



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.

THE SECOND AMENDMENT

& SUPREME COURT RULINGS

For more than 200 years, there has been no definitive resolution by the courts of just what right the Second Amendment protects—despite extensive debate and much legislative action with respect to regulation of the purchase, possession, and transportation of firearms, as well as proposals to substantially curtail ownership of firearms. The Second Amendment is naturally divided into two parts: its prefatory clause (“A well regulated Militia, being necessary to the security of a free State”) and its operative clause (“the right of the people to keep and bear Arms shall not be infringed”). To sum up the opposing arguments simply, the “states’ rights” thesis emphasized the importance of the prefatory clause, arguing that the purpose of the clause was to protect the states in their authority to maintain formal, organized militia units. The “individual rights” thesis emphasized the operative clause, so that individuals would be protected in the ownership, possession, and transportation of firearms. Whatever the Amendment meant, it was seen as a bar only to federal action, not state or private restraints.

Ileto v. Glock

In August 1999, Lilian Ileto’s husband was killed during a shooting spree by white supremacist, Buford Furrow in the Los Angeles Jewish Community Center shooting. One year later, Lilian and other individuals harmed by Mr. Furrow’s gun violence brought a case against the manufacturers, importers, distributors, and sellers of the firearms involved in the shootings. After 11 years in the court system the United States Supreme Court declined to hear an appeal bringing the lawsuit to an end.

District of Columbia v. Heller

In 2008, Dick Heller sued the District of Columbia over its ban on handguns in the home. The Supreme court ruled in Heller’s favor, affirming an individual right to keep handguns in the home for self-defense.

McDonald v. City of Chicago

In 2010, Otis McDonald and three other Chicago residents sued the city over a handgun ban, and because the Heller decision only applied federally, the Supreme Court agreed to hear the case. The Supreme Court held in a 5-4 ruling that the Second Amendment applies to state and local governments in addition to the federal government. While Chicago’s complete handgun ban was overturned, the Court reiterated in McDonald that a wide variety of state and local gun laws are constitutionally permissible.

Phillips v. Lucky Gunner, LLC

In 2012, Jessica Ghawi was one of 12 people killed in a movie theatre in Aurora Colorado. Her parents Sandy and Lonnie Phillips, along with the Brady Center filed a civil action in the District Court, Arapahoe County, Colorado, alleging that Lucky Gunner, LLC sold the shooter some of the equipment he used in the attack. In 2015 Federal judge Richard Paul Matsch dismissed the charges. He ordered the plaintiffs to pay Lucky Gunner’s legal fees under a separate Colorado law.

Jaime Caetano v. Massachusetts

In 2016 Jaime Caetano used a stun gun to defend herself from an abusive partner. When the police discovered she was in possession of the stun gun, she was arrested, and convicted under a Massachusetts law that outlawed the possession of stun guns. The Supreme Court vacated the ruling of the Massachusetts Supreme Judicial Court, citing District of Columbia v. Heller and McDonald v. City of Chicago.