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### December 16, 2012: Heller is Good News for Gun Control

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Title: Heller is Good News for Gun Control

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12/16/2012—I'm not sure anyone has really pointed out that the two Second Amendment cases, *Heller v. DC* and *McDonald v. Chicago*, which respectively recognized an individual right to gun ownership and use and applied that right to the States, is actually a boon to reasonable gun control efforts. In the light of the shootings in Connecticut, this may turn out to be a good time for a reconstituted gun control effort in America. The reason these cases are helpful is twofold. First, they absolutely prevent confiscation of guns in America. That would be unconstitutional. But the slippery slope to confiscation has been one of the key arguments against any sort of limits on gun ownership or ammunition regulation. Now there is an actual answer to that fear. Second, the right recognized in *Heller* and *McDonald* is quite limited. The cases invalidated the strict gun control laws of D.C. and Chicago, but would not prevent the prohibition of assault weapons or Teflon-coated bullets. When people loosely claim that some regulation violates the Second Amendment, there is now a specific reply that it does not—and that finding is by Justices Scalia and Alito, not some liberal anti-gun voice on the Court. So, basically *Heller* gives America a baseline. Below *Heller* government cannot go—ever. Above *Heller*, government can go and to some extent should. *Heller* and *McDonald* do not prevent a determined response to these shootings. They invite it.