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VIA EMAIL

The Honorable Harry Reid
Majority Leader
United States Senate
S-221 Capitol Building
Washington, D.C. 20510

Dear Senator Reid:

You have asked for clarification regarding my response to a question in a questionnaire from Citizens for Responsible Government which I completed on May 8, 2008. The question asked, "Do you believe the individual citizen has a constitutional right to keep and bear arms?" I responded, "I do not believe that there is this constitutional right. Thus, I believe that reasonable restrictions may be imposed on gun ownership in the interest of public safety. Of course, I will enforce the laws as they exist as a judge."

I want to assure you that I was not giving my personal opinion on this question. Rather, this response was based on my understanding of the state of federal law at the time. To the extent the law was unsettled in this area, I also indicated that, as a judge, I would follow the law. Subsequently, the United States Supreme Court issued its decisions in District of Columbia v. Heller, 554 U.S. 570, 128 S. Ct. 2783 (June 26, 2008) and McDonald v. City of Chicago, 130 S. Ct. 3020 (2010), which held that the Second Amendment protects an individual right to possess a firearm and that this right is fundamental and fully applicable to the states through incorporation in the Fourteenth Amendment, respectively. As a result, if asked the same question today, I would say I believe that there is a constitutional right for individuals to keep and bear arms, and I would make clear that I would faithfully apply the binding precedent on this issue starting with the Heller and McDonald decisions, if faced with an issue regarding these important Second Amendment rights.

Should you have any further questions, please do not hesitate to contact me.

Sincerely yours,



Elissa F. Cadish