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Plaintiff in handgun case is suing D.C. for right carry firearms in public

By Christian Davenport
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He was at the heart of the landmark Supreme Court case that took down the District's handgun ban. But before arriving at the range, he warns in a text message: "You will find I'm not the best shot."

Once he fires a few rounds, however, it's clear that [Tom G. Palmer](#) is no novice, either. He lands a couple right in the torso of his human-shaped target. Then he aims at the target's head, misses once by a few inches, then hits twice.

But what good is such a skill, Palmer asks, if you're not free to protect yourself on the streets of your own city?

As one of the plaintiffs who sued the District for the right to keep handguns in the home, Palmer has one notch on his belt. Now he's [suing the city again](#), this time for the right to carry firearms in public.

Palmer, a 53-year-old fellow at the libertarian [Cato Institute](#), says he thinks he has the Constitution on his side.

The Second Amendment guarantees Americans the right to "keep and bear arms," and "bear," he says, "means to carry." On the street in his Kalorama neighborhood. To the grocery store, the mall, the movies. But not everywhere: "There are all kinds of reasonable restrictions that can be established," he says. "But a blanket ban on carrying them does not seem to sit well with the Constitution itself."

In such a controversial case, there's the legalese and the parsing of the Constitution and the Founding Fathers' intent. Then there's the court of public opinion. The [Second Amendment Foundation](#), a Bellevue, Wash., nonprofit agency that is paying for the challenge, knows this. So does its attorney, Alan Gura, who became the star of the gun rights movement when he won the case overturning the D.C. handgun ban in 2008.

So they went about choosing the plaintiffs for the next D.C. gun case carefully. Black, white, gay, straight, Republican, Democrat, libertarian -- together they represent what Gura calls "everyday Americans," "a diverse group of good people from all corners of our society."

So the group that could make it legal to carry a loaded firearm through the streets of the nation's capital includes a self-employed tax accountant from American University Park, a communications lawyer from Adams Morgan, and a law student who lives in Nashville and was arrested for driving through the District with a gun in his car.

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And then there's Palmer, who says carrying a gun saved his life.

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It was 1982, dusk on a summer night near San Jose, when a band of thugs yelled homophobic slurs at Palmer and a colleague.

"We were what they perceived as a couple of faggots, which was the term they used, walking through their neighborhood," he said. "And it would have been one of those modestly ironic moments if my colleague might have been murdered in a gay bashing, when he was straight."

The threats were vivid and believable: "We're going to kill you. They'll never find your body."

Palmer told his colleague to run. The thugs chased Palmer, who stopped under a streetlight and pulled out his gun.

"I did not say anything witty or clever," he recalls. "In the movies, they say something very clever. I just said, 'If you come closer, I will kill you.' Very blunt. And they stopped."

He is convinced that if he hadn't had a gun he would be dead. Even though the legal weapon was not fired, "it did the job it was intended to do. It evened up the odds from a gang of young men who thought it would be really fun to beat to death two guys walking down the street."

He offers this as evidence that guns save lives and make society safer.

But to Peter Nickles, the District's attorney general, allowing handguns to be kept in homes in one of the most dangerous cities in the country was bad enough. Permitting people to pack heat while they walk around -- amid presidential motorcades, foreign dignitaries, public protests -- is downright crazy, he says. And it makes already difficult police work even harder.

"This is a unique jurisdiction, and it requires a unique sensitivity to balance safety and the Second Amendment right to, quote, bear arms," he says. "That's because it's the nation's capital. . . . So the idea that an individual should be able to carry arms on the street -- indeed, concealed on the street -- is very scary."

Jonathan E. Lowy, a lawyer with the [Brady Center to Prevent Gun Violence](#), says he thinks the case, pending in U.S. District Court, is open and shut.

"To force the general public to be exposed to the risk of loaded guns when they are out with their family in public areas is outrageous and has absolutely nothing to do with the right to defend the home," he says.

To which Gura replies: The idea that the right to bear arms is limited to "walking around your house is silly."

* * *

Palmer is no lawyer. He's a scholar who has written and lectured extensively about individual freedom and the Constitution. At the Cato Institute, he met Robert Levy, a self-made millionaire who financed the lawsuit that overturned the D.C. handgun ban. Levy, impressed by Palmer, asked him to be a plaintiff in that case.

"Tom meets all the right criteria," Levy said. "He's smart. He's media savvy. He has a strong belief in gun rights,

but he doesn't come across as the militia man in the hills of Montana."

Indeed, Palmer is about as far from that stereotype as possible. He's a city dweller, gay, drives a Smart car, one of those little golf-cart-size numbers. "Can't you see it with a gun rack?" he jokes. He wrote a book called "Realizing Freedom" and writes essays about "How protectionism crashed the world economy." He wears suede and three-piece suits.

He's careful to cultivate this professional image, which is why he sends a second text message, asking that a photographer not accompany him and a reporter to the gun range in Chantilly. "Photos are generally fine, but I'd rather not have any of me with a firearm," he writes. "I'd rather not give the wrong impression."

So, his portrait is made in his office, surrounded by his books.

To be sure, Palmer says, he enjoys firing guns. He grew up with them and learned at a young age how to handle them. If he wins the lawsuit, he'd happily carry one in public. But really he's interested more in the idea of guns, in the political and moral debate over gun ownership, than in the guns themselves.

Palmer likes to point out that Levy doesn't even own a firearm. "He just believes in the rule of law and the Constitution, and that is important to me as well," Palmer said. "You don't have to be a gun owner to take the Constitution seriously. I'm not religious, but I believe just as strongly in the exercise of free religion."

Palmer's views, he knows, are often unpopular, and in a city as liberal as Washington, in the minority.

Lowy, the Brady Center lawyer, wants to make it clear that "this case isn't about Mr. Palmer or what anyone thinks of him. If you recognize a constitutional right to carry loaded guns on the streets of Washington, what you're saying is that thousands of people have the right to carry loaded guns."

Palmer couldn't agree more.

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