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### Scalia, Stevens and Sotomayor (and rest of Supreme Court) to grapple with another handgun ban

September 30, 2009 | 1:36 pm



The news today that the Supreme Court [has agreed to hear a challenge](#) to Chicago's ban on handguns has invigorated gun-rights activists across the country.

Groups like the [NRA](#) and the [Second Amendment Foundation](#) say they hope the high court's decision to consider what's known as the incorporation issue in McDonald vs. Chicago could imperil state and local gun-control ordinances, which they say violate the "right to keep and bear arms" guaranteed by the 2nd Amendment.

For a long time, the Supreme Court avoided hearing cases having to do with that controversial amendment. That changed last year, when the court recognized for the first time that an individual has a personal right to have a gun for self-defense, at least in one's home.

In that case, [Columbia vs. Heller](#), the court struck down a handgun ban in the District of Columbia.

The decision did not set a precedent for the rest of the nation, because D.C. is a federal enclave, not a state or city. But it relates in some significant ways to the new Chicago case. For one, the plaintiffs' legal team in McDonald vs. Chicago will be headed by [Alan Gura](#), the same lawyer who successfully argued the challenge to D.C.'s gun ban.

Columbia vs. Heller came about...

...when [Robert A. Levy](#), a lawyer affiliated with the libertarian Cato Institute, decided to finance a

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challenge to the district's restrictive handgun law. He recruited several plaintiffs, including a private security guard named **Dick Heller**, to file a lawsuit claiming that the law infringed on their constitutionally protected rights to keep handguns at home.

In a 5-4 decision, the court ruled in favor of Heller and said that "the right of the people to keep and bear arms" protects "the inherent right of self-defense."

Justice **Antonin Scalia**, who wrote the majority opinion, said that the 2nd Amendment is not limited to state militias, as those in favor of restrictive gun laws often argue.

Justice **John Paul Stevens** wrote in his dissenting opinion that the court's decision opened gun-control measures around the country to attacks. "I fear that the district's policy choice may well be just the first of an unknown number of dominoes to be knocked off the table," he wrote.

For more on the new 2nd Amendment case, watch [latimes.com](http://latimes.com) for stories by our Supreme Court expert, **David G. Savage**. Or, for a more partisan view, check out **Chicago Gun Case**, a website run by the case's plaintiffs and updated regularly.

-- Kate Linthicum

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