

Guns Legislation Assignment

Can Gun Control laws reduce violence?



"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..."
- Second Amendment to the US Constitution (1791)

Background:

After 45 school shootings in 2016, many Americans are wondering: Why haven't we done more to prevent this kind of horrific tragedy?

Americans possess more than 200 million firearms. Each year about 640,000 violent crimes, including 16,000 murders are committed with guns, mostly handgun. Some people believe gun-control laws, which restrict gun ownership, can reduce the bloodshed. Others believe that guns should protect Americans and gun laws should be less strict.

What is gun control?

"Gun control" is a broad term that covers any sort of restriction on what kinds of firearms can be sold and bought, who can possess or sell them, where and how they can be stored or carried, what duties a seller has to vet a buyer, and what obligations both the buyer and the seller have to report transactions to the government.

Sometimes, the term is also used to cover related matters, like limits on types of ammunition and magazines, or technology, like the type that allows guns to fire only when gripped by their owners.

In recent years, gun control debates have focused primarily on background checks for buyers, allowing people to carry weapons in public, and whether to allow the possession of assault rifles.

Task:

In groups, you will work with one another in order to create Gun Control Legislation for the United States.

Process

First, complete the DBQ- meaning look at the graphs and in the column write down what each graph, chart or saying is trying to tell its audience

Second, go through the questions/ topics, and writing your opinion next to the topic, be sure to give reasons and/ or facts

Third, work in groups (this can be tough for a lot of you), and create a document in which you will create gun regulations/ a national gun policy for the United States. This should include the:

- a) topic
- b) explanations as to how you can to your decision and at
- c) least one fact to support your reasoning.

Questions/ Topics:

1. What does the second amendment mean to you?
2. Do guns kill people? or do people kill people?
3. Do countries with strict gun laws have less murders?
4. Should we get rid of current federal gun laws? (See Identified Prohibited Persons/ Prohibitions on Certain Types of Firearms)
5. Concealed carry laws? Should most law-abiding people be able to carry their guns almost anywhere?
 - a. National parks?
 - b. Bars/ places that serve alcohol
 - c. Schools
 - d. Retail locations
 - e. Vehicles
6. Should people with a criminal record or mental illness; drug addictions; immigrants without legal status; certain veterans with a dishonorable discharge; people with a permanent restraining order keeping them from a partner or partner's children (see Identified Prohibited Persons). Most people with mental illness never receive adjunctions, and you can get the court to reverse it. Many mass shootings have been carried out by people were deeply disturbed, but legally owned guns
7. Should you be able to purchase your gun online or from a friend- or any not registered dealer?
8. Should gun dealers conduct a background check, through a database run by the FBI, to see is the customer is among those prohibited from owning a gun?
9. Should there be an assault weapon ban?
10. Should there be waiting periods?
11. Should there be taxes on gun purchases?
12. Should gun dealers be regulated? How?

13. Should a person that owns a gun be required to have a rack for safe storage?
14. Should gun owners have to get their handgun micro stamped? (means the make, model, and serial number of the gun is transferred to each cartridge case every time the gun is fired- idea is to allow the police at a crime scene to trace a gun back to its owner)
15. Should you be required to pass/take a written safety test
16. Should someone be allowed to own / operate a semi-automatic weapon?
17. Should someone under the age of 18 be able to own a gun?
18. Should there be allowed high capacity magazines
19. Should gun owners register firearms
20. Should gun owners have a state firearms license?
21. Should you require gun owners to pass tests and get inspections and insurance? How/ Explain
22. Should gun manufacturers install safety devices? (require built in locks and eventually "smart guns". Opponents sat these devices would increase the cost, may cause the weapons e to misfire and may be unconstitutional
23. Should we make bullet manufacturers put serial numbers on every bullet? (The serial number would also be on the box of ammunition and sellers would record who bought each box. Supporters say bullets are often recovered at a crime scene and having serial numbers would help solve crimes. Opponents respond that criminals would remove serial numbers and the high cost to manufacturers would be passed on to everyone buying bullets.)
24. Should we limit gun purchases to one a month per person? Much of the illegal gun trade is carried on by middlemen who buy guns from dealers in bulk and sell them to juveniles and criminals. Supporters say this law will stop the middlemen from buying guns. Opponents think criminals can easily get around this law by using groups of people to buy guns. Again, they say, only the law-abiding will be prevented from buying guns
25. Should there be a ban on large capacity ammunition clips?
 - a. Under this proposal, it would be against the law to possess or sell ammunition clips that contain more than 10 rounds of ammunition. Supporters point out that these clips are not necessary for hunting or self-defense, but have been used in several recent mass slayings. Opponents argue that these clips do promote self-defense, particularly if a person is attacked by a mob
26. Is the Cost of gun regulation too much?
27. Should schools arm teachers and guards?

DBQ: Gun Legislation

EQ: Can Gun Control laws reduce violence?

Document A

National Law: (As of Sept. 2016)

Identify Prohibited Persons

The Gun Control Act (GCA), codified at 18 U.S.C. § 922(g), makes it unlawful for certain categories of persons to ship, transport, receive, or possess firearms or ammunition, to include any person:

- *convicted in any court of a crime punishable by imprisonment for a term exceeding one year;*
- *who is a fugitive from justice;*
- *who is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act, codified at 21 U.S.C. § 802);*
- *who has been adjudicated as a mental defective or has been committed to any mental institution;*
- *who is an illegal alien;*
- *who has been discharged from the Armed Forces under dishonorable conditions;*
- *who has renounced his or her United States citizenship;*
- *who is subject to a court order restraining the person from harassing, stalking, or threatening an intimate partner or child of the intimate partner; or*
- *who has been convicted of a misdemeanor crime of domestic violence.*

The GCA at 18 U.S.C. § 922(n) also makes it unlawful for any person under indictment for a crime punishable by imprisonment for a term exceeding one year to ship, transport, or receive firearms or ammunition.

Further, the GCA at 18 U.S.C. § 922(d) makes it unlawful to sell or otherwise dispose of firearms or ammunition to any person who is prohibited from shipping, transporting, receiving, or possessing firearms or ammunition.

The Arms Export Control Act (AECA) prohibits the issuance of licenses to persons who have been convicted of:

- *Section 38 of the AECA, 22 USC 2778;*
- *Section 11 of the Export Administration Act of 1979, 60 USC App. 2410;*
- *Sections 7903, 794, or 798 of Title 18, USC, relating to espionage involving defense or classified information;*
- *Section 16 of the Trading with the Enemy Act, 50 USC App. 16;*
- *Section 30A of the Securities Exchange Act of 1934, 15 USC 78dd-1, or section 104 of the Foreign Corrupt Practices Act, 15 USC 78dd-2;*
- *Chapter 105 of Title 18, USC, relating to sabotage;*
- *Section 4(b) of the Internal Security Act of 1950, 50 USC 783(b), relating to communication of classified information;*

- Sections 57, 92, 101, 104, 222, 224, 225, or 226 of the Atomic Energy Act of 1954, 42 USC 2077 2122, 2131, 2234, 2272, 2275, and 2276;
- Section 601 of the National Security Act of 1947, 50 USC 421, relating to the protection of the identity of undercover intelligence officers, agents, and other sources;
- Section 371 of Title 17, USC, when it involves conspiracy to violate any of the above statutes; and
- International Emergency Economic Powers Act, 50 USC 1702 and 1705.

Prohibitions on Certain Types of Firearms

Federal firearms laws prohibit transactions in and possession of certain types of firearms. These include, for example:

- Transfer or possession of a machinegun, 18 USC 922(o);
- Manufacture, importation, sale, or possession of any firearm not detectable by airport security devices, 18 USC 922(p);
- and Possession of a firearm not registered as required by the National Firearms Act (NFA), 26 USC 5861(d).

Last Reviewed September 22, 2016

Document B

Historical Background:

Over the years, however the federal government enacted five major nationwide gun laws

- **1934** prohibited the possession of machine guns, sawed off shot guns, and silencers
- **1968 Gun Control Act**- limited the importation and sale of cheap handguns, known as Saturday Night Specials, and prohibited the interstate sale of handguns.
- **The Brady Act 1993**→ requires a 5 day waiting period for all handgun purchases
- **1994 crime bill**→banned the import and manufacture of certain military assault weapons
- **1994 assault weapon ban** expired in Sept 2004.
- **1996** law banned one convicted of a domestic violence offense from owning or using a hand gun
- **2010**- Cannot carry a gun in National Parks, where hunting was not allowed

Document C

2nd Amendment in the Courts

- 1939 **Us Vs. Miller**→ a defendant was convicted of transporting a sawed off shotgun in violation of the federal government's 1934 gun law. The defendant appealed his conviction saying that law violated the second Amendment. A unanimous court rejected this argument. The court noted that the "obvious purpose" of the Second Amendment was "to assure the continuation and render possible the effectiveness of" militias. "It must be interpreted and applied with that end in view." The court concluded: "In the absence of any evidence tending to show that possession or use of a . . . [saw-off shotgun] . . . has some reasonable relationship to the preservation or efficiency of a well-regulated militia, we cannot say that the Second Amendment guarantees the right to keep and bear such an instrument."

- In 2008, however, in **D.C. v. Heller**, the U.S. Supreme Court in a 5–4 vote struck down a D.C. law that essentially banned handguns and ruled that the Second Amendment secures "an individual right to keep and bear arms." It held that government could not ban "handguns held and used for self-defense in the home."

- In 2010 **McDonald v. Chicago**, the court ruled that this right applied to state governments under the 14th Amendment, because "the right to keep and bear arms" is "among those fundamental rights necessary to our system of ordered liberty."

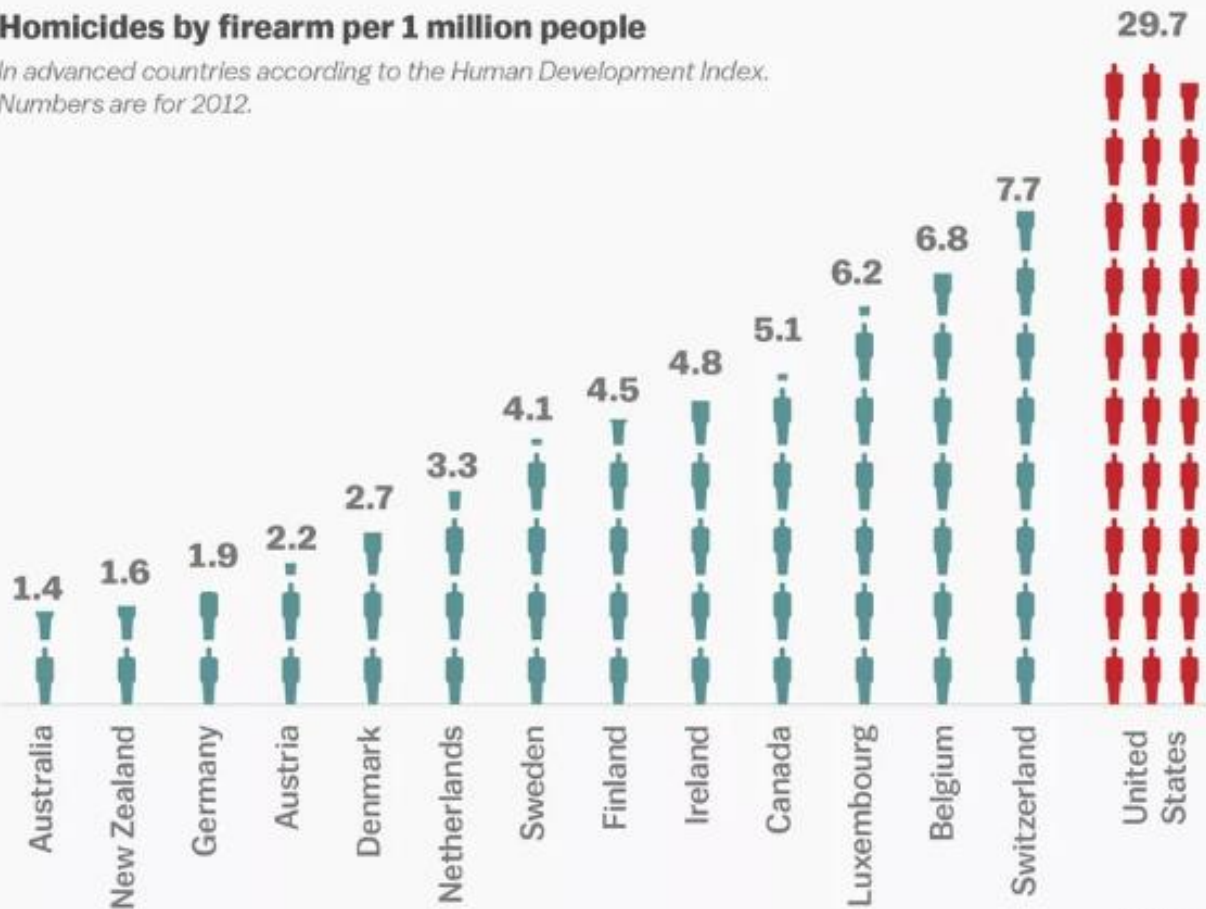
Document D

ARGUMENTS ON HANDGUN CONTROL	
Against Handgun Control	For Handgun Control
Gun control impinges on a basic right of all Americans – the right to protect themselves. This right is so important that the Second Amendment to the Constitution guarantees the right to bear arms.	The Second Amendment is not an unlimited right. Most gun-control laws are reasonable restrictions on this right.
With our society's high rate of violence and lack of adequate policing, guns offer citizens protection.	Guns are far more likely to harm members of the owner's household than offer protection against criminals.
"Guns don't kill people. People kill people." Switzerland, which has a low rate of murder, requires most adult males to keep automatic weapons at home for the army.	Guns make bad situations worse. Our murder rate is higher than other countries because handguns are so readily available.
"When guns are outlawed, only outlaws will have guns." Criminals will always find ways of getting guns or other weapons. Washington, D.C., and other jurisdictions with strong gun-control laws have the worst murder rates in the country.	Most of the crimes committed with guns in Washington, D.C., are committed with guns bought in nearby states with lax gun laws.
Instead of penalizing ordinary citizens, the proper way to keep criminals from using guns is to impose harsher penalties on criminals who use them.	We already impose mandatory sentences on criminals using guns.
Our country has too many guns in circulation for gun-control laws to be effective.	Canada had similar laws to ours until the 1920s. Gun control has worked there.
Even if gun-control laws did reduce the use of handguns, criminals would simply shift to other weapons.	Guns are more lethal than other weapons. A person shot with a gun is five times more likely to die than a person stabbed with a knife.

Document E

Homicides by firearm per 1 million people

In advanced countries according to the Human Development Index.
Numbers are for 2012.

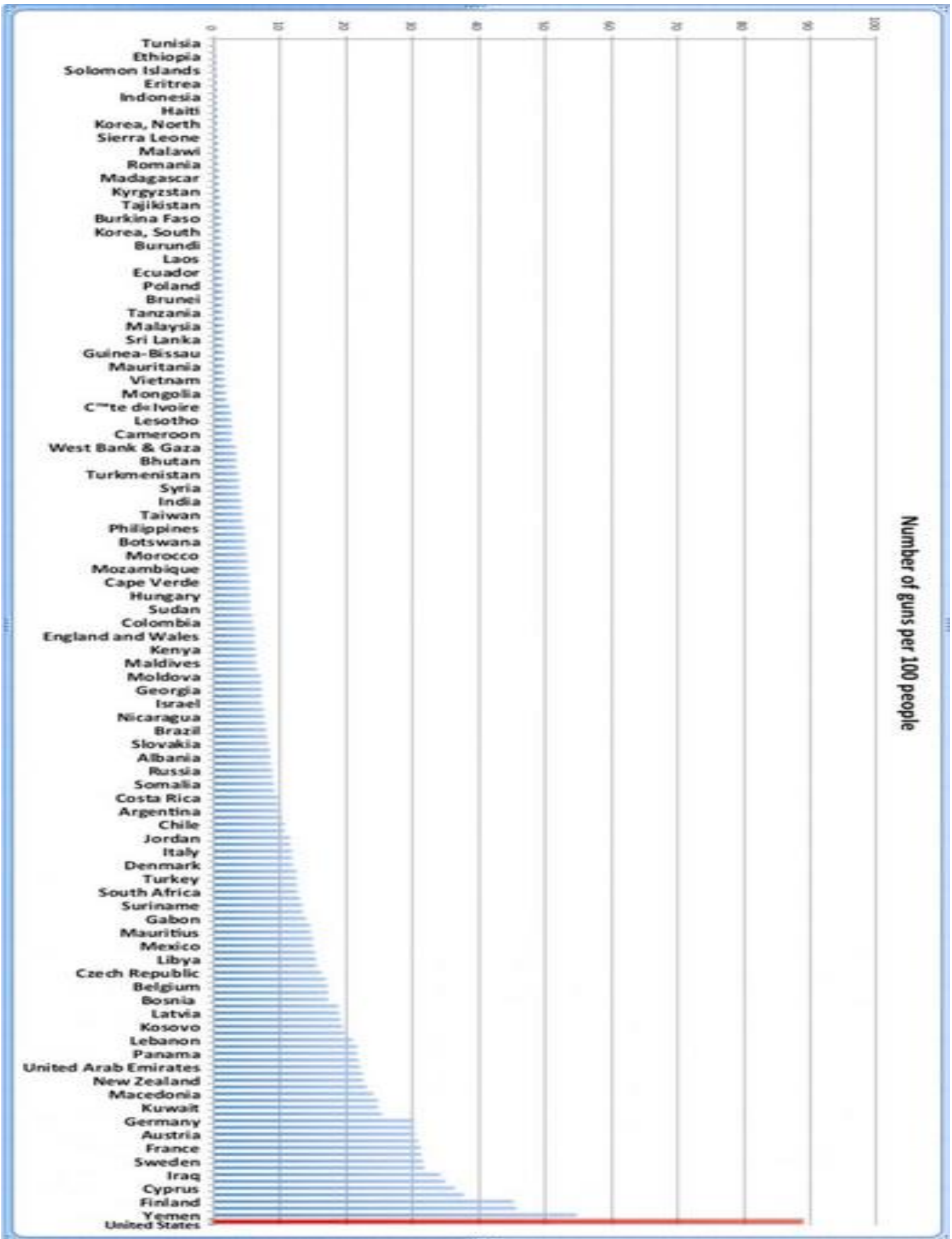


SOURCE: UNODC, Small Arms Survey, via The Guardian.

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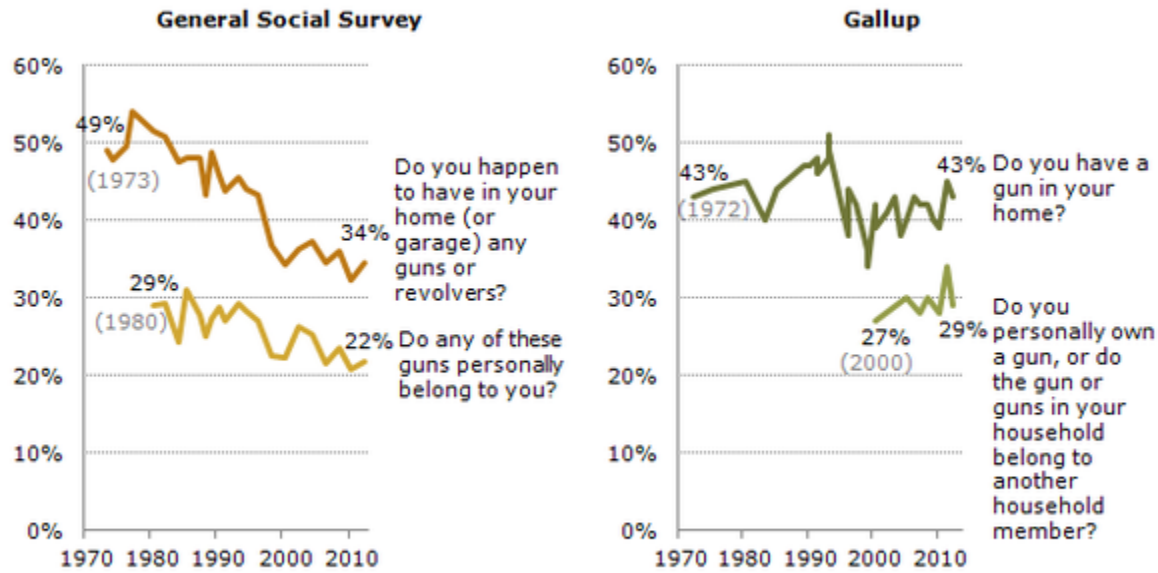
Javier Zarracina/Vox

Document F



Document G

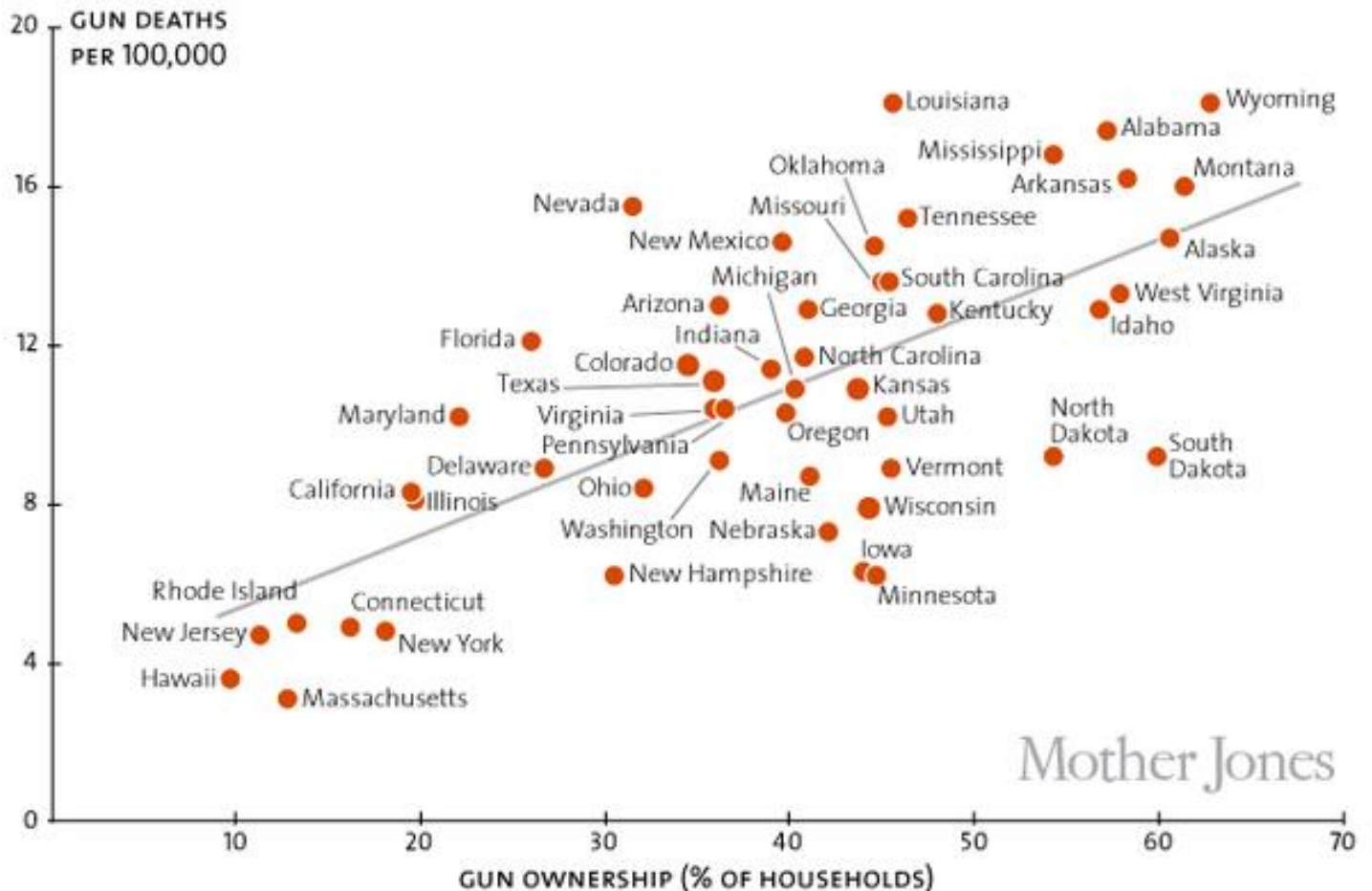
Survey Trends in Gun Ownership Rates



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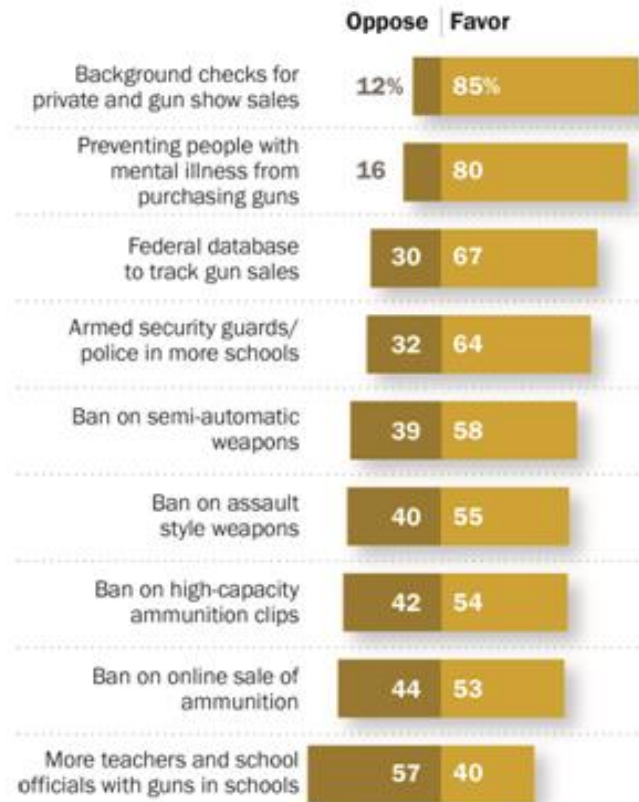
Document H

Gun ownership vs. gun deaths, by state



Document I

Broad Public Support for Many Gun Policy Proposals

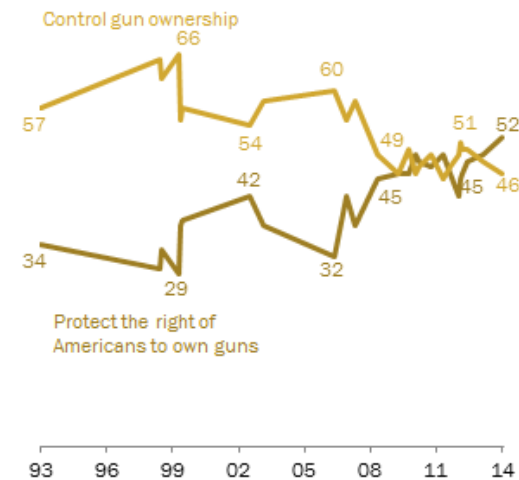


PEW RESEARCH CENTER Jan. 9-13, 2013.

Document J

Two Years After Newtown, A Shift in Favor of Gun Rights

% saying it is more important to ...



Survey conducted Dec. 3-7, 2014.

PEW RESEARCH CENTER

Document K

Rate of firearm suicides after Australia's gun buyback program

Firearm suicides per 100,000 residents

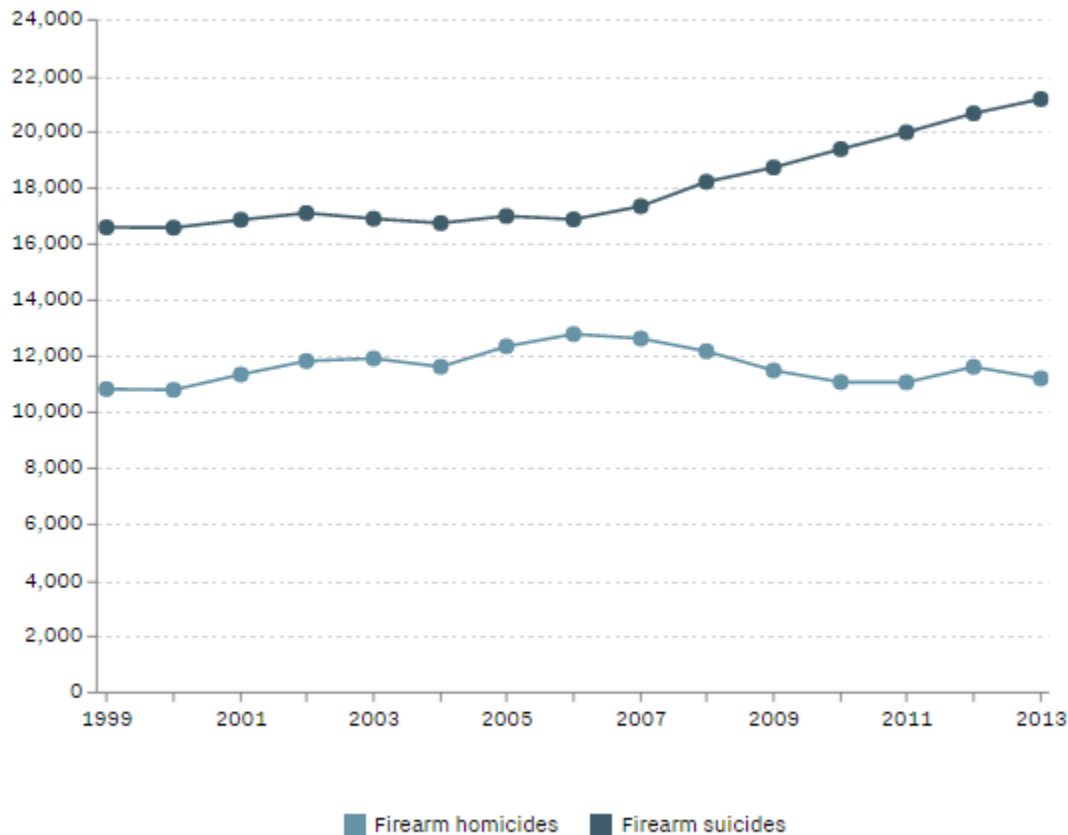


SOURCE: IZA

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Document L

Firearm suicides versus homicides

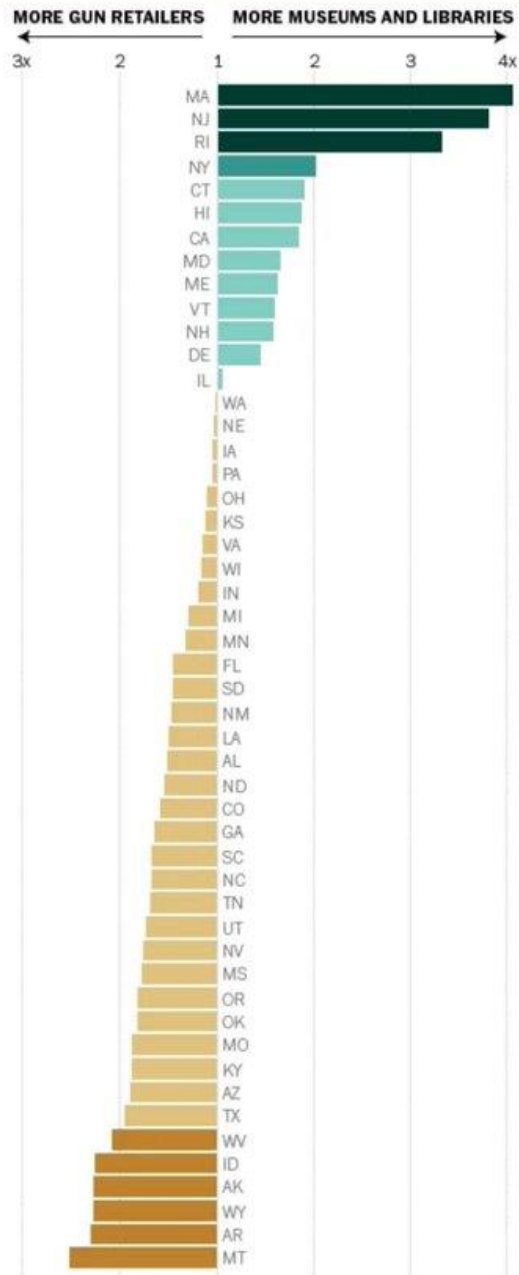


Source: [Centers for Disease Control and Prevention](#)

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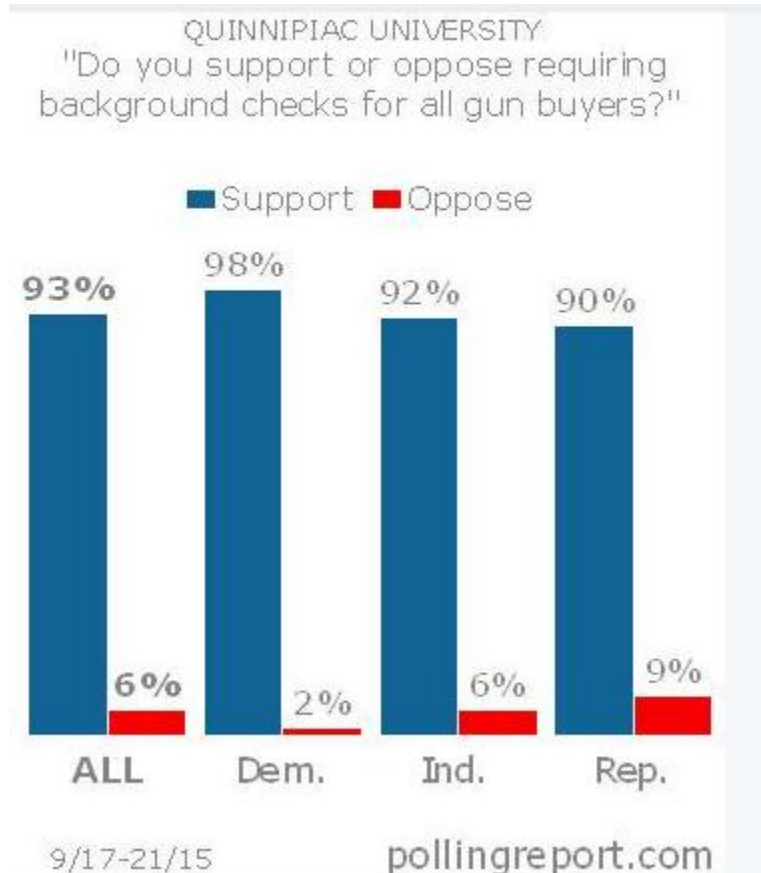
Document M

In 37 states, gun dealers outnumber museums and libraries



SOURCE: Institute of Museum and Library Sciences; Bureau of Alcohol, Tobacco and Firearms.
GRAPHIC: The Washington Post. Published June 17, 2014

Document O



Document P



Policy Evaluation Guidelines?

1. What is the proposed policy? What is its goal?
2. What problems is it designed to address?
3. Does the policy address the most important underlying causes?
4. If it does not address an underlying cause, does the policy alleviate some of the effects?
5. Does the policy target the most serious aspects of the problem? Or is it too broad to be enforceable?
6. Where did the policy come from? What is its history?
7. Who supports the policy? Who opposes it? Why?
8. Evaluate the policy's pros and cons: claimed or expected benefits, claimed or expected costs.
9. Can the policy realistically be implemented?
10. What about alternative policies? Would another approach be better, either instead of or in addition?