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Topic A: Gun Policy

I. Background

There are few issues more divisive in the United States than the issue of gun control. There exists a part of the country that believes that Americans are endowed by the Constitution with a right to bear arms to protect against lethal threats, and another part that believes that guns are killing machines that perpetuate the relatively high rates of violent crimes in America. In the wake of the current crisis of mass shootings, it seems that the latter argument is closer to reality than the former. America is currently in a state in which there are more than 30,000 gun deaths per year, far exceeding that of other developed countries (“A History of Violence”). Currently, 60 percent of Americans favor stricter gun control laws and the majority of both the Democrats and Republicans support further restrictions, such as banning high capacity magazines or making private gun sales subject to background checks (Schaeffer). A vast majority of Democrats and half of Republicans advocate for a ban on assault weapons, the main perpetrator of gun violence in mass shootings (Schaeffer). This bipartisan consensus on gun control shows that Americans are ready to see Washington implement meaningful gun reform to stop widespread gun violence.

The movement for gun control has a surprisingly extensive history in the United States. The first piece of gun control legislation enacted at the national level was the National Firearms Act. The act was passed in 1934 under the Franklin D. Roosevelt administration as part of his “New Deal for Crime,” a response to the growing presence of organized crime, such as with incidents such as the Saint Valentine's Day Massacre (Gray). The National Firearms Act of 1934

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levied a 200 dollar tax on the manufacturing and sale of what the act deemed to be “firearms,” a classification that included short-barrelled shotguns and rifles, as well as machine guns (United States, Congress 1236-37). The passage of this law represented one of the first attempts to address violent crime through gun control, albeit in a very limited sense at the time.

The next piece of major gun legislation to be passed was the Gun Control Act of 1968, passed under President Lyndon B. Johnson (Gray). This act was a direct response to the assassinations of John F. Kennedy, Robert Kennedy, and Martin Luther King Jr, superseding the National Firearms Act as the primary federal regulation of firearms in the United States (“History of Gun-Control Legislation”). The Gun Control Act of 1968 set age restrictions for gun purchases, stating that a person must be eighteen or older to purchase a standard shotgun or rifle and twenty-one or older to purchase any other firearm (United States, Congress 1218-21). The act also prohibited the sale of firearms specific individuals including felons and the mentally ill (United States, Congress 1218-21). These implemented restrictions were a considerable step in federal gun control policy development, showing that the government was willing to restrict gun ownership rights to reduce gun violence and keep Americans safe.

II. Past Action

As a former state prosecutor and Attorney General of California, I have come to witness the devastating effects of gun violence within the United States. That is why, throughout my tenure in the Senate, I have fought tooth and nail to enact positive and meaningful gun-control legislation. On the one year anniversary of the Parkland mass shooting, I cosponsored the Extreme Risk Protection Order Act, a bill introduced by U.S. Senator Dianne Feinstein. The

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measure would create court processes allowing family members to petition a court for an order to confiscate any firearm from a “dangerous individual,” defined as “someone who poses a threat to themselves or others” (“S.506”). The bill also mandates that “red-flag” individuals would be listed in the National Instant Criminal Background Check System and be temporarily blocked from purchasing any firearms from federally licensed dealers. “Red-flag” laws strengthening background checks are more widely accepted within Congress because they do not directly infringe on the 2nd amendment, making measures like this one much more viable to survive a vote in a Republican-majority Senate.

In addition, I cosponsored the Disarm Hate Act, a bill introduced by Rep. David Cicilline of Rhode Island earlier this year aimed at preventing gun violence perpetrated by white supremacists and other hateful individuals (“H.R.2708”). If signed into law, the Disarm Hate Act would add those convicted of a misdemeanor hate crime to the list of individuals prohibited from owning or purchasing a firearm. This measure acts similarly as a “red-flag” law by simply expanding the definition of “dangerous individual” to include those who have committed hate crimes.

Another bill I cosponsored was the Assault Weapons Ban of 2017 (“S.2095”), a bill to replace the original Public Safety and Recreational Firearms Use Protection Act of 1994 by banning the manufacturing, distribution, and purchasing of AR-15 style firearms. Although this bill died in Congress, its type is still the only gun legislation to have drastically reduced gun violence in the United States.

III. Potential Solutions

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Sandy Hook, Orlando, and Las Vegas are only a few of the many examples that point towards stricter gun control. When the capitulation of Republicans in Washington to the NRA is threatening the safety of our own lives and that of our children, it is clear that something must be done to protect all Americans from the terror of gun violence in an age of mass shootings. To address this pressing issue, I propose a comprehensive plan to address gun violence head-on. As a current candidate running for president, I have already announced the policies that I plan to implement as President of the United States (“Action on Gun Violence”). While these are policy plans for if I am elected president, I would be just as willing to implement these policies directly through legislative action. The plan that I propose consists of three main parts: banning assault weapons with a mandatory buyback program, repealing the Protection of Lawful Commerce in Arms Act, and expanding the definition of a “gun dealer” to include participants in private sales.

Assault weapons have been the main perpetrator of mass shootings, with the name itself implying the intent to hurt others. I propose that these weapons, having seemingly no just purpose in America, should be banned with no delay and with full force. The way this could be done is through a passage of a bill prohibiting the manufacture, sale, or use of assault weapons for civilians. This ban would define assault weapons as any firearm that was originally manufactured for military use, and all civilian variants of that firearm may also be subject to the ban. At the same time, a mandatory buyback program would be initiated to collect all existing civilian-owned assault weapons, conducted by the Bureau of Alcohol, Tobacco, Firearms, and Explosives on a nationwide basis. Owners of firearms subject to the ban would have up to one year to return any banned weapons in return for monetary compensation. Failure to do so would

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prevent that individual from owning a firearm of any type or face a fine of at least 5000 dollars and possible imprisonment for up to 2 years. This would in effect eliminate any legal means for an individual to make, sell, or obtain an assault weapon.

Another enabler of gun violence is the existence of the Protection of Lawful Commerce in Arms Act. The PLCAA was passed by the Senate in 2005 to “To prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others” (United States, Congress, Senate). This, in practice, makes it nearly impossible for victims of gun violence to sue gun manufacturers for negligence or business malpractices. By repealing this act, gun manufacturers could be held responsible for possible damages due to their poor business practices or negligence. While the gun lobbyists might argue that the repealing of the PLCAA would place too much pressure on gun manufacturers due to the number of potential suits filed against them, this just shows that it is highly likely that the gun industry has committed illegal practices and should be liable to compensate for damages. The repeal of the PLCAA also would by no means stop prevent gun manufacturers from defending against such lawsuits in the court of law.

Finally, to make sure all gun sales follow background check procedures and are made aware of to the government, the definition of a “gun dealer” must be broadened. Under current firearms licensing regulation, any person “engaged in the business of” selling firearms must register for a dealer’s license (U.S. Department 2). While this covers most individuals that sell guns as a livelihood, it notably exempts those who sell guns on a private, occasional, basis from

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having to register for a license (U.S. Department 2). To make sure that no gun sales go unnoticed by the government, I propose broadening the definition of a gun dealer to include all individuals that have sold five or more firearms, making sure that all those who sell weapons repeatedly, whether on an occasional or regular basis, is licensed and recorded by the ATF. This greatly reduces the number of gun sales conducted without proper background checks, reducing the likelihood that a firearm may end up in the wrong hands and allowing the ATF to better enforce gun laws.

Overall, these plans seek to provide Americans with greater security from the grave threat of gun violence. Through the adoption of these measures, the number of mass shootings can be greatly reduced as people will no longer have the means to obtain such powerful instruments of death. It is our responsibility as senators to serve and protect the American people rather than serve the special interests of the NRA and gun manufacturers. Only then can we ensure a safe future for America devoid of widespread gun violence.

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Topic B: The Legalization of Marijuana

I. Background

The legalization of marijuana is more popular than ever before. In a 2018 Gallup poll, 66% of Americans said they supported the legalization of marijuana, an all-time high (Jones). Despite a majority of the public supporting legalization, strong opposition from GOP lawmakers has blocked any possible progress attempted by Democrats in Congress to take steps towards legalization, and marijuana remains a Schedule 1 drug, defined as “no valid medical uses and a high potential for abuse” (“Drug Scheduling”). Although there is a great partisan divide on the issue, the introduction alone of the Ending Federal Prohibition of Marijuana Act of 2019 in the House of Representatives is an accomplishment compared to the uncompromising political opposition of marijuana from decades past.

Although marijuana had been previously regulated by the federal government since the Marijuana Tax Act of 1937, the first meaningful piece of drug legislation concerning the regulation of marijuana was not until the Nixon Administration when Congress passed the Controlled Substances Act, labeling marijuana as a Schedule 1 drug (Martin). This marked the beginning of the War on Drugs, an initiative of the Nixon Administration to aggressively pursue and prosecute drug-related offenses, which Nixon believed were the root causes of many of the United States’ social issues at the time. Despite this strict federal ban, by 1980 Oregon, Alaska, and Maine had all introduced state legislation decriminalizing marijuana. Since then ten states (including California) and Washington D.C. have legalized the drug, and currently there only remain nine states where marijuana is completely illegal (“Map of Marijuana”). This steady trend

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of legalization of the drug stems from persistent activism from groups greatly affected by the war on drugs. In addition, studies from groups such as the Schafer Commission (United States, Congress), a group appointed by President Nixon to study the effect of marijuana on American society, that called for the decriminalization of the drug supported the movement towards legalization by debunking the fear and criticism surrounding the drug that the federal government had generated during as a part of the War on Drugs.

In recent years, legalization movements have focused their activism around criticizing the war on drugs, specifically Nixon and Reagan's use of the War on Drugs to perpetrate the mass incarceration of African Americans to take away their political power. Currently, African Americans make up 30% of marijuana-related arrests, despite only representing 14% of marijuana users in the United States (King and Mauer). Calls for legalization are now accompanied by calls for the annulment of marijuana-related criminal convictions, showing that the legalization of marijuana has shifted from pure interest in the drug to a call for reform a flawed part of the criminal justice system. With all of this information available to the public, the majority of the country is leaning towards legalization at the federal level, despite opposition from a powerful minority.

II. Past Action

Throughout my political career, my stance on the legalization of marijuana has changed. I fully acknowledge that as district attorney for San Francisco I supported the legalization of medical marijuana but not that of recreational marijuana (Lybrand), but since then I have come to believe that the federal ban on marijuana possession is not substantiated and that the

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criminalization of marijuana disproportionately affects people of color, contributing to the system of mass incarceration and the racial divide in America. As a senator, I have co-sponsored or introduced several bills that aim at protecting those convicted for marijuana possession and bills that aim to advance marijuana legalization at a federal level.

One piece of legislation that I have supported is the Marijuana Justice Act, of which I am a cosponsor. This act was introduced into Congress by Senator Cory Booker and Representatives Barbara Lee and Ro Khanna, seeking to counter the effects the War on Drugs has had on disadvantaged communities (“Booker, Lee, Khana”). The bill would take marijuana off the list of controlled substances and grant expungement to those convicted of marijuana use or possession (“Booker, Lee, Khana”). The bill most importantly establishes a community to fund those impacted by the War on Drugs, with the ability to fund projects such as job retraining programs or community centers (“Booker, Lee, Khana”). This bill shows that politicians in both the House and Senate are ready to act on marijuana reform to undo the injustices caused by the War on Drugs.

In July of this year, together with Representative Jerrold Nadler, I introduced the Marijuana Opportunity Reinvestment and Expungement Act into Congress (“Harris, Nadler”). This act would decriminalize marijuana federally, removing it from the Controlled Substances Act (“Harris, Nadler”). Similar to the Marijuana Justice Act, the act introduced by Nadler and I would also expunge the records of those convicted for marijuana possession, adding in protections that ensure that users and formerly convicted possessors of marijuana cannot face discrimination in getting access to public benefits (“Harris, Nadler”). The act also places a five

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percent sales tax on marijuana to fund social programs to help those that were disproportionately affected by marijuana criminalization (“Harris, Nadler”). This act reflects the efforts of Booker, Lee, and Khan, showing that Democrats have a broad consensus on what they want to see done about the status of marijuana. This act is an example of the correct step forward in pushing for the legalization of marijuana, by introducing decriminalization and rehabilitation efforts at the same time. While the recreational use of marijuana should be a legal reality in America, the most important aspect when addressing marijuana reform is making sure that those with past convictions for marijuana possession do not face unfair treatment.

III. Potential Solutions

At the turn of the century, marijuana arrests made up 45% of the 1.5 million annual drug arrests, costing an estimated \$4 billion each year to arrest and prosecute marijuana offenders (King and Mauer). This is unreasonable and unacceptable. There is only one solution to this: marijuana must be legalized. Following the demands of our constituents as well as the lack of foundation for the current restrictive legislation regarding the drug, it is time to enact blanket legalization of both medical and recreational marijuana and expunge all criminal records of marijuana-related offenses. The benefits of legalization can be seen in states such as California, who just this year posted \$3.1 billion in licensed sales of marijuana (8). However, the annual revenue of California’s marijuana black market was over twice that amount, an estimated \$8.7 billion. If marijuana was federally legalized, there would be no need for a marijuana black market and that revenue could be taxed by the government.

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The legalization of Marijuana must also result in the expungement of marijuana-related offenses from all criminal records, meaning possibly thousands of formerly incarcerated people leaving jail and prison and reentering society all at once. To handle this sudden influx of people into society, I propose a 6% sales tax on all marijuana products to generate revenue that would then be put towards grants, job training, reentry programs, and more ways to assist formerly incarcerated individuals. Unfortunately, with staunch opposition from Republican lawmakers, blanket legalization is likely unattainable. However, there is room to compromise and still enact meaningful reform. A moderate compromise on this issue would be to legalize medical marijuana while still maintaining the federal ban on recreational marijuana. This would allow medical institutes to research and study the medical potential of marijuana, creating the possibility of a new industry that would provide Americans with jobs and economic revenue, while not requiring any major structural reform.

In the end, any moderate reforms with compromised policies are simply stepping stones towards the complete legalization of marijuana. By adopting any of these measures, the United States will gain an economic boost as a new, profitable industry creates jobs; save billions of dollars per year due to a reduction in spending on law enforcement regarding marijuana; and grant freedom to thousands of formerly incarcerated people who have long since paid their debt to society. The benefits of legalization far outweigh the evident drawbacks, and it is high time we senators pass meaningful legislation making the War on Drugs a thing of the past.

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