



TARBUTMUN 2022

US Senate

Topic A: 2nd Amendment

Topic B: Freedom of choice

Participating Senators

Democrats:

1. Kamala Harris ----- (D)(President of the Senate)
2. Bernie Sanders ----- (D)(Vermont)
3. Alex Padilla ----- (D) (California)
4. Catherine Cortez ----- (D)
(Nevada)
5. Chuck Schumer ----- (D)(New York)
6. Corey Booker ----- (D)(New Jersey)
7. Bob Casey JR ----- (D)
(Pennsylvania)
8. Raphael Warnock ----- (D)(Georgia)
9. Gary Peters ----- (D)
(Michigan)
10. Kyrsten Sinema ----- (D)(Arizona)
11. Gavin Newsom ----- (D) (California)

Republicans

1. Marco Rubio ----- (R)
(Florida)
2. John Thune ----- (R)(South Dakota)
3. John Barrasso ----- (R)(Wyoming)
4. Mitch McConnell ----- (R) (Kentucky)
5. Ted Cruz ----- (R)
(Texas)
6. Richard Shelby ----- (R)
(Alabama)
7. Robert Jones Portman ----- (R)(Ohio)

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|------------------------|---------------------|
| 8. Todd Young ----- | (R)(Indiana) |
| 9. Tom Cotton ----- | (R)(Arkansas) |
| 10. Tim Scott ----- | (R)(South Carolina) |
| 11. Richard Burr ----- | (R)(North Carolina) |

Fellow Senators,

“Peace cannot be kept by force, it can only be achieved by understanding” (Albert Einstein).

We want to welcome you to the US Senate Committee 2022. You are about to embark on a new adventure that is going to expand your mind, beliefs and change your mindset. We encourage you to think outside the box and change your current vision of the world's crises. Throughout the debates, you will stop being students, you will leave your fears aside, habits, and passions to adopt those of a society that is possible and completely different from ours. You will become members representing senators of states from one of the most advanced countries in the world. We want to establish your goal for the following days which is; to deal with issues and controversies that we are currently experiencing that need new solutions and perspectives. When you get to the day of the model, go with the idea that you are making a change in your generation. We truly expect greatness from you, and we believe that your ideas can be revolutionary and necessary to reinforce the greatness of the United States. By joining TarbutMUN, you are educating and informing yourselves so that tomorrow you will be the ones making the important decisions and leading big organizations such as the Senate. We are the future of tomorrow and the generation of change. We truly believe that the necessary change that needs to be done in this unfair world is possible and real, to do so, we need to start by changing the practices that led us to be where we are today as humanity. As the debate begins, you will know the beauty of this diverse country that we have. So Senates, when you are debating and coming up with resolutions, do not forget why

you are doing it and do whatever it takes to bring peace, freedom, justice, and security to this great country.

Chairs' Information

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Committee Background

The pioneers of the Constitution of the U.S were also responsible for creating the United States Senate as a resource to protect the rights of each state and be able to safeguard minority opinion in the organized system that is designed to give more power to the national government. They created the Senate on governor's councils during the colonial era and also on the state senates that had improved since independence. At first, the composers wanted the Senate to behave as an independent body of citizens that would divide power with the president of the House of Representatives. The Senate's role was to protect the people against their rules and the transient impressions into which they might lead themselves to.

The U.S. Senate is the upper house in the legislative section of the federal government. The expressions "upper" and "lower" house are not just what they sound; they date back to a period during the 1780s when the Senate and House of Representatives met on the upper and lower floors of the federal hall, in New York City.

To maintain a power balance between the small and large states, the Constitution pioneers established that states would be shown equally in the Senate. Further safeguarding the authority of individual states, they allowed states legislatures to choose their representatives. To ensure Senator's freedom and independence from

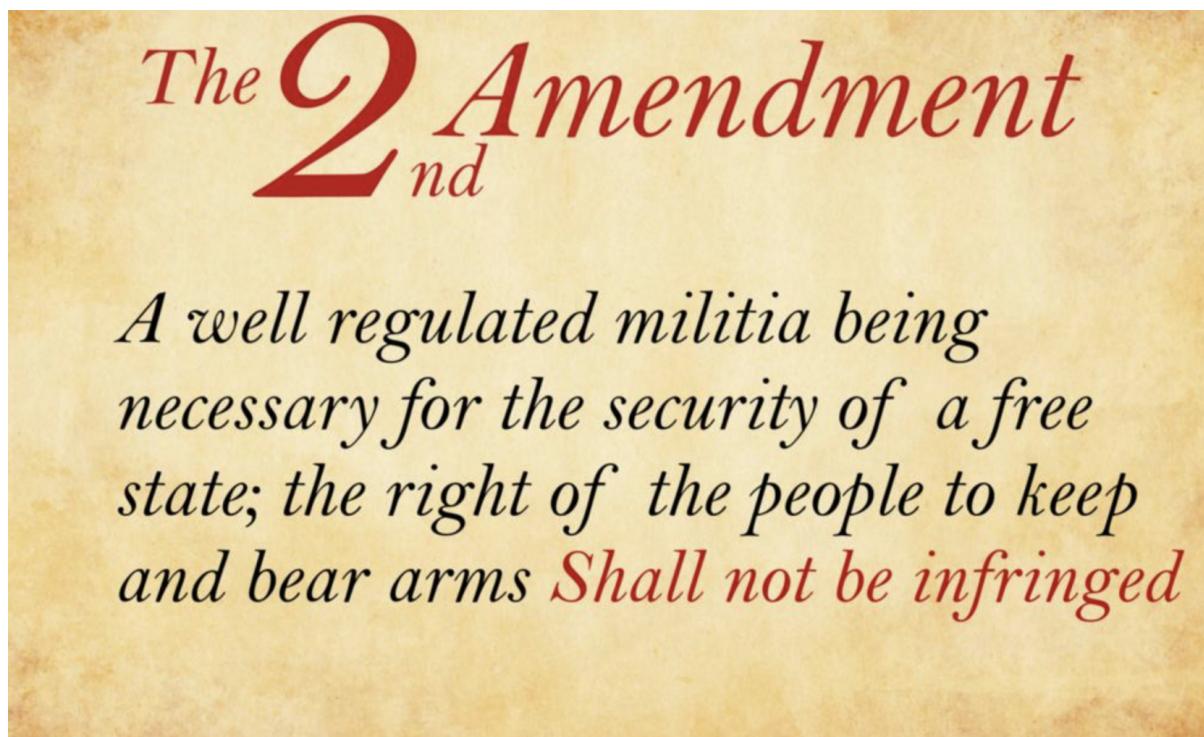
momentary political pressures, the six-year Senate term was designed. They thought that longer terms would provide stability to the country. Responding to fears that a six-year Senate term would create an inaccessible nobility in the Senate, the composers determined that 33% of the individuals' terms would terminate at regular intervals, leaving 66% of the individuals in office. This mixed the standards of progression and rotation in office.¹

Nowadays, the Senate along with the House of Representatives, author, propose, and vote on federal legislation that is involved in all aspects of the United States foreign and domestic law. Senator's main function is to provide advice and allowance on executive treaties, nominations and, conduct overwatch of all parts of the national government.²

¹ History.com Editors. (2017, June 28). *Senate*. History.com. Retrieved November 13, 2021, from <https://www.history.com/topics/us-government/history-of-the-us-senate>.

² *The United States Senate*. U.S. Senate: The United States Senate. (2020, March 19). Retrieved November 13, 2021, from https://www.senate.gov/general/Features/Senate_GeneralFeature.htm.

Topic A: 2nd Amendment



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³ Sikes, A., says, G. mcinnes, says, W. W., says, F. A., says, B. S., says, D. L. M., says, T. S., says, S. A., says, J. B., says, J. astrachan, says, D. E., says, M. E., says, L. M., says, F., says, M. F., says, W. C., says, W. B., says, C. E., says, P. S., & says, J. N. (2021, March 31). *Gun control: Go upstream and fix the 2nd amendment by Al Sikes*. The Chestertown Spy. Retrieved November 1, 2021, from <https://chestertownspy.org/2021/03/31/gun-control-go-upstream-and-fix-the-2nd-amendment-by-al-sikes/>

Keywords

The constitution of the United States is the supreme law of the U.S. This document was originally made out of seven articles that delineate the national frame of government.⁴

American conservatism is a social and political philosophy that prioritizes the American heritage, traditions, republicanism, and limited states' and government rights.⁵

An amendment is an addition or minor change to improve a piece of legislation, text, etc.⁶

Democratic party is one of the two most important political parties in the United States. It essentially supports equal opportunities and social equality. They support voting and minority rights. “Democrats believe health care is a right, diversity is a

⁴ National Archives and Records Administration. (n.d.). *The constitution of the United States: A transcription*. National Archives and Records Administration. Retrieved October 28, 2021, from <https://www.archives.gov/founding-docs/constitution-transcript>.

⁵ Encyclopædia Britannica, inc. (n.d.). *The United States*. Encyclopædia Britannica. Retrieved October 27, 2021, from <https://www.britannica.com/topic/conservatism/The-United-States>.

⁶ Merriam-Webster. (n.d.). *Amendment*. Merriam-Webster. Retrieved October 28, 2021, from <https://www.merriam-webster.com/dictionary/amendment>.

strength, the economy should work for everyone, and facts and truth matter.”⁷ (*Where we stand* 2019).

Classical liberalism is a part of the liberalism movement and a political belief that encourages civil liberties with limited government, free market, cultural liberalism, political and economic freedom⁸

Fascism is a type of ultranationalism that typically is characterized by dictatorial power and strong government regimentation of economy and society. It appeared in society in the early 20th century in Europe.⁹

Gun-right is the set of policies and laws that regulate the sale, transfer, manufacture, possession, use, or modification of civilians.¹⁰

Infringed to break the terms of an agreement, law, etc.¹¹

Lobbying is when someone following the law tries to influence the policies, actions, or decisions of the government delegates.¹²

Pro-gun is the favoring to the right of owning a firearm, and it usually opposes the legislation restricting this right the pro-gun lobby.¹³

⁷ *Where we stand*. Democrats. (2019, August 8). Retrieved October 28, 2021, from <https://democrats.org/where-we-stand/>.

⁸ Encyclopædia Britannica, inc. (n.d.). *Classical liberalism*. Encyclopædia Britannica. Retrieved October 28, 2021, from <https://www.britannica.com/topic/liberalism/Classical-liberalism>.

⁹ Encyclopædia Britannica, inc. (n.d.). *Fascism*. Encyclopædia Britannica. Retrieved October 28, 2021, from <https://www.britannica.com/topic/fascism>.

¹⁰ Pérez-peña, R. (2015, October 7). *Gun control explained*. The New York Times. Retrieved October 28, 2021, from <https://www.nytimes.com/interactive/2015/10/07/us/gun-control-explained.html>.

¹¹ *Oxford languages and google - english*. Oxford Languages. (n.d.). Retrieved October 28, 2021, from <https://languages.oup.com/google-dictionary-en/>.

¹² *Oxford languages and google - english*. Oxford Languages. (n.d.). Retrieved October 28, 2021, from <https://languages.oup.com/google-dictionary-en/>.

¹³ Merriam-Webster. (n.d.). *Progun*. Merriam-Webster. Retrieved October 28, 2021, from <https://www.merriam-webster.com/dictionary/progun>.

Pax-Britannica was the period of peace between the Great Powers, in which the British Empire became the dominant power in a political context and became a “global policeman.”¹⁴

Pax-Americana was the period of time of peace that extended around the area where the American government and politics had great influence around the world.¹⁵

The republican party is one of the two most important political parties in the United States, they usually support free-market capitalism, lower taxes, increased military spending, restrictions on immigration, gun rights, deregulation, restrictions on abortion, and restrictions on labor unions.¹⁶

¹⁴ Encyclopædia Britannica, inc. (n.d.). *Pax britannica*. Encyclopædia Britannica. Retrieved October 28, 2021, from <https://www.britannica.com/topic/Pax-Britannica>.

¹⁵ *Oxford languages and google - english*. Oxford Languages. (n.d.). Retrieved October 28, 2021, from <https://languages.oup.com/google-dictionary-en/>.

¹⁶ The New York Times. (n.d.). *Republican Party*. The New York Times. Retrieved October 28, 2021, from <https://www.nytimes.com/topic/organization/republican-party>.

Background

The Second Amendment is part of the Constitution of the United States; it was adopted in 1791, being influenced by the English Bill of Rights of 1689 supporting the right of self-defense and defense to oppression. Its purpose was to discipline and organize the federal military. “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.”¹⁷ In 1791, it was proposed by James Madison primarily to allow the creation of a civil-military. In modern times, it is interpreted as the individual right to transport and use arms for self-defense and security purposes.

In 1886 the Supreme Court stated that the Second Amendment prevented states from prohibiting people to keep arms, preventing the deprivation of self-defense and public security. Later in 1929, the Supreme Court cited this amendment as a duty of individuals to defend the government against enemies; in 1934, the Supreme Court avoided the confusion of the Second Amendment by stating that the possession or using a shotgun or any equipment that wasn’t part of the military equipment was supported by this amendment.¹⁸

There was major uncertainty of what the Second Amendment stood for until 2008, when the Supreme Court examined the amendment in detail, narrowing it to the central component, which was self-defense. They also affirmed that the right of a civil-military was not in the Second Amendment’s guarantee. It was still unclear what the federal regulations were and how they applied to all states. In 2010 this change became clear when the Supreme Court stated the Second Amendment as “the right to possess a handgun in the home for self-defense.” This applied to all states.¹⁹

¹⁷ U.S. Constitution - Second Amendment | Resources ... Constitution of the United States. (n.d.). Retrieved October 27, 2021, from <https://constitution.congress.gov/constitution/amendment-2/>

¹⁸ Augustine, A. (2019). Second Amendment and the Gun-Control Controversies: A Flaw in Constitutional Framing and an Antinomy of American Conservatism. herald open access. Retrieved October 27, 2021, from <https://www.heraldopenaccess.us/openaccess/second-amendment-and-the-gun-control-controversies-a-flaw-in-constitutional-framing-and-an-antinomy-of-american-conservatism>.

¹⁹ Encyclopædia Britannica, inc. (n.d.). *Second Amendment*. Encyclopædia Britannica. Retrieved October 30, 2021, from <https://www.britannica.com/topic/Second-Amendment>.

Conflict

This committee is going to be focused on the international debate over the second amendment to the United States Constitution since 1791, and the controversy over gun control. It is crucial to question the historical, ideological, and socio-cultural aspects of Gun Rights from Medieval Europe to modern America, as well as its involvement for homely and security in 21st Century American society. The whole philosophical, legalistic, and socio-social reasoning for and against the Gun Control question the main American governmental issues provokes many inquiries, why has it not been convenient on legal aspects to address the fragile and questionable aspects of the 2nd amendment texts? Has the amendment morality lost its place in American politics and society? Is the Second Amendment immutable between post-1791 realities? Where the rights written under the 2nd Amendment established on the individuals as construed impliedly or on the people as expressly stipulated in the constitution? Lastly, why has America, with the most sophisticated military and intelligence architecture in the world, failed to demonstrate the capacity for containing sectarian killings in the land?²⁰

The second amendment debate exposes one of the social and cultural divisions inside the social and political American system, a country recognized not just by its military, diplomatic and economic dominance but by the value the country gives to justice, freedom, equality, and global peace, which are ideals that justify why the United States replaced the pax-Britannica for Pax-Americana. The unfortunate antecedents of gun killing in America know no rank with eleven presidential assassination attempts in which four of them died: with Ronald Reagan and Theodore Roosevelt injured in 1981 and 1912 murder attempts. The presidential assassins Charles J. Guiteau, John Wilkes Booth, Leon Czolgosz, and Lee Harvey

²⁰ A. A. (n.d.). *Second Amendment and the Gun-Control Controversies: A Flaw in Constitutional Framing and an Antinomy of American Conservatism*. Second Amendment and the gun-control controversies: A flaw in constitutional framing and an antinomy of American conservatism. Retrieved October 27, 2021, from <https://www.heraldopenaccess.us/openaccess/second-amendment-and-the-gun-control-controversies-a-flaw-in-constitutional-framing-and-an-antinomy-of-american-conservatism>.

Oswald were all part of the first famous abusers of the second amendment. The murder of Malcolm X, Dr. Martin Luther King, among many other people, emphasized one of the foundational flaws of a nation globally reputed as the policeman of the earth. When will these acts of terror finally end?

Millions of people have died and yet there seems to be huge bias about the second amendment and gun control question. This cleavage shows a failure of the actual generation of the political elites, the American institutions, and the people to rise higher and repeal the frailty of the amendment. The knowledge acquired from the American government response to the Gun control question never established America as a society that developing countries should admire and aspire to become, it is unethical compared to the admirable values known about the United States, one of the greatest nations. The spiritual, moral, and political leaders of America must meet on one front on the Gun Question, the Republicans must not hide under conservative ideals and watch the blood of innocent people be wasted by abusers and misuse of the Second Amendment. And, the Democrats must create a bipartisan agreement to stop the moral implications under the second amendment unchangeable clause "shall not be infringed upon ". American political leaders must not send the wrong message to the international community that will mark the country as a policeman that cannot police its own home. Trust and charity start at home, it is antithetical, contradictory, and undermines most of the values upon America es build and prides itself under the rubric Pax-American.²¹

Historical context demonstrates that the National Rifle Association is a shadow of itself, and had to change its primary goal "to promote martial qualities and marksmanship to a lobbyist group without conscience for humanity." The American institutions that reign under the constitution must live up to their law to dominate the threat and to dominate the influence of the group. To the political leaders of the land, the patriots of the 1775 Revolution fought for 'A land of the free' they must ensure their labor never be an egoist. The Gun-Control debates further expose one of the contradictions of American Conservatism "being pro-life, anti-abortion and at the

²¹ McNamara, J. (2017, July 31). *The fight to Bear Arms: Challenging the second amendment and the U.... European journal of American studies*. Retrieved October 27, 2021, from <https://journals.openedition.org/ejas/12179>.

same time pro-gun” as the people who misuse the second Amendment represent one of the Ideological conspiracies against Americans under the mask of Classical Liberalism propagated by a contemporary enthusiast of American conservatism.²²

²² Legal Information Institute. (n.d.). *Amendment II. bearing and keeping arms*. Legal Information Institute. Retrieved October 27, 2021, from <https://www.law.cornell.edu/constitution-conan/amendment-2>.

Statement of the Conflict

Since the establishment and recognition of the 2nd amendment in the United States Constitution, the clause that was meant to grant the right to use firearms for the purpose of self-defense, product of the natural right to self-preservation had been misused for many years, with no solid steps to redefine the texts to control the abuse of it and to address the need of massive gun control which has been a victim of political and pressure groups exploitation. The recent shooting in Marjory Stoneman Douglas High School in 2018, brought memories of how lives had been lost to reckless shootings. After the last school attacks, children protested in the streets with posters to send signals to people across the world saying that all seem to not be good with American leadership and polity, especially on the gun control controversies that need to be addressed.²³

Gun control is a set of policies that were established to regulate the sale, manufacture, transfer, modification, possession, and use of firearms by people. Gun control has been an important debate between the states for the last few years, stirred by mass shootings in civilian environments. Recent years have been characterized as some of the worst gun violence years in United States history.²⁴ Studies showed that in 2020, more than twenty thousand Americans were victims and lost their lives due to guns, the highest number in more than two decades. It seems that 2021 is following the same pattern. Many gun control advocates demand that the U.S. needs to look into the experiences of its wealthy and powerful democratic alliances that have tighter and stricter restrictions to curb gun violence. Gun possession in the United States is supported by the Second Amendment; "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." The United States, has no

²³ A, A. (n.d.). *Second Amendment and the Gun-Control Controversies: A Flaw in Constitutional Framing and an Antinomy of American Conservatism*. Second Amendment and the gun-control controversies: A flaw in constitutional framing and an antinomy of American conservatism. Retrieved October 27, 2021, from <https://www.heraldopenaccess.us/openaccess/second-amendment-and-the-gun-control-controversies-a-flaw-in-constitutional-framing-and-an-antinomy-of-american-conservatism>.

²⁴ Ranney, M. L. (2021, March 30). *We must treat gun violence as a public health crisis*. Time. Retrieved October 27, 2021, from <https://time.com/5951001/gun-violence-public-health-crisis/>.

more than 5 percent of the total world's population, has 46 percent of the world's civilian-owned firearms, according to a 2018 study by the Switzerland-based Arms Survey. The United States ranks number one in firearms per capita. Also, the United States is proven to have the highest murder-by-firearm rate of the world's most developed nations. In past years there has been a major crisis regarding US gun providers shops, the issue is that there has been less and less control over firearms, and it keeps getting worse over the years. Anyone with almost no background checks can get a firearm which is causing a huge problem in the country, mentally-ill people, convicted felons, and people convicted of domestic violence can buy a gun. 90% of people of the United States voted in favor of universal background checks, so dangerous people can not buy firearms, however, the Senate voted against it, and it is still not law to do so. The goal is to find a solution that helps us Keep America Great, maintain safety, and at the same time take into knowledge the impact firearms sales have on the economy.²⁵

Protect kids, not Guns. For many years, political leaders have failed to keep safe children, not guns. Firearm violence is one of the leading causes of murder and death for all teens children from ages 1 to 19. In 2019, more or less 3,371 teens and children died from misuse of guns, which is enough to fill 168 classrooms with 20 children each. While mass shootings every week are catching the public attention, gunfire kills more kids every week than the Sandy Hook, Columbine, and Parkland massacres altogether. Kids of color have to face greater risk, they usually are four times more likely to be murdered by gun violence than any other child. It is time that the senates take important decisions to stop the massive killing of children in America. In the last 10 years there have been more than 180 school shootings, more than 356 victims, most of the mass shootings happened in schools, places where children should be safe. Kids are the future generation, and they deserve to be safe in their usual environments.²⁶

²⁵ Council on Foreign Relations. (n.d.). *U.S. gun policy: Global comparisons*. Council on Foreign Relations. Retrieved October 27, 2021, from <https://www.cfr.org/backgrounder/us-gun-policy-global-comparisons>.

²⁶ *Gun violence prevention*. Children's Defense Fund. (2021, September 15). Retrieved October 27, 2021, from <https://www.childrensdefense.org/policy/policy-priorities/gun-violence-prevention/>.



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The second amendment right was firstly created to protect the American citizens against the possibility of the government using the national militia against its citizens or trying to do acts against the American Constitution that take away people's rights, it is meant to create a second militia besides the national army so, if the government tries to use this power badly they could defend themselves and be able to protect their lands. Considering the importance of national security and the amount of power the government holds over the world, it is politically questionable if this statement is still beneficial and important to the U.S.²⁸

Firearm selling in the United States contributes to the economy, the firearm industry is worth as much as 63.5 billion dollars, another aspect to how gun selling helps the economy and the US itself is that creates more than 100,000 jobs, in 2020 it was reported that there were 52,799 federal firearm dealers only in the United States, so banning guns in America is not only going to make it more vulnerable but also it would cost thousands of jobs and billions to its economy.²⁹ Here is a list of the 15 states that generate the most money on firearm and ammunition selling between the US.

²⁷ Gun violence prevention. Children's Defense Fund. (2021, September 15). Retrieved October 27, 2021, from <https://www.childrensdefense.org/policy/policy-priorities/gun-violence-prevention/>.

²⁸ History.com Editors. (2017, December 4). Second Amendment. History.com. Retrieved December 7, 2021, from <https://www.history.com/topics/united-states-constitution/2nd-amendment>.

²⁹ Savidge, M. (2021, March 14). Americans bought guns in record numbers in 2020 during a year of unrest -- and the surge is continuing. CNN. Retrieved October 31, 2021, from <https://edition.cnn.com/2021/03/14/us/us-gun-sales-record/index.html>.

Rank	State	Total Economic Output
1	Texas	\$3,828,028,200
2	California	\$3,635,779,700
3	Minnesota	\$2,428,590,900
4	Florida	\$2,394,885,500
5	Illinois	\$2,183,774,100
6	North Carolina	\$1,979,353,500
7	Pennsylvania	\$1,941,014,200
8	Massachusetts	\$1,859,186,300
9	New York	\$1,835,764,100
10	Ohio	\$1,605,685,300
11	Missouri	\$1,573,148,500
12	Oregon	\$1,438,335,600
13	Michigan	\$1,301,494,400
14	Connecticut	\$1,245,480,500
15	Arkansas	\$1,231,192,700

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30 Schmidt, A. (2019, November 6). *These states sell the most guns in the US*. Fox Business. Retrieved October 31, 2021, from <https://www.foxbusiness.com/lifestyle/states-highest-lowest-gun-sales>.

Present Situation

Nowadays, the Second Amendment is one of the most talked-about topics in the United States. It is essential to remember that the Second Amendment states that every citizen of the United States has the right to obtain or buy a license to own a weapon for self-defense purposes. The Second Amendment is a highly controversial subject since it has increased the number of school shootings and other problems caused by the mishandling of these firearms. This is very important since many people think it is crucial to possess a gun to protect themselves. Still, on the other side, there are people concerned about the mishandling of such dangerous objects. The Second Amendment is very beneficial for the United States economy because many deals exist between the government and gun manufacturers. This also benefits the army since weapon manufacturers offer their new products earlier and exclusively to the United States Army and, of course, for a much better price.

In the United States, on March 30, 1939, the Supreme Court discussed and then, on May 15, 1939, decided to sustain a law requiring certification supporting the use of any firearms, also perceived to assure maintaining the effectiveness and assurance of the Second Amendment. After that decision, Congress placed more significant limitations on the possession, transportation of firearms, and weapons prohibition. However, some states questioned whether the Second Amendment achieved the purposes and suggested that the Court should determine in the future whether the right to own firearms should be considered as a safeguard measure to protect the liberties of a republic.

The recent issue of the Second Amendment remained discussed in the United States Supreme Court on March 2, 2010, and finally Decided on June 28, 2010, where it found that it is included in the Fourteenth Amendment and is against the states. The Court discussed whether the right to keep and bear any firearms is necessary to our society. Relied upon prior analysis and perceived the English law of the right to keep arms for self-defense and the importance of the right to the

American colonies, the drafters of the Constitution, and the states as a defense against federal authority.³¹

³¹ *The second amendment right to keep and Bear Arms.* Findlaw. (n.d.). Retrieved October 29, 2021, from <https://constitution.findlaw.com/amendment2.html>.

Most Important Senators

Senator of Florida: Marco Rubio (R)

Florida allows people to bear firearms and assault weapons. They do not require a license to own a gun, however, it is necessary for carrying a concealed firearm, certain rules must be followed to own a gun like not having a felony conviction or not presenting a habitual use of alcohol or drugs. They have implemented school security by giving qualified teachers a firearm before the safety program that they do.

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Senator of Texas: Ted Cruz (R)

The state of Texas has a very small amount of restrictions regarding arms and guns; they do not require permits or licenses to buy, carry or use a firearm, although a background check is required. Ted Cruz believes that the use of guns is part of the Second Amendment and should be respected. "The jurisdictions in this country with the strictest gun control have among the highest rates of crime and murder. When you disarm law-abiding citizens, you make them more likely to be victims."³³

Senator of Alabama: Richard Shelby (R)

In Alabama, there are minimal restrictions when it comes to buying or carrying firearms. There is no need to have a license, permit or background check when buying or using a gun, Richard believes that restrictive gun laws are not the answer to lower violent crimes in the United States. "As a U.S. Senator, I will continue to oppose efforts that attempt to infringe upon the right of law-abiding citizens to keep and bear arms."³⁴ Shelby is dedicated to protecting and supporting the Second Amendment.

³² Khalil, A. (2018, April 3). *Marco Rubio on gun control: It depends who he's talking to*. AP NEWS. Retrieved October 30, 2021, from <https://apnews.com/6e59b5283ecf4a9c81e4e8173dbf7ab2>.

³³ Maria Recio. (2021, March 24). *Day after Deadly Colorado shooting, Ted Cruz fights Democrats' push for gun control*. Austin American-Statesman. Retrieved October 30, 2021, from <https://www.statesman.com/story/news/politics/2021/03/23/boulder-shooting-ted-cruz-defends-gun-rights-criticizes-control/6973188002/>.

³⁴ Shelby, R. (2021). *GUN CONTROL*. United States Senator Richard Shelby. Retrieved October 30, 2021, from <https://www.shelby.senate.gov/public/index.cfm/guncontrol>.

Senator of Michigan: Gary Peters (D)

Michigan has different laws for long guns and handguns; buying and carrying a handgun comes with many laws and rules, while long guns are an easier process, either way, a permit is required to be able to carry a gun. Senator Peters believes that gun violence is an actual issue that needs to be addressed; "We must come together to protect our children from gun violence and I think President Obama put a comprehensive package on the table. There is no single solution to ending gun violence, but we must do what we can to avert future tragedies, including common-sense gun safety measures."³⁵

Senator of California: Alex Padilla (D)

In California, there are extensive laws that need to be followed when buying a firearm, background check, license for concealed carry and magazine capacity are some of the rules that need to be followed. Alex Padilla strongly believes that gun control should be enforced, stating that there should be a reasonable age, and concrete laws. "In a majority of states, new voters are able to obtain a rifle quicker than they're able to cast their first ballot. It seems to me that we have our priorities entirely backward when it comes to this."³⁶

President of the Senate: Kamala Harris (D)

Kamala Harris is the Vice-President of the United States, since her campaign with Biden, they opted to focus on gun control legislation. Harris stated that citizens can keep their Second Amendment rights while having effective gun control, making the

³⁵ H.R. (2020). *Gary Peters on Gun Control*. On the Issues. Retrieved October 30, 2021, from https://www.ontheissues.org/domestic/Gary_Peters_Gun_Control.htm.

³⁶ Press Release. (2021, March 23). *Padilla: Our priorities are entirely backwards when we make it easier to buy a gun than we do to cast a ballot*. Senator Alex Padilla. Retrieved October 30, 2021, from <https://www.padilla.senate.gov/newsroom/press-releases/padilla-our-priorities-are-entirely-backwards-when-we-make-it-easier-to-buy-a-gun-than-we-do-to-cast-a-ballot/>.

country safe for everyone. "This is not about getting rid of the Second Amendment ... It's simply about saying we need reasonable gun safety laws."³⁷

Past US Senate Actions

The Second Amendment is uncommon since no other constitutional provision has lived so short in the law while rising so notable in the areas of policy, politics, and popular culture. The Constitution had in mind the allowance to "have arms" when introducing the Second Amendment. The country's first Constitution was in 1781. It was incorporated in the Articles of Confederation then drafted in the Constitution in Philadelphia in 1787. To provide the defense and to bring constitutional balance, the right to "keep and bear Arms" was then incorporated as a method to accomplish the objective of a "well-regulated Militia."

The Second Amendment was envisioned by the creators of the Constitution, St. George Tucker, the future U.S district Court Judge and Mary law professor in 1803 in 1744-1826 the Second Amendment also allowed state governments with what Luther Martin defined as the "last coup de grace" that would allow the states "to prevent and oppose the general government." By the 1850s, the Court suggested that the right to keep and bear arms became considered mainly for purposes of self-defense.

In 1886, in *Presser vs. Illinois*, the Supreme Court stated that the Second Amendment prevented the states from "prohibiting the people from keeping arms, to deprive the United States of their rightful resource for maintaining public security." Later, in 1929 in *the United States vs. Schwimmer*, the Supreme Court registered the Second Amendment as the responsibility of each individual "to defend our government against all enemies " and holding that "the common defense was one of the purposes for which the people ordained and established the Constitution." Meanwhile, in 1939 in *the United States vs. Miller*, the Supreme Court avoided

³⁷ Elizabeth, E. (2021, March 24). *Kamala Harris urges Senate to act on gun control legislation, says Biden is "prepared to sign"*. CBS News. Retrieved October 30, 2021, from <https://www.cbsnews.com/news/kamala-harris-senate-gun-control-biden/>.

discussing the constitution of the Second Amendment by only holding that the "possession or use of a shotgun having a barrel of fewer than eighteen inches in length" was not "any part of the ordinary military equipment" protected by the Second Amendment.

After the United States vs. Miller decision, the Second Amendment was undecided. This uncertainty was ended in 2008 in District of Columbia vs. Heller, in which the Supreme Court analyzed the Second Amendment. The Supreme Court declared that self-defense was the "central component" of the amendment. The Supreme Court also affirmed that the Second Amendment assured the right of individuals to take part in protection of their liberties by taking up arms in an organized militia. However, the Court insisted that an individual's right to an "organized militia" is not "the sole institutional beneficiary of the Second Amendment's guarantee."

In 2010 it was unclear whether the Court would remain to believe if the second amendment were certain that guaranteed that the right to have an arm was self-defense. The Supreme Court answered that question with its decision on McDonald vs Chicago. However, due to the use of "person," it did not apply. It left many points unresolved, the constitutionality of many federal gun-control regulations, whether the right to carry or conceal a weapon in public, and whether noncitizens are protected through the Fourteenth Amendment's equal protection clause.

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Topic B: Freedom of Choice



Keywords

Sovereignty is a political concept that makes reference to dominant authority or power, the supreme domination to rule within a territory.³⁸

Abortion is a procedure to end the life of a fetus or to stop pregnancy.³⁹

Roe vs. Wade was an argument about whether or not abortion should be granted to women.⁴⁰

Euthanasia is a procedure to end someone's life painlessly while in the hospital or with a terminal illness.⁴¹

The Gilded Age era in the United States was known for extreme political corruption and for technological and social change.⁴²

Clandestine abortion is when the procedure to terminate a pregnancy is made either by someone who lacks the basic skills or in an environment that has minimal medical standards and is not legally apt to perform such procedure.⁴³

Pro-life A side to the conflict of freedom of choice which states that every human has the right to live.⁴⁴

³⁸ *Sovereignty*. Cambridge Dictionary. (n.d.). Retrieved November 19, 2021, from <https://dictionary.cambridge.org/dictionary/english/sovereignty>.

³⁹ *An overview of abortion laws*. Guttmacher Institute. (2021, November 11). Retrieved November 17, 2021, from <https://www.guttmacher.org/state-policy/explore/overview-abortion-laws>.

⁴⁰ *Roe v. Wade*. {{meta.siteName}}. (n.d.). Retrieved November 19, 2021, from <https://www.oyez.org/cases/1971/70-18>.

⁴¹ MediLexicon International. (n.d.). *Euthanasia and assisted suicide: What are they and what do they mean?* Medical News Today. Retrieved November 19, 2021, from <https://www.medicalnewstoday.com/articles/182951>.

⁴² Encyclopædia Britannica, inc. (n.d.). *Gilded age*. Encyclopædia Britannica. Retrieved November 19, 2021, from <https://www.britannica.com/event/Gilded-Age>.

⁴³ *Clandestine abortions: Dangerous and deadly*. Daily Times. (2014, March 19). Retrieved November 19, 2021, from <https://dailytimes.com.pk/105436/clandestine-abortions-dangerous-and-deadly/>.

⁴⁴ **Pro-life**. Cambridge Dictionary. (n.d.). Retrieved November 19, 2021, from <https://dictionary.cambridge.org/dictionary/english/pro-life>.

Pro-choice A side to the conflict of freedom of choice which states that every human has the right to make a choice regarding the body of the human.⁴⁵

Anti-vaxxer A person who refuses to take the recommended vaccines because of any personal or medical reasons.⁴⁶

⁴⁵ Parenthood, P. (n.d.). *Can you explain what pro-choice means and pro-life means?* . Planned Parenthood. Retrieved November 19, 2021, from <https://www.plannedparenthood.org/learn/teens/ask-experts/can-you-explain-what-pro-choice-means-and-pro-life-means-im-supposed-to-do-it-for-a-class-thanks>.

⁴⁶ Merriam-Webster. (n.d.). *Anti-vaxxer definition & meaning*. Merriam-Webster. Retrieved November 19, 2021, from <https://www.merriam-webster.com/dictionary/anti-vaxxer>.

Background

The United States foundation is based on core principles, just as personal privacy, liberty, and equality, which are meant to ensure that individuals have the freedom and sovereignty to make their own decisions with nongovernmental discrimination and interference. The freedom of choice act was a law in the 110th U.S. Congress established the following; "it is the policy of the United States that every woman has the fundamental right to choose to bear a child; terminate a pregnancy before fetal viability, or terminate a pregnancy after viability when necessary to protect her life or her health." It does not allow a state, federal, or local governmental entity from interfering or challenging a woman's natural right to perform such choices; or discriminate against the use of those rights in the provision of regulation of facilities, benefits, information, or services.⁴⁷

One of the decisions considered most difficult, private and personal, is whether to prevent, begin, continue, or stop a pregnancy. Those health decisions are usually best made by women. In 1965, in *Griswold vs. Connecticut*, in 1973, in *Roe vs. Wade*, and *Doe vs. Bolton*, the Supreme Court of the United States acknowledged that the right to privacy is protected by the U.S. The Constitution encloses the right of all women to scale the moral, religious, and personal considerations involved in deciding whether to prevent, begin, terminate or continue a pregnancy. The *Roe vs. Wade* decision carefully balances the natural rights of women to be able to take the important reproductive decisions with the interest of the State in life. After *Doe vs. Bolton* and *Roe vs. Wade*, the human right to privacy protects a woman's decision to abort before fetal viability when the government permitted the ban of abortion after the fetus is viable but there could be exceptions when it is necessary to protect a woman's health or life.⁴⁸

⁴⁷ NHS. (n.d.). *Abortion in The United States*. NHS choices. Retrieved November 17, 2021, from <https://www.nhs.uk/conditions/abortion/>.

⁴⁸ S. 1173 (110th): *Freedom of Choice Act*. GovTrack.us. (2007, April 19). Retrieved November 17, 2021, from <https://www.govtrack.us/congress/bills/110/s1173/text>.

These statements have secured the lives and health of women in the U.S. Before these decisions were established in 1973, more or less 1,200,000 women in the country had no other choice to resort to illegal and clandestine abortions, despite the incompetent treatment, unsanitary conditions, hemorrhage, infections, death, and disfigurement. And thousands of women died as a result of clandestine abortions. In many countries that abortion is still illegal, the usual risk of mortality due to illegal termination of pregnancy is very high. As the WHO said, more or less 600,000 pregnancy-related deaths each year, 80,000 are due to clandestine abortions. The Roe vs. Wade landmark decisions opened opportunities for women to encourage and participate equally in society.

Euthanasia is the intentional act of ending someone's life as a method to end the suffering and pain. Firstly, it was introduced in Ancient Rome and Greece, this practice in the sense of the intentional hastening of a person's death, was supported by Plato, Socrates, and other philosophers. The euthanasia movement started in the United States in the Gilded Age, a time period of technological and social change. Robert Ingersoll was one of the first supporters of euthanasia, in 1894, he said that if someone is in great pain from a terminal illness, they should be able to end safely their pain.⁴⁹

The first strive to legalize euthanasia in the U.S. was when Henry Hunt submitted legislation to the General Assembly in 1906, that led to the first organized debate on euthanasia. Hunt's policy established that a person is of sound mind and lawful age, and was in deep suffering from a fatal disease, injury, or physical pain. A physician and three witnesses should be able to perform euthanasia. This motion was rejected and failed to pass. After 1906, the debate over euthanasia reduced dramatically, and its popularity returned in 1930 in the UK. After many debates, euthanasia is still illegal in all 50 states of the U.S., but the controversy is still going and the Senate's are still debating over this.⁵⁰

⁴⁹ *Death with dignity acts - states that allow Assisted Death.* Death With Dignity. (2021, April 7). Retrieved November 17, 2021, from <https://deathwithdignity.org/learn/death-with-dignity-acts/>.

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Conflict

In the United States, there has been a constant issue regarding own body choices, the most common ones being abortion and euthanasia. Since the beginning of this problem there have been two major sides, pro-life and pro-choice; pro-life specifies that every human deserves to live no matter the circumstances, not even if the person is sick on terminal illness. And pro-choice says that everyone has the right to make a choice whether to terminate someones' life depending on the circumstances. In the topic of abortion, is depending on how long the baby was conceived, because different types of studies specify that the baby is considered a human when he is more than 6 months into pregnancy.⁵¹

In the United States, the first amendment guarantees freedom regarding different possible choices, for example, Religion, Expression, Assembly, and the right to petition.

During the years, this has been a topic of constant debate in the United States as well as in the whole world. Several presidents and senators have expressed their own opinion regarding freedom of speech, and through the years, no permanent solution has been found. Every choice that was made, always affected someone because of their own personal beliefs, that's the reason this topic has not been solved yet, when creating a solution, everyone should be in favor, since this is basically what the topic is about.⁵²

Anti-vax people are a more recent topic and also are part of an issue happening right now in the whole world; 98% of hospitalized and deceased people due to COVID-19

⁵¹ *Freedom of choice*. LDOCE. (n.d.). Retrieved November 19, 2021, from <https://www.ldoceonline.com/dictionary/freedom-of-choice>.

⁵² *The bill of rights to the U.S. constitution*. American Civil Liberties Union. (n.d.). Retrieved November 19, 2021, from <https://www.aclu.org/other/bill-rights-us-constitution>.

have one very important factor in common, even when they were available for the shot, they decided not to get it, 46% of Republicans in the US weren't vaccinated in studies made on September 5th, 2021.⁵³

Present Situation

The United States accomplishes powerful rule-of-law traditions, Freedom of expression, religious beliefs, and civil rights. However, in recent years, its democratic institutions have been suffering due to dysfunction in the criminal justice system, harmful immigration and asylum seekers policies, growing disparities in wealth and economic opportunity, and political influence.

During the last year throughout the country due to COVID-19 pandemic, the United States suffered continuous waves, leaving some 340,000 people dead and more than 19 million confirmed cases by year's end, by The American Civil Liberties Union has been involved in essentially all First Amendment cases to reach the U.S. Supreme Court.⁵⁴

The struggle and debate in our present situation of Freedom of choice are on "The Elimination of All Forms of Intolerance and Discrimination based on religion or beliefs." It remains committed to the preservation of every individual's Freedom of expression.

During the 1980s, the court supported the right of every individual, including artists and entertainers, to achieve a free of government and private censorship. During the 1990s, the organization fought to protect free speech in cyberspace when state and federal governments attempted to impose content-based regulations on the Internet.⁵⁵

⁵³ Legal Information Institute. (n.d.). *First Amendment*. Legal Information Institute. Retrieved November 19, 2021, from https://www.law.cornell.edu/constitution/first_amendment.

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⁵⁵ Bonokoski, M. (2021, August 5). *Bonokoski: Anti-vaxxers have freedom of choice but not wisdom*. torontosun. Retrieved November 19, 2021, from <https://torontosun.com/opinion/columnists/bonokoski-anti-vaxxers-have-freedom-of-choice-but-not-wisdom>.

In addition, during the United States Senate council, Barack Obama co-sponsored the 2007 Senate version of the Freedom of Choice Act. Responding to a question on how he would protect every right in a speech given on July 17, 2007, Obama stated, "The first thing I'd do, as president, is sign the Freedom of Choice Act. That's the first thing that I'd do."⁵⁶

⁵⁶ *Obameter*. PolitiFact. (n.d.). Retrieved November 19, 2021, from <https://www.politifact.com/truth-o-meter/promises/obameter/promise/501/sign-the-freedom-of-choice-act/>

Most Important Senators

Senator of Texas: Ted Cruz (R)

On May 19, Texas signed for an abortion bill that stated that if there was a fetal heartbeat abortion could not be a legal option. This caused the banning of abortion after six weeks. The bill will be issued with the help of private citizens by suing people who help women to get abortions, including the doctors and medical staff. This bill became legal on September 1st.⁵⁷ Texas law states that healthcare facilities can decide to keep or stop life-sustaining treatment, excluding the patient or person on making a choice over the situation. ⁵⁸

Senator of South Carolina: Tim Scott (R)

The government of South Carolina stated a law to ban abortion when there is a present fetal. This measure was temporarily blocked with the exception of rape or incest, in this case, there is a risk in the woman's life or if the fetus is fewer than 20 weeks into the pregnancy. Euthanasia is not authorized by the law of the state, any other method that intervenes into the process of naturally dying is not allowed. ⁵⁹

Senator of Kentucky: Mitch McConnell (R)

The Kentucky law states, "give medically appropriate and reasonable life-saving and life-sustaining medical care and treatment to all born-alive infants," this includes the fetal state. Any abortion clinic in Kentucky is violating the law in an explicit way; the state expressed that "there is no constitutional right to abortion or required government abortion funding."⁶⁰ The Kentucky law does not condone euthanasia nor permit the act to end a life in a legal way, the withdrawal of life support on a hospital

⁵⁷ Hubbard, K. (2021, September 1). *A guide to abortion laws by state | best states | US news*. USNews. Retrieved November 17, 2021, from <https://www.usnews.com/news/best-states/articles/a-guide-to-abortion-laws-by-state>.

⁵⁸ Texas. Patients Rights Council. (2018). Retrieved November 17, 2021, from <https://www.patientsrightscouncil.org/site/texas/>

⁵⁹ *South Carolina euthanasia laws*. Findlaw. (2016, June 21). Retrieved November 17, 2021, from <https://www.findlaw.com/state/south-carolina-law/south-carolina-euthanasia-laws.html>.

⁶⁰ Hubbard, K. (2021, September 1). *A guide to abortion laws by state | best states | US news*. USNews. Retrieved November 17, 2021, from <https://www.usnews.com/news/best-states/articles/a-guide-to-abortion-laws-by-state>.

is not seen as suicide. If this occurs, it is processed as a Class C felony, carrying 5 to 10 years in prison and a fine.⁶¹

Senator of Arizona: Kyrsten Sinema (D)

In the state of Arizona, abortions sought by a genetic abnormality or syndrome were recently banned. This also includes medications to abort or independent abortion clinics. However, a safe and legal abortion is permitted, they have certain laws that help the women that are having an abortion to have the procedure in the safest way possible with surprise inspections in clinics, they also require a medical license to make such procedures. Assisted suicide or euthanasia is not authorized nor approved by the law, however with the help of an attorney, the withhold of life support is permitted when a patient can't survive on their own. ⁶²

Senator of New York: Chuck Schumer (D)

The New York law allows certified doctors with an active license to perform the procedure of an abortion on a woman that is 24 weeks or less of pregnancy. After the 24 weeks, the abortion is only allowed if the life of the fetus or the mother is at risk, and the decision is made by the health care worker; the law does not define specifically the criteria to the health status after 24 weeks of pregnancy.⁶³ In New York, euthanasia or assisted suicide is considered a crime claimed as a second degree manslaughter, the laws of the state specifies that any type of assisted suicide is not permitted.⁶⁴

President of the Senate: Kamala Harris (D)

⁶¹ Kentucky euthanasia laws. Findlaw. (2016, June 21). Retrieved November 17, 2021, from <https://www.findlaw.com/state/kentucky-law/kentucky-euthanasia-laws.html>.

⁶² Arizona euthanasia laws. Findlaw. (2016, June 21). Retrieved November 17, 2021, from <https://www.findlaw.com/state/arizona-law/arizona-euthanasia-laws.html>.

⁶³ Abortion. Abortion - NYC Health. (2020). Retrieved November 17, 2021, from <https://www1.nyc.gov/site/doh/health/health-topics/abortion.page>.

⁶⁴ New York. Death With Dignity. (2021, July 28). Retrieved November 17, 2021, from <https://deathwithdignity.org/states/new-york/>.

Vice President Kamala Harris states, “We will use every lever of our Administration to defend the right to safe and legal abortion—and to strengthen that right.”⁶⁵ She strongly supports the right to have an abortion, additionally, she supports the “My body, my choice” movement.

Past Senate Action

The First Amendment was approved, on December 15 of 1791, in the first ten amendments to the United States Constitution as part of the Bill of Rights. The Bill of Rights grants constitutional protection for certain individual liberties, including freedoms of speech, assembly, and worship. The debate continues about the meaning of Freedom of speech and its First Amendment companion, Freedom of the press.⁶⁶

In 1917 after World War 1, the United States Congress passed the Espionage Act. The law banned interruption in military operations or recruitment.

Eugene Debs, the American labor leader, and Socialist Party activist, also were held in 1918 after giving a speech encouraging others not to join the military under the Espionage Act. In 1919 The Supreme Court decided a series of cases that helped define free speech limitations.⁶⁷

In 1919, in Debs vs. The United States, the U.S. Supreme Court upheld the constitutionality of the Espionage Act, that The Supreme Court has interpreted artistic Freedom broadly as a form of free speech. In 1943, in the Supreme Court, Justice Benjamin Cardozo declared, “the indispensable condition of nearly every other form of freedom.” Countless other justices, commentators, philosophers, and

⁶⁵ Harris, K. (2021, September 2). *Statement by vice president Kamala Harris on Supreme Court ruling on Texas law SB8*. The White House. Retrieved November 17, 2021, from <https://www.whitehouse.gov/briefing-room/statements-releases/2021/09/02/statement-by-vice-president-kamala-harris-on-supreme-court-ruling-on-texas-law-sb8/>.

⁶⁶ U.S. Constitution - First Amendment | Resources ... (n.d.). Retrieved November 19, 2021, from <https://constitution.congress.gov/constitution/amendment-1/>.

⁶⁷ History.com Editors. (2017, December 4). *First Amendment*. History.com. Retrieved November 19, 2021, from <https://www.history.com/topics/united-states-constitution/first-amendment>.

more have stated over the critically important role of Freedom of speech in promoting and maintaining democracy.⁶⁸

Freedom of expression, the Supreme Court leans on a principle called “content neutrality.” This means the government can’t restrict expression because some population segment finds the content offensive.⁶⁹

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