
McDonald v. City of Chicago

Date of Decision: June 28, 2010

Summary of case

McDonald v. Chicago is a landmark decision of the Supreme Court of the United States that found that the right of an individual to “keep and bear arms,” as protected under the Second Amendment, is incorporated by the Due Process Clause of the Fourteenth Amendment against the states. The decision cleared up the uncertainty left in the wake of *District of Columbia v. Heller* as to the scope of gun rights in regard to the states.

Initially the Court of Appeals for the Seventh Circuit had upheld a Chicago ordinance banning the possession of handguns as well as other gun regulations affecting rifles and shotguns, citing *United States v. Cruikshank*, *Presser v. Illinois*, and *Miller v. Texas*. The petition for certiorari was filed by Alan Gura, the attorney who had successfully argued *Heller*, and Chicago-area attorney David G. Sigale. The Second Amendment Foundation and the Illinois State Rifle Association sponsored the litigation on behalf of several Chicago residents, including retiree Otis McDonald.

The oral arguments took place on March 2, 2010. On June 28, 2010, the Supreme Court, in a 5–4 decision, reversed the Seventh Circuit’s decision, holding that the Second Amendment was incorporated under the Fourteenth Amendment thus protecting those rights from infringement by state and local governments. It then remanded the case back to Seventh Circuit to resolve conflicts between certain Chicago gun restrictions and the Second Amendment.

Summary of majority opinion

In writing for the majority, Justice Samuel Alito built on *District of Columbia v. Heller*, in which the Court recognized the right to self-defense as both “fundamental to the Nation’s scheme of ordered liberty” and “deeply rooted in this Nation’s history and tradition.” He held that such rights are appropriately applied to the states through the Due Process Clause of the Fourteenth Amendment. Therefore, the Second Amendment right to keep and bear arms for the purpose of self-defense was found appropriate to the states. Justice Alito cautioned that the right to bear arms is not absolute and that the restrictions included in *District of Columbia v. Heller* were still valid, such as bans on straw purchases [one person buying a gun for another person], restrictions on use in school zones and federal buildings, and bans on use by convicted criminals or the mentally ill.

McDonald v. Chicago. (n.d.). Oyez. Retrieved February 6, 2020, from <https://www.oyez.org/cases/2009/08-1521>