

# Second Amendment Heller Decision 2008



*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.*

The 2008 Heller decision expanded the scope of Second Amendment constitutional protection to the possession of firearms for the purpose of *personal* self-defense, despite the fact that amendment's opening language clearly says that gun ownership was specifically preserved by the founding fathers in the interest of the common defense against a tyrannical government.

But Heller also stated clearly that government has the right to regulate WHO can possess a firearm, WHERE firearms may be carried, WHICH firearms may be sold and by WHOM.

On pp. 54 and 55, the majority opinion, written by conservative bastion Antonin Scalia, states:

***“Like most rights, the right secured by the Second Amendment is not unlimited... It is not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose.”***

*“Nothing in our opinion should be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms.”*

*“We also recognize another important limitation on the right to keep and carry arms. Miller (an earlier case) said, as we have explained, that the sorts of weapons protected were those “in common use at the time.” We think that limitation is fairly supported by the historical tradition of prohibiting the carrying of ‘dangerous and unusual weapons.’ ”*

*The court even recognizes a long-standing judicial precedent “...to consider... prohibitions on carrying concealed weapons.”*