

BR: Just - possible SC case about Guns.

Thurs.

Bellringer: What about this possible SCOTUS CASE?

Guns in America: Gorsuch and Other Supreme Court Justices to Consider Gun Case That Could Expand 2nd Amendment

BY MICHELE GORMAN

The U.S. Supreme Court, including the newly confirmed conservative Justice Neil Gorsuch, will soon confer to discuss a gun-rights case from California that has the potential to expand the 2nd Amendment.

In *Peruta v. California*, the justices would decide whether the 2nd Amendment entitles law-abiding citizens to carry handguns outside of the home for self-defense, including concealed carry when open carry is prohibited by state law. Ed Peruta & other gun owners who were denied concealed-carry permits by the San Diego County sheriff appealed the case to the Supreme Court in January. California has some of the strongest gun laws of all 50 states. Regarding concealed carry, every state and Washington, D.C., allows it in some form.

Peruta first filed a lawsuit in 2009 to challenge the county's policy of requiring "good cause" to obtain a concealed carry permit, saying the policy violates the 2nd Amendment. The strongest concealed carry laws in the country require applicants to demonstrate good cause or a justifiable need for a permit. In California, good cause exists to issue a concealed carry weapons permit when there is a clear and present danger to the applicant or the applicant's spouse, family or employees.

The gun-rights advocates most recently lost on appeal in the 9th U.S. Circuit Court of Appeals in June 2016, when federal judges ruled that San Diego's policy is constitutional.

If the justices decide to take on the case, it could be the most important ruling on guns since the 2008 landmark decision in *District of Columbia vs. Heller*. In that ruling, the justices recognized, in a 5-4 vote, an individual's right to keep firearms at home for self-defense.

<http://www.newsweek.com/guns-america-supreme-court-considering-gun-case-could-expand-second-amendment-584408?ref=yfp>

Did Anyone have a "Current Event" that has not even happened yet?

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READ ↓ if you wish...

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BY MICHELE GORMAN ON 4/15/17 AT 7:40 AM

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Thurs.

Continuing w/ LT 32

Right to Bear Arms

3.2 - Explain the concept of the Right to Bear Arms of the Second Amendment as well as historical developments and the impact of significant/historical SCOTUS cases, modern issues and cases related to that right.

3.2d Evaluate 4 Proposals

- 1) **Each person needs one** "Street Law" handout.
- 2) **READ** the front page (mostly about the *D.C. v. Heller* case).
- 3) **DISCUSS/DECIDE** the 4 scenarios (pairs allowed).
- 4) **CLASS** discussion at end of you completing the 4 scenarios.
- **Be Ready if Called!!!**

unconstitutional and give your reasoning.

Proposal #1

A law that makes it illegal for handguns to be carried in public unless the gun is unloaded.

Would you personally support this proposal? Yes _____ No _____	If challenged, would the Supreme Court find this law to be constitutional? Yes _____ No _____
What is your reasoning?	What is your reasoning?

Proposal #2

Your Opinion

Your Evaluation

+ Extra Time = Work on Guns Timeline (Yesterday)

The Second Amendment and Firearm Regulation

“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.”

– Second Amendment to the United States Constitution, 1791

Prior to the American Revolution, the British made attempts to disarm local groups of armed citizens, known as militias. Remembering this while drafting the Bill of Rights, the Second Amendment outlawed such kinds of forceful disarming of the people in the future. Whether the amendment intended to give any other individual rights beyond stopping the government from disarming these militias, however, went unexamined by the Supreme Court for over 200 years.

In 2008, the Supreme Court finally interpreted the Second Amendment in *District of Columbia v. Heller*. The plaintiff in *Heller* was not a member of any militia (like the National Guard), but argued that he was entitled by the Second Amendment to keep a gun at the ready to defend himself in his home. In a 5–4 decision, the Court held that the amendment preserved a long-standing natural right to self-defense, in addition to prohibiting the disarming of militias. The Court therefore held unconstitutional the District of Columbia’s ban on possession of handguns. However, the Supreme Court pointed out that, like the First Amendment’s right of free speech, the Second Amendment’s right to bear arms was not unlimited. People were entitled to use handguns for legitimate, lawful, and historical purposes such as defending their homes, but guns could still be reasonably regulated. Though they did not draw a line that made clear exactly what restrictions were permissible, the Court offered the following guidance:

1. “[W]e do not read the Second Amendment to protect the right of citizens to carry arms for *any sort* of confrontation, just as we do not read the First Amendment to protect the right of citizens to speak for *any purpose*.”
2. “[T]he Second Amendment does not protect those weapons not typically possessed by law-abiding citizens for lawful purposes, such as short-barreled shotguns.”
3. “[N]othing in our opinion should be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms.”
4. “[T]he sorts of weapons protected [by the Second Amendment] [are] those “in common use at the [current] time.”

Today there is a national conversation about increasing regulation of firearms in the wake of several mass shootings. The Supreme Court’s decision in *Heller* sets out what the “right to bear arms” means legally, and the above quotations are currently being interpreted by lower courts addressing challenges to gun regulations.

Handout: Is it Constitutional?

Below are four proposals to reduce gun violence. For each, determine whether you would personally support the proposal and give your reasoning. Next, determine whether, based on the guidance provided by the Supreme Court in *Heller* (points 1–4 on the previous page), the Court would find each proposal to be constitutional or unconstitutional and give your reasoning.

Proposal #1

A law that makes it illegal for handguns to be carried in public unless the gun is unloaded.

Would you personally support this proposal? Yes _____ No _____	If challenged, would the Supreme Court find this law to be constitutional? Yes _____ No _____
What is your reasoning?	What is your reasoning?

Proposal #2

A law to ban all high-capacity magazines (magazines that allow a gun to hold more than ten bullets at once). The government has also done a study showing that very few people use high-capacity magazines for hunting.

Would you personally support this proposal? Yes _____ No _____	If challenged, would the Supreme Court find this law to be constitutional? Yes _____ No _____
What is your reasoning?	What is your reasoning?

Proposal #3

A law that bans gun ownership for people who are currently living in the same house as another person who is a felon. Felons are currently banned from owning guns unless their home state restores their rights.

Would you personally support this proposal? Yes _____ No _____	If challenged, would the Supreme Court find this law to be constitutional? Yes _____ No _____
What is your reasoning?	What is your reasoning?

Proposal #4

A law that bans the manufacture or sale of any new weapon that can fire more than six rounds per minute.

Would you personally support this proposal? Yes _____ No _____	If challenged, would the Supreme Court find this law to be constitutional? Yes _____ No _____
What is your reasoning?	What is your reasoning?