



Biden to Lead Effort on Guns

By: Nicole Gaudiano – December 19th, 2012

WASHINGTON — President Barack Obama’s selection of Joe Biden to oversee development of new gun control measures taps the vice president’s long history as an advocate for tough gun restrictions and the architect of an earlier assault weapons ban.

In his new role, which Obama announced Wednesday, Biden will lead a task force responsible for recommending ways to reduce gun violence.

During his time on the Senate Judiciary Committee, which he chaired from 1987 to 1995, Biden focused primarily on crime legislation, serving as chief sponsor of the 1994 Violent Crime Control and Law Enforcement Act that temporarily banned assault weapons.

“I don’t think there’s anybody in the country that’s better qualified to head up this task force,” said former Democratic Sen. Ted Kaufman, Biden’s longtime chief of staff in the Senate. “He’s met with everybody. He knows the policemen, he knows the prosecutors, he knows the mental health people.”

Biden has until January to come up with recommendations, and gun-control proposals are expected to be high on the list he delivers to the president. The task force, which will include Cabinet members and outside organizations, is a response to Friday’s mass shooting at an elementary school in Connecticut that killed 20 children and six adults.

Obama cited Biden’s role in writing the 1994 crime bill as one reason he chose him to lead the task force, saying the bill “helped law enforcement bring down the rate of violent crime in this country.”

Support for the 1994 legislation, now known as the “Biden crime bill,” didn’t come easily. In the years leading up to the bill’s passage, Democrats were divided on how to approach crime. And Republicans filibustered the bill for four years beginning in 1988.

Biden’s willingness to share credit was key to getting the bill passed, Kaufman said.

The 1994 assault weapons ban, authored by Democratic Sen. Dianne Feinstein of California, passed as an amendment to the bill. Kaufman recalled “incredible pressure” on Biden to strip the provision from the measure. House negotiators opposed banning assault weapons, but Biden insisted that it remain.

Biden spoke out in favor of gun control in 2007 during the CNN/YouTube Democratic presidential debate, when he was a candidate. A man from Michigan, cradling his semiautomatic rifle, asked the candidates whether they would keep his “baby” safe.

“I’ll tell you what, if that is his baby, he needs help,” Biden said to applause. “I don’t know that he is mentally qualified to own that gun ... Look, we should be working with law enforcement, right now, to make sure that we protect people against people who are not capable of knowing what to do with a gun because they’re either mentally imbalanced and/or because they have a criminal record.”

The 2008 U.S. Supreme Court landmark ruling that marked the court’s first declaration that the Constitution’s Second Amendment protects the gun rights of individuals also opened the door to such restrictions. Justice Antonin Scalia’s majority opinion in *District of Columbia v. Heller* said the government could impose restrictions, such as bans on gun possession by convicted felons and the mentally ill.

“The Second Amendment doesn’t impose any significant barriers to any of the major reforms being talked about,” said Adam Winkler, a professor at the University of California at Los Angeles School of Law and the author of a book on gun rights. “The Supreme Court made clear in the *Heller* case that there’s plenty of room for gun control under the Second Amendment.”

The *Heller* decision resolved a constitutional question that had lurked for two centuries: whether the Second Amendment protects individuals even though it refers to state-run militias. The ruling, which divided the court 5-4 along ideological lines, struck down the District of Columbia’s handgun ban.

Buried within the 21,000-word majority opinion was a paragraph that gave gun-control advocates reason for hope. Gun rights are “not unlimited,” Scalia wrote.

“Nothing in our opinion should be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill,” he said. Scalia also said the Second Amendment protects weapons that are in “common use” and not those that are “dangerous and unusual.”

Gun-rights advocates say the *Heller* ruling established important limits.

The court’s backing of weapons in “common use” would doom a law that limited magazines to 10 rounds, says David Kopel, a policy analyst at the Washington-based Cato Institute.

“It’s extremely common these days for regular guns bought by regular people to have ammunition magazines in the 11-to-19 range,” Kopel said.

Similarly, Congress wouldn’t be able to ban the weapon that police say Lanza used, the Bushmaster AR-15 assault rifle, said Gene Hoffman, chairman of the Calguns Foundation in California.

“Restrictions on probably the most popular firearm in America are going to be hard over the long term to square with the right to keep and bear common firearms,” said Hoffman, whose group provides education and legal assistance to gun owners.

Gun-control activists say they are confident both types of restrictions would pass constitutional muster.