



## **Bush-Cheney '04**

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### **President Bush's Record on Supporting Responsible Gun Ownership**

- (1) **President Bush's is the first Administration in over 60 years to publicly take the position in briefs filed with the Supreme Court that the Second Amendment protects a personal, individual right to bear arms.**
- In November 2001, the Attorney General sent a memorandum to all United States Attorneys supporting the view that the Second Amendment "protects the right of *individuals*, including those not then actually a member of the militia or engaged in active military service or training, to privately possess and bear their own firearms."
  - In briefs filed by the Department of Justice in *Emerson v. United States* and *Haney v. United States*, the Administration stated that "[t]he current position of the United States ... is that the Second Amendment more broadly protects the rights of individuals, including persons who are not members of any militia or engaged in active military service or training, to possess and bear their own firearms."
  - Vice President Cheney, speaking to the NRA's 133rd Annual Meeting of Members in April 2004, said President Bush's executive branch "understands that the Second Amendment affirms more than a symbolic principle. It states, after all, the right of the people to keep and bear arms shall not be infringed. This means, as the attorney general has stated unequivocally, that law-abiding citizens of the United States have the individual right to own a firearm"
  - Also speaking to the NRA meeting, Vice President Cheney said President Bush is the only one of the two candidates who "has shown you respect, earned your vote, and appreciates your support."
  - Finally, Vice President Cheney told the NRA Annual Meeting of Members that "President Bush and I feel the Second Amendment is a fundamental constitutional right. The contrast between the two candidates in this election is as dramatic as any."
- (2) **President Bush strongly supported passage of S. 1805, the Protection of Lawful Commerce in Arms Act.**
- The bill would have put an end to frivolous lawsuits against gun manufacturers that seek to hold manufacturers liable for the criminal misconduct of others. Although such lawsuits have no merit, for manufacturers to defend against them is very costly. Those costs are passed on to gun purchasers in the form of higher prices, and also threaten to put some manufacturers out of business, making some gun models unavailable.
  - President Bush issued a press release urging Congress to enact a clean bill, without amendments that would delay or defeat it. Senator Kerry and his colleagues ignored his plea, and ended up killing the bill.

(over)

**(3) President Bush has substantially increased the support for prosecuting criminals who use firearms while committing a crime by instituting *Project Safe Neighborhoods*, a cooperative state-federal partnership targeting gun crime.**

- The Administration has committed over \$901 million through *Project Safe Neighborhoods* to hire hundreds of state and federal prosecutors specifically devoted to gun crime, support investigators, hire new ATF agents, and provide related training.  
[SOURCE: [www.projectsafeneighborhoods.gov/about.asp](http://www.projectsafeneighborhoods.gov/about.asp) (accessed 3/29/2004)]
- *Project Safe Neighborhoods works*: During the three years that *Project Safe Neighborhoods* has been in effect, there has been a 62 percent increase in defendants charged with firearms-related crimes, and a 21 percent reduction in the violent crime victimization rate.  
[SOURCE: DOJ Press Release, December 11, 2003]
- Individuals committing gun crimes are doing real jail time, and the jail time is serving as a real deterrent. Under *Project Sage Neighborhoods*, 71% of convicted defendants were sentenced to more than three years in prison, and over half were sentenced to more than five years. These statistics mean that violent criminals are being kept off the streets... and the word is out on the street that if you commit a gun crime, you'll do hard time.  
[SOURCE: <http://www.usdoj.gov/ag/speeches/2003/013003psnfactsheet.htm>]

**(4) Under President Bush, the Department of Justice has greatly increased the availability of instant background checks, and ensured that background check records are destroyed in a timely fashion as required by law.**

- At the direction of the Attorney General, two technological innovations have been applied to the National Instant Criminal Background Check System (NICS), increasing the "immediate determination rate" to 91 percent in 2003 (from 71 percent in 2001).  
[SOURCE: FBI NICS Operation Report, pg. 24, May 2003]
- The Brady Act prohibits using NICS to "establish any system for the registration of firearms, firearm owners, or firearm ... dispositions." P.L. 103-159 § 102(i). It also requires NICS to "destroy all records" of any background check that does not flag a prohibited transaction. *Id.* § 102(b). Yet the Clinton Justice Department was keeping the records for 180 days before destroying them, and even issued an opinion allowing the records to be used for law enforcement purposes.
- Under the Bush Administration, the Attorney General properly ordered that the law be enforced, and that the records be destroyed immediately. Recently passed congressional legislation now supports the Attorney General's directive.  
[SOURCE: <http://more.abcnews.go.com/sections/us/HallsOfJustice/hallsjustice84.html>]  
[SOURCE: [http://www.miami.com/mld/miamiherald/news/breaking\\_news/7802097.htm](http://www.miami.com/mld/miamiherald/news/breaking_news/7802097.htm)]

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