

Shelly Parker, et al. v. District of Columbia and Adrian M. Fenty (pending appeal as District of Columbia v. Heller and Shelly Parker, et al. v. District of Columbia and Adrian M Fenty), 478 F.3d 370 (D.C. Cir. 2007), is a case in which the United States Court of Appeals for the District of Columbia Circuit became the first federal appeals court in the United States to strike down a gun control law for reasons based on the Second Amendment to the United States Constitution, and the second to interpret the Second Amendment as protecting an individual right to bear arms. (The first was United States v. Emerson (5th Cir. 2001), cert. denied (2001)).

The pre-existing right to keep and bear arms was premised on the commonplace assumption that individuals would use them for these private purposes, in addition to whatever militia service they would be obligated to perform for the state. The premise that private arms would be used for self-defense accords with Blackstone's observation, which had influenced thinking in the American colonies, that the people's right to arms was auxiliary to the natural right of self-preservation. *See*, WILLIAM BLACKSTONE, 1 COMMENTARIES *136, *139; *see also* Silveira, 328 F.3d at 583-85 (Kleinfeld, J.); *Kasler v. Lockyer*, 2 P.3d 581, 602 (Cal. 2000) (Brown, J., concurring). **The right of self-preservation, in turn, was understood as the right to defend oneself against attacks by lawless individuals, or, if absolutely necessary, to resist and throw off a tyrannical government.** *See*, Silveira, 328 F.3d at 583-85 (Kleinfeld, J.); *see also id.* at 569. (Emphasis added.)

Parker v. District of Columbia, 311 F.Supp.2d 103 (D.D.C. 2004)