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Self-described ‘peacenik’ challenged D.C. gun law and won

By Spencer S. Hsu
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The man behind the lawsuit to overturn the District’s long-standing ban on carrying handguns in public is an openly gay, Oxford University-trained political moralist whose latest book is an edited collection of essays titled “Peace, Love and Liberty.”

“If you’re interested in a firearms-owning peacenik, that’s the book to read,” Tom G. Palmer, 57, joked in an interview last week.

If Palmer is a “peacenik,” he is one who relishes a fight. A senior fellow at the libertarian Cato Institute, Palmer recently made his first public remarks on the issue since a federal judge found the city’s gun law unconstitutional last month. The judge gave officials until Oct. 22 to appeal or to enact laws allowing residents with registered handguns and legal gun owners from other states to carry weapons on D.C. streets.

Palmer declined to suggest rules that the District government leaders could adopt, but he noted that “there are plenty of templates from around the country that they could draw from. It’s not like they have to sit down in a philosopher’s chair and dream something up.”

He added, “If they decide to make it so onerous that they seem to comply in form, but in fact make it impossible to exercise, they will see us in court again.”

Palmer, who has owned a home in the District since 1991, is no stranger to the cause. He was recruited by Cato’s current chairman, Robert A. Levy, more than a decade ago to join the lawsuit that led to a landmark 2008 U.S. Supreme Court opinion, *District of Columbia v. Heller*, which found that the Second Amendment protected individuals’ right to own a gun in the home.

Levy, a wealthy former entrepreneur, bankrolled that effort, despite not owning a gun. Now, Palmer, who owns a .38-caliber Smith & Wesson revolver passed down through his family and two Glock pistols, is back seeking to establish the right to bear arms in public.

Last month, U.S. District Judge Frederick J. Scullin ruled in favor of Palmer, three other individual co-plaintiffs and the Second Amendment Foundation, a legal-advocacy arm of the gun rights movement.

City officials have until Aug. 18 to signal their intentions regarding an appeal to the court. They have argued that the carry ban is a pillar of their public safety strategy. D.C. Police Chief Cathy L. Lanier has said that simply eliminating the law could affect the security of dignitaries and events in the nation's capital but might not worsen street crime.

Adam Winkler, a law professor at the University of California at Los Angeles, said that Palmer has a long way to go to becoming another landmark. The U.S. Court of Appeals for the District of Columbia Circuit previously upheld a wide variety of local gun laws, and the Supreme Court has disappointed gun rights groups by turning away several carry cases since 2010.

However, Winkler added, because the District has the strictest carry ban in the nation, some advocates of gun control have asked D.C. officials not to appeal Scullin's decision, saying that if there is any carry law the high court would reject, it is this one.

Court fights will continue regardless, so for District officials, "it's not a matter of staying out of court. It's a matter of avoiding the Supreme Court creating new precedent that makes it harder to adopt gun control laws," Winkler said.

For his part, Palmer expressed surprise at "a little more bigotry in society" against gun owners than he said he expected.

He said he has lived with prejudice. At age 25, he said, he brandished a pistol to scare off "19 or 20 men" who threatened to kill him and a colleague near San Jose because he is gay. In 2012, at his Adams Morgan condominium, he said, he grabbed a handgun to help a neighbor after an unknown man attacked her in her bedroom.

"People who are in favor of banning handguns assume we must all be bigots, we're all gay bashers, we're all ignorant or stupid, and they never bother to find out that's not the case," he said.

Palmer was born in Germany to American parents, including a U.S. serviceman. He enrolled in the University of Southern California at 16, graduated from St. John's College in Annapolis, and obtained advanced degrees in philosophy and politics from Catholic University and Oxford University.

Since 2012, he has spent more than half his time overseas lecturing and working as executive vice president for international programs at the Atlas Network of think tanks and as director of Cato University.

Palmer said he has taken no payments related to his gun views and addressed complaints that opposition to District gun laws have come from libertarian leaders such

as himself and Levy, while most city victims of gun violence are poorer and black residents.

“I see this as a right of individuals to self-defense, especially for people who are more vulnerable,” he said. “Let’s be frank — if the D.C. police department, if they get an emergency call from Anacostia and an emergency call from upper Northwest, which gets the immediate response? We know the answer to that.”