

## Constitutional Rights Foundation Chicago

### Identifying Persuasive Arguments in *District of Columbia v. Heller (2008)*

Constitutional Question: *Do the D.C. provisions violate the Second Amendment rights of individuals who are not affiliated with any state-regulated militia (like the National Guard), but who wish to keep handguns and other firearms for private use in their homes?*

A key to deciding the constitutional question in *District of Columbia v. Heller* is understanding the arguments for each side of the case. Below are arguments from the case.

**Step 1:** Read through each argument. Circle or mark 3 arguments you find *most persuasive*. Do not be concerned with whether you agree or disagree with the arguments.

**Step 2:** Working with a partner, reach consensus on which 3 arguments you feel are the *most persuasive*. Be prepared to explain your choices to the class. You do not need to agree with the argument to consider it persuasive.

1. \_\_\_ Dick Heller wanted to purchase a handgun to keep at home for his own protection.
2. \_\_\_ Guns continue to be dangerous weapons. Handguns are used in the majority of armed robberies, armed assaults, murders and rapes.
3. \_\_\_ No other state and only one city bans handguns outright. Our Nation's capital should obey the Constitution and set an example for other states and cities..
4. \_\_\_ The Second Amendment refers to the right of government-organized militia and NOT private citizens, to possess arms.
5. \_\_\_ The total ban on handguns is not the best way to achieve the government's goal in reducing crime.
6. \_\_\_ The Court said in *Miller*, arms that would be useful in militia service, like handguns, cannot be banned.
7. \_\_\_ There are less restrictive government means for preventing gun deaths that would not infringe upon Second Amendment rights.
8. \_\_\_ Handgun ownership is NOT necessary for the preservation or efficiency of a militia.
9. \_\_\_ Overturning the District of Columbia's ban on handguns would call into question the constitutionality of federal, state and local gun-control laws throughout the country and could lead to a flood of lawsuits.
10. \_\_\_ The right to bear arms protects the defense of society against government misuse of authority .