



Written by [Bob Adelman](#) on December 11, 2009

Amtrak, Guns, and Sausage

When congressional negotiators agreed to a final version of a transportation bill, it included an amendment to allow Amtrak passengers to take their guns with them — unloaded, locked, and only in their checked baggage.

While only a small skirmish in the long war against the right of citizens to “keep and bear arms” under the Second Amendment, the process by which this amendment was added is worth examining as a microcosm of “representative government” in action.

In April 2009, Senator Roger Wicker (R-Miss.) [offered a bill](#) to permit the transport of weapons on Amtrak. Since it was the policy of Amtrak to allow passengers to check their weapons in their baggage prior to September 9, 2001, his bill was merely to restore that policy. And this would bring rough parity with the rules passengers must follow when traveling by air with their guns.



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At the time, anti-gun writers belittled his proposal with suggestions that, if passed, it would eventually allow “crossbows on the El” and questions such as, “Will passengers be allowed to shoot buffalo from moving trains?”

Others spoke of “how much ground the Democrats have yielded on guns” by even considering such a bill.

Wicker’s bill gained little support initially, but was reintroduced in September. By then, the political landscape had changed significantly, with many members of the Senate still smarting from anger generated by their votes for Sotomayor to the Supreme Court, and their votes against “right to carry”, and wanting to “make up” to their constituents in some highly visible if meaningless way.

When the bill [passed](#) the Senate by a vote of 68-30, it was noted that all 40 Republicans were joined by 27 Democrats (and one Independent), “mostly from states where gun rights are widely supported.”

This resulted in some surprising supporters, including Majority Leader Harry Reid of Nevada, and Independent Bernie Sanders, considered to be “one of the chamber’s most liberal [read: anti-gun] members.”

It also gave Wicker an opportunity to pontificate that “Americans should not have their Second Amendment rights restricted for any reason, particularly if they choose to travel on America’s federally subsidized rail line.” This comment neatly avoids the simple fact that requiring citizens to carry their weapons only if they are locked away, unloaded, in the baggage compartment is a blatant restriction of



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their Second Amendment rights, but that is how sausage is made.

This fact was also scrupulously avoided by the spokesman for the National Rifle Association, Andrew Arulanandam, who said: “Law-abiding people who choose to travel by rail should be able to carry their firearms as they would on an airplane - in checked luggage.”

Interestingly, the NRA’s position was [echoed by the president of the anti-gun Brady Campaign](#) to Prevent Gun Violence, Paul Helmke: “[We don’t] have problems with people transporting guns on trains so long as steps are taken to make sure they’re secured and properly stowed.”

Making sausages does in fact make strange bedfellows.

In the House of Representatives a similar bill was [presented in October by Republican Denny Rehberg \(Mont.\)](#). Called the Amtrak Secure Transportation of Firearms Act of 2009, his bill would similarly require Amtrak to develop regulations to allow firearms on all trains where checked luggage is allowed. Rehberg pointed out that the firearms would be locked away, unloaded, in hard-sided cases, in the trains’ baggage compartments. He made it clear that “he did not intend for riders to keep open firearms with them in the passenger compartments.”

There was a small difficulty with the bill, however, which drew the attention of and criticism from Thomas Carper, the chairman of Amtrak’s board. The bill required Amtrak to restore the old policy within six months of passage of the bill, or Amtrak would lose \$1.5 billion of its federal funding. “As a result of these significant differences with the airline industry, Amtrak would need a significant amount of time and [additional] funding to properly address this congressional mandate,” Carper said.

Carper further pointed out that failing to meet that deadline and missing out on the \$1.5 billion in appropriated funds would bring a “cessation of train service nationwide.”

And so, in conference, the [requirement](#) giving Amtrak six months to comply was extended to 12 months, and then eliminated altogether.

This is a small piece of the Omnibus spending bill, of course, and is considered to be “must-pass” legislation. According to the *Washington Times*, that makes the new Amtrak gun rule “as close to a sure bet as there is on Capitol Hill.” Touted as a major “victory” for sportsmen and gun owners by Senator Wicker who started this ball rolling last spring, this trail clearly shows how laws, and sausages, are made.



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