

## President Clinton's Gun Control Myth: A Missed Opportunity to Protect Americans

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Early in President Bill Clinton's administration, gun control was endorsed as a key to combating the rise in violent crime. In his rhetoric Clinton promoted the need for legislation such as the Brady Bill and the Federal Assault Weapons Ban. But these measures proved to be relatively ineffective. They were part of the politics of symbolism, superficially addressing the issue while avoiding the real factors that cause crime.

Memphis, November 13, 1993. President Bill Clinton stood before a congregation of African-American ministers assembled at The Church of God in Christ. This was the same church where 25 years earlier, Martin Luther King Jr. gave his final address. In King's prophetic speech, "I Have Been to the Mountaintop," he spoke about the rights people needed to be free – the right to protest, to demonstrate, to march in the streets, and to fight injustice. This was, a fight needed to transform America into the country it ought to be.<sup>1</sup> King spoke of gaining equal rights for all oppressed people, allowing the nation to reach the Promised Land that he had seen.<sup>2</sup>

Clinton preached from the same podium, again looking over a sea of Memphians. He talked about the successes and failures in America since King's assassination. Clinton spoke about the state of violent crime in America, as he imagined King might have:

"I did not live and die to see the American family destroyed. I did not live and die to see 13-year-old boys get automatic weapons and gun down 9-year-olds just for the kick of it.

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<sup>1</sup> Martin Luther King, Jr , "I've Been to the Mountaintop," Speech, Church of God in Christ, Memphis, TN, 3 April 1968, <http://www.americanrhetoric.com/speeches/mlkivebeentothemountaintop.htm>, (Accessed July 23, 2009).

<sup>2</sup> King, *Ibid.*

... I fought for freedom... but not for the freedom of people to kill each other with reckless abandon.”<sup>3</sup>

Clinton channeled the spirit of King, using this great martyr to promote his own policies. He weaved stories of children – from babies to teenagers – being gunned down, in an attempt to characterize the wanton destruction that guns caused.<sup>4</sup> Clinton saw himself as the next standard bearer in King’s dream of leading America to this Promised Land.

Now that he was President, Clinton had the power to help the American people, who were still plagued by the injustice of not living in a safe country. Through his administration, Clinton could use the government to pass stricter laws that were capable of guiding this country towards the Promised Land King had envisioned. Once he was President, Clinton pushed a crime agenda that included new gun control laws and an extensive crime bill to combat the rise of violent crime. One of the proposed bills was the Brady Bill, which set up national background checks for anyone buying a handgun. Also, Clinton pushed a more general bill to address the rise in crime, the Violent Crime Control and Law Enforcement Act. This crime bill included the Federal Assault Weapons Ban and a reform of Federal Firearms Licenses (FFL).

Clinton used people’s misconceptions about the extent and prevalence of crime to make crime seem a more immediate need for the government to deal with. As public demand for crime legislation grew, the Democratic Congress thought it was politically salient to push through these bills. This was done disregarding whether these policies would work in fighting crime and ignoring many of the real reasons crime occurred like economic growth, fewer teenagers, and

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<sup>3</sup> William Jefferson Clinton, “Memphis Ministers Speech,” Memphis Church of God in Christ, November 13, 1993, <http://www.americanrhetoric.com/speeches/wjclintonmemphis.htm> (Accessed July 10, 2009)

<sup>4</sup> Ibid.

more people imprisoned.<sup>5</sup> Through Clinton's legislative strategy and public rhetoric he gained support for the Crime Bill and was able to pass these anti-crime measures by September of 1994.

### Guns in America

From its inception, America has had a tradition of gun ownership for protection; Colonial America was quite agrarian, with 90 percent of its people living a rural lifestyle.<sup>6</sup> Guns were also essential to gaining our independence from the British; it was our firearms, and our citizenry's ample skill with guns, that helped form the militias that defeated the Redcoats. Our forefathers thought it necessary to keep these well-trained militias to protect America in its fledgling years. So they included the Second Amendment in the Bill of Rights, guarantying the right of a citizen to own a firearm.

In the 19<sup>th</sup> century, the principle of Manifest Destiny pushed America's border further westward and guns became key to building a more expansive nation and protecting these loosely held territories. As the result of the Civil War, the gun industry boomed. Then in 1865, large supplies of firearms became available as production was at an all time high.<sup>7</sup> As the 20<sup>th</sup> century began, guns increasingly became identified with crime. Prohibition brought mobsters to the streets, fighting each other with firearms and terrorizing the public. The media loved to promote this violence, creating new public fear of firearms. During the 20<sup>th</sup> century, the debate over what rights were guaranteed under the Second Amendment intensified. For gun supporting Americans,

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<sup>5</sup> Steven D. Levitt, "Understanding Why Crime Fell in the 1990s: Four Factors that Explain the Decline and Six that Do Not, *Journal of Economic Perspectives*," *Journal of Economic Perspectives*, Vol. 18, no. 1, (Winter 2004), 176-181.

<sup>6</sup> Betty Wood, *Slavery in colonial America, 1619-1776*, (Lanham, Maryland: Rowman & Littlefield Publishers, Inc., March 2005), <http://books.google.com/books?id=rot0HHDFIVoC&lpg=PP1&ots=rsxjQLISc0&dq=Betty%20Wood%2C%20Slavery%20in%20Ccolonial%20America%2C%201619-1776&pg=PP1#v=onepage&q=&f=false> (accessed July 27, 2009), 39.

<sup>7</sup> Bertram Barnett, "The Civil War Soldier," Gettysburg National Military Park, <http://www.nps.gov/archive/gett/soldierlife/webguns.htm>, (accessed July 25, 2009).

the very freedom to own a firearm is one of the greatest liberties. Others believed in restrictions on certain types of firearms especially on military weapons or on guns that could be used to kill large numbers of people.

As public outcry grew, the federal government responded by imposing the country's first major gun control law, the National Firearms Act of 1934. It created an excise tax on the production and exchange of these guns known as Title II weapons. This category included sawed-off shotguns, machine guns, various military weapons and explosives.<sup>8</sup> The transfer tax was \$200 – a substantial amount of money at the time – to receive a license to sell these types of weapons. This was an effort to limit the buying and selling these firearms to businesses and keep them away from individuals.<sup>9</sup>

The next step in American gun control was the Gun Control Act of 1968 (GCA), the most extensive gun control enacted to date. It was passed in part because of the assassinations that year of Robert Kennedy in Los Angeles and Martin Luther King Jr. in Memphis. Coming with the rise in gun violence throughout the country, their deaths acted as a focal point for the public outcry against guns.

This legislation went beyond simply taxing the manufacturing and distribution of firearms. The GCA was able to establish a greater degree of control over the production, distribution and sale of firearms, using the constitutional power to regulate interstate commerce.<sup>10</sup> This law limited who could buy firearms based on their criminal history and it set

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<sup>8</sup> "National Firearms Act of 1934 – Further Reading," Law Library – American Law and Legal Information, <http://law.jrank.org/pages/8725/National-Firearms-Act-1934.html>, (accessed July 27th, 2009).

<sup>9</sup> "National Firearms Act of 1934," Gun Law News, September 4<sup>th</sup>, 2005. <http://www.gunlawnews.org/NFA-34.html> (accessed July 27th, 2009).

<sup>10</sup> "History of Federal Firearms Laws in the United States," United States Department of Justice, <http://www.usdoj.gov/archive/opd/AppendixC.htm>, (accessed July 17, 2009).

up the Federal Firearms License (FFL). These licenses were required for anyone who wanted to produce, buy or sell weapons between states.<sup>11</sup>

In America in the 1980s, there once again seemed to be rampant crime, with gun violence increasing and becoming commonplace. Homicide is the most serious crime, and is generally regarded as an important indicator of our crime rate. From 1980 to 1991 there was a murder rate of between 8.0 and 10.0 per 100,000 people.<sup>12</sup> This is a relatively high rate, and was the situation before Clinton took office. During his first year in office, 1993, there were a total of 24,530 homicides, a record high number. Firearms accounted for 69.5% of murders, so they can be seen as the most common murdering tool.<sup>13</sup>

### Bill Clinton and the Politics of Gun Control

By the time of Bill Clinton's presidential campaign in 1992 he faced a number of social and political factors regarding implementing gun control. America's romantic relationship with guns had begun to sour as criminal use of guns had expanded. The media painted pictures of gangs terrorizing the public, of mass shootings in office buildings and of children being gunned down in the streets. Some citizens began to demand governmental intervention on this issue. As a practical matter, that wasn't going to be easy.

The GCA, passed in 1968 was supposed to be a solution to gun crime. But it was never likely to dramatically change the way Americans deal with firearms. The GCA and Clinton's later gun control legislation were national laws that had to work alongside the 20,000 or so state

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<sup>11</sup> *The Gun Control Act of 1968, Public Law 90-618*. ATF.gov. [http://www.atf.gov/pub/fire-explo\\_pub/gca.htm](http://www.atf.gov/pub/fire-explo_pub/gca.htm), accessed July 17, 2009).

<sup>12</sup> Steven D. Levitt. "Understanding Why Crime Fell in the 1990s: Factors that Explain the Decline and Six that Do Not." *Journal of Economic Perspectives*, vol. 18, no. 1 (Winter 2004), 167.

<sup>13</sup> "Homicide trends in the U.S." U.S Department of Justice, Office of Justice Programs Bureau of Justice Statistics July 11, 2007, <http://www.ojp.usdoj.gov/bjs/homicide/tables/weaponstab.htm>, (Accessed July 31, 2009).

and local laws dealing with firearms. These federal policies thus would have a less systematic effect on national gun crime.<sup>14</sup>

Another obstacle to gun control was the number of firearms in this country. There are a massive number of firearms in America. It is estimated that anywhere between 200 to 223 million firearms are in the United States. That includes – 65 million handguns, 70 million rifles, 50 million shotguns, and various others types of guns.<sup>15</sup> This number increases with each passing year, adding about 9.5 million a year.<sup>16</sup> Of that annual amount, 4.5 million are purchased, half a million are stolen, and another 2 to 4.5 million are transferred second-hand through private sales, the black market or as gifts.<sup>17</sup> So every year, of the almost ten million firearms transactions the government attempts to monitor and regulate, many remain outside the reach of Washington’s control.

The wide distribution of gun ownership is a political matter. Firearms are owned by about 25 percent of the population, many of whom are hunters who, own multiple guns.<sup>18</sup> What’s more, if you look at households, it is estimated that about 48 percent of households have firearms.<sup>19</sup> So almost half of all Americans have some close connection to guns. Gun Control has the potential to alienate a large portion of the electorate.

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<sup>14</sup> Ik-Whan G. Kwon, et al., “The Effectiveness of Gun Control Laws: Multivariate Statistical Analysis.” B-net, *The American Journal of Economics and Sociology*, Jan, 1997, [http://findarticles.com/p/articles/mi\\_m0254/is\\_n1\\_v56/ai\\_19266179/](http://findarticles.com/p/articles/mi_m0254/is_n1_v56/ai_19266179/), accessed July 18, 2009).

<sup>15</sup> Marianne W. Zawitz. “Guns used in Crime Bureau of Justice Statistics Selected Findings,” (US Department of Justice, Office of Justice Programs July 1995), 1.

<sup>16</sup> Robert A. Hahn. et. Al. “First Reports Evaluating the Effectiveness of Strategies for Preventing Violence: Firearms Laws,” Center for Disease Control: Morbidity and Mortality Weekly Report, October 3, 2003, <http://www.cdc.gov/mmwr/preview/mmwrhtml/rr5214a2.htm>, (accessed July 18<sup>th</sup>, 2009).

<sup>17</sup> Ibid. Hahn

<sup>18</sup> David Hemenway, *Private Guns, Public Health*. (Ann Arbor: The University of Michigan, 2004), [http://books.google.com/books?id=iANw1pb4fPAC&pg=PA165&lpg=PA165&dq=gun+control+effectiveness&source=bl&ots=GKXHa3PGAZ&sig=EMw0LodDcuMsLT9s9GQnli9zmE&hl=en&ei=BRZkSuaSDMSHtge1pNnyDw&sa=X&oi=book\\_result&ct=result&resnum=9](http://books.google.com/books?id=iANw1pb4fPAC&pg=PA165&lpg=PA165&dq=gun+control+effectiveness&source=bl&ots=GKXHa3PGAZ&sig=EMw0LodDcuMsLT9s9GQnli9zmE&hl=en&ei=BRZkSuaSDMSHtge1pNnyDw&sa=X&oi=book_result&ct=result&resnum=9), (accessed July 22, 2009), 2.

<sup>19</sup> Ibid. Hemenway , 197

There is a much publicized comparison between America and other countries when it comes to guns. In films like *Bowling for Columbine*, America's lax gun controls are often compared to the stricter gun laws in Europe and Canada. These stricter foreign laws combined with their lower gun murder rates are used as evidence of our need for more gun control.<sup>20</sup> But, in general, these countries are not dealing with the particular poverty or social problems of the United States. Simplifying this comparison and argument to just gun laws will not necessarily lead us to the reason for the difference because it ignores economic, social, and cultural differences.

Democrats and Republicans have used gun control to create political division, especially with the involvement of gun lobbies like the National Rifle Association (NRA).

The debate about gun control often focuses on the rights outlined in 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."<sup>21</sup> The supporters of gun control often see guns as a once valuable tool when militias were needed. But with a professional army, today, these people believe that this constitutional right does not extend to all citizens.

The NRA on the other hand symbolizes the pro-gun lobby in this country, and argue that the Second Amendment gives all Americans the right to bear arms. It is the largest advocate for protecting this right, and claim to be the longest continuously run non-profit group focused on protecting civil liberties.<sup>22</sup> The NRA is often cited by members of Congress, lobbyists, and staffers as the one of the most powerful lobbies in the country, able to affect the outcome of

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<sup>20</sup> Bruce Crumley, "Massacre Raises Issue of Gun Control in Europe," *Time.com*, March 13, 2009, <http://www.time.com/time/world/article/0,8599,1885130,00.html>, (accessed, July 29, 2009).

<sup>21</sup> "United States Constitution," Cornell University Law School, <http://www.law.cornell.edu/constitution/constitution.billofrights.html> (accessed July 11, 2009).

<sup>22</sup> Tom Head, "National Rifle Association (NRA)," About.com, <http://civilliberty.about.com/od/guncontrol/p/nra.htm> (accessed July 25, 2009).

elections.<sup>23</sup> Clinton agreed with this characterization about the NRA. In his book, *My Life*, he describes their influence in the 1994 election of the Republican majority:

“The NRA was an unforgiving master: one strike and you're out. The gun lobby claimed to have defeated nineteen of the twenty-four members on its hit list. They did at least that much damage and could rightly claim to have made Gingrich the House Speaker.”<sup>24</sup>

In the beginning of his political career, Bill Clinton saw that the traditional Democratic Party platform had a weakness against the Republicans on the issue of crime. People simply did not think that a Democrat, compared to a Republican, could effectively deal with this issue. So Clinton focused on being tougher on crime, supporting the death penalty and on growing the prison system. Clinton and the Democratic Leadership Council (DLC) worked on reshaping the party's image, increasing its electability. They did this by focusing on a more moderate agenda and bringing the party away from the left.

From this came a new movement within the Democratic Party, known as the “New Democrats.” This political movement was part of an international global political shift, known as the Third Way. Their political philosophy emphasized a more center-left ideal, including connecting progressive thoughts with technological advances, a smaller government, and fiscal balanced government spending.<sup>25</sup>

The New Democrats gave Clinton a new platform on which to run his election. They believed in maintaining the welfare state, but also in reforming it into a more economically sustainable form. Clinton and many of his staffers were vital members of the New Democrats

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<sup>23</sup> “Fortune Releases Annual Survey of Most Powerful Lobbying Organizations.” Time Warner.com, November 15, 1999, <http://www.timewarner.com/corp/newsroom/pr/0,20812,667546,00.html>, (Accessed July 28, 2009).

<sup>24</sup> Bill Clinton, *My Life*, (New York: Knopf Publishing Group, June 2004), 629-30.

<sup>25</sup> “UK Politics: What is the Third Way?” *BBC News*, September 27, 1999, [http://news.bbc.co.uk/2/hi/uk\\_news/politics/458626.stm](http://news.bbc.co.uk/2/hi/uk_news/politics/458626.stm) (Accessed July 26, 2009).

movement. One of those staffers was Bruce Reed, who was one of the President's domestic policy advisors on crime. Reed is now the CEO of the Democratic Leadership Council (DLC).<sup>26</sup> The DLC was created in 1985 in response to weak election results for the Democrats during the Reagan years. The DLC tried to move the party back to the center from the more liberal wing, promoting a very moderate stance in an effort to gain political dominance.

### Election of 1992

Bill Clinton, observing the weaknesses of Democrats in previous elections, changed along with these New Democrats. Clinton saw that past presidential candidates, such as Michael Dukakis, had struggled to create a "tough on crime" image. He knew that a key to winning was to create a new identity. By supporting capital punishment and emphasizing the need to fight crime, Clinton could neutralize the Republican electoral advantage on this issue. Throughout Clinton's governorship and his Presidential campaign in 1992, his pursuit of tough anti-gun and anti-crime policies was a means of getting elected and helping the Democratic Party to gain power.

Clinton was no longer a traditional Democrat. Clinton took extra steps to characterize himself as a new kind of Democrat – a tough on crime politician. During his presidential campaign he returned to Arkansas to deal with the case of Rickey Ray Rector. Rector had been sentenced to death for killing a police officer, after which he shot himself in the head, causing severe brain damage.<sup>27</sup> Clinton went back to Little Rock to preside over the execution of this man, despite Rector's impaired mental faculties. Governor Clinton showed that his priority was

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<sup>26</sup> "Bruce Reed," DLC Staff Bios, July 27, 2009, [http://www.ndol.org/ndol\\_ci.cfm?contentid=3420&kaid=86&subid=191](http://www.ndol.org/ndol_ci.cfm?contentid=3420&kaid=86&subid=191), (Accessed July 29, 2009).

<sup>27</sup> Peter Applebome, "The 1992 Campaign: Death Penalty; Arkansas Execution Raises Questions on Governor's Politics," *New York Times*, Saturday, January 25, 1992, <http://www.nytimes.com/1992/01/25/us/1992-campaign-death-penalty-arkansas-execution-raises-questions-governor-s.html>, (accessed July 18, 2009).

fighting crime, even if that meant capital punishment under these circumstances, even if it meant taking a break from his Presidential campaign to do so.

In the 1992 presidential election Clinton beat the incumbent George H.W. Bush by a plurality of the popular vote. With only 43 percent of the vote, Clinton did not initially have the political support to push through all his plans.<sup>28</sup> He would have to earn the support of the people to pass his anti-crime policies.<sup>29</sup> Instead of focusing purely on punishment based anti-crime policy, the new President decided to push a more preventative crime agenda.

### The Clinton Presidency

Once Clinton became President he had several steps he needed to take if he wanted to pass his gun control and crime legislation. Clinton used his rhetoric, he planned events to highlight national crime issues and he created a policy task force to create legislation that would address the crime problems. He also had to convince the public that gun control would be a necessary check on their liberties for the greater societal good. Clinton needed to also gain the support of the both sides of the political aisle to implement these new bills. The policies that his administration wanted to get passed were not only expensive, but center on gun control, which the Republicans did not support. The key to getting their support was to convince the Congressmen that the people really wanted these new initiatives. One way the Clinton administration was able to promote public support was by manipulating the inaccurate picture of crime that everyday people had.

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<sup>28</sup> James R Whitson, "Overview of the 1992 Election" President Elect.org, <http://www.presidentelect.org/e1992.html> (accessed July 12, 2009).

<sup>29</sup> David Leip, "1992 Presidential General Election Results," US Election Atlas.Org, 2005, <http://www.uselectionatlas.org/RESULTS/national.php?f=0&year=1992>, (accessed July 29, 2009).

Public perception of crime really drove Clinton to create policies that would favor him politically. People had extremely skewed perceptions of actual crime statistics and of the causes of crime. This made it easy for them to believe claims by the President that crime was a major issue that had to be urgently dealt with. Students in a University of Memphis study were asked how many murders occurred each year in the United States. Approximately half thought there were 250,000 or more murders each year, and about 15 percent thought it was one million or more.<sup>30</sup> In this study college seniors who had majored in criminology made estimates that were much closer to the actual numbers.<sup>31</sup> This shows a significantly exaggerated idea of the murder rate among people who are not exposed to the actual statistics – a perception, inflated by as much as 40 times the real number.

This sort of misinformation is also due to daily crime news especially from local media. People think that what they see on television reflects the actual prevalence of crime. One survey shows that 94 percent of Americans say the news media was their most important source for information.<sup>32</sup> People believed that 70 percent of crimes were violent, while only 10 percent actually are.<sup>33 34</sup> Thus, Americans perceive our society is one full of violence.

While people may have an exaggerated perception of the occurrence of crime, they also have some reasonable ideas about its causes. In a 1993 survey in Delaware, people were asked

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<sup>30</sup>Margaret Vandiver; David Giacomassi, "One Million and Counting: Students' Estimates of the Annual Number of Homicides in the U.S.," *Journal of Criminal Justice Education*, 1997, [http://scholar.google.com/scholar?q=info:yTsm9w\\_Mt9EJ:scholar.google.com/&output=viewport&pg=1&hl=en](http://scholar.google.com/scholar?q=info:yTsm9w_Mt9EJ:scholar.google.com/&output=viewport&pg=1&hl=en) (Accessed July 27, 2009), 135.

<sup>31</sup> Ibid, 135.

<sup>32</sup> Julian V. Roberts. "Public Opinion, and Criminal Justice," *Crime and Justice*, Vol. 16, (1992), JSTOR, <http://www.jstor.org/stable/1147562>, accessed (July 27, 2009), 116.

<sup>33</sup>Margaret Vandiver; David Giacomassi, "One Million and Counting: Students' Estimates of the Annual Number of Homicides in the U.S.," *Journal of Criminal Justice Education*, 1997, [http://scholar.google.com/scholar?q=info:yTsm9w\\_Mt9EJ:scholar.google.com/&output=viewport&pg=1&hl=en](http://scholar.google.com/scholar?q=info:yTsm9w_Mt9EJ:scholar.google.com/&output=viewport&pg=1&hl=en) (Accessed July 27, 2009), 135.

<sup>34</sup> "Crime in the United States 1988-2007," Federal Bureau of Investigation, Uniform Crime Report. September 2008, [http://www.fbi.gov/ucr/cius2007/data/table\\_01.html](http://www.fbi.gov/ucr/cius2007/data/table_01.html), (Accessed July 30, 2009).

about the possible causes and/or the major cause of crime. Sixteen possibilities were given. The results reflect people's common sense about the reality of crime. The most frequent causes named were drugs (94 %), breakdown of family (71%), lack of education (67%), and alcohol abuse (67%)<sup>35</sup> It appears that everyday Delawareans believe that social problems are at the root of crime. Despite these reasonable conclusions, politicians like Bill Clinton continued to, focus more resources on gun control, increasing prison sentences and adding more police, not trying to emphasize alternative crime fighting methods.

Early in Clinton's Presidency, he faced an uphill battle to get his policies through Congress and gain the support of the people. Clinton did not have the public's confidence on the issue of crime. In a CNN/USA Today/Gallup poll taken from November 2-4, 1993, only 30 percent of respondents approved of the way the President was handling crime, while 68 percent disapproved.<sup>36</sup> In another survey taken during late 1993, 32% of respondents said that the biggest problem in America was crime, (more than twice as high as the next biggest problem of health care) and 29 percent said it was the biggest problem within their own community. So while Clinton may not have had the support of the people, they certainly wanted crime to be dealt with.

Crime was an issue that affected almost everyone in some way. Of those surveyed, 53% said that they themselves, their families, or a neighbor had first-hand experience with a crime within the past year.<sup>37</sup> These personal encounters may be why in that same survey, 63% said they would pay higher taxes to provide for more police. 52% would accept more limits on gun

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<sup>35</sup> Julian V. Roberts; Mike Hough, *Changing Attitudes to Punishment: Public Opinion, Crime and Justice*, (UK: William Publishing, November 2002), [http://books.google.com/books?hl=en&lr=&id=FN1RN-9vS6YC&oi=fnd&pg=PA184&dq=knowledge+about+crime&ots=vo2b98PfEY&sig=LPGIEsTCvK\\_1ltz31NQbRw5loKw](http://books.google.com/books?hl=en&lr=&id=FN1RN-9vS6YC&oi=fnd&pg=PA184&dq=knowledge+about+crime&ots=vo2b98PfEY&sig=LPGIEsTCvK_1ltz31NQbRw5loKw) (accessed July 23, 2009), 33-45.

<sup>36</sup> Polling data for the White House. Bruce Reed Crime. Box 77, Folder Polls, Domestic Policy Council. Clinton Presidential Library.

<sup>37</sup> Attitudes Toward Crime. Bruce Reed Crime. Box 77, Folder Polls, Domestic Policy Council. Clinton Presidential Library.

ownership if it would help fight crime. People's willingness to pay to reduce gun violence was seen when a national survey found that "the average household would be willing to \$239 per year in increased taxes for a thirty percent reduction in gun use in assault."<sup>38</sup>

After Clinton was elected, his rhetoric focused more on crime, reflecting newspaper headlines reporting the most sensational crimes. This caused a jump in people's desire for the government to deal with crime. In a series of national Gallup polls from 1980 to 1987, asking people which national issue was the largest priority, the most common responses were unemployment or inflation. Crime only accounted for between 2.5 and 5 percent of first responses.<sup>39</sup> By 1989, there was a small shift towards crime to six percent, but it was not until January 1994 there was a huge jump. The number of people, who thought that crime was the biggest national priority went from 9 % in 1993 to 37% in 1994.<sup>40</sup> This rise can be partially attributed to high profile crime cases like the Polly Klaas murder and the Long Island shooting. People throughout the next couple of years continued to prioritize crime as the top job for the federal government<sup>41</sup>. In further studies by the major news outlets in the fall of 1994, crime still was first among all national problems to be dealt with.

### The Brady Bill

Even though Clinton had popular support to deal with crime, the people expected crime to be dealt with. His administration could benefit by fixing crime, which was perceived as the

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<sup>38</sup> Philip J. Cook; Jens Ludwig, "Principles for Effective Gun Policy" *Fordham Law Review*, November, 2004, <http://www.puaf.umd.edu/faculty/reuter/CCJS%20720/Cook%20and%20Ludwig%20Fordham%20gun%20control>, 7.

<sup>39</sup> Julian V. Roberts, *Public Opinion, Crime, and Criminal Justice*, Crime and Justice, Chicago: University of Chicago Press, Vol. 16, 1992. <http://www.jstor.org/stable/1147562?cookieSet=1> (Accessed July 22, 2009)

<sup>40</sup> Mark Warr, "Poll Trends: Public Opinion on Crime and Punishment." *The Public Opinion Quarterly*, Vol. 59, No. 2 (Summer, 1995), pp. 306. [http://www.jstor.org/sici?sici=0033-362X\(199522\)59:2<296:PTPOOC>2.0.CO;2-H](http://www.jstor.org/sici?sici=0033-362X(199522)59:2<296:PTPOOC>2.0.CO;2-H)

<sup>41</sup> Warr, *Ibid*.

most immediate need for the country and if successful, it could result in a beneficial election for the Democrats. To help promote these gun control policies, the administration saw that a key to passing these bills was to convince Congress that the current crime wave would affect the voter's satisfaction with their representatives. Thus, it was in their best interest to appear sympathetic to their constituents. So the White House set up a crime team to focus their resources on fixing these issues. Gathered from the Department of Justice (DOJ) and White House staff, they called this group the Untouchables.<sup>42</sup> Alluding to the historical Untouchables of the 1930s, this group hoped to work together to once again fight the rising tide of crime. Their basic strategy was to get gun control laws as well as the crime bill pushed through Congress and their objective was to add cops to the streets and subtract guns. The administration used the justification that their crime initiatives were meant to give every American the "right to personal security – to feel safe where they live, work, play, and go to school."<sup>43</sup>

The Brady Bill was a quintessential part of Clinton's plan to combat the rise in gun crime. This bill was named after James Brady, Reagan's White house Press Secretary and Advisor. On March 30th, 1981 President Reagan was leaving the Washington Hilton Hotel, when John Hinckley Jr. began shooting at Reagan and his staffers. Reagan was shot, along with three others including Brady. The bullet to Brady's head caused his paralysis. Brady and his wife Sarah began lobbying for more restrictive handgun controls, starting through the organization Handgun Control Inc (HCI). For seven years HCI pushed for the Brady Bill to be passed. It was not until President Clinton put his weight behind the Brady Bill that it became law in November

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<sup>42</sup> Letter, Memorandum for Distribution, "Meeting Notice – Crime Bill," October 7, 1993, folder "Crime Bill – Strategy Group" OA/ID 8412, Carol H. Rasco, Domestic Policy Council, William Clinton Presidential Library.

<sup>43</sup> The Clinton Crime Plan, October 12, 1993. Bruce Reed Crime. Box 75, Folder Crime Bill Strategy, Domestic Policy Council. Clinton Presidential Library. 2.

of 1993.<sup>44</sup> In 2001, this organization switched its name to the Brady Campaign to Prevent Gun Violence (BCPGV), emphasizing their high-profile anti-gun survivor and his wife who became Chair of BCPGV.

Under the Gun Control Act of 1968 certain groups of people had lost the right to purchase a firearm, losing these privileges, for the safety of the American public. The Brady Bill set up a national background checking system based on the GCA's restrictions barring the following people from purchasing a handgun:

1. Anyone under indictment for or has been convicted of a crime punishable by imprisonment for more than one year or any fugitive from justice.
2. An unlawful user or anyone addicted to a controlled substance.
3. Person with a mental deficiency or who had been committed to a mental institution.
4. Anyone subject to a court order restraining him or her from harassing, stalking or threatening an intimate partner or child.
5. Anyone who has been convicted in any court of a felony or misdemeanor crime of domestic violence.
6. Illegal aliens
7. Anyone discharged from the U.S. military service under dishonorable conditions
8. Anyone who has renounced U.S. citizenship.<sup>45</sup>

The Brady Bill may have been well intentioned, but it was an idea born from a special interest group trying to limit access to handguns. This was not necessarily the right focus for the

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<sup>44</sup> "A History of Working to Prevent Gun Violence," Brady Campaign to Prevent Gun Violence <http://www.bradycampaign.org/about/history.php>

<sup>45</sup> Longley, Robert. "Brady Checks Nix 136,000 Gun Buys in 2002," *History of domestic violence top cause for rejection*. About.com, <http://usgovinfo.about.com/cs/guncontrol/a/bradychecks.htm>, (accessed July 18, 2009).

government in combating crime. By only targeting the legal firearms market, it created a prohibition of sorts, allowing the black market for guns to grow. Most criminals reported getting their firearms through illicit means, split between guns stolen, sold on the black market, or bought or received from a friend or relative.<sup>46</sup> The Brady Bill was not a solution formulated from studying the crime problem facing this country. From its inception it was an ideological policy, based on the belief that guns were the central problem. The administration picked up this idea as a way to have a solid stance on guns, making itself appear tough on crime, while still pleasing the liberal wing of the Democratic Party.

The Brady Bill was viewed as a difficult bill to get through Congress, because the Republicans did not support any anti-gun legislation. So Handgun Control Inc. asked the White House to be patient in pushing the Brady Bill, and to try to pass it as a separate piece of legislation. They feared that as part of a general crime bill, it might be rejected.<sup>47</sup> HCI thought it had a better chance of passing as a common sense and necessary piece of legislation to protect the American people. Senate and House Democrats were also afraid that the Republicans would filibuster the Crime Bill if it included the Brady Bill. By separating them, the Democrats could pick two separate fights and maybe win them both.

#### Crime Bill: Assault Weapons Ban and Federal Firearms Licenses

The Violent Crime Control and Law Enforcement Act, the general crime bill, dealt with gun control in two of its parts: the Federal Assault Weapons Ban and a re-addressing of the Federal Firearms Licenses (FFL). By the beginning of 1994, Bill Clinton was continuing his

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<sup>46</sup> Dan Noyes, "Hot Guns: How Criminals Get Guns," Public Broadcasting Service – Center for Investigative Reporting, <http://www.pbs.org/wgbh/pages/frontline/shows/guns/procon/guns.html> (accessed July 15, 2009).

<sup>47</sup> Biden Introduces Comprehensive Crime Bill in Senate, September 23, 1993. Bruce Reed Crime, Box 75, Folder Crime Bill Strategy. Domestic Policy Council. Clinton Presidential Library.

crusade to conquer the crime wave. He fought to protect the American people from the violent reality where, “Everyday the national peace is shattered by crime.”<sup>48</sup> The President gave his State of the Union Address, emphasizing his multi-pronged approach to fighting crime, part of which was gun control:

“...We have...to build on the Brady Bill...further steps to keep guns out of the hands of criminals...Hunters must always be free to hunt, law abiding adults should always be free to own guns and protect their homes. I respect that part of our culture. I grew up in it. There is no sporting purpose on earth that should stop the United States Congress from banishing assault weapons that outgun police and cut down children.”<sup>49</sup>

Here Clinton showed support for gun control, while making an effort to appease gun advocates, telling them that they were part of the solution. He was attempting to calm fears that the government was trying to take away their firearms. Clinton wanted to emphasize his rural Arkansan roots, full of guns and hunting, things he understood were part of America’s heritage. But by juxtaposing hunting and the murder of children he showed the absurdity of having assault weapons for the explicit purpose of hunting. If these same guns could be easily used to murder people or overpower the police, then hunting was not a satisfactory reason to keep them legal.

At a Senate Judiciary Committee hearing Governor Jim Florio of New Jersey gave his testimony.<sup>50</sup> He made clear that the major reason for banning these weapons was that they were designed for the military and were extremely dangerous to the public. Governor Florio talked about how in 1990, his home state banned assault weapons, and on that same day, a man took hostage a mother and her children, using a recently banned gun. The hostage taker ended up killing the mother and daughter. Florio asked the committee how his state could have prevented

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<sup>48</sup>William Clinton, “1994 State of the Union Address,” January 25, 1994. <http://www.washingtonpost.com/wp-srv/politics/special/states/docs/sou94.htm#crime>, (Accessed July 21, 2009).

<sup>49</sup>Ibid, Clinton.

<sup>50</sup>Governor Jim Florio testimony to the Judiciary Committee meeting on Assault Weapons. Bruce Reed Box 77, New Jersey. Domestic Policy Council. Clinton Presidential Library.

these murders when the gun was purchased in Florida. There was no way that New Jersey's new ban could have stopped this situation.<sup>51</sup> He argued that states by themselves could not stop the interstate flow of deadly weapons; only a federal ban could help prevent situations like this from occurring. Even though he believed that banning assault weapons nationally could work this is a claim with little factual evidence.

Clinton and the Democrats often talked about the Federal Assault Weapons Ban, but what exactly were they trying to ban? The Department of Defense defines assault rifles – as a selective fire, military rifle, capable of firing both fully automatically and semi automatically.<sup>52</sup> But when the rest of the government and the media tried to examine these kinds of weapons, a less precise term was coined, “assault weapons.” This new, vague category of firearms included semi-automatic pistols, some shotguns, assault rifles, or any other military style or semi-automatic guns.<sup>53</sup> Congress reasoned that these new “assault weapons” were more dangerous because they were semi-automatic, providing them with a higher rate of fire and larger magazines. Thus, these weapons could be used in crimes and murders more easily than traditional firearms. But merely banning the sale of assault weapons seemed unlikely to affect the gun choices of criminals.<sup>54</sup>

The assault weapons ban was an attempt by the Democrats to try and cut down on crime, but it was weakly worded legislation, with many loopholes, and it focused on banning certain guns. The Federal Assault Weapons Ban specifically barred 19 types of semi-automatic and automatic guns from being purchased in the United States.<sup>55</sup> It less specifically banned certain

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<sup>51</sup> Florio, *Ibid.*

<sup>52</sup> Gary Kleck, “Point Blank.” (New Jersey: Transaction Publishers, January 2006), [http://books.google.com/books?id=3CEKpvzFeHsC&printsec=frontcover&dq=gun+control+effectiveness&source=gs\\_similarbooks\\_s&cad=1](http://books.google.com/books?id=3CEKpvzFeHsC&printsec=frontcover&dq=gun+control+effectiveness&source=gs_similarbooks_s&cad=1), 72.

<sup>53</sup> *Ibid.* Kleck, 77.

<sup>54</sup> *Ibid.* Kleck, 80.

<sup>55</sup> “Crime Bill, Title XI-Firearms Subtitle A-Assault Weapons,” September 14, 1994. Carnegie Mellon School of Computer Science <http://www.cs.cmu.edu/afs/cs/usr/wbardwel/public/nfalist/crimebill.txt>, (Accessed July 22, 2009).

guns which had “large capacity ammunition feeding devices” as well as other firearms with other military features.<sup>56</sup> “Yet the gun industry easily found ways around the law and most of these weapons are now sold in post-ban models virtually identical to the guns Congress sought to ban in 1994,” said Kristen Rand, the legislative director of the Violence Policy Center.<sup>57</sup> The legislation was not strong enough to deal with modified guns or newly created firearms by the gun industry. To circumvent the ban, criminals could easily buy these “post-ban” assault weapons and these guns were completely legal.

Also within the Crime Bill of 1994 there was a reform of Federal Firearms Licenses (FFL). This was one of the many areas these Untouchables were trying to fix, the overabundance of FFLs. The Gun Control Act of 1968 established these licenses to try and regulate the manufacturing, importation, and sales of firearms. By 1993, the Untouchables believed that too many people had these licenses because 287,000 people had an FFL.<sup>58</sup> The majority of those people were not gun shop owners or manufacturers. This was based on very simple qualifications: a person who wanted to acquire an FFL needed to be 21 years or older, could not be among the people prohibited from purchasing firearms according to the GCA, and had to pay ten dollars annually. The ATF estimated that less than 30 percent of those license holders were storefront gun dealers, 30 percent were engaged in gun sales out of their homes, and 40 percent were private citizens who used them for interstate trading.<sup>59</sup> So the administration decided that as part of the general Crime Bill there needed to be stricter FFL requirements that would help decrease the total number of people who could legally distribute firearms. They hoped that by

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<sup>56</sup> Ibid, Title XI-Firearms.

<sup>57</sup> “Senate-Passed Assault Weapons “Ban” Will Do Little to Keep Assault Weapons Off Our Streets,” *Violence Policy Center (VPC) Warns* Violence Policy Center, March 2, 2004, <http://www.vpc.org/press/0403awpass.htm>, (accessed July 25, 2009)

<sup>58</sup> Memorandum for the Secretary of the Department of the Treasury on August 11, 1993. Bruce Reed Crime, Box 75, Folder Crime Bill Strategy. Domestic Policy Council. Clinton Presidential Library.

<sup>59</sup> Ibid.

making FFLs harder to get, fewer people would be able to sell firearms outside of stores. This was an attempt to deal with the secondary and black markets for guns.

### Clinton's Rhetoric

Clinton's rhetoric helped to build political capital and credit, so the people and the media would know that he was the one who had fought crime. He wanted to exploit the crime problem to gain in the polls, but still wanted the people to view him as a sympathetic leader. Clinton knew that just passing, anti-crime legislation could result in votes, whether or not the anti-crime bills were going to work. It was key for Clinton to convince the people of the necessity for these policies, so he played on people's fears and misconceptions about gun crimes.

Clinton knew how to connect with his immediate audience, using his speech-craft to captivate them. Instead of having a single speech writer, as Presidents Reagan or Kennedy did, Clinton used several speech-writers to give him a more unique voice.<sup>60</sup> Once he received his speeches Clinton would look through their content and he would often improvise. He also used more colloquialisms. This added to the legitimacy and genuineness of his orations.<sup>61</sup> This made him seem closer to the people and made his claims seem more honest, coming from his heart are not from not a speech writer.

"I saw what guns do to people; it was heartbreaking and it was an outrage," said Clinton. "Guns shatter lives and destroy families...It is siphoning away our humanity."<sup>62</sup> Clinton spoke of guns as a threat to the America way of life, literally tearing this country apart. He commonly used emotional examples such as children getting murdered, mass killings with assault weapons,

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<sup>60</sup> Benjamin R. Barber, "The Truth of Power," (New York: W.W. Norton & Company, Inc, 2001), 20.

<sup>61</sup> Ibid., 114.

<sup>62</sup> Bill Clinton, Precede New Brunswick, New Jersey, October, 9, 1993. Bruce Reed Crime, Box 75, Folder Crime Bill Strategy, Domestic Policy Council. Clinton Presidential Library.

or general images showing crime as a rampant problem, to help galvanize support to pass these laws. Events were planned to help show that he cared about fighting crime and the victims, creating a persona of a compassionate and caring president.

Clinton used his rhetoric and powerful locations as in his Memphis speech to highlight the violence in our country. During this emotional speech he made claims to quantify the negative effect that guns were having on America. But the claims were often deceptive. In that speech he stated that, “37,000 people die from gunshot wounds in this country every year.”<sup>63</sup> He used a specific phrase, “gunshot wound,” which means anyone who died as a result of a bullet. This combines gun homicides, accidental gunshots, suicides, and a range of other non-homicide gun deaths. Gun homicides in 1993 were at a record high of 17,048, far from the 37,000 Clinton claimed in his speech.<sup>64</sup> He had grouped together all people killed by guns, including the estimated 18,000 suicides involving a gun, which surpassed murders in 1993.<sup>65</sup> Clinton was trying to present guns as twice the killer than they were. He used specific terminology to trick the listener into believing that the he was only talking about homicides. It starts to become more apparent why Americans have many misconceptions about gun violence.<sup>66</sup>

Clinton continued to appeal to the public’s emotional side by highlighting the murders of children. He used these examples to prey on the fear that guns could kill their children. He capitalized on high profile crimes that the media had already picked to push his agenda.

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<sup>63</sup> Clinton, Bill. “Memphis Speech,” Church of God in Christ, October, 1993, <http://www.americanrhetoric.com/speeches/wjclintonmemphis.htm>, (accessed July 27, 2009).

<sup>64</sup> “Key Facts at a Glance: Crimes Committed with Firearms 1973-2006”, U.S. Department of Justice, Bureau of Justice Statistics, January 25, 2008, <http://www.ojp.usdoj.gov/bjs/glance/tables/gunccrimetab.htm>, (accessed July 14, 2009).

<sup>65</sup> “International Violent Death Rates,” GunCite.com, May 17, 2003, [http://www.guncite.com/gun\\_control\\_gcgvintl.html](http://www.guncite.com/gun_control_gcgvintl.html), (Accessed July 21, 2009).

<sup>66</sup> “Homicide Trends in the U.S. – Weapons Used,” U.S. Department of Justice, Bureau of Justice Statistics, July 11, 2007, <http://www.ojp.usdoj.gov/bjs/homicide/tables/weaponstab.htm>, (accessed July 25, 2009).

One such case in the fall of 1993 was the murder of Polly Klaas which became a huge news story. Polly Klaas was a 12-year old girl who went to a friend's house, was kidnapped and was later killed in Petaluma, California.<sup>67</sup> The murderer who abducted young Polly, Richard Davis, had recently been released from prison. This murder became an example of crime in the early 1990s.<sup>68</sup> Soon after the murder, Bill Clinton met with her father. Clinton thus appeared to be an understanding leader who could sympathize with the victims of crime and still be a tough leader, pushing anti-crime legislation to stem the rising violence affecting this nation.<sup>69</sup>

#### Aftermath of Passing these Bills

After the Brady Bill passed, President Clinton toted it as an extremely important step in the fight against rising violence. In a Saturday radio address on New Year's Day 1994, he described the bill this way:

“Washington finally awoke to the growing fear of violence on our streets, when Congress passed and I signed the Brady Bill. All over American, beyond Washington, people are beginning to take more responsibility for themselves, for their children, and for their community.”<sup>70</sup>

This sounds as though this new law was a catalyst for national change in the lives of all Americans. Clinton talked about how during his presidency after hearing about everyday people's struggles with crime, he was inspired by their countless stories to fight even harder to curb the violence. One story focused on a boy in California who had simply wanted to go to

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<sup>67</sup> Letter, Meeting with Marc Klass, Mark Gearan and Liz Bernstein. Bruce Reed Crime, Box 75, Folder Klass, Domestic Policy Council. Clinton Presidential Library.

<sup>68</sup> Ibid.

<sup>69</sup> Letter, Meeting with Marc Klass, Mark Gearan and Liz Bernstein. Bruce Reed Crime, Box 75, Folder Klass, Domestic Policy Council. Clinton Presidential Library.

<sup>70</sup> Bill Clinton Saturday Radio Address. Bruce Reed Crime. Box 77, Folder Speeches, Domestic Policy Council. Clinton Presidential Library.

school. But as he and his brother were registering for classes, a drive-by occurred. His brother was shot right in front of him. The boys were not even the target.<sup>71</sup>

The Brady Bill was not universally embraced, even by the local police departments tasked to enforce the background checks. Some of police departments felt that only the state government could mandate them to do background checks. In the case of *Printz v. US* the constitutionality of the Brady Bill was challenged by the chief law enforcement officers (CLEO) of Ravalli County, Montana and Graham County, Arizona's. In a 5-4 decision, the Supreme Court in 1997 found the Brady Bill unconstitutional. Justice Scalia stated that the federal government could not require the state to follow laws built around the idea of federalism were dual sovereignty exists.<sup>72</sup> The federal government could regulate the people of states when it was an interstate issue, but the Constitution does not allow for the federal government to make CLEOs work on federal policies.

This case actually had minimal effects on the Brady Bill, because most CLEOs willingly supported these gun control policies and wanted to comply with the federal background check requirements. After this ruling the Brady Bill continued to be implemented by most law enforcement agencies. They believed that it worked to their advantage, that it was not a huge task to run a background check, and that it helped to limit gun supplies of criminals.

### National Instant Criminal Background Check System

Under the terms of the Brady Bill, the original five-day waiting period would over time be replaced by a computerized system of background checks. In 1998 the National Instant

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<sup>71</sup> Remarks at the University of North Carolina, Chapel Hill,. Bruce Reed Crime. Box 77, Folder Speeches, Domestic Policy Council. Clinton Presidential Library.

<sup>72</sup> "Printz v. United States," Oyez U.S. Supreme Court Media, [http://www.oyez.org/cases/1990-1999/1996/1996\\_95\\_1478](http://www.oyez.org/cases/1990-1999/1996/1996_95_1478), (accessed July 17, 2009).

Criminal Background Check System (NICS) was put in place. As the name said, this new system could immediately check people's backgrounds. There were several possible outcomes under NICS. First, there were people who were approved and got the "immediate proceed", accounting for 73 percent during the first few months of the NICS.<sup>73</sup> The rest of the background checks involved some sort of delayed result. If the database did not have all the needed information, a check had to be made outside the NICS. This accounted for the other 27 percent of checks.<sup>74</sup>

Within this category of delayed checks, there were different cases. There were checks that could not be done electronically, so the FBI had to run a physical background check. If the check could not be finished in three days the sale could be finalized, accounting for 5 percent of all checks.<sup>75</sup> The next 19 percent were background checks that were missing data, taking up to two hours to finish.

The last possibility within the delayed checks category was denial. This meant the buyer was a disqualified person and could not purchase the gun, which accounted for 2.1 percent of checks.<sup>76</sup> These were the people that the Brady Bill was set up to stop and over time this number would continue to decrease. Another result of the NICS was that the FBI could try to retrieve weapons already sold to a prohibited person; within the first seven months of this program the FBI retrieved 1,786 firearms.<sup>77</sup>

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<sup>73</sup> "Possible Outcomes of an NICS Background Check," About.com, US Government Info, January 2, 2000. <http://usgovinfo.about.com/library/weekly/aa010200b.htm> (accessed July 15, 2009), 2.

<sup>74</sup> Ibid., 2.

<sup>75</sup> Ibid., 2.

<sup>76</sup> Ibid., 2.

<sup>77</sup> "Brady Act Background Checks: The First Seven Months," About.com, US government info. January 2, 2000. <http://usgovinfo.about.com/library/weekly/aa010200a.htm> (accessed July 15, 2009), 1.

### Crime Bill Passed

“Your President is just not that important to us,” sneered Republican Congressman Dick Armey, as the Crime Bill was defeated in early August 1994.<sup>78</sup> After this defeat, Clinton went to Minneapolis on August 12<sup>th</sup> to promote the bill.<sup>79</sup> Clinton believed it was the “responsibility of the 225 members of the United States to every man, woman, and child...to give every American the right to feel safe.” He believed the National Rifle Association had used its power along with the Republican leadership to block the Crime Bill. They had also pressured some rural Democrats into quickly switching their support away from the bill.<sup>80</sup> Clinton promised that he would not let the American people be duped by such special interest trickery and even though they did not get the crime bill passed on the August 11, he would fight for the people’s interests. It appears that Clinton was angry at the Republicans for what he saw as placing ideology and the protection of the Second Amendment ahead of the safety of the American people.

President Clinton was adamant about his willingness to get his Crime Bill and the Assault Weapons Ban through Congress before the August recess.<sup>81</sup> He continued to make public presentations, one at an African-American Church and others through his weekly radio addresses.<sup>82</sup> After weeks of compromise, the Democrats cut about 3 billion dollars worth of programs from the Crime Bill. The programs that were cut were mostly liberal preventative

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<sup>78</sup> Walker, Martin. *The President We Deserv*, (New York: Crown Publishing, Inc., 1996 ), 325.

<sup>79</sup> Clinton Speech in Minneapolis at the National Association of Police Officers, Bruce Reed Box 75, Event – POTUS Trip to Minneapolis 8/12/94. Domestic Policy Council. Clinton Presidential Library.

<sup>80</sup> Nigel Hamilton, *Bill Clinton: Mastering the Presidency*, (New York:Public Affairs, July 2007), [http://books.google.com/books?id=Ky8fzAmUIvAC&pg=PA302&lpg=PA302&dq=clinton's+crime+bill&source=bl&ots=Rpz1zf7i\\_w&sig=w3H8GmEqIqh12BVtyEtvWPUgTvk&hl=en&ei=MetySpKPENUPmAew643LCg&sa=X&oi=book\\_result&ct=result&resnum=2#v=onepage&q=clinton's%20crime%20bill&f=false](http://books.google.com/books?id=Ky8fzAmUIvAC&pg=PA302&lpg=PA302&dq=clinton's+crime+bill&source=bl&ots=Rpz1zf7i_w&sig=w3H8GmEqIqh12BVtyEtvWPUgTvk&hl=en&ei=MetySpKPENUPmAew643LCg&sa=X&oi=book_result&ct=result&resnum=2#v=onepage&q=clinton's%20crime%20bill&f=false), (accessed July 22, 2009), 302-305.

<sup>81</sup> Rupert Cornwell, “Clinton Sticks to his Guns and Urges Congress to Pass Crime Bill,” *The Independent*, August 15, 1994, World News, <http://www.independent.co.uk/news/world/clinton-sticks-to-his-guns-and-urges-congress-to-pass-crime-bill-1383613.html>, (accessed July 30, 2009).

<sup>82</sup> *Ibid*, Cornwell.

crime measures.<sup>83</sup> On September 13, 1994, President Clinton signed into law the Violent Crime Control and Law Enforcement Act including the Assault Weapons Ban, but this fight had left the final Crime Bill with fewer innovative measures.

### Effectiveness of Clinton's Gun Control

Clinton and the Democrats pushed their anti-gun and anti-crime policies, but after the policies were implemented, there was little positive effect on stopping crime. It is true that during Clinton's presidency there was a huge drop in the overall crime rate – a 43% decline in murders and a 34% decline in all violent crimes from 1991 to 2001.<sup>84</sup> But study after study show that Clinton's policies were not the reason for the drop in crime. These policies were insignificant in their effect, and were merely attempts to gain more public approval of the government. They did very little to fix the societal problems which cause violence.

In the end the Brady Bill was not an effective tool to reduce crime by restricting buyers and limiting the purchase of handguns. It did, however, offer some other benefits. During the interim period of the Brady Bill from 1994 to 1998 there was a required five-day waiting period. The one clear positive result of this was a significant decrease in the number of men over 50 choosing to commit suicide with guns. The waiting period, put time between the background check and the actual purchase. A suicidal person motivated by passion or depression was, temporarily stopped from purchasing a gun, and was given time to calm down. In any case, this

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<sup>83</sup> Darren Wheelock; Douglas Hartmann, "Midnight Basketball and the 1994 Crime Bill Debates: The Operation of a Racial Code," *The Sociological Quarterly*, vol. 48, (Malden, MA: Blackwell, 2007), <http://www.soc.umn.edu/~hartmann/Publications/mnbball.tsq.pdf>, (Accessed August 10, 2009).

<sup>84</sup> Steven D. Levitt, "Understanding Why Crime Fell in the 1990s: Four Factors that Explain the Decline and Six that Do Not, *Journal of Economic Perspectives*," *Journal of Economic Perspectives*, Vol. 18, no. 1, (Winter 2004), 163.

waiting period was replaced in 1998 by NICS.<sup>85</sup> With the computerized instant background checks, even that cooling off period was gone, and so was this slight benefit.

It was claimed in 2002 that the Brady Bill, which by then had become the NICS had stopped over 1.6 million firearms from being purchased at gun shops by felons, domestic abusers, and other prohibited people.<sup>86</sup> But many of these people who were denied firearms were everyday people – not criminals – blocked due to paperwork or issues with the background check.<sup>87</sup> The big flaw is that without addressing the illegal market for firearms, the law allowed criminals and murderers to get their hands on guns, but made it harder for regular citizens to purchase guns for their own protection.

While the Brady Bill tried to keep guns away from the people who might use them in criminal ways, the number of federal prosecutions of those who attempted to illegally buy weapons was low.<sup>88</sup> The number of criminals, who got weapons or even attempted to buy guns from legal stores and were subsequently prosecuted, was only a tiny fraction of all people denied. Why not arrest and prosecute every person who illegally tried to get a weapon? The administration was not afraid of filling the prisons; they promoted increasing the actual sentenced served, thus increasing the number of prisoners in jail. This lack of effort in executing the Brady Bill leads to this possible conclusion: instead of actually caring about catching each and every criminal, the Clinton administration wanted policies that in public and in the media appeared as though they were fighting crime, without the maximum effort.

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<sup>85</sup> "Brady Act Background Checks: The First Seven Months." About.com US government info. January 2, 2000. <http://usgovinfo.about.com/library/weekly/aa010200a.htm> (accessed July 15, 2009), p. 1.

<sup>86</sup> "Brady Law At Fifteen: 1.6 Million Dangerous Sales Blocked, But There's More Work To Do." Brady Campaign to Prevent Gun Violence. November 30<sup>th</sup> 2008. <http://www.bradycampaign.org/media/release.php?release=1086>

<sup>87</sup> "Did Brady bill block handgun sales?" *Capitol Hill Blue*, June 22, 1998, <http://www.guncite.com/bradybilljun22.html>, (accessed July 29, 2009).

<sup>88</sup> Chris Mondics, "An odd chorus of pro- and anti-firearm forces is calling for tougher enforcement: Numbers keep gun-law violators at large," *Philadelphia Inquirer*, 1999, [http://www.guncite.com/gun\\_control\\_brady\\_philly.html](http://www.guncite.com/gun_control_brady_philly.html), (accessed August 4, 2009).

While Clinton's gun control policies did attempt to deal with the legal gun supply, there was not a substantial effort to deal with the secondary and illegal gun market. Many criminals get weapons through theft, the black market, gun shows, and simply exchanges amongst friends. The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) estimates that the secondary firearms market accounts for between 30 and 40 percent of all gun transfers. Guns bought from people who are not federally licensed firearm dealers account for an even higher percentage of firearms used in crimes. In a survey of prisoners in 1997, it was found that 80 percent got their guns for crimes illegally – from friends, family, or off the street.<sup>89</sup> This means that only around 20 percent obtained their guns from a legal or licensed gun dealer. This shows again that the Brady Bill would have a diminished impact on criminals.

There are countless examples the White House used in speeches as justification for the Assault Weapons Ban. Shooters used assault weapons in a shooting in Jacksonville, Florida, that left 10 dead and in a shooting at a San Francisco law office. These were held up as examples of the mass killings that could occur without trying to ban these killing tools. Even the Waco siege in 1993, was turned from a disaster into a gun control victory. This incident started when the ATF tried to search the Branch Davidian ranch for illegal firearms. The ATF was stopped, resulting in a 51-day siege.<sup>90</sup> The initial raid resulted in the killing of four ATF agents and six Branch Davidians. The subsequent siege resulted in 80 more people being killed by the government. This was seen as more evidence of the need for stricter gun control; if a religious

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<sup>89</sup> "Firearms and Crime Statistics," U.S. Department of Justice, Bureau of Justice Statistics, March 1, 2007, <http://www.ojp.usdoj.gov/bjs/guns.htm> (Accessed July 12th, 2009)

<sup>90</sup> Justin Sturken; Mary Dore, "Remembering the Waco Siege: A 51-day Standoff, Which Began 14 Years Ago Today, Resulted in the Deaths of 74 People, Including 25 Children," ABC News, Feb. 28, 2007, <http://abcnews.go.com/US/Story?id=2908955&page=1>, (accessed July 22, 2009).

group that was characterized as being radical could gather so many weapons, there had to be some restrictions so that they could not successfully challenge government authority.

Were the gun control policies effective at deterring violent crime and were they responsible for the rapid decline in crime experienced in the 1990s? It is true that in the 1990s there was an observable decrease in all crimes. The decade between 1992 and 2002 saw decrease in all major crimes including murder.<sup>91</sup> Still, there appears to be no statistically significant link between the prevalence of firearms and violent crime rates.<sup>92</sup> A survey of the police firearms examiners in Miami-Dade County, Florida, concluded that since 1981 the use of assault weapons in crimes had declined, and that by 1994 they were not as big an issue as they were previously. As a percentage of weapons captured by authorities from criminals in Los Angeles, only 3% were assault rifles, and in Chicago only 3% were semiautomatic rifles. Looking at the number of homicides in 1989 in Miami-Dade County, Florida, only 3 of these homicides (1.4% of all homicides) involved an assault weapon. The only major city that showed heavy use of assault weapons, more than 3% of guns used in crimes was Oakland where 8% involved assault weapons.<sup>93</sup>

### Conclusion

Clinton claimed to speak for Martin Luther King, Jr. in 1993, but he did not pick up the flag where King left it in Memphis. While Clinton appeared to continue in the path of King, by

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<sup>91</sup> Zimring, Franklin E. *The Great American Crime Decline*. (Oxford: Oxford University Press), 6-7.  
[http://books.google.com/books?id=Qre6Yb-GNrgC&pg=PA157&lpg=PA157&dq=franklin+zimring+street+crime+and+new+guns&source=bl&ots=Cj\\_45KdjYc&sig=XMIRg\\_JHRZlZx2jaXuf47Mis--k&hl=en&ei=vtZkSsORPJCtgeilPX\\_Dw&sa=X&oi=book\\_result&ct=result&resnum=1](http://books.google.com/books?id=Qre6Yb-GNrgC&pg=PA157&lpg=PA157&dq=franklin+zimring+street+crime+and+new+guns&source=bl&ots=Cj_45KdjYc&sig=XMIRg_JHRZlZx2jaXuf47Mis--k&hl=en&ei=vtZkSsORPJCtgeilPX_Dw&sa=X&oi=book_result&ct=result&resnum=1)

<sup>92</sup> Kleck, Gary. *Target Guns, Firearms and their Control*. (Aldine. January 1997),  
[http://books.google.com/books?id=xJ3Y2-CHYfMC&printsec=frontcover&dq=gun+control+effectiveness&source=gbs\\_similarbooks\\_s&cad=1](http://books.google.com/books?id=xJ3Y2-CHYfMC&printsec=frontcover&dq=gun+control+effectiveness&source=gbs_similarbooks_s&cad=1) (accessed, July 18, 2009), 19.

<sup>93</sup> *Ibid.*, 25.

attempting to lead America to the Promised Land, he was still a politician. He built politically self-serving policies to help his party rather than help the people of this country.

Clinton created a persona of toughness on crime, starting as Governor of Arkansas. There he allowed the execution of Ricky Ray Rector, a mentally handicapped murderer. He continued this image of toughness during his Presidential election, and it helped him to become President.

During the first few years of his presidency, Clinton's pushed policies to address the rise in gun crime. He argued for the urgent passage of his crime legislation including the Brady Bill and the Federal Assault Weapons Ban in the Crime Bill. These laws reflected public demand to deal with crime, but were not the most effective solutions. They failed to strike at the root causes of crime.

President Clinton gets credit for helping to stop the rise of crime in the 1990s, because he did push his crime agenda just as the actual crime rate began to fall. It was credit that he needed. Early in his Presidency, Clinton experienced some serious political defeats, and it was crucial to pass these crime initiatives as a political victory. Clinton battled the NRA and Republican opposition, the legislation got through Congress, but not without having to push through laws that were an untested attempt to fight crime.

The Clinton administration may have had good intentions with its gun control policies, but it only focused on the kind of laws that the people demanded, but laws that were relatively ineffective. In surveys in early 1994, people placed crime as the number one national priority, and crime therefore became the administration's biggest political issue. Clinton may have been tough on crime in some cases. But when the Brady Bill was implemented, few felons who tried to purchase guns were actually prosecuted after their denial; the federal government did not put the needed resources or effort into enforcing their anti-crime laws. The Brady Bill's effectiveness

was also negligible in blocking criminals from buying guns. These laws were politics as usual, formulated to appear to address the biggest national issue. When the laws worked – or seemed to work – you would get the votes.

Clinton exploited people's fears and misconceptions about crime. He used media coverage of crime stories as evidence of the rise in crime, even if these stories didn't give people an accurate picture. In his speeches Clinton used very precise terminology and statistics to inflate the negative impact of guns on crime. Even in his speech in Memphis, Clinton said there were almost 40,000 deaths from bullets. This number, however, combines gun homicides with gun suicides; this number is, more than double the approximately 17,000 gun homicides that year. This abuse of the public trust was a strategy to allow Clinton to claim credit for helping the American people and to allow the Democrats to stay in power.

The Federal Assault Weapons Ban turned out to be a very weakly worded piece of legislation, poorly addressing the fight against crime. Gun companies easily found ways to manufacture and modify guns to meet the standards of the ban. Furthermore, the crime rate continued to fall even when the Assault Weapons Ban sunset in 2004. Specifically banning individual weapons seems to make little difference on whether violent crimes will occur. Banning assault weapons, like other prohibitions, just turned criminals towards the black market, while law-abiding citizens were barred completely.

The Clinton administration policies ignored a major factor in gun violence: most criminals get their weapons from friends, from family, or from the secondary or black market. Under the Brady Bill, background checks for gun sales at legitimate stores would have minimally impact, affecting only about 20 percent of criminals – and these criminals soon

learned not to buy from legal shops. So the government actually pushed more criminals into the black market, making guns harder to trace, tax, and regulate. The government should have focused on fighting the black market and cracking down on the guns actually used in crimes.

The future of gun control in America is unknown. If these Clinton gun control policies had been more effective, maybe the future of gun control would look brighter. But when the Assault Weapons Ban went back to Congress before it expired in 2004, Congress chose not to extend it beyond its initial 10-year period. The legal situation is changing too. In the recent case of "*District of Columbia v. Heller*" (2008), the District's ban on handgun ownership (Firearms Control Regulations Act of 1976) was challenged. In a 5-4 decision, Supreme Court found the ban to be an unconstitutional violation of the Second Amendment. The court decided for the first time that there was an individual right to bear arms, outside the traditional militia justification.<sup>94</sup>

With the election of President Obama, gun sales have dramatically increased. There seem to be fears that he will be Clintonian in his gun policies, promoting greater gun control.<sup>95</sup> On the special interest side, the pro-gun lobby has grown, as groups like the NRA outspend the anti-gun lobbies each year. Any future gun control measures will have to contend with all these developments.

Whatever the future holds, any effective gun control initiatives must focus on secondary markets and the black market. Otherwise, criminals will still find ways to get guns, in a country where there is almost one gun for every person. Above all, guns are just part of a bigger crime

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<sup>94</sup> "In the United States District Court For Eastern District of Tennessee: United States of America v. Douglas Whisnant," July 25, 2008, <http://74.125.155.132/search?q=cache:IDZor6BrsOoJ:web.knoxnews.com/pdf/073108guns.pdf>, (accessed August 1, 2009).

<sup>95</sup> Adam Brandolph, "Gun Sales Boom on Fear of Obama Bans," Pittsburgh Tribune-Review, March 25, 2009, [http://www.pittsburghlive.com/x/pittsburghtrib/news/tribpm/s\\_617729.html](http://www.pittsburghlive.com/x/pittsburghtrib/news/tribpm/s_617729.html), (accessed August 2, 2009).

picture. As we learn from looking at Bill Clinton, guns are an easy target and a convenient way to score political points. But if any federal anti-crime campaign is attempted again, it should to go beyond guns to the broader root causes of crime.