## Social and Legal Regulation of Firearms

**Professor Jeffrey Fagan**  
**JGH 502**  
**Tuesday 4:20 - 6:10**  

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<th>Week</th>
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<th>Readings</th>
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| 1    | Jan 21 | **Introduction: Firearms in America**  

### Assigned Readings

- **Firearm Homicides and All Homicides** (graphic)  
- Craig Whitney, *Living with Guns*, Chapters 1and 2  
- Website orientation: [http://nra.org](http://nra.org) and [http://www.bradycampaign.org](http://www.bradycampaign.org)  
- Press Release, New York SAFE Act

### Background Readings

- Saul Cornell, *Guns and Lattes: Lethal Analogies and the Future of the Second Amendment*, *Second Thoughts*  
- The Price of Gun Control | Harper's Magazine  
- Happiness Is a Worn Gun | Harper's Magazine  
A Brief History of Firearms in the U.S.

Guest Speaker: Saul Cornell, Fordham University

Assigned Readings
- Saul Cornell, “The Right to Bear Arms,” Ch. 35 in The Oxford Handbook of the U.S. Constitution (Mark Tushnet and Sanford Levinson, eds.) 2015

Background Readings
- Joshua Horwitz and Casey Anderson, Guns, Democracy, and the Insurrectionist Idea (2009), 1-136 and 159-227
Feb 4

**Constitutional Framework**

**Assigned Readings**
- Lawrence E. Rosenthal and Adam Winkler, “*The Scope of Regulatory Authority under the Second Amendment*,” Chapter 19 in Webster and Vernick, 225-36 (2013)
- *National Firearms Act* 1939 (1958 Amendment)

**Background Readings**
- Brady Center [website statutory analysis: State Rankings & State Scorecard](https://www.bradycenter.org/)
- [Map of Firearms Freedom Act (FFA)](https://www.bradycenter.org/) State Legislation
- Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), *State Laws and Published Ordinances*

**Cases (Syllabus where available, otherwise SKIM)**
- *U.S. v Miller*, 307 U.S. 174 (1939)
- *U.S. v Cruikshank*, 92 U.S. 542 (1875)
- *Silveira v. Lockyer*, 328 F.3d 567(9th Cir.2003)
- *Peterson v. Martinez*, 707 F3d_1197 (10th Cir.2013)
- *Aymette v. The State 2 Humphreys*, 154 (Tenn.1840)
Firearm Injury and Fatalities
Guest Speaker: Charles Branas, Department of Epidemiology, Columbia University

Assigned Readings
- RAND Corporation, Gun Policy Research Review, 2018

Background Readings
- Embry Howell & Peter Abraham, The Hospital Costs of Firearm Assaults, Urban Institute, 2013.
- Everytown, Analysis of Mass Shootings (March 2017)
- Lee et al., Guns and States: Pediatric Firearm Injury, The Journal of Trauma and Acute Care Surgery, 2013.
February 18

The Markets for Firearms

Guest Speaker: Ted Alcorn, Dept. of Epidemiology and Everytown USA

Assigned Readings

- GunPolicy.org – *Gun Facts, Figures and the Law*: Gun Numbers, Civilian Guns

Background Readings

- GunPolicy.org—*Gun Facts, Figures and the Law*: Gun Trade and Trafficking Firearms Commerce in the United States: *Annual Statistical Update 2014*
- Christelle Rigual, Small Arms Survey 2013: Everyday Dangers, Chapter 8, *Major Exporters and Importers*

Class 5 Slides
Limitations on Manufacture, Distribution and Ownership

Assigned Readings


Background Readings

- Law Center to Prevent Gun Violence, Dealer Regulations Policy Summary
- BATF, “Most Frequently Asked Firearms Questions and Answers”
- Christoper S. Koper, "Federal Legislation and Gun Markets: How much have recent reforms of the federal firearms licensing system reduced criminal gun suppliers?", Criminology & Public Policy, 2006
- BATF, "Firearms Commerce in the United States: Annual Statistical Update 2013"
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**Assigned Readings**


**Background Readings**

- "Regulation and Oversight of Gun Sales Reduces Trafficking to Criminals", NewsRx Health, Johns Hopkins University Bloomberg School of Public Health, August 2009.
- "Gun Laws in the US: Seven Things You Need to Know About the Data", *The Guardian*.
- "Gun Laws in the US, Sate by State- Interactive", *The Guardian*. 
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<tbody>
<tr>
<td>Mar 10</td>
<td><strong>Class Cancelled</strong></td>
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<td><strong>Spring Break</strong></td>
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| Mar 24 | **Right to Carry Laws**  
**Guest Speaker:** John Donohue, Stanford Law School  

**Assigned Readings**  
- John J. Donohue, *Declaration in Support of Defendants' Opposition to Motion for Preliminary Injunction, Miller v California,* 19-CV-1537 BEN-JLB |
Guest Speaker: Matt LaCombe, Department of Political Science, Barnard College

**Assigned Readings**
- Matt Lacombe, “How NRA Became Core Member Republican Coalition”, The Washington Post, April 26, 2019
- Matt Lacombe, “Political Weaponization of Gun Owners (NRA)” 81 *J Politics* 1342 (2019)
- James Surowiecki, “Taking on the NRA” (The New Yorker, October 19, 2015)

**Background Readings**
- Tamara Tabo, "Righteous Indignation: Why is the NRA so White?" Above the Law, May 9, 2013.
- Josh Harkinson, "Does the NRA Really Have 4 Million Members?" *Mother Jones*, January 14, 2014.
# More Guns, Less Crime

## Assigned Readings
- **State of Missouri v. Mun Choi**, 16BA-CV03144 and 16BA-CV-2758, Circuit Court of Boone County, State of Missouri
- RAND Corporation, **The Effects of Stand Your Ground Laws** (2018)
- Mark Obbie, **The False Promise of the Trump Justice Department’s Strategy for Fighting Gun Violence**, The Trace, September 7, 2017
- Deanna Wilkinson and Jeffrey Fagan, **What Do We Known About Gun Use Among Adolescents?** 4 *Clinical Child & Family Psychology Review* 109 (2001)

## Background Readings
- David Hemenway, Deborah Azrael, **The Relative Frequency of Offensive and Defensive Gun Use: Results of a National Survey**, Violence and Victims (2002).
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| Apr 14 | 11 | **Litigation Case Study: New York City Cases before PLCAA**  
  Assigned Readings  
  - **Protection of Lawful Commerce in Arms Act**  
  - **Two Officers Were Shot: Wisconsin Store Liable for Gun Sale** - New York Times article  
  **Background Readings**  
  - **Do Lax Gun Laws Violate Civil Rights?** A Group of Chicago Activists Intends to Find Out  
  - Mike France, “**The Litigation Machine**,” *Businessweek*, Jan. 29, 2001  
  - Mike McIntire and Michael Luo, “**Gun Makers Saw No Role in Curbing Improper Sales**,” *NYTimes*, May 27, 2013.  
### Litigation Case Study: The New York Safe Act

**Assigned Readings**
- New York Safe Act - [FAQ](#)
- [New York State Rifle & Pistol Ass’n, Inc. v. Cuomo](#), 990 F.Supp.2d 349 (W.D.N.Y. 2013)

**Background Readings**
- [New York State Rifle & Pistol Ass’n, Inc. v. Cuomo](#), 804 F.3d 242 (2nd Cir. 2015)
- [New York State Safe Act](#) S2230
- *Amicus Brief, Federal Court Scholars in Support of Vacatur and Dismissal*, New York State Rifle Association, Inc. v. The City of New York et al., 18-280
- *Amicus Brief*, *State Attorneys General* in Support of Petitioners, Nojay et a,. v Cuomo, Schneidermann aad D’Amico, 14-0036 CV (XAP) (2014)
- *Amicus Brief of The National Shooting Sports Foundation*, Inc. in support of Petitioners, Nojay et al. v Cuomo, Schneidermann & D’Amico, 14-0036 CV (XAP) (2014)
### Assigned Readings

- 3-D Guns (Twitter)

### Background Readings
