

Obama Says D.C. Gun Ban Constitutional!

Friday, 23 November 2007

Many sites do not remember this quote on Heller v. D.C. It is not surprising in the Trib and its archive do not remember this article. So, I am just moving it back to the top.

Here is Obama said on Heller v. D.C. on the day that the Supreme Court granted cert before he had a chance to edit his words: Court to review gun ban

D.C. law that bars owning handgun to go to Supreme Court

By James Oliphant and Michael J. Higgins

November 21, 2007

WASHINGTON

The Supreme Court again stepped squarely into the culture wars yesterday by agreeing to hear a high-profile gun ban case, one that might make firearm ownership a significant issue in the coming election year.

At stake is a law that prohibits residents of the District of Columbia from owning handguns. The justices will decide sometime next spring whether such a ban violates the Constitution. If they rule that way, it could eventually spell trouble for gun bans in other cities.

The move left gun-rights activists euphoric.

"I'm on cloud nine," said Alan Gottlieb of the Second Amendment Foundation, minutes after the court's order accepting the case was released.

Monday was National Ammo Day, a day on which gun devotees such as Gottlieb called on sympathizers to buy 100 rounds of ammunition in support of gun stores and bullet manufacturers.

While gun-control advocates were not cheered by the Supreme Court's agreeing to consider the case, they were consoled that the court could rule on the issue in a relatively narrow way. Only the right to own a handgun in the home will be addressed, not limits on assault rifles or concealed weapons.

Thomas Mannard, executive director of the Illinois Council Against Handgun Violence, said that while his organization supports the right of local governments to limit handguns in the home, its primary concern rests with prohibiting the carrying of concealed weapons in public. "I'm not ready to say it's a setback," Mannard said.

Moreover, any decision from the court will apply only to the federal government and not to laws passed by states and cities, because the District of Columbia is a federal entity.

Even so, the court has not ruled on the scope of the Second Amendment since 1939, and the timing might be right for gun-rights supporters given the court's conservative drift and its newest justices, John G. Roberts Jr. and Samuel A. Alito Jr. A favorable ruling would be "the building block we've been fighting for 30 years," Gottlieb said.

Last spring, the federal appeals court in Washington struck down the district's 30-year-old handgun ban, moving the city's government to appeal to the Supreme Court. The decision to appeal troubled many gun-control supporters, who worried that the case would finally provide the kind of unstoppable legal weapon that activists such as Gottlieb have long sought.

But lawyers for the city and its mayor, Adrian M. Fenty, said they had no choice but to seek an appeal, saying their responsibility was to the district, not the nation as a whole. The question will be whether the court's ruling will have applicability beyond Washington.

"At a minimum, I think a favorable decision would mean that people have a right to keep functional firearms, including handguns, shotguns and rifles, in their homes for self-defense," said Clark Neily, a D.C. lawyer representing the plaintiffs who filed suit against the gun ban.

Lawrence Rosenthal, a former deputy corporation counsel in Chicago and now a law professor at Chapman University in Orange, Calif., said, "For localities that have banned handguns, like Chicago, this case is huge."

Throughout the 1990s, gun advocates filed about two legal challenges a year to the city's handgun ban, Rosenthal said. But the city successfully defended its law.

"The gun rights groups have always been hoping to overturn" that decision, Rosenthal said.

Presidential candidate Rudolph W. Giuliani said the justices should strike down the D.C. ban. In a statement, the Republican former mayor of New York City called the appeals court decision "an excellent example of a judge looking to find the meaning of the words in the Constitution, not what he would like them to mean."

But the campaign of Democratic presidential hopeful Barack Obama said that he "believes that we can recognize and respect the rights of law-abiding gun owners and the right of local communities to enact common sense laws to combat violence and save lives. Obama believes the D.C. handgun law is constitutional."

From James Oliphant and Michael J. Higgins, "Court To Hear Gun Case," Chicago Tribune, 11/20/07. I would say that you should Pay to find it here, but the Trib has sanitized it's archive. There are no articles on Heller in the Trib for the entire month of November 07, the same month Heller was given cert by the Supreme Court.