



HELLER AT 10

A SYMPOSIUM ON THE LAST—AND NEXT—DECADE OF THE MODERN SECOND AMENDMENT

January 18, 2019

Presented by Giffords Law Center to Prevent Gun Violence
& Hastings Constitutional Law Quarterly

9:00–9:05	Welcome	Dayna Olson & Adam Skaggs
9:05–10:35	Deciding How to Decide: Second Amendment Methodology, the Two-Part Test & the Supreme Court	Deborah Beim, Joseph Blocher, Darrell Miller, Adam Winkler & Hannah Shearer (moderator)
10:35–10:45	<i>Break</i>	
10:45–12:15	Guns in Public: The Next Certiorari Grant & Beyond	William Araiza, Eric Ruben, Jonathan Taylor & Mariel Goetz (moderator)
12:15–12:25	Firearm Safety Litigation in the Garden State	Gurbir Grewal, Attorney General of the State of New Jersey, <i>via video</i>
12:25–1:15	<i>Lunch</i>	
1:15–2:45	The Historical Scope of the Second Amendment	Dennis Baron, Saul Cornell, Mark Frassetto, Lindsay Schakenbach Regele & Jonathan Gienapp (moderator)
2:45–3:00	<i>Break</i>	
3:00–4:30	A “Second-Class Right”? The Second Amendment & Other Constitutional Rights	Jody Madeira, Gregory Magarian, George Mocsary, Timothy Zick, Jonathan Lowy (moderator)
4:30–5:00	The Second Amendment and <i>Our</i> Constitution	Jack Rakove, William Robertson Coe Professor of History and American Studies, Stanford University



PANEL DESCRIPTIONS

Panel 1 Deciding How to Decide: Second Amendment Methodology, the Two-Part Test & the Supreme Court

Federal appellate courts almost universally apply a two-part test in Second Amendment cases, and most have applied intermediate scrutiny to regulations that do not severely burden the core of the right. Should the Supreme Court weigh in on the prevailing test and tiers of scrutiny, what factors are likely to influence the Court's assessment? What will the ramifications for Second Amendment litigants be going forward if the Court either accepts or replaces the two-step test?

Deborah Beim, Assistant Professor of Political Science, Yale University

Joseph Blocher, Professor of Law, Duke University School of Law

Darrell Miller, Professor of Law, Duke University School of Law

Adam Winkler, Professor of Law, UCLA School of Law

Hannah Shearer, Second Amendment Litigation Director, Giffords Law Center to Prevent Gun Violence, *moderator*

Panel 2 Guns in Public: The Next Certiorari Grant & Beyond

The Supreme Court is likely to grant review in a case challenging restrictions on the carrying of guns in public. As with the Heller decision itself, the Court's next ruling on public carry is unlikely to resolve every important question relating to firearms in public. How should the issue of public carry and the Second Amendment be contextualized now, and how might it arise again in the future—including with respect to proposed “concealed carry reciprocity” policies, and Stand Your Ground laws that upend traditional standards for lawful self-defense?

William Araiza, Professor of Law, Brooklyn Law School

Eric Ruben, Adjunct Professor of Law, NYU School of Law, and Fellow, Brennan Center for Justice

Jonathan Taylor, Principal, Gupta Wessler PLLC

Mariel Goetz, Counsel, Partnerships & Litigation, Brady Center to Prevent Gun Violence, *moderator*



Panel 3 The Historical Scope of the Second Amendment

The history of gun laws and government oversight of the gun industry has informed litigation in areas like regulation of dangerous weapons and public carry of firearms. What do historical sources tell us about the scope and limitations of the Second Amendment and the methodological approaches courts should use? How effectively have courts handled history in Second Amendment cases in the ten years since Heller, and what might we expect going forward at the Supreme Court?

Dennis Baron, Professor of English, emeritus, University of Illinois at Urbana-Champaign

Saul Cornell, Paul and Diane Guenther Chair in American History, Fordham University

Mark Frassetto, Senior Counsel, Everytown for Gun Safety

Lindsay Schakenbach Regele, Assistant Professor of History, Miami University

Jonathan Gienapp, Assistant Professor of History, Stanford University, *moderator*

Panel 4 A “Second-Class Right”? The Second Amendment and Other Constitutional Rights

Faced with a growing body of lower-court jurisprudence upholding gun safety laws, gun-rights advocates have argued that prevailing judicial approaches relegate the Second Amendment to “second-class” status. How do Second Amendment doctrines and outcomes compare with those developed and reached in the contexts of other constitutional rights? How does the Second Amendment substantively interact with other rights, like the First and Fourteenth Amendments?

Jody Madeira, Professor of Law, Maurer School of Law at Indiana University Bloomington

Gregory Magarian, Professor of Law, Washington University School of Law

George Mocsary, Associate Professor of Law, Southern Illinois University School of Law

Timothy Zick, John Marshall Professor of Government and Citizenship, William & Mary Law School

Jonathan Lowy, Director, Legal Action Project, Brady Center to Prevent Gun Violence, *moderator*
