



Senate Rejects Amendment to Expand Background Checks for Gun Sales

Second Amendment advocates celebrated a victory on Wednesday when the Senate [defeated an amendment to expand background checks](#) for gun sales. The amendment's defeat was seen as a significant setback for the congressional gun-control agenda. After the vote, President Obama delivered a statement from the Rose Garden berating opponents while flanked by family members of Newtown, Connecticut, shooting victims.



"All in all, this was a pretty shameful day for Washington," he declared.

The amendment was rejected by a vote of 54 to 46, six votes short of the 60 needed for passage. Four Republicans — John McCain (Ariz.), Susan Collins (Maine), Pat Toomey (Penn.), and Mark Kirk (Ill.) — voted for the measure, while five Democrats — Harry Reid (Nev.), Mark Pryor (Ark.), Mark Begich (Alaska), Heidi Heitkamp (N.D.), and Max Baucus (Mont.) — opposed it.

The amendment, authored by Senators Joe Manchin (D-W.Va.) and Pat Toomey (R-Pa.), would have expanded background checks for gun sales at gun shows and via the Internet. The amendment was meant to be a compromise to win over "conservatives" who oppose the universal background check scheme in the underlying bill, S. 649.

President Obama charged after the vote that "the gun lobby and its allies willfully lied about the bill" and that their claims "upset" some gun owners who in turn "intimidated" senators. "There were no coherent arguments as to why we couldn't do this," the president claimed. "It came down to politics." Second Amendment advocates rebutted that charge, pointing out that the information collected from background checks could ultimately lead to a [firearms registry](#), as has occurred in other countries.

Senator Roy Blunt (R-Mo.) told Fox News, "Once you get these lists out there, once you have a gun dealer keeping lists for lots of other people, the only way that works, frankly I think is if you keep the paper. And if you keep the paper, eventually, somebody's going to ask for it."

Chris Calabrese of the American Civil Liberties Union [expressed](#) similar concerns regarding universal background checks:

[Federal officials] come to use databases for all sorts of different purposes. For example, the National Counterterrorism Center recently gave itself the authority to collect all kinds of existing federal databases and performed terrorism related searches regarding those databases. They essentially exempted themselves from a lot of existing Privacy Act protections. So you just worry that you're going to see searches of the databases and an expansion for purposes that were not intended when the information was collected."

Unfortunately, we have seen in the past that the creation of these types of records leads sometimes to the creation of government databases and collections of personal information on all of us. That's



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not an inevitable result, but we have seen that happen in the past, certainly.

The National Rifle Association said in a statement that the rejected Manchin-Toomey amendment “would have criminalized certain private transfers of firearms between honest citizens, requiring lifelong friends, neighbors and some family members to get federal government permission to exercise a fundamental right or face prosecution.”

Opponents of the amendment also noted that the proposal would have violated the Second Amendment by imposing a burden on buying and selling guns. Evidence shows that states that have applied background checks to sales by private individuals have seen a 20-percent reduction in the number of gun shows, an outcome that hurts the poorer population by depriving them of relatively inexpensive access to guns.

Proponents of background checks claim that the checks reduce crime, but as John Lott [noted on Philly.com](#), there is no evidence that this is the case. Lott, a former chief economist at the U.S. Sentencing Commission, cited a 2004 National Academy of Sciences panel that concluded that the Brady background checks did nothing to reduce violent crimes.

But the case against background checks did not prevent Senate Majority Leader Harry Reid from berating Republicans for defeating the Manchin-Toomey amendment. “I want everyone to understand this is just the beginning, not the end,” he declared. “Today, the brand of the Republican Party has become more out of step, more extreme. And that’s saying something.”

The rejection of the Manchin-Toomey amendment means that S. 649 still includes language passed by the Judiciary Committee to establish universal background checks. That language has not attracted support from any Republican senators. Nor are the Democrats unified behind it. More conservative-minded Democrat senators like Manchin and Jon Tester (Mont.) have already indicated that they would not support the bill without changes to the language

Senators Manchin and Toomey, who once had received A ratings from the NRA, will presumably see downgrades in their ratings for leading the charge to expand background checks.

Photo of gun show: AP Images



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