

Friday, March 9, 2007

Federal court strikes D.C.'s blanket handgun ban.

Despite my support for full Second Amendment protection, I encourage people to choose to remain unarmed, and am mindful of the severe violence that guns cause. I chose this image so as not to candy-coat how scary guns look. (Image from the Government Printing Office's website). Hot off the presses, today the United States Court of Appeals for the District of Columbia gave teeth to the Second Amendment in striking down the District of Columbia's near-total ban against possession of handguns in the District of Columbia, even in one's home (except for law enforcement). The case is *Parker v. D.C.*, ___ F.3d __ (2007). I plan to read fully and report on this case in the coming week. Meanwhile, I have previously discussed my view here and here that much of the nation's gun control legislation is incompatible with the Second Amendment, and should not be permitted before the Second Amendment is amended. Many gun control advocates try to reduce the Second Amendment to a creampuff by arguing that it speaks of the "right of the people" rather than the gun rights of individuals. However, such a Constitutional misinterpretation would also render meaningless the following critical protection of the First Amendment: "Congress shall make no law respecting ... the right of the people peaceably to assemble, and to petition the government for a redress of grievances." U.S. Const. Amend. I (emphasis added). I anticipate that the losing side will petition for this ruling to be overturned en banc by the full Court of Appeals. Time will tell whether this case reaches the Supreme Court, which, over time, has avoided addressing the Second Amendment gun ownership rights issue head-on. Jon Katz.

Posted by Jon Katz in Criminal Defense at 16:00