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Folder Title:

Brady Bill

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MEMORANDUM

To: Gordon Li
From: Patricia Wong
Subject: Legislative History of the Brady Bill

The Brady Bill was named for former White House press secretary James S. Brady, who was seriously wounded in the March 1981 assassination attempt on President Reagan, and his wife, Sarah, who lobbied relentlessly for the measure.

In 1988, the Brady Amendment, which required a seven-day mandatory waiting period to allow a background check be run on anyone wanting to purchase a handgun, was introduced as part of the omnibus drug bill (HR 5210). The Amendment suffered strong opposition from the National Rifle Association (NRA), which contended that the Brady amendment would add thousands of hours of administrative work to police departments around the nation. Representative McCollum offered a substitute amendment that would have require the Attorney General to develop a system to identify any felon attempting to purchase a firearm. However, the McCollum substitute was also rejected, 12-22.

In 1989, the House Judiciary Committee approved the bill (HR 467), which requires a seven-day waiting period before a person could buy handgun. However, the Brady bill was never brought to the floor because of opposition from speaker Thomas S. Foley, D-Wash., and other House leaders.

In 1990, both the Senate and House approved legislation mandating a waiting period of five business days and a police background check of prospective handgun buyers (S 1241 and HR 3371). However, the proposal was rolled into an omnibus crime bill that snagged at adjournment.

In 1992, with the crime bill declared dead, an equally futile effort was made to resurrect the Brady Bill as a separate measure. Congress firmly rejected handgun control on October 5 when supporters in the House and Senate were unsuccessful in their push for consideration of S 3282 by itself. Senate Majority Leader Mitchell attempted to bring up the Brady Bill, which required a seven-day waiting period before purchase of a handgun. However, the measure was never considered due to the objection of Republican senators. Republicans, led by Senator Larry E. Craig, argued that Mitchell was attempting to sell a bill that the House and Senate never voted on. Moreover, Craig also argued that the bill would threaten Americans' civil rights. President Bush stated that he would support the gun control provision if they were part of a sweeping anti-crime package.

Brady a:11

October 28, 1993

MEMORANDUM

TO: Howard Paster

FROM: Bob Walker, Director of Federal Legislation

RE: Brady Bill/Cloture

As per our earlier memorandum, we are hoping that the White House will assist us in firming up our support for a cloture vote on Brady. We believe--on the basis of prior support or private commitments--that 11 Republicans will support us on a cloture vote:

Kassebaum (cosponsor)
Warner (cosponsor)
Hatfield (cosponsor)
Chafee (cosponsor)
Cohen
Jeffords
Roth
Packwood
Durenberger
Lugar
Danforth

Six Democratic opponents of Brady are expected to oppose us on cloture:

Breaux
Johnston
Shelby
Heflin
Hollings
Baucus

That means we must get the support of four out of the following five Democrats to reach 60:

Bryan
Dorgan
Campbell
Leahy
Reid

Bryan voted for final passage of the Dole-Metzenbaum Brady bill compromise in the last Congress, but has taken no position on the Brady bill in this Congress.

Dorgan, as a House Member, voted for the NRA's "instant check" substitute in the last Congress and opposed Brady on final passage. In this Congress, however, he is officially undecided.

Campbell, like Dorgan, opposed Brady as a House Member. As a Senator, however, he now has a much larger urban constituency and support for gun control in Colorado is very high. He is an avid sportsman, but he is reportedly considering support for a number of gun control measures, including assault weapons and Kohl's juvenile possession ban. He's made no public statements on Brady.

Leahy is an opponent of the Brady bill--he thinks it's largely ineffectual--but in the last Congress he did vote against the NRA's substitute. This year, he has been quoted as saying that the NRA should give up on opposing Brady and just let it pass.

Reid is an opponent of the Brady bill, even though he did vote for the Dole-Metzenbaum compromise language in the last Congress.

We may be able to get more than 11 Republicans to support us on cloture--at least on a second cloture vote--but we should not count on that. We really need to get support from four of the five Democrats listed above. With the Brady bill expected to move to the Senate floor the second week in November, these phone calls need to be made next week.