

# Transcript

## The Other Gun (Restriction) Drops

By John Patrick Quigley

### Second Amendment Protects Gun Rights of Individuals

*"A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."* Second Amendment to the U.S. Constitution

In 2008, striking down a District of Columbia gun control ordinance, a U.S. Supreme Court majority (Justice Scalia, writing for Chief Justice Roberts and Justices Kennedy, Thomas and Alito) held that the introductory phrase of the Amendment, referencing a "well regulated Militia," does not restrict "the right of the people to keep and bear arms," which they held protects an individual's common law right to keep handguns in the home for self defense, *subject to reasonable limitation* (emphasis added). Justices

Stevens, Souter, Ginsberg and Breyer felt that the Second Amendment only protected a right to keep arms for service in State militia, and in any event, the ordinance was a reasonable limitation of any individual right.

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

### Second Amendment is Also Applicable Against the States

*"...No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."* Fourteenth Amendment to the U.S. Constitution

In June of this year, the same majority used the Fourteenth Amendment to rule that Heller's individual gun rights also applied against Chicago and a suburb. Justice Alito (writing for Chief Justice Roberts and Justices Kennedy and Scalia) cited the holdings of prior cases that rights protected by "substantive due

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### ON DISPLAY


Our Fall Book display was inspired by our recent workshop on Consumer Debt. The workshop is over but you can still use the books in the display, and additional books listed in the bibliography handouts next to the display.

***Other Gun (Restriction) Drops****(Continued from page 1)*

process" include those "fundamental to our system of ordered liberty" or "deeply rooted in this Nation's history and tradition". (p. 3036) A historical analysis included note of a judicial trend toward recognizing all of the rights in the Bill of Rights applied to the states on the same basis as to the federal government.

Justice Thomas concurred, but based his concurrence on the privileges and immunities clause, despite precedent suggesting otherwise, because gun ownership as a privilege of citizenship is a more direct and logical approach than the due process clause.

Justice Breyer's dissent, joined by Justices Stevens and Sotomeyer, disputed the majority's historical analysis, and objected to both the Heller case (again) and its Fourteenth Amendment "incorporation" in the instant case. Justice Stevens' dissent argued that due process was defined, not by the Bill of Rights, but by evolving concepts of "liberty." This view was criticized by Justice Scalia in a separate opinion.

McDonald v. City of Chicago (2010), 130 S.Ct. 3020. 

## LOOKING AT THE WEB

Mora Prestinary

You can read the cases mentioned in the *Other Gun (Restriction) Drops* article at these web sites:

Cornell University's Legal Information Institute: [www.law.cornell.edu/supct](http://www.law.cornell.edu/supct)

District of Columbia. v. Heller (2008)

[www.law.cornell.edu/supct/search/display.html?terms=heller&url=/supct/html/07-290.ZS.html](http://www.law.cornell.edu/supct/search/display.html?terms=heller&url=/supct/html/07-290.ZS.html)

McDonald v. City of Chicago (2010)

[www.law.cornell.edu/supct/html/08-1521.ZS.html](http://www.law.cornell.edu/supct/html/08-1521.ZS.html)

Results of the recent elections can be accessed at :

VoteSmart : [www.votesmart.org/index.htm](http://www.votesmart.org/index.htm)


California, including California Propositions

[www.votesmart.org/mystate\\_summary.php?state\\_id=CA&dist=&go2.x=10&go2.y=11](http://www.votesmart.org/mystate_summary.php?state_id=CA&dist=&go2.x=10&go2.y=11) 

## ASK A LIBRARIAN

By Lu Nguyen

**QUESTION:** Where can I find information regarding paydays, pay periods, and my final paycheck online?

**ANSWER:** You can find helpful information at the California Department of Labor website: [www.dir.ca.gov/dlse/DLSE-FAQs.htm](http://www.dir.ca.gov/dlse/DLSE-FAQs.htm) Look at the information under the topic "Paydays, Pay Periods, and Final Wages". 




## Database Focus

by Molly Solazzo

### EBSCO Legal Information Reference Center

Available on the Library's Public Computer Terminals, the EBSCO Legal Information Reference Center is a full-text, searchable database providing access to many of the top consumer legal reference books, including the popular **Nolo Press** books. Also provides links to legal forms and to official State websites for current state law.

You can browse the database by Category, by Publication Title, or conduct a boolean search, and your results can be emailed or printed. 

Categories include: Business Law, Financial Planning, Family Law, Property & Real Estate, Rights & Disputes

The screenshot shows the EBSCO Legal Information Reference Center website. At the top, there are navigation links: Home, Publications, Images, Sign In, Folder, Help, and Exit. The main header area includes the EBSCO logo, a search bar with the text "Searching: Legal Information Reference Center", and a link to "Search Other Databases". Below the search bar are links for Basic Search, Advanced Search, Visual Search, Search History, and Preferences. The main content area is divided into several sections:

- Browse by Category:** This section features eight categories, each with a representative image and a title:
  - Business & Corporations (image of a courtroom)
  - Family Affairs & Divorce (image of hands writing on a document)
  - Immigration & Travel (image of people at an airport)
  - Money & Financial Planning (image of a calculator and a document with numbers)
  - Patents, Copyright & Trademarks (image of a document with a red ribbon)
  - Property & Real Estate (image of a house with a "FOR SALE" sign)
  - Rights & Disputes (image of a pen writing on a document)
  - Wills & Estate Planning (image of a red wax seal)
- Browse Legal Forms:** This section lists various legal forms with links:
  - Accident Claims
  - Bankruptcy
  - Buying a House
  - Consulting & Contracting
  - Divorce
  - Getting a Green Card
  - Human Resources
  - Living Trusts
  - Patents
  - Personal Injury
  - Selling a House
  - Wills
  - Browse All Forms
- State Law:** This section includes a brief explanation of statutes and a link to "Browse for State":
 

Statutes (sometimes called codes) are created by the U.S. Congress and state legislators. Statutes attempt to lay out the ground rules of "the law" and vary from state to state.

[Browse for State](#)
- Browse Popular Sources:** This section features three Nolo Press book covers:
  - [Buying a Second Home](#)
  - [Special Needs Trusts](#)
  - [Getting Permission](#)

At the bottom of the page, there are links for "Top of Page", "EBSCO Support Site", "Privacy Policy", "Terms of Use", and "Copyright". A copyright notice for 2010 EBSCO Industries, Inc. is also present.

# WHAT'S GOING ON

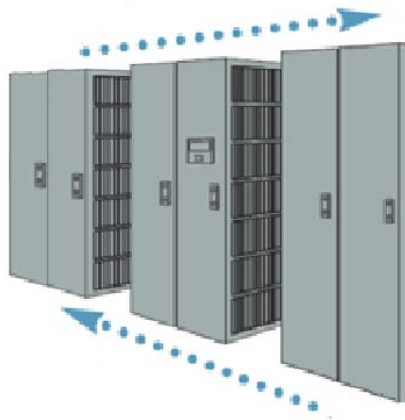
@ the Library, @ the Civic Center

by Molly Solazzo

## Floor "A" Compact Shelving

The Library's Floor "A" has re-opened with 19,341 linear feet of electronic compact shelving added to the Floor.

Directions on how to operate the shelving are posted in various locations throughout Floor "A", and are also available as a hand-out from the Ref Desk.



## Workshops at the Law Library

### **Clean Up Your Criminal Record**

Nov 9, 23, Dec 14, 28 at 2 pm.

You must check-in at 2 pm to be admitted, and you must bring your California criminal record(s) from the Court(s) in which convicted, OR, your California Dept. of Justice Rap Sheet; and if necessary your own interpreter.

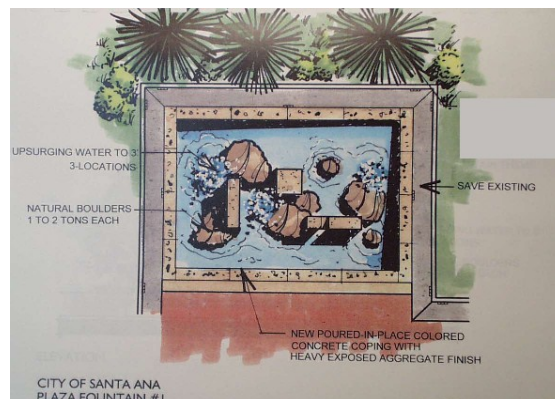
### **How to Answer an Unlawful Detainer**

Every Thursday at 9 am.

You must check-in at 9 am to be admitted, and you must bring a copy of your Summons & copy of the Complaint, and if necessary your own interpreter, envelopes, stamps.

**Annual Dues will not be charged for 2011**

## Civic Center Fountain Renovations



The fountains in front of the Library and State Building have not been working for many years due to deterioration and maintenance problems. The current renovation project will address cracking and leakage problems, replace electrical and plumbing systems and provide new fountains, lighting, and plants. Featuring fountains with natural boulders, cacti, ornamental grasses, agave and other succulent plants, the renovation will bring a modernized aesthetic to the area surrounding the Law Library and to the Civic Center Plaza.

THE LIBRARY WILL CLOSE AT 4 PM ON  
NOVEMBER 24.

THE LIBRARY  
WILL BE CLOSED:  
NOVEMBER 25, 26,  
DECEMBER 24, 25,  
DECEMBER 31,  
JANUARY 1



HAVE A WONDERFUL HOLIDAY SEASON!

Transcript Contributors: Lu Nguyen, Mora Prestinary, John Quigley,  
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