

Case brief

McDonald v. Chicago

This case was significant legal proceeding in US law. The reason of importance of this lawsuit is that the Second Amendment (a right to possess a gun, especially for self-defense) is confined to separate states of US.

Mr. Otis McDonald lived in unsafe neighborhood. Their neighborhood was occupied by gangs and drug dealers. Mr. McDonald found his garage plundered several times and he was sick of it, so he wanted to buy a gun. However, there was a ban on registration of handguns in Chicago. All handguns in Chicago had to be registered, but Mr. McDonald was incapable to do so. Therefore Mr. McDonald and other three inhabitants took action.

At first, the case was brought to District Court, where it was ruled in favor of Chicago city. The plaintiff then appealed to the Seventh Circuit Court of Appeals, but the court upheld the ruling of lower court. This court determined that the Second Amendment is not confined to individual states of US.

US Supreme Court ruled the Second Amendment has to be reflected into the law of individual states. The court commented this decision that to possess a handgun is a constitutional right. This does not mean that the weapons can be kept and used anywhere or anytime. There are some conditions that need to be fulfilled:

1. carry a hidden weapons
2. weapons cannot be possessed by mentally ill people or felons
3. weapons cannot be carried to places such as school or government building
4. dangerous or unusual weapons cannot be used or carried at all
5. storing of weapons must be controlled
6. commercial sale must be regulated as well