Government and Economics Homework

2nd Amendment Case Study

United States v. Hayes (2009)

**Facts of the Case:**

Under West Virginia law, it is not lawful for a person who has been convicted to possess a firearm (to try and prevent further violence or death). In 1994 Randy Hayes pled guilty to hitting his wife (a misdemeanor battery offense). 10 years later in 2004, police responded to a domestic violence call to the Hayes’ home. While conducting a search around the home, police found a Winchester rifle. They arrested him based on the 1994 arrest.

Hayes argued that this misdemeanor did not constitute a conviction under the law. (Essentially he was saying, me hitting my wife wasn’t as bad as somebody else beating someone else up worse)

**Issues of the Law:**

The police arrested Hayes for owning a firearm because he had a previous domestic violence charge. This is considered illegal under the Gun Control Act of 1968.

**Lower Circuit Courts:**

The US District Court for Northern Virginia rejected the argument. Hayes entered a conditional guilty plea to reserve his claim for appeal.

The US Court of Appeals for the Fourth Circuit held that the conviction of a misdemeanor battery charge does not qualify as a crime of domestic violence. The court held that conviction of a misdemeanor battery does not qualify as a crime of domestic violence, noting that the legislative intent and plain meaning of the statute indicated that the original offense must involve a "domestic" relationship between the victim and offender. Finding this, they reversed his conviction.

**Supreme Court Decision:**

They reversed the 4th Circuit Courts decisions on a 7-2 decision.  Under the Gun Control Act 1968 the predicate offense statute need not include the existence of a "domestic relationship" as an element of the crime in order to qualify as a "misdemeanor crime of domestic violence" as specified by the act.

**Reasoning:**

With Justice Ruth Bader Ginsburg writing for the majority and joined by Justice John Paul Stevens, Justice Anthony M. Kennedy, Justice David H. Souter, Justice Stephen G. Breyer, and Justice Samuel A. Alito, and joined in part by Justice Clarence Thomas, the Court reasoned that the language of the Gun Control Act suggested that the predicate offense statute need only include "the use of force" as an element of the crime and need not include a "domestic relationship" as an additional element. They believed that the intent behind the law was to prevent further assault and abuse not the words literally or figuratively.

**The dissent:**

Chief Justice John G. Roberts dissented and was joined by Justice Antonin G. Scalia. He criticized the majority opinion's use of grammatical rules by which it reached an unsound conclusion. He argued that the rule of lenity should apply as the Gun Control Act was ambiguous and therefore should be interpreted in the defendant's favor.