

WHY THE OBAMA-BACKED SCHUMER-TOOMEY-MANCHIN GUN REGISTRY BILL SHOULD BE FILIBUSTERED AND DEFEATED

Schumer-Toomey-Manchin Increases Government Power over Private Gun Transactions

- Massively expands background checks on private transactions, representing an unprecedented intrusion by the federal government into personal conduct involving firearms
 - Expands background checks to private “transfers” at gun shows;
 - Expands background checks to private “transfers” conducted “pursuant to an advertisement, posting, display or other listing on the Internet or in a publication”
 - Don’t let the left fool you—this is not limited to “commercial” sales. These are private *transfers*, and they don’t become commercial sales just because there is a posting or an advertisement. Commercial firearm sales can only be made by federally licensed firearms dealers.
- **Makes American citizen a felon** for simply selling or transferring a firearm without first performing a background check – with fines and **penalties up to 5 years in prison.**
 - For example, a private citizen who sells his long-possessed shotgun via advertisement on Craigslist or on a poster at church could be imprisoned.
- Contains vague and confusing language putting gun owners in position of having to guess if their (supposedly constitutionally protected) personal conduct involving firearms is lawful:
 - Contains “exception” for family. Why is that necessary if the requirement is limited to gun shows and advertisements?
 - MORE, the exception is not valid if the gun-owner has reasonable cause to believe the family member is prohibited (incl. marijuana laws, illegal immigrants, etc...).
 - AND, the definition of family is full of holes (doesn’t include step-children).
 - Background checks will not be required for temporary transfers for hunting or sport, but implicitly are required for the purpose of self-defense.
 - Leaves unclear how conduct on Facebook, Twitter, email groups and other online communication may or may not trigger the need for conducting a background check.
- Grants broad regulatory power to anti-gun Attorney General Eric Holder

Schumer-Toomey-Manchin Creates a Path to a National Gun Registry

- It leads to a national gun registry, even though the bill contains specific language (section 123) supposedly prohibiting and penalizing a government employee from “consolidating” or “centralizing” records.
 - Federal Firearms License holders conduct the background checks, collect the records, and the DOJ can access those records – but this bill does not speak to this record retention.
 - A national gun database can be created without “consolidating” or “centralizing” the physical records.
 - The same bill (again, section 123) DOES contemplate government sting operations
 - In fact, the maximum penalty increases from 1 to 5 years if the government successfully conducts a sting. This is irrational.
- There would be no purpose to the law without enforcement, and there are only two effective means of enforcement:
 - **Government stings against American citizens; and/or**
 - **A national gun registry.**
- Don’t believe it?
 - DOJ: [A January 2013 report](#) issued by Obama’s Department of Justice has stated that effective universal background checks depend on establishment of a national gun registry.
 - ACLU: [An ACLU official has stated](#) a gun registry is likely a “second step” after expanding background checks.

- The bill’s purported prohibition against a national gun registry would allow: copying (rather than “seizing”) gun sale records; maintaining such records at various locations (rather than “consolidat[ing] or centraliz[ing]” records); consolidating and centralizing records of possession or ownership of a firearm (only prohibited if maintained by a medical or health insurance entity); maintaining a list (or documentation short of actual “records”) regarding gun owners.
- Recent CNN/ORC International poll found 55 percent of Americans oppose a registry and about 2/3rds of Americans believe if the government did keep a list, it would be used to confiscate guns.

Schumer-Toomey-Manchin Authors Indicate the Bill May Have Constitutional Problems

- Proposed legislation contains a “severability clause” that explicitly states if any part of the legislation is found unconstitutional or invalid, the rest of the bill shall stand.

Schumer-Toomey-Manchin Bill Places Undue Burdens on Gun Ownership

- Effective Gun Tax: Requires any transaction resulting from an advertisement to go to Federal Firearms Licensed dealers, who will charge a fee for performing the service.
 - Fees for background checks are unlimited
- Travel/Time Burden: Creates a high burden on those in rural areas, forcing them to drive in some instances hundreds of miles to a Federal Firearms License holder to sell or purchase a firearm.
- Disproportionate impact on the poor: Creates a burden on low-income citizens, who are often more in need of firearms for self-defense.

Schumer-Toomey-Manchin Bill Raises Privacy Concerns Over Patient-Doctor Relationship

- Makes it much more likely that statements patients make to doctors about their mental health will be used to take away their guns.
- Waives federal privacy law (Section 264(c)(1) of the Health Insurance Portability and Accountability Act of 1996 (HIPAA)) to get more mental health records into the NICS database.
 - Already, patient statements made to doctors in conjunction with federal programs are being used to deny 2nd Amendment rights—even without any court order declaring someone mentally ill. This practice will only increase when the government gets more mental health records due to the bill’s waiver of HIPAA privacy laws.

Schumer-Toomey-Manchin Bill Will Cause Increased Lawsuits Against Gun Owners

- Once gun owners are legally required to conduct background checks by the law, it effectively creates a duty and would expose them to civil suits as well.
- Limited liability protections in the bill would only pertain to those who correctly follow the bill’s new onerous, 2nd Amendment-infringing provisions.

Expanded Background Checks Don’t Decrease Gun Crime:

States that already have expanded background checks do not have lower rates of gun violence.

- 6 states (CA, IL, NY, CO, OR, RI) require background checks for all firearms purchased at gun shows, and 3 states (CT, MD, PA) require background checks for all handguns purchased at gun shows.
- IL and CA have universal background checks.
- Yet, cities in these states reported some of the highest murder rates in the country in 2011.
 - Baltimore – 31.3 murders per 100,000 people
 - Oakland—26.3 murders per 100,000 people
 - Philadelphia—21.2 murders per 100,000 people
 - Stockton— 18.6 murders per 100,000 people
 - Chicago --- 15.9 murders per 100,000 people