



National Parks Conservation Association®
Protecting Our National Parks for Future Generations®

National Headquarters

April 4, 2008

The Honorable Dirk Kempthorne
Secretary of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

Dear Mr. Secretary:

On behalf of the Association of National Park Rangers, the Ranger Lodge of the Fraternal Order of Police, the Coalition of National Park Service Retirees and the National Parks Conservation Association, I hereby request that the Department of the Interior cease preparation of and postpone issuing any new, proposed regulation regarding firearms in national parks until the United States Supreme Court has rendered its opinion in the pending Second Amendment case, *District of Columbia v. Heller*.

In November 2007, the Supreme Court agreed to review *District of Columbia V. Heller*, 478 F.3d 370 (D.C. Cir), cert. Granted, 76 U.S.L.W. 3273 (U.S. Nov. 20, 2007)(No. 07-290), which poses the question of whether certain provisions of the D.C. Code “violate the Second Amendment rights of individuals who are not affiliated with any state-regulated militia, but who wish to keep handguns and other firearms for private use in their homes.” The case affords the Supreme Court its first opportunity in 70 years to interpret the scope of the Second Amendment. Clearly, it is a landmark case, and the decision regarding it could have profound impacts on gun laws across the country.


The *Heller* case was argued on March 18, 2008, and will likely not be decided until late June. Since the proposed change in the Department’s firearm regulations has its basis in Second Amendment issues, the *Heller* decision clearly could affect it. Due to the many diverse views expressed in the sixty-seven amicus curiae briefs submitted to the court it is unfeasible to calculate with certainty how the Supreme Court will decide the serious constitutional and legal questions that may be answered in the *Heller* decision. We are concerned that issuance of a proposed firearms rule and a comment period beginning on April 30 is premature in light of the pending case, and could in fact require the Department to undergo the added time and expense of a second rulemaking necessitated by the outcome of *Heller*. It is simply not possible for the Department to issue a prudent and sustainable rule until the decision in *District of Columbia v. Heller* can be taken into account.

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Furthermore, a comment period beginning on April 30 will foreclose the ability of interested parties to provide substantive comments that fully take into consideration the Supreme Court decision.

Accordingly, we request in the strongest possible terms that the Department of the Interior delay issuing a proposed new rule regarding Park Service firearm regulations until it is able to fully take into consideration the Supreme Court's decision in *District of Columbia v. Heller*.

Sincerely,



Elizabeth Fayad
General Counsel