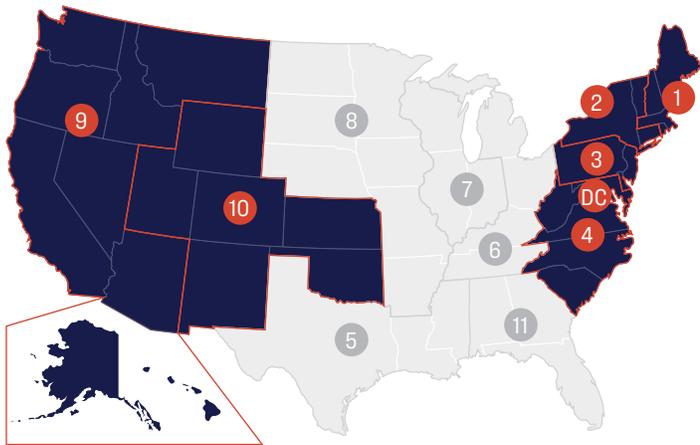


THE SUPREME COURT AND THE SECOND AMENDMENT

In the decade since the 2008 case *DC v. Heller*, when the Supreme Court held that the Constitution allows citizens to keep a handgun in the home for self-defense, the gun lobby has sought to redefine the Second Amendment and invalidate the most critical gun safety laws on the books. **Yet courts have consistently upheld strong firearm regulations, noting that *Heller* in fact endorsed lifesaving gun safety laws like concealed carry regulations, laws prohibiting dangerous people from accessing guns, and safe storage laws, among many others.**

CIRCUITS THAT HAVE UPHeld STRONG CONCEALED CARRY LAWS



The First, Second, Third, Fourth, Ninth, and Tenth Circuits have issued decisions upholding strong concealed carry laws, helping prevent dangerous individuals from easily carrying guns in public. Five out of the other six circuits have yet to address the question.



THE TEXT OF THE
SECOND AMENDMENT:

“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.”

IN *DC V. HELLER*, THE COURT IDENTIFIED A WIDE RANGE OF PERMISSIBLE GUN SAFETY LAWS, INCLUDING:

PROHIBITED PEOPLE

Laws prohibiting the possession of firearms by “felons and the mentally ill.”

MILITARY-STYLE WEAPONS

Laws limiting “dangerous and unusual” weapons, like machine guns.

CONCEALED CARRY

Laws restricting the carrying of hidden, loaded guns in public.

GUNS IN PUBLIC

Laws forbidding firearms in sensitive places like schools and government buildings.

SAFE STORAGE

Laws requiring the safe storage of guns to prevent unintentional shootings.

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DC v. Heller: The Supreme Court Addresses Gun Safety

A LIMITED RULING IN 2008

In its first Second Amendment decision in 70 years, in 2008 the Supreme Court ruled that the Constitution protects the right of responsible, law-abiding citizens to possess a handgun in the home for self-defense. In its 5–4 decision in *DC v. Heller*, which overturned Washington DC’s handgun ban, the Court was careful to stress the ruling’s limited nature.

Writing for the majority, Justice Scalia affirmed the limitations of the Second Amendment and provided a number of examples of constitutional gun safety regulations, like laws prohibiting possession of guns by dangerous people.

Despite the explosion of litigation after *Heller*, lower courts have upheld many gun laws and regulations in line with Justice Scalia’s guidance.

“Like most rights, the Second Amendment right is not unlimited. It is not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose.”

–Justice Antonin Scalia

POST-HELLER LITIGATION: PROTECTING GUN SAFETY LAWS

In the last 10 years, the gun lobby has advocated for a dangerous interpretation of the Second Amendment that contradicts the careful limits the Supreme Court laid out in *Heller*. Plaintiffs have attempted to argue that the Constitution precludes basic gun safety measures like licensing and background check laws, open carry restrictions, and laws prohibiting guns in schools, parks, and houses of worship.

Unsurprisingly, most of these extreme arguments have failed, largely because the Supreme Court already rejected them in *Heller*. In siding with the majority of Americans who support sensible gun laws, **courts are finding that gun safety laws aren’t just constitutional—they’re critical to keeping our communities safe and to protecting other constitutional rights**, like the freedom to safely assemble in public without fear of gun violence.

- > Gun safety laws adopted since *Heller*: 395+
- > Giffords amicus briefs filed since *Heller*: 80+
- > Gun safety victories in Second Amendment cases: 1,200+

THE BATTLE FOR THE COURTS

The gun lobby has invested millions to get judicial nominees opposed to gun safety confirmed onto the Supreme Court and lower courts nationwide. Many of these judges have demonstrated a reckless disregard for public safety, coupled with extreme beliefs about the Second Amendment that are out of line with those of most Americans. In the face of our gun violence epidemic, it is essential that everyday Americans demand stronger gun safety laws and impartial judges who don’t owe favors to the gun industry.

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For more details and underlying research, visit lawcenter.giffords.org/heller

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280+

lifesaving gun safety laws have been enacted in 45 states and DC since the tragedy at Sandy Hook.

125,000

Americans are shot each year—over one million in the past decade.

25x

Americans are 25 times more likely to be killed by a gun than people in other developed nations.

WE’RE ON A MISSION TO SAVE LIVES

For 25 years, the legal experts at Giffords Law Center to Prevent Gun Violence have been fighting for a safer America by researching, drafting, and defending the laws, policies, and programs proven to save lives from gun violence. Founded in the wake of a 1993 mass shooting in San Francisco, in 2016 the Law Center joined with former Congresswoman Gabrielle Giffords to form a courageous new force for gun safety that stretches coast to coast.

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