

Sample Student Research Proposals 2015-2016 Senior Seminar

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Introduction

The Second Amendment has been an issue of political and social debate. The ambiguity regarding the intent and its application explains the Supreme Court's reluctance to take up the issue as it applies to state laws. The Supreme Court up until recently has refused to grant writ of certiorari since 1939. This past term, in *District of Columbia v. Heller*, the Supreme Court held by a one vote margin, for the first time in the nation's history that the Second Amendment protects an individual's right, unrelated to military service, to keep and bear arms. This precedent will open the door to future cases of selective incorporation of the Second Amendment as a fundamentally protected right of an individual.

Research Hypothesis

It is hypothesized that, subsequent to *District of Columbia v. Heller*, the United States Supreme Court has laid the foundation to uphold an individual's Second Amendment "right to bear arms" under state law.

Discipline: Law (**Sub Discipline:** Constitutional Law)

Second Discipline: Political Science (**Sub Discipline:** American Government, Political Theory)

Definitions

- Second Amendment-** 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.¹
- Selective Incorporation-** The process by which certain of the guarantees expressed in the Bill of Rights become applicable to the states through the Fourteenth Amendment²

Research Plan

An interdisciplinary approach is essential to the study of Second Amendment rights because no single disciplinary perspective can adequately address this issue. The research will be used to analyze the historical intent and interpretation of the Constitution along with the political agendas underlying this debate. I will research the writings and ideas of influential jurists and political theorist and understand their perspectives with gun possession as a "right" or a "privilege". The research will then extend beyond historical perspectives and incorporate the origins of the Second Amendment and show the effects on federal and state laws regulating guns. This will also be used to address the effects of prior court decisions and how they have applied to Second Amendment rights. Furthermore, I will examine the role of public opinion and interest groups in influencing legislation, and the future implication that the *Heller* case will have on gun rights in America. I will also approach the issue through a

jurisdictional perspective and how the *Heller* case compares to past precedent and questions of selective incorporation.

Expected Conclusions

It is anticipated that in response to the *Heller* case, the Supreme Court will now need to decide whether Second Amendment rights can be applied to state governments by incorporation through the Fourteenth Amendment. The outcome of recent judicial interpretations will change the landscape of Second Amendment protection for all American citizens.

¹ *U.S. Const.* amend. II

² *Black's Law Dictionary*, 3rd ed. 2000

