

No. 08-1521

IN THE
SUPREME COURT OF THE UNITED STATES
October Term, 2009

OTIS McDONALD, ADAM ORLOV, COLLEEN LAWSON,
DAVID LAWSON, SECOND AMENDMENT FOUNDATION, INC.,
AND ILLINOIS STATE RIFLE ASSOCIATION,
Petitioners,

v.

CITY OF CHICAGO AND VILLAGE OF OAK PARK,
Respondents.

**On Writ of Certiorari to the
United States Court of Appeals
for the Seventh Circuit**

**RESPONSE TO MOTION BY TEXAS AND 37 STATES
TO PARTICIPATE IN ORAL ARGUMENT AND FOR DIVIDED ARGUMENT**

Texas and 37 other States have filed a brief as *amici curiae* in support of petitioners to urge the Court to incorporate the Second Amendment, thereby restricting the legislative prerogatives of state and local governments. These States now seek to participate in oral argument, relying on their status “[a]s sovereign governmental entities.” Motion at 2. Respondents, the City of Chicago and the Village of Oak Park, take no position on whether the Court should grant the motion. Respondents do object to certain statements in the motion and file this response to correct them.

1. This case arose from a challenge by petitioners to the constitutionality of Chicago’s prohibition on the possession of handguns within the city limits unless those weapons were properly registered before 1982 and continuously thereafter. Petitioners are individuals who wish to possess handguns and organizations that oppose restrictions like Chicago’s ordinance. To that end, they ask the Court to apply the Second Amendment to the States by incorporating it into the Privileges or Immunities Clause or the Due Process Clause of the Fourteenth Amendment.