



Supreme Court of the United States

State of California v. William Wells

Case Precedent Update

By Joseph Resnek

United States v. Miller (1939)

BACKGROUND

This case was about the constitutionality of the National Firearms Act of 1934 (NFA). Passed in response to public outcry over the St. Valentine's Day Massacre, the NFA required certain types of firearms (including but not limited to fully automatic firearms and short-barreled rifles and shotguns) to be registered with the government. It also required a tax to be paid on those guns.

Jack Miller and Frank Layton, alleged bank robbers, carried sawed-off shotguns across state lines, and were convicted under the NFA. They brought their case to the Supreme Court, arguing that the NFA was an infringement upon their Second Amendment right to bear arms.

OPINION OF THE COURT

The NFA was not unconstitutional as an invasion of the reserved powers of the States and did not violate the Second Amendment of the United States Constitution. The court held that there was an absence of any evidence tending to show that possession or use of a Miller's shotgun had some reasonable relationship to the preservation or efficiency of a "well regulated militia." Thus, the Second Amendment does not guarantee the right to keep and bear such an instrument.

***District of Columbia v. Heller* (2008)**

BACKGROUND

In February 2003, the six residents of Washington, DC filed a lawsuit in the District Court for the District of Columbia, challenging the constitutionality of provisions of the Firearms Control Regulations Act of 1975, a local law (part of the District of Columbia Code) enacted pursuant to District of Columbia home rule. This law restricted residents from owning handguns, excluding those registered prior to 1975 and those possessed by active and retired law enforcement officers. The law also required that all other firearms, primarily rifles and shotguns, be kept "unloaded and disassembled or bound by a trigger lock."

OPINION OF THE COURT

By a 5 to 4 decision, the Supreme Court upheld the federal appeals court ruling, striking down the DC gun law. Justice Antonin Scalia, writing for the majority, stated, "In sum, we hold that the District's ban on handgun possession in the home violates the Second Amendment, as does its prohibition against rendering any lawful firearm in the home operable for the purpose of immediate self-defense ... We affirm the judgment of the Court of Appeals." [30] This ruling upholds the first federal appeals court ruling ever to void a law on Second Amendment grounds.

DISSENTING OPINION

The Stevens dissent rested on two main points of disagreement: that the Founders would have made the individual right aspect of the Second Amendment express if that was what was intended; that the "militia" preamble and exact phrase "to keep and bear arms" demands the conclusion that the Second Amendment touches on state militia service only.