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# Constitutional Checks and Balances: The Brady Bill

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# The Brady Bunch

<b>President Reagan</b>	<b>101st Congress</b>	<b>President Bush (41)</b>
<b>100th Congress</b>	<b>James Brady</b>	<b>102nd Congress</b>
<b>President Clinton</b>	<b>103rd Congress</b>	<b>Supreme Court</b>



# How a Bill Becomes a Law

Bill is sent to a committee for review.

Rules committee approves sending bill to the floor for a vote.

Bill sent to other chamber for consideration (steps #2-#5)

President signs or vetoes bill.

2

4

6

8

1

3

5

7

Bill is introduced and receives a number.

Committee can recommend bill be considered by the full chamber

Vote on the bill.  
If bill is passed, go to step #6.  
If revisions are needed, return to step #3

If revisions are made, bill goes back to other chamber for vote.  
Once bill is passed by both chambers, it goes to the President.



# 4 Congresses, 3 Presidents, 12 Years

## Reagan 1981 - 1989

## Bush 1989 - 1993

Brady Bill is considered as part of the Crime Bill in the Senate  
Compromise on background checks changes waiting period from 7 days to 5 business days

“Free the Brady Bill” campaign calls for Congress to separate the Brady Bill from the Crime Bill. Governor Clinton endorses effort. President Bush doesn’t comment

President Reagan and 3 others are shot during an assassination attempt

The Brady Bill is introduced to the 100th Congress by Representative Feighan & Senator Metzenbaum both (D, OH)

Brady Bill is reintroduced to the 101st Congress

Brady Bill is reintroduced to the 102nd Congress



Firearms Owners Protection Act is signed into law by President Reagan

Vice President Bush successfully campaigns for President as a pro gun candidate, endorsed by the NRA

Bush administration bans import of most foreign made assault rifles

New York Times publishes an Op-Ed by former President Reagan in support of the Brady Bill\*

House passes revised Crime Bill. Senate vote is prevented by filibuster

Governor Clinton defeats President Bush

# Video Break

President George H. W. Bush and former President Ronald Reagan speak to reporters in the White House Rose Garden.  
(March 28, 1991)

Clip

[c-span.org/video/?c4969269/user-clip-rr-ghwb-brady-bill](https://www.c-span.org/video/?c4969269/user-clip-rr-ghwb-brady-bill)

Full video

[c-span.org/video/?17320-1/gun-control-legislation](https://www.c-span.org/video/?17320-1/gun-control-legislation)



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# Clinton, Congress, and the Courts

## Clinton 1993 - 2001

*President Clinton remarks in his first SOTU address - "If you'll pass the Brady Bill, I'll sure sign it"*

House passes the Brady Bill

Conference Committee agrees on language

Senate filibuster blocks consideration of conference report

*President Clinton signs the Brady Bill at a special ceremony with the Bradys*

*President Clinton presents James Brady with the Presidential Medal of Freedom*

The Supreme Court strikes down the portion of the Brady Bill that requires CLEO to assist with background checks

Jan 1993

Feb 1993

Nov 1993

Nov 1993

Nov 1993

Nov 1993

Nov 1993

Aug 1996

Sept 1996

Dec 1996

June 1997

Feb 2000

Brady Bill is reintroduced to 103rd Congress by Representative Schumer (D, NY) & Senator Metzenbaum (D, OH) 99 Representatives and 29 Senators sponsor the bill

Senate passes a revised Brady Bill

House approves conference report

Senate approves the conference report

Thanksgiving

The Bradys appear at the Democratic National Convention to voice support for President Clinton\*

Oral arguments in *Printz v. U.S.* are heard by the Supreme Court

*President Clinton rededicates the White House Press Briefing Room as the James S. Brady Press Briefing Room*

# Video Break

Sarah and Jim Brady speak at the 1996 Democratic National Convention. (August 26, 1996)

Clip

[c-span.org/video/?c4969208/user-clip-bradys-1996-dnc](https://www.c-span.org/video/?c4969208/user-clip-bradys-1996-dnc)

Full video

[c-span.org/video/?74603-1/democratic-convention-evening-session](https://www.c-span.org/video/?74603-1/democratic-convention-evening-session)

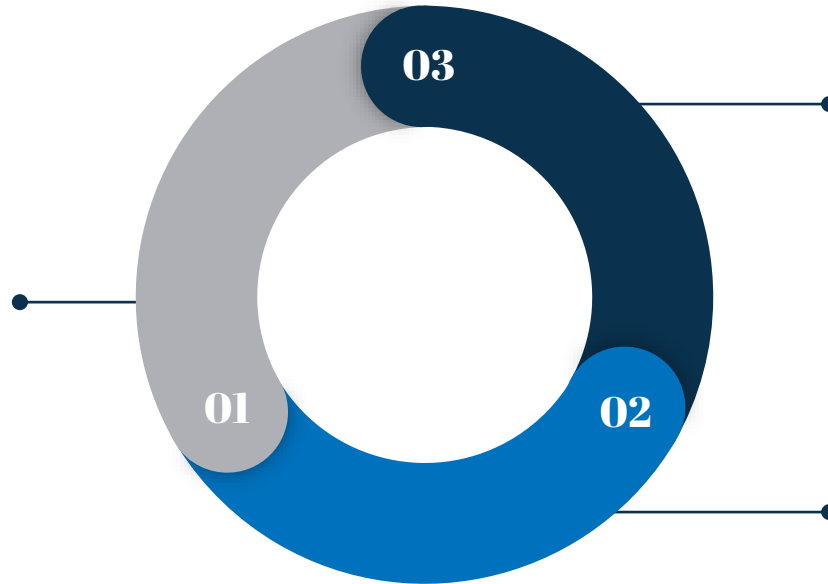


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# Constitutional Checks and Balances

**Legislative Branch**  
Congress creates the laws



**Judicial Branch**  
The courts determine if laws (and their enforcement) are constitutional

**Executive Branch**  
President and executive agencies enforce the laws





# Printz v. U.S.

- ★ “THE PETITIONERS HERE OBJECT TO BEING PRESSED INTO FEDERAL SERVICE” – [www.clintonlibrary.gov/education/chapter-five](http://www.clintonlibrary.gov/education/chapter-five)
  - Ron Klain memo to Attorney General Janet Reno, National Archives Catalog - [catalog.archives.gov/id/16860980](https://catalog.archives.gov/id/16860980)
  - Brief of Amici Curiae, or pleadings of the Senators who defended the Brady Bill’s constitutionality, Clinton Digital Library - [clinton.presidentiallibraries.us/items/show/25909](http://clinton.presidentiallibraries.us/items/show/25909)
  - Supreme Court Majority Opinion, Clinton Digital Library - [clinton.presidentiallibraries.us/items/show/86694](http://clinton.presidentiallibraries.us/items/show/86694)

# Supreme Court Ruling

- ★ The Supreme Court heard oral arguments for *Printz v. United States* on December 3rd, 1996.
- ★ Six months later, on June 27th, 1997, the Supreme Court released its 5-4 decision ruling in favor of Printz but retaining the remainder of the Brady Bill's provisions.
- ★ The majority opinion, written by Justice Scalia, stated, "The Federal Government may not compel the States to enact or administer a federal regulatory program" but that this provision "was severable from the remainder of the act."
- ★ **Amendment X to the United States Constitution**  
**The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people**



# Resources

## ★ The Brady Bill: A Bill Becomes Law -

[clintonlibrary.gov/education/brady-bill-bill-becomes-law](https://clintonlibrary.gov/education/brady-bill-bill-becomes-law)

The path of the Brady Bill, which traveled through all three branches of the federal government, is a story of legislative processes, executive influence, and judicial review, told through primary sources from the National Archives and the records from the Clinton administration.

## ★ [www.clintonlibrary.gov/education/chapter-six](https://www.clintonlibrary.gov/education/chapter-six)

- Clinton Gore Records of Progress, Clinton Administration frozen website - [clintonwhitehouse5.archives.gov/WH/Accomplishments/eightyears-06.html](https://clintonwhitehouse5.archives.gov/WH/Accomplishments/eightyears-06.html)
- James Brady Receives Presidential Medal of Freedom from President Clinton, Clinton Library YouTube Channel - <https://youtu.be/oSAlCsKcpAE>

# Resources

- ★ Clinton Presidential Library: [clintonlibrary.gov](https://clintonlibrary.gov)
- Education Resources: [clintonlibrary.gov/education](https://clintonlibrary.gov/education)
  - Student Programs
    - Pre-K - 2nd grade: [clintonlibrary.gov/education/teachers/pre-k-second-grades](https://clintonlibrary.gov/education/teachers/pre-k-second-grades)
    - 3rd - 5th grade: [www.clintonlibrary.gov/education/teachers/third-fifth-grades](https://www.clintonlibrary.gov/education/teachers/third-fifth-grades)
    - 6th - 8th grade: [www.clintonlibrary.gov/education/teachers/sixth-eighth-grades](https://www.clintonlibrary.gov/education/teachers/sixth-eighth-grades)
    - 9th - 12th grade: [www.clintonlibrary.gov/education/teachers/ninth-twelfth-grades](https://www.clintonlibrary.gov/education/teachers/ninth-twelfth-grades)
  - Teacher Workshops: [www.clintonlibrary.gov/education/teacher-workshops](https://www.clintonlibrary.gov/education/teacher-workshops)
  - Lesson Plans and Activities: [www.clintonlibrary.gov/education/teachers/lesson-plans-and-activities](https://www.clintonlibrary.gov/education/teachers/lesson-plans-and-activities)
  - The Powers of the Presidency: [www.clintonlibrary.gov/education/powers-presidency](https://www.clintonlibrary.gov/education/powers-presidency)
- Museum Resources (Exhibits and Collections) - [clintonlibrary.gov/museum](https://clintonlibrary.gov/museum)



# Resources

- ★ Clinton Digital Library: [clinton.presidentiallibraries.us](https://clinton.presidentiallibraries.us)
- Daily Schedules
  - President - [clinton.presidentiallibraries.us/collections/show/39](https://clinton.presidentiallibraries.us/collections/show/39)
  - First Lady - [clinton.presidentiallibraries.us/collections/show/33](https://clinton.presidentiallibraries.us/collections/show/33)
- Topical Research Guides - [clinton.presidentiallibraries.us/topics-guides](https://clinton.presidentiallibraries.us/topics-guides)
- Digital Library Exhibits - [clinton.presidentiallibraries.us/exhibits](https://clinton.presidentiallibraries.us/exhibits)
- Presidential Travel Schedule - [clinton.presidentiallibraries.us/travel-schedule](https://clinton.presidentiallibraries.us/travel-schedule)
- Meetings and Calls with Foreign Leaders - [clinton.presidentiallibraries.us/foreign-leaders-meetings-calls](https://clinton.presidentiallibraries.us/foreign-leaders-meetings-calls)
- Memcons and Telcons - [clinton.presidentiallibraries.us/memcons-telcons](https://clinton.presidentiallibraries.us/memcons-telcons)



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