

Students

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Supreme Court Strikes Down a Gun Ban and Raises Questions for College Campuses

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Washington

The Supreme Court's landmark ruling overturning Washington, D.C.'s handgun ban could have implications for colleges that prohibit firearms on their campuses.

Last month the court declared for the first time that the U.S. Constitution's Second Amendment protects an individual's right to keep a gun, not just the right of states to maintain armed militias.

But the ruling preserved restrictions on Second Amendment rights that allow schools, courts, and other government entities to ban weapons on their premises.

The "court's opinion should not be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings," Justice Antonin Scalia wrote for a five-member majority.

Many campus-safety experts and higher-education lawyers say that language protects colleges' gun bans, which have been hotly debated in the aftermath of the shootings last year at Virginia Tech.

"This decision is upholding that colleges, universities, and K-12 still have a right to ban firearms on their private property," says Jesus M. Villahermosa Jr., of the consulting firm Crisis Reality Training, who was a director of campus safety at Pacific Lutheran University.

But some lawyers expect lawsuits from gun-rights advocates based on the ruling. A major question, says Robert L. Clayton, a lawyer who specializes in higher education, is the definition of the word "school," which in academic parlance usually refers only to elementary and secondary institutions.

The ruling leaves open the possibility that a campus ban on firearms might be challenged on the basis that a particular campus was not a "sensitive" environment, says Mr. Clayton, a partner in the law firm of Littler Mendelson.

Michael Guzman, president of the national group Students for Concealed Carry on Campus, believes that the "schools" exemption cited in the opinion does not apply to colleges and universities. He supports restricting guns in some places with limited public access, like courthouses and airports, but says campuses are open. "Anyone from off the street can walk into any building," Mr. Guzman says, arguing that outright bans leave rule-abiding students defenseless.

This year the group pushed for bills in several states to allow students to carry guns. More than a dozen states considered such legislation, but none of the measures became law ([The Chronicle](#), April 18).

The concealed-carry group says the high court's ruling has little impact on their campaign because they base their argument on crime statistics, not Second Amendment rights. The organization is not yet preparing litigation based on the new court opinion, but Mr. Guzman says it may do so.

Urban vs. Rural

An urban college might be particularly susceptible to such a challenge, some legal experts say. It could have a harder time than a rural one arguing that it is a sensitive area distinct from its surrounding city.

William E. Thro, Virginia's solicitor general, says it is also much harder to legally define "campus" in urban settings, where a college's boundaries may end at a street curb outside a building, or where facilities may be scattered across a city.

In Washington, officials at Catholic University of America don't expect the ruling to have much immediate impact. The university prohibits all dangerous weapons on its campus. Margaret L. O'Donnell, associate general counsel, says it does not see a need to update that policy in light of last month's ruling.

The decision may invite lawsuits challenging campus gun bans, Ms. O'Donnell says, but public institutions will be the most vulnerable to such challenges because their campuses are public property.

"Private universities will clearly have an easier time of keeping guns off campus," Ms. O'Donnell says.

Still, she says, if the court's decision results in more handguns in Washington, then it could become more difficult to help students stay safe.

"It makes it harder for us to protect our students, certainly," she says, "because our students don't stay within the boundaries of campus."

Lawrence White, a legal consultant and former chief counsel to the Pennsylvania Department of Education, says that is a key concern about the Supreme Court's decision.

Campus gun bans may be less effective if cities are not allowed to enact tight gun-control measures, he says. The majority of shootings involving students in urban settings occur not on college property but in the surrounding neighborhoods.

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