District of Columbia v. Heller / Supreme Court was correct in its ruling

< District of Columbia v. Heller

The printable version is no longer supported and may have rendering errors. Please update your browser bookmarks and please use the default browser print function instead.

Position: Supreme Court was correct in its ruling

This position addresses the topic District of Columbia v. Heller.

For this position

"Fortunately, the 5-4 decision to strike down the District of Columbia's tough ban on handgun possession didn't go as far as gun-control advocates had feared or the gun lobby had hoped. The justices agreed that a right to individual ownership doesn't mean that anyone can own any weapon. That leaves in place reasonable restrictions or outright bans on firearms such as machine guns and sawed-off shotguns, and exotic weapons such as surface-to-air missiles."

"

From Ruling reflects America's ambivalence on guns, by USA Today editorial board (*USA Today*, June 27, 2008) (view)

"Justice Scalia shreds the collective interpretation as a matter of both common law and Constitutional history. He writes that the Founders, as well as nearly all Constitutional scholars over the decades, believed in the individual right. Many Supreme Court opinions invoke the Founders, but this one is refreshing in its resort to first American principles and its affirmation of a basic liberty."

99

From Silver Bullet, by The Wall Street Journal editorial board (*The Wall Street Journal*, June 27, 2008) (view)

"Justice Scalia's opinion is the finest example of what is now called "original public meaning" jurisprudence ever adopted by the Supreme Court. This approach stands in sharp contrast to Justice John Paul Stevens's dissenting opinion that largely focused on "original intent" – the method that many historians employ to explain away the text of the Second Amendment by placing its words in what they call a "larger context.""

99

From News Flash: The Constitution Means What It Says, by Randy Barnett (*The Wall Street Journal*, June 27, 2008) (view)

"The big problem, for me, is the clarity of the Second Amendment's guarantee of the "right of the people to keep and bear arms." The traditional argument in favor of gun control has been that this is a collective right, accorded to state militias. This has always struck me as a real stretch, if not a total dodge. I've never been able to understand why the Founders would stick a collective right into the middle of the greatest charter of individual rights and freedoms ever written -- and give it such pride of place -- the No. 2 position, right behind such bedrock freedoms as speech and religion."

From Deadly Consequences -- But the Right Call, by Eugene Robinson (*The Washington Post*, June 27, 2008) (view)

"It's a welcome decision - if only in its faithfulness to the uniquely American role of a written Constitution in protecting individual liberties."

,,

From Affirming the Rule of Law, by New York Post editorial board (*New York Post*, June 27, 2008) (view)

"If, as some have been calling for, we had a "Supreme Court that looks like America," this case wouldn't even have been close. Ordinary Americans have generally believed that the "right of the people to keep and bear arms" applied to, you know, the people. It takes politicians, law professors (and, it turns out, four Supreme Court justices) to believe that a "right of the people" somehow actually doesn't belong to the people at all."

"

From Winners' Test, by Glenn Reynolds (New York Post, June 27, 2008) (view)

Against this position

"But even granting his expansive view, a modest understanding of the judicial function would not have led to the outright cancellation of the District's laws. Every constitutional right -- whether the right of free speech or the right to be free from intrusive searches and seizures -- is subject to limitation or regulation."

"

From Handguns Supreme, by The Washington Post editorial board (*The Washington Post*, June 27, 2008) (view)

"Here is what the Second Amendment says: "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." Yesterday's narrow majority spent the first 54 pages of its decision, written by Scalia, trying to show that even though the Framers inserted 13 important words in front of the assertion of a right to bear arms, those words were essentially meaningless. Does that reflect an honest attempt to determine the "original" intention of the Constitution's authors?"

"

From Originalism Goes Out the Window, by E. J. Dionne (*The Washington Post*, June 27, 2008) (view)

"Even if there were a constitutional right to possess guns for nonmilitary uses, constitutional rights are not absolute. The First Amendment guarantees free speech, but that does not mean that laws cannot prohibit some spoken words, like threats to commit imminent violent acts. In his dissent, Justice Stephen Breyer argued soundly that whatever right gun owners have to unimpeded gun use is outweighed by the District of Columbia's "compelling" public-safety interests."

"

From Lock and Load, by The New York Times editorial board (*The New York Times*, June 27, 2008) (view)

"And if machine guns one day should become the weapon of choice for home protection -- what say ye then, Justice Scalia? With the exception of that reference to dialing the police, D.C. street thugs' response to Scalia's ode to the handgun was undoubtedly, "Hear, hear!""

"

From The Thugs Win the Case, by Colbert I. King (The Washington Post, June 26, 2008) (view)

Mixed on this position

No results

Retrieved from

 $"https://discoursedb.org/w/index.php?title=District_of_Columbia_v._Heller_/_Supreme_Court_was_correct_in_its_ruling\&oldid=7820"$

This page was last edited on June 27, 2008, at 15:45.

All text is available under the terms of the GNU Free Documentation License.