Less Guns, More Crime
By Gene Healy
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WASHINGTON -- For nearly 30 years, the D.C. government has conducted a public policy experiment based on the theory that if you deprive citizens of their constitutional right to keep and bear arms, you'll reduce crime. Last week, federal district court judge Reggie Walton, a George W. Bush appointee, ruled that that experiment should continue. In his decision in Seegars v. Ashcroft, et al., Judge Walton rejected a Second Amendment challenge to the District's comprehensive gun ban.

Of course, Judge Walton is under no illusions that depriving citizens of their right to keep and bear arms actually results in a safer city. Nor, interestingly enough, is the D.C. government attorney defending the ban in Seegars. During oral argument in the case last October, Walton and D.C. Corporation Counsel Daniel Rezneck had the following exchange:

Walton: These laws don't stop the bad guys from getting the guns.
Rezneck: No.
Walton: The bad guys are going to get the guns regardless.
Rezneck: I agree with that your honor.

As Rezneck and Walton admit, the D.C. government has done little or nothing to disarm violent criminals. It has, however, done a marvelous job of disarming law-abiding citizens who "work hard and play by the rules," as a certain Southerner used to put it. And as a result, the District is the most dangerous large city in America -- edging out Detroit for the 2003 murder capital of the U.S.

Having failed in this most basic duty of government -- protecting the citizens -- the District has responded, in characteristic fashion, by defining deviancy down. In 2002 D.C. Police Chief Charles Ramsey lowered his department's goals for solving homicides; where once D.C. aimed at a 65 percent clearance rate, Ramsey decided that solving around half of the city's murders was good enough for government work.

Explaining his decision to lower the homicide clearance goal to 50.9 percent, Chief Ramsey told the Washington Post, "It's more encouraging.... You get these stretch goals, and when you don't even come near it, you get hammered for it."

That's the police department District residents are supposed to depend on. If you live in the city and someone's breaking your door down, your only legal option is to call 911 and pray that the police arrive on time. And you'd better pray. According to City Council member Phil Mendelson, in 2002 nearly one
in five 911 calls was abandoned for failure to get through promptly.

Many District residents, like the plaintiffs in Seegars, would like to have other options to protect themselves. Standing in their way is a gun control scheme of almost comic rigidity. You can't own a handgun without a registration certificate and you can't get a registration certificate, because the District stopped issuing them to ordinary citizens in 1976. If you do happen to own a pre-1976 handgun that you registered back when disco was king, you cannot lawfully carry it from room to room in your own house without a license. And you can't get a license.

You can register certain rifles and shotguns. You just can't legally use them when your life is threatened. District law requires all guns to be "unloaded and disassembled or bound by a triggerlock" at all times -- and it makes no exception for lawful self defense. If a burglar confronts you in your home, and you load your shotgun to defend yourself, you've just committed a misdemeanor offense punishable by up to a year in jail.

One might suppose that such a regulatory scheme constitutes an infringement on the right of the people to keep and bear arms, if anything does. But Judge Walton disagrees, declaring in the Seegars opinion that "the Second Amendment does not confer an individual right to possess firearms" but rather grants some vague, unenforceable collective right.

Walton's interpretation is, of course, at odds with the fairly clear text of the Constitution. The Framers were careful enough with language not to confuse the "right of the people" with the rights of a state. Just as in the First and Fourth Amendments, "the right of the people" in the Second Amendment is an individual right.

A growing number of legal scholars, including such unlikely gasbags as Laurence Tribe and Alan Dershowitz, are coming to recognize that the Second Amendment means what it says. So too have the Fifth Circuit Court of Appeals in the Emerson case and the Justice Department. Both have endorsed the view that the "right of the people" is, well, the right of the people. This trend is one more reason Judge Walton's decision came as such a crashing disappointment.

Gene Healy is senior editor at the Cato Institute, and one of four attorneys representing the plaintiffs in Parker v. District of Columbia, another challenge to the D.C. gun laws.