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Joe Manchin laments Fifth Amendment: ‘Due process is what’s killing us right now’

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West Virginia Sen. Joe Manchin told an MSNBC panel on Thursday that the Fifth Amendment to the U.S. Constitution is “killing us” in terms of preventing gun violence.

Mr. Manchin, a Democrat, referred to due process as an inconvenient “firewall” when it comes to denying Americans firearms.

“The problem we have — and really, the firewall we have right now, is due process. It’s all due process. So we can all say, ‘Yeah, we want the same thing,’ but how do we get there? If a person is on a terrorist watch list like the gentleman — the shooter — in Orlando, he was, twice by the FBI, we were briefed yesterday about what happened. But that man was brought in twice. They did everything they could,” the senator said, the Weekly Standard reported.

“The FBI did everything they were supposed to do. But there was no way for them to keep him on the nix list or keep him off the gun buy list. There was no way to do that. So can’t we say that if a person is under suspicion, there should be a five-year period of time that we have to see if good behavior, if this person continues the same traits? Maybe we can come to that type of an agreement. But due process is what’s killing us right now.”

Mr. Manchin’s comments were in reference to 29-year-old Omar Mateen, who killed 49 and wounded 53 with a semi-automatic rifle at a gay nightclub Sunday. Mateen, a security guard who was a supporter of the Islamic State terror group, was questioned by the FBI in 2013 and 2014 but did not break any laws that would warrant an arrest.

Ilya Shapiro, a senior fellow in constitutional studies at the Cato Institute, told the Weekly Standard that Mr. Manchin’s comments are terrifying.

“With all due respect, due process is the essential basis of America. The Constitution was established to ‘secure the blessings of liberty’ — that’s the whole purpose of our government — and that government can’t deny us our life, liberty or property without due process of law,” Mr. Shapiro said. “If the government wants to deny someone’s liberty, it better have an awfully good reason and it better be ready to defend itself in court immediately — akin to what happens when someone is arrested or involuntarily committed. Otherwise, we’d live in a world where perhaps there’s less crime, but also life isn’t worth living. Senator Manchin may want to live in a police state, but few of us would want to join him there.”