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# THE CONGRESS PROJECT

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## *Assignment Prompt Sheet*

### **The Crime Control Act of 1990**

#### **Overview**

**Act Title:** Crime Control Act of 1990

**Congress:** 101<sup>st</sup> Congress (1989-1991)  
**Session/Sessions:** 1-2

**Statute No:**  
**Public Law No:** 101 PL 647

**Eid:** 1010647  
**Gid:** 212-003

**Bill:** [S 3266](#)

**Sponsor:** Sen. [Joe Biden \(D-DE\)](#)

**House Committees:** Judiciary; Armed Services; Education and Labor; Energy and Commerce; Ways and Means; Banking, Finance, and Urban Affairs; Government Operations; Interior and Insular Affairs; Public Works and Transportation; Veterans' Affairs  
**Senate Committees:** Judiciary

**Companion Bill:** None

**Related Bills:** [HR 5269](#); [S 1970](#); HR 3757; S 2070; S 32; S 1971; S 1972

**House Rules:** Hres 473; Hres 490

**Past Bills:** None

**Introduced Date- Law Date:** November 21, 1989-November 29, 1990

**House Floor Days:** 5

**Senate Floor Days:** 12

**Roll Call Votes:** 42



*(Above) Senator Joe Biden (D-DE), the Judiciary Committee Chairman and sponsor of the Crime Control Act of 1990. The sixth youngest U.S. Senator in the history of the chamber, Biden served in the Senate for 36 years before moving on to several other less glamorous government jobs.*

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## Legislative History Comments

The Crime Control Act of 1990 was an omnibus crime control bill that was stripped of many of its more controversial features before being signed into law. As [CQ \(1990, 1\)](#) notes: “With the clock running out (on the Congressional session), House-Senate conferees on the legislation (HR 5269, S 1970) on Oct. 26 abandoned efforts to reach agreement on the most controversial provisions before them — a broadened federal death penalty, limits on legal challenges by condemned prisoners, and restrictions on semiautomatic assault-type weapons.” Despite this, the law “authorized \$900 million for the Federal Drug Control Grant Program, and codified a Crime Victims’ Bill of Rights in the federal justice system ([Teasley 2001, 3](#)).”<sup>1</sup>

This CRS [this piece here](#) (and this [related version](#)) do have a few solid descriptions of the Crime Control Act of 1990 in them. Additionally, here’s a link to the [CQ Almanac write-up](#).

From a process standpoint this bill is a bit rough. Senate consideration of S 1970 is dense. There are a few cloture motions and it appears like a filibuster is going on. Because of that, I broke Senate consideration up into two separate sections. In the initial House consideration, they voted down the rule on HR 5246 (which was awesome). Feel free to use my notes on that. In terms of S 3266, it ultimately goes through the House via suspension of the rules<sup>2</sup>, so no amending or anything to worry about.

If you have other process questions, send them my way and don’t hesitate to consult [CQ 1991 here](#).

## Assignments

For the sections below, you’re going to want to answer the questions and write-up the process sections that correspond to your assigned number. Here they are:

#1.

#2.

#3.

#4.

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<sup>1</sup> The law may be most notable for language included that banned anabolic steroid usage. A second provision, that got comparable little attention during debate, was the Gun-Free School Zones Act. The Supreme Court struck down this portion of the law on the grounds that it exceeded its authority under the Commerce Clause. See [U.S. v. Lopez \(1995\)](#) and this [Hill](#) piece for more on the Gun Free School Zone Act.

<sup>2</sup> A motion to suspend the rules and pass a bill is a procedure generally used to quickly pass legislation in the House. It is in order on certain days (currently Monday and Tuesday of each week and the last six days of a session), typically reserved for non-controversial legislation and allows the Speaker to entertain motions made by members seeking to bypass the traditional calendar. Debate is limited to forty minutes, evenly divided between supporters and opponents. Floor amendments are prohibited. Currently, and for much of the House’s history, passage of the motion is dependent on the support of two-thirds of members voting majority.

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## Background Questions

1. Discuss the broader political context this bill was considered in. Who controlled the House? The Senate? By how many? Who was President? Was this part of the President's agenda? What other pieces of legislation were being considered/passed in this Congress? The Stathis (2014) piece might worth a citation here.
2. What does this act actually do? Who was pushing for it? As I've mentioned, it was substantially gutted in the conference committee. What provisions were dropped? What did they seek to do?
3. Discuss the motivation for passing a crime control bill in this Congress. What was the War on Crime? Why was it needed? What actions had previous congresses taken? In particular, I'd encourage you to cover federal mandatory minimum sentencing and the death penalty. With regards to mandatory minimums, this Last Week Tonight is worth watching:

<https://www.youtube.com/watch?v=pDVmldTurqk>

4. Discuss the motivation for including an assault weapons ban in this measure. What was an assault weapons ban? What guns were being targeted? Why? Were there specific events that motivated Congress to seek an assault weapons ban? What did existing federal policy look like in this specific issue area?

## Process Sections

Please write-up the sections that correspond to your number.

### #1. Initial Senate Consideration of S 1970 (May 21-25, June 5-7, 1990)

On May 18<sup>th</sup>, 1990, Senate Majority Leader George Mitchell (D-ME), asked for, and received "unanimous consent" the Senate proceed to S 1970 on May 21<sup>st</sup>.<sup>3</sup>

S 1970 included a provision that would ban nine different "assault weapons" for three years. Much of the debate over the measure centered on this proposal. On May 22<sup>nd</sup>, an outspoken opponent of assault weapons, Senator Howard Metzenbaum (D-OH), proposed amending the measure to ban all assault weapons. Metzenbaum pointed to the violent impact of assault weapons, and police and public support for his proposal. He argued further that many senators supported the amendment but were scared of lobbying efforts by the National Rifle Association.<sup>4</sup>

**Commented [AJM1]:** So the Senate abandons and returns to this bill a couple of times. As CQ notes, there were also two failed cloture votes before the measure was finally passed. In short, it can be a bit confusing. I'd recommend expanding on the assault weapons ban discussion below, as it's closer to your interests and being quick about the rest of the discussion.

There's another attempt to drop the assault weapons provision on June 28<sup>th</sup>.

<sup>3</sup> The unanimous consent agreement further provided for "debate only, and that no amendments or motions be in order (*Congressional Record*, 101<sup>st</sup> Congress, May 18, 1990, 11221)."

<sup>4</sup> Specifically, he argued: "My colleagues come up to me and say: 'I agree with you. Assault weapons should be banned, but I cannot vote for your amendment because the NRA would go after me in my next campaign (*Congressional Record*, 101<sup>st</sup> Congress, May 22, 1990, 11630)."

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Opponents, like Senator Orrin Hatch (R-UT), argued the amendment violated the second amendment rights of Americans.<sup>5</sup> Metzenbaum's amendment was defeated 82-7.

His proposal was followed by an amendment by Hatch to delete the assault weapons provision. The primary sponsor of the proposal, Senator Dennis DeConcini (D-AZ), were pessimistic they could defeat Hatch's proposal and keep the assault weapons ban in the bill.<sup>6</sup> Supporters of the assault weapons ban chastised the NRA. For example, Senator Paul Simon (D-IL) called the vote a "simple choice," either side "with the gun lobby or the law enforcement people (*Congressional Record*, 101<sup>st</sup> Congress, May 22, 1990, 11656)." The Hatch Amendment was defeated 49-50, surprising members on both sides of the debate.<sup>7</sup>

Cloture on S 1970 was defeated 54-37 on June 5<sup>th</sup> and 57-37 on June 7<sup>th</sup>.

## #2. Secondary Senate Consideration of S 1970 (June 28-29, July 11, 1990)

Gramm attempts to remove the assault weapons ban again on June 28<sup>th</sup>.

An additional proposal included in the bill was the text of S 2070, the Gun Free School Zones Act, proposed by Senator Herb Kohl (D-WI). Kohl asserted that the proposal, which "would make it a Federal crime to bring a gun within 1,000 feet of a school or to fire a gun in that zone" was "unanimously supported."<sup>8</sup> The amendment was included in the approved draft of S 1970, though it did not receive floor debate.

## #3. Initial House Consideration of HR 5269 (September 24, 1990)

The House first attempted to bring their Crime Control measure, HR 5269, to the floor under Hres 473, a structured rule that allowed only amendments pre-approved by the Rules Committee to be considered on the floor. Republicans aggressively opposed the rule on the grounds that it barred some important amendments. Perhaps the most notable of these was an amendment by Rep. Henry Hyde (R-IL) that would reform habeas corpus provisions (a proposal supported by President Bush).

Hyde called the rule the most "brutal, raw, arrogant rule" he had seen in 16 years in the House.<sup>9</sup> And Rep. Gerald Solomon dubbed it "criminal in and of itself." Democrats, like Rules

**Commented [AJM2]:** It sounds like this measure was essentially dead until Biden and Thurmond reached an agreement in late June. What was in that?

**Commented [AJM3]:** I found basically nothing on Gun Free School Zones, which I suspected. But it's worth double-checking.

<sup>5</sup> Hatch asserted that "the only real assault these so-called assault weapons provisions make is on the legitimate rights of law-abiding Americans (*Congressional Record*, 101<sup>st</sup> Congress, May 22, 1990, 11630)."

<sup>6</sup> See e.g. Holmes, Steven A. 1990. "Senate Votes Sweeping Crime Bill, Banning Some Assault Weapons: Senate Passes Sweeping Crime Bill." *New York Times*, July 12; Dewar, Helen. 1990. "By 50-49, Senate Backs Partial Ban on Semiautomatic Assault Weapons," *Washington Post*, May 24.

<sup>7</sup> NRA President Wayne LaPierre expressed confidence they would defeat the provision later, dismissing the defeat as a "skirmish" (Rasky, Susan. 1990. "Senate Backs Curb On Assault Rifles by A Vote of 50-49," *New York Times*, May 24.)

<sup>8</sup> See Kohl's speech after the measure passed the Senate (*Congressional Record*, 101<sup>st</sup> Congress, October 4, 1990, 27431). The measure was introduced as amendment number 1766 to S 1970, with DeConcini listed as a co-sponsor, on June 5, 1990 (see *Congressional Record*, 101<sup>st</sup> Congress, June 5, 1990, 12756).

<sup>9</sup> Hyde sarcastically added that "there is procedural fairness for murderers in this bill" but not "the President of the United States (*Congressional Record*, 101<sup>st</sup> Congress, September 25, 1990, 25568)."

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Committee Chair, Rep. Butler Derrick (D-SC) argued they could not “accommodate the 100 amendments that the Rules Committee received (*Congressional Record*, 101<sup>st</sup> Congress, September 25, 1990, 25570).” They pointed out they also left off Democratic-supported amendments like the Brady Bill. Despite Republican calls to defeat the previous question motion so they could amend the rule, the motion passed narrowly 214-209. However, the rule itself was rejected overwhelmingly 166-258. 84 Democratic members joined all Republicans in voting no.<sup>10</sup> Democratic leadership promised to bring the bill back under a more open rule.<sup>11</sup>

### #3. Secondary House Consideration of HR 5269 (October 3-5, 1990)

On March 3, 1990, House leadership brought up a new rule, Hres 490, which provided for consideration of HR 5269 under a modified-open rule. The measure was adopted by voice **vote**.

### #4. Senate Consideration of S 3266 (October 27, 1990)

### #4. House Consideration of S 3266 (October 27, 1990)

## Member Spotlight

Choose one of the following for your member spotlight:

**#1.** Sen. Howard Metzenbaum (D-OH); Rep. Jim Chapman (D-TX); Sen. Orin Hatch (R-UT); Sen. Dennis DeConcini (D-AZ)

**#2.** Sen. Herb Kohl (D-WI); Rep. Gerald Solomon (R-NY); Rep. Butler Derrick (D-SC); Sen. Bob Dole (R-KS); Speaker Jim Wright (D-TX)

**#3.** Sen. Joe Biden (D-DE); Sen. Strom Thurmond (R-SC); Sen. Ted Kennedy (D-MA); Rep. Jack Brooks (D-TX); Rep. Newt Gingrich (R-GA)

**#4.** Rep. Robert Walker (R-PA); Rep. Bob Michel (R-IL); Rep. Henry Hyde (R-IL); Rep. Jolene Unsoeld (D-WA); Senate Majority Leader George Mitchell (D-ME)

**Commented [AJM4]:** It sounds like a bunch of this debate was on the death penalty, but CQ suggests they also substantially weakened the assault weapons ban:

“But members, heavily lobbied by both sides of the gun control issue, weakened the bill on the floor, allowing domestic gun makers to assemble any semiautomatic rifle or shotgun identical to any rifle or shotgun banned from import. Under the amendment, by Jolene Unsoeld, D-Wash., only firearms assembled with foreign parts would be illegal. The Oct. 4 vote was 257–172.”

It looks like an interesting debate.

**Commented [AJM5]:** The conference committee that formed on the Crime Control Act basically folded and the measure they considered and passed stripped everything of controversy from it. This included the death penalty and assault weapons bans. The Washington Post declared it a big win for the gun lobby. See “Gun Lobby Emerged a Winner on Hill: Assault Weapons Ban, Handgun Waiting Period Died in Final Days.” “

**Commented [AJM6]:** <https://www.washingtonpost.com/archive/lifestyle/magazine/1986/09/07/is-bob-walker-the-most-obnoxious-man-in-congress/e9d4d1e0-3b5a-46a1-a244-8d9548fa7ff2/>

<sup>10</sup> The Democratic no votes were primarily from the conservative wing of the party. See Voteview, 101st Congress, rnum #726 (Poole and Rosenthal 1997). <https://voteview.com/rollcall/RH1010726>

<sup>11</sup> See Isikoff, Michael. 1990. “House Blocks Debate on Crime Bill, Protesting Leadership’s Restrictive Rule,” *Washington Post*, September 1990.

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## Aftermath Questions

1. What is the legacy of this bill from a criminal justice standpoint? How have scholars viewed it? Do they highlight any major limitations? My read is this bill is rarely discussed independently of the 1994, 1988 and 1986 acts. Is that correct? If not, how is it differentiated? If so, what do scholars say about the legacy of this era of crime control acts?
2. How was this act viewed upon passage? What did the newspapers say? How did the final measure differ from the one reformers were pushing? What, ultimately, doomed the passage of the full Crime Control Act of 1990? The Assault Weapons ban? The death penalty provisions? Something else? What was in the final bill?

Additionally, address the contemporary debate. How relevant is this law currently? Are there additional issues related to criminal justice that reformers have been pushing to change?

3. How has this law evolved over time? Has it been featured in any major Supreme Court cases? Specifically, address the Gun Free School Zones provision and the [U.S. v. Lopez](#) ruling. Why was it so significant?
4. How was this law altered by subsequent legislation? Specifically, how did the provisions that were dropped from the 1990 bill fair in the Violent Crime Control and Law Enforcement Act of 1994 (103 PL 122)? See [CQ Almanac \(1994\)](#) on this question.

Relatedly, the Assault Weapons ban was not included in this measure, but it was passed as part of the 1994 bill. The provision was not renewed when it sunset in 2004. What is its legacy? How is it viewed by scholars? Effective? Ineffective? Are there discussions to bring it back?

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## Suggested Sources

### *Scholarly Articles*

Gehrig, David S. "The Gun-Free School Zones Act: The Shootout Over Legislative Findings, the Commerce Clause, and Federalism." *Hastings Const. LQ* 22 (1994): 179.

Hetzner, Amy. "Where angels tread: Gun-free school zone laws and an individual right to bear arms." *Marq. L. Rev.* 95 (2011): 359.

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Koper, Christopher S. "America's experience with the federal assault weapons ban, 1994---2004: key findings and implications." *Reducing gun violence in America: informing policy with evidence and analysis 2013* (2013): 157-71.

Safra, Seth J. "Amended Gun-Free School Zones Act: Doubt as to Its Constitutionality Remains, The." *Duke LJ* 50 (2000): 637.

Friedman, Barry. "Legislative Findings and Judicial Signals: A Positive Political Reading of *United States v. Lopez*." *Case W. Res. L. Rev.* 46 (1995): 757.

Black, Jeffrey A. "The Anabolic Steroids Control Act of 1990: A Need for Change." *Dick. L. Rev.* 97 (1992): 131.

Teasley, David. "Crime Control: The Federal Response." Congressional Research Service, Library of Congress, 2001.

Denham, Bryan E. "Sports Illustrated, the "War on Drugs," and the Anabolic Steroid Control Act of 1990: A study in agenda building and political timing." *Journal of Sport and Social Issues* 21.3 (1997): 260-273. [https://www.law.uh.edu/hjhlp/volumes/Vol\\_15/McGrew.pdf](https://www.law.uh.edu/hjhlp/volumes/Vol_15/McGrew.pdf)

Medoff, Marshall H., Christopher Dennis, and Benjamin G. Bishin. "The impact of legislator and constituency ideology on voting on the assault weapons ban." *The Journal of socio-economics* 24.4 (1995): 585-591.

Hinton, Elizabeth Kai. *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America*. Harvard University Press, 2017.

Stathis, Stephen W. 2014. *Landmark Legislation, 1774-2012: Major U.S. Acts and Treaties, 2nd Edition*. Washington: CQ Press

O'Bryant, Joanne and Lisa Seghetti. 2002. "Crime Control: The Federal Response." CRS Report, July 1. [https://www.everycrsreport.com/files/20020701\\_IB10095\\_3254a8718a72452e6b1befb3695bcb790395f616.pdf](https://www.everycrsreport.com/files/20020701_IB10095_3254a8718a72452e6b1befb3695bcb790395f616.pdf)

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## *Newspaper Pieces*

- <https://www.vox.com/policy-and-politics/2018/4/3/17174160/assault-weapons-ban-research-study>
- <https://time.com/5429002/gun-control-act-history-1968/>
- [https://www.washingtonpost.com/national/history-of-gun-control-legislation/2012/12/22/80c8d624-4ad3-11e2-9a42-d1ce6d0ed278\\_story.html](https://www.washingtonpost.com/national/history-of-gun-control-legislation/2012/12/22/80c8d624-4ad3-11e2-9a42-d1ce6d0ed278_story.html)
- <https://www.nytimes.com/2018/03/22/opinion/gun-control-1968.html>
- <https://www.npr.org/templates/story/story.php?storyId=91942478>
- Lussenhop, Jessica. 2016. "Clinton Crime Bill: Why is it so Controversial?" BBC News, April 18. <https://www.bbc.com/news/world-us-canada-36020717>
- <https://www.vox.com/policy-and-politics/2018/4/3/17174160/assault-weapons-ban-research-study>
- <https://www.theatlantic.com/politics/archive/2016/06/when-bill-clinton-passed-gun-reform/488045/>