

Gun Control Senate Judiciary Committee

Introduction

The term “gun control” refers to actions taken by the federal, state, or local government to regulate the sale, purchase, safety, and use of guns. The gun control policy in the United States has changed significantly over time, and often reacts to events and incidents such as school shootings. After the shootings at Virginia Tech, Columbine High School, and Sandy Hook Elementary, gun control policies have become more controversial and more debated. The United States’ gun control policies have generated a great deal of debate, which has changed and affected the policy itself as a result of current events and opinions.

In general, the debates and discussions concerning gun control focus most heavily on the sociological, ethical, and legal aspects of gun control policy. The social science aspect concerns how gun control laws relate to the reduction of violent crime. The ethical aspect concerns the basic right to bear arms in comparison to both the protection of the public and the prevention of violent crimes. The legal aspect gun control policies relates to the interpretation of the Second Amendment and how that amendment should be applied.

Past and present actions taken related to gun control include implementing background checks on potential gun buyers, concealment laws, regulation of secondary market sales, and bans on small and lightweight guns, among other changes in policy. A major aspect of the gun control debate stems from differences in opinions on how strictly to interpret the Second Amendment, as some debate how the right guaranteed by the Second Amendment affect or impair public safety.

History of the Problem

The issues brought on by gun control were first introduced with the ratification of the Bill of Rights in 1791, through the Second Amendment, which states, “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.” Gun control policies were next majorly addressed in 1871 with the creation of the National Rifle Association, after which time issues related to gun control began to be increasingly more debated and controversial.

In 1934, the National Firearms Act of 1934 was passed, implementing a tax on the making and transfer of guns, as well as requiring that all NFA firearms be registered with the Secretary of the Treasury. Thirty-four years after the National Firearms Act was enacted, in 1968, the Gun Control Act was passed amending the flaws of the NFA, regulating imported guns, expanding record keeping requirements, and placing limitations on the sale of handguns. In 1972, the Bureau of Alcohol, Tobacco, and Firearms was created, which was designed to control the illegal use and sale of guns, and to enforce the Federal Firearms laws. The ATF was also responsible for issuing firearms licenses and conducting the qualification and compliance inspections of those applying for firearms licenses. The next major policy change occurred in 1994 with the passage of the Brady Handgun Violence Prevention Act. This act made background checks mandatory for those wishing to purchase a handgun, and imposed a five-day waiting period on handgun purchases. However, in the 1997 Supreme Court case *Printz v. United States*, the background check requirement was declared unconstitutional.

In 1999, issues related to gun control became prominent following the Columbine High School Shooting that occurred on April 20, 1999. The shooters, students Dylan Klebold and Eric Harris, shot and killed 13 people, wounding 23 more, before committing suicide. Prior to the shooting, Klebold and Harris had made home videos referencing what they were planning to do and

apologizing to their parents for it. Politicians, psychologists, and the public responded to this shooting by blaming bullying, the influence of violent video games, and the relatively easy availability of firearms.

Gun control policy became even more disputed in 2007 following the shooting at Virginia Tech. The shooter responsible was Seung-Hui Cho, a senior at Virginia Tech. In December of 2005, Cho had been ordered by a judge to seek help after making suicidal remarks to his roommates. On April 16, 2007, Cho had shot and killed 32 people, both students and faculty. Following this shooting, the school responded by tightening its security and improving its emergency response plan. The public was greatly shaken by this shooting, and in the aftermath provided support for families of the victims. However, there were some special interest groups that took advantage of the shooting and used it as a way to promote particular causes.

More debated was sparked in 2012 in the Sandy Hook Elementary School shooting in Newtown, Connecticut. After killing his own mother, the shooter, Adam Lanza, killed twenty children and six adults, before taking his own life. This mass shooting occurred on December 14, 2012, and is the second-deadliest mass shooting in the history of the United States. After this shooting, there was a great outpouring of calls from the public for something to be done about guns and the resulting violence. However, there was powerful opposition from the National Rifle Association.

Shootings such as these have stirred debate over gun control, and sparked discussions related to how gun control affects public safety. These shootings have resulted in a greater public awareness of the problems related to gun control.

In 2013, Senator Dianne Feinstein (D-Calif.) proposed an amendment to re-establish a federal assault weapons ban. However, the Assault Weapons Ban of 2013 was defeated with a vote of 40-60. All but one of the Republican conference voted against the amendment, and fifteen Democrats also voted no to the ban. A separate amendment, proposed by Senators Frank Lautenberg (D-N.J.) and Richard Blumenthal (D-Conn.), which called for the limitation of magazine size also failed, with a vote of 46-54. The failure of both the Assault Weapons Ban and the other amendment negatively affected President Obama's plans to curb gun violence, a response to the Sandy Hook Elementary School shooting.

Recent Developments on the Issue

In 2008, in the case of *District of Columbia v. Heller*, the Supreme Court ruled that an individual's right to own a gun for personal use is protected by the Constitution, although this only applied to federal laws. As a result, in 2010 the Supreme Court ruled that the right to bear arms also applied to the local and state laws. These two rulings were both done with the support of the National Rifle Association, a major lobby group, although these decisions failed to specify what type of gun laws apply to the Second Amendment.

In Colorado in 2012, following the movie theatre shooting where the shooter James Holmes shot and killed 12 people and wounded 70 more, a gun safety law was implemented, banning large rapid-fire ammunition magazines that hold more than 15 rounds. However, in May 2015 Republicans sought to repeal this law, although the Democratic House did not support this.

Although some states passed mandatory background checks as a result of the Sandy Hook shooting, most state legislatures still approve the concealed carrying of weapons. However, the Violence Policy Center has found that since 2007, 743 non-self-defense deaths were caused by individuals with permits to carry concealed weapons.

A major aspect of making legislature addressing gun control policy is the opposition or support coming from lobby groups. One of the largest, most well-known lobby groups is the National Rifle Association (NRA), which greatly opposes legislation restriction gun rights. This force

of opposition was certainly seen after the Sandy Hook shooting, as it has been powerful in opposing any infringement of the right to bear arms, granted by the Second Amendment.

Democratic Point of View

In general, Democrats favor gun control. The Democratic interpretation of the Second Amendment is that Americans' rights to own and use firearms should be respected, but that there should be a great deal of regulations surrounding the purchase and use of firearms. In the 2012 Democratic Party Platform, it was stated that Democrats support the strengthening of the background check system to ensure that criminals and terrorist do not acquire guns, wish to focus on effectively enforcing existing gun control laws to protect America and preserve its safety, and wish to reinstate the assault weapons ban and close the gun show loophole, in order to more effectively monitor who can purchase and own guns. The 2012 Platform also stated that the 'right to own firearms is subject to reasonable regulation.' In addition, Democrats also wish to preserve and protect the American public's right to own firearms, as guaranteed by the Second Amendment. Democrats generally believe in strengthening gun control in order to reduce violence.

Republican Point of View

Republicans generally oppose gun control. The Republican interpretation of the Second Amendment is that it ensures and protects Americans' rights to own and use firearms, with minimal efforts to monitor or restrict these rights. It was stated in the 2012 Republican Party Platform that Republicans advocate for the 'right to obtain and store ammunition without registration.' The 2012 Platform also stated that Republicans wish to defend and support 'the law-abiding citizen's God-given right of self-defense,' and the platform also stated that Republicans support legislation expanding the rights of the people with state-issued permits to carry firearms. Republicans also wish to protect the rights established in the Supreme Court's decisions in *District of Columbia v. Heller* and *McDonald v. Chicago*, which protect individual rights.

Conclusion

Gun control policies in the United States have been much debated throughout history, with a great deal of discussion and conflict stemming from how to interpret the Second Amendment to the Constitution, which guarantees American citizens the right to bear arms. Concerning gun control policy and how strictly to monitor and restrict the purchase and usage of guns, Republicans favor legislation that opposes strict gun control, while Democrats favor gun control.

Debates surrounding the issue of gun control tend to arise after shootings, such as the shootings at Virginia Tech, Columbine High School, and Sandy Hook Elementary School. After shootings such as these, the public tends to call for stricter enforcement of gun control in an effort to prevent future gun violence. However, lobby groups such as the National Rifle Association greatly oppose gun control, thus increasing debate on gun control and gun control legislation.

As time has passed, an increasing amount of gun control legislation has been passed, such as mandatory background checks when purchasing firearms, the implementation and enforcement of concealment laws, among other changes in policy. However, over time, and in response to increasing issues with gun violence and shootings, differences in opinions have made the United States' gun control policy an increasingly controversial topic, with a great deal of debate stemming from different opinions on how to interpret the Second Amendment.

Questions to Consider

1. How does the current gun control policy seem to interpret or follow the Second Amendment?
2. How does gun control legislation change or stay the same following shootings such as the shootings at Virginia Tech, Columbine High School, and Sandy Hook Elementary School?
3. What effect does the National Rifle Association have on the current gun control legislation?
4. What effect would stricter gun control policies have on violent gun-related crimes?
5. How has President Obama changed the gun control policy during his presidency?
6. Which of the shootings in the United States' history has encouraged or resulted in the most change in gun control policy?
7. Which Supreme Court case rulings have been most influential in changing gun control policy?
8. How does gun control policy in the United States compare to the gun control policies of other countries?
9. Which political party seems to be compromising the most at this point in time concerning the current gun control policy?
10. Which states currently have the strictest gun control laws? Which states have the least strict laws?

Sources for Additional Research

- <http://www.gunpolicy.org/firearms/region/united-states>
- <http://www.pbs.org/wgbh/pages/frontline/gunned-down/>
- <http://connection.ebscohost.com/us/gun-control/overview-gun-control-debate>
- <http://usgovinfo.about.com/blguntime.htm>
- <http://www.pbs.org/wgbh/pages/frontline/government-elections-politics/whats-obamas-record-on-gun-control/>
- <http://www.usnews.com/debate-club/did-the-sandy-hook-shooting-prove-the-need-for-more-gun-control>
- http://www.nytimes.com/2015/05/03/opinion/sunday/after-the-mayhem-politics-as-usual.html?_r=0
- <http://www.cfr.org/society-and-culture/us-gun-policy-global-comparisons/p29735>
- http://www.huffingtonpost.com/2013/04/17/assault-weapons-ban_n_3103120.html
- <https://www.atf.gov/rules-and-regulations/national-firearms-act>

Bibliography

- "Assault Weapons Ban, High Capacity Magazine Measures Fail in Senate Vote." *Huffington Post*, April 17, 2013. Accessed September 7, 2015. http://www.huffingtonpost.com/2013/04/17/assault-weapons-ban_n_3103120.html.
- "Columbine High School Shootings Fast Facts." CNN. Last modified May 6, 2015. Accessed September 7, 2015. <http://www.cnn.com/2013/09/18/us/columbine-high-school-shootings-fast-facts/>.
- "Connecticut Shootings Fast Facts." CNN. Last modified December 26, 2014. Accessed September 7, 2015. <http://www.cnn.com/2013/06/07/us/connecticut-shootings-fast-facts/>.
- "Democratic Party on Gun Control." On the Issues. Accessed September 7, 2015. http://www.ontheissues.org/Celeb/Democratic_Party_Gun_Control.htm.
- "Gun Control and Gun Rights." U.S. News and World Report. Accessed September 7, 2015. <http://www.usnews.com/topics/subjects/gun-control-and-gun-rights>.
- "Gun Control Timeline: A Brief History of Firearms Regulation in America." Accessed September 7, 2015. <http://usgovinfo.about.com/blguntime.htm>.
- Mass Shootings at Virginia Tech April 16, 2007*. Accessed October 22, 2015. <http://www.washingtonpost.com/wp-srv/metro/documents/vatechreport.pdf>.
- "National Firearms Act." ATF.gov. Accessed September 7, 2015. <https://www.atf.gov/rules-and-regulations/national-firearms-act>.
- New York Times*. "After the Mayhem, Politics as Usual." May 2, 2015. Accessed September 7, 2015. http://www.nytimes.com/2015/05/03/opinion/sunday/after-the-mayhem-politics-as-usual.html?_r=0.
- "Overview of the Gun Control Debate." EBSCO. Accessed September 7, 2015. <http://connection.ebscohost.com/us/gun-control/overview-gun-control-debate>.
- "Republican Party on Gun Control." On the Issues. Accessed September 7, 2015. http://www.ontheissues.org/Celeb/Republican_Party_Gun_Control.htm.
- "Virginia Tech Shootings Fast Facts." CNN. Last modified April 13, 2015. Accessed September 7, 2015. <http://www.cnn.com/2013/10/31/us/virginia-tech-shootings-fast-facts/>.