



## **Battle lines blurred as Senate plans vote on gun control measures**

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June 16, 2016

Democrats and gun control advocates are optimistic that they will get a Senate vote on key reforms following a 15-hour filibuster Wednesday aimed at forcing action on the issue, but critics question whether those reforms would actually have the desired impact.

Sen. Chris Murphy (D-CT) declared victory early Thursday after he and dozens of other Democrats commandeered the Senate floor for hours to discuss the importance of restricting access to guns in the wake of the terrorist attack that killed 49 people in Orlando Sunday.

Murphy, who represented the district where Sandy Hook Elementary School was located in the House when a mass shooting occurred there, announced that an agreement had been reached with Republicans to allow a Senate vote in the coming days on several amendments that would address his concerns.

Under a deal reached Thursday, the Senate will vote on four amendments Monday, according to Politico.

Sen. Dianne Feinstein (D-CA) has long advocated legislation that would block anyone on terror watch lists from purchasing guns, under the principle that if they are too dangerous to board a plane, they are too dangerous to buy a gun.

Republicans argue that the list is unreliable and the bill does not provide enough opportunities for someone who gets flagged erroneously to appeal. There is also concern that rejecting the purchase would alert them that they are on a watch list and undermine a terrorism investigation.

Feinstein has crafted a revised plan that would extend prohibitions for five years after someone is taken off a terrorist watch list, which would have blocked Orlando gunman Omar Mateen, and give the Justice Department discretion to allow a sale to go through to protect an investigation.

Sen. John Cornyn (R-TX) has proposed an alternative that would give the Justice Department 72 hours after someone on the watch list attempts to buy a firearm to prove to a court that they are too dangerous. Democrats worry that process would be too difficult for law enforcement.

Sens. Ted Cruz (R-TX) and Chuck Grassley (R-IA) have a proposal that would incorporate mental health into background checks. Competing background check legislation from Murphy and Sen. Cory Booker (D-NJ) will also get a vote.

Colin Goddard, senior policy advocate at Everytown for Gun Safety, said that Republicans who oppose Feinstein's bill prioritize the rights of "known and suspected terrorists" and that her bill does include an appeals process.

Goddard, who was wounded in the mass shooting at Virginia Tech in 2007, called Cornyn's proposal a "façade" that sets an unrealistic bar for the government to stop a sale, which he suggested was the intent.

"The NRA is drafting these bills to give the appearance of something, when in reality the actual impact is not helpful," he said.

According to Dave Workman, communications director for the Citizens Committee for the Right to Keep and Bear Arms, it is too soon to judge whether the Democrats' filibuster will lead to the passage of any legislation.

"This may all be much ado about nothing," he said.

He questioned whether the Cornyn approach even represents much of a change from the status quo, but if people are going to be placed on a secret list, he emphasized the need for due process first.

He also disputed the need for expanded background checks, given that Mateen and other recent mass shooters have either passed background checks or, in a couple of cases, stolen firearms from people who had. He also argued that criminals will obtain guns illegally if they really want them.

"Hardened criminals, recidivist criminals don't go through background checks," he said.

David Kopel, associate policy analyst for the Cato Institute, said any vote would be strictly for political purposes because, of the thousands of guns that have been purchased by people on the terror watch list, none have been used in a crime.

"When the gun misuse rate is zero, it's impossible to reduce it further," he said.

He added that the government should have substantial evidence against someone before trying to take away their civil rights. He suggested the FBI should devote more agents to robust investigations of suspected terrorists and ensure that genuine threats are deported before they do harm.

"Dangerous people shouldn't have any firearm," he said.

Despite the glimmer of hope some Democrats see, the staunchest pro-gun Republicans are so far unmoved.

Cruz blasted Democrats in a speech on the Senate floor Thursday for making "a political show" and focusing on gun control instead of terrorism.

"It is a convenient political dodge," Cruz said, repeatedly referring to the filibuster as a "circus" and accusing Democrats of not wanting to destroy ISIS.

Even if enough Senate Republicans get on board to pass amendments through their chamber, which is itself a longshot, a greater challenge awaits in the House.

House Speaker Paul Ryan (R-WI) said at a press conference Thursday that Congress should not "take our eye off the ball" by ignoring the real issue of terrorism.

He expressed concern about taking away a citizen's constitutional rights without due process and said he had not yet spoken to Senate Majority Leader Mitch McConnell (R-KY) about how to proceed.

Sen. Thom Tillis (R-NC) made a similar argument in an interview with Sinclair Wednesday.

"People that just want to pivot the debate about gun control are doing a disservice to the mounting threats we have across this nation," Tillis said.

Instead, he called for a discussion of how to end the threat posed by ISIS, questioning whether restricting access to guns would even prevent jihadist attacks.

"Somebody who's got the mentality to kill 49 people is going to find a way to kill people," he said.

However, Rep. John Delaney (D-MD) told Sinclair the shooting should renew the debate in Congress about universal background checks and placing limitations on people who are on the watch list, which he described as "pretty obvious common sense things we can be doing without interfering with people's constitutional rights to have guns."

Rep. Mike Thompson (D-CA) claimed Tuesday that universal background checks and a "no fly, no buy" provision have enough support to pass in the House if they were brought up for a vote. The House has taken no action, though.

Goddard believes passage in the Senate would eliminate House Republicans' excuse to avoid it.

"Any pressure that we can apply to that chamber to force them to take a position and actually do their job and vote on these issues would be an improvement from where we are," he said.

Although Cornyn's bill has the backing of the NRA, other advocacy groups are unconvinced.

The National Association for Gun Rights (NAGR), an NRA rival, [posted an angry appeal to gun owners and "patriots" Wednesday, attacking presumptive GOP presidential nominee Donald Trump](#) for even wanting to discuss "Obama's draconian 'No Fly, No Guns' list.

"It should scare every American that Barack Obama, Hillary Clinton, or for that matter, Donald Trump could put law-abiding citizens on a secret list, denying them their Second Amendment rights," wrote NAGR President Dudley Brown. "And it would be shocking if the NRA, or any allegedly pro-gun group, supported such a scheme."

Instead, Brown argued that more people should be armed to protect themselves and that the watch lists are rife with "massive errors" that could lead to "federal thugs" coming after the firearms of innocent people.

Some experts have cautioned against rushing legislation through in the immediate aftermath of a national tragedy. The charged emotional atmosphere may make taking action good politics, but it often leads to bad policy.

"There is a long history of dubious and counterproductive policies enacted as a consequence of knee-jerk emotional reactions to high-profile tragedies," Ilya Somin, professor of law at George Mason University, wrote in a Washington Post op-ed.

Goddard dismissed that concern, observing that the policies being discussed have languished in committees for years.

"This is not a new concept we drafted in the past week," he said.

Also, given the frequency of shooting deaths in the U.S., waiting for a peaceful moment just "perpetuates inaction."

"That general sentiment of 'Now's not the time'... that logic would then lead to it never being the time," he said.

Kopel disagreed, alleging that gun control advocates seek political victories by exploiting mass murder instead of thoughtful reforms.

"It's the nature of the gun prohibition movement to manipulate atrocious crimes immediately," he said.

Workman pointed to the Affordable Care Act as a piece of legislation that was rushed through Congress and has created problems and had unintended consequences as a result.

"Legislation that's passed in the heat of emotion is never good," he said. He would rather see cooler heads prevail and a more thoughtful debate proceed.

Goddard cited polls showing large majorities of the public support these policies, even if gun rights groups and some congressional Republicans do not. Those who oppose them have always been much more passionate, though, and his group is devoted to closing that intensity gap.

"There are a lot more players on this field than there used to be," he said.

The only way he sees to prove that they are making progress is to get lawmakers to vote on the issue before the election in the fall.

"No matter how the votes go down whenever they happen, we will have members on the record, which otherwise we wouldn't going into November," Goddard said.