



Written by [Jack Kenny](#) on April 11, 2013

Senators Push Expansion of Background Checks in Gun Sales

The prospects for passage of legislation to expand background checks of gun buyers got a boost Wednesday with the announcement of a bipartisan agreement reached by a pair of U.S. senators who are often described in media reports as strong defenders of gun rights. Democrat Senator Joe Manchin of West Virginia and Republican Pat Toomey of Pennsylvania announced the agreement at an 11 a.m. press conference Wednesday.



“Candidly, I don’t consider criminal background checks to be gun control. I think it’s just common sense,” Toomey [said](#).

The amendment they will offer to a bill now before the Senate would expand background checks to include sales made at guns shows and online in addition to those required under current federal law for purchases made from licensed commercial gun dealers.

“If you go to a gun show, you should be subject to the same [requirement] as if you go to a gun store,” Manchin said. The measure would exempt sales made to friends or family members. The inclusion of such transactions in the current bill has been a key feature cited by opponents of the measure.

“Personal transactions are not affected whatever.” Manchin said. Toomey tried to sweeten the deal and soften opposition to it by including in their amendment provisions for additional protections of gun owners’ rights, including freedom from prosecution of a non-resident for violating the licensing law of a state through which he is traveling. It would also allow active duty military personnel to purchase guns in any state. Military personnel are currently permitted to purchase firearms only in the state in which they are based, Toomey said.

The two first-term senators, from neighboring states with strong support of gun rights, have both received high rankings and endorsements in their Senate campaigns from the National Rifle Association, a fact that may help engender support for the amendment and the final bill from other pro-gun senators. Toomey said, however, he was not committed to voting for the bill even if the amendment passes. He would have to see what other amendments are added and what the final version contains.

“I’ve not taken a very high profile role on this issue,” Toomey said. “What became apparent to me in the course of this debate, there is the danger that we might end up accomplishing nothing, and not making progress where we could.”

Expansion of the background check requirement, ostensibly aimed at keeping guns away from criminals and the mentally ill, is a key feature of gun control legislation being pushed by President Obama in response to last December’s shooting spree by a lone gunman that killed 20 school children and six adults at the Sandy Hook elementary school in Newtown, Connecticut. Parents of several of the children killed flew to Washington with President Obama Monday and have been lobbying Congress to pass the gun control measures sought by the president. The ban on certain kinds of rifles, often referred to as



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“assault weapons,” sought by the president, along with limits on the capacity of gun magazines, was included in an earlier version of the bill sponsored by Sen. Dianne Feinstein (D-Calif.) Those provisions were eliminated in committee.

President Obama and others have said that as much as 40 percent of gun sales occur in transactions without background checks. Gun rights advocate Jon Lott [disputes](#) that figure, along with other statements by the president that Lott has characterized as misrepresentations. In an article appearing Tuesday at FoxNews.com, Lott said:

Start with the 40 percent figure. That number comes from a very small study covering purchases during 1991 to 1994. Not only is that two decades-old data, but it covered sales *before* the federal Brady Act took effect on February 28, 1994. The act required federally licensed dealers to perform background checks.

And what’s more, Mr. Obama conveniently forgets that the researchers gave this number (well, actually 36%, not his rounding up to 40%) for *all transfers*, not just for guns sold. Most significantly, the vast majority of these transfers involved within-family inheritances and gifts. [Emphasis in the original.]

Lott, a former Yale professor whose 1998 book, *More Guns, Less Crime*, won acclaim from gun control opponents, has played a prominent role in gun debates ever since. He argues that background checks have had little effect on keeping guns from criminals.

“The number of criminals stopped by the checks is also quite small,” he wrote. “In 2010, there were over 76,000 initial denials, but only 44 of those were deemed worthy for prosecution and only 13 individuals were convicted. Even those 13 cases don’t tend to be the ‘dangerous’ criminals Obama claims are being stopped.”

NRA Executive Vice President Wayne LaPierre, who had voiced the organization’s [support](#) for background checks at gun shows after the 1999 massacre at Columbine High School in Colorado, is now opposed to expanding the checks.

“The law right now is a failure the way it’s working,” LaPierre has said. “The fact is, we could dramatically cut crime in this country with guns and save lives all over this country if we would start enforcing the 9,000 federal laws we have on the books,” he [said](#) at a February hearing by the Senate Judiciary Committee.

The NRA and other gun control opponents have warned against the potential use of information obtained through background checks for promoting a gun control agenda.

“This isn’t about making Americans safer...it’s about leading law-abiding gun owners down the road to gun registration — and ultimately, GUN CONFISCATION — just like we watched happen in England and Australia,” the NRA warned in an [“Emergency Action Alert”](#) sent to members by email last week. Backers of the Senate bill say a national gun registry is illegal and will not be a part of the legislation.

Others are opposed to expanding the background check because of the very real likelihood of widespread violation of privacy, as medical and health records are entered into the national crime database. As [reported here](#) last week, the American Civil Liberty Union has come out in opposition to expanded background checks due to the grave potential for massive abuse by numerous government agencies.

A recent Quinnipiac University opinion poll claims 91 percent of voters are in favor of expanded



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background checks. Yet its polling also shows a plurality of voters (48 percent to 38 percent) believe the data could be used by the government to confiscate legally owned guns. In the decades-long debate over gun control, gun rights advocates have often cited [examples](#) of gun confiscation in other countries leading to tyranny. Gun registration data compiled by the Weimar Republic in Germany, for example, was used by the Third Reich to take guns away from Jews and others not in favor with the Nazi regime.

A group of 13 Republicans, including Kentucky's Rand Paul and Ted Cruz of Texas, has promised to filibuster against the Senate bill when it comes to the floor for debate. It remains to be seen if the amendment offered by Manchin and Toomey will change their plans or dissuade other senators from joining them. Sixty votes are needed to end a filibuster and bring the bill to a vote. Sen. John McCain [spoke](#) against the planned filibuster Sunday during an interview on CBS' *Face the Nation*.

"There is a handful of senators, led by Senator Cruz, who want to filibuster and not even allow us to debate this bill. That would be wrong," the Arizona Republican said. Last month, McCain characterized a group of senators, led by Paul and Cruz, as "wacko birds" for filibustering against the confirmation of John Brennan as CIA director until they received assurance from Attorney General Eric Holder that that there is no legal authority for armed drones, used by the CIA for targeted killings of alleged terrorists in other lands, to be used against U.S. citizens in the United States. McCain, the GOP's 2008 presidential nominee, later apologized for the "wacko birds" remark.

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