

Seminar – Second Amendment

Syllabus

Spring 2009

Professor Joseph Olson, J.D., LL.M.

Class Hours and location: Thursday, 1:00 – 2:50 pm, Law room 6

Office hours and location:

Office hours: Monday: 11am -1 pm
Thursday: 11am -12 am.
Or by appointment.

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(preferred)

Course Description:

This seminar will explore a unique constitutional provision. Although the Second Amendment is often hotly debated, the United States Supreme Court has only considered Second Amendment claims in a handful of cases. The seminar will explore the history of the Second Amendment beginning with its English antecedents and the constitutional debates over the militia and the armed population. Seminar members will explore the extensive law review and historical literature related to the Second Amendment, cases from state Supreme Courts ruling on analogous provisions in state constitutions, legislative determinations concerning the second amendment, the legislative history of the Fourteenth Amendment as it relates to the Second Amendment and the five US Supreme Court decisions that have pronounced on the Second Amendment, including *D.C. v. Heller* decided in June 2008.

Required text and materials:

Stephen P. Halbrook, THAT EVERY MAN BE ARMED: THE EVOLUTION OF A CONSTITUTIONAL RIGHT (1994).

Stephen P. Halbrook, THE FOUNDERS' SECOND AMENDMENT: ORIGINS OF THE RIGHT TO BEAR ARMS (2008)

- A. The two books for the class will be provided (at no charge) during the first class but I'll have to charge you each a **\$30** copying fee to cover all the materials that will be distributed during the course. Please bring a check made out to HULS. If you go on the voluntary "field trip," there will be some cost to you as well.

Supplemental materials:

The class handouts are part of the course.

Attendance and grading:

Attendance is taken each day by passing around an Attendance Sheet for you to initial. If you arrive too late to sign in, you have missed the class. More than three unexcused absences (or two in a row) is excessive and you will be involuntarily withdrawn from the class.

This is a "paper" course. There will be an un-graded draft and a graded final version of no less than 40 typed pages (exclusive of endnotes).

The following schedule will apply:

Topic paragraph due February 12.

Draft due April 2.

Draft returned April 9.

Paper due in Registrar's Office NLT 4:00 pm on the last day of classes (May 5, 2009).

Advance assignment:

A packet of materials for the initial class session will be placed in your Law School mailbox by Friday, January 16. Please pick it up and read its contents.

As you will discover, there is a lot of reading for this class. There are 20 items in the initial packet. Make certain you scan them all and read carefully the following:

Cottrol, WANT GUN CONTROL? ENFORCE THE SECOND AMENDMENT!

Volokh, GUNS AND THE CONSTITUTION

Polsby, THE FALSE PROMISE OF GUN CONTROL

Wright, TEN ESSENTIAL OBSERVATIONS ON GUNS IN AMERICA

Kopel, CRIME: THE INNER CITY CRISIS

The essay by Jeffray Snyder, A NATION OF COWARDS, is a “thought piece” designed to stimulate a broad discussion of the place of legitimate force (“violence” to some) in a society.