Debating the Second Amendment: Balancing safety and guns

Abstract: In this multiday lesson, students will explore the intersection of a safe society and guns. When engaged in a class deliberation, students will consider the basic rights of an individual to own a gun and the regulatory rights of government. Students will also develop position papers on one of the three fundamental interpretations of the Second Amendment. In support of their analysis, students will use the Annenberg Classroom video resource, The Second Amendment, which provides a historical overview of the evolution of gun rights in America. Additional resources and assessment criteria are provided.

Objectives:
- Evaluate the evolution of gun laws in United States historically and legally.
- Identify, apply and evaluate various interpretations of the Second Amendment.

Standards:
PA 5.1.12.D: Evaluate state and federal powers based on significant documents and other critical sources.

PA 8.3.9.C: Analyze how continuity and change have impacted the United States.

PA 5.3.12.F: Analyze landmark United States Supreme Court interpretations of the Constitution and its Amendments.

CCSS: Introduce precise claim(s), distinguish the claim(s) from alternate or opposing claims, and create an organization that establishes clear relationships among the claim(s), counterclaims, reasons, and evidence; Produce clear and coherent writing in which the development, organization, and style are appropriate to task, purpose, and audience; Gather relevant information from multiple authoritative print and digital sources, using advanced searches effectively; assess the usefulness of each source in answering the research question; integrate information into the text selectively to maintain the flow of ideas, avoiding plagiarism and following a standard format for citation.
Activities:

1. Give the **Gun Dilemma Handout** to students and ask them to pen an individual response.

2. Post the **Gun Law Position Cards** on three different sides of the classroom and have students gravitate toward a position. In these groups and as a full class, have students discuss their response to the question from the **Gun Dilemma Handout**: *What do you think? Is American society safer with or without guns?*

3. At this point, three groups should have naturally formed. The instructor might want to balance groups if all positions are not equally represented. Explain to students that they will be holding a structured dialogue using the fishbowl strategy over the right to bear arms and its role in creating a safer society. The instructor will serve as facilitator. The discussion will focus on these five questions, which each group should further organize around. Each group is responsible for answering the main question by addressing the following questions:

   - What exactly does “safer” mean?
   - What does the Second Amendment say and mean?
   - Which historical contexts are important when considering gun laws?
   - What should be the individual’s right to bear arms?
   - To what extent, if at all, should government be able to regulate guns?

4. Each group is responsible for the development and delivery of position papers addressing one of the aforementioned questions. Each position paper should also speak to how the presented arguments create a safer society (a definition that should be consistent across the group) and support its interpretation of the Second Amendment. The following criteria will be used to judge deliberation:

   - Which side was able to present and defend a clearer definition of “safer,” and connected those arguments to specific language of the Second Amendment?
   - Which side accurately supported and defended its position using history and law?
   - Which side was able to effectively question claims made by other groups, and did so in a respectful way?

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1 Instructors, depending on the curriculum, could further define the overall question to tackle more specific Second Amendment issues. For example, there are instances in law that deal with the search of individuals for concealed weapons such as *Adams v. California* (1972) and the Castle Doctrine. A list of issues can be found at gun-control.procon.org and https://en.wikipedia.org/wiki/Firearm_case_law_in_the_United_States. The instructor could have students use all the same activities but focus the classroom deliberation and position papers on a specific law and/or court case.

6. and use the **Second Amendment Video Handout** to guide student thinking. Additional supportive resources are also available:
   - A list of resources that provide accurate information: [http://www.annenbergclassroom.org/page/critical-thinking-resources-for-gun-issues](http://www.annenbergclassroom.org/page/critical-thinking-resources-for-gun-issues)

7. Hold the deliberation after position papers have been developed, giving each question its due. The basic rule of the fishbowl is that students can replace a peer in the bowl (as long as all sides are still represented) at any time with just a tap on the person’s shoulder. All other students should observe the dialogue and prepare to enter the bowl to move the discussion along. The instructor can intervene to draw attention to a particular point, offer suggestions on how to move the conversation forward, moderate unproductive behavior, and trigger a needed change in the makeup of the fishbowl. Once the dialogue is over, ask students to collectively reflect on this experience and what it has taught them about the Second Amendment.

8. Assessing the position papers: Each group should hand in position papers that address the overall debate and the assigned question. Use the following criteria to assess the quality of this work:
   - A clear definition and application of “safer” is presented and connected to the history and law. The overall question and the group’s assigned question are addressed.
   - Specific language of the Second Amendment is addressed.
   - Evidence drawn from history and law is accurately used to support claims.
   - The paper presents an evolution of rights and regulations that enhances argument.
   - Grammar, spelling, mechanics and organization aid rather than distract from the argument.
In recent times, the shootings at Sandy Hook Elementary School in Connecticut, San Bernardino, Calif., and Orlando, Fla., have renewed the debate on gun control. The Second Amendment of the U.S. Constitution says, “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.” Subsequent laws and court cases have further defined what this amendment means in terms of the right of individuals to bear arms and the government’s regulatory power to restrict it. These rights and regulatory powers have evolved over time, suggesting that Americans continue to debate the role of guns in society.

What do you think? Is American society safer with or without guns?
Only state- and federally regulated militias (police, military) should be allowed to own guns.
Individuals have the right to bear arms without government interference.
Individuals have the right to bear arms, but government needs to enact strong regulations.
Second Amendment Video Handout

1. Why were guns important during the pre-colonial and revolutionary eras?

2. What is confusing about the wording of the Second Amendment?

3. According to the U.S. Constitution, what powers does the government have to regulate militia?

4. What is the purpose of a militia and how does that differ from a standing army?

5. Why do guns become important by the end of the Civil War? What role did the Fourteenth Amendment have in protecting the right to bear arms?

6. What did the Supreme Court have to say about individuals having the right to bear arms?
7. What was the purpose of the National Firearms Act of 1934, and then later, the Brady Law?

8. What impact did the assassination attempt of President Ronald Reagan and background checks have on the debate about individual rights to own a gun?

9. How did the Supreme Court interpret individual rights to bear arms in *D.C. v. Heller* (2008)? What is the essential disagreement and areas of agreement among the justices?

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