



United States Senate
GUN CONTROL

BACKGROUND GUIDE A

Director's Letter

Dear Senator,

My name is Emily Chen, and I have the distinct pleasure of serving as the President of the United States Senate Committee at OakridgeMUN III. I am a senior at Semiahmoo Secondary and this will be my fourth and final year in Model United Nations. Staffing along with me is your Chair, Cathy Zhang, a senior at Magee Secondary and your Assistant Director, Claire Li, a junior at Steveston London Secondary. On behalf of this fantastic staff team, I am happy to formally welcome you to the United States Senate.

Upon joining Model United Nations in grade 9, I had no idea what awaits me in this community filled with diplomacy, debate and challenges. From only speaking 3 times at my first conference to now being a MUN veteran with multiple secretariats and staff experiences, I can proudly say that MUN has helped me grow tremendously as a speaker, a diplomat and a person. Now I can list countless benefits that MUN offers, but I would have to say the biggest takeaway for me is how much my knowledge has expanded as a result of three years of research. In the world of MUN, you are constantly challenged with problems in different regions of the world and of all different natures; in the journey of learning about this diverse spectrum of issues, you will also acquire skills of critical thinking, collaboration, public speaking and so much more.

At this iteration of OakridgeMUN, senators are tasked with combating the ever-lasting controversial issue of Gun Law Reforms and the rising crisis of China and U.S tensions. The dais team carefully chose these topics because we thought they held relevance to the current world as well as offer room for Senators to utilize your creativity and provide solutions. I encourage all senators to carefully read this backgrounder as well as do external research on your own states, to result in fruitful and meaningful discussion.

I sincerely welcome you all to this committee and hope that the US Senate at OakridgeMUN III will be enjoyable and memorable for all. I look forward to meeting all of you in November!

Best Regards,

Emily Chen

President of U.S Senate -- OakridgeMUN III

Committee Overview

The Legislative Branch of the United States consists of two bodies: the House of Representatives and the Senate, coming together to form the United States Congress. Congress holds the sole authority to enact legislation, declare war, confirm or reject Presidential appointments, and the privilege to investigative powers, as granted by the Constitution of the United States.

Members of the Senate are elected every six years by direct popular election, as of 1914. Between 1789 and 1913, Senators were elected by state legislatures.¹ The terms of Senators staggered so that about one third of positions are up for elections every two years. In the case that a Senate seat is vacant, due to reasons such as the death, resignation, or expulsion of the senator, state legislatures may empower the governor to appoint a senator to fill the seat until an election can take place.² The Vice President of the United States serves as the President of the Senate, but has no vote except in the event of a tie in the Senate . While the number of members of the House of Representatives are proportional to the populations of the states they represent, there are two Senators for each state, regardless of population, for a total of one hundred Senators.

Congress is responsible for introducing new laws or changing existing laws. A bill, which if passed becomes a law, can be introduced in either the House or the Senate, with the exception that “*All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.*” as detailed by Article I, Section 7, Clause 1 of the Constitution.³ After a bill is introduced, it's directed to a relevant committee to be studied and reviewed. Each committee specializes in a policy area, and the subcommittees oversee even more specialized areas. The bill first goes to a subcommittee, and the subcommittee may accept, amend, or reject the bill. If it is accepted, it's then considered by the full committee, where it may be accepted, amended or rejected. If the bill is accepted by the full committee, it goes to the floor of the House or Senate, depending on where it was introduced. A bill must be approved by both the House and the Senate before the President considers it. If the President agrees with the bill, they may sign it into law. While the President may

¹ https://www.senate.gov/general/Features/ElectingSenators_AHistoricalPerspective.htm

² Ibid.

³ https://constitution.congress.gov/browse/essay/artl_S7_C1_1_1/

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veto bills passed by Congress, the veto can be negated with a two-thirds majority vote in both the House of Representatives and the Senate.

As the upper house of the Congress, the Senate holds unique powers. Such as confirming appointments made by the President, and providing advice and consent to ratify treaties, elect a Vice President in the case no candidate receives a majority of votes, and conduct trials of impeachments.

Due to time constraints, the United States Senate committee will use an adapted version of Senate rules of procedure.

Topic Overview

The topic of gun reform and its legislatures is an ever-relevant topic in the United States of America. The Second Amendment of the United States Constitution 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." This amendment was established to protect Americans' rights to keep and use guns, to organize into militia and military forces composed of civilians. However, in recent years, this issue has gotten more controversial. Although firearms is an issue worldwide, it's an especially prevalent issue in the United States. A Small army survey reports that there are around 1 billion small firearms around the world, and US civilians alone account for 46% of the total, around 393 million firearms.

Since the 1700s, gun technology has improved drastically, in both its load speed and accuracy, making gun technology much more dangerous. In recent years, gun-related violence whether its homicides, suicides and mass shootings, has skyrocketed. Compared to other high-income nations, U.S homicides are 25 times higher; the U.S. had 82 percent of gun deaths, 90 percent of all women killed with guns, 91 percent of children under 14 and 92 percent of young people between ages 15 and 24 killed with guns. This increased violence brings up the debate of gun control, whether there should be more restrictions or whether the freedom of the second amendment should be upheld.

Senators are encouraged to look within the broader topic of gun law reforms and look at sub-topics such as background checks, semi-automatic firearms, high capacity magazine ban, education, waiting periods, red flag laws, etc.

https://en.wikipedia.org/wiki/Gun_ownership

https://en.wikipedia.org/wiki/Gun_violence_in_the_United_States

Current Situation

The Trump Administration was an ally to gun activists, during his campaign in 2016, the National Rifle Association spent over \$30 million to support his campaign. And the Trump administration loosened regulations on the export of firearms, online publication information about guns and reversed an Obama- era rule restricting gun purchases by people deemed by the Social Security Administration to be mentally unable to manage their affairs. After a school shooting in 2018, Trump suggested to arm teachers with guns however, this was opposed by teacher unions. During the Trump administration, gun laws were loosened outside of a ban on “bump stocks” which is used to increase the rate of fire due to the 2017 Las Vegas massacre; Trump even declared that “I saved the 2nd amendment.”

Joe Biden, the current President of the United States has had a long history of advocating for tighter gun control. President Biden supports universal background checks and a ban on the manufacture and sale of semiautomatic rifles; also tighter regulations of buybacks of weapons in private hands. In March of 2021, a bipartisan coalition in the House passed two bills to close loopholes in the gun background check system. However, President Biden isn’t happy with the pace the congress is acting upon this and therefore announced 6 actions the administration will take.

The Justice Department will issue a proposed rule to help stop the proliferation of “ghost guns” in 30 days. Ghost guns refer to firearms that can’t be traced by law enforcement due to the lack of serial number which is often found at a crime scene.

The Justice Department will issue a proposed rule to make clear when a device is marketed as a stabilizing brace, it must be subject to the requirement of the National Firearm Act within 60 days. Arm brace is used to make firearms more stable and accurate while being concealable and is used by mass shooters.

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The Justice Department will publish model “Red flags” legislation for states within 60 days. Red flag laws allow family members or law enforcement to petition court orders temporarily barring people to access firearms. President Biden urges Congress to pass an appropriate national “red flag” law.

The administration is investing in evidence-based community violent intervention. Cities across the country are experiencing a historic spike in homicides and the Biden-Harris administration is including different plans to help tackle this issue. Like a \$5 billion investment from the American Jobs Plan, Medicaid kit by the Department of Health and Human Services, etc.

The Justice Department will issue an annual report of firearms trafficking. This comprehensive report and its annual updates give policymakers the information they need to address firearm trafficking today.

The President will nominate David Chipman to serve as Director of the Bureau of Alcohol, Tobacco and Firearms. ATF is the key agency enforcing gun laws and it needs a confirmed director to do that to the best of its ability.

Many actions are being taken on this ever-relevant issue, and it's important for senators to realize that gun violence is still very much a threat to the United States of America. According to Gun violence Archives, multiple gun violence-related deaths and injuries happen across multiple states in a day, this issue needs to be addressed by the Senate.

History

Guns have played a big role in American history, and make a big impact on American culture to this day. The culture around guns is entirely unique to the country, with the highest number and per capita of guns in the world, at 393 million guns, or 120 guns per 100 people.

Colonial and Revolutionary Times

Gun use, culture, and laws are older than the second amendment. During colonial times, guns were often used for hunting and self-protection. They went on to serve as weapons during the American Revolutionary war. While gun ownership was very

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common and essentially a necessity, certain gun control laws had been enacted. Colonies criminalized transferring guns to certain people, such as slaves and Native Americans, required gunpowder be stored safely, required registration, and reserved the right to enter homes and inspect guns.

It's important to note the negative impact firearms had on oppressed groups. The white majority in colonial America used guns to control Native Americans and slaves, who were prohibited from owning and using firearms.

The 20th Century

In the 20th century, many pieces of legislature concerning gun control were enacted. Commonly passed after massacres and tragic events caused by guns, acts such as the Federal Firearms Act and the Gun Control act enforce regulations on gun ownership, transfers, and mandated background checks. Note that none of the listed acts reduced gun ownership or recalled guns.

The 21st Century

The 21st century brings about stricter gun control regulations, especially with democratic presidencies. The NCIS was improved in 2007, and President Obama brought about lots of new action on gun control, including expanding background checks, increasing mental health funding, increasing funding to the National Integrated Ballistics Information Network, creating the Internet Investigations Center, and tracking illegal online gun sales,

Recently, the long-standing gun control movement has seen lots of media attention and support. After the Marjory Stoneman Douglas high school shooting, student survivors took to social media to speak out on their experiences and call for stricter gun control. Their actions raised lots of awareness for the movement and sparked discussion.

Timeline

December 15th, 1791 - Of ten amendments made to the United States constitution, the second of them says "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.”⁴ This amendment allows individuals to arm themselves.

June 26th, 1934 - the National Firearms Act, notably the very first piece of gun control legislation, is enacted. The act taxes the “making and transfer of firearms defined by the Act, as well as a special (occupational) tax on persons and entities engaged in the business of importing, manufacturing, and dealing in NFA firearms.”⁵

1938 - The Federal Firearms Act is enacted. The FFA requires manufacturers, importers, and dealers of firearms to have a federal firearms license, as well as requiring firearm sellers to keep customer records. It also defines “prohibited persons”, such as convicted felons, who may not purchase or receive transfers of firearms.

1968 - After President Kennedy was assassinated with a mail-order gun, the Gun Control Act was passed. It repealed and replaced the FFA, reenacting many of its provisions. The GCA brought about stricter licensing and regulation of firearms, established new language and categories of firearms and destructive devices, and required all firearms to bear a serial number. The act prohibits the sale of firearms and ammunition to prohibited persons such as felons and the mentally ill, much like the FFA.

1993 - The Brady Handgun Violence Prevention Act is passed, and named after White House press secretary James Brady, who was injured and permanently disabled during an attempt to assassinate President Reagan. The amendment to the GCA requires background checks for prospective customers of firearms. It establishes the National Instant Criminal Background Check System (NICS), maintained by the FBI to this day.

1994 - Semiautomatic assault weapons are temporarily banned. The Public Safety and Recreational Firearms Use Protection Act subsection of the Violent Crime Control and Law Enforcement Act temporarily bans assault weapons from the September of 1994 to the September of 2004. Multiple attempts have been made to renew the prohibition, but all have failed.

⁴<https://constitution.congress.gov/constitution/amendment-2/>

⁵ <https://www.atf.gov/rules-and-regulations/national-firearms-act>

March 24th, 2018 - Survivors of the Stoneman Douglas High School shooting organize the March for Our Lives to demand stricter gun control laws. The student's actions garnered widespread media attention, sparking a movement in favour of gun control.

Potential solutions

Gun control laws

The Senate is divided on how to approach gun violence, and if it even is an issue. For Senators who believe that gun violence is a major issue, gun control laws must be discussed and implemented. There's range in the severity of gun control laws--some laws cover ownership of guns, requiring gun attachments that have been deemed dangerous, such as high capacity magazines and bump stocks be restricted, or banning the sale and ownership of assault weapons entirely. Other laws include mandatory training and licencing for gun owners, and required safe gun storage. Note that gun control laws differ by state, and senators should research the specific gun laws in their own state.

Background checks

Organizations such as the NICS can perform background checks on potential firearm customers. Background checks can restrict "prohibited persons" such as felons and mentally ill people from purchasing guns.

Note that background checks are not universal--not all states require them. Senators should keep in mind whether or not their own state requires background checks, and to what degree.

Prevention Infrastructure and Community Support

While gun control laws are shorter-term, more immediate solutions, it's also important to consider long-term solutions, such as prevention infrastructure and researching root causes. The CDC has historically researched gun-related violence, but has not always

received adequate funding and support. Senators who believe that researching root causes and preventative techniques should invest in organizations such as the CDC. After researching and identifying root causes of gun violence, such as unsafe communities, mental health issues, and gender-specific issues, the Senate can discuss policies that will address the root issue.

Suicide and Gender-Specific Issues

A big portion of casualties by guns are due to suicide. Many mentally ill people, particularly men, use guns as a means to attempt suicide. Not only should Senators look for ways to prevent potentially suicidal people from accessing guns, but Senators should also look into the root causes of poor mental health, and ways to address the root of the issue. The Gun Shop Project⁶ suggests that gun shops can play a role in reducing suicides by guns, by identifying potentially suicidal customers. The project means to share guidelines on how to identify suicidal customers and promotes the sharing of suicide prevention materials.

It should be noted a disproportionate amount of gun-related suicides and crimes are committed by men. Senators should look into reasons as to why men are more likely to own⁷ and use⁸ guns than women. Societal narratives that emphasize toughness and self-sufficiency in men often cause men to choose violence and bottle up their emotions. Programs with the aim to combat harmful gender-based narratives can be implemented in schools, workplaces, and clinics to spread a different narrative of masculinity.

Bloc Positions

Democrats

Democrat senate members are, in general, far more likely to vote for more gun control than their Republican counterparts. Many Democrats want to not only establish a national background check, but also go further by banning the sales of some

⁶ <https://www.hsph.harvard.edu/means-matter/gun-shop-project/>

⁷ <https://www.pewresearch.org/social-trends/2017/06/22/the-demographics-of-gun-ownership/>

⁸ <https://genderpolicyreport.umn.edu/addressing-gun-violence-by-reimagining-masculinity-and-protection/>

high-capacity military-style rifles that can fire ammunition rapidly. This would effectively limit the severity of any gun-related violence attempt. That said, such a bill would not likely receive the amount of votes necessary to be passed. Not only would it require strict Democratic unity, but the support of several Republicans as well, many of whom are resistant to severe, or gun control measures as a whole. In order to get the measures proposed across the finish line, Democrat senators must work together to win over the vote of fellow Republican senators. Compromises will have to be made, and it is highly likely the final bill passed would be largely different from the one originally proposed in all regards - both length and severity.

Republicans

While Republican rhetoric on guns is changing, the underlying politics largely remains the same. The party overwhelmingly opposes any gun control measure in the name of freedom. For Republican senators to agree on any form of gun control, however popular or modest, it will be tough. These members opposing the bills have argued in the past that the legislation would not make American streets any safer, and would instead infringe upon the right to bear arms guaranteed under the U.S. Constitution's Second Amendment. While the Democrats control both the White House and Congress, the Senate is a whole different story. Even in the event of complete Democratic unity, gun control bills would be unable to pass unless a handful of Republicans agree to the terms as well. Therefore, imperative delegates representing the Republicans understand their crucial role in this topic. Delegates should not be easily swayed in debate, and instead should closely follow the values of their party and state. In essence, while the implementation of large-scale gun control measures is highly unlikely, some "hybrid," less oppressive forms of gun control bills may gain momentum and support from certain Republican members.

Guiding Questions

1. What party does your Senator belong to, and what is that party's stance on gun violence?
2. Where does your Senator and your party draw the line between safety and freedom?
3. What state does your Senator represent, what gun control laws currently exist in that state?

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4. Are there any outstanding issues involving guns or gun violence in your state? (e.g. gangs)
5. What solutions will best address your state-specific issues?
6. Understanding that fellow Senators will have different views on gun control, how can you compromise? Are you willing to change your stance? If so, which parts of your stance are non-negotiable?

Further research

A brief overview of the United States Senate from the White House:

<https://www.whitehouse.gov/about-the-white-house/our-government/the-legislative-branch/>

Good variety of causes and root issues of gun violence, and solutions that address different areas of the topic: <https://www.apa.org/pubs/reports/gun-violence-prevention>

Information on background check infrastructure:

<https://giffords.org/lawcenter/gun-laws/policy-areas/background-checks/universal-background-checks/>

Works Cited

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<https://www.gunviolencearchive.org/reports/mass-shooting?page=3>

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<https://www.whitehouse.gov/briefing-room/statements-releases/2021/04/07/fact-sheet-biden-harris-administration-announces-initial-actions-to-address-the-gun-violence-public-health-epidemic/>

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<https://www.reuters.com/article/us-usa-congress-guns-idUSKBN2B32MA>

<https://abcnews.go.com/Politics/heres-2020-democrats-differ-gun-control/story?id=62970498>

<https://thehill.com/business-a-lobbying/543036-gun-control-groups-focus-all-efforts-on-senate>

<https://www.buzzfeednews.com/article/paulmcleod/gun-control-senate-republicans-boulder-shooting>

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