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State Regulated Gun Control is Dwindling Right Before Our Eyes, So Load Up!

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So the 2nd Amendment debate continues...

Ever since the 2008 Supreme Court decision in District of Columbia v. Heller led by Justice Scalia that held that the Second Amendment of the United States Constitution protects an individual's right to possess a firearm for private use within the home, a heated debate over this right emerged. Heller was the first Supreme Court case in U.S. history to decide that the Second Amendment protects an individual right to keep and bear arms for self-defense. The Heller decision specifically struck down a flat ban on all handguns in Washington, D.C., but did indicate that not all gun control laws would fail under the Second Amendment.

The fallout of this decision has been that many powerful leaders and heads of state, including New York's Mayor Bloomberg, have vigorously petitioned to maintain state regulation of firearms (i.e. handguns). Their fear is that in heavily populated areas, like major U.S. cities, the individual right to bear arms poses too great a threat to citizens. Mayor Bloomberg has argued that within the confines of crowded subway train cars and the densely populated Midtown streets, without city and state regulation, there is too great a threat of deadly violence. Yet in 2010, in the case of McDonald v. Chicago, the Supreme Court extended the Second Amendment gun right to apply to state, county and city laws, as well as federal statutes, giving the right a much wider reach.

On Monday May 2nd, the Ninth Circuit Court of Appeals (following the Supreme Court's lead) ruled to make it easier for gun owners to challenge laws seeking to regulate how that right can be exercised outside the home in Nordyke, et al., v. King, et al. (Circuit docket 07-15763). The Ninth Circuit, which encompasses the western states (i.e. California, Arizona, Nevada, etc.), is the largest of the courts of appeal and arguably the most influential. The significance of this Ninth Circuit decision is that it marks the lower courts recent tendency to increase the scope of the Second Amendment and extend the right beyond the private use within the home.

I must admit that as a native New Yorker, familiar with living and traveling within a big city, the recent expansion of the Second Amendment truly worries me. The mere thought of a train car full of passengers carrying loaded weapons sends chills up my spine. Yes, I definitely support Mayor Bloomberg on this one!

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