

Why background checks got blocked in the Senate

By [Steve Thorngate](#)

April 18, 2013

Sometimes when a vote doesn't go the way you want, you just have to sigh and remind yourself that this is how democracy works. Other times you have to wish that it actually did work.

The overwhelming majority of Americans support background checks for gun buyers. [No matter](#). Blame the NRA or the Tea Party or money in politics or cowardice or senators who care more about reelection than governing. But first and foremost, the Senate's failure to pass the Manchin-Toomey Amendment yesterday was due to the fact that the Senate is not a democratic body. It's not a fluke that the upper chamber's actions didn't represent the will of the people; it's a function of its structure and its rules.

Technically, the senators who opposed this measure didn't vote it down; they filibustered it. [As James Fallows points out](#), the news media should do a better job calling this what it is. It takes 51 votes to pass a bill. Background checks got 54—but the other 46 senators were filibustering, not voting no on the thing itself. And they only need 41 votes to do that.

If the Senate had followed through with plans to weaken the filibuster this winter, this particular amendment might have passed yesterday. But other, stronger gun-control measures still wouldn't—and the Senate still wouldn't represent the people accurately. [From Jonathan Cohn and Eric Kingsbury](#):

The supporters' majority was even bigger than it seems. If you assume, for sake of argument, each senator represents half of his or her state's population, then senators voting for the bill represented about 194 million people, while the senators voting against the bill represented about 118 million people. That's getting close to a two-thirds majority in favor of the measure.

Trouble is, residents of more rural, less populous states—who are more likely to oppose gun control—have a far larger voice in the Senate than residents of larger states with big cities in them. Both of my senators (a Democrat and a Republican)

voted for the background-checks amendment. How could you not when you represent Illinois, [which keeps getting shot up with guns bought in background-check-free Indiana](#)? But Sens. Durbin and Kirk got a vote each for the almost 13 million of us they represent. Wyoming's senators represent fewer than 600,000, and they both voted nay. We got canceled out by a state a small fraction of our size.

In a democracy, you win some and you lose some. In the undemocratic U.S. Senate, you lose some for no good reason.