Why the NRA fights background checks

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By John J. Donohue, Special to CNN
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"We think it's reasonable to provide mandatory instant criminal background checks for every sale at every gun show. No loopholes anywhere for anyone." Did President Barack Obama say that? No, that's from an advertisement taken out by the NRA in USA Today in 1999.

But a more powerful NRA today is in no mood to follow the slogan of their "be reasonable" ad campaign of 14 years ago. This relatively small group -- the NRA boasts that it has 4.5 million members, which is peanuts compared to the roughly 40 million AARP members -- might have the political power to pull it off.

Federal law prohibits selling guns to felons or the mentally ill. Background checks are the only way to enforce that law. So, besides criminals and the insane, who could possibly oppose universal background checks?

Gun manufacturers.

Background checks on gun sales: How do they work?

They are the ones who call the shots at the NRA, and they are the most important people in the opposition. The manufacturers don't want anything that interferes with total gun sales and profits.

Background checks would impose a minor burden on gun transactions, but more importantly, limit the size of the market (and therefore, profits) in two ways.

The direct loss of profit comes because closing the current gaping loophole in the background check system will shut off sales to criminals and the mentally ill who are effectively free to buy all the guns they want at gun shows and through private transactions.

But there is also an indirect loss of profit: Cutting off sales to the mentally ill and criminals will reduce crime and thereby reduce the public's demand for guns for self-protection.
Background checks 'kneejerk reaction'?

Sen.: Background checks 'common ground'

crime dropped sharply every year. The 42% drop in the murder rate from 1993 to 2000 was a nightmare for gun sellers. Nothing scares the NRA as much as a sense of calm and safety in the public.

Opinion: The government wants your gun rights

What about gun owners? Do they have concerns about universal background checks? If one believes the recent poll that only 8% of the population and only 11% of those in household with guns oppose these checks, then not really.

But the same poll shows that the NRA has managed to convince a lot of Americans that universal background checks might lead to gun confiscation. This, no doubt, increases some gun owners' fears.

Amazingly, the poll found that in response to the question -- "Do you believe that if there are background checks for all gun purchases, the government will or will not use that information in the future to confiscate legally owned guns?" -- 48% said there will be confiscation. Quite frankly, this is delusional.

If, when only 8% of Americans oppose the policy, you can't get a law that is designed to keep criminals and the insane from buying guns because of the power of the gun lobby, you certainly aren't going to get anything like confiscation when there would be massive opposition.

Why is this so hard? The disconnect on background checks

Moreover, even in some unimaginable world in which you could get gun confiscation, universal background checks would make no difference -- there are about 300 million guns in America with no need to go through any background check. Confiscation would be overturned in court in any event, since it is now prohibited by the Constitution.

Some gun owners presumably just don't want to be bothered by any additional regulation of guns, but background checks would be a minor inconvenience for anyone outside remote rural areas. There are also those who think background checks might expose us to tyrannous attack from our own government or perhaps even a foreign government that the U.S. military can't defeat but armed citizens could fend off. But again, putting that much confidence in arming criminals and the insane seems more than a bit strange.

Despite the fact that many other countries have similar requirements (and yes, much lower rates of murder and mayhem), gun groups in our country have raised alarmist concerns about the "logistical nightmare" of background checks for private sales. One of my favorites was:

What is a licensed retailer to do in the event of a "double denial" (both the private party buyer and seller are denied).

We should be so lucky to get the gun out of the hands of two illegitimate possessors.

In fact, the only argument for opposing gun background checks is that you believe the U.S. is already so gun-saturated and current gun owners are so reckless about allowing access to their guns by prohibited parties, that even if they can't buy them, the criminals and insane will get their hands on guns in any event.

In such a world, there is no benefit from background checks to offset the costs of running the system. I hope we are not there yet, although that would be nirvana for the NRA.
The opinions expressed in this commentary are solely those of John J. Donohue.