with military activities, the Court noted that its use was not limited to those contexts.[14] Further, the Court found that the phrase "well regulated Militia" referred not to formally organized state or federal militias, but to the pool of "able-bodied men" who were available for conscription.[15] Finally, the Court reviewed contemporaneous state constitutions, post-enactment commentary, and subsequent case law to conclude that the purpose of the right to keep and bear arms extended beyond the context of militia service to include self-defense.

Using this "individual rights theory," the Court struck down a District of Columbia law that banned virtually all handguns, and required that any other type of firearm in a home be dissembled or bound by a trigger lock at all times. The Court rejected the argument that handguns could be banned as long as other guns (such as long-guns) were available, noting that, for a variety of reasons, handguns are the "most popular weapon chosen by Americans for self-defense in the home."[16] Similarly, the requirement that all firearms be rendered inoperable at all times was found to limit the "core lawful purpose of self-defense." However, the Court specifically stated (albeit in *dicta*) that the Second Amendment did not limit prohibitions on the possession of firearms by felons and the mentally ill, penalties for carrying firearms in schools and government buildings, or laws regulating the sales of guns. The Court also noted that there was a historical tradition of prohibiting the carrying of "dangerous and unusual weapons" that would not be affected by its decision. The Court, however, declined to establish the standard by which future gun regulations would be evaluated.[17] And, more importantly, because the District of Columbia is a federal enclave, the Court did not have occasion to address whether it would reconsider its prior decisions that the Second Amendment does not apply to the states.

The latter issue was addressed in *McDonald v. Chicago*,[18] where a plurality of the Court, overturning prior precedent, found that the Second Amendment is incorporated through the Fourteenth Amend-

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[14] 128 S. Ct. at 2791–97.

[15] 128 S. Ct. at 2799–2800. Similarly, the phrase "security of a free state" was found to refer not to the defense of a particular state, but to the protection of the national polity. 128 S. Ct. at 2800–01.

[16] 128 S. Ct. at 2818.

[17] 128 S. Ct. at 2817 n.27 (discussing non-application of rational basis review). See id. at 2850–51 (Breyer, J., dissenting).

[18] 561 U.S. ___, No. 08–1521, slip op. (2010).