



GUN CONTROL

By Delaram Takyar

INTRODUCTION

Since its ratification in 1791, perhaps no part of the Bill of Rights has instigated as much debate as the Second Amendment – “the right to bear arms.” The relative importance of the wording of the amendment, the most effective way to adapt it to our modern times, as well as the exact intentions of the founding fathers are just a few of the many topics in this area that have triggered fervent discussions and disagreements among lawmakers for decades.

EXPLANATION OF THE PROBLEM

Historical Background

Before discussing the continued relevance of the issue of gun control, it is important to first understand the origins of the Second Amendment and the history of the gun control debate in America.

The Years Prior to the Passage of the Bill of Rights: Guns in the American Colonies

Prior to the Revolutionary War, the American colonies faced numerous threats from the Spanish, the French, and Native Americans. Having immigrated or descended from immigrants of European nations, colonists were inherently suspicious of **standing armies**, which in some nations had been used to deprive civilian governments of

power and allow for the infringement of civil liberties. Thus, instead of opting to rely on a standing army, the colonists chose to develop a **citizen’s militia** to protect themselves from outside threats as well as the possible abuses of their own government.

Members of these militias were men between the ages of 18 and 45, most of whom had only received limited training and served for a few months each year. All such eligible males were required by law to own guns to support the local militia. Interestingly, however, certain groups, such as Catholics and indentured servants, were completely banned from possessing such weapons – creating a distinct divide among the population.

As the presence of British troops in the America became more intrusive, the colonists grew continuously more suspicious of standing armies and British military presence generally. The current staunch belief among many that the government should not be able to take guns away from the people stems from this time period – when British soldiers led widespread seizures of American firearms and ammunition.

Though owning a gun was a common practice in the colonies, both before and after the Revolution, the distribution of firearms was heavily controlled. In fact, well into the 19th century, the government continued to conduct **gun censuses**, collecting information regarding the number, location, and condition of every gun throughout the country.

The Second Amendment

After the American Revolution, the distrust of standing armies prevented the development of a provision for such an army in the first constitution of the United States, the Articles of Confederation. Because of the general ineffectiveness of the Articles of Confederation in governing the nation, when representatives met for the Constitutional Convention in 1787, they made the decision to draft a wholly new constitution – one that included provisions for both a militia and a standing army – signaling a recognition by the founding fathers that the disorganization that accompanied the militia system rendered it ineffective as the primary means of defending the nation. They decided to preserve the existence of militias alongside a standing army to ensure that the people could effectively rebel against an oppressive government if necessary.

Because of the volatile and pervasive disagreements during this time between the federalists, who wanted a strong national government dictated by the new Constitution, and the anti-federalists, who believed in the importance of decentralization in governing, the Bill of Rights was adopted in 1791 as a means of ensuring the important liberties would be protected despite centralized government control. The initial text of the proposed Second Amendment read as follows:

“The right of the people to keep and bear arms shall not be infringed; a well-armed, and well-regulated militia being the best security of a free country: but no person religiously scrupulous of bearing arms, shall be compelled to render military service in person.”

But after a relatively limited amount of debate surrounding whether the allow for religious objectors to opt out of serving in a militia as well as the relationship between liberty and standing armies, the House of

Representatives passed the final wording of the Second Amendment to guarantee a protected right to serve in militias. It read:

“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.”

Transitioning From the Old to the New

As the 18th century came to a close, state militias grew to be irrelevant and became obsolete. Firearms were scarce because of the cost associated with purchasing and maintaining them, and most eligible men failed to arm themselves and attend the required militia training.

After proving to be essentially useless in the War of 1812, the reputation of militias was irreparably harmed, and by the 1840s they had completely faded from the American military system. The government began, instead, to rely exclusively on a professional army, with trained volunteers and a select militia, known as the National Guard.

After decades of little debate surrounding the legal role of militias, in 1903, at the behest of President Theodore Roosevelt, Congress passed **the Militia Act**, which legally recognized the National Guard as a wholly separate entity from the unorganized militia. A little over a decade later, the National Defense Act classified the National Guard as part of “the Regular Army,” thus completely eradicating any vestige of the old militia system.

Important Court Decisions in the 19th and 20th Century

Compared to other parts of the Bill of Rights, there have been relatively few rulings that have dealt exclusively with the Second Amendment. The most significant early rulings are covered here. It is important to note

that the rulings all emphasize the connection between the Second Amendment and militias – denying the protection of an unregulated private right to possess firearms.

1) *United States v. Cruikshank* (92 U.S. 542; 1876) – the first Supreme Court case on the Second Amendment dealt with the issue of discrimination. Cruikshank and two other defendants were charged with depriving African-Americans of firearm possession. The Court found that the Second Amendment allows for some degree of federal firearm regulation and that the Second Amendment is not incorporated (meaning that the Court declined to apply the freedom guaranteed by the Second Amendment to the states).

2) *Miller v. Texas* (153 U.S. 535; 1894) – Reaffirming its former ruling in *Cruikshank*, the Court found that a Texas law which prohibited the carrying of dangerous weapons was not in violation of the Second Amendment.

3) **United States v. Miller** (307 U.S. 174; 1939) – This is perhaps the most important Court decision on gun rights during this time period. In this case, Jack Miller and Frank Layton, who had been convicted under the **National Firearms Act of 1934** for transporting an unregistered shotgun across state lines, challenged that act’s constitutionality. The Supreme Court reversed an earlier federal district court ruling by finding against Miller and Layton – rendering the act and firearm regulation to be constitutional. This case was particularly significant because in his opinion, Justice McReynolds cited the lack of a tenable link between the possession and transportation of a shotgun and the preservation of a “well-regulated militia.”

The Gun Control Debate in the 20th Century

Though the Second Amendment has always been seen as a symbol for the right to possess guns, court actions relating to the

Second Amendment did not serve a major role in gun politics prior to the 20th century. Starting in the mid-1900s, however, a number of divergent views began to develop in the debate on guns in the United States. For the first time in 1960 an article was published in a law review claiming that the Second Amendment grants every citizen an unequivocal right to own a gun for personal self-defense.

Others in the 20th century began to reason that the founding fathers intentionally used the phrase “bear arms” to signify a distinct individual right to own weapons that could be carried (as opposed to larger weapons such as cannons).

Another, more extreme, view known as the “**right to revolution**” also developed. This idea relates to the Second Amendment’s role in ensuring that citizens are able to revolt against their government if they see fit to do so. Those who uphold this view argue that the Civil War is an example of a situation in which individuals who felt that they were being treated unfairly by their government were able to revolt in part because of the Second Amendment’s role in ensuring their access to firearms. Others argue, however, that a right of revolution implies the act of carrying out violence against the government. Because the Bill of Rights is a part of that government, one would be rebelling against it as well and therefore could not claim protection under it.

The National Firearms Act of 1934 and the Introduction of Second Amendment Rhetoric

The National Firearms Act of 1934 was the first piece of major legislation passed by Congress to regulate guns. The bill did not ban weapons, but instead levied a \$200 tax on the transfer of a gun from one person to another. Aside from leading to the historic Supreme Court ruling in *United States v. Miller*, the passage of this legislation also marks the

turning point for the role and mission of the **National Rifle Association (NRA)**.

The NRA was initially founded in 1871 by newspaper editor William Conant Church and General George Wood Wingate of the Union army, both of whom were distraught by the poor marksmanship of Union soldiers in the war. The association's purpose at its founding was to improve rifle aim.

After the passage of the 1934 National Firearm Act, the NRA created a legislative branch within its organization. However, contrary to what we might expect today, the NRA at that time used its political capital to lobby in favor of the National Firearm Act, not against it. For the following decades it remained, primarily, however, an organization dedicated to promoting the interests of hunters and target shooters. It was not until 1975, amid continuously increasing gun control, that the NRA amended its mission statement and began to avert resources toward a more political agenda – focusing on opposing measures that would limit access to firearms. After that transformation, the organization spearheaded the effort to introduce language citing the Second Amendment as a constitutional guarantor of an individual's right to bare arms (regardless of that person's link to a militia).

The Gun Control Act of 1968

The Gun Control Act of 1968 was passed as part of President Lyndon B. Johnson's Great Society. Its passage was hastened due to the assassinations of President John F. Kennedy, Robert Kennedy and Rev. Martin Luther King, Jr. The act became the primary law regulating guns and included several provisions, including, importantly:

1) The prohibition of convicted felons, drug users, and the mentally ill from buying firearms

2) Raising the age at which one can legally purchase handguns from a federally licensed dealer to 21

3) Expanding the licensing requirements to more gun dealers

4) Requiring more detailed record-keeping

The Firearm Owners Protection Act of 1986

One of the first pieces of major anti-control legislation, the Firearm Owners Protection Act of 1986, prohibited the **Bureau of Alcohol, Tobacco, and Firearms (ATF)** from inspecting a single gun dealer more than one time each year, and only allowed for follow up inspections if previous violations had been found. The law also forbade the government from creating a national registry of guns – a rule that is still in effect today. While giving gun dealers more leeway, it simultaneously banned civilian ownership of machine guns manufactured after 1986.

The Brady Law

Though the 1968 law was a monumental piece of legislation in changing the sale of guns in America, it was not properly enforced until 1993, with the passage of The Brady Handgun Violence Prevention Act of 1993, more commonly known as **The Brady Law**.

The main focus of the pro-gun control lobby between 1987 and 1993 was to enact a national waiting period for handgun purchases. A group known as Handgun Control, Inc. (HCI) led this political faction and sought to create a waiting period to allow for sufficient time for officials to conduct a background check to avoid prohibited individuals (felons, the mentally ill, drug users, etc.) from purchasing a gun and to prevent individuals who spontaneously decide to buy a firearm when experiencing impulsive emotions from being able to immediately purchase one. From the 1930s until the 1970s, when they drastically changed their mission statement,

the NRA supported such legislation and actually helped the District of Columbia draft a rule to create a 48-hour waiting period.

One of the main advocates for stricter gun regulations, and the namesake of the eventual Brady Bill, was James Brady, the former White House Press Secretary to President Ronald Reagan. Brady's life was transformed in 1981 as a result of the assassination attempt on President Reagan's life. Brady narrowly survived, but was left disabled and with slurred speech. This experience motivated him to seek stricter gun regulations and, along with his wife, he started to lobby for a national waiting period.

In 1987, a Democratic senator and a Democratic representative both introduced a version of the Brady Law into their respective chambers of Congress. The NRA acted as a major opponent of the bill – arguing that it would not prevent criminals from obtaining firearms and would instead only act as an unnecessary barrier to those who wanted to and had a right to purchase a gun. The NRA self-admittedly spent between 1.5 and 3 million dollars lobbying against the Brady Law. It was in this time that the power of the NRA expanded tremendously and some representatives who privately admitted support for the legislation voted against it because of the difficulties that came with publicly opposing the NRA.

Two years after the initial vote, the House and Senate each passed different versions of the Brady bill – the House version called for a seven-day waiting period, while the Senate's called for only five days. At the same time, President Bush threatened to veto the bill unless it was attached to a larger crime bill that he approved of.

Finally, after a House-Senate conference where a compromise was reached regarding the waiting period time, and a new president was inaugurated, Congress passed the final version of the Brady bill. President Clinton signed it into law in 1993. The version that

was passed included the following important provisions:

1) A mandatory five-business-day waiting period. This clause would expire after five years (in 1998), after which only instant background checks would be conducted. The instant checks would be administered by the FBI's **National Instant Criminal Background Check System (NICS)** and were to be completed within three days.

2) If an applicant had been convicted of a crime with a sentence of one year or more, if there was a restraining order against the applicant because of violence, if he or she had been arrested for selling drugs, if he or she was an undocumented immigrant or was certified as mentally ill, the application would be rejected

3) An annual \$200 million grant would be made to states to upgrade their computer system for running background checks automatically

Despite the fact that there is no longer a federally mandated waiting period, nineteen states have enforced their own, including California, Connecticut, Florida, and New York (for the full list, see **state-mandated waiting periods** in the glossary section below).

Criticism Surrounding the Brady Law

After its passage, the Brady Law continued to face criticism from groups such as the NRA, not primarily on Second Amendment grounds, but rather because they viewed it to be a violation of states' rights. In fact, despite what is commonly believed, the debate surrounding gun control, especially in the 20th century, very often pertained to the issue of federal versus states' rights, as opposed to purely relating to the Second Amendment.

It is important to note that aside from criticism that the Brady Law violated states rights, there was and still is a great deal ongoing criticism regarding the effectiveness

of the law. First, it allows for what is often referred to as the **gun show loophole** – meaning that it only mandates background checks and, formerly, waiting periods, for licensed dealers. Therefore, a background check is not required if an individual buys a gun from a gun show, flea market or another unregulated private seller (including a family member). There have been three major attempts to close the gun show loophole in 1999, 2000 and most recently, in 2013, but all failed after overwhelming opposition by pro-gun rights groups such as the NRA.

In the years immediately after its passage, there was also considerable criticism regarding the lack of enforcement of the Brady law. Though between 1993 and 2000, the law resulted in 600,000 fewer handgun sales, critics noted that the government failed to prosecute many others who violated the law. Resultantly, the Clinton administration heavily expanded the manpower of the Bureau of Alcohol, Tobacco, and Firearms (ATF) – adding more agents to effectively enforce the law.

The Assault Weapons Ban

In January 1989 a new kind of violence erupted in Stockton, California. Though homicide rates were an ongoing problem throughout the 1980s, the mass shooting that took place in a schoolyard pushed the issue of gun control to the forefront of the political debate in a wholly new way.

On January 17th, Patrick Purdy, a 25 year old former Stockton resident who had been arrested for a series of crimes including an armed robbery and drug possession, entered Cleveland Elementary School with a Chinese version of an AK-47 and fired 106 rounds. In three minutes Purdy killed five children between the ages of six and nine and wounded thirty others.

Now known as the **Stockton school massacre**, this incident captured the nation's

attention and caused people to question how Purdy, who was known to have a problem with alcohol and drugs and had committed criminal offenses in the past, had been able to purchase an AK-47 in Oregon. A clear failure of the system of background checks, the senseless deaths triggered widespread consideration of a ban on semiautomatic weapons.

In developing this legislation lawmakers faced the challenge of defining what type of gun specifically would fall into the category of “semiautomatic” or “fully automatic.” The final consensus was that a semiautomatic weapon is technically one that fires a round with each pull of a trigger. This definition was problematic in the eyes of pro-gun rights groups, however, because certain hunting rifles fall into this category (see **semiautomatic weapons** in the glossary section for further details regarding the specific definition of these firearms). A fully automatic weapon, on the other hand, fires a continuous stream of bullet as long as the trigger is being pressed.

Between 1989 and 1993, various versions of assault weapons bans were debated in both the House and Senate, with none being successful due to the controversial nature of the legislation and the difficulty surrounding the classification of weapons. Finally, in September of 1994 the **Assault Weapons Ban** was passed as part of the Violence Crime Control and Law Enforcement Act of 1994.

In its final form, the law banned the possession of 19 specific assault weapons and other copycat models for ten years. It expired in 2004, and though there have been numerous attempts to renew it or pass new assault weapons ban legislation since, Congress has not been successful in reaching a compromise on this issue. The 1994 version outlined three categories of semiautomatic assault weapons:

- 1) Rifles – banned if had the ability to accept a detachable magazine *and* possessed at least two other characteristics of assault weapons

- 2) Pistols – same as rifles
- 3) Shotguns – banned if possessed at least two characteristics of assault weapons

The law also banned **large capacity ammunition feeding devices**.

One main concession granted to Republicans was that the final version named 661 weapons that were specifically exempted from the law. Other concessions included a provision that ensured the law did not apply to guns that had been manufactured prior to the passage of the law and allowing for the continued import of assault weapons made before 1994.

Despite years of struggle and compromise, the final version of the Assault Weapons Ban faced much criticism – pro-gun rights groups felt that it was too prohibitive while pro-gun control groups viewed it to be a far too watered down version of what it should have been.

The New Militia Movement

Angered by the passage of the Brady Law and the Assault Weapons Ban, a number of **neo-militia groups** began to form in the early to mid-1990s. These groups were dedicated to preparing for a new revolution called “the new patriot movement.” By 1995 there were around 850 groups with an estimated total of 20,000 members. The self-declared purpose of the groups was to stand in opposition to the government and fight any action they viewed as being an infringement on their liberties. They referred to the Second Amendment’s militia clause as evidence that they had an undeniable right to engage in such activities.

The popularity of the militia groups was severely diminished after the well-known Oklahoma City bombing, in which Timothy McVeigh and Terry Nichols, both members of a militia group, bombed a government building in Oklahoma City to express their outrage at recent gun control legislation. Though the popularity of the groups as well as

the prestige of the NRA waned after the bombing, their philosophical standpoint remains an important one, as many groups and individuals continue to believe that the Second Amendment is the final guarantor of protection from a potentially over-intrusive government.

Recent Developments

Since the mid-1990s the debate on gun control has taken a completely new direction, because the Supreme Court has released numerous landmark decisions and mass shootings have evoked continuous debate on background checks and assault weapons.

21st Century Court Decisions

In the past 15 years, new Supreme Court decisions have changed the nature of gun control in America. Rulings on the District of Columbia handgun possession ban, the Commerce Clause and school zone restrictions have led to a wholly new 21st century discourse on the issue of guns.

A. United States v Lopez and the Commerce Clause (1994)

In 1994, the Supreme Court ruled on whether Congress had power under the Commerce Clause to pass the Gun-Free School Zones Act of 1990. That piece of legislation made it illegal to knowingly possess a firearm at any place that a person is aware is a school zone.

In the case, Antonio Lopez, a high school student in San Antonio, Texas had carried a concealed weapon into his school. Though the state charged him under Texan law banning firearm possession on school grounds, the charges were dropped after federal agents charged Lopez for violating the School Zones Act. Lopez was sentenced to six months imprisonment and two years’ probation thereafter.

After his appeal, the Supreme Court ruled that the 1990 Gun-Free School Zones Act was unconstitutional because it exceeded Congress' power to legislate under the Commerce Clause. In his opinion, Justice Rehnquist reasoned that possessing a gun on school grounds is not an economic activity and does not have a substantial effect on interstate commerce. This ruling effectively limited the ability of Congress to pass legislation limiting gun possession on the basis of the Commerce Clause.

B. District of Columbia v. Heller (2007)

District of Columbia v. Heller marked the first time since 1939 (in *United States v. Miller*) that the Supreme Court heard a case focusing on the connection between the Second Amendment and individual gun rights. This landmark decision remains one of the most important rulings regarding gun control that has ever been made.

The case surrounded the constitutionality of the District of Columbia's gun control law, which had banned the possession of all handguns, required licenses for all pistols, and mandated that all other legal firearms be kept unloaded or with their trigger locked. This law spurred a great amount of debate and uproar, especially among pro-gun lobbyists.

A group of private gun-owners filed a suit against the District of Columbia claiming that the law had violated their Second Amendment rights. When the case reached the Supreme Court the main question that was being considered was whether the D.C. code was violating the Second Amendment rights of individuals who were not part of any sort of militia – essentially it was asking whether there was a private right to possess firearms.

The court released a highly controversial 5-4 decision; ruling that the Second Amendment did, in fact, protect an individual right to possess a firearm, regardless of affiliation with a militia, as long as the firearm

was being used for lawful purposes such as self-defense. The opinion, delivered by Justice Antonin Scalia, marked the first time the Supreme Court had ruled that such a right was protected under the Second Amendment.

C. McDonald v. Chicago (2009)

In another landmark decision released in 2009, the Supreme Court reaffirmed its previous ruling in *Heller*, and went on to incorporate the Second Amendment – making it applicable to the states.

Because the District of Columbia is under federal jurisdiction, the *Heller* ruling had not extended the decision to the states – it had merely ruled that the Second Amendment protected this right in areas only under federal jurisdiction, meaning that states could impose their own legislation overruling the decision.

A ban similar to the one imposed in D.C. was passed as law in Chicago, and led to a constitutional challenge demanding that the rights recognized by the Second Amendment be extended to individual states.

Justice Alito delivered the opinion of the Court, arguing that in *Heller* the Court had ruled that the Second Amendment protected fundamental rights and because of that holding, the ruling applied to the states.

Mass Shootings in Recent Years

In the past 62 years there have been at least 30 mass shootings in America. Most of the perpetrators in this shooting obtained their weapons legally, leading to a continued reconsideration of the laws regulating access to firearms. One of the most well known of these tragedies, the **Columbine High School Massacre**, took place in 1999 and sparked much debate about gun control laws, and specifically, youth gun violence. High school students Eric Harris and Dylan Klebold killed 12 of their fellow students and one teacher on April 20th. Though it did not lead to the

passage of new federal legislation, the Columbine High School Massacre marked one of many instances where the nation began to reconsider the possibility of the existence of a “cultural of violence” and its influence on youth actions.

More recently, two other incidents both led to a very strong reaction among the general public and lawmakers. The first, the **Tucson Shooting** in 2011, took place when 22-year-old Jared Loughner open fired on a crowd outside of a local grocery store where Congresswoman Gabrielle Giffords (D-AZ) was holding a constituent meeting. He killed six people and injured 14 others, including Giffords. Since then, the former congresswoman has become a leading crusader in the gun-control movement, and often speaks publicly about her personal experience and the need for heightened gun control.

The other recent incident, the **Sandy Hook Elementary School Shooting**, also known as the Newtown Shooting, led to an unprecedented public outcry as news outlets broadcasted the horrific tragedy – which involved the death of numerous young children. The incident took place in Newtown, Connecticut, where the killer, Adam Lanza, had grown up and lived.

On December 14th, 2012, Lanza forced his way into the elementary school and killed 20 first grade students, as well as six staff members, including the school principal. In less than five minutes, Lanza fired 155 shots, prompting debate on a new assault weapons ban on firearms with more than ten rounds of ammunition. The Newtown Shooting is the second most deadly mass shooting that has ever taken place in American history.

The Modern Gun Control Debate

As the gun control debate has evolved in recent years, a few issues have moved to the forefront of discussion. Despite Supreme

Court rulings regarding the individual right to possess firearms, the persistence of mass shootings and homicides has spurred continuous debate about the most effective way to diminish violence. There is a lingering disagreement between the pro-gun control lobby and those who staunchly oppose any sort of legislation that could potentially limit access to firearms. Currently, the main issues considered by lawmakers surround reforming the background check system, controlling assault weapons, and researching the link between gun control and violence more extensively. These possible solutions will be covered more thoroughly later on.

Congressional Action

After the Sandy Hook Elementary School Shooting, President Obama called on Congress for immediate legislative action, in hopes of preventing another such incident from happening. Along with Democratic leaders, he drafted a legislative package to expand background checks on firearm sales and ban certain semi-automatic weapons that were modeled after military assault weapons. In January of 2013, President Obama released this legislative proposal. It included the following measures:

- Closing the “gun show loophole” and requiring criminal background checks for all gun sales
- Passing another, more stringent assault weapon ban similar to the one that was in place from 1994 until 2004
- Limiting ammunition magazines to 10 rounds
- Increasing criminal penalties for **straw purchasers**
- Confirming the nominee for Director of the ATF (the bureau has not had a director since 2006 because of continued effort by the anti-gun control lobby to postpone the confirmation of any candidate)

- Providing grants to create and expand mental health programs for youth

Various forms of bills aiming to accomplish the aforementioned goals were debated in both the House and Senate. In April, however, the Senate voted down versions of the bills that had been passed with compromises and amendments in the House. The three major bills that were voted on focused on background checks, the mental health system, and gun trafficking.

The American public recognized this defeat it as a serious blow for President Obama and a victory for the NRA and Republican leaders in Congress. The media attributed the failure to various factors such as the filibuster, the disproportionate power of small states, the way President Obama alienated the Republican Party, and the asymmetric polarization that pushed many congressmen and women of the Republican Party to the far right.

FOCUS OF THE DEBATE

Conservative View

For the most part, members of the Republican Party more strongly support the individual right to possess guns than members of the Democratic Party, and seek diminished regulation of firearms. Over the past ten years, the official party platform has reaffirmed their stance that the Second Amendment protects this right and that individual gun ownership is necessary for self-defense. They also oppose national gun registration and federal licensing of gun owners – believing that both of these issues are under state jurisdiction.

Of course, various conservative lawmakers differ on their opposition to gun control measures, and stances range from a complete opposition to any sort of legislation that might limit access to firearms, to a readiness to accept limited legislation that allows for more

effective background checks and mental health programs in schools.

When conducting research on your own representative, keep in mind that the region they represent largely colors their stance on the Second Amendment. Because it is a highly divisive issue, constituent opinion as well as lobbyist backing is critical in the gun control debate.

A very important issue for Republican supporters of gun rights is the right to carry a concealed weapon. Currently, states legislate their own **concealed carry** laws and the conservative standpoint, for the most part, is that this right should be expanded as it is protected under the Second Amendment.

Liberal View

The Democratic Party platform does not deny a Second Amendment right to possess firearms, and in fact, affirms that such a right exists. However, it calls for “reasonable regulation” of guns to diminish violence. The main focuses of the Democratic Party are to develop a better background check system, close the “gun show loophole,” and pass an updated assault weapons ban.

The goal of most liberal lawmakers is not banning the possession of guns by ordinary Americans but rather preventing those who should not legally possess guns (those who have been convicted of a crime in the past, have a history of mental illness or substance abuse, etc.) from being able to obtain them.

In the most recent effort to pass new legislation, Democratic leaders spearheaded the effort to pass various major reforms that were all ultimately defeated by Congress.

They primarily believe in passing legislation that mandates child safety locks on guns and requiring a photo ID, background check, and gun safety test from every gun purchaser, regardless of whether the gun is being bought from a private seller or not. Part of the policies supported by Democrats include

a national registry of gun ownership and implementing new mental health programs in schools to prevent further gun violence in the future.

Presidential View

After the Newtown school shooting, President Obama led a nationwide campaign to pass new gun control reform and made such legislation a priority in the first year of his second term in office. Aside from proposing the legislative agenda discussed above, he also issued 23 executive orders. Though the effectiveness of the orders has been questioned since they were issued, their overarching aim reflects his stance on the topic of gun control. The major executive orders included the following:

- Requiring federal agencies to make relevant data available to the federal background check system
- Improving incentives for states to share information with the background check system
- Launching a national campaign on safe and responsible gun ownership
- Explaining that the Affordable Care Act does not prevent doctors from asking patients about guns in their homes
- Developing model emergency plans for schools

President Obama does believe that there is a Second Amendment right to bear arms, but seeks to pass legislation that will make gun possession safer and prevent future mass violence. To diminish gun violence, President Obama's seeks to expand research on gun violence, strengthen the background check system for gun sales, pass a new ban on assault weapons, and provide better mental health treatment to youth.

Interest Group Perspectives

The National Rifle Association (NRA)

The NRA is the largest, oldest and most well-known anti-gun control interest group in Washington. Its influence over gun legislation is unparalleled by any other such lobbying group.

As discussed previously, the NRA was founded as an organization to improve target shooting, and expanded to promoting all shooting sports in the early 1900s. Starting in the mid-1950s, the NRA began to take on a major role in civilian firearms training – training private gun owners and competitive shooters. In these years, the organization also largely supported legislation aimed at improving gun safety or regulating gun sales.

In 1975, seven years after the passage of the Gun Control Act of 1968, which, among other things, banned mail order sales of guns and ammunitions, the NRA grew concerned about the increasing restrictions on gun possession and therefore revitalized its legislative arm and formed its Institute for Legislative Action (ILA). This interest in becoming a more political group caused a rift among members and the Board of Directors between those who wanted to transform the NRA into an organization that sought to expand the mission to include other outdoor sports and those who wanted to expand it to focus on lobbying for gun rights. Eventually, the latter group gained control and between 1968 and the mid-1980s the NRA effectively put a stop to almost all attempts at stricter federal gun control.

From that point forward, the NRA and its members have continuously fought to prevent any sort of limit or regulation on gun possession and have dedicated themselves to combatting what they believe to be an attack on Second Amendment rights by the federal government.

The NRA is highly effective at leading letter-writing campaigns, fundraising for

congressmen and women who support its cause, and lobbying to gain the support of lawmakers.

Its views on guns are aligned, for the most part, with the conservative view. The group seeks to lessen restrictions on gun possession and sales, wants to limit background checks when they impose an unnecessary barrier to the legal purchase of a gun (it fought actively against the Brady bill's waiting period provision), wants to expand concealed carry laws to make it legal throughout the nation, and stands firmly opposed to a renewed version of the assault weapons ban.

Gun Owners of America (GOA)

In comparison with the **Gun Owners of America**, the NRA is a relatively moderate gun rights group. The two organizations are actually actively opposed to one another because members of the GOA believe that the NRA does not take a firm enough stance against gun control measures and compromises too readily with lawmakers.

The GOA believes that the Second Amendment grants an individual right to own firearms and also believes that it is important for citizens to be armed and ready to make war with their government if it becomes tyrannical. Though much smaller in size and less powerful than the NRA, the GOA does attract around 300,000 members.

The GOA was founded in 1975 by state Senator H.L. Richardson from California. Richardson was previously on the NRA's board of directors and though he remained affiliated with the NRA for several years after forming the GOA, he grew increasingly dissatisfied with the NRA's history of compromise on key gun control issues. The GOA prides itself on having a "no-compromise approach" to gun control and since its founding, it has become the second most influential gun lobbying group in Washington.

The organization only supports politicians that it believes are aggressive enough on the issue of gun control. For example, they refused to endorse Senator John McCain (R-AZ) in his 2008 presidential bid. They did, however, support Tex Cruz's (R-TX) senatorial bid in 2012.

The Brady Campaign to Prevent Gun Violence and the Brady Center to Prevent Gun Violence

The Brady Campaign and its subsidiary, the Brady Center, though nowhere near as large and powerful as the NRA, are together the strongest pro-gun control interest groups.

The Brady Campaign began as Handgun Control, Inc., a relatively small interest group, but was expanded because of the campaign to pass the Brady bill. After the assassination attempt on President Reagan's life, which injured his press secretary, Jim Brady, Jim Brady's wife, Sarah Brady, led the effort to pass the Brady bill and became the Chair of Handgun Control, Inc. In a few years, she transformed it into a powerful and effective organization after her and her husband helped achieve the organization's most resounding victory – the passage of the Brady bill.

Since then, the Brady Campaign has continued lobbying for new state and federal gun control measures. Though it was losing political power prior to 2012, the Newtown shooting expanded the group's membership tremendously, as people became increasingly interested in achieving stronger gun regulations.

Since then, the group has been focusing on lobbying for legislation that will improve gun safety, supporting lawsuits against gun manufacturers, fundraising for lawmakers, and garnering support for proposed bills such as the renewed assault weapons ban and other parts of President Obama's proposed congressional agenda.

The Brady Campaign also seeks to educate the public on new and proposed legislation

that could impact gun safety and gun possession. It works to gain public support on issues such as more stringent concealed carry laws and closing the “gun show loophole.” The Brady Center, specifically, leads the organization’s Legal Action Project, which aims represent victims of gun violence in lawsuits against manufacturers.

POSSIBLE SOLUTIONS

Though everyone agrees that it is important to work towards decreased gun violence, there are a number of very different solutions proposed to achieve this goal. For the most part, Republicans promote fixing the mental health system as a solution, as opposed to limiting access to guns. They also seek to allow for more concealed carry permits, because it is the view of some members of the Republican Party that more guns will help prevent further violence by allowing for self-defense. Democrats, on the other hand, while agreeing that the mental health system needs to be improved, seek to also pass a new assault weapons ban, close the gun show loophole, create a national registry of guns, remove the limitations on gun violence research, and improve the background check system.

An Improved Mental Health System

After the Newtown Shooting in 2012, one proposed piece legislation aimed to improve America’s mental health care system by providing sufficient care to individuals like Adam Lanza before they commit crimes and harm other individuals. Many mental health experts at the time believed that had Lanza been seeking proper care from a younger age, his mental status might have been very different and at the very least, he might have been under closer supervision.

The bill that was proposed, the Mental Health First Aid Act of 2013, was co-

sponsored by six Democrats and three Republicans, making it a uniquely bipartisan piece of legislation. It sought to establish nationwide mental health first aid programs to provide greater care to those in need. Though it was not able to garner the support needed to pass, future legislation could possibly be modeled after certain provisions within the bill.

Another possible solution regarding mental health is to expand the amount states receive for their mental health budget. The federal law that determines mental health allocations for states has not been reauthorized since 2000, and pursuing this would help states construct new and improved mental health programs.

Many Republicans in the wake of the Sandy Hook Elementary School Shooting began to argue for identifying and monitoring those who suffer from a mental illness earlier on in their life as an alternative to expanding gun control measures. This could be achieved by providing funding for mental health education and care in school systems.

Legalizing Concealed Carry Weapons

One proposal that is generally only supported by Republican lawmakers is to expand Second Amendment rights by establishing a nationwide law protecting the right to carry a concealed weapon. Currently, concealed carry laws are legislated by individual states, and as an individual travels to a new state he or she is legally obligated to comply with the laws and licensing requirements of that state.

There are two possible ways to change the current concealed carry system to allow individuals to more easily obtain and travel with concealed guns. One solution, which was proposed in April by Senator John Cornyn (R-TX) is to allow for “**national reciprocity**” – meaning that if an individual is legally licensed to carry a concealed weapon in one state, he or she can travel with it in any other

state, so that all states are obligated to recognize the licenses from other states.

Another, perhaps more drastic measure would be to create a nationwide concealed carry law – streamlining the process to have one set of licensing requirements that would permit individuals who obtain a license to carry a concealed weapon in all states.

Assault Weapons Ban

Despite the difficulty encountered by lawmakers in passing the 1994 Assault Weapons Ban, the legislation was filled with loopholes that rendered it largely ineffective. Because assault weapons and large-capacity magazines that were already in circulation were exempt from the law, 1.5 million guns were unaffected by the ban. Furthermore, the number of “banned” weapons in circulation grew after the passage of the bill, because it remained legal to import those that had been manufactured in other countries before 1994 as well. These two factors, along with the challenge and compromise involved with developing an exhaustive definition for “assault weapon,” caused the former ban on assault weapons to have little impact on crime rates.

For example, under the old law (which the Connecticut assault weapons ban is modeled after) the gun that Adam Lanza used in the Newtown Shooting was legal. The law defines an assault weapons as “one able to accept a detachable magazine and that includes at least two other combat-type features.” For rifles, the “combat-type features” can include a pistol grip, a flash suppressor, or a grenade launcher. However, firearms that only have one of the aforementioned features comply with the law. In the years during which the national ban was in place, gun manufacturers began to make weapons that were modeled after military-style assault rifles with just one accessory changed – allowing the gun to legally comply with the

law while still being almost the same as the original model.

Though a new version of the ban failed to be passed last year, it is still being pursued as a major legislative goal by some lawmakers. A new ban would likely require a great deal of compromise and bipartisan support, while simultaneously needing to address the problems with the old ban that rendered it somewhat ineffective.

Scientific Research

One of the major problems surrounding any new legislation regarding gun control is that very limited scientific research has been conducted on gun violence and the most effective ways to diminish it. Without a strong empirical basis, it is difficult for lawmakers to convince each other of the need to either control guns more heavily or allow for easier access and less federal control. In 2004, a report by the National Research Council found that more research in the area would be crucial to future legislation, but research has actually decreased since that time.

Though it might seem like the simple solution is to invest in new research, lobbying groups such as the NRA actively block research efforts and have successfully restricted any access to the Department of Justice’s data on guns used in crimes. Because of the lack of available data, most institutions, whether private or public, are hesitant to fund new research which they are confident will not be very fruitful.

A possible solution to this problem would be to pass legislation granting more open access to data on gun violence while also sponsoring federally funded unbiased research examining gun violence and the efficacy of laws such as a new assault weapons ban or more lax concealed carry policies.

Background Checks

One of the considerations borne out of the escalation of violence and the multiple mass shootings that have taken place in recent years is whether there is a need to change accessibility to guns. This could be achieved in various ways, but one of the main solutions that lawmakers have been focusing on is improving the system of background checks – by requiring more stringent checks or making the process more thorough and efficient. President Obama tried to have Congress pass such legislation in January 2013, but these efforts failed after overwhelming opposition by gun-rights groups such as the NRA.

One possible solution is to make the process of background checks more automated. Currently, permits are given on paper cards and the system is often ineffective and disorganized. President Obama’s main goal regarding background checks was to add a provision to existing legislation to close the “gun show loophole,” which would mean that private sellers would be subject to the same laws as licensed gun dealers and could not sell to individuals who have not passed a background check and do not meet permit requirements.

Creating a National Gun Registry

Though it is one of the most staunchly opposed measures by Republicans, many Democrats are in favor of creating a nationwide record of all gun transactions. They argue that this would make it easier for law enforcement officers who are investigating a crime to track the weapon that was used.

Currently, because the ATF is prohibited from creating such a registry, when agents obtain a gun used in a crime, they begin making phone calls to the manufacturer, the wholesaler, and the dealer – asking them to provide information about the buyer of the gun from their own records. Often, these companies have closed and all that remains are old boxes of hand-written cards with

information about various buyers, making it difficult to quickly obtain correct information.

The NRA and many Republican lawmakers are concerned that creating such a registry would threaten the Second Amendment and could be used by the government to confiscate firearms.

QUESTIONS FOR POLICYMAKERS

As new legislation on gun control is being drafted, policymakers need to keep a few guiding questions in mind. The following are a few questions to prompt discussion on possible legislation that could be passed:

- What exactly does the Second Amendment protect? How far can it be extended? What is the constitutionality of some of the recently proposed pieces of legislation on gun control?
- What is the most effective way to reduce gun violence while protecting Second Amendment rights?
- How much compromise is needed to ensure the passage of legislation on such a divisive topic?
- How can we achieve a balance between state and federal rights in developing gun control legislation?
- Would it be easier to pass multiple pieces of small legislation that aim to diminish gun violence instead of trying to pass a single, comprehensive bill?
- Why have some previous reforms been ineffective in preventing gun violence?
- Do we know enough about the link between guns and crime?

CONCLUSION

The issue of gun control is one that lawmakers have continued to struggle with for decades, and as our technological capabilities have expanded and modernized, so has the

violence accompanying guns. Because it is a highly controversial topic, it will take a great deal of compromise and discussion to achieve any true reform in this area. Gun rights and gun control both have a polarizing effect on lawmakers, and it is therefore often difficult to envision any possibility of passing legislation that will help reduce violence whilst also having bipartisan support. It is important, as you consider the questions above, to remember that while there is a great deal of disagreement surrounding the Second Amendment and the best way to protect the right to bear arms, as a nation we do agree that less violence is a goal worthy of perpetually striving toward.

GUIDE TO FURTHER RESEARCH

Below is a list of some additional resources you may look at in conducting your own research on gun control prior to the conference.

Books

- *The Right to Bear Arms*, by Robert Spitzer
- *Gun Control and Gun Rights*, by Constance Emerson Crooker
- *Living With Guns*, by Craig Whitney
- *Lethal Logic*, by Dennis Hennigan
- *A Well-Regulated Militia: The Battle Over Gun Control*, by William Weir
- *The Gun Control Debate, You Decide*, by Lee Nisbet

Websites

- The Washington Post has a summary of all major events in gun control history [here](#)
- [Here](#) is a timeline of all major mass shootings that have taken place over past 30 years

- You can compare US gun policy and crime with other nations on this interactive [website](#)
- Look at [Democrat](#) and [Republican](#) stance on gun control
- This [website](#) provides great summaries of Supreme Court cases, including the facts of the case, earlier rulings, and a shortened version of the case summary
- The White House [website](#) with information about President Obama's gun control proposals
- The National Rifle Association [website](#)
- The Brady Campaign to Prevent Gun Violence [website](#)
- [Here](#) is a detailed version of President Obama's executive actions and legislative goals after Newtown shooting

GLOSSARY

Assault Weapons Ban of 1994 – passed in 1994, this piece of legislation imposed a 10 year ban on certain types of semi-automatic firearms manufactured after the bill's passage

citizen's militia – a citizen's militia is a non-professional army that is composed of ordinary citizens, unlike a professional standing army with fully trained soldiers

Columbine High School Massacre- One of the worst school shootings in American history – on April 20, 1999, two high school students entered Columbine High School and killed twelve students and one teacher, wounded another 23 individuals and then committed suicide

concealed carry – concealed carry refers to the action of carrying a weapon out of sight while in public

District of Columbia v. Heller – landmark Supreme Court decision that ruled that the

Second Amendment protects an individual, fundamental right to possess weapons

Gun censuses – A practice in the United States from the Revolutionary period until the 19th century whereby the government counted and made note of the number, location and condition of every gun in the country

Gun Owners of America – a pro-gun rights interest group founded in 1975 that is more radically opposed to gun control than the National Rifle Association

gun show loophole-this refers to a loophole in current gun legislation that allows buyers to purchase guns from private sellers without having to undergo a background check. Though named after gun shows, this loophole extends to other private transactions such as those taking place at flea markets or between family members

large capacity ammunition feeding devices – feeding devices that can hold more than ten rounds of ammunition

National Firearms Act of 1934- first piece of major gun control legislation. This law imposed a tax on the transfer of machine guns and short-barrel firearms

National Instant Criminal Background Check System (NICS) –created by the Brady Law, this is the system through which background checks are currently conducted. If licensed dealers do not receive a completed background checks within three days of submitting an inquiry, they are free to proceed with the gun transaction

"national reciprocity" – part of a possible for reforming the concealed carry law, national reciprocity refers to having each state recognize the concealed carry permits from other states, allowing individuals to freely

travel from one state to an another with a single permit

National Rifle Association- The largest and most powerful gun rights organization in America. The NRA was initially formed as an association to improve marksmanship skills but has since then transformed into a political interest group which aims to limit the passage of gun control legislation

neo-militia groups – part of the New Militia Movement, these groups are composed of individuals who have formed their own militias separate from government control to protect their right to revolt against the government if necessary

right to revolution- A somewhat extreme view that developed in the mid 20th century, the right to revolution refers to the individual right to revolt against the government. The Second Amendment is seen as an essential factor in protecting this right.

Sandy Hook Elementary School Shooting- The second deadliest mass shooting in American history. On December 14, 2012, Adam Lanza, a 20 year old resident of Newtown Connecticut forced his way into Sandy Hook Elementary School and killed a total of 28 people (including himself).

semiautomatic weapons – assault-style semiautomatic weapons are classified as those that fire a round with each pull of the trigger, have large clips holding 20-30 bullets, have barrels that are less than 20 inches long, weigh 6-10 pounds and were designed for military use. They also often have accessories such as folding stocks, heat-dispersing shrouds, grenade launches, flash suppressors, pistol groups and bayonet fittings.

standing armies – standing armies are permanent armies with professional soldiers.

These were generally widely mistrusted in the early Revolutionary period, and it was this mistrust that led to the formation of citizen's militias

state-mandated waiting periods- After the Brady Law's provision enforcing a waiting period of five days for all gun purchases expired, many states passed their own waiting period laws, ranging from a few days to several months. Here is a list of states with their own waiting periods: Alabama, California, Connecticut, Florida, Illinois, Indiana, Kansas, Maryland, Massachusetts, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Dakota, Washington and Wisconsin

Stockton School Massacre - A 1989 shooting which took place in Stockton, California when Patrick Purdy used an assault rifle to kill five elementary school children and wound thirty others

straw purchasers- individuals who pass the required background check to buy a gun on behalf of someone else

The Brady Campaign to Prevent Gun Violence

The Brady Law – a law passed in 1993 that imposed a five day waiting period for handgun purchases (this provision expired in 1998) and now required an instant background check through the NICS.

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)- A bureau within the Department of Justice that, among other responsibilities, regulates gun licensing and transportation

The Gun Control Act of 1968 –a federal law passed as part of President Lyndon Johnson's Great Society that regulates the transportation of firearms across state lines

The Militia Act –The 1903 law that separated the old, unorganized militia from the National Guard, or the “organized” militia

Tucson Shooting – A mass shooting that took place on January 8th, 2011 outside of a grocery store in Tucson, Arizona. Representative Gabrielle Giffords was severely injured as a result of this shooting and thereafter became a staunch gun control advocate

United States v. Miller – 1939 Supreme Court ruling that declared a law prohibiting the transportation of firearms across state line to be constitutional. This early ruling found that the Second Amendment was only relevant in protecting the existence of a militia

BIBLIOGRAPHY

Cohen, Ted Barrett and Tom, CNN, Ed Payne, Rachel Streitfeld, and Lisa Desjardins. "Senate Rejects Expanded Gun Background Checks." *CNN*. Cable News Network, 18 Apr. 2013. Web. <<http://www.cnn.com/2013/04/17/politics/senate-guns-vote>>.

Crooker, Constance Emerson. *Gun Control and Gun Rights*. Westport, CT: Greenwood, 2003. Print.

DeConde, Alexander. *Gun Violence in America: The Struggle for Control*. Boston: Northeastern UP, 2001. Print.

"Democratic Party on Gun Control." *Democratic Party on Gun Control*. N.p., n.d. Web. <http://www.ontheissues.org/celeb/democratic_party_gun_control.htm>.

Dunkley, Gabrielle. "Gabrielle Giffords Op-Ed On Anniversary Of Newtown Shooting Remembers Victims Of Gun Violence." *The*

Huffington Post, 14 June 2013. Web. <http://www.huffingtonpost.com/2013/06/14/gabrielle-giffords-oped-newtown_n_3441385.html>.

The Editorial Board. "Deception on Gun Background Checks." *New York Times*, 24 May 2013. Web. <http://www.nytimes.com/2013/05/25/opinion/deception-on-gun-background-checks.html?_r=0>.

Follman, Mark. "A Guide to Mass Shootings in America." *Mother Jones*, 27 Feb. 2013. Web. <<http://www.motherjones.com/politics/2012/07/mass-shootings-map?page=2>>.

Fulkerson, Zack. "Gun Control Debate 2013: You Can't Argue With Facts." *PolicyMic*, 09 June 2013. Web. <<http://www.policymic.com/articles/41481/gun-control-debate-2013-you-can-t-argue-with-facts>>.

Gutting, Gary. "The N.R.A.'s Blockade on Science." *New York Times*, 20 Dec. 2012. Web. <<http://opinionator.blogs.nytimes.com/2012/12/20/the-blockade-on-science-on-gun-violence/>>.

Hawkins, Awr. "Sen. Cornyn Adds National Concealed Carry To Senate Gun Bill." *Breitbart News Network*, 17 Apr. 2013. Web. <<http://www.breitbart.com/Big-Government/2013/04/17/On-The-Offensive-Sen-Cornyn-Adds-National-Concealed-Carry-To-Senate-Gun-Bill>>.

The Oyez Project at IIT Chicago-Kent College of Law. "DISTRICT OF COLUMBIA v. HELLER." *The Oyez Project at IIT Chicago-Kent College of Law.*, n.d. Web. <http://www.oyez.org/cases/2000-2009/2007/2007_07_290>.

Henigan, Dennis A. *Lethal Logic: Exploding the Myths That Paralyze American Gun Policy*. Washington, D.C.: Potomac, 2009. Print.

"History of Gun-control Legislation." *Washington Post*. N.p., 22 Dec. 2012. Web. <http://articles.washingtonpost.com/2012-12-22/national/36017348_1_gun-dealers-gun-laws-unlicensed-private-sellers>.

Horowitz, Alana. "Republicans Pushing Mental Health Care Over Gun Control Were Once Against Key Mental Health Laws." *The Huffington Post*, 12 Feb. 2013. Web. <http://www.huffingtonpost.com/2013/02/12/republicans-mental-health-care-gun-control_n_2640166.html>.

Israel, Josh. "Republicans Who Tout Mental Health As Response To Gun Violence Opposed Landmark Mental Health Law." *ThinkProgress*, 17 Jan. 2013. Web. <<http://thinkprogress.org/health/2013/01/17/1460601/republicans-claim-mental-health-gun-violence-solution/>>.

Johnson, Fawn. "We Need to Talk About Mental Health Even If It's Only a Sideshow to the Gun Control Debate." *NationalJournal.com*, 30 May 2013. Web. <<http://www.nationaljournal.com/magazine/we-need-to-talk-about-mental-health-even-if-it-s-only-a-sideshow-to-the-gun-control-debate-20130124>>.

Klein, Kent. "Obama Planning 'Round Two' of Push For Gun Laws." *VOA. Voice of America*, 23 Apr. 2013. Web. <<http://www.voanews.com/content/obama-gun-laws/1647600.html>>.

Lee, Jack. "10 Surprising Facts About the NRA That You Never Hear." *PolicyMic*, 08 Feb. 2013. Web. <<http://www.policymic.com/articles/23929/10>>.

surprising-facts-about-the-nra-that-you-never-hear>.

Liptak, Adam. "Gun Laws and Crime: A Complex Relationship." *New York Times*, 29 June 2008. Web. <http://www.nytimes.com/2008/06/29/weekinreview/29liptak.html?pagewanted=all&_r=0>.

Lizza, Ryan. "Four Reasons Why the Gun-Control Bills Failed." *The New Yorker*, 18 Apr. 2013. Web. <<http://www.newyorker.com/online/blogs/newdesk/2013/04/four-reasons-why-the-gun-control-bills-failed.html>>.

Luo, Michael. "Lessons in Politics and Fine Print in Assault Weapons Ban of '90s." *New York Times*, 19 Dec. 2012. Web. <<http://www.nytimes.com/2012/12/20/us/lessons-in-politics-and-fine-print-in-assault-weapons-ban-of-90s.html?pagewanted=all>>.

McElwee, Sean. "Gun Control Debate 2013: Guns and Gun Violence Go Hand in Hand." *PolicyMic*, 08 May 2013. Web. <<http://www.policymic.com/articles/41033/gun-control-debate-2013-guns-and-gun-violence-go-hand-in-hand>>.

NCSL. "Summary: President Obama's Gun-Control Proposals." *National Conference of State Legislators*, 2013. Web. <<http://www.ncsl.org/issues-research/justice/summary-president-obama-gun-proposals.aspx>>.

The Oyez Project at IIT Chicago-Kent College of Law. "PRINTZ v. UNITED STATES." *Printz v. United States*. The Oyez Project at IIT Chicago-Kent College of Law, n.d. Web. <http://www.oyez.org/cases/1990-1999/1996/1996_95_1478>.

The Oyez Project at IIT Chicago-Kent College of Law. "UNITED STATES v. LOPEZ."

United States v. Lopez. The Oyez Project at IIT Chicago-Kent College of Law, n.d. Web. <http://www.oyez.org/cases/1990-1999/1994/1994_93_1260>.

"Preventing Gun Violence." The White House, 2013. Web. <<http://www.whitehouse.gov/issues/preventing-gun-violence>>.

"Republican Party on Gun Control." *Republican Party on Gun Control*. N.p., n.d. Web. <http://www.ontheissues.org/celeb/republican_party_gun_control.htm>.

Spitzer, Robert J. *The Right to Bear Arms: Rights and Liberties under the Law*. Santa Barbara, CA: ABC-CLIO, 2001. Print.

Toppo, Greg. "6 Months after Newtown: Rush of Gun Laws, Mixed Results." *USA Today*, 14 June 2013. Web. 09 July 2013. <<http://www.usatoday.com/story/news/nation/2013/06/13/gun-laws-after-newtown-a-mixed-bag-/2421457/>>.

Weisman, Jonathan. "Senate Sets Flurry of Crucial Votes on Gun Measures, Some Expanding Rights." *New York Times*, 16 Apr. 2013. Web. <http://www.nytimes.com/2013/04/17/us/politics/senate-sets-flurry-of-crucial-votes-on-gun-measures.html?partner=MYWAY&ei=5065&_r=2&>.

"What's in Obama's Gun Control Proposal." *New York Times*, 16 Jan. 2013. Web. <http://www.nytimes.com/interactive/2013/01/16/us/obama-gun-control-proposal.html?_r=0>.

Whitney, Craig R. *Living with Guns: A Liberal's Case for the Second Amendment*. New York: Public Affairs, 2012. Print.