

**Anchor Introduction:** The effort to secure voting rights for D.C. is stalled in Congress by the debate over the District's gun law and as commentator Walter Smith notes, that debate has created a paradox for the people who call the nation's capital home. Smith is the executive director of D.C. Appleseed....

**Walter Smith:** The paradox is that large majorities in both Houses of Congress appear ready to pass two measures -- one giving voting representation in the House to District residents, and the other overturning DC's new gun law. And yet, notwithstanding these large majorities, both measures appear to be stalled because the effort to combine them in one bill -- with the gun measure being proposed as an amendment to the voting rights measure. They appear to be stalled for two reasons -- one is that different majorities support the two measures, and the other is that opponents of the measures question whether they are constitutionally sound. Here is DC Appleseed's proposal for breaking this impasse and letting both measures proceed.

The germ of our proposal is already included in a provision of the pending DC Voting Rights bill. That provision states that any judicial challenge to DC's new seat in the House will be given expedited review both before a three-judge federal court and before the US Supreme Court. This provision was included to address the concerns of those Members of Congress who doubt whether the new seat for DC is constitutional and want to be sure that that doubt is promptly resolved in the appropriate forum -- the courts.

We propose that a similar provision be added to the gun amendment. That amendment states that its sole purpose is (quote)"to correct the District of Columbia's law in order to restore the fundamental rights of its citizens under the Second Amendment (endquote)." Some Members of Congress doubt whether DC's new gun law does in fact violate the Second Amendment -- just as some Members doubt whether giving DC the vote violates Article I of the Constitution. If DC's new gun law does violate the Second Amendment, it should be promptly overturned in the courts -- just as is the case with the DC Voting Rights measure. It therefore seems sensible to treat these two measures the same and let both proceed, but make them both subject to the same expedited judicial review.

Here's how that might work. A majority in Congress appears to believe that DC should have a House seat, provided that that is constitutional, and also believes that DC's new gun law should be overturned, unless it is constitutional. So it seems that legislation reflecting that majority opinion is in order. Such legislation would give DC a seat in the House, but any challenge to the seat would be expeditiously reviewed in the courts and the seating of the new representative would not occur until the courts upheld it. Similarly, the legislation would provide that DC's new gun law would also be expeditiously reviewed in the courts. And the courts would be specifically authorized to stay any part of that law that appears likely to violate the Second Amendment, pending the courts' final decision on the issue.

This approach may not be a perfect solution to this debate, but it might be a way to let Congress proceed, in an evenhanded way, and leave the ultimate decision about the constitutionality of these two important measures where it belongs -- in the courts.

I'm Walter Smith