

Justice Talking Listening Guide
The Right to Bear Arms: A Surprising Split Among Liberals
6/18/07

SHOW SUMMARY

A recent federal appeals court ruling that invalidated a Washington, D.C. ban on gun ownership raises important issues over the meaning of the Second Amendment. Throughout history, legal theorists have split on whether the Second Amendment protects the rights of individuals to own guns or only the right to establish armed militias. But now some liberals are unexpectedly supporting the view that individuals have a constitutional right to own and use guns, and that gun control laws may be unconstitutional. This week on Justice Talking: Is the left giving new ammunition to the NRA?



Robert Spitzer



Sanford Levinson



Carl Bogus

- Part 1: Margot talks with **Shelley Parker**, a plaintiff in the court case that overturned a decades-old law banning handguns in Washington, D.C. this past March.

- Part 2: Margot talks with political science professor **Robert Spitzer** about gun ownership and the gun control debate in America before and after the Virginia Tech shooting.

- Part 3: Law professors **Sanford Levinson** and **Carl Bogus** debate the right to bear arms. Is it an individual right or a collective right that our country's founders meant to protect with the Second Amendment?

- Part 4: Justice Talking contributor Adam Allington reports on how the issue of gun control, traditionally a wedge issue between Republicans and Democrats, is no longer so clearly partisan.

- Part 5: Margot talks with **Steven Jett**, a Greenleaf City, Idaho councilman who wrote an ordinance that encourages its citizens to keep a gun at home in case of emergency.

- Part 6: Margot talks with **Shanda Smith**, whose son and daughter were shot and killed in Washington, D.C., about why she supports a gun ban in her city.



**House Approves
Gun Legislation**

June 13, 2007: The House of Representatives passed a gun bill that aims to improve national background checks so the names of people who shouldn't be able to buy guns are more likely to get into the system. It's the first gun-control measure in more than a decade to have a good chance of becoming law.

Listen to this National Public Radio report here:

<http://www.npr.org/templates/story/story.php?storyId=11022528>



Host Margot Adler

Margot Adler is a National Public Radio correspondent based in NPR's New York bureau. Adler has thirty years of experience as a radio host and reporter and is the author of several books.

DEFINITION OF TERMS

Second Amendment -

What It 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.

What It Means: The principal debate surrounding the Second Amendment concerns whether the right to use and buy guns belongs to individuals or only to a militia. Although the courts generally have held that the right applies to individuals, they have permitted the government to limit some rights of gun manufacturers, owners and sellers. Today, questions about the Second Amendment center around bans on assault weapons, mandatory background checks, waiting periods, and other restrictions on gun sales or use. The Second Amendment applies only to actions by the federal government. It does not protect people from state actions that interfere with their right to bear arms. As a result, gun control legislation varies widely among the fifty states.

-definition from the Justice Learning Constitution Guide at www.justicelearning.org

Militia - A military organization of citizens with limited military training, which is available for emergency service, usually for local defense. In colonial America the militia was the only defense against hostile Indians during the long periods when regular British forces were not available. During the American Revolution, the militia, called minutemen, provided the bulk of the American forces as well as a pool for recruiting or drafting of regulars. In the 1870s and '80s such units, which came to be referred to as the National Guard, were called upon by state governors to break strikes. At that time these state units constituted the nation's only trained reserve. In the 20th century, despite the growth of official reserve forces, the National Guard was called into federal service in both world wars and continued to be used in emergencies by both the state and the federal government.

-definition from Encyclopedia Britannica, www.britannica.com

From "amicus curiae" to "zoning," find definitions for legal terms in Justice Learning's Democracy Glossary at <http://services.justicetalking.org/dg/>.

DISCUSSION QUESTIONS

1. As described in Adam Allington's report, what reasons do some Democrats give for diverging from party lines on the issue of gun control? Do you think a rise in liberals who support the right of individuals to own guns will ultimately help or hurt the task of reducing gun crime?
2. After hearing the perspectives of both Shelley Parker and Shanda Smith, do you agree that the D.C. gun ban should have been overturned?

The New York Times
LearningNetwork

Seeing Crime Guns Destroyed Gives Solace to Victims' Families: In 2001 Maine enacted a law that requires handguns used in homicides to be destroyed when they are no longer needed for evidence. Before that, guns were often sold or auctioned by police departments to raise money for other equipment.

Read this New York Times Learning Network article here:
http://www.nytimes.com/learning/teachers/featured_articles/20060105thursday.html