

THE Gun Owners

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How the Brady Bill Passed

ON THE DAY BEFORE Thanksgiving, the U.S. Congress brought forth a constitutional turkey. The Congress decided that the Second Amendment did not mean what it said ("... shall not be infringed") and passed the Brady bill.

Our Second Amendment rights hang by the slenderest of threads. Not only is the Brady waiting period and background check now law, but also many guns are on the verge of being banned as well.

Many members of Gun Owners of America have asked how did we get to such a place?

Problem Didn't Arise Overnight

Senators and Congressmen may not know the difference between a semiautomatic deer rifle and Rambo's machine gun. But these politicians know when an organization is serious about an issue. A group like the American Association of Retired Persons (AARP) can work its will because politicians know the AARP talks to a lot of people and makes a dangerous enemy.

The image of the National Rifle Association (NRA) is less clear on Capitol Hill these days. This problem began during the unlamented regime of former Executive Vice President Warren Cassidy. NRA lobbyists under Cassidy stopped opposing gun control bills and started offering NRA-approved versions of the same legislation.

This tactic was first tried during the debate on so-called "cop-killer" bullets. The NRA brokered a "compromise" that passed the Senate with but one dissenting vote (former Senator Steve Symms [R-ID]), and the House by 400-21.

One would think that a "compromise" that wins the support of militant anti-gun Senators like Ted Kennedy (D-MA) and Howard Metzenbaum (D-OH) would not be much of a compromise. But there was a greater danger to this method: The NRA was sending our pro-gun allies mixed signals. They were being told that voting for gun control bills was A-OK, so long as the NRA was allowed to write part of those bills.

Remember staunch pro-gunners like Rep. Jack Fields of Texas appearing on the television program "48 Hours" because they were lobbying their colleagues for the so-called "instant check?" These pro-gunners were pushing a gun control bill that the NRA was strongly supporting. The instant check was touted as an alternative to a waiting period in Virginia in 1989.

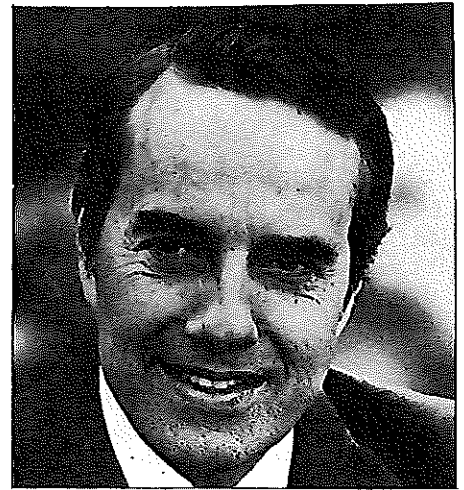
But the instant check creates a computerized list of gun owners, as even the Congress's Office of Technology Assessment admitted in its 1991 report, *Automated Record Checks of Firearm Purchasers: Issues and Options*:

The fact remains that computerized criminal records systems maintain, as standard operating procedure, transaction logs to document who is using the system, when, for what purposes. Transaction logs are needed to help assure system accountability and security. The Virginia transaction log does not include the names of firearms purchasers, but the potential exists regardless of legal prohibitions.

As the noted writer and attorney David Kopel has written in an Independence Institute monograph on waiting periods:

Significantly, the instant check is subject to the same problem of creating a gun and gun-owner registration system as is a waiting period. As the [1989 Justice Department] Task Force observes, "Any system that requires a criminal history record check prior to purchase of a firearm creates the potential for the automated tracking of individuals who seek to purchase firearms."

It was this ability to keep a computer file on all gun purchasers that, once it



Sen. Bob Dole (Minority Leader) could have stopped the vote on Brady.

was in place, became the basis for Virginia's "one gun per month" law which passed in 1993. Had the computer system not already been set up and paid for the state of Virginia's ability to administer any gun rationing law like this one would have been virtually impossible. Neal Knox, a prominent NRA board member, makes this very point in the September 1993 issue of *Guns & Ammo* magazine. He says that the one-handgun-a-month law "can be enforced only if state agencies are allowed to create a computer registry of all sales."

The NRA's alternative to Brady turns out to be a permanent means of building a national, centralized, computerized gun registration scheme. When the Bureau of Alcohol, Tobacco and Firearms (BATF) tried this in 1978, the NRA, with Neal Knox's leadership, slapped them down. But starting in 1989, the NRA, under Warren Cassidy, has chosen to fight gun control with . . . national computerized gun control. Jim Baker of the NRA was quoted by *USA Today* on October 26, 1993 (p. 7A) as saying:

We already support 65% of the Brady bill, because it moves

Continued on next page

to an instant check, which is what we want.

And even before the voting started, Jim Baker was conceding defeat. Readers of the Tuesday, November 16 issue of *USA Today* learned this:

"It doesn't make a heck of a lot of difference" whether the Brady bill is voted on separately or as part of the crime package, says NRA lobbyist Jim Baker. "Whether it's before Thanksgiving or when they get back in January (the Brady bill) is going to happen."

Imagine getting ready for a championship game and your coach tells you your side is beaten before you've taken the field. Would you give your best effort? The NRA was publicly conceding defeat even before the first vote was taken. Yet one week earlier, the NRA was discouraging attempts to block the assault weapon ban because, according to Capitol Hill sources, those attempts would "cost us votes on Brady." If Brady was "going to happen," why didn't the NRA fight an earlier bill that never won a filibuster-proof majority—the ban on certain rifles, shotguns and magazines? So long as the other side could not muster 60 votes, that ban could have been easily stopped by a filibuster. By not fighting when we could win, and by conceding defeat before another difficult battle, the NRA may have allowed the two bad bills to pass—not just one.

The NRA did accomplish one legislative objective with the Senate passage of the Omnibus Crime Bill. It was able to very quietly attach its Hunter Harassment bill as an amendment even while Senator Diane Feinstein (D-CA) was attaching her ban of semiautomatic firearms to the same bill (see vote, p. 3).

NRA Sends Mixed Signals To Congress

Anyone who has ridden a "neck-broken" horse knows how easy it is to control a horse looking for clear direction. You steer the horse by laying the reins on his neck in the way you wish him to turn. But you cannot tell the animal two things at once. For example, if you pull back on the reins while you spur him forward, you are telling him to both "stop" and "go."

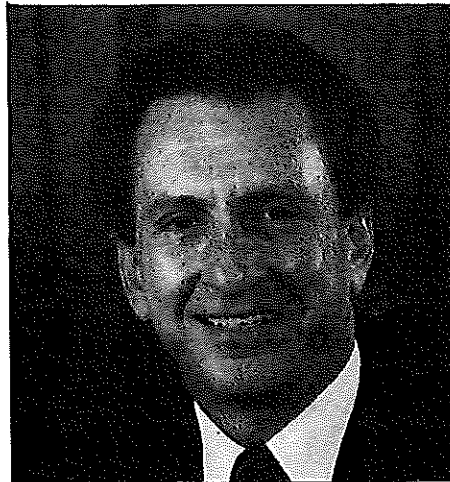
Politicians are a lot like horses. They need clear direction or they wander all over the map. Mixed signals can be disaster.

The most dangerous mixed signal is when an anti-gun vote is tolerated. The NRA has given money and mailed its members urging votes for politicians who undermined our gun rights. Consider the case of Senator Arlen Specter (R-PA).

A senator from Pennsylvania would help, not hurt his political future by being a leader when it comes time to pass pro-gun bills and oppose anti-gun bills. Fully 60 percent of the state's eligible citizens have hunting licenses. Yet Senator Specter has done precisely the opposite.

Specter's non-vote in the Judiciary Committee in 1989 kept us from killing the semiautomatic rifle ban in committee, a loss which cost the NRA and GOA money and time which might have been spent regaining our rights rather than defending them. The NRA's "Official Journal," published in the *American Rifleman* in September 1989 noted on page 62 that "Specter Abstains on Crucial Vote."

Had Senator Specter voted correctly, there would have been no need for the "compromise" bill passed by the Congress in 1989 which bans domestic assembly of banned rifles and shotguns from foreign parts. The BATF is interpreting that law to make a criminal of any individual who puts a folding stock on a legally imported SKS rifle.



Senator Arlen Specter (R-PA)
"Missing in action?"

In 1992, while he was up for reelection, Senator Specter voted to limit debate on the so-called crime bill, S.1241, with its national waiting period and ban on 14 types of rifles and shotguns. If a senator from a pro-gun state like Pennsylvania didn't think that was a fight worth fighting, what example did that set for senators who represent other relatively less pro-gun states?

When it came time to vote on final passage of the crime bill on July 11,

1992, Senator Specter bravely decided not to vote. Every vote against the bill was a way of encouraging President Bush to veto this terrible legislation. Again, Specter was missing when we needed him.

It has been said that all that is necessary for evil to triumph is for good men to do nothing. A Senate made up of 99 senators like Arlen Specter and one like Howard Metzenbaum will pass virtually as much gun control as 100 Howard Metzenbaums.

What did the NRA do in 1992 to punish Arlen Specter for his treachery? During the primary, in which Specter was opposed by a strong pro-gun challenger, the NRA issued a letter dated April 19, 1992, to its Pennsylvania members. The letter said, "Arlen is a pro-gun leader we must fight to keep" (emphasis in original). For a "pro-gun leader we must fight to keep," Senator Specter (1) never takes the lead on any pro-gun legislation, and (2) sometimes takes the lead on anti-gun legislation.

According to the records on file at the Federal Election Commission (FEC), the NRA's Political Victory Fund donated \$9,900 to Specter's reelection—a direct contribution not exceeded by any other Senate candidate. But Specter was not the only curious beneficiary of NRA funds.

Rep. Elton Gallegly (R-CA) has been a zealous supporter of waiting periods. A GOA member in his district has carried on quite a correspondence with Mr. Gallegly. Gallegly, like Specter, can sound really pro-gun. Gallegly has also voted for the Brady bill—three times. Despite his voting record, Gallegly received \$9,900 from the NRA in campaign donations during the 1991-92 election cycle.

California had two Senate races in 1992. One of them featured Bruce Herschensohn, a Republican. After the LA riots that year, Herschensohn was asked what solution he would propose to prevent such violence. Herschensohn suggested that honest people be allowed to carry guns. No weaseling from this candidate. The NRA Political Victory Fund rewarded this pro-gun stalwart (who lost by just 48-43% to anti-gun Barbara Boxer) with \$9,500 in direct contributions and \$475 spent on his behalf. (By contrast, the NRA spent \$86,412 to defeat anti-gun Beryl Anthony (D-AR). A serious effort requires serious money.)

What if the NRA took the money it spends on ingrates like Specter and Gallegly and invested that same money in Herschensohn? Herschensohn might have won. With Herschensohn in the Senate, the assault weapons ban doesn't survive

Continued on page 4

**This is the Senate vote that would have tabled the Feinstein semiautomatic ban.
If it had been tabled, the amendment would not have come up for a vote.**

Y = Pro-Gun Vote
N = Anti-Gun Vote

Alabama		Massachusetts		Tennessee	
Heflin (D)	Y	Kerry (D)	N	Sasser (D)	Y
Shelby (D)	Y	Kennedy (D)	N	Matthews (D)	N
Alaska		Michigan		Texas	
Murkowski (R)	Y	Levin (D)	N	Hutchison (R)	Y
Stevens (R)	Y	Riegle (D)	N	Gramm (R)	Y
Arizona		Minnesota		Utah	
DeConcini (D)	N	Durenberger (R)	Y	Bennett (R)	Y
McCain (R)	Y	Wellstone (D)	N	Hatch (R)	Y
Arkansas		Mississippi		Vermont	
Bumpers (D)	N	Lott (R)	Y	Leahy (D)	N
Pryor (D)	N	Cochran (R)	Y	Jeffords (R)	Y
California		Missouri		Virginia	
Boxer (D)	N	Danforth (R)	N	Warner (R)	Y
Feinstein (D)	N	Bond (R)	Y	Robb (D)	N
Colorado		Montana		Washington	
Brown (R)	Y	Burns (R)	Y	Gorton (R)	Y
Campbell (D)	N	Baucus (D)	N	Murray (D)	N
Connecticut		Nebraska		West Virginia	
Lieberman (D)	N	Kerrey (D)	N	Rockefeller (D)	N
Dodd (D)	N	Exon (D)	N	Byrd (D)	N
Delaware		Nevada		Wisconsin	
Biden (D)	N	Bryan (D)	Y	Kohl (D)	N
Roth (R)	N	Reid (D)	Y	Feingold (D)	N
Florida		New Hampshire		Wyoming	
Graham (D)	N	Smith (R)	Y	Simpson (R)	Y
Mack (R)	Y	Gregg (R)	Y	Wallop (R)	Y
Georgia		New Jersey			
Coverdell (R)	Y	Lautenberg (D)	N		
Nunn (D)	N	Bradley (D)	N		
Hawaii		New Mexico			
Akaka (D)	N	Domenici (R)	Y		
Inouye (D)	N	Bingaman (D)	Y		
Idaho		New York			
Kempthorne (R)	Y	Moynihan (D)	N		
Craig (R)	Y	D'Amato (R)	Y		
Illinois		North Carolina			
Moseley-Braun (D)	N	Fairecloth (R)	Y		
Simon (D)	N	Helms (R)	Y		
Indiana		North Dakota			
Lugar (R)	Y	Conrad (D)	N		
Coats (R)	Y	Dorgan (D)	Y		
Iowa		Ohio			
Grassley (R)	Y	Metzenbaum (D)	N		
Harkin (D)	N	Glenn (D)	N		
Kansas		Oklahoma			
Dole (R)	Y	Boren (D)	N		
Kassbaum (R)	N	Nickles (R)	Y		
Kentucky		Oregon			
McConnell (R)	Y	Hatfield (R)	N		
Ford (D)	N	Packwood (R)	Y		
Louisiana		Pennsylvania			
Johnston (D)	Y	Wofford (D)	N		
Breaux (D)	Y	Specter (R)	Y		
Maine		Rhode Island			
Cohen (R)	Y	Chafee (R)	N		
Mitchell (D)	N	Pell (D)	N		
Maryland		South Carolina			
Sarbanes (D)	N	Hollings (D)	Y		
Mikulski (D)	N	Thurmond (R)	Y		
		South Dakota			
		Daschle (D)	N		
		Pressler (R)	Y		



Sen. Diane Feinstein (D-CA)

by one vote—it would have died unless Vice President Gore was present to break the tie (which he was not that night).

What message does this send to swing voters and moderates? It seems clear they are being told implicitly that if they defy the NRA but seem likely to win, that the NRA will support them. This is obviously not the road to influence in Congress for any lobby. Most members care little about issues and much about reelection. Groups able to affect the latter have their way on the former.

NRA Candidate Ratings Shown to be Overly High

Readers of NRA president Robert Corbin's column in the "NRA Official Journal" (*American Rifleman*, December 1992, p. 46) would be certain we had little to fear from this Congress:

But by the time the votes were counted, 54 A-rated candidates had been elected. Instead of losing 27 allies in Congress, we gained 27, for a total of 197 A-rated representatives and over 45% of the House.

If the NRA's math was correct, we would need to lobby a mere 21 B-rated Congressmen to get the 218 votes required to kill the Brady bill. In other words, a strong pro-gun majority should be easy to get, since "A"s should be highly reliable. Let's compare that number with the votes on Brady on November 10, 1993 in the House of Representatives. Preemption of all state waiting periods over five days got just 175 votes total. Only 189 Representatives voted against the Brady bill on final passage.

The candidate rating prepared by Gun Owners of America (and published in *Guns & Ammo*) proved to be far more accurate. We calculated there were but 43 sure A-rated Representatives. An additional 60 earned lower grades of A-minus because of their support of the instant background check.

Why did GOA give these people as high a grade as an A-minus for supporting that dangerous bill? Because the NRA had told these Representatives that they must support the instant check. If the NRA, with all its money and members, is telling people to support a gun control bill, it is hard for other groups to really punish people for voting for that gun control bill.

The NRA's confused message is not only confusing politicians. It is confusing everybody else. We cannot be surprised that politicians do not believe that they

will be held accountable for anti-gun votes in the face of mixed signals.

What Is Bob Dole Doing?

Senate Republican Leader Bob Dole of Kansas is known as a player of political hardball. A former (and possibly future) presidential candidate, Dole did not rise so high by being deaf to strong lobbyists.

But events in the Senate demonstrate that either (1) someone is not telling Bob Dole what to do or (2) Bob Dole isn't listening.

Remember the political climate. On November 2, 1993, anti-gun politicians were bounced in both New Jersey and Virginia. (The defeat of just one Senator, Joe Tydings of Maryland, has been credited with killing gun control for over a decade.) These elections would seem to have put the chill on gun control for another decade.

Yet the U.S. Senate has passed a ban on certain rifles and shotguns, a ban on magazines with over 10 rounds capacity, and agreed to a waiting period. All this in the same month as those elections. How did this happen?

To the astonishment of most experts, Senator Dole and his fellow Republicans agreed to hurry up procedures for considering all the gun control bills. Opportunities to filibuster the legislation were mostly avoided. A number of killer amendments could have been added to make the filibuster work. For example, anti-gunners could have been forced to vote first on imposing the death penalty in the District of Columbia before they could vote for the Brady bill. It is entirely possible that the Senate would still be stalemated at that point, given such a choice.

This strategy had worked well in past years so GOA asked a few Senate offices to have their Senators filibuster the bill. But GOA was told by one Senate staffer, who wishes to remain anonymous, that "The NRA asked us not to filibuster." We were told that Senator Dole's vote count was the basis for this decision.

It should be noted that when Senator Dole and the GOP put principles over fear of being accused of gridlock, they successfully filibustered the President's economic stimulus package earlier in the year. Unfortunately, they did not hold the Second Amendment in as high as regard.

It should also be noted that a determination to filibuster could have stopped the semiauto ban from being attached to the Omnibus Crime Bill in the Senate, and could have slowed—and maybe even stopped—the Brady bill.

At the most difficult point of all to filibuster—on the motion to send the Senate-passed Brady bill over to the House—two unsuccessful efforts were made to end the filibuster. This makes it clear that a filibuster could have succeeded had the Republicans (and a handful of Democrats) wanted to fight. As we have seen earlier, they decided that it would be unlikely that there would be consequences for deserting the gun owners.

Then, with three senators on the floor, Senator Dole allowed the Brady bill to become law. Had he—or any other Senator who had decided to stay

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Do You Want to Know What Is Happening Right Away?

During the Brady bill and semiauto ban fights at the end of 1993, events moved too fast to let Gun Owners of America get into the mall. Sometimes major changes took place two and three times a day.

As a result, GOA alerted members with access to fax machines with a constant supply of faxed messages. We also posted these messages on bulletin boards, the chief one being the Paul Revere bulletin board. These communications enabled recipients to contact congressional offices immediately. Recipients of GOA electronic alerts were also able to make copies and get many others involved in keeping the heat on the Congress.

One bulletin board message that GOA picked up from a gun owner pointed out that one of the Senate office staffers said that "We are really surprised by the number of people that have been calling and saying they support any effort the Senator takes to stop the Brady bill."

Obviously, good as the effort was—and GOA was the only Washington gun lobby using these electronic means to communicate late-breaking developments—the effort was not sufficient. That is where you come in. Can you help? If you have a fax machine, let us know.

Call or write the GOA office so we can add your name and phone number to the Fax Alert List.

around—objected, the Senate would have been unable to act. The Senate needs a quorum to conduct business, and a single objection would have collapsed the charade of three Senators acting for the whole body.

Senate Majority Leader George Mitchell (D-ME) told a Knight-Ridder luncheon on November 30 that it is possible to mount six separate filibusters on any bill. These filibusters would each take time, perhaps even days, to be stopped. When a legislative body, like the Senate, approaches adjournment, every delay can mean victory. Yet many of these opportunities were lost by unanimous consent. Had Senator Dole, or any other Senator, really wished to stop the gun control express, all it would have taken was the no vote of one of them.

Had Senator Dole been willing to organize a determined effort to block these bills, the Senate could still have been debating so-called "assault weapons" at the Thanksgiving break and Brady would not have been discussed until the start of 1994. Had Senators been allowed to offer amendments on issues that the anti-gun lobby hates, like Washington, D.C.'s lack of a death penalty, both gun control bills could have been blocked, or at least slowed down. According to the Associated Press, Senator Dole was willing to prevent "some Republican senators [from] keep[ing] open the option of filibustering Brady." Every delay works to our advantage—yet our side was not delaying matters.

The closer the vote is to the November 1994 elections, the more frightened politicians are of pro-gun voters. The closer the vote is to November 1994, the less time the other side has for counter measures.

Yet even when our allies were finally allowed to filibuster and won on Brady twice (Friday, November 19), Bob Dole was reported, by Legi-Slate's Hill News Service on November 20, to be willing to negotiate. The dead Brady bill was suddenly revived.

The "compromise" negotiated by Bob Dole was described by the Associated Press on November 20 this way:

Gun control opponents, as part of the deal, had given up their insistence that the federal waiting period supersede longer delays approved by some states. Republicans who gave up their filibuster got little in the compromise, mainly the four-year expiration language.

The "four-year expiration language" actually can become five years, simply by request of the Attorney General. So the only thing we got was . . . nothing. This is a compromise?

The story being spread by some in Washington is that Bob Dole did his best to fight given the realities of the Senate. Given that the NRA had shown an unwillingness to punish anti-gun Senators (the other 99 need only glance at reelected Arlen Specter), they have a point.

But the Dole compromise that got the bill moving was described by Majority Leader Mitchell as "a fig leaf so small it wouldn't cover a midjet," according to the *New York Times*. And Senator Mitchell was correct. California still has a two-week wait. New York still has a six-month wait. Pro-gunners who fought waiting periods (and won) in places like Texas and Arkansas now find their victories snatched away in Washington. Had we made a similar "compromise" to end World War II, we would have given Japan the states of California, Nevada and Arizona in exchange for . . . nothing.

But Bob Dole and company chose to give up many chances to fight these bills this year. In fact, Senator Dole was quoted in the *Washington Post* on November 21 (while the filibuster was going on) as saying: "We finally decided . . . let's get the Brady bill behind us." There was no need to help those who would take away our rights to do so more quickly. A football team that offers no resistance as its opponents march to the one-yard line, should not expect to keep them out of the end zone.

And negotiations always favor those who are less willing to compromise. Yet during the critical November 20-21 period, what was Bob Dole saying? According to the *New York Times* of November 22: "Let's get the best deal we can and move on."

Dangers of Endorsing Compromise Bills

On Capitol Hill there is an unwritten rule: If you ask for something to be part of a pending bill and you get it, you are expected to endorse the final result.

The NRA's work for the instant check was met with acceptance. It was made part of the Brady bill this year even without lobbying by the NRA. Amendments were made that would seem to have the support of the NRA. Then this terrible bill was passed. The NRA found itself in an impossible dilemma. To support Brady (even with amendments) is to support national gun control. To oppose Brady meant backing out on any

understanding either the NRA had reached with the Senate or which Senators believed the NRA had reached with the Senate.

To pass Brady before Thanksgiving, the House had to accept the Senate version of Brady or the Senate had to accept the House version of Brady. GOA obtained a copy of a memo circulated by the NRA on Monday, November 22, urging "the House Rules committee to write a rule that will call up the Senate-passed bill for a vote." (The memo is reprinted on page 6. Note the fax signature at the very top of the memo.)

Had the House Rules Committee done as the NRA asked and put the Brady bill on the floor, Brady might well have passed even earlier than it did.

Now the NRA may argue that it was adopting a tactical approach. They knew that the House would reject the rule and were setting themselves up to oppose Brady. We can only hope so.

But these clever strategies are getting so clever that all the anti-gun lobby need do is take the NRA at its word to get a gun control bill passed. Our rights may be marginally more protected if Jim Baker, rather than Sarah Brady, writes the latest gun control bill. But these clever tactics make it difficult to hold anyone accountable. And in the long run, accountability is needed so that pro-gun Americans can make intelligent decisions on election day.

When politicians vote for the NRA compromise gun control bill, how can the NRA (or anyone else) justifiably criticize these people for supporting gun control? A memo released on this matter by Senator Kay Bailey Hutchinson (R-TX) illustrates the problem. She said:

[A] complete substitute bill was offered by Senators Dole and Mitchell. This legislation, which I supported, differed drastically from the original Brady Bill. It provided for accelerated implementation of the national instant-check [sic], which I and other gun rights supporters have long sought, followed by elimination of any waiting period. *The NRA described the Senate's approval of this substitute bill as a victory.* [emphasis added]

This is exactly how the NRA described the passage of the first national gun control law since 1968. On November 20, 1993, the Senate passed a bill that

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would certainly impose a minimum of five days waiting period everywhere in the United States. Yet the Associated Press reported that NRA "spokesman Bill McIntyre" was saying that the instant background check also in the bill "will be a victory for gun owners" [emphasis added].

NRA Board member Tanya Metaksa took an even stronger stand in an interview with the *Washington Times* (Nov. 25, p. A20) after Brady was sent to President Clinton's desk:

"I think this agreement was a victory for those who see flaws in the current bill. This is a much different Brady bill. This bill sunsets into what we've been supporting for several years [the instant check]. If you look at it in the long range, it's our bill in five years."

The NRA has put itself in a position where it must praise terrible defeats because the anti-gunners gave them the NRA's form of gun control, too.

Dole told reporters that he accepted the "compromise" proposed by Metzenbaum (pass Brady now, you can try to pass a new law changing it next year) for two reasons, one being: "Sooner or later, the Brady bill would have passed."

The Brady bill is now law. Bob Dole is counting on getting 60 votes to modify Brady, when he only had 43 votes to stop it. (The 43 votes were three more than needed to continue filibustering the bill. Now Dole needs 60 votes to stop a filibuster that the pro-Brady forces might mount in opposing any changes.) What will finally happen is uncertain. But this mess didn't happen overnight. And there is lots of blame to go around. ■

NRA FEDERAL AFFAIRS

TEL: 202-223-8141

Nov. 22'93 12:11 No.009 P.02

VOTE NO ON THE RULE AND HELP BRING THE SENATE PASSED BRADY BILL TO THE HOUSE FLOOR FOR A VOTE!

The NRA supports the creation of a national instant background check system in as short a time as possible. While not perfect, we believe the Senate passed "Brady bill" will accomplish this in a more expedited fashion than that passed by the House. Furthermore, the Senate bill contains several important reforms which are not in the House. We urge the House Rules committee to write a rule that will call up the Senate passed bill for a vote!

SENATE PASSED BRADY

\$200 MILLION FOR RECORD
IMPROVEMENT IN THE STATES

MANDATORY SUNSET

4 years plus optional
year at request of
Attorney General.

FEDERAL FIREARMS LICENSE REFORMS

License fee increase to
recover license costs.

Increased penalties for theft
of firearms.

Regular publication of
revoked licenses and
federal laws.

Allows face to face firearms exchanges
between Federally licensed dealers.

REQUIRES MULTIPLE HANDGUNS PURCHASES
TO BE NOTICED TO STATE AND
LOCAL POLICE

REQUIRES STATES TO DEVELOP A PLAN
TO INCORPORATE RECORDS OF ADJUDICATED
INCOMPETENTS AND COMMITMENTS FOR
BACKGROUND SCREENING OF FIREARMS PURCHASERS.

HOUSE PASSED BRADY

\$100 MILLION

MANDATORY SUNSET

5-year mandatory

NO CHANGE

NO CHANGE

NO CHANGE

FROM THE HORSE'S MOUTH

How Dole and Other Key Senators Plotted to Surrender Our Rights

Selected Events from the *Congressional Record*, November 24, 1993 —

The Day the Brady Bill Was Allowed Out of the Senate and Onto President Clinton's Desk

Introduction

During the days before Thanksgiving of 1993, Republicans (and a handful of Democrats) successfully filibustered the Brady bill. Brady supporters were then going to have to wait until 1994 to get their bill passed.

But instead of living through such a "waiting period," anti-gun Senators began demanding that the Senate return the week following the Thanksgiving break to vote on the Brady bill.

Of course, this displeased many Senators, since they were not planning on returning from their vacation until late

January of 1994.

The pro-gun forces had the upper hand. After all, it was the pro-Brady forces who needed to recall 60 Senators to break the filibuster.

[Remember, while the opposition needs to muster 60 votes to end a pro-gun filibuster, we only need one or two Senators to make sure the normal rules of the Senate are followed.]

So if the Minority Leader, Senator Bob Dole of Kansas, really wanted to defeat the Brady bill, he should have let the anti-gun forces try to muster their 60 votes. It would have never happened.

There is no way they could have gotten 60 Senators to end their vacation early to return to Washington.

That is why Senator Dole's actions are so confusing. Had he continued the fight, the Brady bill would now have to be passed in an election year—a fact which greatly increased our chances of defeating the bill. Instead, Dole kept trying to strike a *compromise*. As you read the following text, notice how many times Dole says he wants to work out a deal to get the issue behind him (that is, pass the Brady bill).

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Mr. Dole: Mr. President, I have listened with great interest to both my friend, the majority leader, and my colleague from Oregon. There are still negotiations going on. I am not certain what will happen. But I think there is—even on this side, even though some may oppose the legislation—a majority of Members who would like to get the issue behind them for a number of reasons. In the first place, many have already made plans next week, as the Senator from Oregon has, and these include people who voted for cloture, against cloture, or whatever.

I think there is a feeling that we are so close. . . .

I do not know why we cannot resolve it without bringing our colleagues back here next week. As the majority leader has stated, I have had a few calls, and there are not many happy voices on the other end. Nobody wants to rush back, not because they do not want to work, but they have made other plans in their states for very important meetings on health care and other issues, and they feel it is important to spend some time with their constituents.

[Ed. note: The pro-gun forces didn't have to rush back. If the Brady forces wanted to force a vote to end the filibuster, then Dole should have let them ruin their own vacation. Why was Dole so willing to give in?]

We are going to try to make a decision one way or the other, because I know the majority leader wants to conclude business today fairly quickly. Now we are working on still another proposal which we intend to give the majority leader fairly soon.

I have been advised that we are trying to find even another compromise, and I think that is true of most Democrats. If it is all politics, then we cannot work it out. We will have to come back next Tuesday and see what happens next Tuesday. If not, if we cannot get cloture, we can try to get it Wednesday, and if we cannot get cloture, then it all goes over to next year. Maybe for some, that will be a victory. Maybe for some on this side, it will be a victory. Maybe for some on that side, it will be a victory. I think there is a broad middle here, as indicated by the Senator from Oregon, of conservatives, moderates, whatever, who would like to resolve this issue.

Dole Admits His Side Opposed

Mr. Dole: That is correct. The Senator was citing some figures and the *Record* reflects, I think, that there are a majority on our side who oppose the bill. *It took a considerable amount of persuasion to get*

them to even let us proceed because they feel very strongly about it. I do not quarrel with their position. Like any other issue, some Members on each side feel strongly about it.

[Ed. note: Dole was actively lobbying pro-gun Republicans to soften their opposition to the Brady bill! By doing this, Dole could then proceed to reach a compromise with Senator George Mitchell (D-ME), the Majority Leader.]

I do believe we could get the cooperation of everyone on our side to let us proceed in a manner recommended by the Republican leader. So we are going to give it one more shot, and I will be in contact with the majority leader.

GOP Pressure for Surrender

Mr. Warner: Mr. President, I am among only eight Republicans who have stood steadfast in support of the Brady bill. I have done so for many years. Therefore, I have not been part of the group negotiating. Like my distinguished colleague from Oregon, Senator Hatfield, I have been on the sidelines.

I commend my colleague from Oregon for his comments on behalf of the leadership. I wish to join him.

I have now had the privilege of serving 15 years with the distinguished Senator from Maine and our distinguished Republican leader, Senator Dole. This body has tremendous confidence and respect for both of these leaders. While I do not know all the details respecting this controversy, I somehow intuitively feel both are proceeding in good faith to represent the respective interests in their two parties and are trying to reach an equitable reconciliation. I commend both.

It has been particularly difficult for Senator Dole. Believe me, there is no Senator who has a stronger knowledge in the Senate on the effects of guns than our distinguished Republican leader, a World War II hero. *Having voted for the Brady bill some two years ago, it must be very difficult for him today.* I hope as his name is bandied across this Nation one way or another associated with this problem, there is an understanding of the unique problems that face leaders as they try and reconcile strong differences. Oftentimes they have to take positions that are not totally consistent with their own personal long-range goals. That is one burden of leadership they both accept.

I have voted for the Brady bill before. I have known both Jim and Sarah Brady, as all of us have, for these many years. I knew Jim long before he was White House Press Secretary and indeed knew his lovely wife. I am proud

that they are constituents of mine in the Commonwealth of Virginia.

I wish our leadership well. I know they are taking into consideration the fact that many of our colleagues are traveling afar today on official business.

I might just take this opportunity to speak on behalf of the Senator from Rhode Island, Senator Chafee. I spoke with him yesterday. He was anxious to stay here throughout this controversy, as have I, but he left yesterday to go to Guadalcanal. Senator Chafee is the only Member of this body who went ashore at Guadalcanal as part of that large force of U.S. Marines that fought that historic battle, a battle that was really the beginning of the turning of the tide in the Pacific war. He was then but 17 years old. He was a rifleman. He later came back and went to Officers' Candidate School. He then volunteered and returned to the Pacific for a second tour of combat in Okinawa. He also served in Korea as a rifle company commander. He is a distinguished colleague in this body, and accepts his military and other public service with great humility.

That is just an example of plans that many of our colleagues are working on.

At the direction of Chairman Nunn, I am joining Senator Levin to depart in a few days to go to Somalia, to Mogadishu, to perform on behalf of the Armed Services Committee a special investigation of the tragic loss of our American servicemen.

I think there are very good reasons for the absence of many Members on official business. Therefore, it is my fervent hope the leadership will be able to bridge this gap.

The Brady Bill Passes

Unanimous Consent Agreement by Mitchell, George (D-ME) and Dole (R-KS). H.R. 1025 and S. 1785. Brady Handgun Violence Prevention Act — Conference Report [CR page S-17090, 44 lines]

Mr. Mitchell: Mr. President, I ask unanimous consent that Senator Dole's bill, which he shall have until 4 p.m. today to introduce, making amendments to the Brady bill, be placed directly on the calendar, that the majority leader, after consultation with the Republican leader, may turn to its consideration at any time; that when the bill is considered, it be under a time limitation of 4 hours equally divided in the usual form; that no amendments or motions be in order to the bill; that the bill be modified with the consent of the two leaders; that at the conclusion

Continued on next page

or yielding back of time, the Senate, without any intervening action or debate, vote on passage of the bill; that the Senate now proceed to consideration of the conference report to accompany H.R. 1025, the Brady bill; that the conference report be agreed to and the motion to reconsider be laid upon the table.

Brady Handgun Violence Prevention Act

[CR p. S-17091, 230 lines]

The Vice President: Is there objection?

Hearing none, the request is granted and the conference report is agreed to.

[Ed. note: Normally, a filibuster can only be defeated when 60 Senators vote to end it. However, another way to kill a filibuster is for all the Senators present on the floor to agree to suspend the normal rules. When Vice President Al Gore asked if there were *any objections to suspending the rules*, no one objected. All it would have taken is one Senator who was present in the room to object. Senator Dole was on the floor at that moment and he refused to object. Thus, the rules were suspended, the filibuster ended abruptly, and the Brady bill was passed.]

So, the conference report was agreed to. (The conference report is printed in the House proceedings of the *Record* of November 22, 1993.)

Mr. Mitchell: Mr. President, I thank the Republican leader for his courtesy and cooperation. We have been negotiating on this issue off and on for 2 1/2 years. I think that while there are many people who will be pleased that it has been enacted, no one is more pleased than we are if for no other reason than the issue is now largely behind us. I thank him for his usual courtesy in discussing the matter. It has been a very lengthy and tedious negotiation.

Second, we have agreed to give the Republican leader until 4 p.m. today to introduce the bill, to which we have already agreed to have it brought up with no amendments and a vote because we do act in good faith and we know that it is going to be a bill that is consistent with the points that we have been discussing.

So I want to say to those of my colleagues who, having heard this order, raise a question that we have agreed to a very expedited procedure on a bill we have not seen, that although we have not seen the bill, we know essentially what is going to be in it.

Third, I said privately to the Republican leader a moment ago, there are many ironies in this situation, not least of which are the following two: *We have just now ended a lengthy filibuster*, and the price

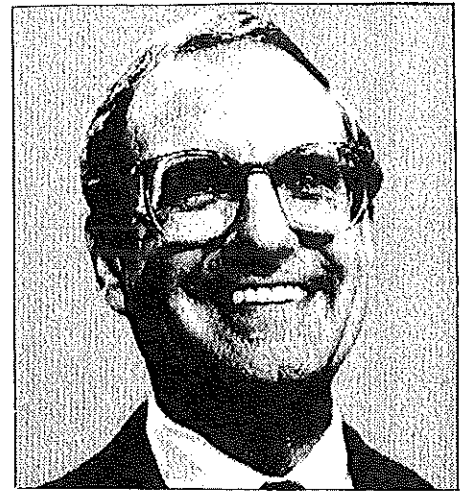
of ending the filibuster was that we had to agree to bring up a bill and not filibuster it. That is here in the Senate. In the House, the Republicans regularly criticize the Speaker for bringing up bills under a closed rule, and yet here the Republicans have demanded that the bill be brought up under a closed rule. . . .

[Ed. note: Senator Mitchell says they have just ended a lengthy filibuster. In other words, the filibuster had been succeeding and the only way the Brady forces could stop it was to wait until there were only three Senators on the floor—Bob Dole being one of them. All three were willing to suspend the normal rules and to end the filibuster. Dole could have objected to suspending the rules. He did not.]

I want to make clear to the Republican leader that he has not asked for nor have we given an agreement or a commitment to support the measure. We do not know that yet. Obviously, we want to see it; we want to review it. This has been the subject of very lengthy and, as I said, tedious negotiation. But we are committing ourselves in good faith to having it brought up, debating it, and I expect to do it very early in the session next year. I will, of course, as always, consult with the Republican leader before making a decision on that. So that matter can be dealt with.

[Ed. note: Notice that Senator Mitchell makes no promises as to the future of Dole's amendments. Neither Mitchell nor anyone else has committed themselves to pass the changes Dole will be seeking. Thus, the so-called compromise Dole garnered could be nothing more than a total and complete victory for Sarah Brady.]

In the meantime, the Brady bill has now been passed. I hope that the President will sign it shortly. I want to congratulate all of those who have worked so long and hard to make it possible for the Brady bill to become law, not the least of which, of course, includes Jim and Sarah Brady themselves who have worked tirelessly on this matter for many years; Senator Metzenbaum, who was the original sponsor and author of the bill and who for many years was a lonely voice; Senator Kohl of Wisconsin, who has committed himself to this subject and worked very hard on it; and *Senator Dole, who, along with myself, has been at the center of the discussions on it for the past 2 1/2 years. So I thank my colleague very much for his cooperation.* I am pleased to say that we will not have to come in next week and we can now leave for Thanksgiving and Christmas and then



Sen. Majority Leader George Mitchell
(Why is this man smiling?)

return next year refreshed and ready to roll.

[Ed. note: Senator Mitchell says they'll be "ready to roll" now that the Brady issue is settled. This is one reason that it was imperative for Dole and others to continue filibustering the Brady bill. As long as it remained bottled-up, it served as a "buffer zone" between the anti-gun forces and our rights. Now that Brady is law, the anti-gunners can move to the next item on their gun control agenda.] ■

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