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Supreme Court To Decide Important Second Amendment Case

*San Francisco-based public interest law center reacts to decision by U.S. Supreme Court to hear case challenging District of Columbia's handgun ban.*

(San Francisco, CA) The U.S. Supreme Court announced today that it will hear the case of *District of Columbia v. Heller*,<sup>1</sup> in which the lower court struck down the District's law banning most handgun possession. The case is significant because it will mark the first time the Court will consider the scope of the Second Amendment to the U.S. Constitution in nearly seventy years.

The Second Amendment, which reads: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed," was last interpreted by the Supreme Court in its 1939 decision in *U.S. v. Miller*. In that case, the Court held that the "obvious purpose" of the Second Amendment was to "assure the continuation and render the effectiveness" of the state militia.

"The *Miller* case clearly holds that the Second Amendment only guarantees a right to keep and bear arms which are reasonably related to a well-regulated state militia," said Robyn Thomas, Executive Director of Legal Community Against Violence. "By finding an individual right to bear arms that is unrelated to militia service, the D.C. Circuit has ignored almost 70 years of precedent."

Since the *Miller* decision in 1939, over 200 federal and state appellate courts have followed this precedent and rejected challenges to federal, state and local gun laws on Second Amendment grounds. The *Parker* decision below is the only federal appellate level decision to strike down a gun regulation on the ground that the Second Amendment confers an individual right to bear arms.

"By enacting its ordinance banning handgun possession, the District of Columbia took action to address the serious public health problem of gun violence committed with handguns in the District," Thomas noted. "Local and state governments should have the ability to craft legislative solutions to the particular problems they face."

"We look forward to the U.S. Supreme Court settling this issue," Thomas stated. "LCAV strongly believes that the *Parker* decision was wrong and should be reversed. If the Court follows its own precedent, we believe the decision will be reversed."

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<sup>1</sup> The lower court proceedings were known as *Parker v. District of Columbia*; the case is now proceeding in the U.S. Supreme Court under the name *District of Columbia v. Heller*.

*Legal Community Against Violence (LCAV) is a national public interest law center dedicated to preventing gun violence. LCAV provides free legal assistance to activists and public officials, including law enforcement and government attorneys, working to prevent gun violence. To learn more about our services or to request assistance, visit our website [www.lcav.org](http://www.lcav.org), the nation's most comprehensive source for information on U.S. firearm regulation.*