ready to fire at a traveling motorcade, the Capitol, a Cabinet building, the Mall, or any number of high-profile targets. Under H.R. 6691, the gun's owner would be ‘exercising his Second Amendment rights,’ and the sight of a .50 caliber rifle would not provide law enforcement with the grounds to stop a potential catastrophe, until it was too late.

The potential threat of these sniper rifles is real. The Government Accountability Office found that these weapons “have been linked to suspect organizations and individuals” and “have been found at the scene of some extremely troubling criminal activities.” Those weapons have been used “in connection with known domestic and international terrorist organizations, outlaw motorcycle gangs, religious cults, international and domestic drug traffickers, and violent criminals.” Purchasers have attempted to illegally export them to foreign terrorist groups, and Osama bin Laden sent operatives to buy two dozen of these weapons.

H.R. 6691 WOULD ENABLE EVEN SOME TERRORISTS TO CARRY MILITARY STYLE ASSAULT RIFLES ON THE STREETS OF WASHINGTON, D.C.

“Few would have predicted in the awful days after Sept. 11, 2001, that just seven years later, members of Congress would actually be considering legislation to make the nation's capital harder to protect. That, though, is exactly what will happen today as a key House committee takes up a bill that would gut sensible restraints on guns in the District.”

– *The Washington Post*, Editorial, “City in the Crossfire”, September 10, 2008

Under H.R. 6691, it would even be legal for some terrorists to carry .50 caliber sniper rifles and military-style assault rifles. Persons deemed sufficiently dangerous to be placed on terrorist watch lists would be allowed to possess and carry assault rifles, so long as they did not yet have a criminal or other record that otherwise prohibited them. There are countless dangers posed by the toxic mix of terrorists, military-style weaponry, and the high-profile persons and targets in our nation’s capital. However, since terrorists are not otherwise prohibited from possessing guns until they have committed a crime, in most cases terrorists could patrol the streets with AK-47s or man .50 caliber sniper rifles from a strategic perch, confident that they would be deemed to be “exercising their Second Amendment” rights, and that law enforcement would have no legal grounds to act until it was too late.

Law enforcement already faces a difficult job preventing acts of terror using guns. A terrorist training manual recovered in Kabul in 2001 made it clear that terrorists are already aware of the easy availability of firearms in the United States, and counseled al-Qaeda members to take advantage of our laws to “obtain an assault weapon legally, preferably AK-47 or variations.” Osama bin Laden sent operatives to the United States to buy .50-caliber sniper rifles some years ago, and other terrorists have successfully obtained them.

In 2005, a Government Accountability Office study found that dozens of terrorist suspects on federal watch lists had been allowed to buy firearms legally in the United States because of major gaps in federal gun laws. In 1993, a Pakistani terrorist armed with an assault rifle and 150 rounds of ammunition fired into cars at CIA Headquarters in Virginia, killing two CIA employees and wounding three other people. In 1997, a Palestinian terrorist shot at tourists on the observation deck of the Empire State Building, killing one and wounding six. Terrorists are certain to take notice of the gaping new loopholes created in our nation’s capital’s gun laws by H.R. 6691.

THE NRA ISN'T TELLING THE TRUTH ABOUT H.R. 6691

“There’s nothing in this legislation, nor in the intent of this legislation, that would allow people to carry loaded firearms outside of their home.”

– *NRA Lobbyist Chris Cox, as quoted in The Washington Post, September 9, 2008*

“For the first time, it would be legal for individuals to carry loaded weapons on the streets of the District.”

– *“Effects of H.R. 6691 on the Possession and Use of Firearms in the District of Columbia,” Legislative Analysis by U.S. House of Representatives Committee on Oversight and Government Reform, September 10, 2008*

The National Rifle Association has made passing H.R. 6691 its top legislative priority. In attempting to get the bill passed, the NRA has been less than accurate in describing it. The NRA’s head lobbyist, Chris W. Cox, claimed, “There’s nothing in this legislation, nor in the intent of this legislation, that would allow people to carry loaded firearms outside of their home.”¹

Either the NRA’s lobbyist hasn’t read the bill or he is engaged in intentional deception. In fact, the bill would **allow the carrying of loaded semiautomatic assault rifles on D.C. streets as well as .50 caliber sniper rifles that can pierce armored cars**, threatening public safety and homeland security.

The NRA is simply not telling the truth about H.R. 6691. The bill *would* “allow people to carry loaded firearms outside of their home.” Here’s why. H.R. 6691 would repeal D.C. laws that currently prohibit the possession of semiautomatic weapons, including assault weapons and .50 caliber sniper rifles,² and that require firearms to be kept locked and unloaded (with some exceptions, such as self-defense in homes or businesses).³ Since H.R. 6691 does nothing to replace these restrictions, and since there is no controlling law applicable to the District of Columbia that would restrict this, the effect of these changes is that H.R. 6691 would allow the possession and carrying of loaded, military-style semiautomatic assault rifles and .50 caliber sniper rifles on D.C. streets.

The truth is that H.R. 6691 would create grave threats to government officials, foreign dignitaries, tourists, and residents in D.C. and would make it far more difficult for law enforcement to protect our nation’s capital.

¹ Mary Beth Sheridan, *Gun Bill Could Strip D.C. of Control*, The Washington Post, Sept. 9, 2008, at B1.

² See D.C. Code sections 7-2502.02(a)(2) (prohibiting the registration of machine guns) and 7-2501.01(10)(B) (defining machine guns to include semiautomatic weapons that can shoot or be converted to shoot more than 12 shots without reloading), which would be repealed by H.R. 6691 sections 4 and 5.

³ See D.C. Code section 7-2507.02, which would be repealed by H.R. 6691 section 7.

CONCLUSION

“In my professional opinion, if H.R. 6691 were passed, 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 not just as a police officer, but as someone with extensive experience in homeland security and counterterrorism. * * *

Providing easy access to deadly semi-automatic firearms and high capacity ammunition clips and allowing them to be carried in a large number of places outside the home will make this job much more dangerous and difficult.”

– *District of Columbia Chief of Police Cathy Lanier, testimony submitted in opposition to H.R. 6691 to the United States House of Representatives Committee on Oversight & Government Reform, on September 9, 2008*

The job of law enforcement to protect our security from terrorists and other threats is great indeed. Most Americans recognize the threat and are willing to do their part. Waiting in lengthy lines at airports and having one’s bottle of water confiscated at the gate are now accepted facts of life, a price Americans are willing to pay to help the homeland security effort. Yet H.R. 6691 would open vast new loopholes that would make the job of law enforcement far more difficult in the seat of our national government, a city filled with prime targets for terrorist or other criminal attack. As D.C. Police Chief Cathy L. Lanier testified in Congress, “Imagine how difficult it will be for law enforcement to safeguard the public, not to mention the new President at the Inaugural Parade, if carrying semi-automatic rifles were suddenly to become legal in Washington.”

While supporters of H.R. 6691 might argue that the Second Amendment provides no choice but to accept the risks posed by gun-toting terrorists in our Nation’s Capital, the Supreme Court in *District of Columbia v. Heller* made clear that the Second Amendment does not mandate the sort of “any gun, anywhere” policies of H.R. 6691. The citizens of the District of Columbia have their Second Amendment rights, as those rights were proclaimed by Justice Scalia and the Supreme Court in *Heller*. The court system worked for the plaintiff, in that case without Congress having to get involved. But as Justice Scalia’s opinion made clear, those Second Amendment rights do not require flooding the streets with dangerous weapons or eliminating reasonable gun laws.

ACKNOWLEDGEMENTS

The Brady Center to Prevent Gun Violence is a national non-profit organization working to reduce the tragic toll of gun violence in America through education, research, and legal advocacy. The programs of the Brady Center complement the legislative and grassroots mobilization efforts of its sister organization, the Brady Campaign to Prevent Gun Violence and its network of Million Mom March Chapters.

This report was written by the Legal Action Project of the Brady Center to Prevent Gun Violence. If you have questions about any part of this report, or would like a copy, please write to Legal Action Project, Brady Center to Prevent Gun Violence, 1225 Eye Street, N.W., Washington D.C. 20005. The report is also available at www.bradycenter.org and at www.gunlawsuits.org.

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