

The NATIONAL INTEREST FOUNDATION

[SCOTUS Takes Up Case on Gun Rights for the First Time in a Decade](#)

This week, the Supreme Court is hearing a case that pertains to the Second Amendment for the first time in nearly a decade. The previous case, *District of Columbia v. Heller*, saw the court rule that the Second Amendment guaranteed an individual's right to possess firearms independent of service in a state militia, and to use firearms for lawful purposes, such as self-defense within one's home. The case being heard this week, *New York State Rifle and Pistol Association v. City of New York*, is in regard to a New York City law that allowed people to keep a gun in their home, but outlawed them from transporting the gun elsewhere, with the exception of seven approved New York City gun ranges.

Since the *Heller* case in 2010, the Supreme Court has generally shied away from taking cases that concern the Second Amendment. This case appears to be the exception to that, although there is uncertainty whether or not the court will actually end up hearing the case. The reason for this, is that the state of New York repealed the law after the justices agreed to hear the case. Because of this, government lawyers are arguing that the case is moot and should be thrown out. The liberal justices on the Supreme Court, Ruth Bader Ginsburg, and Elena Kagan, have sided with the government's defense, and argued in the opening hearing that the case wasn't worthy of being heard by the nation's top court. Specifically, Justice Ginsberg sarcastically asked, "what's left of this case?" and Justice Sonia Sotomayor said the court was being asked, "to opine on a law that isn't on the books anymore." The plaintiffs in the case are three New York handgun owners, supported by the New York branch of the National Rifle Association.

The plaintiffs, represented by prominent conservative lawyer Paul Clement, have not withdrawn their case because they are asking the court to make a ruling on what they call "draconian restrictions on the possession and transport of handguns." The New York law, as it stands now, technically only allows for transport of handguns directly to shooting ranges and back to the owner's home. The prosecution's case asserts that this means individuals could be arrested for stopping for a coffee or to use the bathroom on the way to or from a gun range, which is a violation of their Second Amendment rights. They have not been dissuaded by an appeals judge saying he found it "highly unlikely" a police officer would arrest someone for stopping for a coffee on the way to a gun range, and have pressed on with their lawsuit. The plaintiffs are believed to be appealing to the conservative majority on the Supreme Court, specifically newly minted Justice Kavanaugh. During his time in the lower courts, Kavanaugh has gained a reputation for being a defender of the Second Amendment. Mr. Clement and his clients are hoping that this reputation holds true while the case is being deliberated on by the court.