

JPFO Analysis of the McDonald vs. Chicago Supreme Court Case.

On June 28, 2010, the Supreme Court of the United States decided McDonald v. City of Chicago, an important follow-up ruling to the landmark decision in District of Columbia v. Heller in which the Court held that the Second amendment guarantees an individual right to keep and bear arms. In McDonald, the Court held that the Second Amendment right to keep and bear arms extends fully to state and local laws.

At issue was Chicago's law which largely bans all handgun possession within the city. In a 5-4 decision, the Court held that the same strong individual right to keep and bear arms guaranteed by the Second Amendment as against the federal government also applies equally to the state and local governments. The Court sent the case back to the lower court to evaluate the Chicago law under the standards set forth in the Heller case. Because it is so similar to the District of Columbia law that was invalidated in Heller, the Chicago law will almost certainly be struck down.

This is an excellent result as a follow up to Heller. The Court reiterated the strong fundamental right of self defense articulated in Heller, and Justice Alito's opinion cited JPFO's amicus curiae brief in support of the proposition that the right to keep and bear arms is essential to protect those particularly vulnerable to violence if disarmed.

The door is now open to widespread litigation over the meaning and scope of the Second Amendment. Heller and McDonald have left a vast array of questions unanswered. Because every federal, state, and local law is now subject to Second Amendment scrutiny, we can expect many lawsuits to be brought to test the boundaries of the right to keep and bear arms.

Because there are so many different gun laws in the United States, there are many potential cases that may be brought. Like the civil rights movement, the struggle to fully vindicate the right to keep and bear arms will be a time consuming and piecemeal process in which carefully selected cases must be brought to define the nature of the Second Amendment. To be sure, many laws will survive these challenges, but many will not. Although there is a natural tendency to seek the elimination of many such laws at once, the best way to ensure that law abiding gun owners prevail in the long run is through a patient, thoughtful and persistent effort and, above all, a continued commitment to education and political action.

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