

This video is sponsored in part by YouGov

Chicago, Illinois
2008

Otis McDonald is increasingly frustrated with the rise of crime in his neighborhood, which is located in the South Side of the city. Gangs and drug dealers had been terrorizing him and his neighbors. McDonald, a dude who was up there in age, had lived in his house since 1971. He owned several shotguns, but they weren't enough to help him prevent robbers from invading his home and just taking what they wanted. Because of this, he became determined to purchase a handgun for self defense.

However, there was just one problem. Chicago had generally banned the new registration of handguns since 1982, so McDonald wasn't able to purchase one. That said, he got pretty giddy after he heard about the Supreme Court ruling in *D.C. v. Heller*. Now, I have a video about that one, but if you're gonna be all lame and stuff and not watch it, THAT was the one in which the Court clearly said the Second Amendment was about individuals having the right to have weapons to defend themselves. After the *Heller* decision, McDonald joined forces with three other Chicago residents to sue the city in the U.S. District Court for the Northern District of Illinois.¹ However, the U.S. District Court for the Northern District of Illinois was like, "sorry bros," and dismissed the lawsuits.

After this, McDonald appealed to the Court of Appeals for the Seventh Circuit, but it also dismissed the lawsuits, arguing that the decision in *D.C. v. Heller* dealt with a FEDERAL law, but THESE lawsuits dealt with LOCAL laws. man.² Get it straight, for real. Yeah McDonald wasn't having it. He appealed yet again, this time to the SUPREME Court, who gladly accepted the case, hearing oral arguments on March 2, 2010.

During oral arguments, McDonald's lawyers claimed the Chicago law effectively banning handguns was unconstitutional because it was too broad and created too many hoops Chicago residents had to jump through if they wanted ANY kind of gun. As you might expect, the Court definitely considered the *D.C. v. Heller* decision, but it still wasn't clear whether or not the Second Amendment applied to states, counties, and cities. McDonald's lawyers actually went as far as arguing that the Slaughter-House Cases needed to be overturned. Yeah, I have a video about that case, too. Don't be lame now. But if you haven't seen THAT video, the Supreme Court decided in those cases that the Privileges or Immunities Clause of the 14th Amendment only applied IN AREAS CONTROLLED BY THE FEDERAL GOVERNMENT and did not apply to the Bill of Rights. McDonald's lawyers thought that the Privileges or Immunities Clause was meant to give the federal government power to enforce the Bill of Rights against states, including obviously...yeah... the Second Amendment. The Second Amendment is part of the Bill of Rights, don't ya know. Because of this, both right-leaning and left-leaning activists united to support McDonald in their quest to overturn the Slaughter-House decision. The Due Process

¹ <https://www.nbcchicago.com/news/local/the-man-behind-the-gun-suit/2091294/>

² <https://www.law.cornell.edu/supct/cert/08-1521>

Clause of the 14th Amendment, however, could ALSO possibly make the Bill of Rights apply to the states. And so, the Court had to figure out whether or not the Privileges or Immunities Clause of the 14th Amendment, the Due Process Clause of the 14th Amendment, or BOTH allow the Second Amendment to be applied to the states.

Well, on June 28, 2010, it announced it had sided with McDonald. It was 5-4, with the more right-leaning justices giving the majority opinion. The Court said the 14th Amendment definitely makes the Second Amendment's right to have guns for the purpose of self-defense applicable to state and local laws as well. Justice Samuel Alito wrote the majority opinion, saying that the right to self-defense was a "fundamental" right that was "deeply rooted in this Nation's history and tradition."³

Now...that said, the Court did not overturn the Slaughter-House decision, because it ultimately didn't rely on the Privileges or Immunities Clause of the 14th Amendment to decide in this case- it used the DUE PROCESS CLAUSE of the 14th Amendment. There were lots of dissenting opinions for this case, but the only one I will focus on is the dissenting opinions by justices Stephen Breyer, Ruth Bader Ginsburg, and Sonia Sotomayor, who all argued that the Second Amendment does not say that owning a gun is a "fundamental right" worth protecting through the 14th Amendment.⁴

McDonald v. Chicago opened up a flood of lawsuits, many by the National Rifle Association, against local and state governments across the country. That said, it has not won ALL those lawsuits, and since the decision lower courts have upheld that bans on certain guns is still constitutional, as well as additional restrictions on how people can both get and carry guns.⁵ Today, around 45% of American households own at least one gun⁶, and the United States, by far, has the highest gun ownership rate in the world.⁷

I'll see you for the next Supreme Court case, jury!

YouGov is my favorite way to take surveys and make extra cash and earn rewards. I originally started using it when I was stuck in line somewhere. I think the DMV or something, but it's just a great, quick way to answer questions and get rewarded for it. Here I am once again taking a YouGov survey on the toilet. Now that I think of it, it was REALLY inappropriate for me to film this. Anyway, YouGov is free to join and so easy to get extra cash, and it's a great life hack and side hustle. Tap my link to take surveys and earn cash on YouGov. Thanks to YouGov for sponsoring this video.

³ <https://www.oyez.org/cases/2009/08-1521>

⁴ <https://supreme.justia.com/cases/federal/us/561/742/>

⁵ <https://giffords.org/lawcenter/gun-laws/second-amendment/the-supreme-court-the-second-amendment/>

⁶

<https://www.statista.com/statistics/249740/percentage-of-households-in-the-united-states-owning-a-firearm/>

⁷ <https://worldpopulationreview.com/country-rankings/gun-ownership-by-country>

If you made it this far into the video, then you either skipped ahead unwittingly or dare I say, dare I say, you LIKED this video. So if you liked this video, please like it? And if you shared this video, please share it? And if you subscribed to my channel, please subscribe to it? Wait this is getting out of control. Uh yeah, which Supreme Court case should I cover for this series next? Let me know by letting me know. If I'm thankful for you watching this video, I'm thankful for you watching this video.