



Written by [Warren Mass](#) on June 25, 2015

Senators Manchin and Toomey Consider Reviving Failed Gun Control Legislation

In a not totally unexpected move, Senators Joe Manchin (D-W.Va.) and Pat Toomey (R-Pa.) are exploring ways to reintroduce and pass legislation similar to their bill that was rejected by the Senate by 54 to 46 (60 votes were needed for passage) back in 2013. That rejected bill— which was described as a “compromise” measure — would have expanded background checks to include sales made at guns shows and online in addition to the already-required checks for buyers purchasing firearms made from licensed commercial gun dealers.



The senators’ attempt to revive their 2013 bill is not unexpected in the wake of the recent tragic shooting in Charleston because their original legislation was created as a response to the December 2012 shooting spree by a lone gunman that killed 20 school children and six adults at the Sandy Hook elementary school in Newtown, Connecticut. After such highly publicized mass shootings occur, gun control advocates routinely capitalize on the natural horror resulting from such tragic events to pin the blame on the weapons, themselves, rather than on the unbalanced individuals who wielded them.

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Before the Sandy Hook shootings, the same reaction resulted from the Columbine High School massacre in 1999, the Virginia Tech shooting in 2007, and the Fort Hood shooting in 2009. Lost amidst all the grief and emotions is the realization that each of these shootings occurred among a group of unarmed, defenseless people, who might have defended themselves had the personal possession of firearms not been so heavily restricted.

Once again, while emotions over the Charleston shooting still run high, Manchin and Toomey are dusting off their repertoire. However, they are proceeding with caution.

Toomey told the *Washington Post* he was trying to figure out if there was “something that could get the support of the 60 votes that we would need in the Senate.” Elizabeth Anderson, a spokesperson for Toomey, said that it would be erroneous to describe the senator’s efforts as “revisiting” his 2013 bill, but he “is open to exploring” legislative options.

The *Post* cited Toomey’s statement that he is looking for opportunities to reintroduce “something related to combating gun violence.”

“What I’m trying to figure out is, is there something that could get the support of the 60 votes that we would need in the Senate. Joe Manchin was and is a great partner and someone I will continue to work with, and I’m open to exploring what is possible.” Toomey added that legislation wasn’t imminent, “but if we stay at it I think we’ll find a way to make progress.”

The *Post* also quoted Manchin, who said: “We want to make sure we have the votes. Pat’s going to have



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to, and I'll work with him, to get some of our colleagues on the Republican side."

Senate Minority Leader Harry Reid (D-Nev.) made a statement on June 23 that called for the type of legislation Toomey and Manchin cosponsored two years ago. "Is that asking too much? Couldn't we at least do this little thing to stop people who are mentally ill, people who are criminals from purchasing guns?" Reid asked on the Senate floor.

Britain's *Guardian* newspaper quoted Manchin's communications director, Jonathan Kott, who told the paper that the legislative math makes a renewed push for gun legislation more difficult this year. "There are [fewer] votes now than there were two years ago," Kott said.

The Guardian also quoted an unnamed Senate Republican aide who handles gun issues who said: "When the sun rises in the west and sets in the east, then we'll pass a gun control bill."

Though the senators have not introduced new gun control legislation so far, Manchin does have an item on his Senate webpage supporting the Public Safety and Second Amendment Rights Protection Act of 2015 (H.R. 1217), introduced by Representative Peter King (R-N.Y.)

The bill is carefully worded to defuse opposition from defenders of gun rights, beginning:

To protect Second Amendment rights, ensure that all individuals who should be prohibited from buying a firearm are listed in the National Instant Criminal Background Check System, and provide a responsible and consistent background check process.

It is obvious that the language contradicts itself, given that the 2nd Amendment states that "the right of the people to keep and bear arms shall not be infringed" — yet how can the federal government determine that some individuals should "be prohibited from buying a firearm," except by infringing upon those individuals' rights?

While common sense suggests that the criminally insane (or just plain criminal) should not be in the possession of lethal weapons (including not only guns, but also knives and clubs), keeping those weapons away from such individuals could better be accomplished by the order of a local judge, not by federal legislation.

Despite assurances in summaries of bills such as H.R. 1217 — e.g., "The bill **will not**, in any way, shape, or form infringe upon anyone's Second Amendment rights to keep and bear arms." (Emphasis in original) — such legislation establishes bad precedents that can be used to restrict gun ownership at a future date.

When *The New American* contacted Gun Owners of America (GOA) chief Larry Pratt for [an article about Toomey and Manchin's bill in 2013](#), he explained some of the reasons why it was so important to defeat the controversial proposals included in the bill. "The instant background check is gun registration," Pratt said. "The government will not answer when we ask how they are destroying the names and addresses, as required by law, of those that have been checked. They just don't respond; 'so sue us' is kind of the attitude that they have."

As for why defenders of the Second Amendment are so strongly opposed to any form of gun registration, the classic historic example illustrating how such registration can lead to gun confiscation comes from Germany. A 2013 article in *National Review*, "How the Nazis Used Gun Control," did an excellent job of summarizing the series of events in Germany. The writer, Stephen P. Halbrook (author of *Gun Control in the Third Reich: Disarming the Jews and "Enemies of the State"*) noted, in part:

In 1931, Weimar authorities discovered plans for a Nazi takeover in which Jews would be denied



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food and persons refusing to surrender their guns within 24 hours would be executed. They were written by Werner Best, a future Gestapo official. In reaction to such threats, the government authorized the registration of all firearms and the confiscation thereof, if required for “public safety.” The interior minister warned that the records must not fall into the hands of any extremist group.

In 1933, the ultimate extremist group, led by Adolf Hitler, seized power and used the records to identify, disarm, and attack political opponents and Jews. Constitutional rights were suspended, and mass searches for and seizures of guns and dissident publications ensued. Police revoked gun licenses of Social Democrats and others who were not “politically reliable.”

Halbrook noted that the Nazi’s use of gun registration to disarm the German population and make resistance to Nazi tyranny futile was well publicized in the United States, as was the order issued by the invading Germans to the French in 1940, declaring that Frenchmen who failed to surrender their firearms within 24 hours were subject to the death penalty.

That knowledge promoted the defeat of federal gun control legislation introduced in Congress from 1941 until the present day. Though gun-control advocates periodically attempt to capitalize on public angst following tragic events such as the recent shooting in Charleston, gun rights defenders remain informed, vigilant, and politically active. So long as their efforts continue, the prediction by the Senate Republican aide that “when the sun rises in the west and sets in the east, then we’ll pass a gun control bill” may not be an exaggeration.

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