

POLICYMAKING UNDER THE FIRE: THE US ASSAULT WEAPONS BAN POLICY

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Abstract

This paper explores and analyzes the banning policy of assault weapons (AWs) in 1994. Gun control has always been an important and debatable issue between the gun control advocates and gun right supporters in the US. In that regard, the main part is given to the gun control policy accomplished by the Clinton Administration in 1994. Further, several major theories and approaches in political science are used and applied to shed light on the issue and better understand the gun control policy. Some suggestions for new policy attempts of gun control were also made at the end of the study.

Keywords: Assault Weapons Ban Policy, Policy Environment and Actors, Public Policy Theories

Introduction

This paper explores the banning policy of assault weapons (AWs). Gun control has always been an important and debatable issue between the gun control advocates and gun right supporters and the “Debate about gun control in the US has become something of a bore- the same people are saying the same things about the same guns ad nauseam” (Zimring, 1989, p. 1). It is also the issue of safety, on one side, and the freedom of firearms⁹⁹ on the other. Zimring further adds that after the schoolyard shooting in Stockton, California¹⁰⁰, along with several other incidents, shifted the media and legislative’s attention from handguns to assault weapons. In addition, it made some states pass laws that bring restrictions on assault weapons (Worsnop, 1994).

⁹⁹ The Second Amendment

¹⁰⁰ Five children were killed by a gunman on a Schoolyard Stockton, California, on 17 January 1989. “Schoolyard Terror; 5 Kids Slain” *USA TODAY*, 18 January 1989, p. A1

President Bush, who like most of the Republicans was opposed to gun control, banned 43 types of semiautomatic assault weapons' importation in 1989, but the support for more ban was not enough¹⁰¹. In 1991, President Bush announced the Comprehensive Violent Crime Control Act which proposed harsher penalties for criminals using AWs¹⁰². Three years later, after the shooting event on a train in New York¹⁰³ President Clinton said he had told the General Attorney to prepare a proposal for national gun licensing registration.

President Clinton's new administration opened a new window of opportunity in the political stream¹⁰⁴ in 1993. At that time, entrepreneurs were on the "lie in wait-for a window to open" (Kingdon, 1984, p. 181). They succeeded to enact the Brady bill, and thus; they were confident to go further. In other words, entrepreneurs were encouraged to rush the next available bill with the powerful spillover effect¹⁰⁵. In 1994, the problem was defined, the policy was ready and the political environment was ready to enact the "Violent Crime Control and Prevention Act of 1994" that also included the Assault Weapon Ban, which was one of the dubious provisions in the bill. The voters were supporting the Assault Weapons Ban and backing President Clinton's agenda¹⁰⁶. Politicians, agencies, and interest groups were convinced that banning assault weapons would make the streets safer.

In this article the main part is given to the gun control policy accomplished by the Clinton Administration in 1994, which was expired in 2004 due to the sunset policy. The actors, interest groups, networks, and political processes are presented. Since the expiration of the policy, several other shooting events that have fatal consequences happened but nothing has been done yet, in terms of policy. Therefore, the success story is discussed in order to show that it could be done, it can be a comparison for the next attempts. Such a policy is not complete when it has sunset conditions. Otherwise, it is just like a pendulum swing, the policy is coming back and forth at different times depending on the supporters and opponents. However, as mentioned above, this pendulum swing has notorious consequences and side effects: People may lose their lives.

¹⁰¹ Worsnop, L.Richard. (1994, June 10). "Gun Control". *The CQ Researcher Online*, Vol.4, No.22. Retrieved September 20, 2005, from <http://library.cqpress.com/cqresearcher/cqresrre1994061000>.

¹⁰² Administration of George Bush, 11 March 1991

¹⁰³ A gunman killed two, wounded 17 people on Long Island Rail Road train in NY, on December 7, 1993

¹⁰⁴ The political stream is composed of such factors as swing of national mood, election results, changes of administration, changes of ideological or partisan distributions in Congress, and interest group pressure campaigns. (Kingdon, John W. (1984, 2003). *Agendas, Alternatives, and Public Policies: Second Edition*. New York: Addison-Wesley Educational Publishers Inc)

¹⁰⁵ The appearance of a window for one subject often increases the probability that a window will open for another similar subject. The first success creates tremendously powerful spillover effects (Ibid, pp.193-194).

¹⁰⁶ Donovan, Beth , *Congressional Quarterly*, August 20, 1994, p. 2451

In that regard, the following questions are explored in this study: Why is it difficult to make an assault weapon (AWs) ban policy, despite the fact that there are tragic shooting events and massacres? Who are those actors and which parties and advocacy groups are involved? What type of ideas, institutions, and issue networks give rise to the policy?

Several major theories and approaches (Kingdon, 1984; Gormley, 1986; Rochfort and Cobb, 1993) in political science are used and applied to shed light on the issue and better understand the gun control policy.

What is the Problem?

Problem definition matters in the policy making and in decision making (Rochfort and Cobb, 1993; Anderson, 2006; Kingdon, 1984). As Kingdon (1984) indicates, a condition is not the same as the problem. As stated, depending on the definition some are “helped and some others are hurt”¹⁰⁷. Rochfort and Cobb (1993) emphasize the importance of problem definition, and state that it is important who and how the definition is done. Although several events were signals of a problem, it was not perceived a problem until public officials and environmental groups defined it as a problem (Anderson, 2006; Kingdon, 1984). Moreover, they are not considered a problem unless it is believed that “we should do something to change it”¹⁰⁸. Banning assault weapons may save lives, but for some others it may violate a Constitutional right¹⁰⁹. The Second Amendment says: 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 (U.S. Constitution Website). Gun rights advocates put the AW ban in the ‘category’¹¹⁰ of violating the 2nd Amendment, whereas the gun control supporters categorize it as a precaution for their safety.

On gun control issues, when the violent crime deaths with (assault) weapons increased, and thus, the problem brought to the agenda by the policy entrepreneurs, interest groups, mass media, victims, etc., the message given is to make the citizens believe that the danger is getting closer (Rochfort and Cobb, 1993)¹¹¹, and such an event can happen to anyone anytime anywhere. Finally, it evolves into a crisis situation after some incidents (i.e. shootings and deaths in schools), and these crisis situations are seized as opportunities by the entrepreneurs (Kingdon, 1984). Another scholar also mentions about problem definition and says, “There is no single correct way to assess a condition and define a problem... Problem

¹⁰⁷ Kingdon, p. 110

¹⁰⁸ Kingdon, p. 198

¹⁰⁹ The Second Amendment

¹¹⁰ Kingdon says people define conditions as problems in three ways: by values, comparison, or category.

¹¹¹ Rochfort and Cobb (1993) define the problem with the stages of severity, incidence, novelty, proximity, crisis

definitions compete for acceptance” (Anderson, 2006, p. 84). Further, Anderson claims that “problems can follow a variety of routes in reaching a policy agenda” (p. 95). To define the situation, Jack Brooks (D-Texas), who first introduced The Violent Crime Control and Law Enforcement, in the House of Representatives Act on October 26, 1993 said that: “... as simple as it is terrifying: blood is flowing in the streets; crime is on the rise; recidivism is a depressing but terribly real fact of American life and, all the while, congress continues its interminable debate over crime”¹¹². This bill aimed to reduce the crimes committed with assault weapons, and create a much safer living environments. As Nancy Pelosi (D-California) stated at the Congress,

We have a crime bill that would both increase the security of our citizens and break the cycle of violence that is plaguing our nation's cities. With 100,000 more cops on the beat, we are taking back our communities from gangs and drug dealers. With the assault weapons ban, we will make sure these policemen are not outgunned while performing their duties, and ensuring that in our offices and on our streets, we are removing weapons whose sole purpose is indiscriminate mass killing ¹¹³.

Restriction Actions by the States

The state of Connecticut passed a comprehensive assault weapons restrictions, although there were two major gun manufacturers there (Daughtry, 1994) ¹¹⁴. Daughtry adds that several other states were passing reasonable laws regarding the gun control issue, and it was time for Congress to show the same courage like the states had.

At the state level there were varying restrictions on guns in Washington, D.C., Massachusetts, Maryland, California, Connecticut and Florida etc., but, particularly on assault weapons, New Jersey and California were the first that placed a prohibiting law (Worsnop, 1994). New Jersey and California enacted after the shooting event in a schoolyard in Stockton, California¹¹⁵. The toughest state was New Jersey, which banned the sale and ownership of assault weapons on May 31, 1990¹¹⁶.

The tragic event in the schoolyard in Stockton California on January 17, 1989 was a big event that might have an impact on assault weapons ban in several states. In one sense, it

¹¹² 26 October 1993, 139 *Congressional Record*, p.2532).

¹¹³ 103rd Congress, 2nd Session, 1994.

¹¹⁴ on behalf of IACP in Congressional Testimony, 25 April 1994.

¹¹⁵ 17 January 1989

¹¹⁶ LaPalma, Anthony, “New Jersey Votes the Strictest Law In the Nation on Assault Weapons”, *New York Times*, p. A1 May 18, 1990.

was a critical juncture¹¹⁷ that necessitated a dramatic change in the policy and therefore opened a window¹¹⁸ for some streams in several other states.

We do not have any empirical finding in the literature whether or not bans legislation in the states had any effect on federal legislation. However, the need for such legislation was emphasized in the Congress by the Governor of New Jersey Jim Florio¹¹⁹. He pointed out that although they had banned the AWs in New Jersey, it was not enough to stop the deadly flow of these weapons in-across state lines. Therefore, a federal ban was required. At the same hearing, on behalf of IACP, the Metropolitan Police Department, Chief of Police Fred Thomas said that although there was gun restriction legislation in Washington D.C., as police they didn't have border control for prohibiting the weapons coming from other states. Therefore, the gun control would work if only there were a federal legislation for all states. Sylvester Daughtry, Jr., the Chief of Police in Greensboro, North Carolina, also stated that gun control would work if only all the states were required to observe it¹²⁰. As stated, "The cause-and-effect link is hard to prove, [but] highly publicized cases [like the shooting event in Stockton, CA] of gun violence may have strengthened gun control sentiment in Congress and at least some states" (Worsnop, 1994, p. 12).

Restriction Actions on Federal Level During Bush Administration

The first bill (S. 386)¹²¹ regarding the Assault Weapon Ban was the Assault Weapon Control Act of 1989, introduced by Howard H. Metzenbaum D-OH, on February 8 1989, to control the sale and use of assault weapons. It prohibited the transfer, importation, shipping, receipt and possession of assault weapons. It was not enacted.

Then, a second bill (H.R.1154)¹²² named Assault Weapon Import Control Act of 1989 was introduced by Sam M. Gibbons D-FL, on February 28,1989 with 9 cosponsors. The purpose was to prohibit the importation of certain accessories. The Bill was not enacted.

A third bill (H.R. 1190)¹²³ was introduced by Pete Stark D-CA on March 1, 1989 to amend chapter 44 of title 18, US Code, to include semi-automatic assault weapons and large capacity ammunition feeding devices. When enacted, the bill would be cited as the Assault Weapon Control Act of 1989. However, it was not enacted either.

¹¹⁷Krasner, 1984; Kingdon, 1984; Pierson, 2000

¹¹⁸An open window is "an opportunity for advocates to push their pet solutions or to push attention to their special problems" (Kingdon, 1984, p.203)

¹¹⁹ Congressional Testimony, before the Senate Judiciary Committee on Assault Weapons, August 3, 1993

¹²⁰ Hearing Testimony, House Subcommittee on Crime and Criminal Justice, April 25, 1994

¹²¹ S. 386 101st Congress 1st Session US Senate *LexisNexis online*

¹²² HR 1154 101st Congress 1st Session U. S. House of Representatives *LexisNexis online*

¹²³ H.R. 1190 101st Congress 1st Session *LexisNexis online*

During Clinton Administration

On March 26, 1993, Howard H. Metzenbaum D-OH introduced a bill again (S. 653)¹²⁴ named Semiautomatic Assault Weapon Violence Prevention Act of 1993 to prohibit the transfer or possession of semiautomatic assault weapons (SAW), and for other purposes. This also was not enacted.

On September 29, 1993 Melvin J. Reynolds (D-IL) introduced a bill (H.R. 3184)¹²⁵ to prohibit the transfer or possession of semiautomatic assault weapons, and for other purposes. The title of this bill was Semiautomatic Assault Weapon Violence Prevention Act Of 1993. Again, it was not enacted.

Another bill (3527)¹²⁶ was introduced by Charles E. Schumer D-NY again, on November 19, 1993 to make unlawful the transfer or possession of assault weapons. 50 members were cosponsoring this bill. The title of this bill was Public Safety and Recreational Firearms Use Protection Act. It was not enacted.

Senator Bill Bradley, D-NJ introduced a bill (S. 1798)¹²⁷ on January 25, 1994 to amend the Internal Revenue Code of 1986 to increase the tax on handguns and assault weapons and to impose a tax on the transfer of handguns and assault weapons, to increase the license application fee for gun dealers, and to use the proceeds from those increases to pay for medical care for gunshot victims. Again, it was not enacted.

A bill (S 1882 and H.R. 3932)¹²⁸ titled, Gun Violence Prevention Act of 1994 introduced in Mach 1, 1994, in both the U.S. Senate by Howard H. Metzenbaum D-OH and in the U.S. House by Charles E. Schumer D-NY. The purpose was to amend title 18, U.S. Code, to promote the safe use of guns and to reduce gun violence.

And finally, the Bill (H.R.4296)¹²⁹ of Public Safety and Recreational Firearms Use Protection Act, regarding the Assault Weapon Ban was introduced by Representative Charles E. Schumer D-NY on 24 April, 1994. The purpose of the bill was to make unlawful the transfer or possession of assault weapons. There were 61 Cosponsors: 59 Democrats and 2 Republicans. However, although, on May 5, 1994 the House passed 19 semiautomatic assault weapons (SAW) ban, which prohibited the manufacture, transfer, or possession of a SAWs. This bill itself was not enacted.

¹²⁴ S. 653 103rd Congress; 1st Session *LexisNexis online*

¹²⁵ H.R.4296 103rd Congress; 1st Session *LexisNexis online*

¹²⁶ H.R. 3527 103rd Congress; 1st Session *LexisNexis online*

¹²⁷ S. 1798 103rd Congress; 2nd Session *LexisNexis online*

¹²⁸ S. 1882 (US Senate) and H.R. 3932 (US House) 103rd Congress; 2nd Session *LexisNexis online*

¹²⁹ H.R. 4296 103rd Congress, Second Session *LexisNexis online*

The policy environment

In this section, the issue networks and political environment on gun control (particularly the Assault Weapon Ban) policy, adopted under The Violent Crime Control and Law Enforcement Act in 1994, is discussed.

As Domhoff (2002) stated, “No one type of organization is more important than others. It is the network as a whole that shapes policy alternatives, with different organizations playing different roles on different issues” (p. 73). The formation of networks is based on some problems that need to be solved (Carlsson, 2000). Clearly, no network would be formed if there was not a problem, and there were not actors agreeing upon that presence of the problem.

Using different theories on issue networks to analyze the relationships between different actors and interest groups will help us understand the mechanisms of policy making. We can look at the issue in both ways: One, from a narrower perspective: there seems to be an iron triangle (Jordan and Schubert, 1992) among the interest groups, government agency and the Congress. It is indicated in *The Police Chief*¹³⁰ that IACP was working closely with the Bureau of Alcohol, Tobacco, and Firearms (ATF)¹³¹ on the gun control issue. Philip McGuire, who used to be an associate director in ATF, was speaking on behalf of Handgun Control Inc., at the Congressional Hearing in the Subcommittee. The subcommittee on AWs in Congress, the ATF, as well as the interest groups is interconnected with each other. A second way of looking at this issue is from a broader and more contemporary perspective that says the issue networks operate in a broader environment, and includes many diverse participants who can join in and leave out any time (Hecl, 1978). None of those actors are in control of the policies and issues. In this context, the Assault Weapon Ban Policy is not a complex but a salient issue (Gormley, 1986)¹³² of which is a Hearing Room Politics issue. In other words, the citizens, politicians, judges, journalists, professionals, and interest groups are involved in the gun control debate. Gormley says that, “Media coverage is normally accurate and understandable ... Politicians prepare press releases, hold committee hearings... outraged citizens appear to testify” (p. 608).

The Actors and Advocacy Groups in the Policy Arena:

In policy making, there are various and different kinds of actors. One scholar names them as ‘regular’ or ‘irregular’ participants (Gormley, 1986); another researcher categorizes

¹³⁰ Daughtry, Sylvester. *The Police Chief*, March 1994, p. 6

¹³¹ The agency's name changed, as the Bureau of Alcohol, Tobacco, Firearms and Explosives in 2003 (ATF Website)

¹³² Gormley (1986) uses a four-cell matrix to explain the salience and complexity relationship.

them as ‘visible or ‘hidden’ participants (Kingdon, 1984), and yet another scholar examine it as ‘official policy-makers’ (governmental) and ‘nongovernmental participants’ (Anderson, 2006). Indeed, they all talk about the same group of people who have roles in the policy arena.

Democrats were supporting the gun control policy, whereas Republicans were taking on the opposition part, but Democrats continually brought out Grand Old Party (GOP) mayors, such as mayors of New York and Los Angeles, to show that the Omnibus Crime Bill was beyond the party lines¹³³. The largest interest group supporting gun control is the Handgun Control Incorporated which was founded in 1974 as the National Council to Control Handguns¹³⁴ and chaired by a victim’s wife¹³⁵. Some other organizations were, National Sheriffs Association (NSA), International Association of Chiefs of Police (IACP), National Association of Police Organizations (NAPO), Police Executive Research Forum (PERF), and American Academy of Pediatrics Association (AAP), and as a think tank group, the Violence Policy Center (Research Center in Washington D.C.). Moreover, several governors and mayors were also supporting the gun control policy. In general, they all claim that assault weapons are a serious threat to the public as well as to the police. So, the more the guns are accessible, the more people die in violent crimes (Zimring, 1991).

On the other side, there was the National Rifle Association (NRA), as the chief leading group which was founded on November 17, 1871 and has more than 4 million members that makes it the largest among others¹³⁶. As stated, NRA “has a wide reach and deep pockets, both of which are legendary in Washington. And lawmakers from regions of the country with substantial pro-gun sentiment have learned that the group can wreak political havoc” (CQ, 20 August, 1994, p. 2454). Two think tanks opposed to the gun control policy nearby NRA are, The Cato Institute¹³⁷ and The Independence Institute¹³⁸. The Trenton Police Department of New Jersey also opposed the gun control legislation. There were professionals and several police agencies that were supporting the gun control issue, but opposing any other provisions¹³⁹ in the Omnibus Crime Bill. Virginia Association of Chief of

¹³³ *Congressional Quarterly Almanac* 1994, p. 274

¹³⁴ From their website: <http://www.handguncontrol.org/>

¹³⁵ Sarah Brady. Her husband, Bill Brady, was shot and wounded seriously on March 30, 1981. He has spent much time lobbying with his wife Sarah, Chair of the Brady Campaign to Prevent Gun Violence (formerly Handgun Control), for stronger gun laws.

¹³⁶ From their website: <http://www.nra.org>

¹³⁷ founded in 1977 and is a non-profit public policy research foundation headquartered in Washington, D.C.

¹³⁸ founded in 1985, a non-partisan, non-profit public policy research organization.

¹³⁹ They were mainly opposing the Police Corp Provision in the Bill.

Police (VAC) and International Association of Chiefs of Police (IACP) wanted some changes in the Police Corp Act.

As Jost (1997) summarized, the gun control supporters claim that weapons cause violent crimes and, thus, restriction of their availability will reduce violent crimes and deaths. However, the opponents disagree and say that it is not the guns who kill the people, but the people themselves. In addition, the solution lies in getting tougher with the criminals, not with the gun owners. As Darrel Stephens, the Executive director of PERF said at the House Hearing on November 1991, the assault weapons were used not for hunting and for sporting purposes, but for murder. At the same Committee, Phillip McGuire, an advisor in Handgun Control, Inc., said these weapons were designed for military purposes and called Congress to take some action. The acting chairman, William J. Hughes (D-NJ) added that the police that he talked to suggested to him that they viewed the AWs as a very direct threat to themselves. However, James Baker from the NRA disagreed and said that people enjoyed going out and punching holes in the targets, and they were not a threat to either law enforcement or anybody.

On August 3, 1993, Senator Joe Biden (D-DE) called a hearing of the Senate Judiciary Committee in order to discuss potential control legislation that would restrict the sale of ‘assault weapons’ (Kime, 1993). As Sarah Brady, the chair of Handgun Control Inc., stated in this Congressional Testimony “Just this year, we have had notorious assault weapon killings from one end of the country to the other”, and she gave the three very recent incidents where the assault weapons were used. She added that, they needed a comprehensive assault weapon ban as nothing less would solve the problem. She had two victims¹⁴⁰ of the incidents present in the testimony to emphasize the importance of the problem and “dramatize”¹⁴¹ it. These victims explained how their lives had changed after their spouses were shot with AWs. Another victim¹⁴² was also brought in to make a speech before Subcommittee on Crime and Criminal Justice on April 25, 1994). Joseph Wright spoke¹⁴³ on behalf of the American Academy of Pediatrics (AAP) and said that shootings with AWs do not only kill people, but also hurt the ones who stay alive. The victims’ parents suffer from

¹⁴⁰ Steve Sposato and Judy Darling

¹⁴¹ Kingdon says: “As to problems, entrepreneurs try to highlight the indicators that so importantly dramatize their problems”.

¹⁴² Michelle Scully

¹⁴³ At a Hearing Testimony before Subcommittee on the ‘Constitution on Reducing Gun Violence’, on March 23, 1994.

emotional damage and the children who witness such violence might suffer from post-traumatic stress disorder.

Unlike many police professionals, Deputy Chief of the Trenton New Jersey Police Department, Joseph Constance did not agree with the gun control supporters and said that the people of New Jersey and America could be and should be trusted with firearms. He added that, if they wanted to control crime, they should control the criminals. Confusing ‘gun control’ with ‘crime control’ is morally wrong for law-abiding citizens and to the entire law enforcement community. New Jersey Governor Jim Florio was seeing the issue differently from Joseph Constance, even though they were from the same state, and expectedly to be on the same side. Florio said Officer Constance wasn’t reflecting the police in his state. The AWs were not for sporting, but killing as many people as possible in the shortest period of time. He added, although they had banned the AWs in New Jersey, it was not enough to stop the deadly flow of these weapons in-across state lines. Therefore, he believed, a federal ban is required. Another strong supporter of gun control was the Metropolitan Police Department Chief of Police Fred Thomas¹⁴⁴ who stated that (as police) they could not keep the communities safe alone and they needed the assistance of the legislators to enact laws in gun control.

In short, the gun control opponents claim that by banning the AWs, the 2nd Amendment that gives the right to keep and bear firearms is violated. Moreover, the law-abiding citizens are restricted to use the weapons to defend themselves. Kleck and Gertz (1995) found that gun use helped the non-criminal citizens to defend themselves on several occasions. However, the gun control supporters disagree and claim that the high rate of violent crime and the large number of gun accidents are due to the availability of firearms and slack procedure (Jost, 1997). In general, the supporters claim that assault weapons are a threat to the public as well as to the police. Therefore, banning them will decrease the firearm deaths and injuries. It is stated that the more the guns are accessible, the more people die in violent crimes (Zimring, 1991).

As scholars state that whoever defines the issue, defines it from his/her own perspective and sees things differently (Anderson, 2006; Rochfort and Cobb, 1993; Kingdon, 1984; Gormley, 1996). Regarding the issue networks, Gormley (1986) states that, “... regulatory politics vary systematically across issue areas, depending on levels of public salience and technical complexity” (p. 597). As it was stated, a highly salient issue is, “... ”

¹⁴⁴ He was talking on behalf of the International Association of Chiefs of Police (IACP)

one that affects a large number of people in a significant way” (p. 598). Shooting incidents mentioned above and high crime rates may increase the salience, because the problem becomes a threat to public safety and peace. And the citizens may get worried about their lives and environment. In addition, the gun control issue is not a complex one, because it does not require a technical knowledge to realize and offer some solutions. Gormley (1996) also mentions about participants who are changing according to salience and complexity of the issue. In a high salience and low complexity situation the citizens and the politicians are more active. Since it is high in salience, the journalists are also involved.

Media paid much attention to various newspaper articles, and other means during the process of the assault weapon ban issue. When the House passed the assault weapons ban on May 5, 1994, the *Boston Globe* wrote that it was a good move, but there remained much to be done¹⁴⁵. The *Chicago Tribune* wrote that handguns and assault weapons are so lethal and destructive that they should be legally classified as abnormally dangerous or ultrahazardous¹⁴⁶. The *Atlanta Journal Constitution* applauds the state of Georgia’s representatives for voting for the AW ban on May 5¹⁴⁷. Seelye¹⁴⁸ reports in the *New York Times* that the House of Representatives approved a measure to ban 19 semiautomatic assault weapons that had no purpose other than to kill people quickly without having to take aim. LaPierre the executive vice president of the NRA wrote in the *American Rifleman*¹⁴⁹ that several fanatical legislators were trying to ban some guns, but statistics do not support them. He called the proposed ban as "cosmetic nonsense"¹⁵⁰.

The Bargaining Marathon on the Omnibus Crime Bill

In the political stream, the dominant consensus which is negotiation and bargaining¹⁵¹ was at its peak. Although the supporting party was the Democrats mainly, there were a number of Democrats who were opposing the Omnibus Crime Bill just because of the Provision of the Assault Weapon Ban. The House Leaders were insisting on separating the assault weapons ban to pick up some gun rights Democrats votes, but “Clinton stood firm:

¹⁴⁵ “Closer to Target,” *Boston Globe* May 7, p.10

¹⁴⁶ Mathewson, D. Joseph, “Courts must lead fight against guns,” *Chicago Tribune*, May 3, 1994, p.18

¹⁴⁷ “Georgia Four stare down the NRA,” *Atlanta Journal Constitution*, May 8, 1994, p.H4

¹⁴⁸ Seelye, Katharine Q. 1994. “House approves bill to prohibit 19 assault arms”. *New York Times* 143, no. 49688:A1.

¹⁴⁹ LaPierre, Wayne, “Standing guard,” *American Rifleman*, April 1994, p.7

¹⁵⁰ Seelye, Katharine Q. 1994. “Bill to ban some assault guns seems headed for House defeat”. *New York Times* 143, no. 49686:A1.

¹⁵¹ Kingdon says, unlike policy stream, where persuasion and diffusion is used, the political stream governs predominantly with bargaining in consensus process.

The ban would stay in the bill. That forced his aides and the House leadership to seek a deal that would win over at least some Republican votes”¹⁵².

The Lawmakers in both parties were willing to take action on violent crime; however, there were two contentious issues in the bill: the Assault Weapon (AW) Ban and the Death Penalty. The AW Ban Provision divided the advocating party Democrats. President Clinton and the democratic leaders suffered in the 103rd Congress, on August 11, 1994 as the lawmakers blocked the anti-crime bill¹⁵³. One of the reasons for the failure was that a number of Democrats who were opposing the assault weapon ban under this Crime Bill of 1994 did not vote for support. Then, President Clinton and the House leadership “mounted a furious campaign to round up the necessary 218 votes” (p. 18C).

Some Democratic leaders advocate dropping the assault weapon ban from the Crime Bill in order to pick up support from Democrats who opposed gun control, but President Clinton insisted that the ban remains in the bill¹⁵⁴. He used the prominent role of his presidency (Anderson, 2006) to keep the provision in the decision agenda (Kingdon, 1984). After the tense negotiations, Democrats cut \$3.3 billion from the package to get the needed votes from the pro-gun control Republicans¹⁵⁵ and it worked. On August 21, 1994 forty-two Republicans were among the supporting group in the House that approved the conference report (235-195).

Two gun rights entrepreneurs opposing the bill were still struggling: Minority leader Bob Dole (R-Kan.) and Senate Judiciary Committee ranking Republican Orrin G. Hatch (Utah) complained that their concerns were not taken into consideration during the negotiations. Dole received signatures from Republicans in a letter and demanded changes in the bill, but that did not help¹⁵⁶.

The Legislative (Process) History of the Omnibus Crime Act of 1994

A brief chronological history¹⁵⁷ regarding the gun control issue, in general, is as follows: In 1989, after the tragic shooting incident¹⁵⁸ in a schoolyard in Stockton, California, several states limited the access to assault weapons (Worsnop, 1994). On November 30, 1993, President Bill Clinton signed the Brady Bill, requiring a five-day waiting period and

¹⁵² Idelson, Holly and Richard Sammon. (1994). “Marathon Talks Produce New Anti-Crime Bill”. *Congressional Quarterly Almanac* p.2449

¹⁵³ *Congressional Quarterly Almanac*, 1994, p.18C)

¹⁵⁴ *Congressional Quarterly Almanac* (1994) p. 19C

¹⁵⁵ Ibid.

¹⁵⁶ *Congressional Quarterly Almanac* (1994) p. 26C

¹⁵⁷ Not only the assault weapons but a history about gun control in general.

¹⁵⁸ 17 January, 1989

background check before guns could be purchased from gun stores (Adams, 2004). And finally, on September 13, 1994, President Bill Clinton signed “The Violent Crime Control and Law Enforcement Act of 1994” which also includes the assault weapon ban as one of its provisions. The ban took place under Title XI Firearms, as Subtitle A in the Act. Subtitle A-Assault Weapons indicates that this subtitle may be cited as the "Public Safety and Recreational Firearms Use Protection Act". In addition, it states that “it shall be unlawful for a person to manufacture, transfer, or possess a semiautomatic assault weapon... shall take effect on the date of the enactment of this Act... and are repealed effective as of the date that is 10 years after that date” (P.L. 103-322, 1994).

A short history of the legislative process of the Violent Crime Control and Prevention Act of 1994 is as follows: A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety. Then, the House Judiciary Committee ordered, reported, and amended on October 28, 1993. It was reported and amended in the House, on November 3, 1993. The crime bill passed in the House on April 21, 1994. The assault weapons ban passed the House May 5, 1994 separately. The Conference report on H.R. 3355 was reported in the House on August 21, 1994. On August 22, 1994, the Senate began consideration of the conference report. On August 25, 1994, the Senate agreed to the conference report, by a recorded vote of 61 yeas and 38 nays (D 54-2; R 7-36) clearing the measure for the President. Finally, It (H.R. 3355) was signed by the President on September 13, 1994. (P.L. 103-322).

Discussion and Conclusion

Indeed, there was a support for the Omnibus Crime Bill both from the Democrats and Republicans in Congress¹⁵⁹ mainly because some provisions of this act started during the Republican government. Before the Clinton administration, President Bush also favored this legislation. It then became part of President Clinton’s campaign for election. In other words, it was by and large the same proposal¹⁶⁰ that was offered in Clinton’s administration.

This bill was also “a test of wills: between gun control advocates and opponents, between Democrats and Republicans and, to some extent, between the White House and the House leaders”¹⁶¹. Moreover, this bill’s bargaining stage was also an important indicator to

¹⁵⁹ *Congressional Quarterly Almanac* 1994

¹⁶⁰ As Kingdon mentioned, there is no new thing under the sun. The proposal offered in an opportunity of window was not very different from the previous versions.

¹⁶¹ *Congressional Quarterly*, August 20, 1994, p. 2449

show how an entrepreneur devotes himself and risks several things. It is believed the most effective entrepreneur was President Bill Clinton as he lobbied himself as well as insisted on the Assault Weapon Ban to keep in the Crime Bill. More importantly, he risked the Omnibus Crime Bill by insisting on the Assault Weapon Ban to keep it in the bill. For instance, the crime package was blocked from being debated in the House by a 210-225 vote, mainly because the AWA's Ban Provision (of which he insisted) took part in the bill¹⁶².

Since the political stream is an important promoter of high agenda status, all of the important actors in the system may favor action (Kingdon, 1984). It is a timeless opportunity, within which the policy window opens, but also closes very soon. According to Kingdon, the government agenda can be structured by problems or politics themselves. However, the probability of an item rising on the decision agenda is significantly increased when all three streams are joined.

There was a public problem and that problem was high in salience. One indicator was the polls. They showed that voters placed crime at or near the top of their concerns and that they expected help from both federal and local governments. The citizens were easily participating in this low complex policy¹⁶³, for instance they were speaking in the Congressional Testimonies and expressing their feelings and thoughts. As stated, "Presidents can use the State of the Union, the budget, and special messages to set the congressional agenda. Media events may accompany these messages and bring them to the attention of the general public as well" (Anderson, 2006, p. 91). After the negotiations, this act authorized \$30.2 billion by agreements (CQ, August 20, 1994, p. 2449).

There is no new thing under the sun¹⁶⁴. Proposals and alternatives offered in the bills were not accepted the very first time and were rejected several times. However, this does not mean that the rejected alternative is over. Instead, they came back again and again, but in different shapes, or combinations¹⁶⁵. In the assault weapon ban policy, we can see that between 1989 and 1994, it was rejected many times and every time it came back the same, with just some little modifications made to it. Sometimes the change was only the title. The Omnibus Crime Bill had a similar history. It was proposed several times, and every time it was offered with a different mode and version. One of the reasons why the gun control entrepreneurs were successful was, they modified the 1991 version of the ban and made it

¹⁶² Donovan, *Congressional Quarterly*, August 20, 1994, p.2451

¹⁶³ Gormley (1986)

¹⁶⁴ Kingdon, p. 141: Issues fade in and out but never go away and they can always come back.

¹⁶⁵ Ibid.

more narrowly¹⁶⁶ targeting¹⁶⁷. It is also possible that President Clinton as well as the gun control entrepreneurs had the idea and alternative in mind, and waited for the prominent problems to occur in order to hook the solutions to it¹⁶⁸. In other words, after several incidents with assault weapons, ready solutions¹⁶⁹ were waiting for the right time and opportunity in the policy entrepreneurs' hands.

It is still in dispute whether or not assault weapons were really a cause in violent deaths. Are those the AWs that make the criminals commit crimes and kill people? Since the association between an assault weapon ban, and crime rates and gun-related deaths are not clear; this bill is arguable. However, the change in government was a big factor opening the window and with the presence of the three streams helped the Violent Crime Control and Prevention Act (PL 103-322) be enacted in 1994 even after several debates¹⁷⁰.

Finally, it seems that this time, the gun control entrepreneurs¹⁷¹ pushed, softened-up and coupled at the right time more and better than the opposing advocates. President Clinton and his cabinet put an immense and high profile lobbying effort on the Crime Act of 1994 and mainly on Assault Weapon Ban policy. On September 13, 1994 at a ceremony, President Clinton signed the "Violent Crime Control and Law Enforcement Act of 1994". The violent crime and assault weapons were a public threat and problem and the Crime Act was a solution to the public threat and a problem.

The whole success story ended and the ban expired on September 13, 2004, as the government did not take any action to extend the AWs ban. However, the debate has not ended, yet, as ideas and solutions, even the problems of the opposing groups are still out there floating in the primeval soup, waiting for the next open window of opportunity which is highly predictable¹⁷². More importantly, tragic shooting events kept happening. So, what's next, start over the policy?

Since the sunset of the AWs ban, two tragic massacres occurred: The Virginia Tech Massacre and Newtown Massacre. Over 50 students were killed and many others were

¹⁶⁶ Kingdon says the entrepreneurs push for one kind of problem rather than another. In other words, they focus on one specific thing rather than many things.

¹⁶⁷ *Congressional Quarterly Almanac*, 1994, p. 276

¹⁶⁸ Any crisis is seized as an opportunity for policy entrepreneurs. They have their solutions already, but after a prominent problem, they offer their proposals by attaching (coupling) them to it as they are new.

¹⁶⁹ Peters, Guy B. (1999). Reprinted in 2000, 2001 (twice), and 2004). *Institutional Theory in Political Science: The 'New Institutionalism.'* London & New York: Continuum.

¹⁷⁰ *Congressional Quarterly*, 1994

¹⁷¹ Mintrom, 1997; Schneider and Teske, 1992; Kingdon, 1984; Anderson, 2006

¹⁷² Kingdon says sometimes windows open predictably and other times unpredictably. The sunset dates or renewal of a program is predictable.

wounded. A student, Seung-Hui Cho, at Virginia Tech University, VA shot and killed 32 people on April 16, 2007 (Wikipedia, 2007; NBC, 2007). The latest shooting event has been witnessed in Connecticut. The gunman, Adam Lanza, a Bushmaster .223 semiautomatic rifle and shot and killed twenty children and six staff in Sandy Hook Elementary School, and also his mother in Newtown, CT, on December 14, 2012 (Susman and Serrano, 2012; Wikipedia, 2012; NY Times, 2012) .

Especially after the latest tragic shooting event, the Obama Administration are willing to bring the AWs ban back (Jackson, 2012; Mason, 2013) by proposing some expansive gun-control policies (Washington Post, 2013) and most of the American public supports the new gun control attempts and policies (Nakamura and Cohen, 2013). However, one point should be taken into consideration: If the Obama Administration wants to the AWs ban back in order to prevent some tragic shootings and stop firearms violence, the administration should not include a sunset condition in the proposed policy. Otherwise, it will be only a pendulum swing, moving back and forth.

References:

- Adams, Bob. (2004, November 12). "Gun Control Debate". *The CQ Researcher Online*, 14, 949-972. Retrieved September 20, 2005, from <http://library.cqpress.com/cqresearcher/cqresrre2004111200>.
- Anderson, E. James. (2006). *Public Policy Making*. Boston: Houghton Mifflin Company
- Boston Globe "Closer to Target" May 7, 1994 p.10
- Carlsson, Lars. (2000). "Policy Network as Collective Action". *Policy Studies Journal*, Col. 28, No. 3, pp. 502-520.
- Clinton, William J., "Remarks on Signing the Violent Crime Control and Law Enforcement Act of 1994", Sept. 12 1994/ Administration of William J. Clinton, Presidential Addresses, Government Documents, p.1758.
- Congressional Quarterly Almanac. (1994). "103rd Congress Overview: Democratic Stronghold Ends Along With 103rd Congress, Most of Clinton's major initiatives die on the vine as Republicans erect roadblocks in House, Senate"
- Congressional Quarterly Almanac. (1994). "Crime Prevention: Lawmakers Enact \$30.2 Billion Anti-Crime Bill, President and Democrats survive tough fight, get big win with some help from GOP", Law & Judiciary.
- Daughtry, Sylvester, Jr. (March 1994). "Our Legislative Successes and Challenges". *The Police Chief*. Washington, International Association of Chiefs of Police

Domhoff, William.(2002). *Who Rules America?* Boston: McGraw Hill Press

Gormley, William. (1996). “Regulatory Issue Networks in a Federal System”. *Polity*, pp. 595-620

Grier, Peter. (March, 1996) “House Assault on Weapons Bans”. *Christian Science Monitor*. Vol. 88 (81)

Hecllo, Hugh. (1978). “Issue Networks and the Executive Establishment”. *The New American Political System*, pp. 87-124

HR 3355-Violent Crime Control and Law Enforcement Act of 1994 (103rd Congress; Introduced: 10/26/93; Last Action: 09/20/1994). Text from: Bill Tracking Report, available from: *LexisNexis™ Congressional* (online service). Bethesda, MD: Congressional Information Service.

HR 4296- Public Safety and Recreational Firearms Use Protection Act (103rd Congress; Introduced: 04/24/94; Last Action: 05/16/1994). Text from: Bill Tracking Report, available from: *LexisNexis™ Congressional* (online service). Bethesda, MD: Congressional Information Service.

Idelson, Holly and Richard Sammon. (1994). “Marathon Talks Produce New Anti-Crime Bill”. *Congressional Quarterly Almanac*

Jackson, David. (2012). Biden pledges 'action ' against gun violence. Retrieved on December 20, 2012 from <http://www.usatoday.com/story/news/politics/2012/12/20/obama-biden-gun-control-effort-newtown/1782257/>

Jordan, A. Grant, and Schubert, Klaus. (1992). A preliminary ordering of policy network labels. *European Journal of Political Research*, 21 (1-27)

Jost, Kenneth. (1997, December 19). “Gun Control Standoff”. *The CQ Researcher Online*, 7. Retrieved September 29, 2005, from <http://library.cqpress.com/cqresearcher/cqresrre1997121900>.

Kime, C. Roy. (Oct.1993). “IACP’s Deep Involvement in the Legislative Process”. *The Police Chief*. Washington, International Association of Chiefs of Police

Kingdon, John W. (1984, 2006). *Agendas, Alternatives, and Public Policies: Second Edition*. Foreword by James A. Thurber. New York: Addison-Wesley Educational Publishers Inc.

Kleck, Gary and Mark Gertz. (Fall, 1995), “Armed Resistance to Crime: The Prevalence and Nature of Self-Defense with a Gun”. *Journal of Criminal Law and Criminology*, Vol. 86, No. 1 pp. 150-187.

Kleck, Gary. (2001). "Can Owning a Gun Really Triple the Owner's Chances of being Murdered?: The Anatomy of an Implausible Causal Mechanism". *Homocide Studies*, Vol. 5 No. 1, February 64-77

Kleck, Gary. (2001). "Impossible Policy Evaluations and Impossible Conclusions: A Comment on Koper and Roth". *Journal of Quantitative Criminology*, Vol. 17 (1)

Krasner, Stephen D. (Jan., 1984). "Approaches to the State: Alternative Conceptions and Historical Dynamics" (pp.223-246). *Comparative Politics*, Vol.16:2

LaPierre, Wayne. (April, 1994). "Standing guard," *American Rifleman*, p.7

Susman, Tina. and Serrano, A. Richard. (2012). Connecticut school shooter used assault rifle, had many bullets. Retrieved on December 16, 2012 from <http://articles.latimes.com/2012/dec/16/news/la-nn-connecticut-school-shooting-assault-rifle-20121216>

Mathewson, D. Joseph. (1994). "Courts must lead fight against guns," *Chicago Tribune*, May 3, 1994, p.18

Mason, Jeff. (2013). Administration still pushing for assault weapons ban: Biden. Retrived on March 25, 2013 from <http://www.reuters.com/article/2013/03/20/us-usa-guns-biden-idUSBRE92J1FM20130320>

Mintrom, Michael. (July, 1997). "Policy Entrepreneurs and the Diffusion of Innovation". *American Journal of Political Science*. Vol. 41: 738-770

Nakamura, David and Jon Cohen. (2013). Poll: Most Americans support new gun control measures after Newtown massacre. Retrieved on January 16, 2013 from http://www.washingtonpost.com/politics/obama-says-hell-offer-plans-to-stem-gun-violence-this-week/2013/01/14/b7ad8ea8-5e6c-11e2-90a0-73c8343c6d61_story.html?wpisrc=al_comboNP_p

National Rifle Association (NRA), <http://www.nra.org/>

NBC. (2007). Va. Tech gunman had 200 more rounds to fire. Retrieved on December 16, 2012 from <http://www.nbcnews.com/id/18789921/>

New York Times. (2012). Children were all shot multiple times with a Semiautomatic, officials say. Retrieved on December 16, 2012 from http://www.nytimes.com/2012/12/16/nyregion/gunman-kills-20-children-at-school-in-connecticut-28-dead-in-all.html?_r=0

Pelosi, Nancy (from California), Sunday, August 21, 1994, 103rd Congress 2nd Session, 140 *Congressional Record H 8968*

Peters, Guy B. (1999). Reprinted in 2000, 2001 (twice), and 2004). *Institutional Theory*

in Political Science: The 'New Institutionalism.' London & New York: Continuum.

Pierson, Paul. (Jun., 2000). "Increasing Returns, Path Dependence, and the Study of Politics" (pp.251-267). *The American Political Science Review*. Vol. 94, No. 2.

Public Law 103-322: Violent Crime Control and Law Enforcement Act of 1994. September 13, 1994. *United States Public Laws*. Available on *LexisNexis™ Congressional (online)* Congressional Information Service.

Rochfort, David A. and Roger W. Cobb. (1993). "Problem Definition, Agenda Access, and Policy Choice". *Policy Studies Journal*, Vol.21, No: 1:56-71

Schneider, Mark and Paul Teske. (Sep., 1992). "Toward a Theory of the Political Entrepreneur: Evidence from Local Government". *American Political Science Review* Vol.86 (3) 737-747

Seelye, Katharine Q. (1994). "House approves bill to prohibit 19 assault arms". *New York Times* 143, no. 49688:A1.

Seelye, Katharine Q. (1994). "Bill to ban some assault guns seems headed for House defeat". *New York Times* 143, no. 49686:A1.

The Police Chief. (Oct. and Nov. 1993). Washington, International Association of Chiefs of Police

U.S. Constitution, Amendment 2 - Right to Bear Arms
http://www.usconstitution.net/xconst_Am2.html

U.S. Bureau of Alcohol, Tobacco Firearms and Explosives (ATF),
<http://www.atf.treas.gov/about/atfhistory.htm>

U.S. Federal Bureau of Investigation. (1995). *Crime in the United States 1994—Uniform Crime Reports*. U.S. Government Printing Office, Washington, DC.

U.S. House, "Violent Crime Control and Law Enforcement Act of 1994": Conference Report. Text from: *Committee Reports*. Available on *LexisNexis™ Congressional (online)* Congressional Information Service

USA TODAY, "Schoolyard Terror; 5 Kids Slain" 18 January 1989, p. A1

Washington Post. (2013). Obama's gun-control proposals. Retrieved on March 16, 2013, from <http://www.washingtonpost.com/wp-srv/special/politics/obama-gun-proposals/index.html>

Wikipedia. (2007). Virginia Tech Massacre. Retrieved on December 16, 2012 from http://en.wikipedia.org/wiki/Virginia_Tech_massacre

Worsnop, L.Richard. (1994, June 10). "Gun Control". *The CQ Researcher Online*, Vol.4, No.22. Retrieved September 20, 2005, from <http://library.cqpress.com/cqresearcher/cqresrre1994061000>.

Zimring, Franklin E. (1991, November). "Firearms, Violence and Public Policy". *Scientific American*. pp.52

Zimring, Franklin E. (1989, October). "The Problem of Assault Firearms". *Crime and Delinquency*, Vol. 35 No. 4, pp.538-545.