

2.04 Honors Federalism Case Opinion

District of Columbia v. Heller was a huge landmark case that called forth the Second Amendment, and it was a moment in time where the meaning of it was shown to the country, and even the world. It all started when Dick Heller, a police officer, was denied a license for a handgun that he wanted to have at home for self-defense.

He sued the District of Columbia, against their Code and also arguing that they were violating his Second Amendment right to "keep a functional firearm in his home without a license." This case is related to federalism because in this instance both the state and federal authorities were challenged, therefore the power was balanced between both levels. In the end, the laws set in place by the District of Columbia were struck down by the court.

The majority opinion stated that the first clause, which references a "militia", should be referred to "guarantee an individual right to possess and carry weapons in case of confrontation." That by banning handguns entirely, and prohibiting firearms to be kept at home, for lawful purposes, is against the Second Amendment. These arguments are in line with legal writing and scholarship of the time. The minority opinion, of course on the other side of this, stated that the Second Amendment does not "create an unlimited right to possess guns for self-defense purposes." It also goes on to say that the Second Amendment protects this for military related purposes, however not for non-military purposes. These arguments are in line with legal writing of the time that "contextualizes the Amendment in relation to state militias and post-enactment legislative history."

In this case, the majority has a much more valid point. Self-defense is a human right, set in place to protect people in bad situations. Anything can happen at any time and being able to protect yourself when things go bad is very important. Nobody should be denied this right ever, anywhere. Having this right is even more important for those who have a family. Imagine this; in the middle of the night, your home gets broken into. You have kids, and they are asleep in another room. The intruders are armed, but you don't have anything to defend yourself with. You, and especially your kids, would be in immense danger. However, being able to protect yourself, and your kids, helps to prevent any danger from happening to you. Self-defense is a human right that everyone is entitled to, and no government or entity shall ever be allowed to take it away from you.

Sources Used:

"District of Columbia v. Heller." Oyez, www.oyez.org/cases/2007/07-290.