



Written by [Steve Byas](#) on August 1, 2022

## House “Assault Weapons” Ban Unlikely to Pass the Senate

In what was nearly a party-line vote of 217-213, the U.S. House of Representatives voted Friday to ban what they are calling “assault weapons,” but the legislation may not even receive a vote in the Senate, which is evenly divided between Democrats and Republicans.

In 1994, President Bill Clinton signed a 10-year ban on so-called assault weapons, which expired in 2004 and was not renewed. Democrats claimed that the ban reduced mass shootings during those 10 years, and they contend that the new bill, sponsored by Representative David Cicilline (D-R.I.), would reduce mass shootings again.



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The bill proposes to ban the sale, manufacture, transfer, possession, or importation of many semi-automatic weapons. It also would criminalize “large-capacity ammunition feeding devices,” defined as detachable magazines capable of holding more than 15 rounds. Current owners of “assault weapons” would be grandfathered in, and would not have to give up their firearms, but new sales and manufacture of such items, except for government use, would be prohibited.

“Today, they’re coming for your guns,” declared Representative Jim Jordan (R-Ohio), the ranking Republican on the Judiciary Committee. “They want to take all guns from all people,” he predicted, adding the bill would actually make communities “less safe.”

Not surprisingly, House Speaker Nancy Pelosi (D-Calif.) praised the passage of the effort to take some guns out of civilian hands. “Our nation has watched in unspeakable horror as assault weapons have been used in massacre after massacre in communities across the country. We know that an assault weapons ban can work because it has worked before.”

How well the 1994-2004 ban worked in reducing mass shootings is debatable, but its adverse effect on the political fortunes of the Democratic Party is well known. It contributed to the Republican sweep of 1994, with the Republicans gaining 52 seats in the House of Representatives and eight seats in the Senate, giving them control of both chambers.

It was the first time since the 1950s that Republicans had control of both houses of Congress.

It was in 1994 that then-Representative Jim Inhofe (R-Okla.) won his Senate seat by defeating then-Representative David McCurdy (D-Okla.) by a large margin. McCurdy had voted for the 1994 ban on “assault weapons,” and it proved to be quite unpopular in the Sooner State. During the campaign, McCurdy was introduced on the public address speaker at a high school football game in southeastern Oklahoma, and was met with a chorus of boos so loud and so persistent that he left in disgust. Republicans have held both U.S. Senate seats in Oklahoma since that time.

Some Democrats fear that a similar electoral shellacking could happen again. Representative Kurt Schrader (D-Ore.) was one of five Democrats who voted against the ban. In a statement to *Politico*,



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Schrader lamented that the ban was on a “death wish list” for Democrats, specifically noting the huge Republican landslide in the 1994 midterm elections.

“This is a bill that destroyed the Democrats in ‘94,” Schrader added. “I guess, do we really have a death wish list?” He said that it undermines the effort to change the image of the Democratic Party in Congress as a party that appeals to “hardcore urban Democrats” that are “out of touch” with the American people.

In addition to Schrader, the other four Democrats who opposed the bill were Harry Cuellar of Texas, Jared Golden of Maine, Vicente Gonzalez of Texas, and Ron Kind of Wisconsin. Gonzalez argued that the ban “will do nothing to reduce overall risks,” largely because there are already millions of semiautomatic rifles already in private hands. “Our focus should be on keeping guns out of the hands of people who are a danger to themselves or others.”

Two Republicans — Brian Fitzpatrick of Pennsylvania, and Chris Jacobs of New York — supported the bill. When Jacobs announced recently that he would support such a bill, the backlash from activist Republicans was so strong that he announced a week later that he was retiring from Congress after serving only one term.

President Joe Biden urged the Senate to take up the bill and send it to his desk. Recalling that he had signed a previous gun-control measure a few weeks ago, he said that he considered the former bill only a first step on gun control: “I said that there was still work to be done to keep our communities safe and keep dangerous firearms out of dangerous hands.” He predicted the House-passed ban on “assault weapons” would “keep weapons of war off our streets, save lives in this country, and reduce crime in our communities.”

Biden added, “The majority of the American people agree with this common sense legislation. The Senate should move quickly to get this bill to my desk.”

That is almost certainly not going to happen. Even Chris Jacobs, one of the two Republicans to cast votes in support of prohibiting these firearms for American citizens, admitted to NBC News, “The Senate doesn’t seem inclined at this point in time to do it.”

Certainly, the Senate should not even take up the legislation, for both practical and constitutional reasons. It is not uncommon for gun-control advocates to cite this or that national poll, indicating a majority of the American people support this or that restriction on the private ownership of firearms. But members of Congress should not determine their vote based on a poll conducted by some left-leaning polling organization. Pollsters can skew results by the way they ask a question. Most importantly, however, members of Congress have sworn to obey the Constitution of the United States.

And there is not one word in the Constitution authorizing Congress to regulate firearms. In fact, the Second Amendment specifically states that the right to keep and bear arms is a right not to be infringed by Congress.

The Constitution established a form of government that was a federal system and a republic — not a unitary democracy. Members of the House are to represent their districts and members of the Senate are to represent their states — not the majority of the country as a whole, and certainly not based on polls. One of the principal points of disagreement that led the 13 Colonies to secede from the British Empire in 1776 was they did not want to be governed by some far-off distant government on local matters.



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Gun-control advocates, such as President Biden, are fond of calling semi-automatic rifles “weapons of war” that should not be in the hands of private citizens. But that is exactly what the Second Amendment is protecting. After all, the first shot of the American Revolution was fired from an unregistered firearm — a weapon of war.



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