Throughout the history of the world, there have been many major decisions. These decisions often have many different opinions based around them. It is no different when referring to Supreme Court cases. Many different Supreme Court cases are viewed differently amongst society. The Supreme Court case McDonald v. the City of Chicago shows both judicial activism and judicial restraint.

Judicial activism and judicial restraint are both present in the Supreme Court case McDonald v. Chicago. Judicial activism can be defined as the Court’s willingness to make significant changes in public policy. This means when the Supreme Court makes a decision that contradicts previous similar cases or overrules a law, it is judicial activism. There are three ways to detect judicial activism. One way to detect judicial activism is when the court contradicts precedents. Another way is when the court overturns acts of Congress and laws. The last way to detect judicial activism is when the court reinterprets the constitution by making brand new laws. One great example of judicial activism is the Supreme Court case Brown v. Board of Education, 1951. The facts of this case are in 1951 parents of children filed a lawsuit against the Board of Education in the city of Topeka Kansas¹. The court used the precedent of similar case, Plessy v. Ferguson, but overturned the ruling of the precedent². That is why the case Brown v. Board of

Education is a great example of judicial activism. Then there is the opposite of judicial activism which is judicial restraint. Judicial restraint can be defined as the court’s willingness to limit the use and extent of its power and avoid making significant changes in public policy. Along with judicial activism, there are three ways to determine if a ruling is judicial restraint. One way to detect judicial restraint is when the court’s ruling is the same as similar precedents. In other words, the court applies the precedent and respects previous court rulings. Another way to determine if a decision is judicial restraint is when the court upholds laws that were created by Congress. One last way to detect judicial restraint is when the court honors the Constitution. The court avoids overturning laws unless the laws are unconstitutional. As mentioned earlier, the court case Brown v. Board of Education is an example of judicial activism. Brown v. Board of Education could also be considered an example of judicial restraint because the decision upheld the fourteenth amendment. As the article, Judicial Restraint states, “...the Court ruled that the 14th Amendment guarantees equal education in modern times, as it is an essential element of every person’s public life, forming the basis of socialization, professional training, and democratic citizenship.” The previous quote explains why the court upheld the fourteenth amendment. By honoring the fourteenth amendment, the court displayed judicial restraint.

The Supreme Court case McDonald v. Chicago took place in 2010. The case regarded an issue between the City of Chicago and McDonald. The court decided in a five to four decision that the new ordnance the Chicago created violated the constitution. More specially, the ordnance violated the second amendment. The court held that people have the right to bear
arms\textsuperscript{5}. By doing this, the court struck down the Chicago ordnance and upheld the Second Amendment.

The Supreme Court case McDonald v. Chicago displays judicial restraint. The Supreme Court case reflected judicial restraint by upholding the Constitution. More specially, the Supreme Court upheld the Second Amendment. According to the article \textit{Second Amendment}, “The Second Amendment of the United States Constitution reads: ‘A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed’”\textsuperscript{6}. The previous quote states that the Second Amendment promises individuals the right to have firearms. The decision of the Supreme Court case McDonald v. Chicago upheld the Second Amendment when deciding that the Chicago ordinance banning the ability to privately own firearms was unconstitutional.\textsuperscript{7} By making the decision that the ordinance did not follow the Second Amendment, the Court displayed a terrific example of judicial restraint.

The Supreme Court also portrayed another case of judicial restraint when deciding the case of McDonald v. Chicago. In the year 2008, the court decided on a similar case. The case was named District of Columbia v. Heller. The article, \textit{Summary of the Recent McDonald v. Chicago Gun Case} portrays, “In 2008, a divided Supreme Court, in District of Columbia v. Heller, struck down similar District of Columbia legislation on the grounds that it violated an individual's 2nd Amendment right to keep and bear firearms for lawful uses such as self-defense

\textsuperscript{6} “Second Amendment,” LII / Legal Information Institute, 1, accessed November 15, 2016, https://www.law.cornell.edu/wex/second_amendment.
in one's home”8. The decision in District of Columbia v. Heller ruled that the District of Columbia legislation violated the Second Amendment and was therefore unconstitutional. The case District of Columbia v. Heller is quite similar to the McDonald v. Chicago case. Since the Heller case was similar, it was used as a precedent when deciding McDonald v. Chicago. The decision of the McDonald v. Chicago case honored the decision of the Heller case. By doing so, the McDonald case portrayed another great example of judicial restraint.

The facts of the McDonald v. Chicago case could also be an example of judicial activism. The case could also be defined as judicial activism because it contradicts some small things that were decided in the District of Columbus v. Heller case. One thing that the decision contradicted was the area in which the Second Amendment can be applied. By doing so, the court would portray an example of judicial activism as the court did not honor the precedent.

The Supreme Court case McDonald v. Chicago displayed both judicial restraint and activism. The case McDonald v. Chicago displayed stronger points of judicial restraint as the decision honored both the precedent and the Constitution. The case showed some minor points of judicial activism as the decision slightly differed from the precedent. Overall the Supreme Court case of McDonald v. the City of Chicago portrayed both judicial activism and judicial restraint.

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Works Cited

