



This opinion editorial appeared in the San Francisco Chronicle on March 7, 2004.

Will the NRA shoot itself in the foot over assault-weapons ban?

by Juliet Leftwich

The National Rifle Association demonstrated last week how far it is willing to go to defeat the passage of responsible gun laws in this country. On March 2, the NRA asked its supporters in the Senate to vote down its top legislative priority -- a bill to provide unprecedented legal immunity to the gun industry -- because a bipartisan coalition of senators had succeeded in adding key gun control amendments to the legislation. The immunity bill had breezed through the House last spring and was introduced in the Senate by NRA board member Sen. Larry Craig, R-Idaho. President Bush had expressed support for the bill.

Chief among the amendments so offensive to the NRA was California Democratic Sen. Dianne Feinstein's measure to extend the federal assault- weapons ban. That law is scheduled to expire in September 2004 unless reauthorized by Congress and President Bush. The NRA is vehemently opposed to renewal of the ban, despite the fact that it is supported by 77 percent of likely 2004 presidential election voters, including 66 percent of gun owners, and was passed with overwhelming support of law-enforcement officials.

Another amendment, by Arizona Republican Sen. John McCain, would have closed the federal "gun show" loophole that allows private (unlicensed) firearm sellers to sell guns at gun shows without conducting background checks. According to the Bureau of Alcohol, Tobacco and Firearms, because of this loophole, gun shows provide a significant source of guns used in crimes nationwide. But the NRA remains fervently opposed to closing the loophole -- notwithstanding the organization's "tough on crime" rhetoric.

A third amendment, by California Democratic Sen. Barbara Boxer, would have required handguns to be sold with locking devices to reduce unintentional shootings - shootings that, according to the Centers for Disease Control and Prevention, kill more than two Americans each day. That legislation also would have amended the Consumer Product Safety Act to require safety standards for locking devices. Thanks to the enormous influence of the NRA, firearms and ammunition (unlike all other consumer products except tobacco) are exempt from the act and therefore subject to no federal safety regulations.

The NRA's unyielding opposition to laws regulating firearms is based on the oft-heard claim that such laws violate the Second Amendment. This claim has absolutely no legal basis, however. The U.S. Supreme Court addressed the meaning of the Second Amendment 65 years ago in *United States vs. Miller* (1939). In that case, the court held that the "obvious purpose" of the

amendment was to "assure the continuation and render possible the effectiveness of" the state militia. Since that time, nearly 200 appellate courts have considered Second Amendment challenges to gun laws. Not one of those challenges has been successful. Nonetheless, the NRA relentlessly argues that gun ownership is an individual constitutional "right."

Unfortunately, because the NRA has repeated its Second Amendment mantra so frequently, many Americans, including those who support responsible gun laws, have come to believe it. Former U.S. Supreme Court Chief Justice Warren Burger once characterized the NRA's view of the Second Amendment as "one of the greatest pieces of fraud, I repeat the word fraud, on the American public by special-interest groups that I have ever seen in my lifetime."

The NRA continues to cloak its zealotry in the Constitution, however, because the strategy has proven so effective. The organization is the most powerful lobby in the nation and has succeeded not only in blocking commonsense gun policies, but in reversing some of the progress that has been made at the federal level.

The demise of the immunity bill is certainly a step in the right direction, however, and may indicate that the NRA's time as our nation's premier special-interest group is coming to an end. Future efforts to pass responsible gun laws, such as the reauthorization of the assault-weapons ban, will test the organization's continued ability to maintain a stranglehold over federal gun policy.