Bill of Rights in the News: Gun Rights in the 21st Century

In the wake of recent tragic shootings, there has been a significant revival of the debate over the Second Amendment and gun control. The debate, in broad generalities, is split between two sides. On one side are gun control advocates who believe that stricter regulation of guns would reduce violence. On the other side are gun rights advocates, who believe that the right to own a gun is fundamental and that more restrictions on gun ownership do not decrease violence. This divide is animated by different interpretations of the Constitution and its applicability in 21st century America. In this eLesson your students will explore some of the constitutional issues and policy proposals that make up the gun control/gun rights debate.

Obama takes gun control push to law enforcement, American people
Date: 2/04/13
Source: Washington Post

From State to State, Varied Responses to the Issue of Gun Violence
Date: 2/03/13
Source: NY Times

Gun Control Divides County Sheriffs
Date: 2/04/13
Source: NPR

Debate Over Gun Control Is One-Sided in Idaho
Date: 2/04/13
Source: NY Times

1. What right does the Second Amendment protect?
2. Some commentators have suggested heavily taxing / regulating bullets to limit gun violence - do you think that would be constitutional?
3. Limiting the availability of high-capacity magazines and restricting semi-automatic weapons has been forwarded as a means to prevent mass shootings. From a constitutional standpoint, how, if at all, do we separate the type of weaponry that may be owned by government officials and law enforcement from that which is available to the general public?
4. Some regulations have been criticized as criminalizing the behavior of millions of law-abiding Americans because of the criminal acts of others. Should laws be based on harm/intended harm, or also on the potential to do harm come?

5. Different states have very different conceptions of the scope and limitations of the second amendment; how much authority should local and state governments have to regulate firearms? How, if at all, does this relate to the constitutional principle of federalism?

6. Some studies have shown a correlation between handgun bans and a decrease in the suicide rate - to what extent is it appropriate/constitutional to base limitations of the Second Amendment on the prevention of self-inflicted harm?

7. Almost all individual rights are subject to “reasonable” restrictions. For example, there is no individual right to shout “fire!” in a crowded theater if there is no fire. Your right to speak does not include the right to force others to listen. What are reasonable restrictions on the right to keep and bear arms?