

On Tuesday March 18, 2008, the Supreme Court of the United States heard arguments in District of Columbia v. Heller. This case represents the first time the Court has considered the nature and scope of the Second Amendment in nearly 70 years. More importantly, the Heller case could prove to be the very first time the Court will have undertaken a detailed and extensive interpretation of the Second Amendment that could have far reaching implications for gun ownership in the United States.

At issue are the District of Columbia's laws which largely ban all handgun possession within the city and which require all long arms to be unloaded and either disassembled or fitted with a trigger lock, rendering them essentially unavailable for self defense.

One of the critical issues the Court has been asked to decide is whether the Second Amendment guarantees an individual right to keep and bear arms separate from service in a state regulated militia. Questioning by the Justices at the argument suggested considerable support for that view, and while predictions are always difficult to make when it comes to the Supreme Court, gun owners have reason to be optimistic on that score.

However, even if the Court rules that the Second Amendment guarantees an individual right, there remains the issue of how the right will impact existing and future gun laws. That issue may or may not be decided by the Court in the Heller case. If the Court decides the case on very narrow grounds, it may leave open the question of how other laws are to be evaluated under the Second Amendment. Alternatively, the Court could apply a level of scrutiny that could range from the very permissive to the very strict. Thus, until the case is decided, it is difficult to know just how the Second Amendment will impact gun owners going forward.

A decision is likely to be released in June.