

## Transition Guide to the Third Edition

### *Firearms Law and the Second Amendment*

by

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The below table cross-references materials between the first, second, and third editions. Although major additions vis-à-vis previous editions are noted, all materials in each new edition has been updated with the latest cases, legislative developments, and research.

First Edition	Second Edition	Third Edition
Chapter 12 – Social Science	Chapter 1 – Social Science	Chapter 1 – Firearms Facts, Data, and Social Science
Part 2.D.2 – England	Chapter 2 – Arms Rights, Arms Duties, and Arms Control in the United Kingdom <ul style="list-style-type: none"> <li>• Expanded material on the British law and history of arms bearing.</li> </ul>	Chapter 2 – English Arms Rights, Duties, and Controls <ul style="list-style-type: none"> <li>• Condensed from the second edition, with new research added.</li> </ul> <i>[Infra</i> Chapter 22 – Arms Laws of the United Kingdom <ul style="list-style-type: none"> <li>• Full length treatment of British arms bearing rights, duties, and controls.]</li> </ul>
Parts 3.A through 3.B – Firearms Control in the Colonies; Firearms, Self-Defense, and Militias in Pre-Revolutionary America	Part 3.A – Arms Rights in Colonial Charters  Part 3.B – Firearms Control in the Colonies  Part 3.C – Personal and Collective Defense Ideology in Pre-Revolutionary America  Chapter 3.D – Arms Technology, Tactics, and Culture in the Colonies	Part 3.A – Arms Rights in Colonial Charters  Part 3.B – Firearms Control in the Colonies  Part 3.C – Indians: Trade and Resistance  Part 3.D – Personal and Collective Defense Ideology in Pre-Revolutionary America  Chapter 3.E – Arms Technology, Tactics, and Culture in the Colonies
Parts 3.C through 3.F – The British Crackdown; Arms and the American	Parts 3.E through 3.H – The British Crackdown; Arms and the American	Chapter 4 – The American Revolution and Independence

<p>Revolution; The Articles of Confederation; The Right to Arms, Standing Armies, and Militias in the Early State Constitutions and Statutes</p>	<p>Revolution; The Articles of Confederation; The Right to Arms, Standing Armies, and Militias in the Early State Constitutions and Statutes</p>	
<p>Parts 4.A through 4.D – Standing Armies, Militias, and Individual Rights: The Constitutional Convention of 1787; State Ratification Conventions; Commentary During the Ratification Period; The Second Amendment</p>	<p>Parts 4.A through 4.D – Standing Armies, Militias, and Individual Rights: The Constitutional Convention of 1787; State Ratification Conventions; Commentary During the Ratification Period; The Second Amendment</p> <p>Part 4.E – Arms Technology at the Time of the Second Amendment</p>	<p>Chapter 5 – The New Constitution</p>
<p>Part 4.E – Post-Ratification</p>	<p>Part 4.F – Post-Ratification</p>	
<p>Parts 5.A through 5.B – Militias as a Military and Political Force in the post-Revolutionary Period; Antebellum Case law on the Right to Arms under State and Federal Constitutions</p>	<p>Parts 5.A through 5.B – Militias as a Military and Political Force in the post-Revolutionary Period; Antebellum Case law on the Right to Arms under State and Federal Constitutions</p>	<p>Chapter 6 – The Right to Arms, Militias, and Slavery in the Early Republic and Antebellum Periods</p> <ul style="list-style-type: none"> <li>• Part 6.A renamed to Wars and Rumors of Wars.</li> <li>• Part 6.A contains a new Section on Indian Wars.</li> <li>• Part 6.B contains a new Section on Surety of the Peace statutes.</li> </ul>
<p>Parts 5.C through 5.E– Weapons Control and Southern Culture; The Right to Arms and Slavery; Antebellum Legal Commentary on the Right to Arms</p>	<p>Part 5.C – Changes in Arms Technology</p> <p>Parts 5.D through 5.F– Weapons Control and Southern Culture; The Right to Arms and Slavery; Antebellum Legal Commentary on the Right to Arms</p>	
<p>Parts 6.A through 6.B – The Initial Southern Response to Black Freedom; The Congressional Response: The Fourteenth Amendment, The Freedmen’s Bureau Acts, and the Civil Rights Act</p>	<p>Part 6.A – Disarmament of Whites and Armament of Blacks</p> <p>Parts 6.B through 6.C – The Initial Southern Response to Black Freedom; The Congressional Response: The Fourteenth Amendment, The Freedmen’s Bureau Acts, and the Civil Rights Act;</p>	<p>Part 7.A – Disarmament of Whites and Armament of Blacks</p> <p>Parts 7.B through 7.C – The Initial Southern Response to Black Freedom; The Congressional Response: The Fourteenth Amendment, The Freedmen’s Bureau Acts, and the Civil Rights Act</p> <p>Part 7.D – Indians</p>

<p>Parts 6.C through 6.D – Labor Agitation and the Repressive Response; Nineteenth-Century Commentary</p> <p>Parts 6.E through 6.F – Late Nineteenth-Century State Laws and Cases; State Constitutions at the Turn of the Century</p> <p>Part 6.G – The Self-Defense Cases</p>	<p>Parts 7.D through 7.E – Labor Agitation and the Repressive Response; Nineteenth-Century Commentary</p> <p>Part 6.F – Technological and Cultural Changes</p> <p>Parts 6.G through 6.I – Late Nineteenth-Century State Laws and Cases; State Constitutions at the Turn of the Century</p> <p>Part 6.I – The Self-Defense Cases</p>	<p>Parts 7.E through 7.F – Labor Agitation and the Repressive Response; Nineteenth-Century Commentary</p> <p>Part 7.G – Technological and Cultural Changes</p> <p>Parts 7.H through 7.I – Late Nineteenth-Century State Laws and Cases; State Constitutions at the Turn of the Century;</p> <p>Part 7.J – Self-Defense</p> <ul style="list-style-type: none"> <li>• Part 6.G (first edition)/Part 6.I (second editions) is now Section 7.J.1.</li> <li>• Additional Sections added to Part 7.J on Self-Defense (generally); Self-Defense by Prohibited Persons; Self-Defense Against Police Officers; and Stand Your Ground</li> </ul>
<p>Part 7.A – Immigration, Labor Unrest, and Alcohol Prohibition</p> <p>4.F – Federal and State Military Forces of Today</p> <p>Part 7.B – The Federal Government Begins to Act</p>	<p>Part 7.A – Aliens</p> <p>Part 7.B – Changes in the Militia, and Other Federal and State Military Forces</p> <p>Part 7.C – Changes in Arms Technology</p> <p>Part 7.D – New Federal and State Laws</p> <ul style="list-style-type: none"> <li>• Part 7.B (first edition) is now Section 7.D.7.</li> <li>• Part 7.D contains new Sections on general Social Background; Concealed Carry; The Uniform Firearms Act; Laws on Semi-Automatic and Pump-Action Firearms; The Mailing of Firearms Act; and Congressional Legislation for the District of Columbia.</li> </ul>	<p>Part 8.A – Aliens</p> <p>Parts 8.B – Changes in the Militia, and Other Federal and State Military Forces</p> <ul style="list-style-type: none"> <li>• Part 8.B contains new Sections on Guns in Schools and Letters of Marque and Reprisal.</li> </ul> <p>Part 8.C – Changes in Arms Technology</p> <p>Part 8.D – New Federal and State Laws</p>

<p>Part 7.D – <i>Miller’s</i> Aftermath: The Shrinking Second Amendment</p> <p>Part 7.C – National Firearms Act Regulation Today; Section 8.D.1 – The Challenge of Defining Specially Regulated Firearms; Section 8.D.5 – Policing Illegal Guns</p> <p>Part 7.E – Armed Citizens and the Second World War</p>	<p>Part 8.A – Two Early and Pivotal Lower Court Interpretations of <i>Miller</i></p> <p>Part 7.E – National Firearms Act Regulation Today</p> <ul style="list-style-type: none"> <li>All of Section 8.D.1 (first edition) and <i>Staples v. United States</i> from Section 8.D.5 (first edition) are now included in Section 7.E.4.</li> </ul> <p>Part 7.F – Armed Citizens and the Second World War</p> <p>Part 7.G – Individual and Collective Rights</p>	<ul style="list-style-type: none"> <li>Part 7.D (first edition)/ Part 8.A (second edition) is now Section 8.D.8.</li> </ul> <p>Part 7.E – National Firearms Act Regulation Today</p> <p>Part 8.F – Armed Citizens and the Second World War</p> <p>Part 8.G – Individual and Collective Rights</p>
<p>Part 8.A – The Second Amendment in the Lower Federal Courts</p> <p>Part 8.C – The Social and Political History of the Right to Arms Between <i>Miller</i> and <i>Heller</i></p> <p>Part 8.B – Six Decades of Cryptic Supreme Court References to the Second Amendment</p> <p>Part 8.D – Federal Regulation of Firearms in the Modern Era; Section 8.B.4 – Felons and the Right to Arms</p>	<p>Part 8.B – The Second Amendment in the Latter Twentieth Century</p> <p>Part 8.C – Modern Federal Regulation of Firearms: The Gun Control Act of 1968, Its Amendments, and Administrative Regulations; Section 11.D.1 – Convicted Criminals</p> <ul style="list-style-type: none"> <li>Section 8.B.4 (first edition) is now Section 8.C.1.</li> </ul>	<p>Part 9.A – The Social and Political History of the Right to Arms in the Modern Era</p> <p>Part 9.B – The Second Amendment in the Later Twentieth Century</p> <ul style="list-style-type: none"> <li>Additional Section added to Part 9.B on Firearms Freedom Acts and Second Amendment Sanctuaries.</li> </ul> <p>Part 9.C – Modern Federal Regulation of Firearms: The Gun Control Act</p> <ul style="list-style-type: none"> <li>Section 8.B.4 (first edition)/Section 8.C.1 (second edition) is now Section 8.C.2.a – Right to Counsel.</li> <li><i>Wesson v. Town of Salisbury</i> from Section 11.D.1 (second edition) is now summarized in Section 9.C.3.c</li> <li>Additional Sections added to Part 9.C on an Overview of the Gun Control Act; Due Process and the GCA (including <i>Mens Rea</i> and Extraterritoriality); Prohibited</li> </ul>

<p>Section 8.D.6 – Regulation by Litigation: Suing the Gun Industry and the Legislative Response</p> <p>Part 8.E – On the Threshold of an Individual Right to Arms: Full Engagement of the Second Amendment by the Fifth and Ninth Circuit</p>	<p>Part 8.D – Suing the Gun Industry and the Legislative Response: The Protection of Lawful Commerce in Arms Act</p> <ul style="list-style-type: none"> <li>Section 8.D.6 (first edition) is now Part 8.D.</li> </ul>	<p>Persons under the GCA, GCA Penalties; and Restoration of Rights.</p> <p>Part 9.D – Layers of Regulation: Agency Rules and Agency Guidance</p> <p>Part 9.E – Suing the Gun Industry and the Legislative Response: The Protection of Lawful Commerce in Arms Act</p>
	<p>Chapter 9 – The Right to Arms in the States</p>	<p>Chapter 10 – The Right to Arms in the States</p> <ul style="list-style-type: none"> <li>Section on Iowa added to Part 10.B.</li> <li>Sections on Property Rights and Arms Rights (covering Zoning, Shooting Ranges, and Parking Lots) added to Part 10.D.</li> </ul>
<p>Chapter 9 – The Supreme Court Affirms an Individual Right to Arms</p>	<p>Chapter 10 – The Supreme Court Affirms an Individual Right to Arms; Sections 11.E.1 through 11.E.2 – “Assault Weapons”; Nonfirearm Arms</p>	<p>Chapter 11 – The Supreme Court Affirms an Individual Right to Arms</p> <ul style="list-style-type: none"> <li>Part on Post-<i>McDonald</i> Supreme Court Cases added to Chapter 11, including <i>Friedman v. City of Highland Park</i> from Section 11.E.1 (second edition) and <i>Caetano v. Massachusetts</i> from Section 11.E.2 (second edition).</li> </ul>
<p>Part 11.A – The Aftermath of Heller in the District of Columbia: Intermediate Scrutiny Versus History and Tradition, and the Common Use Standard</p>	<p>Part 11.A – The Evolving Standard of Review</p> <ul style="list-style-type: none"> <li>Two new cases added to Part 11.A.</li> </ul>	<p>Chapter 12 – Standards of Review</p> <ul style="list-style-type: none"> <li>Expanded to five Parts to cover the nuances of modern Second Amendment review.</li> </ul>
<p>Part 11.D – The Presumptive Legitimacy of Disarming the Untrustworthy: Analogizing from <i>Heller</i></p>	<p>Section 11.D.1 – Convicted Criminals</p>	<p>Parts 13.A through 13.B – Domestic Violence Misdemeanants; Persons Convicted of a Crime Punishable by a Felony Sentence of Over One Year or a Misdemeanor Sentence of Over Two</p> <ul style="list-style-type: none"> <li>All of Part 11.D (first edition) and <i>United States v. Skoien</i> from Section 11.D.1 (second edition) are now Part 13.A.</li> </ul>



Part 8.D.5 – Policing Illegal Guns	Part 8.C.5 – Policing Illegal Guns	Part 14.D – Stop-and-Frisk <ul style="list-style-type: none"> <li>• <i>Terry v. United States</i> from Section 8.D.5 (first edition) and all of Section 8.C.5 (second edition) are now Part 14.D.</li> </ul>
Section 8.D.7 – Assault Weapons Restrictions	Section 11.E.1 – “Assault Weapons”  Section 11.E.2 – Nonfirearm Arms	Part 15.A – “Assault Weapon” and Magazine Bans <ul style="list-style-type: none"> <li>• Substantially expanded from first and second editions.</li> </ul> Part 15.B – Ban on Assembly from Imported Parts  Part 15.C – Nonfirearm Arms <ul style="list-style-type: none"> <li>• Sections on Air Guns, Defensive Sprays, Knives, and Martial Arts Weapons added to Part 15.C.</li> </ul> Parts 15.D through 15.F– New Technologies; Bans by Other Means: Using General Laws or Approved Gun Lists to Ban Firearms and Ammunition; Body Armor
Part 11.E – The Second Amendment and the Gun Control Act of 1968; Part 11.G – Child Access Prevention Laws  Part 11.B – The Aftermath of <i>McDonald</i> in the City of Chicago: Historical Inquiry, Then Nearly Strict Scrutiny Toward the Core	Sections 11.F.1 through 11.F.2 – Child Access Prevention Laws; Serial Number Requirements  Section 11.F.3 – Firearm Training	Parts 16.A through 16.B – Child Access Prevention Laws; Serial Numbers  Parts 16.C through 16.E – Waiting Periods and Licensing; Emergencies; Gun Control by Nonstate Actors  Part 16.F – Training and Ranges  Part 16.G – Firearm Litigation for New Attorneys <ul style="list-style-type: none"> <li>• Sections on Civil Compliance for Regulated Clients, Status-of-the-Gun Cases, Status-of-the-Person cases, Resources and Pointers for Firearms</li> </ul>

		Cases, and Practice Pointers for Gun Cases added to Part 16.G.
Part 11.K – Tyranny Control as a Justification for the Modern Right to Arms	Appendices: Concluding Exercises <ul style="list-style-type: none"> <li>Part 11.K (first edition) is now Concluding Exercise 3.</li> </ul>	Concluding Exercises
Parts 11.C, 11.F, 11.I, and 11.J – An Alternative Methodology for Judging Second Amendment Claims: Substantial Burden; Guns in Common Use and the State Courts; Regulating the “Terror Gap”; Gun Regulation, Local Autonomy, and Urban Violence		
Chapter 10 - Firearms Policy and Status: Race, Gender, Age, Disability, and Sexual Orientation	online Chapter 12 - Firearms Policy and Status: Race, Gender, Age, Disability, and Sexual Orientation	online Chapter 17 - Firearms Policy and Status: Race, Gender, Age, Disability, and Sexual Orientation
online Chapter 13 – International Law	online Chapter 13 – International Law	online Chapter 18 – International Law
online Chapter 14 – Comparative Law	online Chapter 14 – Comparative Law	online Chapter 19 – Comparative Law
online Chapter 15 – In-Depth Explanation of Firearms and Ammunition	online Chapter 15 – In-Depth Explanation of Firearms and Ammunition	online Chapter 20 – In-Depth Explanation of Firearms and Ammunition
Part 2.A. through Section 2.D.1 – Other Antecedents of the Second Amendment	online Chapter 16 – Early Second Amendment Influences	online Chapter 21 – Antecedents of the Second Amendment
Part 2.D.2 – England	Chapter 2 – Arms Rights, Arms Duties, and Arms Control in the United Kingdom <ul style="list-style-type: none"> <li>Expanded material on the British law and history of arms bearing.</li> </ul>	online Chapter 22 – Arms Laws of the United Kingdom <ul style="list-style-type: none"> <li>Full length treatment of British arms bearing rights, duties, and controls.</li> </ul>
		online Chapter 23 – The Evolution of Arms Technology <ul style="list-style-type: none"> <li>Full length treatment of the technological development of arms.</li> <li>Some of the material in Chapter 23 is presented in compressed form in Part 2.I, Part 3.E, Section 4.B.7, Part 5.E, Part 6.C, Part 7.G, and Part 15.D.</li> </ul>