

**Supplementary Comments on
Proposed NPS Firearm Regulations
Submitted by
Public Employees for Environmental Responsibility (PEER)
June 30, 2008**

In light of the U.S. Supreme Court ruling in the *District of Columbia v. Heller* rendered on June 26, 2008, PEER asks the Interior Department to withdraw this proposed regulation due to the dramatically changed legal environment created by this decision.

This proposed regulation to tie firearms regulations in national parks and refuges to state law will only compound the legal uncertainty created in the wake of this decision, in which many state laws will be subject to new legal challenges. This is precisely the wrong moment to abandon park rules dating back a century in favor of changing and uncertain state firearms laws.

Under the proposed regulation, national parks within the District of Columbia, such as the National Mall and even the White House, may have no enforceable firearms restrictions if the D.C. government is unable to fashion a new, legally defensible set of firearm restrictions. A continued legal cloud enveloping D.C. firearm restrictions could, under this proposal, place the security of our national icons and safety of park visitors at peril, in that enforcement against open brandishing of firearms may be cast into doubt.

Until the legal dust clears, it makes no sense to throw out one single, clear, time-tested rule for fifty-one moving targets.

The current National Park Service (NPS) regulation was re-written in 1983 under the Reagan administration and was intended to relax earlier strict prohibitions. As the NPS then explained: “[T]he Service has determined that it is not feasible to prohibit the possession of weapons in all situations, and a total prohibition would be unenforceable” (48 FR 30256). The current regulation (36 CFR 2.4) reads:

“...unloaded weapons may be possessed within a temporary lodging or mechanical mode of conveyance when such implements are rendered temporarily inoperable or are packed, cased or stored in a manner that will prevent their ready use.”

It is precisely these sort of rules that the majority opinion in the Supreme Court ruling in the *District of Columbia v. Heller* case appears to uphold when it denied that the decision would affect “laws forbidding the carrying of firearms in sensitive places such as schools and government buildings” (at 54).

For these reasons, PEER advises the Department and the NPS to abandon the proposed rule.