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# DC Councilmember Mendelson's defense of DC gun registration stretches truth beyond breaking point

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Last month the United States Senate approved a vote in Congress for DC provided that DC end its onerous and odious gun registration scheme.

Then last week DC's pragmatic Mayor Fenty agreed that it would be a net gain for DC to win the right to vote in Congress even if Congress preempted DC's power to require gun registration.

And DC civic leader Valencia Mohammed, director of Mothers of Unsolved Murders, a D.C. advocacy group for mothers of homicide victims, said she would welcome the deal, even though she has lost two sons to gun violence in the city.

Said Mohammed,

**"This is one of the inalienable rights that I wanted. I want my vote to be counted. I want representation in Congress. And I also want the right to bear arms. I'm just looking at the history of my ancestors and what they went through and how they were shot and killed, tarred and feathered and burned to death. Guns was one of those things that they could not have and a tool for other people that kept them enslaved. I'm saying no more of that. I want to enjoy all of those rights that they were denied. . . . It's time."**

But today Councilmember Phil Mendelson insists in a [Washington Post](#) commentary that Congress must allow DC gun registration scheme to continue. Let's consider Mendelson's arguments in detail.

**First, Mendelson said that the Supreme Court "upheld the constitutionality of gun registration."**

Um, wrong. In [DC v. Heller](#) the Supreme Court said that

**"Respondent conceded at oral argument that he does not 'have a problem with ... licensing' and that the District's law is permissible so long as it is 'not enforced in an arbitrary and capricious manner.' Tr. of Oral Arg. 74-75. We therefore assume that petitioners' issuance of a license will satisfy respondent's prayer for relief and do not address the licensing requirement."**

128 S.Ct. 2783, 2819.

In other words, the issue of registration *per se* was not before the *Heller* Court.

But regardless, the federal Supreme Court, as well as the high courts of the fifty states, have consistently struck down laws requiring Americans to pay fees and register with the government as a precondition to exercise constitutional rights. *E.g., Murdock v. Pennsylvania*, 319 U.S. 105 (1943) (striking down Pennsylvania statute requiring license to sell religious materials because "[a] state may not impose a charge

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DC Councilmember Phil Mendelson

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for the enjoyment of a right granted by the Federal Constitution"); [Talley v. California](#), 362 U.S. 60 (1960) (holding that the First Amendment provides the right to anonymous speech and striking down state requirement to obtain license to distribute literature); [City of Tampa v. Tampa Times, Co.](#), 153 Fla. 709 (Fla. 1943) (state may not require license to operate a newspaper); [State v. Kerner](#), 181 NC 574 (NC 1921) (striking down state requirement to obtain license to openly carry handguns in public places); [State v. Rosenthal](#), 75 Vt. 295 (Vt.1903) (requirement to obtain a permit to carry a pistol concealed or openly "is inconsistent with and repugnant to the Constitution and the laws of the state").

Given this historical constitutional tapestry disfavoring rights registration schemes, it seems unlikely that gun registration can be sustained, especially the onerous and odious scheme that the DC City Council instituted in December 2009.

**Second, Mendelson charges that the [Ensign Amendment](#) would allow "firearms purchases by people who have a history of violent behavior or who have committed domestic violence."**

Uh, not true. The federal Gun Control Act of 1968 and its so-called "[Lautenberg amendment](#)" prohibits all gun possession by, and all gun sales to, persons who are convicted of violent felonies and even *misdemeanor* crimes of domestic violence.

**Third, Councilman Mendelson says that "when an unregistered gun is seized by police, they have encountered a criminal, not an otherwise law-abiding citizen."**

Huh Phil? This is just the self-fulfilling legality of gun registration. If DC were like most of America, which has no gun registration, a person possessing a gun is simply presumed to be law abiding until proven otherwise.

Gun registration is almost unknown in the United States. Only 5 states require guns to be registered - New York, Massachusetts, Hawaii, California, and Michigan - yet only Hawaii requires registration of long guns and only New York has no way for new residents and non-residents to easily bring their guns into that state without running afoul of state law.

Not only does DC require registration of long guns, but there is no way for new residents and non-residents to possess guns in the city. No state has such an extreme gun registration regime.

**But there's more.**

In December 2008, Phil Mendelson and the rest of the DC City Council enacted additional arbitrary and capricious standards for gun registration that have barred (1) registration of the same handgun the Supreme Court ordered DC to register last year for Mr. Heller, (2) registration of another handgun based merely upon its color, (3) registration of another handgun because the manufacturer did not pay a fee to California, and (4) re-registration of certain rifles merely because they have [scary pistol grips](#) or [some other cosmetically offensive feature](#). A [federal lawsuit](#) challenging this scheme was filed two weeks ago.

So don't tell us Mr. Mendelson that you are defending garden variety gun registration. You Sir are just spinning tall tales to defend a plainly constitutionally offensive scheme of gun control that in practice, actively bars Americans from possessing ordinary guns in America's City, the District of Columbia.

**And that's why now more than ever its time for Congress to tell DC's rulers: [If you wanna vote in america's house, no more gun registration!](#)**

For more info: See [the DC Gun Rights Examiner's Home Page & OpenCarry.org](#)

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