



Teaching about Guns and Gun Control

By Stephen A. Rose

Background

The issue of guns and gun control is fractious; there are many arguments for and against strict regulation of firearms. In this lesson students will read the article “Debating the Gun Issue,” (Handout 1) to become informed about the general nature of the issue and then be divided into interest groups and stake out a position on proposed gun control legislation.

Objectives

Students will

- Describe the main arguments offered by groups and organizations for and against gun control.
- Develop an informed position on the issue of gun control.

Target Group: Secondary

Time Needed: 2-4 class periods

Materials: Handout 1, article “Debating the Gun Issue,” and Handout 2, “Proposed Gun Control Legislation.” Access to the Internet to engage in an Internet /Web Activity about gun control.

Additional Optional Resources:

- “Our Second Amendment,” by Charles L. Blek, Jr., *Human Rights*, Fall 1999. See <http://www.abanet.org/irr/hr/fall99humanrights/blek.html>
- “Taking Second Amendment Rights Seriously,” by Robert A. Cottrol, *Human Rights*, Fall 1999. See <http://www.abanet.org/irr/hr/fall99humanrights/cottrol.html>

Procedures

Part One: Introducing the Second Amendment

1. Introduce the lesson by sharing a recent news story about gun violence. Ask students what they think should be done about gun violence. Seek out and discuss a wide range of answers. Next, ask if the Second Amendment is relevant to any of the proposed solutions. Share the text of the Second Amendment to the U.S. Constitution: “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.” Explain that the Second Amendment and how it is interpreted by people and the courts is fundamental to the debate over guns and gun control.

2. Have the class read the article “Debating the Gun Issue.” Have pairs of students answer the following questions:



- What is the collective interpretation of the Second Amendment and what does this imply for the regulation of guns?
- What is the individual rights interpretation of the Second Amendment and what does this imply for the regulation of guns?
- According to proponents of gun control, what effect does citizen ownership of guns have on crime and injury?
- According to opponents of gun control, what effect does citizen ownership of guns have on crime and injury?

3. Conduct a class review of the answers to these questions and correct any misunderstandings of the main features of the article.

Part Two: Issue Advocacy

1. Introduce students to the following activity.

2. As members of various interest groups, some for and some against gun control, students are to research, design, and deliver a persuasive speech to Congress supporting or opposing the proposed legislation below (Also see Handout 2). Groups will also design a 30-60-second commercial in support of the group's position. This commercial may be produced and viewed on videotape, PowerPoint, Hyper Studio, or other forms of multimedia.

Proposed Legislation*

I. Ban the manufacture and sale of “junk” guns, also called “Saturday Night Specials.” [Non-sporting, low-quality handguns with short barrels and often without safety features].

Congress has banned the import of low-quality, easily concealed “junk” guns. However, they can be manufactured and sold in most, but not all, states. “Junk” guns routinely top the lists of guns traced to crime.

II. Reintroduce the federal assault weapons ban that expired in 1994, closing the loopholes that had existed in federal bans on the importation, manufacture, and sale of assault weapons and the high-capacity ammunition magazines used in such weapons.

III. Strictly regulate high-caliber sniper rifles—or specifically, the 50-caliber military sniper rifles. Bullets from these rifles pierce police body armor. Congress should act quickly to bring them under the controls of the National Firearms Act, the 1934 federal law that currently governs the transfer and possession of extremely dangerous firearms such as machine guns and sawed-off shotguns.



IV. Regulate gun sales in secondary markets such as gun shows, Internet buying, and classified advertisements, to conform to state laws, and the Brady Handgun Violence Prevention Act of 1993 (Brady Law). [The Brady Law requires federally-licensed firearm dealers to check with law enforcement before selling a firearm.] Regulate all gun sales. (Some figures estimate that 40 % of all gun sales are through secondary markets, where background checks are not required.)

V. Require all handguns to be equipped with child-safety devices that meet minimum government safety standards.

VI. Increase the minimum age for possession of a handgun from 18 to 21.

[*Measures originally proposed in An Agenda for Genuine Gun Control by the Violence Policy Center, www.vpc.org]

3. Interest groups will be (a) representative of an organization that is anti-gun control and (b) representative of an organization that is for strict gun control laws.

4. Groups of 4-5 students will form an interest group, and each group member will have a specific responsibility:

- Two speechwriters (help conduct research and compose the speech script)
- Speech giver (delivers the speech to Congress)
- Commercial designer (composes the commercial script and acts in the commercial)
- Project coordinator and technical director (coordinates the group effort, leads members in research, and assists group members in developing a multimedia commercial.

5. Have each group present its speech and commercial. Identify the issues and concerns of interest groups that support and oppose gun control.

6. Ask the class to brainstorm policy proposals to that reflect a balanced position and take arguments presented by interest groups both supporting and opposing gun control into account. Discuss the strengths and weaknesses of the resulting proposals.

Stephen A. Rose “Teaching about Guns and Gun Control,” Insights on Law & Society Online, Vol. 1, No. 1 (Fall 2000), American Bar Association.



Extension: Many of the measures outlined in the proposed legislation for the activity have been introduced as separate pieces of legislation in the 110th Congress. For example, provisions of section II above are included in McCarthy Assault Weapons Ban and Law Enforcement Protection Act of 2007 or H.R. 1022. Assign groups of students to research current legislative introduced into Congress. Have them identify proposed legislation that resembles the mock “Proposed Legislation.” Ask groups to report back on existing measures and how they compare to the mock legislation.



Handout 1

Debating the “Mighty Constitutional Opposites” Debating the Gun Issue

Many Americans agree that guns are winding up in the wrong hands and being used in the wrong ways. From there discussion bursts into an array of incompatible views, posing questions with no easy answers. In balancing the individual’s “right to bear arms” with the need for public safety, should the United States

- Concentrate on enforcing existing laws?
- Enact more gun laws?
- Insist that manufacturers include safety features and that gun owners take safety training courses?
- Ban certain types of firearms?
- Abolish the right to bear arms?

There are many arguments for and against different means of gun control, and the answers to the questions that arise vary greatly depending on who has the floor and how that person interprets the information coming from the many different sides of the gun issue. But the principal arguments fall into two categories: those that center on the meaning of the “right to bear arms” and those weighing the extent to which gun possession by ordinary individuals tends to increase the risk of injury or exacerbate crime.

Right to Bear Arms

The Second Amendment 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.” Proponents of gun control legislation argue that this language should be collectively interpreted—that the Second Amendment refers to an organized group (militia) whose function is to protect the nation’s freedom, such as the National Guard. This view’s supporters have pointed to the U.S. Supreme Court decision in *United States v. Miller*, 307 U.S. 174 (1939), which comments that the “obvious purpose” of the Second Amendment is “to assure the continuation and render possible the effectiveness of” state militia forces.

Gun control opponents are unpersuaded. They argue that this amendment, like others in the Bill of Rights, simply affirms a right that individuals already have, one that the Bill of Rights expressly forbids the government to touch. Quotes from the Founders are used to reinforce this argument, including Thomas Jefferson’s statement, “No man shall ever be debarred the use of arms.” Many proponents of this interpretation of the Second Amendment fear that gun control is



Handout 1, page 2

a step toward confiscating weapons, and that confiscating weapons is a step toward government tyranny. Supporters of this position point to the 2007 *Parker v. District of Columbia* decision in which the D.C. Circuit Court struck down a gun control law on Second Amendment grounds. The court interpreted the Second Amendment as protecting an individual right to bear arms.

Gun control supporters counter those statements such as Jefferson's in no way prohibit gun regulation. If this argument is accepted, another is close behind: how far can regulation go before it starts to infringe on the right to bear arms?

Crime and Injury

Does gun possession by ordinary individuals tend to produce a high percentage of otherwise preventable injury and death? Or, are guns in the hands of private individuals an important crime deterrent?

The public has heard many arguments that guns at home are much less likely to defend against unknown intruders than they are to cause accidental, suicidal, and angry shootings of people belonging or known to the household. Tragic cases of shooting deaths among juveniles support this viewpoint, as do incidents of one adult shooting another over a disagreement. Examples involving juveniles include the planned murder of students by fellow students at Columbine High School in Colorado, as well as a case from Michigan in which one six-year-old pupil killed another with a gun from home. In April 2007, Virginia Tech student Seung-Hui Cho killed 32 people with semi-automatic guns he had purchased. Gun control proponents use such tragedies to bolster many aspects of their arguments: If the guns hadn't been available to the juveniles, they couldn't have used them. In the case of the six-year-olds, if the gun had had a safety lock, the accident would have been much less likely to have occurred. Gun regulations with stern penalties for owners and sellers—as opposed to an outright ban on private gun ownership—would protect communities while not infringing on the individual's basic right to bear arms, according to these arguments.

Gun control opponents offer their own statistics, using them to disagree with regulation proponents at different levels. For example, some opponents argue serious research has indicated that the "right to bear arms" stops criminal attacks approximately 2.5 million times a year. Of these incidents, a large number do not involve firing the weapon—just showing it is enough to make the attacker retreat. Furthermore, regulation opponents claim that there is no research to substantiate the theory that private gun ownership turns differences of opinion into bloody



Handout 1, page 3

shootouts. In fact, since the liberalization of the concealed carry laws, over one million Americans have obtained a license to carry a firearm, and the accidental death rate has not even slightly increased. Can regulation proponents back up their claims with statistics and research, rather than simply relying on what regulation opponents call anecdotal information? Or are such data already available, but ignored, by the other side?



Handout 2

Proposed Legislation*

I. Ban the manufacture and sale of “junk” guns, also called “Saturday Night Specials.” [Non-sporting, low-quality handguns with short barrels and often without safety features]. Congress has banned the import of low-quality, easily concealed “junk” guns. However, they can be manufactured and sold in most, but not all, states. “Junk” guns routinely top the lists of guns traced to crime.

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Internet Resources

ABA Special Committee on Gun Violence

www.abanet.org/gunviol

Brady Campaign

www.bradiycampaign.org/

Bureau of Alcohol, Tobacco and Firearms (ATF) Firearms

www.atf.treas.gov/firearms/index.htm

The Cato Institute

www.cato.org/

Coalition to Stop Gun Violence

www.csgv.org/

The Heritage Foundation

www.heritage.org/

Jurist

jurist.law.pitt.edu/gunlaw.htm

Legal Community Against Violence

www.lcav.org/

National Rifle Association

www.nra.org

National Rifle Association Institution for Legislative Action

www.nraila.org

National Shooting Sports Foundation

www.nssf.org

PBS Hot Guns Pro/Con

www.pbs.org/wgbh/pages/frontline/shows/guns/procon/



Internet Resources

Second Amendment Foundation

www.saf.org

Violence Policy Center

www.vpc.org

The National Center for Policy Analysis

www.ncpa.org/pi/congress/crime4.html