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Contact: Robyn Thomas (415) 433-2062, robyn@lcav.org

Nina Vinik (847) 733-1855, nina@lcav.org

Juliet Leftwich (415) 433-2062, julie@lcav.org

Legal Community Against Violence Reacts to Supreme Court Decision Striking Down D.C. Handgun Ban

San Francisco-based national law center notes that ruling permits common sense firearms regulations.

(San Francisco, CA) In a landmark decision issued today, the U.S. Supreme Court held that the Second Amendment to the U.S. Constitution guarantees an individual right to possess firearms. The Court's decision, issued in the case *District of Columbia v. Heller*, struck down the District's strict law banning handgun possession, and requiring all firearms to be stored "unloaded and disassembled or bound by a trigger lock or similar device." However, the majority opinion, written by Justice Scalia stated that "the right secured by the Second Amendment is not unlimited," and should not be understood as "a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose."

Robyn Thomas, Executive Director of Legal Community Against Violence (LCAV), expressed the organization's reaction to the ruling: "We are disappointed, but not surprised by the Court's decision, which represents a radical departure from the Court's 1939 ruling in *Miller v. United States*, and from hundreds of lower court decisions. In the *Miller* case, the Court held that the "obvious purpose" of the Second Amendment was to "assure the continuation and render the effectiveness of" the state militia. Comments made by the Justices during oral argument in the *Heller* case foreshadowed this outcome, however."

Thomas predicted that even under the Court's new interpretation of the Second Amendment, most existing firearms regulations would be legally permissible. She noted that "the Court's decision clearly contemplates continued regulation of firearms. The fact remains that U.S. gun laws are among the weakest in the industrialized world, and polls consistently show that most Americans favor stricter laws to help curb gun violence." Thomas noted, moreover, that the Court's ruling has no immediate impact on gun laws outside of the District's handgun ban. The majority noted its prior decisions which held that "the Second Amendment applies only to the Federal Government."

While the majority stated that many longstanding firearm laws, including laws prohibiting firearm possession by felons and the mentally ill, should be presumed lawful, it did not establish a standard of review for other gun laws. "It is significant that the Court chose not to articulate a level of scrutiny for future challenges to gun laws. We can expect that this decision will lead to years of litigation as opponents of common sense gun regulation mount challenges to long-established gun laws," Thomas continued.

According to the Centers for Disease Control, 30,000 Americans die from gun violence each year—an average of 80 gun deaths each day. "LCAV will continue to provide assistance to public officials and activists working across the country to address our nation's epidemic of gun violence. The *Heller* decision has done nothing to change the problem of gun violence or our efforts, as lawyers, to help solve the problem."

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Legal Community Against Violence (LCAV) is a national law center dedicated to preventing gun violence. Formed in the wake of the 1993 assault weapon massacre at 101 California Street in San Francisco, LCAV provides free legal assistance to public officials and activists working to reduce firearm-related deaths and injuries. To learn more about our services or to request assistance, visit our website, www.lcav.org, the nation's most comprehensive source for information on U.S. firearms regulation.