

**L8797 – S. Social and Legal Regulation of Firearms**  
**Professor Jeffrey Fagan**  
**JGH 502**  
**Tuesday 4:20 - 6:10**

Week	Date	Readings
1	Jan 21	<p><b>Introduction: Firearms in America</b></p> <p><i>Assigned Readings</i></p> <ul style="list-style-type: none"> <li>- <a href="#">Gun Control Act</a> of 1968. 82 Stat. 226 , 18 U.S.C. §§ 921 –928</li> <li>- <a href="#">Firearm Homicides and All Homicides</a> (graphic)</li> <li>- Craig Whitney, <a href="#">Living with Guns</a>, Chapters 1 and 2</li> <li>- Matthew Miller et al., <a href="#">Firearms and Violent Deaths in the United States</a>, Chapter 1 in Daniel Webster and Jon Vernick, <i>Reducing Gun Violence in America: Informing Policy with Evidence and Analysis</i> 4-20 (2013)</li> <li>- New York Times. <a href="#">What Explains U.S. Mass Shootings?</a> Nov 7, 2017</li> <li>- Jonathan M. Metz and Kenneth T. MacLeish, “<a href="#">Mental Illness, Mass Shootings, and the Politics of American Firearms</a>,” 105 <i>Am. J. Public Health</i> 240 (2015)</li> <li>- Website orientation: <a href="http://nra.org">http://nra.org</a>, and <a href="http://www.bradycampaign.org">http://www.bradycampaign.org</a></li> <li>- Press Release, <a href="#">New York SAFE Act</a></li> </ul> <p><i>Background Readings</i></p> <ul style="list-style-type: none"> <li>- Saul Cornell, <a href="#">Guns and Lattes: Lethal Analogies and the Future of the Second Amendment</a>, <i>Second Thoughts</i></li> <li>- <a href="#">The Price of Gun Control</a>   Harper's Magazine</li> <li>- Azam Ahmed, <a href="#">How American Gun Laws are Fueling Jamaica’s Homicide Crisis</a>, New York Times, August 25, 2019</li> <li>- Dahlia Lithwick and Joseph Stern, <a href="#">The First and Second Amendments Clashed in Charlottesville, The Guns Won</a>, Slate.com (2017)</li> <li>- <a href="#">Happiness Is a Worn Gun</a>   Harper's Magazine</li> <li>- John Roman, <a href="#">Why Is It So Hard to Contextualize Gun Deaths?</a> <i>The Atlantic Cities</i>, May 31, 2013</li> <li>- John Schwartz, <a href="#">Gun Bill in Missouri Would Test Limits in Nullifying U.S. Law</a>, <i>New York Times</i>, August 28, 2013</li> <li>- <a href="#">The So-Called Gun Show Loophole: Lies, Damned Lies, and Statistics</a>, The Foundry—Conservative News Blog of the Heritage Foundation (Feb. 8, 2013)</li> <li>- <a href="#">Missouri Bill Would Imprison Legislators Proposing Gun Control</a>, <i>Kansas City Star</i>, Feb. 19, 2013</li> </ul>

2	Jan 28	<p><b>A Brief History of Firearms in the U.S.</b>  <b>Guest Speaker:</b> Saul Cornell, Fordham University</p> <p><b>Assigned Readings</b></p> <ul style="list-style-type: none"> <li>- Saul Cornell, "<a href="#">Half Cocked: The Persistence of an Anachronism and the Presentism in the Academic Debate over the Second Amendment</a>," 106 <i>J. Crim L. &amp; Criminology</i> 203 (2017).</li> <li>- Kevin M. Sweeney and Saul Cornell, "<a href="#">All Guns are Not Created Equal</a>," <i>The Chronicle of Higher Education</i>, Dec. 28, 2013</li> <li>- Saul Cornell, "<a href="#">The Right to Bear Arms</a>," Ch. 35 in <i>The Oxford Handbook of the U.S. Constitution</i> (Mark Tushnet and Sanford Levinson, eds.) 2015</li> <li>- Saul Cornell, <a href="#">The Right to Keep and Carry Arms in Anglo-American Law: Preserving Liberty and Keeping the Peace</a>, 80 <i>Law &amp; Contemporary Problems</i> 11 (2017)</li> <li>- Saul Cornell &amp; Eric Ruben, <a href="#">The Slave-State Origins of Modern Gun Rights</a>, <i>The Atlantic</i>, September 30, 2015</li> </ul> <p><b>Background Readings</b></p> <ul style="list-style-type: none"> <li>- David Hemenway, "<a href="#">Guns in American Society</a>," Chapter 1 in <i>Private Guns, Public Health</i>. Ann Arbor: University of Michigan Press (2004).</li> <li>- Katherine A. Vittes et al., "<a href="#">Reconsidering the Adequacy of Current Conditions on Legal Firearms Ownership</a>," Chapter 5 in Webster and Vernick, 65-76 (2013).</li> <li>- Saul Cornell, "<a href="#">Half-Cocked': The Persistence of Anachronism and Presentism in the Academic Debate over the Second Amendment</a>," 106 <i>J. Crim. L. &amp; Criminology</i> 203 (2016)</li> <li>- Maggie Hartman, "<a href="#">What Makes a Gun an Assault Weapon?</a>" <i>New York Times Magazine</i> (2013).</li> <li>- Joshua Horwitz and Casey Anderson, <a href="#">Guns, Democracy, and the Insurrectionist Idea</a> (2009), 1-136 and 159-227</li> <li>- Philip J. Cook, "<a href="#">The Technology of Personal Violence</a>." 14 <i>Crime and Justice</i> 1 (1991)</li> <li>- Kristin A. Goss, "<a href="#">Policy, Politics, and Paradox: The Institutional Origins of the Great American Gun War</a>." 73 <i>Fordham Law Review</i> 681-714 (2004)</li> <li>- Saul Cornell &amp; Eric Ruben, <a href="#">The Slave-State Origins of Modern Gun Rights</a>, <i>The Atlantic</i>, September 30, 2015</li> <li>- Saul Cornell, "<a href="#">Half-Cocked': The Persistence of Anachronism and Presentism in the Academic Debate over the Second Amendment</a>," 106 <i>J. Crim. L. &amp; Criminology</i> 203 (2016)</li> <li>- Maggie Hartman, "<a href="#">What Makes a Gun an Assault Weapon?</a>" <i>New York Times Magazine</i> (2013).</li> <li>- Philip J. Cook, "<a href="#">The Technology of Personal Violence</a>." 14 <i>Crime and Justice</i> 1 (1991)</li> </ul>
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3	Feb 4	<p><b>Constitutional Framework</b></p> <p><b>Assigned Readings</b></p> <ul style="list-style-type: none"> <li>- Sanford Levinson, "<a href="#">The Embarrassing Second Amendment</a>," 99 <i>Yale Law Journal</i> 63 (1989)</li> <li>- Lawrence E. Rosenthal and Adam Winkler, "<a href="#">The Scope of Regulatory Authority under the Second Amendment</a>," Chapter 19 in Webster and Vernick, 225-36 (2013)</li> <li>- <a href="#">National Firearms Act</a> 1939 (1958 Amendment)</li> <li>- <a href="#">District of Columbia v Heller</a>, 554 U.S. 570 (2008)</li> <li>- <a href="#">U.S. v Lopez</a>, 514 U.S. 549 (1995)</li> <li>-</li> </ul> <p><b>Background Readings</b></p> <ul style="list-style-type: none"> <li>- Jamal Greene, "<a href="#">Guns, Originalism, and Cultural Cognition</a>," 13 <i>U. Pa. J. Const. L.</i> 511 (2010)</li> <li>- David Kopel and Joseph Greenlee, <a href="#">Federal Circuits' Second Amendment Doctrines</a> (2016)</li> <li>- Brady Center <a href="#">website statutory analysis: State Rankings &amp; State Scorecard</a> (2015)</li> <li>- <a href="#">Map of Firearms Freedom Act (FFA) State Legislation</a></li> <li>- Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), <a href="#">State Laws and Published Ordinances</a></li> <li>- Christopher Johnson, "<a href="#">Second Class: Heller, Age and the Prodigal Amendment</a>", 117 <i>Columbia Law Review</i> 1585 (2017)</li> </ul> <p><b>Cases (Syllabus where available, otherwise SKIM)</b></p> <ul style="list-style-type: none"> <li>- <a href="#">McDonald v Chicago</a>, 561 U.S. 3025 (2010)</li> <li>- <a href="#">U.S. v Miller</a>, 307 U.S. 174 (1939)</li> <li>- <a href="#">U.S. v. Cruikshank</a>, 92 U.S. 542 (1875)</li> <li>- <a href="#">Silveira v. Lockyer</a>, 312_F.3d_1052 (2002)</li> <li>- <a href="#">Silveira v. Lockyer</a>, 328_F.3d_567(9<sup>th</sup> Cir.2003)</li> <li>- <a href="#">Presser v. State of Illinois</a>, 116_U.S._252 (1886)</li> <li>- <a href="#">Peterson v. Martinez</a>, 707_F3d_1197 (10<sup>th</sup> Cir. 2013)</li> <li>- <a href="#">Aymette v. The State 2 Humphreys</a> 154 (Tenn.1840)</li> </ul>
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Feb 11

## **Firearm Injury and Fatalities**

**Guest Speaker: Charles Branas, Department of Epidemiology, Columbia University**

### ***Assigned Readings***

- Paul M. Reeping, Magdalena Cerda, Bindu Kalesan, Douglas J. Wiebe, Sandro Galea, and Charles C. Branas, "[State Gun Laws, Gun Ownership, and Mass Shootings in the U.S.](#)" Cross-Sectional Time Series, *BMJ Open Access*, *BMJ* 2019;364:l542, <http://dx.doi.org/10.1136/bmj.l542>
- RAND Corporation, [Gun Policy Research Review](#), 2018
- James Alan Fox and Emma E. Fridel, [The Menace of School Shootings in America, Panic and Overresponse](#), Chapter 1 in *The Wiley Handbook on Violence in Education* (H. Shapiro, ed.), 15 (2018)
- Bindu Kalesan et al., "[A Multi-decade JoinPoint Analysis of Firearm Injury Severity](#)," *Trauma Surgery & Acute Care Open*, doi:10.1136/tsaco-2017-000139 (2018)

### ***Background Readings***

- Embry Howell & Peter Abraham, [The Hospital Costs of Firearm Assaults](#), Urban Institute, 2013.
- M. Siegel et al., [The Relationship Between Gun Ownership and Firearm Homicide Rates in the United States, 1981-2010](#), *American Journal of Public Health*, 2012.
- M. Miller, D. Azrael, L. Hepburn, D. Hemenway, S J Lippmann, [The Association Between Changes In Household Firearm Ownership and Rates of Suicide in the United States, 1981-2002](#), *Injury Prevention*
- [Everytown, Analysis of Mass Shootings](#) (March 2017)
- Andrew Anglemyer, Tara Horvath, & George Rutherford, "[The Accessibility of Firearms and Risk for Suicide and Homicide Victimization Among Household Members](#)," *160 Annals of Internal Medicine* 101 (2014)
- M. Siegel et al., [The Relationship Between Gun Ownership and Firearm Homicide Rates in the United States, 1981-2010](#), *American Journal of Public Health*, 2012.
- Phillip J. Cook and Jens Ludwig, [The Social Costs Of Gun Ownership](#), *90 Journal of Public Economics* 379 (2006).
- Jillian B. Carr, and Jennifer L. Doleac. "[The geography, incidence, and underreporting of gun violence: new evidence using ShotSpotter data.](#)" (2016).
- Lee et al., [Guns and States: Pediatric Firearm Injury](#), *The Journal of Trauma and Acute Care Surgery*, 2013.
- Craig Newgard et al., "[Gunshot Injuries in Children Served by Emergency Services](#)," *Pediatrics*, doi: 10.1542/peds.2013-1350 (2013)
- Bruce W. Krafft, "[Comparing Car and Gun Fatalities is Misleading and Irrelevant](#)", *The Truth About Guns*, May 12, 2012.

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Feb 18

## The Markets for Firearms

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

### ***Assigned Readings***

- David Hureau and Anthony Braga, [The Trade in Tools: The Market for Illicit Guns in High-Risk Networks](#), *Criminology* doi: 10.1111/1745-9125.12187 (2018)
- Philip J. Cook et al., [Sources of Guns to Dangerous People: What We Learn by Asking Them](#), 79 *Preventive Medicine* 28 (2015) <http://dx.doi.org/10.1016/j.ypmed.2015.04.021>
- Deborah Azrael et al., [The Stock and Flow of U.S. Firearms: Results from the 2015 National Firearms Survey](#), 3 *RSF Journal of the Social Sciences* 38 (2017) DOI: 10.7758/RSF.2017.3.5.02
- GunPolicy.org – [Gun Facts, Figures and the Law](#): Gun Numbers, Civilian Guns
- Pew Research Center, [Perspectives of Gun Owners, Non-Owners: Why Own a Gun? Protection Is Now Top Reason](#), March 12, 2013.
- [The So-Called Gun Show Loophole: Lies, Damned Lies, and Statistics](#), The Foundry—Conservative News Blog of the Heritage Foundation (Feb. 8, 2013)
- NYC Mayor’s Office, [Point, Click, Fire: An Investigation of Illegal Online Gun Sales](#), December 2011.

### ***Background Readings***

- Philip J. Cook, Jens Ludwig, Suhir Venkatesh and Anthony A. Braga, [Underground Gun Markets](#), *The Economic Journal*, November 2007.
- GunPolicy.org— [Gun Facts, Figures and the Law](#): Gun Trade and Trafficking Firearms Commerce in the United States: [Annual Statistical Update 2014](#)
- George E. Tita, Anthony A. Braga, Greg Ridgeway, Glen L. Pierce, [The Criminal Purchase of Firearm Ammunition](#), *Injury Prevention*, 2006.
- Whet Moser, [“How Gun Control \(and Isolation\) Makes Illegal Guns More Expensive”](#), *Chicago Magazine*, February 18, 2013
- T. McDougal, D. A. Shirk, R. Muggah, and J. H. Patterson, [The Way of the Gun: Estimating Firearms Traffic Across the U.S.-Mexico Border](#), UCSD Igarape Institute, March 2013.
- Christelle Rigual, *Small Arms Survey 2013: Everyday Dangers*, Chapter 8, [Major Exporters and Importers](#)
- William J. Krouse, “How Many Guns Are in the United States?” [Gun Control Legislation](#), United States Congressional Research Service (November 14, 2012)

***Class 5 Slides***

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Feb 25

## Limitations on Manufacture, Distribution and Ownership

### *Assigned Readings*

- Jens Ludwig and Philip J. Cook, "[Homicide and Suicide Rates Associated with Implementation of the Brady Handgun Violence Prevention Act.](#)" 284 *JAMA* 585-591 (2000).
- Kevin D. Bradford, Gregory T. Gundlach, William L. Wilkie, "[Counter-Marketing in the Courts: The Case Of Marketing Channels And Firearms Diversion](#)", *Journal of Public Policy & Marketing*, 2005.
- Nelson D. Schwartz, "[For Some Gun Makers, Moving Lock, Stock and Barrel](#)", *New York Times*, August 5, 2013.
- Jurgen Brauer, "[The U.S. Firearms Industry: Production and Supply](#)", Small Arms Survey, Graduate Institute of International and Development Studies, Geneva, 2013
- Demian Bulwa, "[Personalized Guns Touted as Safety Check](#)", San Francisco Chronicle, March 3, 2013.
- Joe DS, "[How to Buy Guns at Wholesale Prices](#)", Gunsmithing Schools HQ, January 22, 2013.
- Press Release, "[Gun Retailers Strongly Support Expanded Criteria For Denying Gun Purchases, UC Davis Survey Finds](#)", US Davis Health System, September 23, 2013.
- NRA-ILA, "[Warning—Anti-Gun Survey of Firearms Dealers Under Way!](#)", June, 29, 2011.
- Anestis, "[Suicide Rates and State Laws Regulating Access and Exposure to Handguns](#)", *American Journal of Public Health*, October 2015.
- Fleegler et al, "[Firearm Legislation and Firearm-Related Fatalities](#)", *JAMA*, 2013.

### *Background Readings*

- "[Deception on Gun Background Checks](#)", Editorial, *New York Times*, May 24, 2013
- Law Center to Prevent Gun Violence, [Dealer Regulations Policy Summary](#)
- Glenn Kessler, "[The Stale Claim That 40 Percent of Gun Sales Lack Background Checks](#)", *Washington Post*, January 21, 2013
- BATF, "[Most Frequently Asked Firearms Questions and Answers](#)"
- Christopher 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](#)"
- "[Assault Pistols: The Next Wave](#)", Violence Policy Center, 2003.
- "[An analysis of the Decline in Gun Dealers: 1994 to 2007](#)", Violence Policy Center 2007.
- John Surico and Tamer El-Ghobashy, "[Danger Seen in Gun Sales Via Internet: Bloomberg Warns That Many Buyers Have Criminal Records](#)", *The Wall Street Journal*, September 18, 2013.

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Mar 3

**Criminal Regulations*****Assigned Readings***

- Philip J. Cook, Jens Ludwig, and Adam M. Samaha, [\*Gun Control After Heller: Threats and Sideshows from a Social Welfare Perspective\*](#), 56 *UCLA L. REV.* 1041 (2008)
- [U.S. v. Skoien](#), 614 F.3d 638 (2010)
- [Moore v. Madigan](#), 702 F.3d 933 (2012)
- Catherine E. Shoichet, ["Mexico Eyes U.S. Gun Policies, Hopes For Shift"](#), CNN, Jan 16, 2013.
- Julia Sweig, ["A Strategy to Reduce Gun Trafficking and Violence in the Americas"](#), Policy Innovation Memorandum No. #36, Council on Foreign Relations (2013).
- Ted Galen Carpenter, ["U.S. Gun Laws as a Scapegoat for Mexico's Drug Violence"](#) CATO Institute, August 21, 2013.

***Background Readings***

- Jeff Golimowski, [Pulling the Trigger: Evaluating Criminal Gun Laws in a Post-Heller World](#), 49 *Am. Crim. L. Rev* 1599 (2012) (SKIM FIRST HALF)
- Phillip J. Cook, Stephanie Molliconi, and Thomas B. Cole. (1995). ["Regulating Gun Markets."](#) 86 *The Journal of Criminal Law & Criminology* 59-92.
- Michael A. Bellesiles, [Firearms Regulation: A Historical Overview](#), The University of Chicago Press, 2001.
- Harold S. Herd, [A Re-Examination of the Firearms Regulation Debate and Its Consequences](#), 36 *Washburn L. J.* 196 (1996-1997).
- Sara Sun Beale, [The Unintended Consequences of Enhancing Gun Penalties: Shooting Down the Commerce Clause and Arming Federal Prosecutors](#), 51 *Duke L. J.* 1541 (2002).
- Matthew Smith, [The Great Gun Regulation Debate](#), *Chicago Policy Review*, March 2013.
- N. Prabha Unnithan et al., [Gun Felons and Gun Regulation: Offenders' Views About and Reactions to "Shall-Issue" Policies for Carrying Concealed Weapons](#), *Criminal Justice Policy Review*, 2008.
- ["Regulation and Oversight of Gun Sales Reduces Trafficking to Criminals"](#), NewsRx Health, Johns Hopkins University Bloomberg School of Public Health, August 2009.
- Angela Caputo, ["Without A Smoking Gun"](#), *The Chicago Reporter*, 2011.
- ["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*.

	Mar 10	<b>Class Cancelled</b>
<b>Spring Break</b>		
8	Mar 24	<p><b>Right to Carry Laws</b>  <b>Guest Speaker: John Donohue, Stanford Law School</b></p> <p><i>Assigned Readings</i></p> <p>- John J. Donohue, The Swerve to "<a href="#">Guns Everywhere: A Legal and Empirical Evaluation</a>," <i>Law &amp; Contemporary Problems</i> (2019, in press)</p> <p>-John J. Donohue, Abhay Aneja and Klye Wheeler, "<a href="#">Right-to-Carry Laws and Violent Crime: A Comprehensive Assessment Using Panel Data and a State-Level Synthetic Control Analysis</a>," 16 <i>J. Empirical Legal Studies</i> 198 (2019).</p> <p>-John J. Donohue, <a href="#">Declaration in Support of Defendants' Opposition to Motion for Preliminary Injunction</a>, <i>Miller v California</i>, 19-CV-1537 BEN-JLB</p>



9	Mar 31	<p><b>NRA Week</b>  <b>Guest Speaker: Matt LaCombe, Department of Political Science, Barnard College</b></p> <p><i>Assigned Readings</i></p> <ul style="list-style-type: none"> <li>- Matt Lacombe, "<a href="#">How NRA Became Core Member Republican Coalition</a>", The Washington Post, April 26, 2019</li> <li>- Matt Lacombe, "<a href="#">Political Weaponization of Gun Owners (NRA)</a>" 81 <i>J Politics</i> 1342 (2019)</li> <li>- James Surowiecki, "<a href="#">Taking on the NRA</a>" (The New Yorker, October 19, 2015)</li> <li>- Adam Winkler, "<a href="#">The NRA Will Fall. It's Inevitable.</a>" <i>Washington Post</i>, October 19, 2015</li> </ul> <p><i>Background Readings</i></p> <ul style="list-style-type: none"> <li>- Amber Phillips, "<a href="#">The NRA-ification of the Republican Party</a>" (The Washington Post, August 14, 2015)</li> <li>- Tim Dickinson, "<a href="#">The NRA vs. America: How The Country's Biggest Gun-Rights Group Thwarts Regulation and Helps Put Military-Grade Weapons in the Hands of Killers</a>", <i>Rolling Stone</i>, January 31, 2013</li> <li>- John Cassidy, "<a href="#">The NRA's Challenge to America</a>", <i>The New Yorker</i>, May 7, 2013.</li> <li>- Alec MacGillis, "<a href="#">This Is How the NRA Ends: A Bigger, Richer, Meaner Gun Control Movement Has Arrived</a>", <i>New Republic</i>, May 28, 2013.</li> <li>- James Surowiecki, "<a href="#">Taking on the NRA</a>", <i>The New Yorker</i>, October 19, 2015</li> <li>- Jill Lepore, "<a href="#">Battleground America</a>", <i>The New Yorker</i>, April 23, 2012.</li> <li>- Spencer Critchley, "<a href="#">What's Next for the NRA? Arming Young Black Males.</a>" <i>Huffington Post</i>, July 16, 2013.</li> <li>- Tamara Tabo, "<a href="#">Righteous Indignation: Why is the NRA so White?</a>" <i>Above the Law</i>, May 9, 2013.</li> <li>- Josh Harkinson, "<a href="#">Does the NRA Really Have 4 Million Members?</a>" <i>Mother Jones</i>, January 14, 2014.</li> <li>- Ryan Girdusky, "<a href="#">The Good, The Bad, The Ugly</a>", <i>Red Alert Politics</i>, June 22, 2015</li> <li>- Bob Owens, "<a href="#">Ranking the 2016 Presidential Candidates on Guns</a>", <i>Bearing Arms</i>, September 8, 2015</li> <li>- Philip Bump, "<a href="#">Rating the 2016 Republicans by grade-point average</a>", <i>The Washington Post</i>, March 10, 2015</li> <li>- "<a href="#">Where the Republican Hopefuls Stand on Guns</a>", <i>The Washington Post</i>, March 28, 2015</li> <li>- Jennifer Bendery, "<a href="#">Hillary Clinton, Martin O'Malley Love to Hate the NRA</a>", <i>Huffpost Politics</i>, October 14, 2015.</li> </ul>
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**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
- Michael Montineau et al., [Firearm Ownership and Violent Crime in the U.S.](#), *49 Am. J. Prev. Med.* 207 (2015)
- Pew Research Center, [“Why Own a Gun? Protection Is Now Top Reason”](#), Nov. 9, 2016
- RAND Corporation, [The Effects of Stand Your Ground Laws](#) (2018)
- Mark Gus, [The Relationship Between Stand Your Ground Laws and Crime: A State-Level Analysis](#), *The Social Science Journal*, [dx.doi.org/10.1016/j.soscij.2016.01.001](https://doi.org/10.1016/j.soscij.2016.01.001) (2016)
- 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 Know About Gun Use Among Adolescents?](#) *4 Clinical Child & Family Psychology Review* 109 (2001)

**Background Readings**

- Charles F. Manski and John V. Pepper, [How Do Right to Carry Law Affect Crime Rates? Coping with Ambiguity using Bounded-Variation Assumptions](#), *100 Review of Economics and Statistics* 100, 232-244 (2018).
- Don B. Kates and Gary Mauser, [Would Banning Firearms Reduce Murder and Suicide? : A Review of International and Some domestic Evidence](#), *30 Harvard Journal of Law and Public Policy* 649 (2007) (only sections III and IV)
- Jongyeon Tark and Gary Kleck, [Resisting Crime](#): The Effects of Victim Action On The Outcomes of Crimes, *42 Criminology* 4 2004.
- Charles Phillips et al., [Concealed Handgun Licensing and Crime in Four States](#), *Journal of Criminology*: <https://doi.org/10.1155/2015/803742> (2015)
- Tomislav Kovandzic et al., [The Impact of “Shall Issue” Concealed Handgun Laws on Violent Crime Rates](#), *9 Homicide Studies* 292-323 (2005)
- Clayton E. Cramer and Davit Burnett, [“Tough Targets: When Criminals Face Armed Resistance From Citizens”](#), CATO Institute, Feb. 2, 2012.
- Philip Cook, Jens Ludwig, David Hemenway, [The Gun Debate’s New Mythical Number: How Many Defensive Uses Per Year?](#), *16 Journal of Policy Analysis and Management* 3 (1997)
- David Hemenway, Deborah Azrael, [The Relative Frequency of Offensive and Defensive Gun Use: Results of a National Survey](#), *Violence and Victims* (2002).
- John R. Lott, [“Will More Guns Mean Less Crime?”](#), *Consumers’ Research Magazine*, Dec. 1998.

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Apr 14

**Litigation Case Study: New York City Cases before PLCAA****Assigned Readings**

- [City of New York v. Beretta U.S.A. Corp.](#), 524 F.3d 384 (2<sup>nd</sup> Cir. 2008).
- [Protection of Lawful Commerce in Arms Act](#)
- Alan Feuer, "[U.S. Appeals Court Rejects City's Suit to Curb Guns,](#)" *NYTimes*, May 1, 2008.
- [Two Officers Were Shot; Wisconsin Store Liable for Gun Sale](#) - New York Times article
- Jon S. Vernick et al., "[Availability of Litigation as a Public Health Tool for Firearm Injury Prevention: Comparison of Guns, Vaccines, and Motor Vehicles,](#)" *American Journal of Public Health*, 97.11 (Nov. 2007).
- Timothy D. Lytton, *Introduction: An Overview of Lawsuits Against the Gun Industry*, in *Suing the Gun Industry: A Battle at the Crossroads of Gun Control & Mass Torts* (Timothy D. Lytton ed., 2006).
- Vivian S. Chu, "[The Protection of Lawful Commerce in Arms Act: An Overview of Limiting Tort Liability of Gun Manufacturers,](#)" Congressional Research Office, December 20, 2012.

**Background Readings**

- [NAACP v. Acusport](#), 271 F.Supp. 2d 435 (2003).
- [Do Lax Gun Laws Violate Civil Rights?](#) A Group of Chicago Activists Intends to Find Out
- Dan M. Kahan et al., *Chapter 4: A Cultural Critique of Gun Litigation*, in *Suing the Gun Industry: A Battle at the Crossroads of Gun Control & Mass Torts* (Timothy D. Lytton ed., 2006).
- Stephen D. Sugarman, *Chapter 8: Comparing Tobacco & Gun Litigation*, in *Suing the Gun Industry: A Battle at the Crossroads of Gun Control & Mass Torts* (Timothy D. Lytton ed., 2006).
- Carl T. Bogus, "[Gun Litigation and Societal Values,](#)" 32 *Conn. L. Rev.* 1353 (1999-2000).
- Frank J. Vandall, "[Economic and Causation Issues in City Suits Against Gun Manufacturers,](#)" 27 *Pepp. L. Rev.* 719 (1999-2000).
- Martin A. Baker, "[Farewell to Arms: Risk/ Benefit Litigation Against Gun Manufacturers in California After the Repeal of Statutory Immunity,](#)" 6 *Chap. L. Rev.* 279 (2003).
- 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.
- David Stout, "[Justices Decline New York Gun Suit,](#)" *NYTimes*, March 9, 2009.
- Vivian S. Chu, "[The Protection of Lawful Commerce in Arms Act: An Overview of Limiting Tort Liability of Gun Manufacturers,](#)" Congressional Research Office, December 20, 2012.

12	Apr 21	<p><b>Litigation Case Study: The New York Safe Act</b></p> <p><b>Assigned Readings</b></p> <ul style="list-style-type: none"> <li>– New York Safe Act - <a href="#">FAQ</a></li> <li>– <a href="#">New York State Rifle &amp; Pistol Ass’n, Inc. v. Cuomo</a>, 990 F.Supp.2d 349 (W.D.N.Y. 2013)</li> <li>– Jeffrey W. Swanson et al., <a href="#">Implementation and Effectiveness of Connecticut’s Risk-Based Gun Removal Law: Does it Prevent Suicides?</a> 80 L. &amp; CONTEMP. PROB’S 179-208 (2017)</li> <li>– Joseph Blocher and Jacob Charles, <a href="#">Firearms Risk and Legal Design</a>, UVA L REV (forthcoming, 2020) (READ 6-22, Skim the rest)</li> <li>– Garen J. Wintemute, et al., <a href="#">Extreme Risk Protection Orders Intended to Prevent Mass Shootings: A Case Series</a>, 171 Ann Intern Med. 655-658(2019), DOI: 10.7326/M19-2162</li> </ul> <p><b>Background Readings</b></p> <ul style="list-style-type: none"> <li>– Robert Spitzer, <a href="#">New York State and the New York SAFE Act: A Case Study in Strict Gun Laws</a>, 78 ALBANY LAW REVIEW 749 (2014-5)</li> <li>– <a href="#">New York State Rifle &amp; Pistol Ass’n, Inc. v. Cuomo</a>, 804 F.3d 242 (2nd Cir. 2015)</li> <li>– Nick Reisman, <a href="#">5 Years of SAFE Act and Gun Control Still Triggers Heated Debate</a>. Spectrum News (Albany), January 16, 2018.</li> <li>– Richard Bonnie Et Al., <a href="#">Extreme Risk Protection Orders - Effective Tools For Keeping Guns Out Of Dangerous Hands</a>, 37 DEVELOPMENTS IN MENTAL HEALTH LAW 2 (2018)</li> <li>– <a href="#">New York State Safe Act S2230</a></li> <li>– Jacob Sollum, <a href="#">New York’s New ‘Red Flag’ Law Illustrates the Due Process Problems Posed by Gun Confiscation Orders</a>, Reason.com (2013)</li> <li>– James Jacobs and Zoe Fuhr, <a href="#">Universal Background Checks - New York State’s Safe Act</a>, 79 ALB L REV. 1327 (2016)</li> <li>– James Jacobs and Zoe Fuhr, <a href="#">Safe Act - Ban on Assault Weapons</a>, NYU Public Law Working Paper (2016)</li> <li>– James Jacobs and Zoe Fuhr, <a href="#">New York State Safe Act - Red Flag Law</a>, 14 GEO J L PUB POL’Y 77 (2016)</li> <li>– <a href="#">Amicus Brief, Federal Court Scholars in Support of Vacatur and Dismissal</a>, New York State Rifle Association, Inc. v. The City of New York et al., 18-280</li> <li>– Amicus Brief, <a href="#">State Attorneys General</a> in Support of Petitioners, Nojay et a., v Cuomo, Schneidermann and D’Amico, 14-0036 CV (XAP) (2014)</li> <li>– Amicus Brief of <a href="#">The National Shooting Sports Foundation</a>, Inc. in support of Petitioners, Nojay et al. v Cuomo, Schneidermann &amp; D’Amico, 14-0036 CV (XAP) (2014)</li> </ul>
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		– Tara Sklar, <a href="#"><i>Elderly Gun Ownership and the Wave of State Red Flag Laws: An Unintended Consequence That Could Help Many</i></a> , 27 ELDER L.J. 27, 35 (2019)
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13	Apr 28	<p><b>The Modern Culture of the Gun</b></p> <p><b>Assigned Readings</b></p> <ul style="list-style-type: none"> <li>– DIY Guns: The New Improved FCG9, <a href="https://www.thefirearmblog.com/blog/2019/08/14/fgc-9-3d-printed-gun/">https://www.thefirearmblog.com/blog/2019/08/14/fgc-9-3d-printed-gun/</a>, August 14, 2019</li> <li>– Joseph Blocher, “<a href="#">Firearm Localism</a>,” 123 <i>Yale L.J.</i> 82 (2013).</li> <li>– Jamal Greene, “<a href="#">Guns, Originalism, and Cultural Cognition</a>,” <i>U. Pa. L. Rev.</i> (2010).</li> <li>– O’Brien, Forrest, Lynott, Daly, “<a href="#">Racism, Gun Ownership and Gun Control</a>: Biased Attitudes in U.S. Whites May Influence Policy Decisions,” (2013).</li> <li>– Philip J. Cook and Jens Ludwig, <a href="#">Aiming for Evidence-Based Gun Policy</a>, 25 <i>Journal of Policy Analysis and Management</i> 691 (2006)</li> <li>– Donald Braman and Dan M. Kahan. <a href="#">Overcoming the Fear of Guns, the Fear of Gun Control, and the Fear of Cultural Politics: Constructing a Better Gun Debate.</a>” 55 <i>EMORY L. J.</i> 569 (2006)</li> <li>– 3-D Guns (Twitter)</li> <li>– Richard Hofstadter, “<a href="#">America as a Gun Culture</a>,” <i>American Heritage</i> (1970).</li> <li>– Ann Swidler, “<a href="#">Culture In Action: Symbols and Strategies</a>,” 51 <i>American Sociological Review</i> 2 (1986).</li> <li>– Frederick Hawley, “<a href="#">Gun Control and Southern Culture Conflict</a>,” 10 <i>Free Inquiry in Creative Sociology</i> 2 (1982).</li> <li>– Dan M. Kahan, Donald Braman, “<a href="#">More Statistics, Less Persuasion</a>: A Cultural Theory of Gun-Risk Perceptions,” 151 <i>U. Pa. L. Rev.</i> 1291 (2003).</li> <li>– Jeffrey Fagan, Deanna L. Wilkinson, and Garth Davies, “<a href="#">Social Contagion of Violence</a>,” in <i>The Cambridge Handbook of Violent Behavior</i> (2007).</li> </ul> <p><b>Background Readings</b></p> <ul style="list-style-type: none"> <li>– Calvin Massey, “<a href="#">Elites, Identity Politics, Guns and the Manufacture of Legal Rights</a>,” 73 <i>Fordham L. Rev.</i> 573 (2004).</li> <li>– Camille Paglia, “<a href="#">The Million Mom March: What a Crock!</a>” (Salon, 2000).</li> <li>– Dan Kahan, “<a href="#">The Gun Control Debate: A Culture-Theory Manifesto</a>” <i>Washington and Lee L. Rev.</i>, (2003).</li> <li>– Michael Dorf, “<a href="#">Identity Politics and the Second Amendment</a>,” <i>Fordham Law Review</i> (2004).</li> <li>– Walter Bernstein, “<a href="#">The Cherubs Are Coming</a>” <i>The New Yorker</i> (1957).</li> </ul>
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