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# Dean Logan's Blog

## RWU Law 2nd Amendment Expert Cited in Post-Newtown Gun Debate

Posted by David Logan on 12/18/2012 at 04:54 PM

Our own Professor Carl Bogus has achieved national prominence on Second Amendment issues. He has testified before Congress, published widely in top academic journals, appeared on National Public Radio and in USA Today, the Boston Globe, the Washington Times, and the Providence Journal.

This week he is being cited in the conversation raised by the massacre in Newtown.

The "Constitutional Law Prof Blog," featured "Carl Bogus on Second Amendment Constitutional Scholarship":

Here is the link <http://lawprofessors.typepad.com/conlaw/2012/12/daily-read-carl-bogus-on-second-amendment-constitutional-scholarship.html>

and below that is the text:

### **Daily Read: Carl Bogus on Second Amendment Constitutional Scholarship**

With renewed attention on the Second Amendment and guns after [Friday's horrific events](#), a provocative (re)read is [Carl T. Bogus'](#) 2000 article, *The History And Politics of Second Amendment Scholarship: A Primer*, published in a Symposium on the Second Amendment in Volume 76 of Chicago-Kent Law Review, and available on the Second Amendment Foundation website [here](#).



Professor Bogus (pictured) who has [written widely](#) on the Second Amendment discusses the involvement of the legal scholarly community with Second Amendment issues and organizations. Writing years before the Court's 5-4 decisions in [District of Columbia v. Heller](#) (2008) and [McDonald v. City of Chicago](#) (2010), Bogus traces the move from the "collective right" model (stressing the militia aspect) of the Second Amendment that was universal until 1960, including the efforts of organizations to fund work friendly to the individual right interpretation of the Second Amendment, which became known as the "Standard Model."

Bogus stops short of arguing scholars were improperly influenced, but argues that the influences are worth considering, writing:

One last note before concluding. I have written about the campaign to develop a large body of literature supporting the individual right position and to create a perception that this view constitutes a standard model of scholarship (a perception this Symposium is likely to end). I have observed that some writers have connections to gun rights organizations, and even that some received grants in connection with their writings. I do not, however, contend that anyone was paid or improperly influenced to advocate a position that he or she does not genuinely hold. On the contrary, I am convinced that individuals identified in this Article believe - - - many passionately - - - in what they have written. And I believe everyone, regardless of political affiliation or belief, is entitled to have his or her work judged on its merits.

Why then discuss the history and politics of Second Amendment scholarship? Why not focus entirely on the merits? The history and politics of Second Amendment scholarship, including to some extent the

political affiliations and agendas of the participants, is relevant because so-called standard modelers made it relevant. They have made much of both the size of the individual right literature and the prominence of certain scholars endorsing that position. It is important, therefore, to understand the history and politics that have helped bring these about.

Although more than a decade old, Carl Bogus article is certainly worth a (re)read by constitutional scholars.

Prof. Bogus was also quoted in a recent issue of The New Yorker:

[http://www.newyorker.com/reporting/2012/04/23/120423fa\\_fact\\_lepore?currentPage=all](http://www.newyorker.com/reporting/2012/04/23/120423fa_fact_lepore?currentPage=all)

The quote is: "According to the constitutional-law scholar Carl Bogus, at least sixteen of the twenty-seven law-review articles published between 1970 and 1989 that were favorable to the N.R.A.'s interpretation of the Second Amendment were 'written by lawyers who had been directly employed by or represented the N.R.A. or other gun-rights organizations.' In an interview, former Chief Justice Warren Burger said that the new interpretation of the Second Amendment was 'one of the greatest pieces of fraud, I repeat the word 'fraud,' on the American public by special-interest groups that I have ever seen in my lifetime'."

Here is more info on Prof. Bogus' important work:

2010: <http://law.rwu.edu/blog/rwu-faculty-national-and-international-stage>

2009: <http://law.rwu.edu/blog/fall-programs-tackle-supreme-court-nominations-and-gun-control>

on CNN:

<http://law.rwu.edu/story/cnn-bogus-second-amendment>

...and on NPR:

<http://law.rwu.edu/story/professor-bogus-npr-%E2%80%99guns-and-supreme-court%E2%80%99>

Finally, from the "Blackstone Today" blog: "Investigating the Link Between Gun Possession and Gun Assault"

<http://blackstonetoday.blogspot.com/2012/12/investigating-link-between-gun.html?m=1>