

Brady Campaign & Brady Center



To Prevent Gun Violence

U.S. SUPREME COURT *McDonald v. City of Chicago*

- **Position:** Our fight to enact and defend strong gun laws to save lives and reduce gun injuries will be even more critical after the U.S. Supreme Court's ruling in *McDonald v. City of Chicago*.
- **Problem:** Approximately 80 Americans continue to die from guns every day. Our weak gun laws lead to tens of thousands of senseless gun deaths and injuries. We must continue to fight for sensible gun laws to help protect you, your family, and your community.
- **What the *McDonald v City of Chicago* Case was About:** The Court was deciding whether the Second Amendment right "to keep and bear arms," as defined in the Supreme Court's ruling in *District of Columbia v. Heller*, applies to states and localities.
- **What the *Heller* Decision Said:** The *Heller* opinion held that while law-abiding, responsible citizens have an individual right to own a gun for self-defense in the home, "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 for whatever purpose."
- **The Court Reaffirms Reasonable Gun Regulations in *McDonald*:** While the Court ruled in *McDonald* that the right to have a gun in the home for self-defense applies to states and localities, **the Court reaffirmed its language in *Heller* that the Second Amendment does not prevent elected representatives from enacting common-sense gun laws to protect communities from gun violence.**

The Court wrote: "We made it clear in *Heller* that our holding did not cast doubt on such longstanding regulatory measures as "prohibitions on the possession of firearms by felons and the mentally ill," "laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms. We repeat those assurances here."

- **The Court Rejects the Gun Lobby Argument:** The Court has rejected the gun lobby argument that its 'any gun, for anybody, anywhere' agenda is

protected by the Constitution. The Court recognized that the Second Amendment allows for reasonable restrictions on firearms.

- **Potential Impact of *McDonald* on Gun Laws:** The ruling should not pose a serious threat to other strong state and local gun laws. There are no more handgun bans similar to Chicago's. The ruling should have little impact in the over 40 states which already recognized an individual right to keep and bear arms under their state constitutions.

While the gun lobby will continue to try to strike down any and all common sense gun laws, those challenges should fail. In the two years since the *Heller* decision, there have been more than 260 challenges to gun laws brought by the gun lobby and gun criminals, and most of those challenges have been summarily dismissed.