



## The Second Amendment: Why is it controversial?

Grade Levels: 9-12

Number of Class Periods: 2 (About 60 minutes) with options for extension

### Lesson Overview

Throughout modern American history, the meaning of the Second Amendment has caused much debate and discussion. The wording of the amendment and what it means today, especially in the wake of mass shootings and gun violence in the nation, is the center of the dispute. Some have argued that the right to bear arms is based on membership in the militia, while others have argued that it is an individual right.

This lesson will engage students in the history of the Second Amendment and how its meaning and importance have changed over time. Students will examine various eras in U.S. history that shaped the debate: the American Revolution; the Civil War and Reconstruction; the 1930s and Prohibition; the assassinations in the 1960s; and the Supreme Court decisions in *D.C. v. Heller* (2008) and *McDonald v. Chicago* (2010). Finally, students will be challenged to rewrite the amendment to make it more accessible to the world today.

### Objectives

Students will be able to infer how the struggle to interpret the Second Amendment presented a constant challenge for the United States throughout history and continues today.

Students will be able to evaluate the reasons for why the Second Amendment has been so controversial, paying specific attention to the wording of the amendment.

Students will be able to analyze primary sources to identify the point of view, purpose, and audience of a source. They will also use primary sources to analyze historical arguments.

Students will be able to use historical thinking to analyze patterns and connections between historical events and developments.

Students will be able to compare and contrast primary sources to determine similarities between key ideas and events in the United States relating to the Second Amendment and the right to bear arms.

Students will be able to support a position by using and applying primary sources to determine and answer the essential question: Does the Second Amendment give private individuals the right to keep and bear arms, or can this right be exercised only through membership in a militia organization?

## Materials

- Documentary [Second Amendment: D.C. v. Heller and McDonald v. Chicago](#)
- Worksheet – “Evolving Views on the Second Amendment”
- Worksheet – “Wording of the Second Amendment”

## Supplemental Materials from Annenberg Classroom

- Book: Our Rights, [Chapter 23 – The Right to Bear Arms](#)
- Second Amendment [Timeline](#)
- Annenberg Guide to the Constitution: Second Amendment
- <https://www.annenbergclassroom.org/second-amendment/>
- [Glossary term](#): The right to bear arms

## Essential Question

Does the Second Amendment give private individuals the right to keep and bear arms, or can this right be exercised only through membership in a militia organization?

## Procedure

### Day 1

Warm-up Activity: Ask students if they agree or disagree with the following statements:

1. The only people who can own guns are security guards and police.

2. Because of the Second Amendment, all people are allowed to own any weapon, regardless of what type.
3. Only those who are licensed hunters and registered individuals who want a gun for home self-defense are allowed to own guns.
4. Do you feel that Americans consider gun ownership to be a central part of their identity?

After discussing the questions as a class, explain to students that ever since the founding of the nation, gun ownership has been an important and controversial right. This right was given to Americans in the Second Amendment. Modern debates about the Second Amendment have focused on whether it protects the right of private individuals to keep and bear arms, or a right that can be exercised only through membership in militia organizations like the National Guard.

Explain to students that many events in American history contributed to the changing views on the Second Amendment, who had a right to own a gun, and what type of guns should be permitted to own.

Hand out the “Evolving Views on the Second Amendment” worksheet and tell students to look over the events and fill out the chart during the viewing of the documentary. Play the [documentary](#) for students (21 mins).

After students watch the documentary, distribute the primary source handouts. If there is time in class, students can use the sources to add to the chart. Students can also complete the chart for homework.

## Day 2

Discuss the chart with the students, going over each event/time period. Ask students what changed or remained the same with Americans’ view of the Second Amendment.

Hand out the “Wording of the Second Amendment” worksheet and have students work in groups to consider ways to change the Second Amendment to make it easier to understand and adopt to the current times. Have the groups present their findings to the class.

## Extension Activities

1. Research the right to bear arms in two or three other countries. How do these rights compare with the rights found in the Second Amendment?
2. Sample three different states and their laws concerning the regulation of guns. What are the similarities and differences between the state laws? Which state do you agree with and why?
3. What role does the Second Amendment play in the election of politicians?

## 9<sup>TH</sup>– 10<sup>TH</sup> Grade Common Core Standards

### CCSS.ELA-LITERACY.RH.9-10.1

Cite specific textual evidence to support analysis of primary and secondary sources, attending to such features as the date and origin of the information.

### CCSS.ELA-LITERACY.RH.9-10.2

Determine the central ideas or information of a primary or secondary source; provide an accurate summary of how key events or ideas develop over the course of the text.

### CCSS.ELA-LITERACY.RH.9-10.6

Compare the point of view of two or more authors for how they treat the same or similar topics, including which details they include and emphasize in their respective accounts.

### CCSS.ELA-LITERACY.RH.9-10.9

Compare and contrast treatments of the same topic in several primary and secondary sources.

## 11<sup>TH</sup>–12<sup>TH</sup> Grade Common Core Standards

### CCSS.ELA-LITERACY.RH.11-12.1

Cite specific textual evidence to support analysis of primary and secondary sources, connecting insights gained from specific details to an understanding of the text as a whole.

### CCSS.ELA-LITERACY.RH.11-12.2

Determine the central ideas or information of a primary or secondary source; provide an accurate summary that makes clear the relationships among the key details and ideas.

### CCSS.ELA-LITERACY.RH.11-12.7

Integrate and evaluate multiple sources of information presented in diverse formats and media (e.g., visually, quantitatively, as well as in words) in order to address a question or solve a problem.

CCSS.ELA-LITERACY.RH.11-12.9

Integrate information from diverse sources, both primary and secondary, into a coherent understanding of an idea or event, noting discrepancies among sources.

## Worksheet – “Evolving Views on the Second Amendment”

How did the following events in American history contribute to the changing views on gun control and the Second Amendment? Use the documentary and then the quotes to fill out the chart to prepare for a class conversation.

- As you watch the documentary, fill out the chart below.
- Afterward, use the primary sources to add to the chart.

| <b>Events</b>                | <b>How did the event contribute to the controversy over the right to bear arms?</b> |
|------------------------------|---|
| American Revolution          |   |
| Civil War and Reconstruction |   |
| Prohibition and the 1930s    |   |
| 1960s Assassinations         |   |

## Evolving Views on the Second Amendment – Primary Sources

### American Revolution

Pennsylvania State Constitution (1776)

SEC. 13. That a well-regulated militia, composed of the body of the people, trained to arms, is the proper, natural, and safe defence of a free State; that standing armies, in time of peace, should be avoided, as dangerous to liberty; and that in all cases the military should be under strict subordination to, and governed by, the civil power.

XIII. That the people have a right to bear arms for the defence of themselves and the state; and as standing armies in the time of peace are dangerous to liberty, they ought not to be kept up; And that the military should be kept under strict subordination to, and governed by, the civil power.

SECT. 43. The inhabitants of this state shall have liberty to fowl and hunt in seasonable times on the lands they hold, and on all other lands therein not inclosed

### Civil War and Reconstruction

Sec. 7. . . . No negro who is not in the military service shall be allowed to carry fire-arms, or any kind of weapons, within the parish, without the special written permission of his employers, approved and indorsed by the nearest and most convenient chief of patrol – Louisiana Black Code, 1865

“A man’s rights rest in three boxes: the ballot box, the jury box, and the cartridge box.” (in response to segregation laws in many Southern states) – Frederick Douglass, abolitionist, 1867

### Prohibition and the 1930s

“We can never be free from the menace of promiscuous killings until the possession of firearms is everywhere restricted to persons of known character...To this end I shall press my bill for passage through the United States Senate.” – New York Sen. Royal Copeland, 1932

“In the absence of any evidence tending to show that possession or use of a "shotgun having a barrel of less than eighteen inches in length" at this time has some reasonable relationship to the preservation or efficiency of a well-regulated militia, we cannot say that the Second Amendment guarantees the right to keep and bear such an instrument. Certainly, it is not within judicial notice that this weapon is any part of the ordinary military equipment, or that its use could contribute to the common defense.” – Justice James McReynolds, *United States v. Miller*, 1939

## Assassinations in the 1960s

“If guns are to be kept out of the hands of the criminal, out of the hands of the insane, and out of the hands of the irresponsible, then we must have licensing...The voices that blocked these safeguards were not the voices of an aroused nation. They were the voices of a powerful lobby, a gun lobby.” – President Lyndon Johnson, 1968

## Supreme Court Cases

“The Second Amendment protects an individual right to possess a firearm unconnected with service in a militia, and to use that arm for traditionally lawful purposes, such as self-defense within the home.” – Justice Antonin Scalia, *District of Columbia v. Heller*, 2008

“It is clear that the Framers and ratifiers of the Fourteenth Amendment counted the right to keep and bear arms among those fundamental rights necessary to our system of ordered liberty Justice” – Justice Samuel Alito, *McDonald v. Chicago*, 2010



## Worksheet – “Wording of the Second Amendment”

Does the Second Amendment give private individuals the right to keep and bear arms, or can this right be exercised only through membership in militia organizations like the National Guard? Many people think that the Second Amendment is not well written and therefore is perhaps the most misunderstood of all the amendments. We will look at the wording of the amendment and consider its meaning and implications to modern times.

Text of the Second Amendment:

*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.*

The Second Amendment can be divided into two parts:

Prefatory Clause: “A well-regulated militia, being necessary to the security of a free state,”

- Put the Prefatory Clause in your own words below:
  
  
  
  
  
  
  
  
  
  
- In your opinion, do people have a right to bear arms only as a member of a militia?

Operative Clause: “the right of the people to keep and bear arms, shall not be infringed.”

- Put the Operative Clause in your own words below:
  
  
  
  
  
  
  
  
  
  
- In your opinion, are there limits to what weapons the word “arms” includes?
  
  
  
  
  
  
  
  
  
  
- Does the order of the clauses matter? Why or why not?

## Final Activity

How would you rephrase the Second Amendment to adapt to the current day and make it less confusing?