

THAIMUN VIII - 27th March - 28th March 2021

United States Congress Committee



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**Topics to be debated: The question of reforming the US electoral system;
The question of combating systemic racism;**

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THAIMUN VIII Chair Report United States Senate Congress



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President Pro Tempore: Edward Yumin Oh (Patrick Leahy)
Senate Backroom: Jin Soo Kim
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Committee Overview¹

Structure of the American Government

Following the implementation of the Constitution of the United States of America in 1787, three autonomous branches of government - Legislative, Executive and Judicial - were created, each with a distinct role.

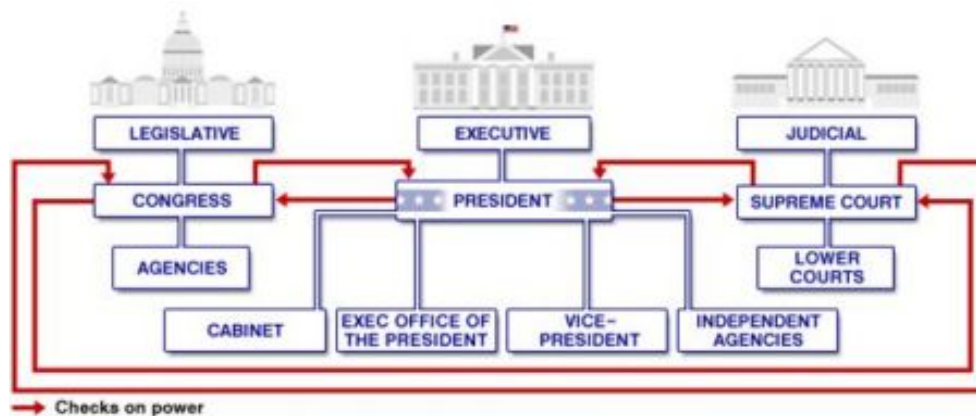


Figure 1: a simplified diagram of the 'Checks and Balances' system that exists between the three branches of government, BBC News

The Legislative Branch (Congress) is the law-making organ of the government. It has two different parliaments: the House of Representatives and the Senate. Each state's representation in The House of Representatives is determined by its population (proportional representation). For instance, California has fifty-two representatives, while Vermont has one. The Senate - the second assembly of the Bicameral Congress - also consists of representatives (Senators) from each state, but has a fixed number of two Senators per state (equal representation). For a bill to be made law, it is required to pass through both the House of Representatives and the Senate.

Based in the White House, the Executive Branch is headed by the President of the United States. The President's role, as stated in the Constitution, is to "take care that the laws be faithfully executed" and to, as said in the Oath of Office, to "preserve, protect and defend" the Constitution.

Lastly, the role of the Judicial Branch, of which the Supreme Court is the highest court of land followed by the Federal Court (State Level); is to ensure that the articles of the Constitution are upheld, and that the laws created by the Legislative Branch are exercised.

The power of the government is split amongst the three branches to ensure that a single person or group does not gain too much control; each branch complements the powers of the others, but also limits their powers. For a more detailed explanation of the composition of the government, visit: <http://www.history.com/topics/checks-and-balances>.

¹Credits to Suyash Kothari, Jira Trinetkamol, Chittawan Boonsitanon, and Justin Potisit

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Although the *THAIMUN United States Congress Committee* models the Senate, it is important to understand the roles of other governmental branches as the 'Checks and Balances' system will be replicated: decisions and directives will pass through the Backroom Chairs who will act as the relevant third party (for instance, the House of Representatives).

The Purpose of the Senate

The responsibility of the Senate includes accepting treaties with other countries. It also has the responsibility of confirming presidential appointments (e.g. judges, cabinet members and foreign ambassadors) and can even block appointments, forcing the President to choose someone else for the job. The Senate is also responsible for investigating matters of national interest (for instance, the Vietnam War). These are examples of how the Senate checks on the other branches of government (Checks and Balances).

More Congressional Powers

The common powers of the Congress are listed in Article I Section 8. These are the enumerated or delegated power of Congress. They include the power to:

- Collect taxes, pay debts, and provide for the common defense and general welfare
- Borrow money
- Regulate commerce among the states (interstate commerce) and with foreign countries
- Establish uniform laws dealing with immigration, naturalization and bankruptcies
- Coin money
- Make laws regarding the punishment for counterfeiting
- Establish post offices
- Make copyright laws
- Establish federal courts in addition to the supreme court
- Define and punish piracy
- Declare war
- Raise and support armies and a navy
- Create a national guard

Senators should note that although the congressional powers listed above may not be directly relevant to the topics being debated, they may be useful for reference.

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The post-Trump-Presidency Senate

The climate of the Trump-era senate has seen intense criticism from the public and the former president for its inability to compromise. With the congress as new as it is, public opinion wills for a more bi-partisan senate. President Biden, in his inaugural speech, similarly reaffirmed the public's stance: "This is our historic moment of crisis and challenge, and unity is the path forward." With three new seats for the Democratic Party shifting the majority since 2011, Americans are counting on the newly formed 117th United States Congress in dealing with the social and political repercussions of the Trump Presidency.

The Democratic party currently has a majority in the Senate with 50 seats, while the Republican Party is the minority, holding 48 seats. The remaining two seats are held by Independent Senators, who primarily caucus with the Democrats. Votes based on party, while still a driving force for senators, takes less precedence than it had in the previous administration. Major legislation by Democrats will require both Republican and Independent Senators nevertheless.

Senators at THAIMUN should represent and support the cause of the party they belong to, but should also adopt a bipartisan spirit to a certain extent.

Important Key Terms

The 'GOP' or the *Great Old Party* is a term used to refer to the Republican Party.

The House is the shorthand name of the House of Representatives, also known as the Lower House.

The Upper House is an alternative name for the Senate.

Bicameral Legislature is a term used to describe the two-chamber structure of Congress.

Bills are documents that are being considered in the Senate but have not yet been signed into Law.

Majority Leader is the title given to the elected leading Senator of the Majority Party. As the current Majority Party is the Democratic Party, the Majority Leader is Democratic Senator Chuck Schumer of New York.

Minority Leader similarly is the title given to the elected leading Senator of the Minority Party. As the current Minority Party is the Republican Party, the current holder of the position is the Republican Senator Mitch McConnell of Kentucky.

Partisanship is a strong allegiance to a party. Excessive partisanship among Senators is often criticized as it puts the interests of a party above those of Country.

Bipartisanship is an agreement or cooperation between two opposing parties (i.e. between the

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Democrats and Republicans) in an attempt to effectively solve an issue or pass a bill.

Interest Groups are linkage groups that are public or private organizations, with various affiliations, or committees that have as their goal the dissemination of its membership's viewpoint (i.e. lobbying groups, donors, social movements, etc.). Their goal is to persuade policy-makers to respond to the group's perspective.

Lobbyists are those who carry out special interests in the form of lobbying and political action via political action committees. They can take on an affiliation based on specialized membership such as unions, associations, leagues, and committees.

Federal is an adjective describing a policy or a group that exists in all states of the US. Essentially, it means 'country-wide'. For instance, same-sex marriage is now legal federally. The US has a Federal Government, but also has individual State Governments.

Congressional Jargon (optional)

Conference Committees are temporary bodies that are formed to resolve differences between House and Senate versions of a bill.

Seniority is an unwritten rule in both houses of Congress reserving committee chairs to members of the committee with the longest records of continuous service.

Filibuster is a way of delaying or preventing action on a bill by using long speeches and unlimited debate time to "talk a bill to death" (unseemly, do not do this).

Cloture is a senate motion to end filibuster. Cloture requires a three-fifths vote.

Logrolling is a tactic of mutual aid and vote trading among legislators.

Oversight is the congressional review of the activities of an executive agency, department, or office.

Stances

The Republican Party holds conservative views while the Democratic Party is more liberal. The table below provides an overview of each party's stance:

Republican Party	Democratic Party
Against reforming the electoral college	Desires for reforms to or the outright abolishment of the electoral college
Some believe the notion of widespread voter fraud during the 2020 election in favor of Biden	Trusts in the competence of the American Government on a precinct-level during electoral processes

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Does not believe or denies that systemic racism exists	Believes that systemic, institutional racism exists
Pro-life: Against most types, if not all, of abortions	Pro-choice: Against restrictions on abortions
Opposed to raising taxes, with some in support of a flat tax regardless of income	Believes in a tax rate proportional to income
Supports increased military spending	In favor of decreasing military spending

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The question of reforming the US electoral system

By: Sybert De Los Santos and Edward Yumin Oh

Key Terms

1. **Caucuses:** Private meetings run by political party leaders, held on the county or district level. It is done to select candidates, elect convention delegates and to establish the party's positions on certain issues.
2. **Primaries:** Preliminary election where members of a political party vote for candidates of their party. Most states use primaries to decide on candidates, though many still use a mix of caucus and primaries.
 - a. **Open Primaries:** Citizens can vote for the nominee of any party, regardless of registered party. *E.g. A Democrat in New Hampshire can vote for a Republican nominee.*
 - b. **Closed Primaries:** Only voters registered with the party can vote for the party nominee.
 - c. **Super Tuesday:** An event, often in March, where over 20 primaries and caucuses for the presidential election are held across select states.
3. **National Conventions:** Each party holds a national convention in order to choose a final presidential nominee, announced by the end of the event. The presidential nominee also announces their running mate at this time. The nominee is chosen based on the delegates elected from the primaries and caucuses.
4. **General Election:** The entirety of the United States votes for the nominee they believe should become president. When they cast their vote, however, they are not directly voting for the President but a group of people called electors.
5. **Electoral College:** Each state receives a certain number of electors based on the number of Senators and House Representatives they have. Results from the General Election determines Electoral College members, Electors, who are not actually part of Congress. Electors in turn vote for and decide who becomes president.
6. **Gerrymandering:** The practice of manipulating district boundaries to unfairly establish a political advantage.
7. **Spoiler Effect:** Vote splitting between candidates of similar ideologies ultimately leading to the opposing side's victory. *E.g. Candidate B has 49%, Candidate C has 48%, and*

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Candidate D has 3%. Candidates C and D have similar ideologies, and would've won if they pooled together. Because of the Spoiler Effect, Candidate B wins instead.

8. **Proportional Representation:** Divisions in an electorate are reflected proportionally in the elected body. In Primaries, this is the method by which electors, but not the president, is chosen.
9. **Plurality:** One candidate per vote, and whichever candidate polls higher than the others wins. This is the current system used to decide presidential candidates.
10. **Popular Vote:** The system where regardless of electoral college, the presidential nominee with the highest national percentage of votes automatically wins.

Background

The electoral system in the United States has a long and tenured history dating back to the founding of the nation from its thirteen original colonies. The Presidential nominee is chosen through **Caucuses** and **Primaries** within their parties. Contending nominees in the party will then campaign up until a **National Convention**, by which the final Presidential nominee of that party is decided by popular vote. By the general election, each party will have chosen one nominee to represent them on a national scale.

The **General Election** uses the **Electoral College**, in which instead of electing the President by a popular vote, it is instead done so state by state. Each state receives a certain number of **Electors** based on its number of members in congress. Presidential candidates campaign against one another in each state. On the state level, it becomes a winner-take-all system for state electors. Whichever candidate wins the majority of the state's vote, and thus the state's electors, they win all of that state's electors in the general election. The original intention behind this electoral system was to give smaller farming states power to stand toe-to-toe to larger, metropolitan states, as well as to mimic congress in choosing a President.

However, James Madison and the founding fathers failed to account for the rise of political parties and the overrepresentation of states. Because of the pivotal clout given to states, there have been five cases of the popular vote losing the presidency — two of which occurring only in the past two decades (Al Gore against George W. Bush in 2000, Hillary Clinton against Donald Trump in 2016).

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Public Opinion & Criticisms

In polls operated by Democrat and Republican organizations like Civis and Gallup, there is a small national majority to reform the Electoral College. As of September 2020, 61% of registered American voters are in favor of amending the constitution, replacing the electoral college with a popular vote. It should be noted that this issue is indeed a politically divisive issue among the major parties. The same poll's 61% consisted of 89% of Democrats and 23% of Republicans. Some states have argued that by reforming the Electoral College, it may serve detrimental to the power rural voters and those in smaller states have in choosing the president, particularly impacting Hawaii, Iowa and the Midwest — states whose idiosyncratic issues went largely ignored in recent elections. The winner-take-all serves as horse blinders for candidates to focus their campaigns on states with more electoral college votes, as opposed to campaigning towards all Americans equally.

Senators should also note the considerable backing of nonpartisan organizations such as FairVote and the National Popular Vote. With the closeness of Gore v. Bush 2000, the 2016 election with Hillary Clinton losing the presidency despite winning the popular vote, and the most recent, incredibly divisive Biden win, the nation at this time has an unparalleled opportunity to reform the electoral system. Senators' mission in this is to increase clarity and avoid another insurrection.

Possible Solutions

Changing or outright abolishing the Electoral College requires an amendment to the Constitution. As such, it requires two-thirds of congress and three-quarters of state legislators. Previously taken and ongoing plans to reform the electoral system include the National Popular Vote Interstate Compact, which is a non-congressional compact between a group of states to award all their electoral votes to the presidential candidate who wins the popular vote; and the constitutional amendment proposed by Schatz, Durbin, Feinstein, and Gillibrand, which was met with both support and criticism from both sides of the aisle.

Members of the Senate should undergo careful and rigorous debate in order to reach a consensus that reflects the will of the American people that each senator represents. Voting is the fundamental right of all Americans— as such, changes made to the Electoral College affects each and every American and America's system of democracy in electing our democratic leaders. As any changes or amendments to the Electoral College and henceforth, the Constitution, requires a consensus of the majority, Senators should engage in reasonable debate with consideration to the best interests of the American people.

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The question of combating systemic racism

By: Daniel Yim and JIn Soo Kim

Key Terms

1. **Systemic racism:** A form of racism that is embedded as normal practice within society or an organization
2. **Racial Equality:** A situation in which people of all races are treated fairly and in the same way.
3. **White Privilege:** refers to whites' historical and contemporary advantages in access to quality education, decent jobs and liveable wages, homeownership, retirement benefits, wealth and so on.
4. **Institutional Racism:** Institutional racism refers to the policies and practices within and across institutions that, intentionally or not, produce outcomes that chronically favor, or put a racial group at a disadvantage.
5. **Individual Racism:** When persons "believe themselves to be superior to others because of the color of their skin or their ethnic background
6. **Diversity:** All the ways in which people differ. Also all the different characteristics that make one individual or group different to another.
7. **Ethnicity:** The fact or state of belonging to a social group that has a common national or cultural tradition
8. **Minorities:** Number of people whose ethnicities is significantly lower than that of the dominant ethnicity in a region or area.
9. **Cultural Misrepresentations:** Refer to popular stereotypes, images, frames and narratives that are socialized and reinforced by popular media and other forms of mass-communication. These sources often paint an inaccurate and often racist picture of minorities that leads to an increase of stigmatization and racism.
10. **National Values:** Are behaviors and characteristics that we as members of a society are taught to value and enact.

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11. Progress and Retrenchment: Refers to the pattern in which progress is made through the passage of legislation, court rulings and other formal mechanisms that aim to promote racial equality.

12. Model Minority: The term 'Model Minority' is a relatively new term coined in the late 1960s that termed Japanese-Americans and other East Asian minorities in the United States. Such terms created conflict between people of different minorities. An example of the consequences of inciting conflict between different minorities can be the damage suffered by Asian-American (chiefly Korean-American) minorities during the Los Angeles Riots in the 1990s'.

Public Opinion

Across the United States of America, there is anger among the people. Protests against injustice have been stimulated by the grievous injuries and deaths of George Floyd, Breonna Taylor, Jacob Black and other black Americans. According to a national poll released by UMass Lowell Center for Public Opinion, more than half of all Americans observe race-based unfairness on an institutional level — chief among them being the police.

A national survey asking 1000 independent and nonpartisan citizens was conducted about race, discrimination and systemic racism, and found many issues in various fields. The statistics from this poll showed 51% blacks are treated less fairly than whites, 41% say both were equally treated, while 7% say whites are treated less fairly than blacks². Within the black respondents 73% responded that blacks are treated less fairly. And for the white respondents it was 48%. Among the white respondents, there is a clear split in answers by party identification, ideology, age and how a respondent scores on racial resentment, which is a system used by metric political scientists to represent symbolic racism.

Background

On March 13th, 2020, Breonna Taylor was shot and killed by police officers during a botched raid on her apartment. In September, a former Louisville detective involved in the raid, Brett Hankison, was indicted for wanton endangerment by neighbors whose apartment was hit when he fired without a clear line of sight, resulting with his bullet going into the sliding glass patio door and window of Taylor's apartment. Later he pleaded not guilty and no charges were announced against the other two officers who fired shots, and no one was charged for causing Taylor's death.

² In this report, Caucasians and African Americans are referred to with the terms 'Whites' and 'Blacks' among a number of other descriptive pronouns.

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On May 25th, 2020, George Floyd, an African-american, was brutally murdered by a white police officer. The next day, protests in Minneapolis sprung up. Protestors were met with tear gas. By Tuesday all four police officers involved with Floyd's case were fired, the F.B.I investigation revealing little resemblance from police accounts and what actually happened. That night protesters poured into the streets and vandalized police vehicles with graffiti and targeted the precinct house. In the following days more protests in the city erupted, prompting police to use tear gas and rubber bullets. During the protests, some businesses were set on fire. More protests erupted in cities across the U.S., like Memphis and Los Angeles. The national guard was mobilized in places like Minnesota. In a callous move, then-president Trump raised tensions with the phrase, "When the looting starts, the shooting starts." On May 29th, protests in Atlanta and New York brought destruction to the city with many businesses getting their windows smashed, graffiti and protesters clashing with police. Some people threw bottles and debris and were responded with pepper spray and arrests. In the following weeks, the Mayor of Minneapolis said the peaceful protests turned to 'domestic terrorism,' more protests and some clashes happened, the national guard was deployed in more than 2 dozen states and dozens of mayors extended curfews, new charges were filed against the police officers and more mayhem occurred.

On December 19 of 2021 Trump supporters and rioters stormed the U.S. capitol building and sent members of Congress feeling as lawmakers were counting Electoral votes to confirm the presidency of Joe Biden. Starting from 11 A.M. Trump's rally began and by 1:10, rioters began grappling with police on the Capitol steps. By 2:39 rioters start breaking Capitol windows and shots were soon fired. The rioters ended up breaking in and stealing items as well as gratifying parts of the building. By 8 P.M. Congress reconvenes in order to resume the counting of the Electoral votes. In the end 5 died and at least 68 were arrested. Of the 68 so far arrested, only one of them is from the D.C. area.

The actions that the police officers decided to take were comparably milder than the actions they took against the protestors for the "Black Lives matter". This was considered even more outrageous when seen that the black lives matter protest was a non violence protest. There were at least 950 instances of police brutality against the civilians and journalists. 500 being less-lethal rounds, pepper spray and teargas.

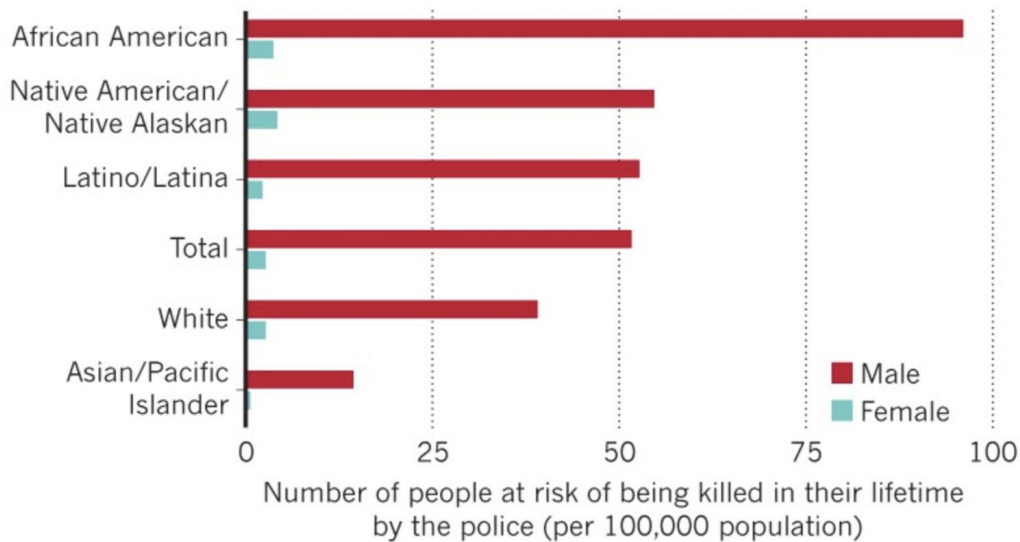
60 incidents of officers using unlawful assembly to arrest protesters. 5 attacks on medics and 11 instances of kettling.

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Systematic Racism in Law Enforcement

A vast majority of people who fell victim to systematic racism suffered from the hands of law enforcement agencies. The Killing of George Floyd (2020), Breonna Taylor (2020), Alberta Spruill (2007) and a number of other people mentioned throughout this report were committed by officers of the law. This suggests an alarmingly distinct correlation between the police force and race-based killings in various police agencies in the United States. Furthermore, a recent study on police killings in 2018 shows that out of 100,000 people, people of colour are most vulnerable to police killings (out of 100,000 people, more than 95 peoples of color are subject to either police violence or killings).

IMBALANCES BY ETHNIC GROUP: A recent analysis¹ suggests that about 96 black men per 100,000 are at risk of being killed by the police, more than twice the risk relative to white men.



Possible Solutions

The deep-rooted issue of systematic racism that clouds the American democracy is an issue that needs to be solved in our society today. By

1. Reforming the education system
 - Creating new textbooks allowing future generations to not develop the same systemic racism
 - Re educating the teachers.
2. Reforming the police system
 - Re educating police officers.
 - Stricter education towards the officers.

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- Change in regulation from the police headquarters.
3. Amendment in law to punish unjust actions towards innocent citizens.

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