

Ondřej Serdula, 363 785

CASE BRIEF

Name: Otis McDonald, et al. v. City of Chicago, Illinois, et al. (561 US 3025 (2010))

Plaintiff: Otis McDonald

Defendant: City of Chicago, Illinois

Summary of the facts of the case:

In 2008, 76-year old retired engineer Otis McDonald, legally owning several shotguns for hunting, wanted to purchase a handgun for defense of his property in case of robbery, but was unable to do so because of Chicago's ban on handgun registrations. As a result, he filed a lawsuit against City of Chicago claiming he has the right to buy and register a handgun based on the Second amendment to the U. S. Constitution. Both first instance court and court of appeal (Court of Appeals for the Seventh Circuit) said that City of Chicago has the right to regulate the possession of handguns.

Legal issue:

Question raised by this case is whether or not Second amendment to the U. S. Constitution applies to individual states, i. e. whether or not individual states have the right to regulate possession of guns.

Ruling of the U. S. Supreme Court:

The U. S. Supreme court held that the plaintiff has the right to "keep and bear arms" and thus remanded the case back to Seventh Circuit. Court also ordered to resolve conflicts between certain Chicago gun restrictions and the Second Amendment.

The reasoning of the U. S. Supreme Court:

Court argued, that hat the Second Amendment has a direct influence on individual states because the Fourteenth Amendment to U. S. Constitution grants citizens protection of their constitutional rights from infringement by local governments.