

President Obama's First Year:

Failed Leadership, Lost Lives

2009 BRADY GUN VIOLENCE
PREVENTION REPORT CARD:

President Obama

Brady Background Checks.....	<i>F</i>
Gun Show Loophole.....	<i>F</i>
Gun Trafficking.....	<i>F</i>
Guns in Public.....	<i>F</i>
Federal Assault Weapons Ban.....	<i>F</i>
Standing Up to the Gun Lobby.....	<i>F</i>
Leadership.....	<i>F</i>

A=4.0 Excellent
C=2.0 Average
F=0.0 Failing

B=3.0 Good
D=1.0 Passing

ACKNOWLEDGEMENTS

The Brady Center to Prevent Gun Violence is a national non-profit organization working to reduce the tragic toll of gun violence in America through education, research, and legal advocacy. The programs of the Brady Center complement the legislative and grassroots mobilization efforts of its sister organization, the Brady Campaign to Prevent Gun Violence and its network of Million Mom March Chapters.

This report was written by Daniel R. Vice, Robyn Long, and Erika Eftekhari. Thanks to Caroline Crenshaw and Molly Warren for their assistance.

If you would like a copy of this report, please visit <http://www.bradycenter.org>.

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President Obama's First Year: Failed Leadership, Lost Lives

Throughout his career, Barack Obama has recognized that it is too easy for dangerous people to get deadly firearms. As a Senator and candidate, he promised to stand up to the gun lobby and fight for strong gun laws. Unfortunately, that Barack Obama has been absent in his first year in office. In a year punctuated by mass shootings, ambush killings of police, assault weapon-toting protestors, and profligate gun trafficking from U.S. gun shops that threatens the stability of Mexico, **President Obama's first-year record on gun violence prevention has been an abject failure.**

In just one year, Barack Obama has **signed into law more repeals of federal gun policies than in President George W. Bush's eight years in office.** From the repeal of Reagan Era rules keeping loaded guns out of national parks to the repeal of post-9/11 policies to safeguard Amtrak from armed terrorist attacks, President Obama's stance on guns has endangered our communities and threatened our national security.

Barack Obama was elected on a campaign platform of enacting strong new gun laws. Not shying away from the gun issue as a candidate for president, he advocated restricting assault weapons at his Convention acceptance speech.¹ Overcoming political "wisdom" that the NRA could hurt what it called "the most anti-gun ticket ever to run for the White House,"² **Mr. Obama won 11 out of 13 states where the NRA ran attack ads on TV against him.**³ Yet his campaign promises have gone unfulfilled and a year's worth of opportunities to bring sanity to the gun issue have been lost.

Rather than showing leadership by calling for the stronger laws Candidate Obama had professed to support, the White House muzzled cabinet members who called for sensible gun laws. Administration officials **parroted NRA slogans** to just "enforce the law on the books," even though there are few such laws and those are riddled with loopholes. It is no wonder that one pro-gun writer remarked that the NRA "should erect a statue of Barack Obama in front of its D.C. headquarters."⁴

President Obama came into office facing extraordinary challenges requiring decisive action. His Administration has shown itself capable of making progress on multiple issues despite our economic crisis and the difficult decisions of war. On the gun violence issue, however, **his Administration's extraordinary silence and passivity has allowed the gun lobby to move its agenda forward,** while the American people await any sign that the President will act to combat the plague of gun violence that kills and injures nearly 110,000 Americans a year.

There is still time for the President to fulfill his campaign promises and strengthen our nation's gun laws. He can show leadership by rejecting the extremist agenda of the NRA, and instead pushing for common sense strategies to prevent gun violence, such as **requiring background checks at gun shows, prohibiting gun sales to suspected terrorists, and giving law enforcement the tools it needs to crack down on corrupt dealers and traffickers.** The President must now act decisively to protect our families and communities from the scourge of gun violence.

Executive Summary

On pursuing sensible solutions to the continuing tragedy of gun violence, President Obama's first year in office has been **a failure**. He has failed so far to live up to his campaign promises to strengthen federal gun laws and instead has signed legislation to weaken them.

More broadly, **President Obama has failed to use the "bully pulpit" and other Presidential power to show leadership on this issue**. His Administration has ceded the debate to the extremist gun lobby, remaining completely silent as the NRA uses its tactics of threats and intimidation in Congress. Even worse, the Administration's spokesperson has repeatedly used the White House lectern to parrot the tired NRA line to just "enforce the laws on the books," as if it is enough to enforce laws that are riddled with loopholes.

When Congress has considered stripping away some of the few gun laws we do have, President Obama has not called on Congress to protect these laws against gun lobby assault, and instead he has simply signed their repeal. **He conspicuously avoided discussing gun violence** when mass shooting after mass shooting this past year took the lives of so many innocent people, from soldiers gunned down at Ft. Hood; to women shot to death at their Pittsburgh-area gym; to immigrants murdered at a center in New York; to police officers ambushed in Pittsburgh, Oakland, and Washington State. Even when mass shootings involved assault weapons, concealed carry licensees, or implicated other gun policies Barack Obama has supported, his Administration remained silent about the need for common sense laws to prevent similar tragedies.

President Obama's first year has been filled with difficult challenges on a variety of fronts. That, however, is no excuse for his failure to address the 30,000 gun deaths and nearly 110,000 total shootings each year,⁵ or to voice opposition to the gun lobby's dangerous agenda that will make America's gun violence epidemic even worse.

During his Presidential campaign, Mr. Obama supported closing the gun show loophole and strengthening background checks, repealing the "Tiahrt Amendment" that hinders law enforcement, making the federal Assault Weapons Ban permanent, and opposing the concealed carrying of loaded guns in public.⁶ During his first year, however, he failed to discuss or advance any of these efforts, and **instead signed the gun lobby's agenda into law**, expanding the carrying of loaded guns to national parks

As a candidate, Barack Obama supported:

- *Closing the gun show loophole*
- *Strengthening Brady background checks*
- *Banning assault weapons*
- *Repealing the Tiahrt Amendment that hinders law enforcement and hides crime gun data*
- *Opposing concealed carry*

As President, Barack Obama so far has:

- *Kept silent on closing the gun show loophole*
- *Maintained Bush-era destruction of Brady background check records*
- *Silenced Administration officials who spoke out in favor of banning assault weapons*
- *Maintained the Tiahrt Amendment and added a broad new gag order on law enforcement*
- *Expanded concealed carrying into national parks and allowed guns on Amtrak trains*

and forcing a repeal of post-9/11 security measures barring guns on Amtrak. President Obama has not even nominated a Director to lead the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), the key federal agency that polices the gun industry.

President Obama's failure to stand up for principles and policies he believes in **stands in stark contrast to President Clinton, who fought hard – and successfully – for strong, common sense gun laws** from the early days of his Presidency until the end. Indeed, President Obama's record on guns so far has more in common with President George W. Bush, whom he criticized as a Senator and a candidate.

It is time for the President to show leadership on gun violence prevention and give the American people the common sense gun laws they want and need for their safety.⁷ Every day in America, guns claim 85 lives and wound over 200; every year more than 3,200 children and teens are shot and killed.⁸ Medical costs for gun injuries range from \$2.3⁹ to \$4 billion,¹⁰ with annual indirect costs of about \$19 billion.¹¹

There are effective solutions that can reduce gun violence, including many of the common sense laws that President Obama supported as a candidate but has yet to support from the White House. The President should support and work to enact laws to: close the gun show loophole by requiring background checks for all sales at gun shows, strengthen law enforcement's ability to shut down corrupt dealers and stop traffickers, close the dangerous terror gap that allow terrorists to legally purchase firearms, and work for an effective ban on military-style assault weapons.

Throughout his career, Barack Obama has made clear that he understands that America's gun violence problem is unacceptable and common sense laws are needed to keep guns out of the hands of dangerous people. **There is still time for the President to bring sanity to our nation's gun laws** and reduce the gun violence that shatters families and communities around the nation. We are hopeful that President Obama will work to bring about the change that Candidate Obama so eloquently supported.

Some of the Mass Shootings During President Obama's First Year

- Southern Alabama - Concealed carry licensee with assault weapon and other guns killed 10 people, including six family members (Mar. 2009)¹²
- Oakland, CA - Gunman with extensive criminal history shot 5 police, killing 4 (Mar. 2009)¹³
- Pittsburgh, PA - Concealed carry licensee armed with an assault weapon and other guns shot 4 police officers, killing 3 (Apr. 2009)¹⁴
- Binghamton, NY - Gun enthusiast with a license to carry killed 13 and wounded 4 at an immigrant community center (Apr. 2009)¹⁵
- Ft. Hood, TX - Army psychiatrist with ties to radical Muslim cleric killed 13 and injured 30 (Nov. 2009)¹⁶
- Lakewood, WA - Multiple felon shot and killed 4 police officers (Nov. 2009)¹⁷
- ***There have been at least 200 mass shootings since President Obama took office. For a complete list see [our website](#).***

Failure to Support Efforts to Strengthen Brady Background Checks and Close the Gun Show Loophole

“I’ve said before we should have a much tougher background check system, one that’s much more effective and make sure there aren’t loopholes out there like the gun show loophole.”¹⁸

– Candidate Barack Obama, April 2008

“I think the President believes that we can have a greater outcome in the short term working to enforce the laws that are on our books.”¹⁹

– White House Spokesperson Robert Gibbs, April 2009

The Brady Law requires background checks of people buying guns from licensed gun dealers and it has been remarkably successful. Since President Clinton signed it into law in 1993, Brady background checks have blocked nearly 1.8 million felons, domestic abusers, and other prohibited buyers from purchasing guns.²⁰

While the Brady Law successfully reduced the sale of guns by gun dealers to prohibited buyers, a loophole allows unlicensed sellers to sell guns without conducting background checks.²¹ This loophole causes particular problems at gun shows, which give these unlicensed sellers a guaranteed venue, built-in audience, and advertising, making it crucial to close the gun show loophole to curb gun trafficking.

In 2004, President Bush weakened the Brady Law by signing into law the Tiahrt Amendment, named for Representative Todd Tiahrt (R-KS). One part of the Tiahrt Amendment hinders law enforcement by requiring the destruction of Brady background check records within 24 hours of approved gun sales. Without these records, law enforcement often is unable to detect and retrieve guns mistakenly sold to prohibited buyers.

During the campaign, **Mr. Obama promised to strengthen the Brady Law** in two ways: 1) closing the gun show loophole, and 2) repealing the Tiahrt Amendment requiring the destruction of background check records. So far, **President Obama has not kept his promises** – he has not even voiced support for pending legislation to close

What does “enforce the laws” really mean?

The White House has parroted the NRA refrain that the solution to gun violence is simply to enforce the laws on the books. However, unless existing laws are strengthened, the few laws on the books cannot be effectively enforced.

While current law prohibits felons and certain other dangerous persons from buying guns, **loopholes prevent those laws from being effectively enforced.** No amount of enforcement of current laws will prevent the following types of legal sales that fuel the criminal market:

- Gun sales without a background check by unlicensed sellers at gun shows and in private sales
- Sales of unlimited numbers of firearms, including high firepower military-style assault weapons
- Continued sales by licensed gun dealers under indictment for federal gun law violations

As long as unlicensed sellers can sell guns without background checks, gun dealers can sell unlimited guns in bulk, and ATF is blocked from cracking down on corrupt dealers, law enforcement cannot effectively enforce our limited firearms laws.

the gun show loophole, and he asked Congress to *keep in place* the Tiahrt Amendment that requires the destruction of background check records. Congress obliged, and President Obama signed this Brady record destruction provision into law on December 16, 2009.²²

Inaction on the Gun Show Loophole

Because of the gun show loophole, in most states prohibited buyers can walk into any gun show and buy weapons from unlicensed sellers with no background check. Many of these gun sellers operate week-to-week with no established place of business, traveling from gun show to gun show.

Gun shows provide a huge market for gun sales completed without Brady background checks. They constitute a “major trafficking channel” according to an ATF review of its own trafficking investigations, with an average of 130 guns trafficked per investigation, and over 26,000 firearms trafficked from gun shows over one 17-month period alone.²³



Photo Credit: Garen J. Wintemute, MD, MPH

The gun show loophole has had deadly consequences. Eric Harris and Dylan Klebold used four guns purchased at gun shows to shoot 26 students at Columbine High School in 1999, killing 13.²⁴ Their friend, Robyn Anderson, who bought three guns for them, stated after the massacre that had she been required to undergo a background check, she would not have purchased the guns.²⁵

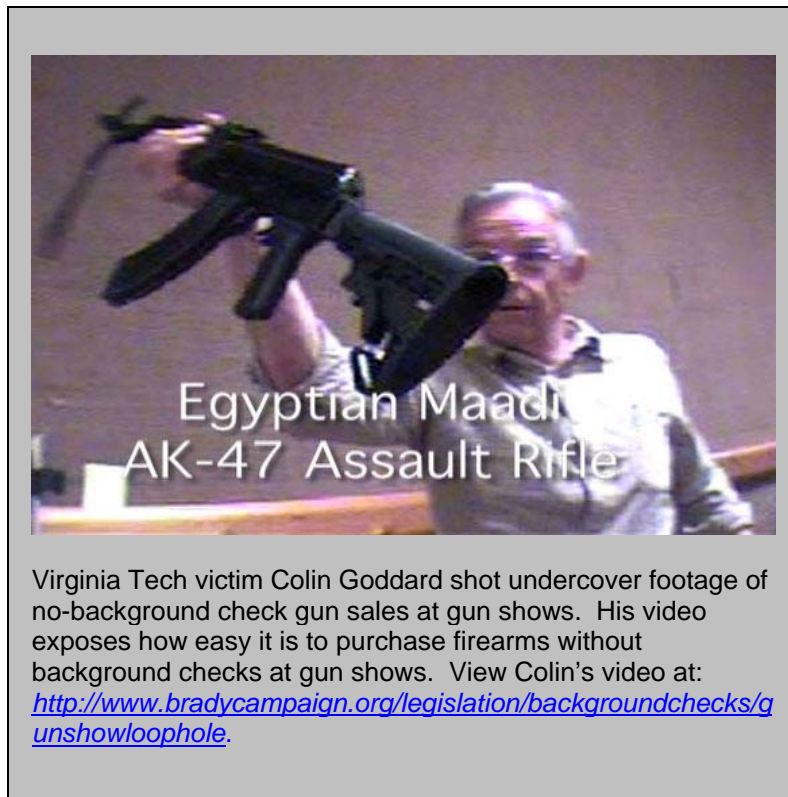
A private seller at a gun show offers guns for sale with no background check.

In 2001, Senators John McCain and Joe Lieberman introduced a bi-partisan bill to close the gun show loophole.²⁶ Although a majority of the U.S. Senate voted in favor of closing the gun show loophole in 2004, it was not enacted into law.²⁷

President Obama campaigned on a platform of strengthening the Brady Law by closing the gun show loophole. He stated in his campaign, “I’ve said before we should have a much tougher background check system, one that’s much more effective and make sure there aren’t loopholes out there like the gun show loophole.”²⁸ He stressed that he believed it was important “that we have stronger background checks so we keep firearms out of the hands of people with mental health problems or young people or those who have committed crimes.”²⁹

Despite Candidate Obama’s campaign promise to close the gun show loophole, his Administration so far has **expressed no support for bipartisan bills** pending in the House and Senate (S. 843 and H. 2324) that would close this loophole. Administration officials have remained silent or evaded answering questions about this legislation. The flow of guns from gun shows into the illegal market continues unabated.

In an April 8, 2009, interview with Katie Couric, Attorney General Eric Holder (a longtime supporter of closing the gun show loophole and other common sense gun laws) reflected the Administration's refusal to voice support for gun issues Candidate



Obama had supported. Mr. Holder was asked, "In over 30 states, people can simply walk into gun shows and buy a gun, sometimes, from unlicensed dealers without a background check. Would you support closing the gun show loophole?" Mr. Holder vaguely responded that it was an issue "we'll have to discuss." When questioned again, Mr. Holder said only that the Administration would look to "politically saleable" options. Mr. Holder indicated that the Administration was unwilling to push for new laws, saying instead, "I think the thing we need to do is come up with those things we can do right away."³⁰

Just weeks later, on April 23, 2009, before the House Appropriations Subcommittee, Mr. Holder was asked about the lack of restrictions on gun show sales. Rather than calling for the gun show loophole to be closed, he ducked the question, stating that we need to be "respectful of the Second Amendment rights that everybody in this nation has...."³¹ He gave no explanation of why requiring background checks to prevent criminals from obtaining firearms is not "respectful of the Second Amendment."

On May 19, 2009, White House spokesperson Robert Gibbs again refused to express any Administration support for closing the gun show loophole, instead repeating the NRA's mantra to "enforce the laws on the books."³² Mr. Gibbs failed to explain how enforcing the laws on the books would help prevent criminals from obtaining guns through a loophole that allows gun sales without background checks to legally occur, flooding the illegal gun market with deadly weapons.

Although the Obama Administration has failed so far to act to close the gun show loophole, there is still time. President Obama should voice support for pending legislation to close the gun show loophole and work to ensure that it is enacted into law this year.

Failure to Repeal the Tiahrt Amendment

President Obama campaigned on a platform of repealing the Tiahrt Amendment, part of which requires almost immediate destruction of Brady background check records for approved gun sales. President Obama has not only failed to repeal the Tiahrt Amendment as promised, but instead **the President specifically included the Tiahrt Amendment language requiring the destruction of these Brady background check records** in his budget proposal that he sent to Congress.

Prior to the Bush Administration, the Department of Justice retained background check records on approved gun sales for 90 days to ensure that the National Instant Criminal Background Check System (NICS), established pursuant to the Brady Law, was working properly and that criminals were not being mistakenly approved for gun purchases. The Bush Administration proposed that these records of approved gun sales be destroyed after 24 hours. In 2004, Representative Todd Tiahrt (R-KS) inserted an amendment to federal appropriations legislation requiring this 24-hour record destruction.

See a discussion of President Obama's failure to repeal other provisions of the Tiahrt Amendment relating to gun trafficking on page 10.

The Government Accountability Office estimated that the Bush Administration change requiring the destruction of background check records within 24 hours could result in hundreds of criminals, domestic abusers, and other prohibited buyers being mistakenly approved for gun purchases.³³ Without retained NICS records, law enforcement has no opportunity to retrieve guns mistakenly sold to prohibited purchasers. The Justice Department Inspector General also found that the 24-hour destruction policy makes it easier for corrupt dealers “to falsify the NICS check to hide a knowing transfer of a gun to a prohibited person.”³⁴

President Obama has failed to keep his promise to repeal the Tiahrt Amendment. Because this amendment is contained in the federal budget, President Obama will have an opportunity to keep his promise and delete these amendments from his next budget. President Obama should keep his word and work to repeal the Tiahrt Amendment.

Failure to Strengthen Federal Gun Laws to Stop Gun Trafficking

We must “give police officers across the nation the tools they need to solve gun crimes and fight the illegal arms trade.”³⁵

– Candidate Obama’s Urban Policy Agenda, 2008

“Well, I think, first and foremost, it is to enforce particularly the laws that we have on the books, especially those related to the trafficking of arms.”³⁶

– White House Spokesperson Robert Gibbs, April 2009

During the campaign, Candidate Obama promised to reform weak federal gun laws, which allow criminals and traffickers easy access to firearms, by giving police officers “the tools they need to solve gun crimes and fight the illegal arms trade.”³⁷ This included a promise to “repeal the Tiahrt Amendment” that restricts law enforcement and public access to crime gun trace data and enacting “commonsense measures that respect the Second Amendment rights of gun owners, while keeping guns away from children and from criminals.”³⁸

Following President Obama’s election, gun trafficking was thrust into the spotlight as reports showed that illegal guns were not only flooding into the criminal market in the U.S., but also pouring across the border into the hands of murderous drug gangs in Mexico.³⁹ Mexican Attorney General Eduardo Medina Mora stated, “It’s truly absurd that a person can get together 50 to 100 high-powered arms, grenade launchers, fragmentation grenades,



Arms seized in Mexico: 540 assault rifles, seven .50 caliber sniper rifles and 500,000 rounds of ammo.

and can transport this cargo into our country. It’s a task that needs a much more decided and determined effort from the U.S. government....”⁴⁰ The flow of guns into Mexico has become so dire that the U.S. Joint Forces Command on worldwide security threats listed Mexico as one of two countries (along with Pakistan) that, “In terms of worse case scenarios ...bear consideration for a rapid and sudden collapse.”⁴¹

Despite the continuing gun trafficking problem in the U.S. and its spillover effects into Mexico, **the Obama Administration quickly backed away from promised legislative action to reform weak gun laws and to reinstate the assault weapons ban** (discussed on page 13), both of which allow gun traffickers easy access to deadly weapons. And **the Administration did not “repeal the Tiahrt Amendment”** as promised, instead merely tinkering with it, allowing law enforcement some access to crime gun data, but **imposing a broad new gag order** on law enforcement, even beyond what had been imposed under the Bush Administration, to prevent the sharing of crucial crime gun data with legislators or the public.

Gun Trafficking

Illegal guns don't just fall from the sky into the hands of criminals. Almost 60% of the nation's crime guns come from only 1% of gun dealers.⁴² Our weak gun laws make it too easy for corrupt gun dealers to supply gun traffickers with an unlimited numbers of handguns and military-style assault weapons for the criminal market.

Because Mexico's tough gun laws make it hard for criminals to obtain guns, they take advantage of weak U.S. gun laws that provide them ready access to arsenals of weapons. Under federal law and the law in most states, there is no limit on the number of guns that can be sold at a time, allowing traffickers to buy in bulk. And since the federal assault weapons ban was allowed to expire in 2004, military-style weapons and high capacity ammunition magazines have become readily available. A trafficker supplying Mexican drug lords can buy all the guns he wants from an "unlicensed seller" in most states, no questions asked. Even licensed dealers can sell crates full of military-style assault weapons or .50 caliber sniper rifles that can pierce armor plating and hit airplanes taking off or landing at airports from a mile away.

The flood of illegal guns into Mexico has ramifications here as well, with Homeland Security warning that "Mexican Drug Trafficking Organizations constitute the greatest organized crime threat to the United States."⁴³ And the gun shops that break the law when they supply traffickers are often able to evade prosecution, and even keep their licenses to sell guns, due to laws that hamstringing the law enforcement authority of ATF.



President Obama has been silent on a bill to give ATF the power to crack down on corrupt gun dealers and has failed to nominate an ATF Director.

Despite these deadly loopholes in federal gun laws and Candidate Obama's promise to pass common sense laws to stop gun trafficking, he has so far done nothing to enact these reforms. Instead, his Administration has mimicked the NRA's rhetoric simply to "enforce the laws on the books." Merely "enforcing the laws on the books" will never be sufficient when those laws are riddled with loopholes. In this case, strong enforcement requires new and stronger laws.

The Administration also has failed to voice support for legislation strengthening ATF (such as the Gun Trafficking Prevention Act, S. 2878/H.R. 4298),⁴⁴ sponsored by Senator Kirsten Gillibrand (D-NY) and Representative Carolyn McCarthy (D-NY), and he has not nominated a director for ATF.

President Obama should follow through on the promises made during the campaign to push for common sense laws to stop gun violence, including: 1) requiring background checks for all gun sales, 2) restricting bulk sales of handguns that allow traffickers to easily stock up on firearms, 3) prohibiting military-style weapons for civilians and 4) giving ATF new legal authority to shut down corrupt dealers.

Maintaining the Tiahrt Amendment With New Secrecy Mandates

The Tiahrt Amendment includes several riders attached annually to Justice Department appropriations legislation that make it harder for law enforcement to prevent gun violence in a number of ways, including by restricting disclosure and use of non-confidential gun crime data.

As a candidate, Barack Obama was an outspoken critic of the Tiahrt Amendment, stating that he would repeal it if he became president:

Here's an example of something commonsense: The ATF should be able to share info with local communities about where guns are coming from, tracking guns that are used in criminal activity. It's been blocked consistently in Congress. As President, I'm going to make sure we know if guns are being sold by unscrupulous gun dealers not abiding by existing laws. We should know that.⁴⁵

Since his first day in office, President Obama made openness of government records a top priority, directing that “[a]ll agencies should adopt a presumption in favor of disclosure.”⁴⁶ Yet, despite his pledge of open government and his specific promise to “repeal the Tiahrt Amendment,”⁴⁷ as President, Mr. Obama **specifically included the Tiahrt Amendment language** in his budget proposal that he sent to Congress.

Before Tiahrt became law, crime gun data was available to the public and enabled citizens to better understand the sources of illegal guns in their communities, the role of corrupt gun dealers in supplying the illegal market, and other key facts informing public policy.

Once Tiahrt became law in 2004 under President Bush, disclosure and use of crime gun data was limited, even to law enforcement, and the same data that had previously been public now was kept secret from the public.

“As President, I’m going to make sure we know if guns are being sold by unscrupulous gun dealers not abiding by existing laws. We should know that.”⁴⁸

– Candidate Obama, 2008

As President, Mr. Obama asked Congress to keep and even expand this secrecy provision he had pledged to repeal.

Although the Obama Administration promised to repeal the Tiahrt Amendment, it has not followed through on that promise. Instead, **the Administration has, for the first time, barred state and local law enforcement** from disclosing to the public crime gun data that would help reveal the corrupt dealers who are the major source of illegal guns. While the Administration has allowed for more data to be available to law enforcement, it has offset this by quashing public discourse through the implementation of a gag order on law enforcement.

Failure to Oppose Laws Making It Easier to Carry Loaded Weapons in Public

“I am not in favor of concealed weapons. I think that creates a potential atmosphere where more innocent people could [get shot during] altercations.”⁴⁹
– Candidate Obama, April 2008

“Q: But hasn’t the President put people’s vacation in harm’s way by allowing loaded guns in national parks?
MR. GIBBS: Look, obviously that is a piece of legislation that we’re going to sign today....”⁵⁰
– White House Spokesperson Robert Gibbs, May 2009

As a candidate for president, Mr. Obama voiced his opposition to the concealed carrying of loaded weapons in public.⁵¹ However, as President, Barack Obama has failed to oppose laws that will make it easier to carry concealed weapons. Instead **he repealed President Reagan’s restrictions on carrying loaded guns in national parks**, signing into law a bill allowing concealed weapons and other loaded firearms in national parks and wildlife refuges. His Administration also failed to voice any opposition or concern when Congress attempted to override state laws and expand concealed carrying of loaded guns throughout the United States.

Even when assault weapon-toting protesters began appearing outside Presidential events, severely complicating Secret Service efforts to safeguard these venues, White House Spokesman Robert Gibbs went out of his way to defend the carrying of these weapons. Rather than condemning these security threats, he stated, “There are laws that govern firearms that are done state or locally. Those laws don’t change when the president comes to your state or locality.”⁵²

Guns in National Parks and Wildlife Refuges

In late 2008, the Bush Administration announced a last-minute rule change rescinding Reagan-era rules from 1981 that kept national parks and wildlife refuges free of loaded, concealed firearms. Under the Bush Administration rule, park and refuge visitors would be allowed to carry hidden semi-automatic weapons and other firearms, endangering park visitors and wildlife.

The Bush rule was opposed by the Brady Campaign to Prevent Gun Violence and a coalition of national parks groups,



President Obama signed legislation repealing the Reagan Administration’s ban on guns in parks.

park law enforcement officers, and former park officials, who filed a lawsuit to strike down the rule.

Despite Candidate Obama's professed opposition to concealed carrying, **President Obama's Justice Department mounted a vigorous legal defense of the Bush rule to allow loaded guns in the parks.** The Brady Campaign and other groups then won an injunction staying enforcement of the Bush rule, with the judge finding that the rule was "astoundingly flawed."⁵³

Following the Obama Administration's defeat in court, Senator Tom Coburn (R-OK) introduced an amendment to credit card reform legislation in Congress to override the court and allow loaded guns in national parks. **The White House did not voice any opposition to this guns in parks amendment,** and it passed the Senate 67-29.⁵⁴

Although the Senate passed the credit card bill with the Coburn Amendment attached, the House could still have passed a clean version of the bill without the Coburn Amendment, making it necessary to go to a committee that could remove the guns in parks language entirely. However, the White House undermined these efforts to remove the Coburn Amendment, instead pushing for the legislation to be passed quickly, without going to committee.⁵⁵ President Obama then signed into law the legislation allowing loaded guns in parks, which will take effect in February 2010.⁵⁶

Nationwide Concealed Carry

The Administration also did not oppose Senator John Thune's (R-SD) amendment to override most state laws and allow the carrying of loaded, concealed firearms outside a person's home state, even by persons legally barred from possessing guns in the state where the carrying occurs. The amendment would have allowed the weaker concealed carry laws of one state to nullify the restrictions on gun carrying of most other states.⁵⁷

Forcing states to allow expanded carrying of concealed firearms is unnecessary, dangerous, and contrary to what Mr. Obama talked about during his campaign. Despite this, the Obama Administration was silent on the Thune Amendment. After a major campaign led by the Brady Campaign to Prevent Gun Violence, the 500+ members of the Mayors Against Illegal Guns coalition, and other groups, **expanded concealed carrying was defeated by a close vote in the Senate, without any help from the White House.**⁵⁸



Failure to Support Efforts to Reinstate a Federal Assault Weapons Ban

“[D]on’t tell me we can’t uphold the Second Amendment while keeping AK-47s out of the hands of criminals.”⁵⁹

– Candidate Obama accepting the nomination for President at the Democratic Convention, August 2008

“Q: Have you, for example, thought about asking Congress to reinstate the ban on assault weapons?”

Obama: Well, I think the main thing we need is better enforcement.”⁶⁰

– President Obama on Face the Nation, March 2009

President Bush allowed the federal Assault Weapons Ban to expire in 2004, despite its success in dramatically reducing the incidence of assault weapons traced to crime.⁶¹ During his presidential campaign, Barack Obama voiced support for reinstating the ban and making it permanent and even highlighted this support in his acceptance speech at the Democratic National Convention.⁶²

Once in office, however, **the Obama Administration took the same approach as the Bush White House regarding assault weapons**, publicly claiming to support the ban but expending no political muscle to reinstate it. Mr. Obama also took a page from the NRA by falsely claiming that simply enforcing the laws on the books will achieve the best result, even though the laws on the books currently allow the purchase of limitless quantities of semi-automatic assault weapons without background checks at gun shows.



On *Face the Nation*, President Obama backs away from his campaign promise to renew an assault weapons ban.

At a February 25, 2009, press conference with the Mexican Attorney General, whose country has asked for the reinstatement of the assault weapons ban to forestall rampant gun smuggling contributing to drug cartel violence,⁶³ U.S. Attorney General Eric Holder invoked Barack Obama’s campaign pledge, stating, we would like “to reinstitute the ban on the sale of assault weapons.”⁶⁴

But just three weeks later, the Obama Administration abandoned its position. On March 18, 2009, before reporters in Mexico, **Attorney General Holder was apparently forced to back off on his support for an assault weapons ban**, now stating, “I think what we’re going to do is try to enforce the laws that we have on the books.”⁶⁵

In an April 2009 interview with Attorney General Holder, Katie Couric noted Mr. Holder’s backtracking on the assault weapons ban, asking: “There’s been a recent spate of mass shootings, as you know. And in late February, you said you wanted to reinstate the assault weapons ban. Then, a month later, you said you wanted to

simply, quote, ‘Enforce the laws on the books.’ **Did someone tell you to back off?**”⁶⁶ Mr. Holder responded: “No one’s told me to back off. I understand the second amendment. I respect the second amendment.”⁶⁷ Mr. Holder did not explain why an assault weapons ban would be incompatible with the Second Amendment, especially in light of the Supreme Court’s statement in *District of Columbia v. Heller* that prohibitions on “dangerous and unusual weapons” remain “presumptively lawful,” even under the Court’s ruling that the Second Amendment guarantees an individual right to possess guns in the home for self-defense.⁶⁸

As the Holder interview proceeded, Couric continued to prod the Attorney General on the assault weapon issue, noting that the majority of Americans support it. Mr. Holder, however, emphasized the Administration’s focus on the tools available “right now” and said, “I look forward to working with the NRA to come up with ways in which we can use common sense approaches to reduce the level of violence that we see.”⁶⁹

Similar to the Holder scenario, in a March 2009 interview, when **Secretary of State Hillary Clinton was asked why the Administration was not going to “challenge the gun lobby and take on the assault weapon ban and reinstitute it?”** She responded, “I’m not going to, you know, sugar-coat it. It’s a very heavy lift. **I think that’s a mistake. I think these assault weapons, these military-style weapons, don’t belong on anyone’s street.**”⁷¹

Q All right. (Laughter.) Is the President concerned over the epidemic of killings by guns in this country? And is he willing to move towards reinstating the ban on assault weapons?

MR. GIBBS: ... I was asked specifically about assault weapons. I think the President would – the President believes particularly that there are other strategies that we can take to **enforce the laws that are already on our books**, and that’s not something that –

Q The New York Times says he lacks courage to go ahead with this.

MR. GIBBS: I’m sure The New York Times is going to say a lot of things over the course of the next few years.

Q I mean, why isn’t he taking a stand against these weapons?

MR. GIBBS: Well, I – the President is concerned about violence, and that’s – again, that’s one of the reasons.⁷⁰

- Press Secretary Robert Gibbs, April 9, 2009

Following Hillary Clinton’s candid statement about the President’s refusal to take on the gun lobby, Press Secretary Robert Gibbs was asked about the assault weapons ban later that day. Mr. Gibbs said that while President Obama “said in the campaign that he supported that ban,” “[t]he President also believes that there are many things that can be done, enforcing the current laws on the books of this country, that can stem the tide of illegal guns going south of the border.” Mr. Gibbs stated that the President did not have plans to raise the assault weapon ban with Congress.⁷²

White House Spokesperson Robert Gibbs was asked about assault weapons numerous times. In response to each question, he parroted the NRA:

- On April 9, 2009, when asked whether the President was willing to “move towards reinstating the ban on assault weapons,” Mr. Gibbs said, “the President believes particularly that there are other strategies that we can take to enforce the laws that are already on our books.”⁷³
- When asked about assault weapons during a Press Briefing days later, Mr. Gibbs said, “the President believes that there – through enforcement of the existing laws that we have that we can make a dent in – a significant dent in any gun violence.”⁷⁴ After more prodding on why the Administration is doing nothing to reinstate the ban, Mr. Gibbs said, “I think that there are other priorities that the President has.”⁷⁵
- Two days later, on April 16, 2009, the question was posed: “It doesn’t seem as though that this administration is willing to do much or spend much politically to pass any new guns laws. What can be done to stem the flow, as you’ve said is your goal?” Mr. Gibbs responded, “Well, I think, first and foremost, it is to enforce particularly the laws that we have on the books, especially those related to the trafficking of arms.”
- During the same April 16, 2009, briefing, Mr. Gibbs was asked why the Administration has not supported renewing the assault weapons ban, as it was in place for many years and supported by many Democrats. The reporter asked if it is “[j]ust too politically difficult right now to make that happen?” Mr. Gibbs responded, “I think the President believes that we can have a greater outcome in the short term working to enforce the laws that are on our books.”⁷⁶

The shift by the Obama Administration away from reinstating the assault weapons ban in favor of “enforcing the laws on the books” is not only a failure to uphold campaign promises, but also a dangerous failure to show leadership on an important domestic and international public safety issue. President Obama should fulfill his campaign pledge to push for reinstituting a federal assault weapons ban.



President Obama has taken no action to reinstitute a federal assault weapons ban.

Failure to Stand Up to the Gun Lobby

President Clinton “cautioned lawmakers to remember that getting a gun bill passed will be a long battle, but said it was brave of them to ‘say no to the name-calling and no to the threats’ of the NRA.”⁷⁷

– President Bill Clinton, Mar. 17, 2000

“I believe in keeping guns out of our inner cities, and that our leaders must say so in the face of the gun manufacturers’ lobby.”⁷⁸

– Barack Obama, *The Audacity of Hope*, Oct. 1, 2006

“And I think this President articulated the viewpoint that he was a believer in the Second Amendment and the right to bear arms, and I don't think – I don't believe that his actions have denoted anything that would give the NRA members cause for concern.”⁷⁹

– White House Spokesperson Robert Gibbs, May 13, 2009

By using the “bully pulpit” to speak out on issues of public importance, the president can galvanize support and overcome opposition, prompting Congress to support analogous legislation or oppose dangerous proposals. But when it comes to preventing gun violence, President Obama has lost his usually eloquent voice, largely ceding control of the debate to the extremist gun lobby.

Guns on Amtrak

After September 11, 2001, and subsequent terrorist attacks on trains in Europe, Amtrak took steps to make its trains safer by barring guns. In December 2009, however, Congress dictated to Amtrak that it must return to its pre-9/11 security policies and allow the transport of guns on passenger trains, despite warnings from Amtrak that this would jeopardize the safety of train travel.

The amendment, sponsored by Senator Roger Wicker (R-MS), requires that passengers be allowed to put guns in checked bags even though Amtrak lacks security measures, such as those at airports, that are necessary to secure baggage to prevent terrorist attacks. In spite of the obvious risk to public safety, **the Obama Administration said and did nothing to stop the “guns on Amtrak”** Wicker Amendment in Congress and then signed it into law.⁸⁰



The Terror Gap

The President also has failed to push Congress to close the terror gap. The terror gap legislation (S. 1317/H.R. 2159) addresses a gaping hole in our nation's firearms laws that terrorists can exploit to threaten our safety and security.⁸¹

Under the Brady criminal background check law, a federally licensed dealer must conduct a background check for every gun sale. Even if the Brady background check reveals that the prospective purchaser is a known or suspected terrorist, however, federal law will not bar the sale unless the person meets one of the disqualifying factors under the 1968 Gun Control Act, such as being a convicted felon or domestic abuser. In just the last five years, **at least 865 people on the terrorist watch list were able to purchase firearms** due to the terror gap.⁸²

*The **terror gap** in federal law allows many known or suspected terrorists to buy unlimited quantities of firearms, including semi-automatic assault weapons. President Obama has not pushed Congress to pass legislation to close this dangerous gap.*

The NRA has written and lobbied members of Congress to oppose legislation to close the terror gap.⁸³ Despite the dangers posed by the terror gap, President Obama has not pushed for enactment of legislation to close this gap.

Stripping the Nation's Capital of Life-Saving Gun Laws

In late February 2009, the U.S. Senate considered the D.C. voting rights bill that would give the District of Columbia its first-ever voting seat in the House of Representatives. Before passing the legislation, however, the Senate amended the bill to add a dangerous amendment to repeal most of the District's gun regulations.⁸⁴



President Obama remained silent as the gun lobby pushed Congress to repeal gun laws in the Nation's capital.

Although Mr. Obama had professed to support D.C. voting rights and common sense gun laws, **he showed no leadership whatsoever**, saying and doing nothing to prevent the gun lobby from hijacking the D.C. voting rights bill with its dangerous agenda.

The D.C. gun amendment, sponsored by Senator John Ensign (R-NV), **poses a danger to D.C. residents and tourists as well as national security**. It would repeal the District's semi-automatic assault weapon and armor piercing sniper rifle ban and remove many prohibitions on dangerous people possessing guns.

After Senate passage of the amended voting rights bill, D.C. Delegate Eleanor Holmes Norton (D-DC) and others who support both D.C. voting rights and common sense gun laws have tried to garner support to bring a D.C. voting rights bill to the House floor that does not include the gun amendment. Their efforts have been

complicated by President Obama, who has shown no leadership on the issue, instead staying silent rather than voicing support for a clean bill.

Guns for Mentally Ill Veterans

President Obama also failed to show leadership with regard to legislation proposed by Senator Richard Burr (R-NC) to repeal longstanding regulations barring “mentally incompetent” persons from possessing guns (S.669/H.R.2547).⁸⁵



This legislation would allow mentally ill persons to possess guns even if the Department of Veterans Affairs (VA) determined that they are: “mentally incapacitated,” “mentally incompetent,” or “experiencing an extended loss of consciousness.” Under current law, anyone is barred from gun possession if that person poses “a danger to himself or to others; or [l]acks the mental capacity to contract or manage his own affairs” due to mental illness.”⁸⁶

If this legislation became law, **over 100,000 mentally incapacitated or incompetent persons could be removed from the NICS background check system** and be allowed to arm themselves immediately.⁸⁷ Although Senator Burr has threatened to attach his proposal to must-pass federal funding legislation, the Obama Administration has remained silent, even in the wake of the Ft. Hood shootings that exposed the severe danger posed when mentally unstable people have easy access to firearms.

Failure to Show Leadership to Prevent Gun Violence

“I want to make a plea to everybody who is waiting for the next deer season in my home state to think about this in terms of what our reasonable obligations to the larger community of America are. ...It’s worth it. People’s lives are at stake.”⁸⁸

– President Clinton, calling for stronger gun laws one week after Columbine shooting, April 27, 1999

“I think none of us are under any illusion that reinstating that [assault weapons] ban would be easy. And so, what we’ve focused on is how we can improve our enforcement of existing laws....”⁸⁹

– President Obama, refusing to call for stronger federal gun laws in light of mass shootings and gun trafficking to Mexico, April 17, 2009

On the gun violence issue, President Obama has put the “bully pulpit” in storage. His first year in the White House was marked by a series of mass shootings, from the murder of women at a gym near Pittsburgh; to the gunning down of soldiers at Ft. Hood; to the ambush of police in Oakland, Washington State, and in Pittsburgh by a man who reportedly indicated that he feared “the Obama gun ban that’s on the way.”⁹⁰ (See box, page 3). As the South Florida Sun-Sentinel reported, **“The sheer volume of carnage was overwhelming, with many shootings coming in bunches. Earlier this year, eight separate incidents left 58 people dead in one month’s time.”**⁹¹

Against the backdrop of these shootings, the Obama Administration had multiple opportunities to speak out against gun violence. Instead, the Administration chose to ignore the issue. *Newsweek* called the President **“Gun Shy,”**⁹² while a newspaper editorial on his response to gun violence read, “Obama Ducks.”⁹³ In April 2009, ABC News cautioned, “don’t expect President Obama and the Democratic leadership in Congress to do much more than try to train that spotlight elsewhere. **The relative silence you hear on the issue from the White House and Democratic**



While President Clinton worked to prevent another Columbine tragedy, President Obama ignored the 10th anniversary of the Columbine high school shootings.

leaders on the Hill is in stark contrast to 1993, when the party successfully passed and President Clinton signed into law the Brady [background check bill] and the 1994 federal assault weapons ban which expired in 2004.”⁹⁴

President Obama also ignored the second anniversary of the Virginia Tech massacre and the tenth anniversary of the Columbine shootings, instead of using them as an opportunity to call for the reform of gun laws to prevent future tragedies.

The Administration was even mute on guns when selectively issuing statements following the raft of major shootings this past

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year. In April 2009, after the Binghamton, NY shooting left 13 dead, a White House statement noted that it was “actively monitoring the situation,” but failed to make any meaningful comment on the problem of gun violence.⁹⁵ Statements following hate crimes that took the lives of Dr. George Tiller in a Kansas church and a security guard at the U.S. Holocaust Museum in Washington, D.C., also avoided any mention of the need for efforts to stop gun violence.⁹⁶

The Administration was similarly silent on guns at a Chicago meeting on school violence. In just twelve months, **398 Chicago students had been shot**. President Obama sent Education Secretary Arne Duncan and Attorney General Eric Holder to meet with Chicago Mayor Richard Daley to discuss ways to prevent school violence, but both Administration officials **steered clear of any discussion of gun violence**. Instead, Duncan and Holder issued a statement that did not even mention guns, but instead simply called for “a national conversation on values.”⁹⁷

At a press briefing the day after the Chicago meeting, White House Spokesman Robert Gibbs was asked why Holder and Duncan “didn’t mention guns, which are the primary vehicle for violent deaths in the country, and the access that kids have to guns. So I wanted to know if the administration plans on addressing the prevalence of guns in the national conversation on violence, and if there’s a reason why it wasn’t brought up yesterday.” Mr. Gibbs simply deflected, stating that the most recent violent crime against a Chicago student was a brutal beating, which did not involve guns.⁹⁸

The Obama Administration’s silence on Chicago gun violence is even more disconcerting considering that Mr. Obama gave a July 2007 sermon in Chicago “challenging the government, the gun lobby and the public to stop gun violence.” During the sermon, Mr. Obama said, “Our playgrounds have become battlegrounds, our streets have become cemeteries. Our schools have become places to mourn the ones we’ve lost. The violence is unacceptable.”⁹⁹

“HE’S NOT THE SAME BARACK” – in the Wall Street Journal, May 23, 2009¹⁰⁰

Many in President Obama’s hometown of Chicago, including activists who worked alongside him, have expressed grave disappointment over his failure to address gun violence.

One activist remarked, “He’s not the same Barack. **He’s not doing what he said he would do when we were walking the streets together and talking about what we would do if we were in charge.**”

Another activist, Rev. Michael Pfleger, said of Obama: “When the swine flu came up, it was a national priority and every governor, every mayor, every school board was talking about it in 24 hours. **People are dying and he needs to use his bully pulpit to get this moving.**”

The Obama Administration response to these pleas came from senior advisor Valerie Jarrett, who stated that the stimulus plan “will do more to combat the crime problem than just about anything else,” and that stimulus money included increased support for law enforcement. Jarrett also **appeared to direct some blame at the community**, stating, “But the people have to take ownership too and be willing to report crimes, and when they see them, to testify. ... This is a partnership.”

While an improved economy and more law enforcement resources can help reduce crime, as candidate and Senator Obama recognized, stronger gun laws are needed to close the glaring loopholes in our gun laws and enable law enforcement to prevent gun violence.

Conclusion

President Obama came into office on a platform that addressed the need to reduce gun violence by enacting strong new federal gun laws. Despite an intensive and expensive campaign by the National Rifle Association to defeat him, **Barack Obama won nearly every state targeted by the NRA**. He proved that the mythological single-issue gun voters were either politically weak or willing to help elect a President who promised to enact common sense gun laws vigorously opposed by the NRA.

Although President Obama understands that common sense gun laws are desperately needed to prevent America's gun violence crisis, he so far has squandered his opportunity to push for those laws. He has not only failed to voice support for – much less sign – any new gun laws to close dangerous loopholes, but **has actually signed repeals of more federal gun policies than President George W. Bush did in both of his terms**.

And just as disappointing, **President Obama has failed to show leadership on the gun issue**. Administration officials who support common sense gun laws appear to have been muzzled for speaking out in favor of laws supported by Barack Obama as a candidate and Senator. Their constructive solutions to America's gun violence epidemic were quickly replaced with parroted NRA slogans.

While **President Clinton left a legacy of standing up to the NRA and succeeding** in passing legislation, such as the Brady background check law, assault weapons ban, and the ban on domestic violence abusers possessing guns, President Obama has so far abdicated his responsibility. Each day that goes by without enacting laws preventing dangerous people from getting guns is another day when dozens of lives unnecessarily will be lost to gun violence.

President Obama still has an opportunity to fulfill his campaign promises and leave a legacy of preventing gun violence of which he can be proud. If President Obama starts living up to the pledges of his campaign and working to enact common sense gun laws, he will be remembered as a President who saved countless lives.

We look forward to working with the White House to bring sanity to our gun policies and to help keep deadly weapons out of the hands of dangerous people.

Endnotes

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