

Abstract for AALS Hot Topic Program “The Second Amendment at the Supreme Court and the Future of *Heller*”

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Increasingly, professors and students at public post-secondary schools have been compelled to teach and learn in an environment where others are carrying concealed instruments of death—firearms. The resurgence of firearm legislation enabling licensed persons to carry concealed guns on campus (campus carry laws) is justified by those who argue they have a Second Amendment right to defend themselves against on-campus violence such as mass shootings. On the other end of the spectrum, however, some professors and students contend that such laws violate their First Amendment right to free speech and academic freedom. Both faculty and students argue that the very presence of firearms stifles controversial speech, and some faculty contend guns discourage them from making difficult academic decisions. For example, the presence of firearms may make some professors uncomfortable with giving students failing grades, throwing an unprepared student out of the classroom, and meeting with students who have been academically dismissed. To date, courts have avoided addressing the issue of whether a faculty member or student can successfully challenge a compulsory campus carry law on First Amendment grounds. Additionally, no court has opined upon which constitutional right should prevail in the campus carry context—the Second Amendment right to defend oneself with a firearm or the First Amendment right to free speech and academic freedom. At the AALS Hot Topic Program, “The Second Amendment at the Supreme Court and the Future of *Heller*,” I will discuss these issues, as well as what, if any, impact the Supreme Court’s anticipated decision in *New York Rifle & Pistol Assn. Inc. v. City of New York City*, No. 18-280, will have on future challenges to compulsory campus carry laws.