



Written by [Brian Koenig](#) on April 16, 2013

Background Checks Open Door to National Gun Registry

As the contentious debate over new gun-control regulations surges forward, conservatives and liberty-minded critics are now posing concerns about new legislation that could establish a “gun registry.” Widespread fears of a national firearm registry persist even after many in Congress pledged to bar such a system from becoming active.



Sens. Joe Manchin (D-W.Va.) and Pat Toomey (R-Pa.), who drafted a background check provision as an amendment to sweeping new firearms legislation, [contend](#) that a registry is explicitly forbidden in their proposal. The provision says plainly that the Justice Department “may not consolidate or centralize the records” on firearms sales or possession, and that nothing in the amendment would open the door to a “federal firearms registry.”

Still, gun rights advocates worry that the provision paves the way for a slippery-slope scenario, where an expansion in background checks and regulations becomes a precursor to a national registry, which could then be abused to confiscate weapons from law-abiding Americans. “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,” Sen. Roy Blunt (R-Mo.) [said](#) Monday in an interview with Fox News. “And if you keep the paper, eventually, somebody’s going to ask for it.”

Indeed, despite lawmakers’ assurances, skepticism over new gun regulations lingers on, as critics say the language in the proposal could very easily be altered. Sen. Charles Grassley (R-Iowa) noted last week in a prepared statement that “current federal law can be changed,” and record keeping is one step closer toward registration. Grassley adds that testimony in the Judiciary Committee, and according to language provided by the deputy director of the National Institute of Justice, indicates that universal background checks can be instituted only *if gun registration is mandated*.

Writing for the Heritage Foundation’s blog, David S. Addington [explains](#) how various details in the bill “fuzz up the law” barring a national gun registry:

First, the legislation says that nothing in the legislation shall be construed to allow establishment of a federal firearms registry. In addition, it says that the Attorney General may not consolidate or centralize records of firearms acquisition and disposition maintained by licensed importers, manufacturers, and dealers, and by buyers and sellers at gun shows (and makes it a crime for him to do so).

But then, the STM [Schumer, Toomey, Manchin] bill takes those protections away by using the all-powerful word “notwithstanding” — “notwithstanding any other provision of this chapter, the



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Attorney General may implement this subsection with regulations.” The courts may construe the “notwithstanding” to allow Attorney General Eric Holder to issue regulations that could begin to create a federal registry of firearms, because the law says he can implement the subsection without regard to the protections against a registry elsewhere in the legislation.

Such gun-control legislation could prove fatal to many Americans’ Second Amendment rights. Sen. Blunt cited new reports that said 185,000 residents in his state were already negatively impacted after a lengthy list of concealed-weapon permit holders was handed over to federal officials.

Thanks to a new gun law signed by New York Governor Andrew Cuomo earlier this year — which targets any gun owner who is identified as suffering from a mental illness — a New York resident was forced last week to [turn over](#) his firearms license and all of his guns. Buffalo-area resident David Lewis was able to get his license reinstated, but only after a high-profile encounter with the state government proved that he was wrongly targeted.

Sen. Mike Lee (R-Utah) [warned](#) last week on the Senate floor that universal background checks will undoubtedly open the door to a gun registry system, leading to a scenario where the federal government will “surveil law-abiding citizens who exercise their Constitutional rights.” Lee noted that the Manchin-Toomey provision would allow U.S. Attorney General Eric Holder to enact regulations that could very easily establish a national registry for guns.

“You see, the federal government has no business monitoring when or how often you go to church; what books and newspapers you read; who you vote for; your health conditions; what you eat for breakfast; and the details of your private life,” the Utah lawmaker affirmed. This, he added, includes not only Americans’ rights protected by the Second Amendment but other provisions of the Bill of Rights.

Critics note that the wrongful seizure of Lewis’ guns in New York is only a precursor to future problems for gun owners, especially if a national gun registry was ultimately put into place. And such a system would not have prevented the mass shootings that have taken dozens of lives over the course of the past couple years anyway.

As Adam Winkler, writing for *New York Daily News*, [put it](#):

Better background checks wouldn’t have stopped the Newtown (Conn.) or Aurora (Colo.) shooters. Neither had any criminal or mental health history that would have appeared in the national database used for such checks. And no background check is going to put an end to the gang-related killings taking a heavy toll in Chicago....

With 300 million guns in America, anyone determined to find one won’t have too much difficulty. So don’t expect universal background checks to lead to a significant drop in gun crime or mass shootings.



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