

Lindsey Harp and Evan Prange

Dr. Gingrich

AP Language and Composition

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From the foundation of the United States, citizens have been able to carry firearms. This was written into the Bill of Rights under the second amendment, giving citizens the right to bear arms. However, technology and humanity has changed since these articles were written. With the frequency of shootings, in places like schools, malls, and churches, citizens of all ages across the nation are calling for increased gun regulation. However, legislators are not quick to act because creating regulations on such a wide reaching and highly debated issue is not easy. Take time to read and analyze each of the following sources. Then, incorporate a minimum of six direct citations from at least four of the sources into a well-developed essay, answering the question, “What issues do guns pose and why is it difficult to create gun control legislation?” Avoid summarizing the sources, instead using evidence to back your argument. Cite your sources using “Source A/B/etc.” or the correct in-text MLA citation format.

Source A

Abramson, Alana, and Philip Elliott. “The Biggest Challenges Facing Gun Safety Legislation.”

Time, Time, 12 Aug. 2019, time.com/5650044/mass-shootings-gun-safety-congress/.

Source B

Turley, Jonathan. “Why Gun Control Is so Hard to Enact.” *TheHill*, The Hill, 8 Aug. 2019,

thehill.com/opinion/judiciary/456557-why-gun-control-is-so-hard-to-enact.

Source C

“Why It's More Difficult To Change Gun Policy In The U.S. Than In New Zealand.” *NPR*, NPR,

21 Mar. 2019,

www.npr.org/2019/03/21/705594544/why-its-more-difficult-to-change-gun-policy-in-the-u-s-than-in-new-zealand.

Source D

“Key Facts about Gun Violence Worldwide.” Amnesty International,
www.amnesty.org/en/what-we-do/arms-control/gun-violence/.

Source E

Kopel, David B. “The Costs and Consequences of Gun Control.” *Cato Institute*, 25 Nov. 2015, www.cato.org/publications/policy-analysis/costs-consequences-gun-control.

Source F

Berendt, John. *Midnight in the Garden of Good and Evil: a Savannah Story*. Sceptre, 2011.

Source G

Varve, Gary. “Only 1 More Anti-Gun Ban.” *Idaho SSA*,
www.idahosaa.org/only-1-more-anti-gun-ban/.

Source A

Abramson, Alana, and Philip Elliott. "The Biggest Challenges Facing Gun Safety Legislation."

Time, Time, 12 Aug. 2019, time.com/5650044/mass-shootings-gun-safety-congress/.

The pattern is now all too familiar. A mass shooting prompts calls for stricter gun safety measures. Gun safety advocates demand action, while gun owners raise alarms. Politicians make promises they know are far more difficult than they let on. Intensity fades. Congress ends up doing nothing. Repeat.

The back-to-back mass shootings in El Paso and Dayton prompted yet another start to this cycle. But this time, there were the slightest of hints that this time might be a little different. President Donald Trump and Senate Majority Leader Mitch McConnell, both Republicans, have indicated that guns will be, in the words of the latter, "front and center" — but not until September, when Congress returns.

That upcoming five week stretch, however, could stall that effort. In those intervening weeks, if history is any indication, calls for stricter gun laws will fade. Polling from [Civiqs](#) has indicated support for tougher laws spikes following high-profile mass shootings before ebbing back to near pre-massacre levels. And that makes it all the easier for political leaders to move on.

In the political world, in the media world, in the world we live in, those issues fade, I hate to say it, after three or four weeks," said Republican Rep. Peter King, one of the few members of his party supporting universal background checks for gun purchases.

But one can't help but imagine the rulebook might need a tweak after two mass shootings that not only left over 30 dead and many more wounded, but highlighted a rising problem of domestic terrorism in the country, which Democrats argue is augmented by some of the President's own sentiments.

McConnell, who is a savvy strategist, recognizes the political danger in standing in the way of something tangible after a shooting many blame on Trump's rhetoric. Democrats, in control of the House of Representatives, have put the onus on McConnell, pointing to the two pieces of gun control legislation they passed in February which have lain dormant in the Senate. "Leader Mitch McConnell, describing himself as the 'grim reaper,' has been an obstacle to taking any action," Pelosi wrote in a letter to Trump last week, asking he call the Senate back from its recess.

McConnell, who opposes a return from recess, cracked the door open to legislation on Thursday, telling a local radio station in Kentucky that background checks will be atop his list when lawmakers return to Washington in September. "I want to make law," he said. "Not see this political sparring go on endlessly."

But, contrary to Trump telling reporters on Friday that McConnell is "totally onboard" for "intelligent background checks," McConnell aides quietly are saying the Leader didn't commit to supporting or promoting restrictions contained in the House version of the legislation. After all, most of the seats the Republican Party will be defending in the 2020 Senate elections are in the South and the West, where regional affinities for guns run deep.

Source B

Turley, Jonathan. "Why Gun Control Is so Hard to Enact." *TheHill*, The Hill, 8 Aug. 2019, thehill.com/opinion/judiciary/456557-why-gun-control-is-so-hard-to-enact.

This latest bloodshed has politicians once again pledging action. Many of these politicians opposed the decision of the Supreme Court in 2008 in *District of Columbia versus Dick Anthony Heller*, establishing that the right to bear arms is an individual right under the Second Amendment. The court has repeatedly reaffirmed that landmark decision. In 2010, the court ruled that this constitutional right applied to the states as it does to the federal government since it is one of those "fundamental rights necessary to our system of ordered liberty." Just two years ago, the Supreme Court reversed a lower court decision and held that this right is not confined to firearms "in existence at the time of the founding" but to "all instruments that constitute bearable arms" including, in that specific case, stun guns.

Despite these and other rulings by the federal courts, politicians still act as if they are still operating before *Heller* in which any rational gun control is presumptively constitutional. The legal results are predictable. New York City mayor and Democratic candidate Bill De Blasio complained in the aftermath of the recent shootings, "It feels like we are screaming into a void." It feels that way because we are, and that void is a space that no longer exists for many measures after *Heller*. As an individual right, there is a higher showing required from both state and federal governments, a standard that is unlikely to be met in many proposed gun regulations.

For example, many politicians are pledging again to remove all "assault style weapons" such as the AR-15. However, such limits must meet a standard that requires a narrowly tailored law advancing a compelling state interest. While a ban on AR-15s sounds compelling, it breaks down under closer review. The AR-15 and other weapons in its class use an intermediate cartridge that actually is less powerful than that used in a rifle. These weapons are often twice as powerful as a handgun but not nearly as powerful as a rifle. Moreover, guns like the AR-15 are popular because they are modular and allow for different grips and barrels.

A law cannot ban the look of a rifle. It must focus on the inherent power of the weapon, which may prove less compelling for some justices. Such a ban would have to pass muster with Neil Gorsuch and Brett Kavanaugh, the newest members of the Supreme Court. Both justices are viewed as supporting gun rights under *Heller*, and Kavanaugh wrote a dissent in a 2011 case saying that an assault weapons ban would be unconstitutional.

The road ahead may therefore prove more difficult for gun control. A federal judge in San Diego shot down the California law banning high capacity ammunition magazines with more than 10

rounds. While the ruling could now be reversed by the Ninth Circuit Court of Appeals, the decision repeatedly hit on what the court felt was an arbitrary ban given the common use of such magazines. The court noted that the Glock pistol “is designed for, and typically sold with, a 17 round magazine,” as is true of a wide assortment of other such popular weapons. Moreover, banning high capacity magazines will not likely have a transformative effect. It is relatively easy and fast to swap out magazines on a weapon. This and other such cases are currently working their way to the Supreme Court.

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An appeal from gun manufacturer Remington is also pending before the Supreme Court. The company seeks to overturn a decision that supports the right of families of victims in the Sandy Hook massacre to sue gun manufacturers. However, Congress passed the Protection of Lawful Commerce in Arms Act of 2015, giving gun manufacturers immunity from most lawsuits. I opposed this law as unnecessary and unwise. Courts had already ruled against product liability and nuisance challenges to gun manufacturers without giving the industry immunity, yet Congress still passed the law under pressure from the National Rifle Association.

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The latest suggestion is the red flag law to allow the police to remove weapons from individuals who are viewed as unstable or dangerous. These laws could prove more successful. But the challenge to some of these “red flags” may come down not to the Second Amendment but to the due process clause because of the lack of protections for gun owners seeking to challenge such seizures of their property. Moreover, while red flag laws could deter some violence, they would not necessarily have prevented many of the recent massacres by shooters who did not show such red flags. The shooter in Dayton had plenty of flags including “rape lists” for students at his high school. Conversely, the suspect in the El Paso shooting had few red flags and was described as a “loner” during college.

Source C

“Why It's More Difficult To Change Gun Policy In The U.S. Than In New Zealand.” *NPR*, NPR,
21 Mar. 2019,
www.npr.org/2019/03/21/705594544/why-its-more-difficult-to-change-gun-policy-in-the-u-s-than-in-new-zealand.

WINKLER: Well, I don't think that is the difference that explains why America is not moving on gun control. The difference is really the political power of the gun rights movement in America. The Second Amendment certainly plays an important role in shaping cultural attitudes about guns and forming American politics about guns. But the courts haven't used the Second Amendment to strike down lots of laws. And most courts have upheld the kinds of laws that New Zealand is considering, such as bans on high-capacity magazines and bans on military-style rifles. The problem is the NRA won't let those laws be passed in America.

WINKLER: Well, right after the Newtown shooting, President Obama put the weight of the presidency behind gun control efforts to get universal background checks.

(SOUNDBITE OF ARCHIVED RECORDING)

BARACK OBAMA: There's no reason why we can't get that done. That is not a liberal idea or a conservative idea. It's not a Democratic or Republican idea. That is a smart idea. We want to keep those guns out of hands of folks who shouldn't have them.

WINKLER: And that failed in the Senate.

(SOUNDBITE OF ARCHIVED RECORDING)

OBAMA: I'm going to speak plainly and honestly about what's happened here because the American people are trying to figure out, how can something have 90 percent support and yet not happen?

WINKLER: And that really put a damper on future federal gun control efforts. We've also seen, after Las Vegas, that there was a move to pass a federal law banning bump stocks.

(SOUNDBITE OF ARCHIVED RECORDING)

DIANNE FEINSTEIN: We have now witnessed the deadliest mass shooting in United States history - nearly 60 killed and more than 500 injured. Those numbers are simply stunning.

WINKLER: But members of Congress didn't want to be on record voting in favor of gun control, and so Congress kicked it to the Bureau of Alcohol, Tobacco and Firearms.

CHANG: Let's talk about the NRA - the National Rifle Association - which obviously has tremendous influence here in the U.S. New Zealand has groups like the NRA, but they don't have nearly the same kind of power. Can you explain - how does the NRA exert its tremendous influence here?

WINKLER: Well, everyone thinks the NRA is so powerful because it's so rich and it does so much lobbying. And those are important aspects of the NRA's power, but we shouldn't underestimate how the NRA brings voters out on Election Day. And in a democracy, if you can sway voters - and there are a lot of single-issue, pro-gun voters that follow the NRA - you're going to be a powerful political force in elections.

CHANG: Now, both the U.S. and New Zealand have robust gun cultures, but why do you think gun owners here seem more resistant to changes in gun control laws?

WINKLER: Well, it could be the role of the Second Amendment in shaping cultural attitudes and opinions about gun rights. For the last 40 years or so, the NRA has been very active in promoting a vision of the Second Amendment that suggests that any law that restricts guns is a violation of that right, almost the kind of way that we sometimes - First Amendment rights - that any restriction on speech is a fundamental affront to the First Amendment. That kind of absolutist approach, though, doesn't create a lot of space for reform or compromise.

CHANG: Do you feel like the American gun culture is unique?

WINKLER: The American gun culture is pretty unique. I mean, it comes out of the unique circumstances of America and our federalist system, which has also, historically, prevented a lot of gun legislation from being adopted. But the NRA is busy exporting its idea of gun rights and has been active in New Zealand. But it hasn't really taken hold, as evidenced by the fact that even the main opposition groups in New Zealand have already signaled that they're going to support this new gun reform.

Source D

Among wealthier, developed countries, the USA is an outlier when it comes to firearm violence. US governments have [allowed gun violence to become a human rights crisis](#). Wide access to firearms and loose regulations lead to more than 39,000 men, women and children being [killed with guns each year in the USA](#).

On average, more than 360 people in the USA are shot every day and survive – at least long enough to get to a hospital.

In 2017, some 39,773 died from gunshot injuries, an average of nearly 109 people each day. Per capita, this is significantly higher than in other industrialized countries. Firearm homicides in the USA disproportionately impact communities of colour and particularly young black men.

The USA lacks measures such as a national firearm registry.

Individuals can lawfully carry concealed firearms in public in every state in the USA and can lawfully openly carry firearms in public in most states. However, there is no nationwide uniformity in laws governing the carrying of firearms in public, and in some states there are no laws at all: 12 states allow individuals to carry concealed weapons in public without any licence or permit and 30 states allow the open carrying of a handgun in public without any licence or permit.

Open carrying of firearms in public, in some form, is currently allowed in 45 states. In only seven states are people required to provide a credible justification or demonstrated need to carry a concealed firearm. All 50 states and Washington, D.C. allow for some form of concealed carrying of firearms in public.

In the USA, firearm homicide disproportionately impacts African American communities, particularly young black men. 14,542 people in the USA lost their lives in gun homicides in 2017. African Americans accounted for 58.5% of these nationwide, despite making up just 13% of the US population.

Firearm homicide was the leading cause of death for black men and boys aged 15-34 in 2017, and they were more than 10 times more likely to die from firearm homicide than white men and boys of the same age group. Failure to address systemic discrimination; failure to keep firearms out of the hands of those most likely to misuse them; and a failure to invest in gun violence prevention programmes all contribute to this crisis.

Women facing domestic violence and children are also disproportionately affected.

In 2017, the number of children who died from firearm-related deaths in the USA rose to 1,814 from 1,637 in 2016

Between 2% and 7% of all injuries treated at US pediatric trauma centres are gun-related

Most children who are victims of firearm killings in the USA are from minority communities. Homicide is the second leading cause of death among black children and 65% of those killings are committed with guns.

Source E

Kopel, David B. "The Costs and Consequences of Gun Control." *Cato Institute*, 25 Nov. 2015, www.cato.org/publications/policy-analysis/costs-consequences-gun-control.

In politicizing mass murders, gun control advocates, such as President Obama, insist that more laws against firearms can enhance public safety. Over and over again, there are calls for common sense gun controls, such as a system of universal background checks, a ban on high-capacity magazines, and a ban on assault weapons. And yet such proposals are not likely to stop a deranged person bent on murder.

Although universal background checks may sound appealing, the private sale of guns between strangers is a small percentage of overall gun sales. Worse, the background check bills are written so broadly that they would turn most gun owners into criminals for innocent acts — such as letting one's sister borrow a gun for an afternoon of target shooting.

Magazine bans are acts of futility because the extant supply is enormous. Today, magazines of up to 20 rounds for handguns, and 30 rounds for rifles, are factory standard, not high-capacity, for many of the most commonly owned firearms. These magazines are popular with law-abiding Americans for the same reason they are so popular with law enforcement: because they are often the best choice for lawful defense of one's self and others.

Gun-control advocates have been pushing for a ban on assault weapons for more than 25 years. This proposal is essentially a political gimmick that confuses people. That is because the term is an arbitrarily defined epithet. A federal ban was in place between 1994 and 2004, but Congress declined to renew it after studies showed it had no crime-reducing impact.

President Obama points to the mass confiscation of firearms in Great Britain and Australia as models for the United States. Such confiscation would be impossible, as a practical matter, in the United States, and if it were attempted, the consequences would be catastrophic.

Policymakers can take steps to make treatment available for persons with serious mental illness, and, when necessary, to incapacitate such persons if they are proven to be at grave risk of perpetrating violent crime. Better care, treatment, and stronger laws for civil commitment (consistent with constitutional safeguards) could prevent some horrific crimes.

Finally, before adding new gun regulations to the legal code, policymakers should remember that several mass murders in the U.S. were prevented because citizens used firearms against the culprit before the police arrived on the scene.

Source G

Varve, Gary. "Only 1 More Anti-Gun Ban." *Idaho SSA*,
www.idahosaa.org/only-1-more-anti-gun-ban/.

