

PacificMUN

Dare to Speak



US Senate-Topic B
Backgrounder Guide



Reformation of Gun Laws - US Senate

Topic B

Pacific MUN



Letter from the Director

Dear Delegates,

Welcome to Pacific Model United Nations 2019 and the United States Senate. My name is Siddharth Shende and I will be the Director of the US Senate this year. I am an 11th grader at Tesla STEM High School in Redmond, Washington, United States. Serving alongside me is the Chair - Irene Zhang, a 12th grader at Fraser Heights Secondary School. And, the other chair - Hattie Zhang, a 12th grader at Southridge School.

The Senate was founded to pass legislature on relevant and pressing topics in the United States - and represent the people. It is the job of senators like you to ensure that you are representing the views of the citizens in your state.

The topic that senators will work together to solve is the “Reformation of Gun Laws”. We chose these topics because they are very relevant in the world we live in today, and their many intricacies make for a very engaging and intellectual process for all senators to collaborate for.

The intention of this background guide is to provide information and background research for further exploration. The types of debate we would like to see in this committee is a debate that is both compromising and persistent debate - delegates should know when it is right to compromise and when it is right to stay strong to their country's policy.



Feel free to email us with any questions you have. I am very excited to be meeting you all and cannot wait to hear all the types of interesting debate that I know I will see.

Sincerely,

Siddharth Shende
Director of US Senate
PacificMUN 2019

Committee Overview

The United States (US) Senate is one of the two houses of the legislature in the United States. Alongside the House of Representatives, the US Senate is responsible for all the lawmaking in the United States. The US Senate was founded on July 16, 1787, by the framers of the constitution – to represent all the states equally by the senators (unlike the House of Representatives). The Senate can propose legislation and even debate and propose bills. Each senator represents the people living in his/her state of the United States. The Senate can also give opinions on the current president, and if need be, vote on the impeachment of the said president. Most importantly, the role of the Senate is to make sure that each person's views are being heard through the type of legislative bills that are being passed – albeit for security, the economy, healthcare etc. In addition, the US Senate can review, approve, and even reject presidential appointees to executive and judicial branches. The US Senate and all of its proceedings and bills passed are crucial to upholding the very constitutional framework that the United States was built on. Some recent achievements accomplished by the United States Senate include passing a great number of bills to relevant topics. For example, the H.R.5428 or the "Stand with the UK against Russia Violations Act" focused on condemning the actions of Russia with their spies this past year. In addition, another bill the H.R2353 or the "Strengthening Career and Technical Education for the 21st Century Act" focused on strengthening specialty education within the American school system. The terms of each of the senators are constantly changing so that only about 1/3 of the Senate is up for reelection during an election, with elections to the Senate being staggered over even years. Senators also serve six-year terms per senator, adding to the continuous flow of the United States Senate. The US Senate has been involved in all the major judicial processes and proceedings within the United States and has continued to serve as a key functioning body within the United States to solve relevant problems and issues.



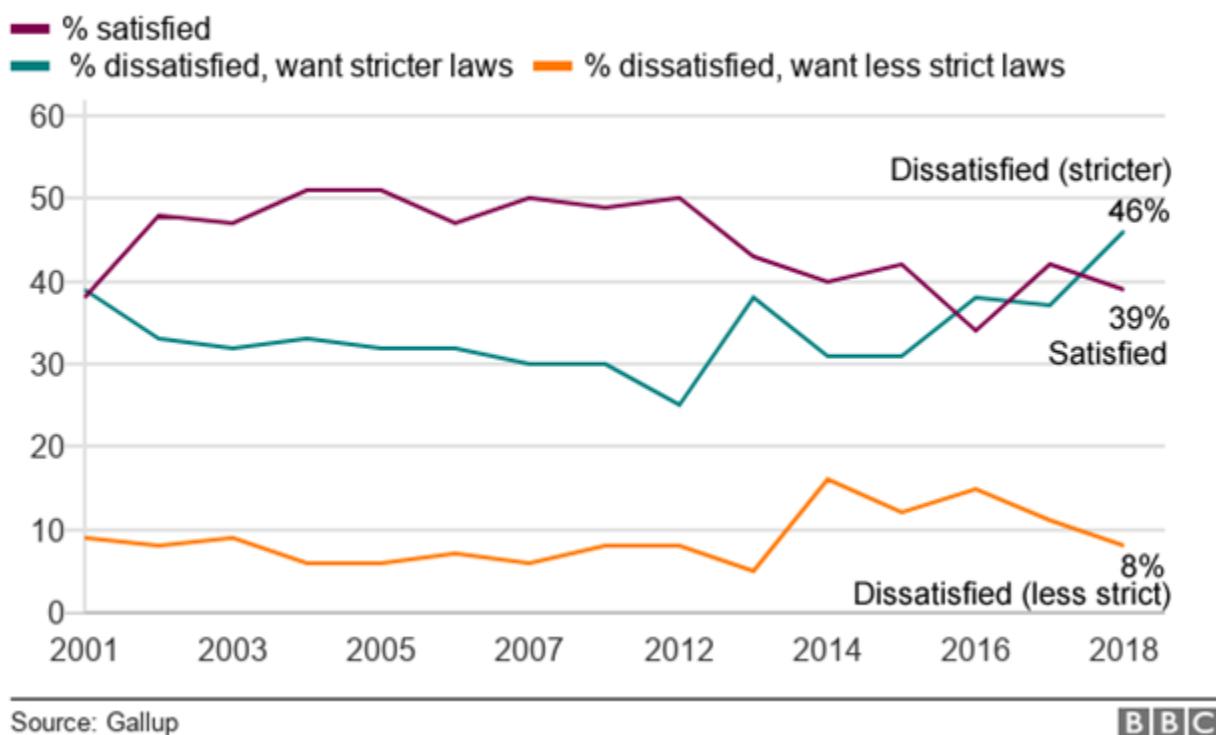
Topic B: Reformation of Gun Laws

Introduction

The reformation of gun laws within the United States has become an increasingly relevant issue in recent times. The second amendment of the constitution of the United States that “the right of people to keep and bear arms” (Legal Information Institute, Cornell). This allows all people within the United States to legally keep and bear arms, however, in recent times the interconnected violence throughout the United States has had many citizens calling for gun reformation laws. It is pertinent for the United States Senate to find a solution to an issue that continues to tear the nation apart - one that is also sustainable and long-term. According to the British Broadcasting Corporation (BBC), there have been more than 90 mass shootings in the United States since 1982. This statistic displays the need for urgency in approaching a solution that can solve this issue. Every mass shooting, in recent times, tends to bring up discussions about gun laws and reformation within the United States – increasing the gap and the social divide between people of different ideologies. “Military-style assault-style weapons have been blamed for some of the major mass shootings” (BBC). This shows that most of the weapons used for these public acts of violence are the higher-level weapons, raising further questions regarding the type of weapons that should be legally allowed. According to a study by the Pew Research Centre, one-third of people in the United States aged over 50 owned a gun (Pew Research Centre). While the ownership for younger adults was lower at 28%. It is very crucial for senators to consider the socioeconomic conditions within different states, and the culture that has supported anti-gun-control views and opinions, and vice-versa. One of the key challenges in passing legislation regarding this issue is the divide between the two sides of the debate – leading to a stalled debate and little consistent progress.



Americans unhappy with US gun laws want stricter rules



Source: Gallup

BBC

This graphic portrays the trends in American satisfaction with current gun laws and certain desires for reformation and changes over the years.

Timeline

December 15, 1791 - The Second Amendment is adopted by the United States Constitution: "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."

November 17, 1871 - The National Rifle Association of America is founded to promote better American marksmanship.

June 26, 1934 - The National Firearms Act (NFA) is passed to deter and regulate the use of guns. The legislation placed a tax on the manufacturing, selling, and transporting of certain firearms.

October 22, 1968 - Serving as the main federal law regulating firearms, the Gun Control Act of 1968 enacted new regulations that served as the groundwork for gun control as we know it today.



May 19, 1986 - The Firearm Owners Protection Act is passed, which prohibited a national registry of dealer records and created protection for gun owners.

November 30, 1993 - The Brady Handgun Violence Protection Act is adopted, which mandates a National Instant Criminal Background Check System (NICS) for all gun dealers.

March 13, 1996 - In Scotland, 16 children and 1 teacher were killed in a school shooting known as the Dunblane massacre. In response to this tragic event, the United Kingdom passed a law banning private ownership of handguns.

July 20, 2001 - The UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons (PoA) is established.

December 14, 2012 - A school shooting at Sandy Hook Elementary School in the United States shocked the world and became a defining point for the gun reform debate.

June 12, 2016 - At a gay nightclub in Florida, 49 are killed and many more are injured when a shooter opens fire with an assault-style rifle.

October 1, 2017 - This day marks the deadliest mass shooting in modern US history, where 58 people were shot down and hundreds more were injured at a concert on the Las Vegas Strip.

Historical Analysis

The Second Amendment

The Second Amendment was proposed by James Madison following the ratification of the Constitution in 1787. This amendment, sprung from the idea to prevent a single, tyrannical and authoritative central government gave individual states the right to bear arms. The text reads: "*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.*" The debate surrounding the exact meaning of the statement is often present during gun control disputes. Some take the reference "A well-regulated militia" to mean that the Founders intended to endorse a militia of collective states to carry guns. While others, who advocating against gun restrictions interpret it as permitting individual citizens to bear arms without any impediment from the federal government. However, over the span from 2008 to 2010, the Supreme Court continuously



overturned handgun bans in Washington, D.C., and Chicago due to the claim that they infringe on the Second Amendment, reaffirming the belief that the statement refers to the liberty of individual self-defense, rather than freedom to form state militias.

Introduction of Gun Control Laws

Gun control in the United States is as old as the nation itself. During the days of the republic, African-Americans and non-pledging Native Americans were forbidden from owning guns. The first major federal law approved by the Congress was the National Firearms Act (NFA) in June 1934, which regulates the manufacture, sale, and possession of fully automatic firearms. In addition, on October 22, 1968, spurred by the assassination of President John F. Kennedy, the Gun Control Act of 1968 was enacted for the purpose of “keeping firearms out of the hand of those not legally entitled to possess them because of age, criminal background, or incompetence.” Over the rest of the 20th century, more federal legislation was passed to create stricter licensing systems, limit the types of weapon sold and the areas where they were permitted to carry. Consequently, many Americans felt that the recent developments relating to gun restriction curtailed their right to bear arms, as the majority of gun owners in the US are indeed law-abiding citizens purchasing guns purely for the purpose of sport or self-protection. Therefore, bills such as the Protection of Lawful Commerce in Arms Act of 2005 have been signed to appease the strong oppositions of reformation. This act aimed to protect firearms manufacturers and dealers from being held liable when crimes have been committed with their products.

Mass Shootings

In the aftermath of the Sandy Hook Elementary School shooting of 2012, where a 20-year-old man fatally shot 20 children and six adult staff members, the outrage concerning gun violence in the United States prompted the government to take action. Proposals for a universal background-check system and legislation banning certain semi-automatic firearms plus magazines were made shortly after. Next, a week following the infamous Las Vegas shooting, the deadliest mass shooting among modern US history, the “Automatic Gunfire Prevention Act” was introduced to ban the sale and possession of bump stocks. Nevertheless, since the inauguration of current President Donald J. Trump, progress to gun laws reformation has significantly staggered. More than 100-gun control proposals have been made in the Congress since 2011 and not one of them has been passed into law. But despite the lack of legislative impacts, mass shootings did, in fact, create a substantial psychological effect among the general public. Many student-led and survivor-led movements across the country demonstrated, calling out for stricter gun laws and initiating a ripple effect of activism throughout the US. On the right-wing spectrum of the argument, a key piece of the argument is that in some shootings, guns were



purchased illegally or had illegal modifications - almost 20% of guns used according to an MSNBC report. Yet, due to the controversial sentiments today, no real, tangible, pragmatic changes have been made by the US Senate, only baby steps that waltzes back and forth between the two contradicting viewpoints regarding American gun control.

Current Situation

Overview of Gun Control

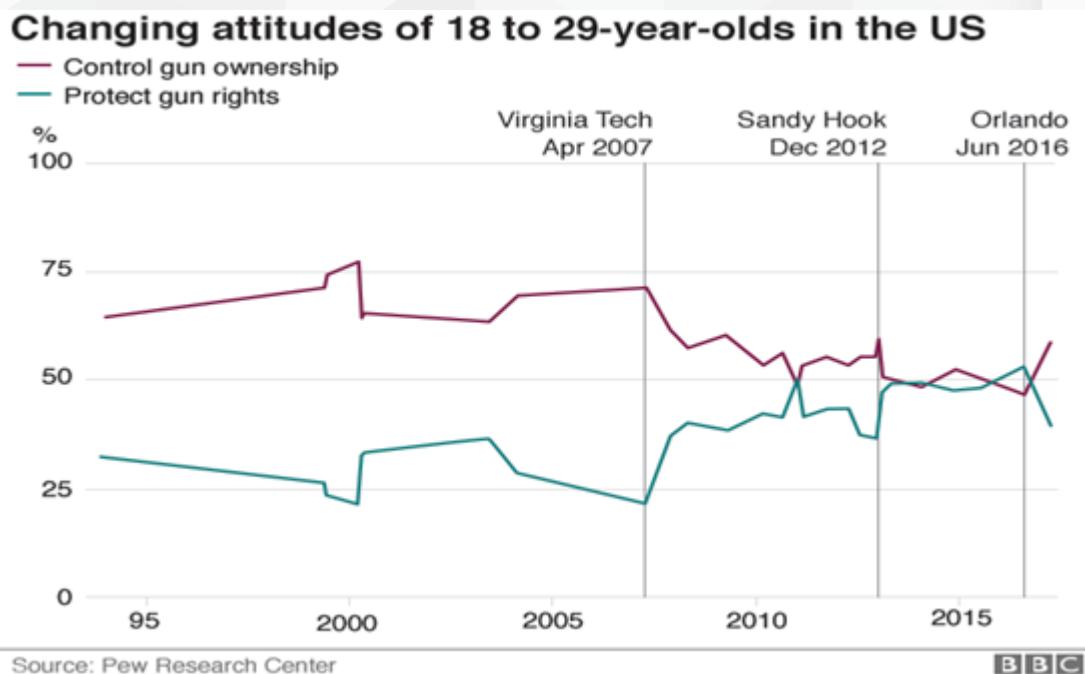
Currently, United States of America obtain the highest homicide-by-firearm rate among the world's most developed nations, as well as the highest number of privately owned guns in the world. In the US, firearms are widely used for the purpose of self-defense, hunting, and recreational uses. However, the argument surrounding gun control reformation arises from the fact that guns are also the top choice of the weapon behind homicide and is further account for almost half of the total suicides in America. More recently, due to incidents such as the Parkland shooting, discussions and demands for the reformation of gun laws has been further encouraged by movements such as the March for Our Lives. As of June 2018, there have been 154 mass shootings in the United States where a mass shooting is defined as "the killing of four or more victims in a discriminate rampage", as stated in Gun Violence Archives. In consequence, a recent poll shows that 70% of Americans support generally stricter gun laws, but the precise methods of gun control and the degree of government involvement are still heavily disputed.

Sentiments on Reformation

As of now, the controversy concerning gun reform in the United States could be broken down to the basic issue of safety. On one hand, proponents of gun control fear for their safety, which includes perils from murders, assaults, accidents, police intervention, suicides, and suicide attempts. Whereas on the other hand, opponents of gun control fear for the loss of their safety— a fear deeply rooted in the desire for self-protection throughout one's daily lives, as well as the need for a deterrent against government tyranny. Currently, America's divided sentiments towards establishing stricter gun regulations echo those of its two major parties: the right-winged, pro-gun Republicans and the left-winged, anti-gun Democrats. Its current leader, the Republican President Donald J. Trump, is a fervent supporter of protecting the people's right to own and carry guns and made strong advocates of the Second Amendment during his election campaign. This amendment, which states that: "*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.*" has the present US gun reformation debate heavily revolved around. Although



most (80%) of guns used in shootings are obtained legally, 20% of those guns are obtained through illegal channels such as the dark/deep web - which is much harder to track and control. This is a critical piece of the argument for most Republicans.



Attitudes of younger people have also shifted over the years, with a slightly less demand for controlling gun ownership - however, there is still plenty evidence for the desire for change within the young adults.

Past and Recent Actions

The conversation again reached the Congress following the Orlando mass shooting in the June 2016. However, in the end, it failed to pass any legislation echoing the aftermath of other similar incidents. The Machin-Toomey bill remained the only gun legislation that came close to becoming law in 2018, and recent proposals stayed mild, taking small steps such as banning bump stocks and slightly improving the existing system for background checks. The current developments differ very little from the original firearm regulations, which are the minimum standards set by the federal law. This includes focuses on universal background checks, restrictions on people with mental illnesses buying firearms, and an assault weapons ban. Nevertheless, individual states and local governments ultimately have the say when it comes to specific measures of possession and handling of firearms. Consequently, the progress towards major reforms on gun laws persisted in being inert until recently, following the Florida school shootings, anti-gun activism has grown rapidly in America, steadily urging US Senate to reconsider its perspectives and procedures when it comes to ensuring better public safety.

Actions Taken by the United Nations and Individual Countries



What makes the United States' situation so complex is the deeply rooted historical influences of its "gun culture", in addition to the Americans' adamant belief in their Right to Bear Guns. Other developed nations, when faced with similar circumstances, had no cultural dilemma to overcome and often implemented gun control laws with ease. In Germany, the tremor of a single mass shooting resulted in the reformation of its Weapons Act, causing a nearly 26 percent decline in gun-related deaths in the following years. Similarly, in Australia, restrictions, licensing laws and a buy-back program were immediately executed succeeding its deadliest mass shooting. Other countries such as Japan, have what comes close to "zero-tolerance" of gun ownership, which contributes to its extremely low rate of gun crime. Although these actions proved futile for some countries, it is not certain that similar trends will also occur in America. For instance, in the United Kingdom, the banning of firearms had little effect in ameliorating its crime statistics. Conversely, gun crime actually peaked following the 1988 policy. The international community, in effect to mitigate gun violence, established The Arms Trade Treaty through the United Nations to call for better licensing of firearms, the destruction of small weapons and more awareness to be raised by individual countries.

Issues Faced Today

Despite all the efforts made by the UN, due to major political, cultural, and legal reasons, actions towards inaugurating a better gun control system persisted to be minimal and almost nonexistent. Although the majority of Americans are in favor of implementing stricter US gun laws and policies, nevertheless it remains arduous for any new legislation to pass in the Congress due to vehement Republican oppositions. Trump's predecessor, Barack Obama, has pushed and failed on multiple occasions when proposing stronger gun control laws. This is greatly due to lobby groups such as the National Rifle Association (NRA)—a firm believer in gun rights who campaigns against all forms of gun control in the US. The NRA argues that firearms provide self-defense for the people and that acts to prevent such ability will in time bring more harm than good. Moreover, the issue remains that if a city or a state passes strict gun control measures, people can simply cross a border to buy guns in a jurisdiction with laxer laws. Because the United States utilizes a federalist system of government, that is, other than following the central "federal" legal system, each individual state is free to determine their own laws and legislation, thus the difficulty in compromising between opposing views greatly exacerbates. At the moment, America finds itself stuck between a rock and a hard place, the future of how much freedom the "land of the free" has when it comes to her controversial weapon remains uncertain and open up to debate.

Seeking Resolution



The reformation of gun laws is an issue that has been around for a very long time, and many have tried to bring about change with varying degrees of success. Keep in mind that in addition to gun reform laws, there are also many social, cultural, and political aspects consider. Each state will be facing different challenges as well and tackling the issue may require a combination of different resolutions. Based on the current situation, delegates should focus on the following five possible solutions.

Reforming Universal Background Checks

In order to ensure that the civilians who handle firearms are qualified to do so, it is necessary to mandate universal background checks across all jurisdictions. Currently, in states dominated by the Democrats, such evaluations are in place. However, that is not the case in Republican-controlled states. Furthermore, existing background checks in the US are not extensive enough and often fail to catch onto other subtle signs of a potentially dangerous individual. While the system does screen for obvious indicators of past violence, misconduct, and mental health issues, the scope of its evaluation is still too narrow to properly determine if an individual is capable of owning a firearm.

Banning High-capacity Ammunition Magazines and other Modifications

Part of the reason why the mass shootings tend to be so deadly is that the firearms involved are able to fire a dozen or more times before reloading. In other words, the greater the capacity of the ammunition magazine (the component that stores ammunition and feeds it to the gun), the more destructive the firearm becomes. Experts believe that banning high-capacity ammunition magazines may be even more effective than banning assault-style firearms. For example, the tragic Pulse Nightclub shooting was carried out with a 30-round ammunition magazine, which is considered high-capacity. A number of states have prohibited the possession of a magazine capable of holding 10 rounds or more in an effort to end the destruction. Many other states are also in the process of doing so, however, such a policy is one that should be considered a national standard.

Banning Assault-style Firearms

The infamous AR-15 is one of the many types of assault-style firearms that are used in mass shootings. The debate over whether or not civilians should be able to own a ‘weapon of war’ has been ongoing for some time now, with the majority of Americans supporting the ban. Unfortunately, American gun culture has long cultivated the mindset that the rifle is a “testament to freedom” and can be easily accessed. A previous attempt made by former President Bill Clinton in 1994 to ban assault weapons was met with little success, and the AR-15 became much like a forbidden fruit, with Americans procuring the weapon through illegal means for the duration of the ban. In order to



successfully and effectively ban assault-style firearms, it may be necessary to address the American gun culture that has been rampant for the last two decades.

Consolidating Legislation Across Jurisdictions

In addition to possibly contradicting the Second Amendment, much of the issue with gun reform laws is the inconsistency across different jurisdictions. In one state, a universal background check may be mandatory for purchasing a firearm, while in another state it may not be. This allows guns to be more accessible in certain areas compared to others, and people will just resort to buying firearms in those areas if they cannot gain access to one in their own area. Although there are federal standards that all states must follow, the standards simply are not enough to prevent violence and there is too much contradiction in different legislation. By consolidating legislation across jurisdictions, this will prevent people from outsourcing to another state in order to obtain a firearm.

Bloc Positions

The US Senate is mainly divided into two sides: The Democrats, who are generally pro-gun control, and the Republicans, who are generally pro-gun rights. Keep in mind that these two parties make up opposite sides of a wide spectrum of opinions on gun reform. The party is also an overall representation of the group's policies, and there may be some deviation in opinion and agenda among individual senators. Despite ideological differences, both parties share the ultimate goal of improving public safety and ending gun violence in America.

Democratic Party

The Democratic Party, or the left wing, has long been pushing for legislation that will tighten background checks, restrict the sales or possession of certain magazines, and ban assault weapons. One of the party's hallmarks is the 1994 ban on assault weapons that was unfortunately, met with much backlash and eventually removed. This significant event not only created a turning point in the gun debate but also widened the divide between itself and the Republican Party. In recent times, Democrat senators have begun to publicly rally with pro-gun control activists and show support for protests and marches.

Republican Party

The Republican Party, or the right wing, has historically been against gun control and received backing from the NRA. Often defending their position by referencing the Second Amendment, this bloc has also



been known to ‘fight fire with fire’. Much of their policies revolve around arming civilians against violence, made evident by recent bills passed to improve school safety. Although these bills contribute to ensuring the safety of civilians, Republicans have been hesitant to move onto the more pressing issue of gun control measures. Their stance is not without reason, however, as there is substantial evidence from other countries that stricter laws on the possession, use, or selling of firearms may, in fact, be ineffective. Overall, the Republican Party will be continuing to push for policies that protect gun owners and improve public safety.

Discussion Questions

1. How do the different socioeconomic conditions across the US prevent blanket laws from being passed to solve this issue?
2. How can we regulate gun laws while not infringing on the rights of the American People according to the 2nd Amendment?
3. How heavily is the lack of gun-control laws linked to the spread of public violence and crime acts across the United States?
4. What compromises can be reached between Republicans and Democrats to provide for a solution to benefit both sides?
5. To what extent does corporate money and funding from organizations such as the National Rifle Association have to do with legislative decisions?
6. Due to the increasing divide between different groups of people in the United States over this issue, what level of urgency is required going forward?
7. What is the best solution to control illegal mediums, such as the Deep Web, for the buying and selling of guns?
8. What types of guns (heavy or handguns) should be considered safe in possession, at what size/model/type does legislation draw the line?

Further Reading

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