



Second Amendment Scholar Exchange Brief

This exchange introduces students to different viewpoints and debates surrounding the Second Amendment by using the National Constitution Center’s *Interactive Constitution*. Students will build understanding of the resources and methods used by Supreme Court justices and constitutional scholars when analyzing and forming opinions about articles, sections, and clauses of the Constitution. Students will identify key points from the essays of constitutional scholars Nelson Lund and Adam Winkler. Students will be able to trace the historic development of the Second Amendment with help from the Common Interpretation and matters of debate essays, and use evidence from the readings to explore modern interpretation of the Second Amendment.

- View the May 6 session: <https://constitutioncenter.org/interactive-constitution/educational-video/scholar-exchange-second-amendment>
- View the May 7 session: <https://constitutioncenter.org/interactive-constitution/educational-video/scholar-exchange-second-amendment-round-2>

More helpful links:

- Watch recordings of all of our past Scholar Exchange sessions on our YouTube page: <https://www.youtube.com/user/ConstitutionCenter>
- View the schedule for upcoming Scholar Exchange sessions on our website: <https://constitutioncenter.org/interactive-constitution/classroom-exchanges/online-civic-learning-opportunities>

INTRODUCTION

Big question:

When can the government limit the individual right to possess guns and other firearms—and when can’t it?

Amendment text:

(Prefatory Clause) **A well regulated Militia, being necessary to the security of a free State,** (Operative clause) **the right of the people to keep and bear Arms, shall not be infringed.**

- [Read on the *Interactive Constitution*](#)

More key questions:

- Does the Second Amendment protect a right to keep and bear arms only when reasonably connected with militia service? (This is known as the “**collective rights**” view of the Second Amendment.)



- Or, does the Second Amendment also protect a freestanding right to keep and bear arms—one not necessarily connected to militia service? (This is known as the “**individual rights**” view of the Second Amendment.)
- Which side do you think offers the better reading of the Second Amendment—the collective rights view (gun rights connected to militia service) or the individual rights view (guns rights as an individual right not necessarily connect to militia service)?

FOUNDING STORIES

- [Declaration of Independence:](#)
 - *“kept among us, in times of Peace, Standing Armies without the Consent of our legislatures” and had “affected to render the Military independent of and superior to the Civil power.”*
- [Common Sense by Thomas Paine](#)
- [Article I, Section 8 of the Constitution](#)
- [Third Amendment](#)
- [Federalist No. 25](#)
- [Federalist No. 29](#)
- [Federalist No. 41](#)
- [Federalist No. 46](#)
- [The Federal Farmer](#)—thought to be Virginia’s Richard Henry Lee.
- [“Brutus”](#)—thought to be New York’s Robert Yates

CIVIL WAR AND RECONSTRUCTION ERA

Framing question:

How did the Civil War, Reconstruction, and the Second Founding transform debates over the Second Amendment and the right to keep and bear arms? And specifically, why were gun rights so important to African Americans in the South following the Civil War?

- Black Codes
 - [Watch a clip from the National Constitution Center production of *FOURTEEN* exploring the Black Codes](#)
- Frederick Douglass Speech at the Thirty-Second Annual Meeting of the American Anti-Slaver Society, May 10, 1885
 - *“The black man has never had the right either to keep or bear arms; and the legislatures of the states will still have the power to forbid it.”*
- [Freedman’s Bureau Act](#)
- [14th Amendment](#)
- [Cruikshank v. United States](#) (1876)
- [Presser v. Illinois](#) (1886)
- Ida B. Wells, 1892:
 - *“[A] Winchester rifle should have a place of honor in every black home. . . . When the white man . . . knows he runs as great a risk of biting the dust every time his Afr[ican]-American victim does, he will have a greater respect for Afr[ican]-American life.”*

20TH AND 21ST CENTURY CASES

- [United States v. Miller](#) (1939)
- [District of Columbia v. Heller](#) (2008)
- [McDonald v. City of Chicago](#) (2010)

ADDITIONAL RESOURCES

Watch

The National Constitution Center’s video lessons on the Bill of Rights offer a nice introduction to the Second Amendment.

- Video Lesson: [Bill of Rights Day](#)
- Video Lesson: [The Bill of Rights, Second Edition](#)
- Town Hall Program: [Armed in America: A History of Gun Rights from Colonial Militias to Concealed Carry](#)

Listen

On the Center’s podcasts, President and CEO Jeffrey Rosen brings together leading experts to discuss current constitutional topics! Episodes on the Second Amendment include:

- [Is There a Constitutional Right to Transport a Gun?](#)
- [The Next Big Second Amendment Case?](#)
- [Is the Second Amendment a “Second Class Right”?](#)
- Check out the full library of episodes on the Second Amendment [here](#).

Read

- [The Second Amendment](#) essays on the [Interactive Constitution](#)
- [Second Amendment](#) on our [Writing Rights](#) interactive
- The [right to bear arms](#) on our [Rights Around the World](#) interactive

The Center’s blog is the place to turn to for informative nonpartisan articles on historic and contemporary constitutional issues. Some great posts the Second Amendment include:

- [On This Day, a Divided Supreme Court Rules on the Second Amendment](#)
- Check out the full library of blog posts on the Second Amendment [here](#).

