

Are Tighter Gun Control Laws Possible?

By Neil P. Reilly

A series of shootings in the summer of 2012 have illuminated yet again the issue of gun control in the United States. Conversations have once again sprung up regarding the need for and constitutionality of restrictions on weapon ownership. However, though debate may continue in newspaper opinion pages and on cable television, no serious discussion of reform has reached the floors of Congress—and none is likely to do so. Tragedies like those that occurred in America this summer continuously fail to reframe the issue or even spark a lasting national conversation. The country is currently in a stalemate on gun control reform, despite indications of public opinion that we need tighter laws.

This paper will examine why progressive gun control legislation is not around the corner. After a brief review of the gun-related legislation from the past decade, it will discuss the significant players in the arena and major recent policy shifts. A discussion of an obscure but crucial component of parliamentary procedure in Congress—the need for a cloture vote—is also necessary to understand the full complement of impediments standing before reform. The paper will also discuss why popular opinion is not strong enough to galvanize support for tighter gun control. Enforcement of existing laws is also an issue over which Congress has a very strong control lever, and will come into focus. Finally, the paper will discuss the goals and strategies of legislators who favor gun control reform.

Legislation of the Past Decade

This brief review begins with a large piece of legislation that affected many facets of life in the United States. The Homeland Security Act of 2002¹—prompted, of course, by the September 11 attacks the previous year—accomplished many reforms related to national security. One change was to relocate the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)² from the U. S. Department of the Treasury to the Department of Justice. In tandem with this change, Congress required that the agency’s director go through a confirmation in the Senate. Due to partisan politics, the Senate has failed to confirm any nominated ATF director since the passage of this law in 2002.

The 108th Congress had fruitful debate on gun control legislation. This culminated in the passage of two laws loosening restrictions. These were the Consolidated Appropriations Act, which reduced requirements on background check data, and the Law Enforcement Officers Safety Act, which allowed some retired officers to carry concealed weapons. In addition, the Senate passed several amendments that tightened gun rights in 2004 that were introduced by Senators Jack Reed, John McCain, and Dianne Feinstein. However, these measures never made it into law due to the removal from consideration of the bill to which they were attached.

In the following two years, nine bills or amendments came under consideration. One of these, the Violence Against Women and Department of Justice Reauthorization Act of 2005, supported appropriations for ATF. The remainder of the bills served to weaken restrictions on carrying guns and the ability of law enforcement agencies to execute existing laws. These included a prohibition against

¹ Information on this and the other laws mentioned in this section of the paper is available through the website of the Library of Congress: <http://thomas.loc.gov/home/LegislativeData.php>

² ATF is an autonomous federal law enforcement agency. Per its website, its mission is to “protect our communities from violent criminals, criminal organizations, the illegal use and trafficking of firearms, the illegal use and storage of explosives, acts of arson and bombings, acts of terrorism, and the illegal diversion of alcohol and tobacco products.” <http://www.atf.gov/>

filing lawsuits against gun dealers³; a measure to strip funding to enforce a requirement to sell safety locks with handguns⁴; and a change to law that would make permanent a restriction of ATF's ability to disclose information regarding the transfer records of guns⁵. This last reform, of the rule known as the Tiahrt limitations, was commonly codified in the form of a rider on appropriations bills. Since 2007, however, this restriction of information has been a distinct part of such legislation.⁶

The 110th Congress, in session from 2007 through 2008, produced less legislation on guns. However, its work once again included more steps away from than toward tighter restrictions. The work of this Congress included an expansion of the kinds of records the Federal Bureau of Investigation (FBI) holds in its National Instant Criminal Background Check System (NICS).⁷ Other progressive legislation, to widen the scope of firearm trace data ATF can access, was rejected by the Senate.⁸ Instead, the Senate adopted an amendment to include the Tiahrt limitations.⁹ Other legislation included a prohibition from banning firearms in public housing¹⁰ and a repeal of the ban on handguns within the District of Columbia.¹¹

The subsequent Congress was far busier in the realm of gun control. However, none of the eleven pieces of legislation proposed during the period from 2009 through 2010 aimed to restrict access to guns. (It is important to remember that this was the first Congress in the period of the Obama administration, and

³ The Protection of Lawful Commerce in Arms Act (2005).

⁴ An amendment to the FY2007 Commerce-Justice-Science Appropriations bill, adopted by the House (2006).

⁵ The Firearms Corrections Improvements Act (2006).

⁶ Krouse, William J. "Gun Control: Statutory Disclosure Limitations on ATF Firearms Trace Data and Multiple Handgun Sales Reports." Congressional Research Service. May 27, 2009.

⁷ The NICS Improvement Amendments Act of 2007.

⁸ A proposed amendment to the FY2008 Commerce-Justice-Science Appropriations bill (2007).

⁹ An amendment to the same appropriations bill (2007).

¹⁰ An amendment to Title VI of the 1964 Civil Rights Act (2008).

¹¹ The Second Amendment Enforcement Act (2008).

Democrats held the majority in both legislative houses.¹²) Legislation during this period allowed civilians to carry guns in national parks¹³; created the space for civilians to transport unloaded guns in checked luggage on AMTRAK trains¹⁴; expanded the reciprocity of concealed-carry laws between states¹⁵; and protected the rights of individuals filing for bankruptcy protection to not have their guns repossessed by the government.¹⁶

Finally, the current Congress, the 112th, continued the work of its predecessor. It has weakened the enforcement capability of the ATF through funding cuts.¹⁷ Additionally, the House has passed a bill requiring the federal government to provide access to individuals to hunt and shoot on federally managed lands,¹⁸ as well as a bill to allow military veterans with mental or behavioral defects to carry guns.¹⁹

A Shift of the Playing Field

The scarcity of legislative proposals to tighten gun regulations is a development of the last decade. One major focusing event gave pro-gun advocates and lawmakers the upper hand in political negotiation and public debate. In his campaign to be president in 2000, Al Gore declared that guns would be one of his priorities. This was not a radical move from the man who served as vice president during a period of significant progressive social reform. In addition, the nature of the Democratic primary election caused contenders for the party's nomination—including Gore—to move further left

¹² Office of the Clerk of the U.S. House of Representatives.
http://artandhistory.house.gov/house_history/partyDiv.aspx

¹³ Credit CARD Act of 2009.

¹⁴ Consolidated Appropriations Act (2010).

¹⁵ A proposed amendment, which failed to pass the Senate, of the FY2010 Department of Defense Appropriations bill (2009)

¹⁶ The Protecting Gun Owners in Bankruptcy Act, which has been introduced in both houses. (2010).

¹⁷ The Consolidated and Further Continuing Appropriations Act (2012). In addition, the appropriations committees of both houses have discussed (at this writing, only the House has passed) language making such cuts permanent.

¹⁸ The Sportsmen's Heritage Act of 2012.

¹⁹ The Veterans' Benefits Act of 2012.

on this particular issue. He broadly supported tightening access to guns, increasing the sharing of information on gun owners and dealers, and banning assault weapons.²⁰

However, Gore's plan backfired tremendously. He faced criticism focused on his earlier support, as a U.S. Senator from Tennessee, of several gun rights bills.²¹ While he claimed that his former position was a reflection of his constituents, who commonly carried guns for recreational gaming, many analysts disparaged him as pandering to socially progressive voters. In addition, he provoked the ire of the National Rifle Association, whose influence will be discussed shortly. He accused his Republican opponent, George W. Bush, of letting the NRA set his policy. In anxiety over the votes of "swing" states, though, Gore decided to stop pressing the issue during the general election campaign. After Gore lost the election, Democrats retreated from outspoken stances.²² This retreat created a void of power on the issue that was well seized by gun rights advocates, who dominate the discussion today.

Before delving into the consequences of this power shift, we must first briefly examine the major agents and actors in the realm of gun control.

Who Wields Influence on Guns?

The National Rifle Association

The most commonly cited force in gun control legislation for decades has been the National Rifle Association, or NRA. The NRA is a national, non-profit lobbying association—designated as a 501(c)(4)

²⁰ *On the Issues: Al Gore*. http://www.ontheissues.org/al_gore.htm

²¹ Tumulty, Karen. "Gore's Gun Problem." *CNN*. February 7, 2000.
<http://www.cnn.com/ALLPOLITICS/time/2000/02/07/gun.html>

²² Koppelman, Alex. "Why Democrats Dumped Gun Control." *Slate*. April 18, 2007.
http://www.salon.com/2007/04/18/dems_and_guns/

organization—with 4.3 million members.²³ Though it does not offer a mission statement, the agency generally promotes gun ownership for all Americans as a right guaranteed by the Second Amendment to the U.S. Constitution. The NRA conducts lobbying activities through its Institute for Legislative Action.

The NRA is widely believed to heavily influence, if not dictate, federal firearms policy. In July 2012, the magazine *National Journal* conducted a survey of 40 members of Congress. The magazine asked: “On a scale of 1 to 10 (1 being no influence and 10 being extremely influential), how much influence does the National Rifle Association have on the gun-control debate in Congress?”²⁴ The average response for Democrats was 8.9; Republicans averaged 9.0. One Democrat responded, “They ‘own’ Congress.” A more nuanced description was thus: “Given the NRA largely ignores many of the nation’s urban centers, their influence is concentrated and significant.” One Republican responded, “Few if any advocacy groups are in the same league as the NRA. They are well funded, they have a committed and active grassroots network, and members both fear and respect them as a political force.”²⁵

Despite this perception, some analysts argue that the influence of the NRA is more imagined than real. The group invests relatively little money—under \$8.4 million in the 2010 midterm Congressional elections—on political campaign contributions. Instead, it focuses on having a large staff of advocates around the country.²⁶ Thus, the agency has the human capital required to conduct massive lobbying campaigns, either in person with elected officials or by organizing its members to call and write their representatives in Washington.

²³ National Rifle Association (NRA) Statistics. <http://www.statisticbrain.com/national-rifle-association-nra-statistics/>

²⁴ Goldmacher, Shane and Peter Bell. “Congressional Insiders Poll.” *National Journal*. July 28, 2012.

²⁵ *Ibid.*

²⁶ Gold, Matea, et al. “NRA Clout Rooted More in Its Tactics Than Its Election Spending.” *The Los Angeles Times*. July 29, 2012.

In fact, the NRA seems to lean on its clout to the extent that its public positions do not represent the personal feelings of its membership. Recent polling and research has shown that the NRA takes positions that most of its members do not. In 2012, a Republican pollster named Frank Luntz designed a survey of gun owners nationwide. The results showed that, though to a lesser extent than non-NRA members surveyed, NRA members widely agree with a wide variety of gun control proposals.²⁷

No matter whether the NRA directly decides votes on proposed legislation or in elections, its perceived influence is undeniably enough to sway many lawmakers whose constituents support gun rights.

Other Prominent Organizations

The NRA is by no means the only voice in the gun control debate. The trade association representing the firearms industry is the National Shooting Sports Foundation (NSSF). The agency serves “to promote, protect, and preserve hunting and the shooting sports.”²⁸ Its website includes tools for legislative advocacy, including prepared fact sheets, legislative history, and information to connect individuals with their elected representatives. For example, the NSSF has published a two-page “Fast Facts” sheet on New York City Mayor Michael Bloomberg. This document details Bloomberg’s history in pursuit of stricter gun control, and makes the case that his administration uses bad information to back its own claims for getting guns off the streets of New York.²⁹

²⁷ This was reported by several outlets, including the following: Beauchamp, Zack. “NRA Members Agree: More Gun Regulation Makes Sense.” *Think Progress*. July 24, 2012. <http://thinkprogress.org/election/2012/07/24/577091/nra-members-agree-regulating-guns-makes-sense/> Details of the survey results can be found in a PowerPoint document linked here: Stein, Sam. “Gun Owners Surveyed By Frank Luntz Express Broad Support for Gun Control Policies.” *Huffington Post*. July 24, 2012. http://www.huffingtonpost.com/2012/07/24/gun-owners-frank-luntz_n_1699140.html

²⁸ NSSF Mission Statement. <http://www.nssf.org/industry/aboutNSSF.cfm>

²⁹ “Fast Facts: New York City Mayor Michael Bloomberg.” National Shooting Sports Foundation. 2011. <http://nssf.org/factsheets/PDF/Bloomberg.pdf>

Gun Owners of America (GOA) is another non-profit lobbying organization, which is dedicated to “preserve and protect the Second Amendment rights of gun owners,” and which “sees firearms ownership as a freedom issue.”³⁰ With over 300,000 members, GOA channels its political support to action groups such as the Gun Owners of America Political Victory Fund or the Gun Owners Foundation. The agency has publicly spoken out against policies and practices of the NRA that GOA feels do not adequately support the Second Amendment rights of its members.³¹ GOA provides detailed information on ongoing legislation related to guns, as well as “ratings” for each member of Congress on an A-F grade scale.³² Following this scale, members of Congress who tend to vote or speak out against gun rights are given failing grades (“D” and “D-” grades correspond to those who “lean anti-gun: usually against us;” many receive “F” grades).³³

Mayors Against Illegal Guns is a coalition of over 700 mayors from 43 states who oppose the undocumented trafficking of guns. The organization began in 2006 with a meeting of Michael Bloomberg and Thomas Menino, the mayor of Boston. Each member of Mayors Against Illegal Guns has signed a “statement of principles” that governs its advocacy. The group aims to educate the public about illegal weapons and advocate for legislation to reduce illegally trafficked guns and to increase the sharing of information between law enforcement agencies.³⁴ To this end, its website provides information on the trends and nature of gun crime nationally, potential federal legislation (either pro- or anti-gun), formal studies of illegal guns, and a collection of public opinion in harmony with its goals. Though a newcomer to the policy debate, Mayors Against Illegal Guns has drawn wide attention, including from the NRA, which feels the group—and especially co-founder Bloomberg—masks a fully anti-gun agenda. The NRA

³⁰ About Gun Owners of America. <http://gunowners.org/protect.htm>

³¹ For example, with this 1997 open letter to the NRA: <http://gunowners.org/ldp2nra.htm>

³² GOA Senate Ratings for the 112th Congress. <http://gunowners.org/112thsrat.htm>

³³ *Ibid.*

³⁴ Coalition Principles. Mayors Against Illegal Guns. <http://mayorsagainstillegalguns.org/html/about/principles.shtml>

has written letters to Americans whose mayors have joined Mayors Against Illegal Guns, calling for pressure on those mayors to disassociate from the group.

The Law Center to Prevent Gun Violence began in 1993 as the Legal Community Against Violence. The mission of the organization is “to prevent the loss of lives caused by gun violence by providing trusted, in-depth legal expertise and information on America’s gun laws.”³⁵ To that end, the agency tracks new legislation at the state and federal level, as well as relevant cases currently or recently in courts. Its staff also helps draft model laws and submits *amicus curiae* briefs to bolster important court cases. Finally, the center publishes documents to educate the public on the issues at the heart of gun control lawsuits.³⁶

The Brady Center to Prevent Gun Violence is an organization named for James Brady, the former aide to President Ronald Reagan who was left disabled after the assassination attempt on Reagan in 1981. The center carries on the work of earlier National Council to Control Handguns and the Center to Prevent Handgun Violence (as well as Handgun Control, Inc.). The Brady Center, a 501(c)(3) organization, has a lobbying wing known as the Brady Campaign to Prevent Gun Violence. The center declares that its goal is to “reform the gun industry by enacting and enforcing sensible regulations to reduce gun violence, including regulations governing the gun industry.”³⁷ The campaign organized the Million Mom March, a rally in 2000, and continues to organize advocacy work through volunteer chapters in states nationwide. It lobbies the federal government to enact tighter gun control legislation and pursues progressive reform through its Legal Action Project.

³⁵ About Us. Law Center to Prevent Gun Violence. <http://smartgunlaws.org/about-gun-laws/>

³⁶ For example, “The Second Amendment Battleground: Victories in the Courts and Why They Matter.” Law Center to Prevent Gun Violence. <http://smartgunlaws.org/wp-content/uploads/2012/07/web-victories-in-the-courts.pdf>

³⁷ Brady Center to Prevent Gun Violence. <http://www.bradycenter.org/about/>

These organizations are similar in nature, though they may take different angles or fill particular niches in the gun control policy debate. Those with greater visibility and public notoriety, however, have a far greater time achieving their ends. As Richard M. Aborn, a former New York City prosecutor and volunteer with Handgun Control, Inc., writes, “Whether [Republican leadership] will be [hospitable to gun control measures] in the future will be a function of the amount of political pressure that can be brought to bear. That, of course, will be the responsibility of gun control advocates across the country.”³⁸

There are—thankfully—far more gun owners than victims of gun violence in the U.S. With vastly larger membership and donor rolls, organizations like the NRA and GOA have a significant advantage in controlling and framing the conversation with lawmakers today.

To fully understand the process by which issue advocates like Mayors Against Illegal Guns or the NRA can influence law, we must investigate one reason for legislative gridlock: changes to the parliamentary procedure governing Congressional lawmaking.

The Cloture Hurdle

The procedural rules of the Senate are complicated and bewildering to the untrained observer. Before a proposed piece of legislation or an amendment can be voted on, a vote must occur to close debate on it. This is known as the cloture rule, and became part of the Senate rules in 1917. Unlike the up-or-down votes on bills, motions for cloture require a supermajority—two-thirds of the members

³⁸ Aborn, Richard M. “The Battle Over the Brady Bill and the Future of Gun Control Advocacy.” *Fordham Urban Law Journal*. Vol. 417. 1994. P. 437.

present and voting—to pass. Before cloture, however, unanimous consent was necessary to end debate.³⁹

The issues at hand in discussion of cloture are the very same James Madison discussed in *Federalist No. 10*. Cloture effectively protects the minority party from being overrun. Its critics, however, claim that it is at the root of failure to produce reform legislation and especially to confirm presidential appointments. Indeed, nearly every session of Congress since the adoption of cloture has seen a proposal to amend or repeal it.⁴⁰ Not surprisingly, proposals to change cloture rules typically come from members of the party holding the majority at the time.⁴¹

Recent proposals to amend cloture typically involve a gradual reduction in the number of votes needed to reach cloture on successive votes regarding a particular item.⁴² A 2003 proposal even extended this reform beyond appointment confirmations to all Senate business.⁴³ None of these reforms has been enacted, however, and throughout history, senators have come up with many creative ways to end debate.

Debates over the need for and constitutionality of cloture are sure to continue. Meanwhile, the rule exists and presents a major obstacle for whichever party holds the majority in the Senate. Simply having 51 seats is not enough to push legislation through. This is undoubtedly a source of frustration for

³⁹ Davis, Christopher M. and Betsy Palmer. "Proposals to Amend the Cloture Rule." Congressional Research Service. November 14, 2003. P. 8

⁴⁰ *Ibid.*, P. 1.

⁴¹ For this analysis I used the following: Party Division in the Senate, 1789-Present. U.S. Senate. http://www.senate.gov/pagelayout/history/one_item_and_teasers/partydiv.htm

⁴² Davis and Palmer. P. 5.

⁴³ *Ibid.*, p. 8.

members of the majority at any given point, depending on the issue at stake. Regarding gun control, Democrats are the frustrated side.

This leads to the following discussion of how today's circumstances and political climate contribute to where lawmakers stand on guns.

Democrats on the Defensive

The Democrats in the Senate who publicly stand for tighter regulation of guns form a small cohort. Tellingly, they are more easily identified in the press as they pointed out as objects of scorn than by progressive whose work they actually support.⁴⁴ This reflects two aspects of the national climate on gun control: first, a generally more fervent dedication to the issue held by gun-rights advocates; second, that most Democrats do not wish to stick out their necks in turbulent debate. Those Democrats who do call publicly for gun control vary in their leadership positions within the party and their committee assignments. This makes it difficult for the party to cohere around a unified platform for action.

Let us examine the cases of two Democratic senators whose levels of engagement with gun control vary widely, due to national and local political culture and public opinion on the issue. Senator Dianne Feinstein of California has served in the Senate since 1992, and prior to that was mayor of San Francisco. She represents a state with famously strict gun control laws and a population in favor of regulating firearms. As such, she enjoys the support of her constituents when she proposes legislation to tighten

⁴⁴ See the following: Martin, Anthony. "Democrats Slip Gun Control Into Cybersecurity Bill." *Examiner*. July 27, 2012. <http://www.examiner.com/article/democrats-slip-gun-control-into-cybersecurity-bill> and Lane, Moe. "Who Are the Democratic Gun-grabbers in the U.S. Senate? Let's Find Out!" *Red State*. January 9, 2012. http://www.redstate.com/moe_lane/2012/01/09/who-are-the-democratic-gun-grabbers-in-the-us-senate-lets-find-out/

restrictions. In the current, 112th Congress, Feinstein has sponsored ten bills in the area of criminal justice and law enforcement.⁴⁵

Senator Richard Durbin of Illinois faces a vastly different set of circumstances. He was born and raised in notoriously impoverished East St. Louis, and like Feinstein, represents a state with moderately tight gun control laws (especially in Chicago, which has very strict regulations).⁴⁶ However, many of Durbin's constituents are rural residents who support gun rights. He is thus handicapped from taking too strong an anti-gun stance. He historically votes along party lines in favor of tighter legislation, but he rarely sponsors bills related to guns. His lone bill sponsorship in the current Congress related to criminal justice focuses on funding the extradition of fugitives.⁴⁷

The case of Durbin is illustrative as a culmination of the factors discussed earlier. Although Illinois has one very dominant population center, which happens to be urban Chicago, and relatively strict gun laws, he is not an active legislator of gun control.

When Democrats propose gun control legislation, the goal for bill sponsors is typically to advance the bill to a vote before the full Senate. If this is achieved, it is felt, a victory has been reached by virtue of light being shed on the topic of the bill.

However, many Democrats prefer to not be put in the position to have to register a vote on a bill that could come back to haunt them in a reelection campaign. This reluctance is both an effect of and a contributing factor to the dominance of pro-gun advocates in contemporary debate.

⁴⁵ Via GovTrack. <http://www.govtrack.us/congress/bills/browse?sponsor=300043#terms=5952>

⁴⁶ Murray, Douglas R. "Handguns, Gun Control Laws and Firearm Violence." *Social Problems*. October 1975. P. 86.

⁴⁷ Via GovTrack. <http://www.govtrack.us/congress/bills/112/s2183>

In general, much legislative action by Democrats is to play defense on guns. This means preventing bills from becoming laws that serve to weaken restrictions. This can be done in several ways. Members of Congress who sit on relevant committees can request that their opinion be recognized when bills are considered. This is especially important in consideration of appropriations measures and bills referred to bodies such as the Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies (C-J-S), which has broad jurisdiction over funding law enforcement agencies.⁴⁸ In addition, conversations between legislative staff members play a crucial if undocumented role in the prioritization and negotiation of policy.

The final examination in this study will look into the means Congress uses to dictate policies on gun control through the bills that pass into law.

Pulling the Fiscal Levers of Policy

Agencies of the executive branch of government are created to enforce laws, but they rely on funding from Capitol Hill for the ability to do so. By design of the Constitution, Congressional appropriations are the lifeblood of government agencies. Therein lies a power of Congress that most Americans do not consider when they read about policy developments: instead of repealing laws with which it disagrees, Congress can choose to withhold funding from federal agencies.

This can be done in a variety of ways. First, Congress can simply allocate what it chooses (based on requests from agencies and recommendations from committees) in appropriations bills for the following fiscal year. Second and less straightforward is the legislative rider, which is an attachment to a bill that

⁴⁸ Subcommittee on Commerce, Justice, Science, and Related Agencies: Committee Jurisdiction. <http://www.appropriations.senate.gov/sc-commerce-jurisdiction.cfm>

specifies or restricts the use of Congressional funds. When a bill is passed, riders become part of the law, as well—and sometimes change the meaning of the law itself.⁴⁹ There is no limit on the number of riders a law can carry.⁵⁰

Like any other federal law enforcement agency, ATF receives its funding from Congress. For FY2012, it has requested \$1.147 billion to fund an agency of 5,181 employees.⁵¹ The agency faces many budget constraints in the form of riders on appropriations bills. In fact, H.R. 1, the first bill of the House in the current Congress, proposed a rider prohibiting “funds provided under that act from being used to require federally licensed gun dealers in the four Southwest border states to submit multiple rifle or shotgun sales reports.”⁵² This particular rider was eventually dropped but demonstrates nonetheless the willingness of Congress to constrict the enforcement capability of ATF.

Conclusion

Major changes to the landscape of the gun control debate are not on the horizon. There is no single cause for this—not the NRA, not the disorganization of progressive advocates, not the timidity of legislators, and not the procedural rules or funding prerogatives of Congress. Each of these contributes to the current climate in which Democrats are on the back foot if they even engage in gun control conversation.

Author Kristin Goss sums up these points in her book *Disarmed*:

⁴⁹ LeBoeuf, Jacques B. “Limitations on the Use of Appropriations Riders by Congress to Effectuate Substantive Policy Changes.” *Hastings Congressional Law Quarterly*. Hastings College of the Law. 1992. P. 473.

⁵⁰ For an interesting view, see this list of legislative riders on a House environmental appropriations bill: http://democrats.appropriations.house.gov/index.php?option=com_content&view=article&id=827:list-of-legislative-r

⁵¹ FY2012 Budget Request At a Glance. Bureau of Alcohol, Tobacco, Firearms, and Explosives. <http://www.justice.gov/jmd/2012summary/pdf/fy12-atf-bud-summary.pdf>

⁵² Krouse, William J. “The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF): Budget and Operations for FY2011.” Congressional Research Service. June 6, 2011. P. 1.

“But if there is one overarching explanation [to the question, ‘Why is there no *real* gun control movement in America?’] it is this: Gun control advocates were not nearly as successful as their opponents were in using American federalism to advance their cause. Sometimes this was the result of choices made by gun control proponents; sometimes it was the result of roadblocks that their opponents placed in the way; and sometimes it was the result of factors that systematically favor certain types of groups over others. In the end, the gun control case illustrates a stubborn lesson: The framers of the Constitution rigged the U.S. political system to frustrate the ambitions of bold policy reformers and to reward those who build consent from the ground up. The plan succeeds to this day.”⁵³

The most disappointing aspect of the gun control debate today is its fleeting nature. Of course gun violence is not new in America. But when a string of nationally publicized killings can only propel dialogue for a matter of weeks, it becomes clear that the momentum needed to carry a political focusing event to real policy change simply cannot overcome national inertia on this issue.

Representative Barney Frank made the following observation in 1999: “The NRA does the best job of any group in lobbying members [of Congress]. They don't have marches, they don't have demonstrations, they don't shoot their guns in the air. It's just good, straight democracy.”⁵⁴ Indeed, advocates for tighter gun control must coalesce and form an effective strategy for lobbying. Gun rights advocates have a firm grip on the framing and discourse on the issues. They publicly pillory the ATF for infringing individuals' civil liberties yet support the status quo, since a weak agency is exactly what they want.

Elected officials are not to blame for representing the positions their constituents hold. Many, like Senator Durbin in Illinois, are in uncomfortable circumstances where the highly engaged gun rights

⁵³ Goss, Kristin A. *Disarmed: The Missing Movement for Gun Control in America*. Princeton University Press, 2006. P. 3.

⁵⁴ Walsh, Edward and Roberto Suro. “NRA’s Lobbying Wins House Battle, Foes’ Admiration.” *The Washington Post*. June 19, 1999. (via *The Seattle Times*)
<http://community.seattletimes.nwsources.com/archive/?date=19990619&slug=2967300>

supporters comprise a vocal part of the electorate. In order to make progressive legislation possible, lawmakers need to hear a concerted call for gun control from voters. That call is a whisper today.

The message of progressive advocates simply falls flat. Yet politicians on the left have not significantly changed their tactics or strategy. Those who have stayed true to their message should be commended for dedication to a politically unpopular issue. However, Democrats must formulate a sensible approach that amplifies and encourages constituents who support gun control. No such plan is evident.

To reach this goal, enhancing public awareness of the issue is vital. The American public knows shockingly little about existing gun laws—namely how easy it is to obtain guns and transfer ownership.⁵⁵ Gun control advocates do much hard work behind the scenes to further their cause. Yet they lack the organization and manpower to create sustained, grassroots movements. As a result, polls show, fewer Americans favor a ban on handguns than since such polling began over 50 years ago.⁵⁶

In order for audible national conversation on guns to be two-sided, anti-gun legislators must stop playing political defense. This means educating, engaging and energizing a public that pays little attention to gun rights issues. Whereas gun rights advocates frame the issue as a civil liberty guaranteed by the Constitution, gun control supporters must claim the social benefits—like public safety, for one—of tighter enforcement. With a nationally recognized coalition, lawmakers can operate with the support of constituencies that vocally support progressive reform. Until that happens, prospects for change are slim.

⁵⁵ See Luntz poll results.

⁵⁶ Jones, Jeffrey M. "Record-low 26% in U.S. Favor Handgun Ban." *Gallup*. October 26, 2011. <http://www.gallup.com/poll/150341/record-low-favor-handgun-ban.aspx>