

2018

Heller After Ten Years

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Recommended Citation

E. Gregory Wallace, *Heller After Ten Years*, 40 CAMPBELL L. REV. 299 (2018).

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Symposium: *Heller* After Ten Years

Foreword

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Ten years after the Supreme Court's landmark but controversial decision in *District of Columbia v. Heller*,¹ the constitutional right to keep and bear arms still is largely illusory. *Heller* held that the Second Amendment protects the individual right to keep and bear arms for self-defense, whether against a tyrannical government or common criminal.² While *Heller* answered certain fundamental questions about the nature and scope of the constitutional right to arms, it gave limited guidance for reviewing gun laws in future cases. Lower federal and state courts since *Heller*, with few exceptions, have confined the right to keep and bear arms to a constitutional halfway house—bowing to its existence but not seriously enforcing it. They have treated *Heller* not as precedent to be followed but a decision to be distinguished, narrowed, or avoided before approving almost any legislative restriction on the right to arms.

To commemorate *Heller*'s tenth anniversary, *Campbell Law Review* brought together outstanding scholars and litigators from across the nation to discuss *Heller*, its historical footing, and how lower courts have applied it to a wide range of gun laws. The symposium examined various issues facing lower courts since *Heller*, including the proper analytical framework for deciding Second Amendment cases, the scope of *Heller*'s recognition of the individual right to keep and bear arms for self-defense, the extent to which the Second Amendment protects certain persons attempting to restore their right to arms, and how *Heller* affects restrictions on public carry and bans on "assault weapons."

We are grateful for the thoughtful remarks symposium participants contributed to our public discussion of the Second Amendment on this tenth anniversary of *Heller*. Articles and transcripts of selected panels from the symposium follow this Foreword.

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1. *District of Columbia v. Heller*, 554 U.S. 570 (2008).

2. *Id.* at 592, 599, 635.