

The Second Amendment Tested

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AHTC Constitutional Convention Summer Institute 2008

Lesson for American Government, Early or Modern American History

Abstract:

This lesson consists of an analysis of the Second Amendment to the US Constitution and the 2008 Supreme Court case *D.C. v. Heller* that tested the constitutionality of a District of Columbia handgun ban. Students will spend three days reading and analyzing the primary source documents of the Second Amendment and the majority and minority opinions from the case. The format of the three day lesson will be arranged similarly to a DBQ along the lines of those presented in the DBQ Project.

Essential Questions:

- Did the 2008 Supreme Court ruling in *D.C. v. Heller* uphold the Constitution?
- Is the Second Amendment still relevant in today's world?
- What can be considered appropriate and inappropriate regulatory legislation on the individual's "right to keep and bear arms" based on the language of the Second Amendment?

Assessment:

- Document Analysis Worksheet
- Class Debate addressing Essential Question 3
- Two paragraph essay addressing Essential Questions 1 and 2

Setting the Purpose:

- **Day 1:** To open the lesson, students will be asked to write down their opinions about an individual's "right to keep and bear arms." The teacher will explain that this phrase comes from the Bill of Rights, but ask students to consider the importance of such a right in 2008, and should we surrender such a right for added security? After students record their thoughts, have them share with a neighbor and get the perspective of a peer, before eventually sharing the material with the class and compiling responses on the board. This task will activate students' prior knowledge, but since most prior knowledge about the issue is likely biased, this task will allow them to vent those feelings and biases and hear alternate opinions from classmates.

Analysis of Primary Sources:

- After the discussion, students will read the Second Amendment aloud. They will analyze the language and try to interpret the meaning. We will discuss the fact that it is the only amendment with a preamble and the effect of the preamble, "A well regulated militia, being necessary to the security of a free State." Students will discuss the language of the amendment using "historical thinking" of its ratification in 1791, and compare that to modern meanings and interpretations.

- (Background): Students will read portions of the “Right to Bear Arms” section of the book, *Our Rights* by Bodenhamer. This secondary source will provide students with the background history of the amendment and its history in the courts.
- **Day 2:** (Hook)The second day of the lesson will open with a viewing of a YouTube clip that sets up the Supreme Court case *D.C. v. Heller*. The teacher will frontload the video by explaining that the Second Amendment is a current, active national debate and was recently tested in the Supreme Court. The YouTube clip “High Court Takes up D.C. Gun Case” is from Reuters during the case and will set the scene of the case and the basic arguments of each side.
- (Dissecting the Task): Students will again read at the Second Amendment to reinforce yesterday’s material. They will use the information in the video clip to apply the arguments to the amendment itself.
- (Close Analysis using Document Analysis Sheet): Students will then be broken into two groups, with one group responsible for reading and analyzing the majority opinion of the Supreme Court in *D.C. v. Heller*, and one group responsible for reading the minority opinion. [The full texts of the opinions are available online, but are extremely long with difficult language. So the individual teacher will have to select excerpts based on the reading level of the students and important portions that he or she would want to make sure students read.]
- (Synthesis): Each group will read their portion of the majority or minority opinion, and prepare arguments regarding the constitutionality of the Washington, D.C. handgun ban. They will then use their argument to answer the third central question, “What can be considered appropriate and inappropriate regulatory legislation on the individual’s “right to keep and bear arms” based on the language of the Second Amendment?”
- **Day 3:** Depending on how much students were able to get done on the second day, they may need time to prepare their arguments at the beginning of the third day.
- Afterwards, they will present their formal arguments, with a thesis, opening statement, rebuttal, and closing statement using the Supreme Court opinion and Second Amendment text as evidence for their arguments.
- As homework and conclusion to the lesson, students will answer the other two essential questions in a two paragraph essay. Based on the documents and class debate, they will argue whether or not the decision in *D.C. v. Heller* upheld the Constitution and whether or not the Second Amendment is relevant in 2008.

Materials and Resources:

- Second Amendment to the US Constitution
- “Right to Bear Arms” section of *Our Rights* by Bodenhamer
- [Reuters - High Court Takes Up DC Gun Case](#)
- DBQ Project Document Analysis Sheet
- [US Supreme Court Ruling District of Columbia et al. v. Heller](#)