



D.C. GUN BAN APPEAL COULD CHANGE NATIONAL POLICY

September 12, 2007

Washington, D.C. is asking the U.S. Supreme Court to decide whether the city's handgun ban is legal, setting the stage for a showdown over gun control law in America.

Washington, D.C. filed a petition in September asking the Supreme Court to reverse a lower court's decision to strike down the city's ban on handgun ownership.

"Having a handgun, whether in the home or outside it, comes at the expense of those who might be victims. Whatever right the Second Amendment guarantees, it does not require the District to stand by while its citizens die," the city's petition to the court said.

The 30-year-old law in question makes it illegal to possess a handgun inside the city but allows citizens to own shotguns or rifles. Most of the shootings in the city are committed with handguns.

The U.S. Court of Appeals for the D.C. Circuit in March 2007 ruled the ban violates the Second Amendment to the U.S. Constitution which states: "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."

A decision would clarify whether the Second Amendment protects private gun ownership (the "individual" interpretation) or only imparts a civic right related to maintaining state militias (the "collective" interpretation).

It also would be the first time the highest court in the land considers an important gun rights case since 1939, according to the Washington Post.

Militia versus individual rights

At issue in the D.C. case, which is named *District of Columbia v. Dick Anthony Heller*, is whether the city is allowed to outlaw all handguns while still allowing citizens to own shotguns or rifles.

The appeals judges decided in a 2-1 vote that the Second Amendment "protects an individual right to keep and bear arms" and "once it is determined -- as we have done -- that handguns are 'arms' referred to in the Second Amendment, it is not open to the District to ban them."

Most of the other appeals courts -- there are 13 in all -- have ruled that the Second Amendment concerns militias ("collective") and does not guarantee private gun ownership ("individual"). The 5th U.S. Circuit Court of Appeals based in New Orleans agreed with the D.C. Court.

The Supreme Court usually takes cases that have been decided differently at various courts of appeals because diverse interpretations of the Constitution can lead to confusion.

Impact of a ruling

The issue of gun control is particularly controversial to many Americans.

Gun control advocates want the government to be able to regulate weapons to protect innocent people, while gun rights proponents argue that the Second Amendment guarantees citizens a right to own weapons, primarily so that they can protect themselves.

If the Supreme Court sides with Washington, D.C. and upholds the handgun ban, it would validate the legal arguments of the gun control camp.

If the court sides with the appeals court and declares the D.C. ban unconstitutional, it could become difficult, but not impossible, for the government to regulate ownership and use of guns, according to the Legal Times.

New court lineup

One important factor that could influence the outcome is the relatively new makeup of the nine-member Supreme Court.

President Bush recently replaced the conservative Chief Justice William Rehnquist and the more moderate Associate Justice Sandra Day O'Connor with two solidly conservative justices: Chief Justice John Roberts and Associate Justice Samuel Alito.

The court now has four conservative-leaning justices and four liberal-leaning justices, with Justice Anthony Kennedy straddling the middle.

This new lineup gives conservative judicial decisions, like the D.C. court of appeals' overturning of the handgun ban, a greater chance of becoming the law of the land.

-- Compiled by Quinn Bowman for NewsHour Extra

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