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PRACTICE AREAS

Workers Compensation

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SCOTUS Issues Ruling Affirming 2d Amendment Rights

7/6/2010



In March we [discussed](#) the fact that the Supreme Court of the United heard oral arguments in [McDonald v. City of Chicago](#) (08-1521). At issue in McDonald was whether [the Second Amendment](#) is incorporated into the Due Process Clause or the Privileges or Immunities Clause of the Fourteenth Amendment, thus making it applicable to the States and invalidating ordinances prohibiting possession of handguns in the home.

Last week, the Court issued its [decision](#) essentially reaffirming that the right to bear arms is a fundamental right. Justice Alito, writing for the majority, stated:

It is clear that the Framers . . . counted the right to keep and bear arms among those fundamental rights necessary to our system of ordered liberty.

However, as explained in this [Washington Post article](#), the decision was deliberately vague and raised more questions that it answered. In fact, it didn't even specifically address the Chicago gun laws at issue in the case:

The 5 to 4 [decision](#) does not strike down any gun-control laws, nor does it elaborate on what kind of laws would offend the Constitution. One justice predicted that an "avalanche" of lawsuits would be filed across the country asking federal judges to define the boundaries of gun ownership and



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government regulation.

You can learn more about this decision from the following sources:

[SCOTUS wiki: Chicago v. McDonald](#)

[SCOTUSblog: McDonald v. City of Chicago and the Standard of Review for Gun Control Laws](#)

[Wikipedia: McDonald v. City of Chicago](#)

Howard Ankin of Ankin Law Office LLC (www.ankinlaw.com) handles [workers' compensation](#) and [personal injury cases](#). Mr. Ankin can be reached at (312) 346-8780 and howard@ankinlaw.com.