

FULL METAL JACKET

Challenges to Reducing Gun Violence in Obama's America

A thesis submitted in partial fulfilment of the requirements for the
Degree of Master of Arts in Political Science

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Abstract

According to the non-advocacy Gun Violence Archive, more than ninety Americans are killed by guns every single day. Although definitions vary, on average, there is a mass shooting incident where four or more people are shot every single day. On average, a gun is brought into an American school by a child every single day. The response to this epidemic of firearms violence is partisan and intensely polarised, compounded by issues of race relations, mental health, socioeconomic status, and cultural values. Measures to implement gun control have been met by forceful political opposition, fuelled by a gun lobby hostile to greater restrictions on firearms.

The evolution of gun control policy in the Obama administration followed a fascinating trajectory. Early on, the administration had a calculated distaste for engaging with the issue, and Obama paid little more than lip service to gun control early in his tenure. Following a mass shooting at Sandy Hook Elementary School in Newtown, Connecticut, in 2012, the newly re-elected president vowed to make the reduction of gun violence a 'central issue' of his second term. Continued violence, and a series of incidents culminating in a mass shooting at a nightclub in Orlando, Florida, heightened the Administration's response, though Obama's proposals met stringent opposition in Congress and amongst gun rights advocates.

This thesis examines the public policy issue of gun violence throughout the Obama presidency, chronicling the administration's engagement with a deadly spate of mass shootings and rising trends of firearms fatalities. It addresses the challenges of enacting legislation or authorising executive initiatives in the face of what I define as the 'Full Metal Jacket' - a model representing an openly antagonistic Congress, the powerful pro-gun lobby, and the gun culture that permeates American society today. It also considers the dynamics of Presidential-Congressional relations. Here I make the case that Obama's efforts to pass gun control legislation exemplifies the inherent rivalry between the two branches of government as institutionally designed by the Framers of the United States Constitution. The thesis concludes by finding that Obama was largely unsuccessful in overcoming the challenge posed by the Full Metal Jacket, thus contributing to our understanding of Presidential-Congressional relations theory in the context of the gun debate.

I. ONE NATION, UNDER GUN

Introduction

Gun control is one of the most polarising public policy issues in the United States today, with the issue prompting caustic partisan response from legislators, lobbyists, the media, and the public alike. Private ownership of firearms is a right enshrined within the Second Amendment of the U.S. Constitution, an interpretation upheld by the Supreme Court in recent landmark rulings.¹ It is a right frequently exercised. Americans make up some 4.42 percent of the global population, yet own 50 percent of the world's privately-owned firearms.² The United States has the highest rate of gun ownership per capita in the world.³

Yet this right must be reconciled with the devastating reality that every year, tens of thousands of people in the US are injured or killed by firearms.⁴ The statistics make for chilling reading.

A *USA Today* special report, *Behind the Bloodshed*, determined that 232 mass shootings (incidences with a minimum of four fatalities as set by the Federal Bureau of Investigation) have occurred over the last decade alone. Of these, 114 of these have taken place in a domestic setting- in which victims were immediate or close family members of the killer.⁵ If the definition of mass shootings is expanded to include non-fatal casualties, then the number climbs exponentially.

This expanded definition is becoming widely accepted because it is a more accurate indicator that accounts for the often grievous and life-altering injuries suffered by victims of gun violence. After the San Bernardino shooting on December 2, 2015, the *Washington Post* reported that it was the 355th mass shooting by that measure of that year - an average of more than one mass shooting every day.⁶ In 2016, a Washington D.C. not-for-profit, the Gun Violence Archive, recorded 384 incidents where four or more people were shot.⁷

¹ *District of Columbia v. Heller*. (U.S. Supreme Court 2008)

² Elspeth Reeve, "Some Uncomfortable Numbers About Guns in America," *The Atlantic*, December 17, 2012, <https://www.theatlantic.com/politics/archive/2012/12/guns-in-america-statistics/320409/>.

³ *Ibid.*

⁴ Gun Violence Archive, "Past Summary Ledgers | Gun Violence Archive," <http://www.gunviolencearchive.org/past-tolls>

⁵ USATODAY, "BEHIND THE BLOODSHED: THE UNTOLD STORY OF AMERICA'S MASS KILLINGS," *USATODAY.COM*, <http://usatoday30.usatoday.com/news/nation/mass-killings/index.html>

⁶ Christopher Ingraham, "The San Bernardino Shooting Is the Second Mass Shooting Today and the 355th This Year," *Washington Post*, December 2, 2015, sec. Wonkblog, <https://www.washingtonpost.com/news/wonk/wp/2015/12/02/the-san-bernardino-mass-shooting-is-the-second-today-and-the-355th-this-year/>.

⁷ Gun Violence Archive, *op. cit.*

Yet mass shootings are only the tip of the iceberg, accounting for some 5% of all shooting deaths annually.⁸ The Gun Violence Archive⁹ claims that a total of 15,057 people were killed by firearms homicide in 2016.¹⁰ Greater still, is the death toll from firearms-related suicide. The Centre for Disease Control and Prevention listed 22,018 firearms suicides in 2015, the latest year for which data is available.¹¹ Public health researchers suggest that this rate is so high due to easy access and the greater lethality of firearms as opposed to other methods of self-harm. The number of non-fatal wounds from firearms is greatest. The Gun Violence Archive listed 30,601 firearms-related injuries occurring in the United States in 2016.¹²

Further analysis of this data reveals several harrowing truths. On average, some 93 people are killed by a firearm each day in the United States.¹³ On average, an American woman is shot by her partner every 16 hours.¹⁴ On average, 760 Americans are killed annually with guns by their spouses, ex-spouses or intimate partners.¹⁵ In domestic mass shootings, the most common victims, however, are children, accounting for 42% of victims in these situations.¹⁶ On average, every school day, at least one child in the United States will bring a gun to their school.¹⁷ The youngest of these children will be just four years old. And at least once a week, there will be an incident in a school or college where a firearm is discharged, wounds, or kills someone.¹⁸

In fact, so many Americans die annually from gunfire in the United States that the death toll between 1968 and 2011 eclipses all wars ever fought by the country. According to research by *Politifact*, there were about 1.4 million firearm deaths in that period, compared with 1.2 million US deaths in every conflict from the War of Independence to Iraq.¹⁹

This grim spectre of gun violence is perhaps the most harrowing expression of American exceptionalism today, a phenomena unique to the United States amongst developed nations. No

⁸ Brady Campaign, "Key Gun Violence Statistics" | Brady Campaign to Prevent Gun Violence," <http://www.bradycampaign.org/key-gun-violence-statistics>

⁹ The Gun Violence Archive (GVA) is a not-for-profit corporation formed in 2013 to provide online public access to accurate information about gun-related violence in the United States. GVA data is collected from over 2,500 media, law enforcement, government and commercial sources daily in an effort to provide near-real time data about the results of gun violence. The stated mission of the GVA is to document incidents of gun violence and gun crime nationally to provide independent, verified data to those who need to use it in their research, advocacy or writing.

¹⁰ Gun Violence Archive, op. cit.

¹¹ Center for Disease Control, "FastStats," July 10, 2017, <https://www.cdc.gov/nchs/fastats/suicide.htm>

¹² Gun Violence Archive, op. cit.

¹³ Brady Campaign, op. cit.

¹⁴ Ibid.

¹⁵ Kerry Shaw, "12 Facts That Show How Guns Make Domestic Violence Even Deadlier," October 6, 2016, <https://www.thetrace.org/2016/08/15-facts-that-show-how-guns-make-domestic-violence-even-deadlier/>.

¹⁶ USATODAY, op. cit.

¹⁷ Jennifer Mascia and Erin Corbett, "Once Per Day, an American Kid Brings a Gun to School - The Trace," January 29, 2016, <https://www.thetrace.org/2016/01/guns-in-schools-america/>.

¹⁸ Ibid.

¹⁹ Politifact, "More Americans Killed by Guns since 1968 than in All U.S. Wars, Columnist Nicholas Kristof Writes," @politifact, August 27, 2015, <http://www.politifact.com/punditfact/statements/2015/aug/27/nicholas-kristof/more-americans-killed-guns-1968-all-wars-says-colu/>.

other developed nation in the world experiences the same rate of gun violence, be it mass shootings, suicides, or homicides, that occurs in the US each year. The US has a gun homicide rate nearly six times higher than its neighbour, Canada, more than seven times as Sweden, and nearly 16 times as Germany.²⁰

It is of little surprise then, that gun violence in the United States is regarded by many as an epidemic. In their first editorial published on the front page since 1920, the *New York Times* called upon elected leadership to 'End the Gun Epidemic in America', calling the current situation a 'moral outrage and a national disgrace'.²¹ A *U.S. News and World Report* article declared that the 'mass murders infesting our country now behave like an epidemic'.²² *Rolling Stone* recently published a multi-part feature entitled 'America's Gun Violence Epidemic', highlighting the story of Khayree Reid, a 27-year old from Philadelphia shot ten times in three different incidents.²³

Economic ramifications accompany the staggering human cost. Between 2006 and 2014, the financial burden of firearm injuries was US\$6.61 billion for initial hospitalisations from gun-related injuries. This \$700 million annual price tag does not include associated expenses, such as follow-up costs, readmissions, disability, home medications, or loss of work and productivity.²⁴ An analysis by *Mother Jones* estimates that each gun homicide costs \$441,000 in direct costs, reaching \$8.6 billion annually. These direct costs cover initial hospitalisation and emergency response, but also law enforcement, judicial and incarceration costs. When indirect costs are factored in - \$49 billion in loss of wages and productivity, and \$169 billion in lost quality of life - the total soars to \$229 billion annually.²⁵

Through the years, legislative proposals to restrict and regulate firearms to the public have raised questions on constitutionality, government overreach, crime control, mental health, safety, and the right to self-defence.

Proponents of gun control have often held that federal legislation is the most effective form of firearms regulation, and advocate for policy measures including imposing universal background checks on gun sales (including private sales, sales made at gun shows and over the internet), restrictions on specific types of firearms or components (such as fully automatic firearms and high capacity magazines), and prohibitions on high-risk individuals (such as persons on the terror watchlist, or convicted of domestic violence) from owning firearms. Proponents point to the overwhelming death and injury toll from firearms violence

²⁰ German Lopez, "Almost 74% of Guns Used in New York Crimes Come from States with Weaker Gun Laws - Vox," October 26, 2016, <https://www.vox.com/policy-and-politics/2016/10/26/13418208/guns-new-york-iron-pipeline>

²¹ The Editorial Board, "Opinion | End the Gun Epidemic in America," *The New York Times*, December 4, 2015, sec. Opinion, <https://www.nytimes.com/2015/12/05/opinion/end-the-gun-epidemic-in-america.html>.

²² Lloyd Sederer, "America's Deadly Gun Disease," *US News & World Report*, December 7, 2015, <https://www.usnews.com/opinion/blogs/policy-dose/2015/12/07/eradicate-americas-gun-disease>.

²³ Rolling Stone, "America's Gun Violence Epidemic | Rolling Stone," <http://www.rollingstone.com/feature/gun-control/americas-gun-violence-epidemic>

²⁴ Devika G. Bansal, "Initial Hospital Costs for Gunshot Wounds Just 'Tip of the Iceberg,'" *News Center*, March 2017, <http://med.stanford.edu/news/all-news/2017/03/initial-hospital-costs-from-gunshot-wounds-total-6-billion-over-nine-years.html>.

²⁵ Mark Follman, "Gun Violence Costs America \$229 Billion a Year—more than \$700 for Every Man, Woman, and Child," *Mother Jones*, April 2015, <http://www.motherjones.com/politics/2015/04/true-cost-of-gun-violence-in-america/>.

Opponents of gun control vary in their positions with respect to specific forms of control but generally hold that gun control measures fail to reduce gun-related violence, prevent citizens from exercising their right to self-defence, and represent intrusive or authoritarian impositions on a citizen's right to bear arms. They argue that high-risk individuals, even under stringent federal laws and enforcement, will still find ways to acquire firearms.²⁶ In their view, 'a more-stringent federal firearms regulatory system would only create problems for law-abiding citizens...and possibly threaten citizens' civil rights or safety.'²⁷ Gun control opponents also point to the need for people to effectively defend themselves and their property, and often have little faith in law enforcement or the justice system. Some further believe that the Second Amendment 'includes a right to keep arms as a defence against potential government tyranny, pointing to examples in other countries of the use of firearms restrictions to curb dissent and secure illegitimate government power.'²⁸

Debate on the issue, fuelled by vitriol, blatant falsehoods, and powerful special interests, has been 'intense' - and frequently emotionally charged - as gun violence frequently dominates news cycles following mass shooting incidents.²⁹ Obama's presidency weathered a spate of mass shootings amidst rising rates of gun violence overall. Shootings in Tucson, Arizona, and Aurora, Colorado, shocked the national psyche and sparked early discussion on gun violence and control. The mass shootings at Sandy Hook Elementary School, in Newtown, Connecticut, and at the Pulse nightclub in Orlando, Florida, shocked the nation and the world, and catalysed the political will of the Democratic Party for change.

Research Question and Hypothesis

My thesis poses the question thus: *How did the Obama Administration attempt to address gun violence in the United States across Obama's two terms and what challenges impeded the Administration's efforts to implement gun control measures?*

As I will demonstrate, Barack Obama ultimately enjoyed limited success in his efforts to reduce gun violence during his administration. Opposition in Congress (fuelled by the National Rifle Association and other gun lobbyists) to the Obama Administration's proposals proved to be the key challenge faced by the White House. I also argue that Obama's struggle with Congress over the issue exemplifies the inherent rivalry between the executive and legislative branches as depicted by the theory of presidential-congressional relations.

Research Design

This thesis does not argue in favour for or against the effectiveness of specific proposals designed to reduce gun violence (gun control measures). Rather, it treats these proposals as measures that

²⁶ This argument has renewed credence in the wake of the US Air Force's failure to enter information about Devin Patrick Kelley's criminal history into the national database. Owing to the omission, Kelley was able to legally purchase firearms used in a mass shooting in Sutherland Springs, Texas on 5 November 2017.

²⁷ William J. Krouse, *Gun Control Legislation* (Congressional Research Service, 2010).

²⁸ Krouse, op. cit.

²⁹ Kim I. Mills, "'Media Contagion' Is Factor in Mass Shootings, Study Says," <http://www.apa.org>, August 2016, <http://www.apa.org/news/press/releases/2016/08/media-contagion.aspx>

are proven to reduce gun violence, based on a recent spate of peer-reviewed research and subsequent policy recommendations.³⁰ Hence, I concur with the vast majority of scholarship repudiating the notion that more firearms will result in less gun violence, and accept that gun control measures, such as those proposed by the Obama Administration, would positively impact the epidemic of gun violence in the United States.³¹

My literature review considers the relationship between Obama and Congress. It explores presidential-congressional relations theory, which posits that the relationship between the executive branch and the legislative branch is inherently rivalrous. This exploration of the rivalry between President and Congress provides the theoretical context for Congressional opposition to Obama, as explored in subsequent chapters. This is supplemented by a perspective of Obama's broader relationship with Congress, and an analysis of Obama's actions in the face of Congressional opposition.

Through Chapters III and IV, which substantively assess Obama's first and second terms respectively, this thesis documents Obama's engagement with gun violence, and his efforts to mitigate the issue through legislative proposals, executive actions, and public awareness campaigns. Here I analyse the progression made on the issue through Obama's tenure, and how Obama's actions exemplify presidential-congressional relations theory. Building on this narrative, Chapter V subsequently explores the tenets of what I call the 'Full Metal Jacket' - the collective challenge presented by gun control opponents in Congress, the gun lobby, and gun owning citizens.

Chapter VI considers the future trajectory of gun violence reduction in the Trump Administration. Chapter VII concludes this thesis by answering my research question. Here I make several summary observations on my research.

³⁰ Matthew Miller, Deborah Azrael, and David Hemenway, "Firearms and Violent Death in the United States," in *Reducing Gun Violence in America: Informing Policy with Evidence and Analysis*, First Edition (Baltimore, MD: Johns Hopkins University Press, 2013).

³¹ Emma McGinty et al., "Public Opinion on Proposals to Strengthen US Gun Laws," in *Reducing Gun Violence in America: Informing Policy with Evidence and Analysis*, 1 edition (Baltimore, MD: Johns Hopkins University Press, 2013).

II. LITERATURE REVIEW

Introduction

This chapter comprises of a literature review of authoritative scholarly research on Presidential-Congressional relations, and the dynamics of Obama's relationship with Congress. Here, I consider the inherent rivalry between the executive and legislative branches, an analysis of Obama's first term in office highlighting the legislative challenges faced by the president, and a perspective on the relationship between Obama and Congress.

Presidential-Congressional Relations: Executive-Legislative Rivalry

In *Rivals for Power: Presidential-Congressional Relations (2013)*, James Thurber compiles an in-depth examination of the relationship between the executive branch and the legislative branch of the United States government. In his own analysis of Presidential-Congressional relations, Thurber posits that relations between the executive and legislative branches of the United States are inherently rivalrous. Thurber identifies several key factors that are the 'root causes of the rivalry between the president and Congress', including: constitutional design; different electoral constituencies for the president, the House and the Senate; varying term lengths; increased partisanship and polarisation in Congress; the impact of the 'increasingly microscopic nature of political analysis' of the media in the 24/7 news cycle; and the nature of interest groups and American pluralism.¹ I consider these factors as either 'designed factors' - those instituted deliberately by the Founding Fathers, or 'environmental factors' - those that have developed as a result of the political environment in Washington. Collectively, these factors fuel the ongoing competition for power between Congress and the sitting president:

*"The framers of the Constitution bequeathed to Americans one of the most enduring rivalries in government, that between the president and Congress. The Constitution separates the three branches of government, but combines their functions, creating conflict and shared powers."*²

Here, Thurber identifies constitutional design as a structural foundation for the executive-legislative rivalry. He points to the veto as an example of this. Whilst the Constitution invests Congress with 'all legislative Powers', it 'also authorises the president to recommend and veto legislation.'³

*"If the president exercises the veto, it requires two-thirds of the Senate and House of Representatives to override it. Because it is so difficult for Congress to gain a two-thirds' vote, presidential vetoes are typically sustained. Hence, the threat of a veto is an important bargaining tool for the executive in the legislative process."*⁴

¹ James A. Thurber, "An Introduction to Presidential-Congressional Rivalry," in *Rivals for Power: Presidential-Congressional Relations* (Rowman & Littlefield Publishers, 2013).

² Ibid.

³ Ibid.

⁴ Ibid.

Another 'automatic rivalry' is created over appropriations - the power to authorise and appropriate funds for the president and executive branch agencies. Although the president 'may propose budgets for the federal government...Congress has the final say on spending.'⁵ This factor dominated Obama's relationship with Congress, as it did with his predecessors. Thurber suggests that battles over spending, tax, and trade policy have formed a central element of the rivalry between president and Congress over the last three decades.

The Constitution bestows a variety of other powers upon Congress, including the power to 'declare war, to provide for a militia, and to adopt laws concerning bankruptcy, naturalisation, patents, and copyrights'. Congress 'has the authority to establish or eliminate executive branch agencies, and create new departments, and the Senate must 'advise and give consent' on 'cabinet nominees, ambassadors, and Supreme Court and federal judicial appointees before they can take office'. This separation of powers forces both institutions 'to confront each other in governance, which more often than not creates rivalry and conflict'.⁶

The deliberate fragmentation of power by the framers of the Constitution between the executive, legislative, and judicial branches restricts 'the power of any one branch, requiring cooperation among the three for them to govern effectively,' but also created an 'open invitation for conflict.'⁷ Hence, the framers guaranteed both a system of checks and balances, and an ongoing rivalry between executive and legislative power.

As Richard Conley states in *Presidential Relations with Congress (2016)*, the fragmentation of powers 'imposes a unique set of constraints on legislative leadership not found in many other Western industrialised democracies.'⁸ In a Westminster parliamentary system, 'prime ministers are "first among equals" and alongside cabinet members direct the lion's share of the legislature's business.'⁹ Policy proposals are near-guaranteed in a typical majority government in which party discipline is 'expected and enforced'.¹⁰ Through constitutional design, this process is inverted in Washington.

Thurber identifies different constituencies for the executive and legislature as another source of conflict. The president is elected from a vastly broader electoral coalition than 'representatives (with narrow constituencies and in homogenous districts) or senators (who often have heterogeneous state constituencies)'.¹¹ Hence, the interests of the president, who represents a far greater swathe of the electorate, often compete with those in Congress with more specific, localised interests. As Conley points out:

⁵ Thurber, op. cit.

⁶ Ibid.

⁷ Ibid.

⁸ Richard Conley, "*Presidential Relations with Congress*." (Transaction Publishers, 2016).

⁹ Ibid.

¹⁰ Ibid.

¹¹ Thurber op. cit.

“Even when Congress is controlled by a majority of his own party, the president’s success is scarcely guaranteed. Members may introduce their own bills that run counter to the president’s policy objectives.”¹²

This very scenario was anticipated by the framers. In the Federalist Papers, James Madison predicted that:

‘...the members of the federal legislature will be likely to attach themselves too much to local objects...measure will too often be decided according to their probable effect, not on the national prosperity and happiness, but on the prejudices, interest, and pursuits of the governments and the people of the individual states.’¹³

This factor also contributes to intra-party conflict. In his book *The Stronghold: How Republicans Captured Congress but Surrendered the White House (2015)*, political scientist Thomas Schaller argues that Congressional Republicans are increasingly taking positions to suit their own specific political needs, rather than those that would assist the party's presidential contenders.¹⁴ This has also sometimes placed the party at odds with its leadership, making legislative compromise more difficult. For example, when Republican elites including Sen. John McCain (R-Arizona) and Sen. Marco Rubio (R-Florida) joined Democrats to pass a bipartisan immigration reform bill in 2013, House Republicans refused to bring the measure to a vote.

Varying term times in office also shape the interactions between the executive and the legislative branches. The constitutional structure sets out different terms for representatives (two-years), senators (six-years) and the president (four or eight years). Presidents have a limited window in which to establish their programs, set the national policy agenda, and ‘move quickly before their popularity and capital declines’. For members of Congress, who have no term limit, ‘re-election is a top priority regardless of who sits in the Oval Office’.¹⁵

“Legislators are often reluctant to allow their workload and policy preferences to be dictated by a president who has no political clout or perceived electoral mandate to do so. They are more often driven by the short-term motivation to be re-elected rather than the long-term policy goals of a president.”¹⁶

This affects the decision-making pace of the legislative, which, with a ‘vast array’ of localised interests, is slow, ‘deliberative, and inefficient’ - in direct juxtaposition with the executive.¹⁷

The end result of these factors is a system deliberately designed to create and encourage conflict. In this combative environment, increased partisanship has resulted in a decrease in the moderate

¹² Conley op. cit.

¹³ James Madison, “Federalist No 46,” *The Avalon Project*, http://avalon.law.yale.edu/18th_century/fed46.asp.

¹⁴ Thomas F. Schaller, *The Stronghold: How Republicans Captured Congress but Surrendered the White House* (New Haven: Yale University Press, 2015).

¹⁵ Thurber, op. cit.

¹⁶ Ibid.

¹⁷ Conley op. cit.

ideological middle-ground, and interest groups have gained more influence over the decision-making process in Washington. These environmental factors also create systemic rivalry and political deadlock, leading to a continued trend in both the House and Senate away from bipartisan cooperation and toward ideological and political loyalty. Congress has become substantially more partisan over time, as measured by the Brookings Institution's average ideological score (AIS). On this scale, a negative score represents a liberal ideology, whilst a positive score represents a conservative one. The difference between the two scores indicates polarisation. For example, during the 73rd Congress (1933-34), the AIS was -0.183 for Democrats and 0.321 for Republicans - a 0.504 differential. This Congress successfully passed the National Firearms Act, the first piece of major gun control legislation. The 103rd Congress (1993-94), responsible for passing the Brady Handgun Violence Prevention Act, had an AIS differential of 0.740.¹⁸

Obama's presidency coincided with the first Congress (111th) to have an AIS differential of at least 1.001 (D: -0.343; R: 0.658). This differential increased to 1.064 (D: -0.394; R: 0.675) in the 112th Congress, 1.071 in the 113th Congress, and 1.077 in the 114th Congress (Fig. 1).¹⁹ With increased partisanship, legislative compromise — considered crucial for the process of crafting law — became more difficult to reach. Political scientist Sarah Binder finds that 'the decline of the political centre has produced a political environment that more often than not gives legislators every incentive not to reach agreement.'²⁰ A view expressed by a House Republican reflected the sentiment amongst many on Capitol Hill:

*"When it comes to compromise, half of a bad deal is still a bad deal."*²¹

The result, all too often, is legislative inaction, stalemate, and gridlock. As an unnamed Senator observed, the 'pressure on congressional leaders from both interest in the party and from outside groups is severe',²² with many preferring to 'fight and lose, rather than reach out and find common ground.' In summarising Senate Majority Leader Mitch McConnell's political strategy, then-Sen. George Voinovich (R-Ohio) stated:

*"If Obama was for it, we had to be against it."*²³

As the AIS demonstrates, party unity has steadily increased since 1960 (when 'both parties spanned the ideological divide that exists today'), creating a 'missing middle' in Congress.²⁴ In the past, it was not uncommon to witness a coalition of representatives and Senators from both parties joining together to pass legislation, particularly on divisive issues such as civil rights. For example, the Civil Rights Act 1964 passed by a vote of 199 Democrats and 163 Republicans across the

¹⁸ Brookings Institution, op. cit.

¹⁹ Fig. 1. Compiled from Brookings Institution data.

²⁰ Roger H. Davidson et al., *Congress and Its Members* (CQ Press, 2017).

²¹ Ibid.

²² Ibid.

²³ Michael Grunwald, *The New New Deal: The Hidden Story of Change in the Obama Era* (Simon and Schuster, 2012).

²⁴ Thurber, op. cit.

House and Senate²⁵, while the National Environmental Policy Act 1969 passed unanimously in the Senate, and enjoyed the support of 208 Democrats and 164 Republicans in the House.²⁶ Now, as parties have moved to more extreme partisanship, the dearth of moderates - the 'vital centre' - has led to further gridlock and dysfunction as parties fail to find acceptable compromise.²⁷

Much of the recent increase in polarisation in the House can be attributed to gerrymandering, a process that restricts the House to safe seats by geographically redrawing House district boundaries to favourable constituencies. Only 85 seats of 435 were competitive in 2010, and again in 2012. Using data from the 2012, 2014, and 2016 election cycles, a report by the Brennan Centre for Justice found that partisan bias resulting largely from gerrymandering in just a few battleground states provided Republicans a durable advantage of at least 16 seats in the current Congress.²⁸

On the issue, former Rep. John Tanner (D-Tennessee) stated:

*"When Members come here from these partisan districts that have been gerrymandered... they have little incentive to really work across party lines in order to reach solutions."*²⁹

The 'creation of safe House districts', suggests Thurber, has 'led to the election of increasingly 'ideologically pure' representatives with a relatively harmonised constituency, little institutional loyalty, and an unprecedented degree of partisan homogeneity within the two parties.³⁰ Through gerrymandering, the political parties establish 'electoral districts that effectively eliminate the right to vote of those who live in districts in which their candidates can never be elected'. As a result, concludes Thurber, 'the Representatives choose their voters.'³¹

Unsurprisingly, Thurber identifies unified or divided party control of government as having a 'a significant impact on the relationship between president and Congress.' Divided government, of which there are two varieties, 'is a major impediment to legislative-executive cooperation.'³² Adds Conley:

*"Under unified government, presidents may have a much greater window of opportunity to find consonant positions with a majority empowered to pass their policy preferences. By contrast, divided government has yielded a context in which presidents often confront an inauspicious legislative environment."*³³

²⁵ Desmond King, *Separate and Unequal: Black Americans and the US Federal Government* (Oxford University Press, 2007)

²⁶ GovTrack, House Vote #85 in 1969. Accessed via: <https://www.govtrack.us/congress/votes/91-1969/h85>

²⁷ Ibid.

²⁸ Laura Royden and Michael Li, *Extreme Maps*, May 9 2017, Brennan Centre for Justice at New York University School of Law

²⁹ Roger H. Davidson et al., *Congress and Its Members* (CQ Press, 2017).

³⁰ Thurber, op. cit.

³¹ Ibid.

³² Ibid.

³³ Conley, op. cit.

Unified party control of government exists when one party holds a majority in both houses of Congress and controls the White House, such as in Obama's first term with the 111th Congress (2009-10). Divided party control can exist in two varieties. The first is when the majority party in both houses of Congress differs from the party of the president, such as in Obama's second term with the 114th Congress (2015-16). The second is when party control of Congress is divided, and the White House is controlled by either party, such as in Obama's second term with the 112th Congress. Since 1980, divided party control of government is typically the norm. Unified control of government has only occurred four times (once under Bill Clinton, twice under George W. Bush, and once under Barack Obama). The 'frequent condition of "divided government," has proven increasingly aggravating' for the executive branch in an era of growing institutional partisanship and ideological polarisation.³⁴ The majority may 'declare the president's agenda "dead on arrival," supplant the president's policy goals, and force showdowns...' ³⁵ This is demonstrated by the levels of congressional support for Presidents Bill Clinton, George W. Bush, and Barack Obama from 1993 to 2017. The 'high points for each president' aligned with brief periods of unified government, and were followed by steep declines with the return of divided government:³⁶

*"Following the Republicans' mid-term election victory in 1994, Clinton's support rate plummeted to below 50 percent. Similarly, George W. Bush enjoyed relatively strong support from 2001 to 2006 when Republicans controlled the House. But the Democratic takeover of the chamber in the mid-term elections of 2006 plunged his support rate to the lowest levels recorded since 1953. Finally, Barack Obama received the highest levels of support of any president his first two years in office, followed by a sharp nosedive with the return of divided government following the mid-term elections of 2010 in which Republicans made impressive gains."*³⁷

As Eric Uslaner contends, 'the decline in comity in Congress - and now by extension between the president and Congress during frequent periods of divided control of national institutions - reflects significant electoral, cultural, and socioeconomic cleavages in the nation at large and between the Democratic and Republican electoral constituencies that send politicians to Washington, DC.'³⁸

Obama's First Term: A Tale of Two Congresses

In the second chapter of *Rivals for Power (2013)*, author Stephen Wayne describes *Obama's First Term, Legislative Presidency* as 'a tale of two Congresses: one in which the president achieved most of his policy priorities and one in which he did not.'³⁹ Here, Wayne illustrates the productivity

³⁴ Conley op. cit.

³⁵ Ibid.

³⁶ Ibid.

³⁷ Ibid.

³⁸ Eric M. Uslaner, *"The Decline of Comity in Congress."* (University of Michigan Press, 1997)

³⁹ Stephen J. Wayne, "Obama's First-Term, Legislative Presidency," in *Rivals for Power: Presidential-Congressional Relations* (Rowman & Littlefield Publishers, 2013).

of a united Congress in juxtaposition to a divided one, and accounts for Obama's response to that division by resorting to the 'bully pulpit' and 'going public'.⁴⁰

In his presidential campaign, Obama had promised to transform policy and politics, conveying a confident 'yes we can' attitude to governance. This optimism followed his historic victory, and added to the administration's initial legislative clout, as did the magnitude of the economic crisis. In transition meetings, Obama, then president-elect, accepted the recommendation of a massive stimulus package to prevent further economic downturn. At Obama's behest, the American Recovery and Reinvestment Act was largely constructed by Congress.⁴¹ Giving Congress discretion in writing the bill would contribute to its enactment, and distanced Obama from the inside game of Washington's legislative politics that he had disliked as a senator and hoped to avoid as president. According to Wayne, Obama saw his principal role as setting priorities, making policy decisions, and selling them to the American people, not 'engaging in the trench warfare that has characterised contemporary Presidential-Congressional relations.'⁴²

Obama successfully utilised the crisis atmosphere as an action-forcing mechanism, but did not succeed in bridging the 'legislative partisan divide' between Democrats and Republicans, with only three Republican senators supporting the stimulus package. The partisan cleavages following Obama's election were 'highlighted by the media and heightened by the deepening economic downturn'.⁴³ Political debate became inflammatory, resulting in lowered approval of both branches of government, and increased public distaste for Washington.

Wayne suggests that 'the scope and substance of the legislative policy initiatives enacted during the 111th Congress was considerable, approaching that of the first two years of the Johnson administration.'⁴⁴ In 2009, in addition to the \$800 billion stimulus, Congress passed bills to help families save their homes from foreclosure, require credit card companies to disclose interest-rate charges, enhance the enforcement and increase the criminal penalties for fraudulent business practices, and provide federal subsidies for new car buyers who purchased lower-emissions or electric vehicles. Other legislation included the Lilly Ledbetter Fair Pay Act (which removed the statute of limitations on lawsuits alleging gender-based pay discrimination), the Children's Health Insurance Act, an Omnibus Public Lands bill, and the Family Smoking Prevention and Tobacco Control Act authorising the Food and Drug Administration to regulate the sale and advertising of tobacco products. 2010 saw the passage of the Patient Protection and Affordable Care Act (Obamacare), new benefits for veterans and their families, a jobs bill that gave tax credits to businesses for hiring the unemployed or underemployed, provided new tax cuts and credits for small businesses, and 'Dodd-Frank' — comprehensive legislation to regulate the financial sector. The 111th Congress also extended the Bush income and estate tax cuts for two years,

⁴⁰ Wayne, *op. cit.*

⁴¹ *Ibid.*

⁴² *Ibid.*

⁴³ *Ibid.*

⁴⁴ *Ibid.*

unemployment insurance for a year, and approved the START Treaty with Russia and the reversal of the military's 'Don't Ask, Don't Tell' policy.⁴⁵

From the perspective of the administration and the Democratic majority, it was intensely productive. Although gun control was largely ignored, Democrats were able to push through much of their legislative agenda owing to large majorities in both houses, and unity behind the new administration in the face of strict Republican partisanship. Senate Democrats backed Obama on over 90 percent of votes. In the House, Democratic support sat around 80 percent. Democratic bill failures - such as introducing a single-payer option for health care, the Dream Act for children of immigrants, and limits to corporate campaign contributions - came about only as a result of losing their supermajority in the Senate after Sen. Scott Brown (R-Massachusetts) replaced the late Sen. Edward Kennedy (D-Massachusetts).⁴⁶

Like Wayne, Conley draws a comparison between Obama's early legislative success, and that of the Lyndon B. Johnson Administration in passing the Civil Rights Act of 1964.⁴⁷ Here, Johnson's approach was hands-on. Alongside 'continuing public comments outlining the importance of the bill and underscoring that he would accept no compromises, Johnson personally lobbied senators' with what Rowland Evans and Robert Novak (1966) dubbed as the "Treatment":⁴⁸

*"The Treatment could last ten minutes or four hours. It came, enveloping its target, at the LBJ Ranch swimming pool, in one of LBJ's offices, in the Senate cloakroom, or on the floor the Senate itself— wherever Johnson might find a fellow Senator within his reach. Its tone could be supplication, accusation, cajolery, exuberance, scorn, tears, complaint, the hint of threat. It was all of these together. It ran the gamut of human emotions. Its velocity was breathtaking, and it was all in one direction. Interjections from the target were rare. Johnson anticipated them before they could be spoken. He moved in close, his face a scant millimetre from his target, his eyes widening and narrowing, his eyebrows rising and falling. From his pockets poured clippings, memos, statistics. Mimicry, humour, and genius of analogy made The Treatment an almost hypnotic experience and rendered the target stunned and helpless."*⁴⁹

Conley suggests that the 'lessons of Johnson's legislative leadership on the Civil Rights Act of 1964 are manifold,'⁵⁰ and posits that 'Johnson's mastery of the legislative process, as Senate Majority Leader and as president, is unrivalled in the post-World War II era':⁵¹

"First, the president realised the exceptional window of opportunity to move on civil rights legislation that might close quickly in the wake of his predecessor's martyrdom. Bolstered

⁴⁵ Wayne, op. cit..

⁴⁶ Ibid.

⁴⁷ Conley, op. cit.

⁴⁸ Ibid.

⁴⁹ Rowland Evans and Robert Novak, "Lyndon B. Johnson: The Exercise of Power" (New American Library, 1966).

⁵⁰ Conley, op. cit.

⁵¹ Ibid.

*by public outrage at the police tactics in Birmingham, he championed the bill as a tribute to a beloved and martyred predecessor. Second, he moved swiftly to make the bill his highest priority. Third, he used the bully pulpit alongside behind-the-scenes manoeuvring and personal persuasion to undercut forces that might have otherwise killed the bill. And fourth, he recognised the centrality of sharing credit with Republicans to build a successful bipartisan effort.*⁵²

By contrast, Obama's approach to the mammoth legislative effort of healthcare reform has been described as 'laissez-faire',⁵³ with the executive offering broad policy outlines and leaving the details to a 'frustrated' Congress. As noted in Congressional Quarterly (2009):

*"...while Obama used his bully pulpit to try to rally support for the broad outlines of an overhaul, he left it largely to congressional leaders to work out the details. In part, the administration was determined to avoid repeating the failure of an overhaul proposed in 1993–94 under President Bill Clinton. That plan's fate was seen as the product of a top-down, closed-door process."*⁵⁴

With Republicans opposed to a healthcare overhaul, Obama 'eschewed any hope for bipartisanship' and instead liaised primarily with Democratic leaders, including Speaker Nancy Pelosi in the House, Majority Leader Harry Reid in the Senate, and key committee members in both chambers 'who wound up doing the "heavy lifting" on the lawmaking effort':⁵⁵

*"With virtually no chance of lining up Republican votes, Democratic leaders had to walk a fine line between moderates and liberals in their own party, negotiating for weeks to tailor provisions that could win enough votes to get a bill through their respective chambers."*⁵⁶

Unlike Johnson, Obama 'steered clear of the lobbying and personal involvement in the legislative process', and 'was not particularly active — for better or for worse — in the give-and-take of the legislative battles in which party leaders had to engage.'⁵⁷ Congressional leaders would 'quietly express frustration' with the president's 'laissez-faire' approach to resolve bicameral differences over the specifics.⁵⁸ As Conley summarises:

"The detached, partisan approach was ultimately successful, at the cost of control of Congress in the mid-term elections of 2010 and repeated, unsuccessful attempts by

⁵² Ibid.

⁵³ Conley, op. cit.

⁵⁴ "Landmark Health Care Overhaul: A Long, Acrimonious Journey" in *CQ Almanac 2009*, 65th ed., edited by Jan Austin (Washington, DC: CQ-Roll Call Group, 2010). <http://library.cqpress.com/cqalmanac/cqal09-1183-59550-2251513>

⁵⁵ Conley, op. cit.

⁵⁶ Ibid.

⁵⁷ Ibid.

⁵⁸ Ibid.

*Republicans to repeal his signature achievement over the course of the rest of his presidency.*⁵⁹

Hence, 'partisanship continued to drive legislative process'⁶⁰ in the 112th Congress, but with a different result. With 'Congress divided, the parties intensely polarised, and the president magnifying partisan differences in the public arena, legislative stalemate ensued'.⁶¹ Compromises were made on raising the debt limit and cutting government spending, and the antiterrorism provisions of the USA Patriot Act were reauthorised. Free trade agreements with Panama, Colombia, and South Korea were enacted, in addition to a jobs bill for US workers adversely affected by the aforementioned trade pacts. Overall, legislative output declined substantially, with only 274 laws passed by the 112th Congress, in comparison to 385 for the 111th Congress.⁶²

Obama's successes and the enactment of many of his policy objectives in his first two years did not 'increase [his] public prestige or extend his personal influence' but rather 'had the opposite effect'.⁶³ 'The failure of the stimulus...to reverse the economic downturn quickly reinforced the Republican argument that government was not the solution'⁶⁴, but rather the problem. Issues faced by everyday Americans, including high unemployment, lower job creation, increasing rates of foreclosures, in addition to the cacophony of partisan discord and confrontation in Washington, fuelled public anxieties and reduced trust and confidence in government. After reaching 64 percent approval near the end of his first one hundred days in office — a symbolic benchmark — Obama's approval plummeted to a low of 38 percent in August 2010. Public opinion translated to significant defeats in the midterms, with 63 seats swinging to Republicans in the House and six in the Senate. This forced the president and Democrats 'on the political defensive'.⁶⁵

Without a legislative majority and broad-based support to continue his policy initiatives, Obama 'took the path of least resistance': like most contemporary presidents, he went public.⁶⁶ As Wayne suggests, 'presidents resort to their bully pulpit for several reasons': it is expected by the public; most of them are good at it, having won election(s) doing so; it gives them a louder voice and helps them prime and shape the media agenda; elevates their status and inflates the 'incumbency advantage'.⁶⁷ However it is not without costs. 'Going public' widens the partisan divide because it solidifies policy positions, heightens rhetoric, and personalises issues.⁶⁸ It consumes considerable presidential time, and generates resentment in Congress. As Sen. Olympia Snowe (R-Maine) stated:

⁵⁹ Ibid.

⁶⁰ Wayne, op. cit.

⁶¹ Ibid.

⁶² Wayne, op. cit.

⁶³ Ibid.

⁶⁴ Ibid.

⁶⁵ Ibid.

⁶⁶ Ibid.

⁶⁷ Ibid.

⁶⁸ Ibid.

"I can understand him [Obama] using the bully pulpit, you know, to enhance his position, but it can't be to the exclusion of ever working with the legislative branch."⁶⁹

Thus, the midterm losses encouraged Obama to 'reduce his legislative activity in favour of a public campaign to reposition himself for election and rebuild his political base.'⁷⁰ In doing so, he utilised Republican intransigence in Congress and their public policy alternatives as a foil to gain more favourable comparisons for Democrats. Obama's 'legislative presidency' developed into a 'nearly two-year' public campaign to change public perceptions back into his favour and reset the political balance. In doing so, Obama was able to demonstrate the prestige and power of the executive branch: taking the initiative, setting the agenda, priming the issues, framing the debate, and shaping (but not controlling) policy outcomes.⁷¹ Obama would later take a similar approach with respect to gun violence through his second term, by resorting to the bully pulpit to promote gun control measures. A broad plurality of the public would support Obama's measures but his pushes only served to alienate Republican majorities in Congress.

In *Congress and President Obama, a perspective*, authors Mark Oleszek and Walter Oleszek also offer an analysis of Obama's dealings with Congress in his first term in office. Like Wayne, the authors review the major policy achievements of Obama's first two years in office, but then consider different elements: the 'decline of compromise' and the debilitating gridlock of the 112th Congress, which culminated in the 2011 debt-ceiling standoff. Lastly, the authors consider prospects for Obama's second term.

In Obama's first two years, the 111th Congress enacted much of the president's ambitious agenda, including the economic stimulus, financial regulatory reform, the automotive industry bailout, and the signature overhaul of American healthcare. In 2009, the president's success score - 'the share of votes on which Congress acceded to his clearly stated position'⁷² - was a historically high 96.7 percent. The following year, Obama's score dropped to 85.8 percent - still the tenth 'highest on record' score.⁷³

The authors note that 'healthcare reform was a monumental achievement'⁷⁴ but one that 'also represented a presidential failure, as Obama failed to win any congressional Republican support for the legislation, and failed to win over the public. Whether winning over moderate Republican support was possible given the hyperpartisan environment, and Republican desire to halt the passage of healthcare reform, remains an open question (as Sen. Jim DeMint (R-South Carolina) reflected: "If we're able to stop Obama, this will be his Waterloo. It will break him.")'.⁷⁵ More

⁶⁹ Ibid.

⁷⁰ Ibid.

⁷¹ Wayne, op. cit.

⁷² Mark Oleszek and Walter Oleszek, "Congress and President Obama, a Perspective," in *Rivals for Power: Presidential-Congressional Relations* (Rowman & Littlefield Publishers, 2013).

⁷³ Ibid.

⁷⁴ Ibid.

⁷⁵ Ibid.

certainly, as the authors assert, Obama ‘largely ignored the Republicans during his first two years in office, and made ‘little or no effort to forge a bond with either John Boehner or Mitch McConnell.⁷⁶ Sen. Lamar Alexander (R-Tennessee) stated that Obama had ‘no relationship with the Republican caucus.’⁷⁷ Essentially, the White House ‘embraced the approach to congressional Republicans articulated by [then-White House chief of staff Rahm] Emanuel’: “We have the votes. Fuck ‘em.”⁷⁸ With the benefit of hindsight, this approach would not bode well for future legislative pushes by the White House - including on gun control - where relationships and trust between the executive and legislative branches built in the foundation of Obama’s early tenure might have assisted in bridging the partisan divide.

Additionally, a ‘plurality of the public viewed the health law as an unwarned and intrusive “government takeover” of health care, which provoked numerous efforts in Congress to repeal or weaken the law.’⁷⁹ Despite Obama’s considerable oratory skills, he failed to utilise the bully pulpit effectively in order to win over the public. Sen. Jim Webb (D-Virginia) stated that ‘the way the issue was dealt with by the White House cost Obama a lot of credibility as a leader.’⁸⁰ The backlash against Democrats cost them the House in the 2010 midterms. As Obama would later admit:

“What I have not done as well as I would have liked to is to consistently communicate to the general public why we’re making some of these decisions.”⁸¹

The ‘absence of effective messaging by the President and congressional Democrats allowed conservative groups, the recently formed Tea Party, conservative media outlets, and billionaires to flood the public airwaves with negative commentary’⁸² about the administration’s legislative body of work. This antipathy assisted the rise of the Tea Party movement that ‘castigated Obama and challenged congressional Democrats across the nation.’⁸³ Through his ‘inattentiveness to the politics of messaging,’ Obama won ‘scant public credit for winning passage of path-breaking legislation.’⁸⁴

Much of the work of the 111th Congress would therefore become the agenda of the 112th – except in reverse: ‘repeal and replace Obamacare, cut federal spending, eliminate government programmes, [and] overturn federal regulations.’⁸⁵ With a significant majority, the Republican-held House pushed through these measures on party-line votes, only to see them fail in the Democratic

⁷⁶ Ibid.

⁷⁷ Oleszek and Oleszek, op. cit.

⁷⁸ Bob Woodward, *The Price of Politics*, Reprint edition (New York: Simon & Schuster, 2013).

⁷⁹ Oleszek and Oleszek, op. cit.

⁸⁰ Ibid.

⁸¹ Ibid.

⁸² Ibid.

⁸³ Ibid.

⁸⁴ Ibid.

⁸⁵ Ibid.

Senate. As the authors posit, ‘the return of a truncated Congress — combined with Republican animosity towards the president’s policies and the sharp ideological differences between the two parties and chambers — made problem-solving difficult and often secondary to partisan bickering and brinksmanship.’⁸⁶ The notion of compromise, something ‘long considered fundamental to the lawmaking process’⁸⁷, found few proponents on Capitol Hill. Many new House Republicans swept in by the Tea Party wave ‘seemed to abhor the idea’.⁸⁸

This brinksmanship culminated in the debt ceiling crisis of 2011, where the ‘real possibility of a credible, never-before default — the United States reneging on paying its debts to creditors — provoked large national attention, roiled domestic and global markets, and called into question the full faith and credit of the United States.’⁸⁹ After eight weeks of negotiations, a forced compromise was enacted through the Budget Control Act, avoiding default only hours before the deadline. The Act put in place a procedural mechanism to achieve a policy result, creating an automatic sequester as a threat measure if future compromise was unable to be reached.⁹⁰

The authors summarise their findings, noting that the events of the 112th Congress highlight two important aspects of Presidential-Congressional relations. Firstly, ‘inter-party fiscal clashes are fundamentally about the size and scope of the federal government.’⁹¹ Conflict over the role of the federal government has been ‘a persistent theme’ throughout American history, and a ‘source of constant debate between the two parties’ and the public. Secondly, ‘the practice of legislative brinksmanship may become another new normal on Capitol Hill’ — an observation that would prove to be prescient in the wake of the federal government shutdown in October 2013.

Conclusion

‘Frustration with Congress is a time-honoured tradition’⁹² in the White House, dating to the early days of the United States. As President Thomas Jefferson stated:

*“If the present Congress errs in too much talking, how can it be otherwise in a body to which the people send one hundred and fifty lawyers, whose trade it is to question everything, yield nothing, and talk by the hour?”*⁹³

My review of the recent literature on Presidential-Congressional relations reflects this frustration - embedded in the rivalry created by constitutional design and environmental factors between the executive and legislative branches. It explores the concepts of unified and divided government, the implications that the rivalry between the President and Congress has for legislative success, and

⁸⁶ Ibid.

⁸⁷ Ibid.

⁸⁸ Ibid.

⁸⁹ Oleszek and Oleszek, op. cit.

⁹⁰ Ibid.

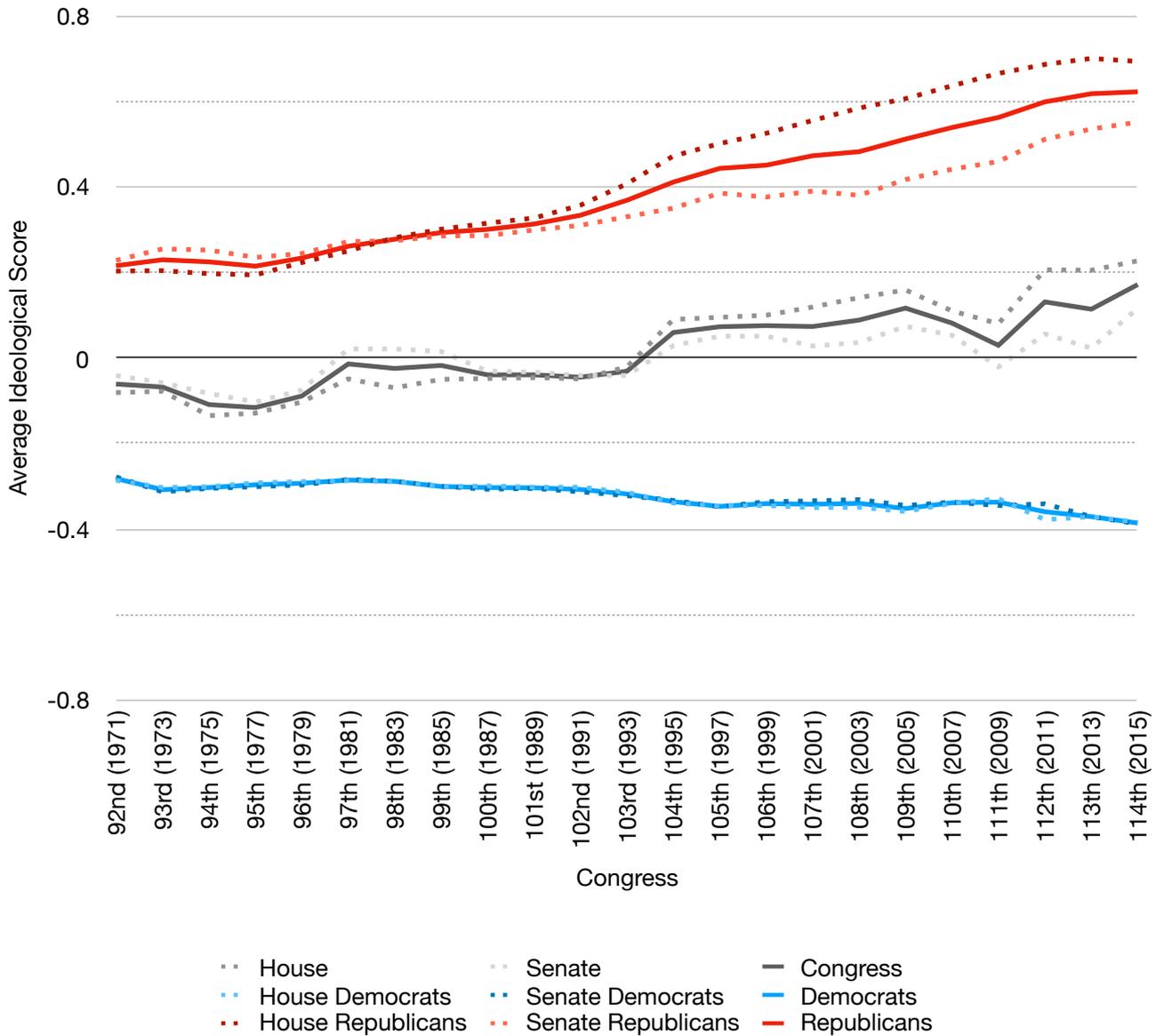
⁹¹ Ibid.

⁹² Conley, op. cit.

⁹³ Ibid.

the growing partisan divide that is further exacerbating the rivalry. Finally, it provides commentary and analysis of Obama's broader legislative engagement with Congress across multiple policy areas. The next two chapters substantively explore this rivalry further through the specific policy issue of gun violence.

Fig. 1: Average Ideological Scores of Congress over time



III. OBAMA'S FIRST TERM: ENGAGEMENT AND EFFORTS TO REDUCE GUN VIOLENCE

2009 - 2013

Overview

An analysis of President Barack Obama's first term engagement with the issue of gun violence and gun control makes for an intriguing progression. Campaign efforts largely focused on alleviating the gun lobby's claims that Obama would seek to ban or confiscate weapons — fears that proved to be unfounded when Obama's legislative efforts focused not on gun control, but passage of the fiscal stimulus, the Affordable Care Act, and the bailout of the automotive industry. During this time, Congress delivered two bills to the Oval Office including 'riders' that expanded gun rights, both of which Obama signed. The administration's decision to avoid the gun control debate frustrated gun control advocates, as the White House focused on dealing with the political fallout from a failed 'gunwalking' operation.

A mass shooting in Tuscon, Arizona, in 2011, that killed six, and grievously wounded Rep. Gabrielle Giffords (D-Arizona) heralded a White House call to action. But the token effort, which proposed strengthened background checks and called for dialogue between stakeholders, fell through in the face of opposition from the influential gun lobby and a pro-gun rights majority on Capitol Hill. After losing the House in a bruising midterm election to Republicans, and leading into the 2012 election, Democrats largely avoided the issue altogether, deeming it too risky. Mass shootings in Aurora, Colorado, and Oak Creek, Wisconsin, in July and August 2012, elicited 'thoughts and prayers' from politicians, but no legislative action. The issue of gun control was avoided by both Obama and his Republican challenger, Gov. Mitt Romney, through the 2012 election.

It would take a new provocation, and it came in the form of a mass school shooting in Newtown, Connecticut, that took the lives of twenty children and seven adults in December 2012. The massacre at Sandy Hook Elementary School shocked the national conscience, leading immediately to renewed calls for action on gun violence. The White House created a task force led by Joe Biden five days following the shooting, which in turn recommended a slew of legislative proposals and executive actions to combat gun violence shortly before the commencement of Obama's second term.

Hope, Change, and Common Sense

During the 2008 Democratic primary for which he sought the party nomination for President, Barack Obama developed a centrist gun control platform designed to be palatable to the broader American electorate. In a Democratic primary debate held in Las Vegas on January 15, 2008, Obama stated:

"We essentially have two realities, when it comes to guns, in this country. You've got the tradition of lawful gun ownership. It is very important for many Americans to be able to hunt, fish, take their kids out, teach them how to shoot. Then you've got the reality of 34 Chicago public school students who get shot down on the streets of Chicago. We can reconcile those two realities by making sure the Second Amendment is respected and that people

are able to lawfully own guns, but that we also start cracking down on the kinds of abuses of firearms that we see on the streets.”¹

When challenged by *Politico* to reconcile his support for the controversial Washington DC handgun ban with his statement that he had ‘no intention of taking away folks’ guns’,² Obama stuck largely to the same key talking points, alluding to the ‘two realities of gun ownership’³ he saw as prevalent in the United States:

“Because I think we have two conflicting traditions in this country. I think it’s important for us to recognise that we’ve got a tradition of handgun ownership and gun ownership generally. And a lot of law-abiding citizens use it for hunting, for sportsmanship, and for protecting their families. We also have a violence on the streets that is the result of illegal handgun usage. And so I think there is nothing wrong with a community saying we are going to take those illegal handguns off the streets. And cracking down on the various loopholes that exist in terms of background checks for children, the mentally ill. We can have reasonable, thoughtful gun control measures that I think respect the Second Amendment and people’s traditions.”⁴

However, in an election dominated by foreign policy in the Middle East, and the economic impact of the Global Financial Crisis, gun violence was not a headline issue. When accepting the party’s nomination at the 2008 Democratic National Convention, Obama paid scant lip service to the issue, stating only that:

“The reality of gun ownership may be different for hunters in rural Ohio than they are for those plagued by gang violence in Cleveland, but don’t tell me we can’t uphold the Second Amendment while keeping AK-47s out of the hands of criminals.”⁵

In pivoting to the general election, Obama’s campaign spent more effort appealing to gun owners rather than presenting gun-control policy proposals. An advert targeted at rural areas in the crucial swing state of Pennsylvania declared that: ‘Barack Obama supports gun rights.’⁶ The advert featured an NRA member and referenced Obama’s vote in favour of an amendment to the Department of Homeland Security Appropriations Act, 2007 (S.Amdt.4615 to H.R.5441) that prohibited the confiscation of a firearm during an emergency or major disaster.⁷

¹ ‘The Democratic Debate in Las Vegas’, *The New York Times*, 15 January 2008, <http://www.nytimes.com/2008/01/15/us/politics/15demdebate-transcript.html>.

² Politico Obama interview, interview by David Mark, 11 February 2008, http://www.politico.com/news/stories/0208/8457_Page2.html.

³ Politico Obama interview, interview by David Mark, 11 February 2008, http://www.politico.com/news/stories/0208/8457_Page2.html.

⁴ Ibid.

⁵ ‘Barack Obama’s Acceptance Speech’, *The New York Times*, 28 August 2008, <http://www.nytimes.com/2008/08/28/us/politics/28text-obama.html>.

⁶ BarackObama.com, “Obama Supports Gun Rights” Advert, n.d., <https://www.youtube.com/watch?v=qmWhtaTdqB4>

⁷ Harold Rogers, ‘H.R.5441 - 109th Congress (2005-2006): Department of Homeland Security Appropriations Act, 2007’ (2006), <https://www.congress.gov/bill/109th-congress/house-bill/5441>.

Obama also sought to stamp out the refrain that he, if elected, would introduce a program to confiscate legally purchased weapons. Another advert, 'Sportsmen for Obama' featured Obama at a campaign stop in Virginia, stating:

*"I just want to be absolutely clear, alright. So I don't want any misunderstanding. When ya'll go home and you're talking to your buddies, and they say, "Ah, he wants to take my gun away," you've heard it here - I'm on television so everybody knows it - I believe in the Second Amendment. I believe in people's lawful right to bear arms. I will not take your shotgun away. I will not take your rifle away. I won't take your handgun away. ... So, there are some common-sense gun safety laws that I believe in. But I am not going to take your guns away. So if you want to find an excuse not to vote for me, don't use that one. Cause that just ain't true."*⁸

'Guns and Religion'

In a San Francisco fundraising speech made during the Democratic primary on April 6, 2008, Obama attempted to explain resentment amongst white working-class voters in the rural midwest:

*"You go into these small towns in Pennsylvania and, like a lot of small towns in the Midwest, the jobs have been gone now for 25 years and nothing's replaced them...and it's not surprising then they get bitter, they cling to guns or religion or antipathy toward people who aren't like them or anti-immigrant sentiment or anti-trade sentiment as a way to explain their frustrations."*⁹

In the short term, Obama's gaffe — appearing to 'diminish or disparage Americans' affection for guns and God' — would prove to be costly.¹⁰ The McCain and Clinton campaigns issued statements condemning the remarks as elitist and patronising, and Clinton would go on to win the Pennsylvania primary by a wider margin than anticipated by recent polling.¹¹ In the long term, it provided cannon fodder for a staunch opponent: the National Rifle Association.

'Gun Ban Obama'

The National Rifle Association (NRA), among the most powerful lobbying organisations in Washington, opposed Obama's candidacy. The NRA launched an aggressive campaign against the candidate, making the case that Obama was 'anti-gun' and developed the narrative that under an Obama administration, the federal government would confiscate privately owned weapons. The first salvo came in the form of a \$15 million ad campaign.¹² In the spot, a Virginia hunter states:

⁸ BarackObama.com, 'Sportsmen for Obama', <https://www.youtube.com/watch?v=kBhKMAXnOw>.

⁹ Mayhill Fowler, 'Obama: No Surprise That Hard-Pressed Pennsylvanians Turn Bitter', *Huffington Post*, 18 November 2008, http://www.huffingtonpost.com/mayhill-fowler/obama-no-surprise-that-ha_b_96188.html.

¹⁰ Janell Ross, 'Obama Revives His "cling to Guns or Religion" Analysis — for Donald Trump Supporters', *Washington Post*, n.d., <https://www.washingtonpost.com/news/the-fix/wp/2015/12/21/obama-dusts-off-his-cling-to-guns-or-religion-idea-for-donald-trump/>.

¹¹ 'Pennsylvania Primary Results', *The New York Times*, n.d., <http://www.nytimes.com/elections/2008/primaries/results/states/PA.html>.

¹² Brian Todd, 'NRA to Target Obama in Ad Blitz', *CNN*, 1 July 2008, <http://edition.cnn.com/2008/POLITICS/07/01/nra.obama/>.

“...and now I learn that Barack Obama supports a huge new tax on my guns and ammo. And he voted to ban virtually all deer hunting ammunition. Where is this guy from? He's probably never been hunting a day in his life. But it's not just new taxes that Barack Obama wants. If you can believe it, he also supports a ban on the shotguns and rifles that most of us use for hunting. No politician is going to take away my guns and ammo.”¹³

The advert concludes with a thinly veiled reference to Obama's 'clingers' gaffe, stating: 'You don't have to be bitter to know that Barack Obama isn't the kind of change we need.'¹⁴

In a statement released alongside the advert, Chris Cox, the executive director of the NRA's Institute for Legislative Action stated that the organisation would 'stand against anyone who attempts to throw roadblocks or hurdles between lawful Americans and this fundamental right':¹⁵

“Barack Obama would be the most anti-gun president in American history. Senator Obama says 'words matter.' But when it comes to your Second Amendment rights, he refuses to speak honestly about where he stands. In fact, Obama hides behind carefully chosen words and vague statements of support for sportsmen and gun rights to sidestep and camouflage the truth.”¹⁶

While the NRA's statement was factually inaccurate, the prospect of an Obama presidency for gun rights lobbyists was some cause for concern. Obama had consistently shown support for restrictions on firearms. In his 1996 campaign for the Illinois State Senate, Obama answered 'yes' to a questionnaire about supporting state legislation that would ban the manufacture, sale and possession of handguns, ban assault weapons, and establish mandatory waiting periods and background checks.¹⁷ In a debate for his Senate campaign on October 21, 2004, Obama suggested it was 'a scandal that this president [Bush] did not authorise a renewal of the assault weapons ban.'¹⁸ In another Democratic primary debate held in Philadelphia on April 16, 2008, Obama was asked again about the Washington DC handgun ban. In response, Obama indicated that he supported restrictions on the right to bear arms:

“As a general principle, I believe that the Constitution confers an individual right to bear arms. But just because you have an individual right does not mean that the state or local government can't constrain the exercise of that right, in the same way that we have a right to private property but local governments can establish zoning ordinances that determine how you can use it.”¹⁹

¹³ Gore D'Angelo, 'NRA Targets Obama', *FactCheck.org*, 22 September 2008, <http://www.factcheck.org/2008/09/nra-targets-obama/>.

¹⁴ Ibid.

¹⁵ Chris Cox, 'www.GunBanObama.com', *NRA-ILA*, 5 September 2008, <https://www.nraila.org/articles/20080905/wwwgunbanobamacom>.

¹⁶ Ibid.

¹⁷ OnTheIssues.org, 'Barack Obama on Gun Control'. Accessed via http://www.ontheissues.org/2008/Barack_Obama_Gun_Control.htm

¹⁸ Ibid.

¹⁹ OnTheIssues.org. Accessed via http://www.ontheissues.org/2008_Dems_Philly.htm

Legislative Agenda

Following Obama's success in the 2008 General Election, the campaign's transitional office laid out the following policy statement on gun violence as part of an encompassing 'Urban Policy':

*"Address Gun Violence in Cities: Obama and Biden would repeal the Tiahrt Amendment, which restricts the ability of local law enforcement to access important gun trace information, and give police officers across the nation the tools they need to solve gun crimes and fight the illegal arms trade. Obama and Biden also favour commonsense measures that respect the Second Amendment rights of gun owners, while keeping guns away from children and from criminals. They support closing the gun show loophole and making guns in this country childproof. They also support making the expired federal Assault Weapons Ban permanent."*²⁰

However, through the first term of his administration, Obama's attention rarely turned to gun violence. As tentpole issues like the economy and the Affordable Care Act dominated machinations in Washington, the promises of 'commonsense' gun reform fell by the wayside. To the disappointment of gun control advocates, the administration loosened gun control regulations during its first term, and abandoned an attempted reinstatement of the assault weapons ban that had expired in 2004. In February 2009, Attorney General Eric Holder announced that the administration would seek to renew the assault weapons ban across the US, stating: '...as President Obama indicated during the campaign, there are just a few gun-related changes that we would like to make, and among them would be to reinstitute the ban on the sale of assault weapons.'²¹

Holder's statement met pushback almost immediately, angering conservative 'Blue Dog' Democrats who relied on pro-gun constituencies, and sparked turmoil within the Democratic Party ranks.²² White House Chief of Staff Rahm Emanuel was incensed by Holder's statement, as recounted by journalist Daniel Klaidman:

*"On February 25, Jim Messina, Emanuel's deputy, walked into his boss's office to inform him of [Attorney General Eric] Holder's latest 'gaffe.' At a press conference earlier that day, Holder had told reporters that the administration would push to reinstate the assault-weapons ban, which had expired in 2004. The comment roused the powerful gun lobby and its water carriers on Capitol Hill...Emanuel was furious. He slammed his desk and cursed the attorney general. Holder was only repeating a position Obama had expressed during the campaign, but that was before the White House needed the backing of pro-gun Democrats from red states for their domestic agenda. The chief of staff sent word back to the [Department of] Justice that Holder needed to 'shut the fuck up' on guns."*²³

²⁰ Jay Stevens, 'Gun Control's Latest Victim', *The Guardian*, 29 December 2008, sec. Opinion, <https://www.theguardian.com/commentisfree/cifamerica/2008/dec/29/barack-obama-gun-control>.

²¹ Daniel Klaidman, *Kill or Capture: The War on Terror and the Soul of the Obama Presidency* (Houghton Mifflin Harcourt, 2012).

²² *Ibid.*

²³ Daniel Klaidman, *Kill or Capture: The War on Terror and the Soul of the Obama Presidency* (Houghton Mifflin Harcourt, 2012).

Holder had inadvertently into controversy over a 'culture war issue...that Team Obama was desperate to avoid'.²⁴ 65 House Democrats signed a letter vowing to 'actively oppose' any new gun control initiatives.²⁵ Sen. Max Baucus (D-Montana), issued a press release titled: 'Senators to Attorney General: Stay Away from Our Guns'.²⁶ House Speaker Nancy Pelosi and Senate Majority Leader Harry Reid both shot down the idea that Congress would introduce a measure to ban assault weapons.²⁷ As reported by *Newsweek*, 'within days, White House aides instructed Justice officials to stop talking about the assault-weapons issue, according to congressional and administration officials who asked not to be identified because of political sensitivities.'²⁸

The National Rifle Association had quickly mobilised in response to Holder's commentary, sending out 'action alerts' to members, and took credit for instigating opposition to Holder's plans in Congress. Wayne LaPierre, the executive vice president of the NRA, stated that the attorney general 'ran into a stonewall on Capitol Hill' as a result of the Association's lobbying efforts.²⁹

At another press conference on March 25, Holder deflected away from the issue, saying, '...well, I mean, I think what we're going to do is try to, obviously, enforce the laws that we have on the books.'³⁰ The sentiment amongst Democrats was clear. Rep. Dan Boren (D-Oklahoma) described gun control as 'a losing issue... a dead loser,' citing the push for gun control legislation as one of the reasons why Democrats lost their hold on Congress in 1994 and why Presidential nominee Al Gore was defeated in 2000.³¹

Subsequently, Democrats would help the passage of two new laws that expanded gun owners' rights in the United States. The Credit Card Accountability Responsibility and Disclosure Act of 2009, signed into law by Obama on May 22, 2009, included an unrelated rider introduced by Senate Republicans overturning the Reagan-era prohibition on carrying firearms in National Parks. The new law therefore allowed licensed gun owners to bring firearms into national parks and wildlife refuges so long as gun owners were in compliance with state and local law.³² The Consolidated Appropriations Act, 2010, signed into law by Obama on December 16, 2009, included an amendment introduced by Sen. Roger Wicker (R-Mississippi) to 'permit Amtrak passengers to safely transport firearms and ammunition in their checked baggage'.³³

²⁴ Ibid.

²⁵ The Washington Post, *Guns in America* (Diversion Books, 2013).

²⁶ Klaidman, et al.

²⁷ Dorothy Samuels, 'The Deadly Myth of Gun Control in Electoral Politics', *The New York Times*, 8 May 2009, <http://www.nytimes.com/2009/05/09/opinion/09sat4.html>.

²⁸ Michael Isikoff, 'Back Burner for an Assault-Weapons Ban', *Newsweek*, 10 April 2009, <http://www.newsweek.com/back-burner-assault-weapons-ban-77457>

²⁹ Michael Isikoff, 'Mexico: Why Is U.S. Backing Away From Gun Ban?', *Newsweek*, 24 March 2009, <http://www.newsweek.com/mexico-why-us-backing-away-gun-ban-76179>

³⁰ Ibid.

³¹ Ibid.

³² Carl Hulse, 'Bill Changing Credit Card Rules Is Sent to Obama With Gun Measure Included', *The New York Times*, 20 May 2009, <http://www.nytimes.com/2009/05/21/us/politics/21cards.html>

³³ John Olver, 'H.R.3288 - 111th Congress (2009-2010): Consolidated Appropriations Act, 2010' (2009), <https://www.congress.gov/bills/111th-congress/house-bill/3288>

In January 2010, as the first year of Obama's presidency came to a close, the Brady Campaign to Prevent Gun Violence made headlines when it graded Obama, whom the organisation had endorsed in 2008, with an 'F' on every issue it scored, including 'background checks, gun trafficking, guns in public, the federal assault weapons ban, standing up to the gun lobby, and leadership.'³⁴ Their report was highly critical, citing the legislation passed permitting people to carry concealed weapons in national parks and in checked luggage on Amtrak trains, and Obama's failure to name a director for the Bureau of Alcohol, Tobacco, Firearms and Explosives.

Now-former Brady Campaign President Paul Helmke did not shy away from the organisation's critique, charging the administration with running 'away from the issue', and actually [signing] two repeals of good gun legislation', adding that 'the biggest disappointment was his [Obama's] failure to speak out.'³⁵ He added that it had 'been a very disappointing year for us, especially considering what he campaigned on', referring to the campaign's indications that it would place reducing gun violence firmly on the urban policy agenda.³⁶

In the 2010 midterm elections, Democrats suffered heavy defeats at the state and national level. Riding a wave of anti-Obama sentiment based in part on Obamacare and the economic stimulus, Republicans took six Senate seats, 63 seats in the House of Representatives, and six gubernatorial seats, all at the expense of Democrats. The Republican party's victory, coupled with the ascendancy of the Tea Party movement, effectively ended any chance of gun control legislation passing through the House of Representatives.³⁷ In the context of Presidential-Congressional relations, losing the House was a significant blow to the President's legislative agenda. According to Thurber, under unified government presidents can expect success rates on legislative branch votes of approximately 87 percent. Obama exceeded this in his first year in office with a success rate of 96.7 percent. In 2010, this rate dropped to the mean of 85.8 percent.³⁸ Under divided government, the approximate success rate falls to 51 percent — and as low as 36 percent for a second-term president. After the 2010 midterms, Obama's success rate plummeted to 57.1 percent. For the next four years, Obama would enjoy a success rate around 50 to 60 percent on legislative votes (Fig. 2).³⁹

Furthermore, while the administration failed to gain any traction on gun control at the federal level, many state legislatures made inroads in the opposite direction. Early during Obama's first term, states 'engaged in a new and largely successful push for expanded gun rights, even passing

³⁴ Megan Ruyle, 'Gun Control Group Gives Obama an "F"', Text, *TheHill*, (19 January 2010), <http://thehill.com/homenews/administration/76717-gun-control-group-gives-obama-an-f>.

³⁵ Ibid.

³⁶ Ibid.

³⁷ Jeff Zeleny, 'G.O.P. Captures House, but Not Senate', *The New York Times*, 2 November 2010, sec. U.S. / Politics, <http://www.nytimes.com/2010/11/03/us/politics/03elect.html>.

³⁸ Brookings Institution, "Vital Statistics on Congress," *Brookings*, January 9, 2017, <https://www.brookings.edu/multi-chapter-report/vital-statistics-on-congress/>.

³⁹ Fig. 2. Compiled from Brookings Institution data.

measures that have been rejected in the past,⁴⁰ while the administration was ‘largely silent on the issue’.⁴¹ In 2009 alone, ‘states passed 47 laws easing restrictions, more than three times the number of new laws tightening them’.⁴²

In Virginia, the General Assembly approved a bill that allowed people to carry concealed weapons in bars and restaurants that serve alcohol, and the House of Delegates voted to repeal a seventeen-year-old ban on buying more than one handgun a month.⁴³ The *New York Times* observed that ‘the actions came less than three years after the shootings at Virginia Tech that claimed 33 lives and prompted a major national push for increased gun control.’⁴⁴ Lawmakers in Montana and Tennessee passed measures ‘to exempt their states from federal regulation of firearms and ammunition that are made, sold and used in state.’⁴⁵ Joining Alaska and Vermont, the Arizona and Wyoming legislatures passed new laws allowing residents to carry concealed weapons without a permit, also forgoing mandatory background checks or firearms training.⁴⁶

Essentially, Obama’s early intentions to pass gun control measures failed, with the Administration making no effort to convince conservative Democrats in Congress to support gun control reform. Early in the Obama presidency, the White House would make a deliberate decision to avoid the subject of gun control altogether, instead focusing political capital on the passage of a major stimulus package and Obama’s signature health care reform. The Administration allowed two legislative riders loosening restrictions on firearms to bills signed by Obama early in his first term. These Republican-proposed measures extended concealed carry rights to national parks (within the laws of the states containing them), and permitted checked-baggage transport of firearms on Amtrak trains.⁴⁷

Fast and Furious

Other factors likely played into the Administration’s decision not to pursue new gun control legislation, such as the botched Operation Fast and Furious. Led by the United States Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), the Operation ‘purposely allowed licensed firearms dealers to sell weapons to illegal straw buyers, hoping to track the guns to Mexican drug cartel leaders and arrest them’.⁴⁸ The tactic, also known as ‘gunwalking,’ was widely viewed as a failure, as it has not resulted in the arrest of any cartel leaders. Moreover, of the some 2,000

⁴⁰ Ian Urbina, ‘Fearing an Obama Agenda, States Push to Loosen Gun Laws’, *The New York Times*, 23 February 2010, <http://www.nytimes.com/2010/02/24/us/24guns.html>

⁴¹ Ibid.

⁴² Ibid.

⁴³ Ibid.

⁴⁴ Ibid.

⁴⁵ The Associated Press, ‘Seeing Loose Gun Laws as Still Too Tight’, *The New York Times*, 30 January 2010, <http://www.nytimes.com/2010/01/31/us/31arizona.html>

⁴⁶ Ibid.

⁴⁷ Credit Card Accountability Responsibility and Disclosure Act of 2009, Consolidated Appropriations Act, 2010

⁴⁸ Charlie Savage, ‘Guns From Operation Fast and Furious Tied to Mexican Crimes’, *The New York Times*, 26 July 2011, <http://www.nytimes.com/2011/07/26/us/26guns.html>

'walked' guns (including AK-47 style rifles) monitored by the ATF, only 710 (as of 2012) had been recovered, and continue to be discovered in criminal hands.⁴⁹

The House Committee on Oversight and Government Reform opened an investigation following the death of Border Patrol agent Brian Terry in a shooting involving 'Fast and Furious' firearms.⁵⁰ Committee Chair Rep. Darrell Issa (R-California) estimated that more than 200 Mexicans had been killed by guns linked to the botched operation.⁵¹ In his testimony before the Committee, ATF agent and whistleblower John Dodson stated:

"Over the course of the next 10 months that I was involved in this operation, we monitored as they purchased hand guns, AK-47 variants, and .50 caliber rifles almost daily. Rather than conduct any enforcement actions, we took notes, we recorded observations, we tracked movements of these individuals for a short time after their purchases, but nothing more. Knowing all the while, just days after these purchases, the guns that we saw these individuals buy would begin turning up at crime scenes in the United States and Mexico, we still did nothing....I cannot begin to think of how the risk of letting guns fall into the hands of known criminals could possibly advance any legitimate law enforcement interest."⁵²

The fallout from the botched operation saw Attorney General Eric Holder held in civil contempt of Congress for his refusal to disclose Department of Justice documents pertinent to the case.⁵³ The House vote was 255–67 in favour of the contempt motion.⁵⁴ 21 Democrats joined Republicans in condemning Holder, and a large number of Democrats walked off the floor in protest.⁵⁵ The NRA heavily pressured House members, including some Blue Dog Democrats, to back the unprecedented contempt motion. Nineteen of the 21 Democrats who voted to hold Holder in civil contempt of Congress received campaign contributions from the NRA during the previous two election cycles.⁵⁶ Earlier, Obama had invoked executive privilege over the documents, marking his first use of the executive power whilst in office. In a statement, the White House accused House Republicans of engaging in 'political theatre rather than legitimate Congressional oversight'.⁵⁷

Tuscon, Arizona

On January 8, 2011, Rep. Gabrielle Giffords (D-Arizona) was holding a constituent meeting dubbed 'Congress on Your Corner' in the Tuscon metro area, when Jared Loughner drew a Glock 9

⁴⁹ The Editorial Board, 'Fast, Furious and Foolish', *The New York Times*, 20 September 2012, <http://www.nytimes.com/2012/09/21/opinion/fast-furious-and-foolish.html>

⁵⁰ 'Operation Fast and Furious Draft Report', n.d., <http://www.nytimes.com/interactive/2011/06/14/us/15gunsdocviewerNEW.html>.

⁵¹ Ibid.

⁵² Kevin Johnson, 'ATF Agent Calls Gun-Tracking Program a "Disaster"', *USATODAY.COM*, n.d., http://www.usatoday.com/news/washington/2011-06-15-ATF-border-guns-hearing_n.htm

⁵³ Jonathan Weisman and Charlie Savage, 'Fast and Furious Contempt Citation for Holder', *The New York Times*, 28 June 2012, <http://www.nytimes.com/2012/06/29/us/politics/fast-and-furious-holder-contempt-citation-battle.html>

⁵⁴ Ibid.

⁵⁵ Ibid.

⁵⁶ Ibid.

⁵⁷ Ibid.

semiautomatic handgun and shot Giffords in the head. He proceeded to fire indiscriminately into the crowd of people gathered at the meeting, before being tackled to the ground and subdued by bystanders.⁵⁸ Giffords survived, despite sustaining the gunshot wound to her head. Six other people, including District Court Judge John Roll, Giffords staffer Gabriel Zimmerman, and Christina-Taylor Green, a nine-year old, were killed by gunfire. Thirteen other people sustained gunshot wounds in the shooting.⁵⁹ The shooting of Giffords prompted the White House to place gun violence on the agenda.

In a widely lauded memorial address following the attack, Obama chose to focus his speech on the victims of the violence, only alluding to gun control measures in the context of a wider statement about national political discourse:

“Already, we’ve seen a national conversation commence, not only about the motivations behind these killings, but about everything from the merits of gun safety laws to the adequacy of our mental health system. And much – much of this process of debating what might be done to prevent such tragedies in the future is an essential ingredient in our exercise of self-government.”⁶⁰

Despite being afforded a timely opportunity to address gun violence in the State of the Union on January 25, Obama did not propose any new measures in his speech, frustrating gun control advocates.⁶¹ But shortly after, administration officials signalled that Obama would discuss the issue, reopening what the *New York Times* called ‘a long-dormant debate on one of the nation’s most politically volatile issues.’⁶²

“Let’s be honest here, there haven’t been the votes in the Congress for gun control,” stated Sen. Charles Schumer (D-N.Y.) on *NBC’s* Meet the Press, suggesting that Democrats were hoping to ‘find some common ground and get something done.’⁶³ Some six weeks later, on March 13, Obama reopened the debate over gun control with an op-ed for the *Arizona Daily Star*:

⁵⁸ Marc Lacey and David M. Herszenhorn, ‘Representative Gabrielle Giffords and 18 Shot Near Tucson’, *The New York Times*, 8 January 2011, <http://www.nytimes.com/2011/01/09/us/politics/09giffords.html>

⁵⁹ Michael D. Shear, ‘Live Blog: Representative Giffords Shot’, *The Caucus*, 1294519299, <https://thecaucus.blogs.nytimes.com/2011/01/08/live-blog-representative-giffords-shot/>.

⁶⁰ Office of the Press Secretary, ‘Remarks by the President at a Memorial Service for the Victims of the Shooting in Tucson, Arizona’, *Whitehouse.gov*, 12 January 2011, <https://obamawhitehouse.archives.gov/the-press-office/2011/01/12/remarks-president-barack-obama-memorial-service-victims-shooting-tucson>.

⁶¹ Perry Bacon Jr, ‘Gun-Control Advocates Press White House for Stricter Laws after Tucson Shooting’, *The Washington Post*, 21 January 2011, sec. Nation, <http://www.washingtonpost.com/wp-dyn/content/article/2011/01/21/AR2011012101976.html>

⁶² Jackie Calmes, ‘President Is Likely to Discuss Gun Control Soon’, *The New York Times*, 28 January 2011, <http://www.nytimes.com/2011/01/29/us/politics/29obama.html>

⁶³ Tom Curry National affairs writer msnbc.com, ‘How the Numbers Shifted against Gun Control’, *Msnbc.com*, 21 January 2011, <http://www.nbcnews.com/id/41194989/ns/politics/t/how-numbers-shifted-against-gun-control/>.

"But one clear and terrible fact remains. A man our Army rejected as unfit for service; a man one of our colleges deemed too unstable for studies; a man apparently bent on violence, was able to walk into a store and buy a gun."⁶⁴

For the first time in his presidency, Obama addressed the harsh reality of gun violence in the United States head-on, adding:

"...since that day, we have lost perhaps another 2,000 members of our American family to gun violence. Thousands more have been wounded. We lose the same number of young people to guns every day and a half as we did at Columbine, and every four days as we did at Virginia Tech."⁶⁵

Seeking to find common ground with everyday gun owners, Obama drew from his election narrative of finding compromise positions and implementing 'common sense' measures:

"I'm willing to bet they [gun owners] don't think that using a gun and using common sense are incompatible ideas - that we should check someone's criminal record before he can check out at a gun seller; that an unbalanced man shouldn't be able to buy a gun so easily; that there's room for us to have reasonable laws that uphold liberty, ensure citizen safety and are fully compatible with a robust Second Amendment."⁶⁶

Obama's column concluded with an argument for 'sound and effective steps' to strengthen the National Instant Criminal Background Check System (NICS). He suggested that the system often relied on 'incomplete and inadequate' data, and recommended incentivising states to provide better data for the NICS by rewarding those that did, and advocated for making the system both 'faster and nimbler', and more 'comprehensive and consistent.'⁶⁷

The *Daily Star* column preceded the administration's effort to put action to words, by starting a new dialogue through a series of meetings between officials at the Justice Department, gun control advocates, and other relevant stakeholders, 'including law enforcement, retailers and manufacturers, to seek agreement on possible legislative or administrative actions.'⁶⁸ Despite indications from the White House that the NRA would be represented in the first round of meetings, the lobby's chief executive Wayne LaPierre summarily rejected that notion, stating, 'Why should I or the NRA go sit down with a group of people that have spent a lifetime trying to destroy the Second Amendment in the United States?'⁶⁹

⁶⁴ Barack Obama, 'Op-Ed by President Obama in the Arizona Daily Star: We Must Seek Agreement on Gun Reforms', *Whitehouse.gov*, 13 March 2011, <https://obamawhitehouse.archives.gov/the-press-office/2011/03/13/op-ed-president-obama-arizona-daily-star-we-must-see-agreement-gun-refo>.

⁶⁵ Ibid.

⁶⁶ Ibid.

⁶⁷ Barack Obama, 'Op-Ed by President Obama in the Arizona Daily Star: We Must Seek Agreement on Gun Reforms', *Whitehouse.gov*, 13 March 2011, <https://obamawhitehouse.archives.gov/the-press-office/2011/03/13/op-ed-president-obama-arizona-daily-star-we-must-see-agreement-gun-refo>.

⁶⁸ Ibid.

⁶⁹ Jackie Calmes, 'N.R.A. Declines to Meet With Obama on Gun Policy', *The New York Times*, 14 March 2011, <http://www.nytimes.com/2011/03/15/us/politics/15guns.html>.

The administration's effort to turn dialogue into legislative outcomes ultimately fell through. Rep. Thomas M. Davis (R-Virginia) observed that 'the NRA has long been a staple of the Republican coalition in Congress, and it now has strong tentacles gripping rural members of both parties. With the GOP controlling the House and...Harry Reid leading Senate Democrats, additional gun legislation is a non-starter.'⁷⁰

Moreover, the American electorate lacked the appetite for action on gun violence. A Pew Research poll conducted in the aftermath of the shooting surmised that Americans remained strictly divided on the issue, with 49% in favour of gun rights, and 46% in favour of gun control.⁷¹ Only 31% saw the shooting in Tucson as 'a reflection of broader problems in American society,' and of those, only 13% referred specifically to weak gun laws.⁷² Gallup polling after the Tucson shootings found that half of Americans perceived the federal government to be an 'immediate threat to the rights and freedoms of ordinary citizens', showing that many Americans actively distrusted the federal government.⁷³

Met by opposition from Congress, the gun lobby, and the broader electorate, Obama's token effort to start a national conversation on gun control was unsuccessful.

2012 Re-election Campaign

For much of the 2012 Presidential election, gun control remained a dormant issue, with neither Obama or Republican candidate Mitt Romney willing to open discussion on the intensely polarising issue.⁷⁴ Romney, who as Governor of Massachusetts had signed an assault weapons ban into state law, sought to avoid attention being brought to his 'flip flop' on guns as he shored up support from the right-wing of the Republican party.⁷⁵ A public preference for gun ownership was also cited as a reason for inaction. A Pew Research poll of coveted independent voters found that 55% were in favour of protecting gun rights, as opposed to just 40% in favour of controlling gun ownership.⁷⁶ It is particularly telling that a *New York Times* op-ed lamenting the lack of gun control discourse ran under the headline: 'The Least Popular Subject'.⁷⁷ The first mention of gun control regulation followed the mass shooting in Aurora, Colorado, where White House Press Secretary Jay Carney clarified the administration's position:

⁷⁰ Scott Keeter and Paul Helmke, 'Gun Control's Prospects after Tucson', *The Washington Post*, 15 January 2011, sec. Opinions, <http://www.washingtonpost.com/wp-dyn/content/article/2011/01/14/AR2011011406201.html>

⁷¹ 'No Shift Toward Gun Control After Tucson Shootings', *Pew Research Center*, 19 January 2011, <http://www.pewresearch.org/2011/01/19/no-shift-toward-gun-control-after-tucson-shootings/>.

⁷² Ibid.

⁷³ Gallup Inc, 'Gallup Review: Public Opinion Context of Tucson Shootings', *Gallup.com*, n.d., <http://www.gallup.com/poll/145526/Gallup-Review-Public-Opinion-Context-Tucson-Shootings.aspx>.

⁷⁴ Gail Collins, 'The Least Popular Campaign Subject (Gun Control!)', *The New York Times*, 19 October 2012, <http://www.nytimes.com/2012/10/20/opinion/collins-the-least-popular-campaign-subject-gun-control.html>

⁷⁵ Ibid.

⁷⁶ More Support for Gun Rights, Gay Marriage than in 2008 or 2004', *Pew Research Center for the People and the Press*, 25 April 2012, <http://www.people-press.org/2012/04/25/more-support-for-gun-rights-gay-marriage-than-in-2008-or-2004>

⁷⁷ Collins et al.

*"The assault weapons ban is an issue that the president has supported the reinstatement of since its expiration in 2004...but given the stalemate in Congress, our focus is on steps that we can take to make sure criminals and others who should not have those guns, make sure that they cannot obtain them."*⁷⁸

Romney readily proclaimed his opposition to any new gun control measure, simply stating 'I don't support new gun laws in our country' in an interview with *CNN*.⁷⁹ In the wake of a mass shooting the following month, at a Sikh Temple in Oak Creek, Wisconsin, the response from politicians was similarly tepid. Obama pledged to 'provide whatever support is necessary' to the investigative effort, and added:

*"...we mourn this loss which took place at a house of worship, we are reminded how much our country has been enriched by Sikhs, who are a part of our broader American family."*⁸⁰

Romney's campaign statement also made no reference to combatting gun violence:

*"[We] extend our thoughts and prayers to the victims of today's shooting in Wisconsin. This was a senseless act of violence and a tragedy that should never befall any house of worship."*⁸¹

Both candidates drew criticism for not visiting the site of the shooting. Amardeep Kaleka, whose father was killed at Oak Creek, suggested to media that the 'tense political climate in Wisconsin' — a 2012 battleground state — was to blame, stating, 'first and foremost, I think it's politics'.⁸² Pressed by media on whether the shooting should prompt a new debate on gun control, Obama largely avoided the question:

*"All of us are heartbroken by what's happened...I think all of us recognise that these kinds of terrible, tragic events are happening with too much regularity for us not to do some soul-searching and to examine additional ways that we can reduce violence."*⁸³

The subject of gun violence was broached a third time on October 16, 2012, in the second presidential debate between Obama and Romney. An audience member, Nina Gonzalez, broached the topic of gun control, asking 'what has your administration done or planned to do to limit the

⁷⁸ Jay Carney: Press Briefing by Press Secretary Jay Carney', n.d., <http://www.presidency.ucsb.edu/ws/index.php?pid=101562>

⁷⁹ Tom Cohen, *CNN*, 'Candidates Show Little Appetite for New Gun Control Laws - CNNPolitics.com', *CNN*, n.d., <http://www.cnn.com/2012/07/26/politics/gun-control-debate/index.html>.

⁸⁰ Statement by the President on the Shooting in Wisconsin', *Whitehouse.gov*, 5 August 2012, <https://obamawhitehouse.archives.gov/the-press-office/2012/08/05/statement-president-shooting-wisconsin>.

⁸¹ Mitt Romney: Statement by Mitt Romney on Today's Shooting in Wisconsin', n.d., <http://www.presidency.ucsb.edu/ws/?pid=101816>.

⁸² Hunter Walker, *Observer*, 'Son Of Murdered Sikh Temple President Asks Why Obama And Romney Have Not Visited Victims', 13 August 2012, <http://observer.com/2012/08/sikh-temple-obama-visit/>.

⁸³ Office of the Press Secretary, 'Remarks by the President at Signing of the Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012', *Whitehouse.gov*, 6 August 2012, <https://obamawhitehouse.archives.gov/the-press-office/2012/08/06/remarks-president-signing-honoring-americas-veterans-and-caring-camp-lej>.

availability of assault weapons?’⁸⁴ Unsurprisingly, both candidates volunteered largely ‘safe’ answers. Obama’s response reaffirmed his support for the Second Amendment, whilst acknowledging the presence of gun violence in American society:

“We’re a nation that believes in the Second Amendment, and I believe in the Second Amendment. We’ve got a long tradition of hunting and sportsmen and people who want to make sure they can protect themselves. But there have been too many instances during the course of my presidency, where I’ve had to comfort families who have lost somebody.”⁸⁵

Talking on the subject of measures that the administration could take, Obama stuck to existing talking points, stressing that ‘we have to enforce the laws we’ve already got, make sure that we’re keeping guns out of the hands of criminals, those who are mentally ill.’⁸⁶ His conclusion pointed to his desire to see ‘a broader conversation’ around reducing violence:

“But I also share your belief that weapons that were designed for soldiers in war theatres don’t belong on our streets. And so what I’m trying to do is to get a broader conversation about how do we reduce the violence generally. Part of it is seeing if we can get an assault weapons ban reintroduced. But part of it is also looking at other sources of the violence. Because frankly, in my home town of Chicago, there’s an awful lot of violence and they’re not using AK-47s. They’re using cheap hand guns.”⁸⁷

For his part, Romney reasserted his opposition towards new gun legislation, before establishing a consensus with Obama on improving the enforcement of existing legislation, and confronting the ‘culture of violence’:

“Yeah, I’m not in favour of new pieces of legislation on - on guns and taking guns away or making certain guns illegal. We, of course, don’t want to have automatic weapons, and that’s already illegal in this country to have automatic weapons. What I believe is we have to do, as the president mentioned towards the end of his remarks there, which is to make enormous efforts to enforce the gun laws that we have, and to change the culture of violence that we have.”⁸⁸

Despite the events in Aurora and Oak Creek, the prospect of a national conversation around gun violence did not warrant significant mention by either campaign through the remainder of the campaign season. Even an ardent gun control advocate, Sen. Dianne Feinstein (D-California), who authored the 1994 bill to ban assault weapons, suggested that a ‘sane’ discussion would likely not happen until after the election.⁸⁹ On *Fox News Sunday*, Feinstein stated that ‘people haven’t rallied’

⁸⁴ Harry L. Wilson, *Gun Politics in America: Historical and Modern Documents in Context* [2 Volumes]: Historical and Modern Documents in Context (ABC-CLIO, 2016).

⁸⁵ Ibid.

⁸⁶ Ibid.

⁸⁷ Ibid.

⁸⁸ Wilson et al.

⁸⁹ ‘Feinstein: Election Year Not Ideal for Gun Debate’, *Associated Press*, (22 July 2012), <http://www.foxnews.com/us/2012/07/22/feinstein-election-year-not-ideal-for-gun-debate.html>.

due to the influence of the gun lobby, and that with the election looming, 'it's a bad time to embrace a new subject.'⁹⁰ Political scientist Robert Spitzer spoke to this reluctance among Democrats in a segment on *The Diane Rehm Show*:

"...[it] reflects a judgment that Democrats at the national level made really going back to 2000, the 2000 election, because the Democrats felt that the gun issue hurt Al Gore who lost to George W. Bush that year. And I think you could debate the point, but there's no debating that the Democrats felt the gun issue hurt them. And also – and so they wanted to back away from it, and also that they wanted to expand their tent, so to speak, to bring in more moderate and conservative Democrats, as indeed they did, and gun rights Democrats."⁹¹

Writing for the *New Republic* in 2001, journalist Noam Scheiber had reported that Gore's team of advisers had worried that 'gun control would hurt the vice president in the states he needed most,' particularly among rural voters in crucial midwestern swing states. Scheiber concluded that 'after the election, the Gore campaign's hunch became Democratic gospel.'⁹²

Aurora, Colorado

On July 20, 2012, about 20 minutes into a screening of the film *The Dark Knight Rises*, an audience member, James Holmes, left the theatre at the Century 16 cinema complex in Aurora. He exited through an emergency exit door, which he left propped open.⁹³ Holmes went to his car, parked near the exit, and changed into tactical clothing, including a gas mask, a load-bearing vest, a ballistic helmet, bullet-resistant leggings, a groin protector, and tactical gloves. He then armed himself with a 12-gauge Remington 870 Express Tactical shotgun, a Smith & Wesson M&P15 semi-automatic rifle with a 100-round drum magazine, and a Glock 22 .40-caliber handgun.⁹⁴ Returning to the theatre through the open emergency exit door, Holmes first threw two canisters emitting gas into the audience of some 400 people, before shooting indiscriminately into the audience. Holmes fired 76 shots in total: six from the shotgun, 65 from the semi-automatic rifle, and five from the handgun, killing twelve and injuring 70.⁹⁵

As he had in the aftermath of the Tuscon shooting, Obama made no mention of gun control, and explicitly avoided politicising the tragedy, stating:

⁹⁰ Associated Press, op cit.

⁹¹ 'Gun Control In An Election Year', *Diane Rehm*, n.d., <https://dianerehm.org/shows/2012-07-24/gun-control-election-year>.

⁹² 'Gun Shy', *New Republic*, 29 January 2001, <https://newrepublic.com/article/73722/gun-shy-0>.

⁹³ Dan Frosch and Kirk Johnson, '12 Are Killed at Showing of Batman Movie in Colorado', *The New York Times*, 20 July 2012, <http://www.nytimes.com/2012/07/21/us/shooting-at-colorado-theater-showing-batman-movie.html>.

⁹⁴ Ibid.

⁹⁵ David A. Farenthold, Thomas Heath, Joel Achenbach, 'Aurora, Colo., shooting Spree: A Day of Tears for Victims and Twists in Case', *Washington Post*, n.d., https://www.washingtonpost.com/national/explosives-removed-from-james-holmes-apartment-and-destroyed-officials-say/2012/07/22/gJQAL9XN2W_story.html.

“As we do when confronted by moments of darkness and challenge, we must now come together as one American family. All of us must have the people of Aurora in our thoughts and prayers as they confront the loss of family, friends, and neighbours.”⁹⁶

Mitt Romney also issued a statement omitting any reference to stricter gun legislation, saying he and his wife, Ann, were ‘deeply saddened by the news of the senseless violence’.⁹⁷ Additionally, both campaigns temporarily pulled ads off the air in Colorado in the wake of the shooting.⁹⁸ The number of background checks to buy guns jumped 43% in Colorado in the days following the shooting compared to the previous weekend, over fears that Obama would make a renewed push for tighter gun legislation.⁹⁹ Comments made by Obama at the high-profile National Urban League convention, where the President called for common-sense steps to reduce gun violence, suggested a renewed focus on the issue was possible.¹⁰⁰ However, no such push occurred. In response to media, White House Press Secretary Jay Carney stated:

“He [Obama] thinks we need to take steps that protect the Second Amendment rights of the American people but that ensure that we are not allowing weapons into the hands of individuals who should not, by existing laws, have them.”¹⁰¹

When specifically asked about Obama's view on restoring the lapsed assault weapons ban, Carney acknowledged that opposition in Congress would not make such a move feasible.¹⁰² An outspoken advocate for gun control, New York Mayor Michael Bloomberg, was critical of both Obama and Romney, stating:

“This requires, and particularly in a presidential [election] year, the candidates for president of the United States to stand up and once and for all say, ‘Yes, they feel terrible. Yes, we have great sympathy for the families. But it's time for this country to do something, and that is the job of the President of the United States.’”¹⁰³

The Brady Campaign echoed Bloomberg’s frustrations over the administration’s inaction, and Obama’s unwillingness to entertain discussion on the issue. Brady Campaign Vice-President Dennis Henigan observed that ‘the 1994 federal ban on assault weapons that was allowed to

⁹⁶ Office of the Press Secretary, ‘Remarks by the President on the Shootings in Aurora, Colorado’, *Whitehouse.gov*, 20 July 2012, <https://obamawhitehouse.archives.gov/the-press-office/2012/07/20/remarks-president-shootings-aurora-colorado>.

⁹⁷ ‘Obama, Romney Statements on Aurora, Colorado, Shooting - The Atlantic’, n.d., <https://www.theatlantic.com/amp/article/260108/>.

⁹⁸ Dan Balz, ‘Will the Colorado Shooting Affect the Campaign Tone?’, *Washington Post*, n.d., https://www.washingtonpost.com/politics/will-the-colorado-shooting-affect-the-campaign-tone/2012/07/21/gJQALn25zW_story.html

⁹⁹ Gun Background Checks in Colorado Spike after Shooting - CNN.com’, n.d., <http://edition.cnn.com/2012/07/24/us/colorado-background-checks/>.

¹⁰⁰ Office of the Press Secretary, ‘Remarks by the President at the National Urban League Convention’, *Whitehouse.gov*, 25 July 2012, <https://obamawhitehouse.archives.gov/the-press-office/2012/07/25/remarks-president-national-urban-league-convention>.

¹⁰¹ Scott Horsley, ‘Politicians Shy Away From New Gun Control Efforts’, *NPR.org*, n.d., <http://www.npr.org/2012/07/23/157241833/politicians-shy-away-from-new-gun-control-efforts>.

¹⁰² Ibid.

¹⁰³ CBS - ‘Face the Nation’ Transcripts’, n.d., <http://www.cbsnews.com/news/face-the-nation-transcripts-july-22-2012-aurora-mayor-and-police-chief-mayor-bloomberg-pm-netanyahu/>.

expire in 2004...would have kept the AR-15 rifle out of Holmes' hands,'¹⁰⁴ adding that 'this cannot be discussed in terms of an isolated shooting. This is now a regular occurrence in American society.'¹⁰⁵ But the sentiment towards gun control for both campaigns was perhaps surmised best by a *Daily Beast* headline: '*For Obama, Romney, and America, Gun Control Is Dead*'.¹⁰⁶

Newtown, Connecticut

Sometime before 9:30 a.m. on December 14, 2012, 20-year old Adam Lanza shot and killed his mother at their Newtown, Connecticut home with a .22-caliber Savage MK II-F rifle.¹⁰⁷ He then drove his mother's car to Sandy Hook Elementary School, armed with two semi-automatic handguns, a 12-gauge shotgun, and a .223 Bushmaster semiautomatic assault rifle.¹⁰⁸ Between 9:35 a.m. and 9:40 a.m. Lanza broke into the school and fatally shot 20 children (all aged between six and seven) and six adult staff members with the assault rifle. At 9:40:03 a.m. Lanza committed suicide.¹⁰⁹ At the time of the incident, it was the nation's second-deadliest school shooting, following the Virginia Tech massacre in 2007.¹¹⁰

Calling the attack a 'heinous crime', Obama signalled that his newly re-elected administration would act, stating:

*"As a country, we have been through this too many times. Whether it's an elementary school in Newtown, or a shopping mall in Oregon, or a temple in Wisconsin, or a movie theatre in Aurora, or a street corner in Chicago – these neighbourhoods are our neighbourhoods, and these children are our children. And we're going to have to come together and take meaningful action to prevent more tragedies like this, regardless of the politics."*¹¹¹

Calls for action came from gun control advocates and ordinary citizens alike. Mark Kelly, the husband of Gabrielle Giffords, released a statement through social media:

"As we mourn, we must sound a call for our leaders to stand up and do what is right. This time our response must consist of more than regret, sorrow, and condolence. The children of Sandy Hook Elementary School and all victims of gun violence deserve leaders who have the courage to participate in a meaningful discussion about our gun laws - and how

¹⁰⁴ Rick Jervis, John McAuliff, 'Colo. Rampage Adds Fuel to Gun-Control Debate', *USATODAY*, n.d., <http://www.usatoday.com/news/nation/story/2012-07-24/aurora-gun-control-debate/56465980/1>

¹⁰⁵ Ibid.

¹⁰⁶ Robert Shrum, 'For Obama, Romney, and America, Gun Control Is Dead - The Daily Beast', n.d., <http://www.thedailybeast.com/articles/2012/07/24/for-obama-romney-and-america-gun-control-is-dead.html>

¹⁰⁷ Sandy Hook Advisory Commission, 'Final Report of the Sandy Hook Advisory Commission', 6 March 2015, http://www.shac.ct.gov/SHAC_Final_Report_3-6-2015.pdf

¹⁰⁸ Ibid.

¹⁰⁹ Ibid.

¹¹⁰ Ibid.

¹¹¹ Office of the Press Secretary, 'Statement by the President on the School Shooting in Newtown, CT', *Whitehouse.gov*, 14 December 2012, <https://obamawhitehouse.archives.gov/the-press-office/2012/12/14/statement-president-school-shooting-newtown-ct>.

they can be reformed and better enforced to prevent gun violence and death in America. This can no longer wait.”¹¹²

On NBC's Meet The Press, Michael Bloomberg forcibly called for Obama to take action:

“It's time for the president, I think, to stand up and lead and tell this country what we should do - not go to Congress and say, 'What do you guys want to do?' This should be his number one agenda. He's president of the United States. And if he does nothing during his second term, something like 48,000 Americans will be killed with illegal guns.”¹¹³

A *We The People* online petition calling for a renewed national debate on gun control garnered over 100,000 signatures in the first fifteen hours following the shooting.¹¹⁴ The Brady Campaign reported that their website had crashed due to the sheer volume of donations the organisation had received in the wake of the shooting, stating ‘Americans are reaching out in extraordinary numbers.’¹¹⁵ A Gallup poll conducted in the aftermath of the shooting found that 58% of Americans were in favour of strengthening the laws covering the sale of firearms, up from 43% in 2011.¹¹⁶

Democrats in Congress also placed pressure on the White House. Rep. John B. Larson (D-Connecticut) called for Congress to pass measures enacting universal background checks for firearms purchases, renewing the assault rifles ban, and banning high-capacity magazines:

“To do nothing in the face of pending disaster is to be complicit. It's time to act. It's time to vote.”¹¹⁷

At a White House press conference on December 19, 2012, Obama announced the formation of a task force led by Vice-President Joe Biden to provide immediate recommendations of how to reduce gun violence:

“Over these past five days, a discussion has reemerged as to what we might do not only to deter mass shootings in the future, but to reduce the epidemic of gun violence that plagues this country every single day...that's why I've asked the Vice President to lead an effort that includes members of my Cabinet and outside organisations to come up with a set of

¹¹² Ewen MacAskill, ‘Obama Promises “Meaningful Action” after Newtown School Shooting’, *The Guardian*, 14 December 2012, sec. US news, <https://www.theguardian.com/world/2012/dec/14/obama-meaningful-action-newtown-shooting>

¹¹³ Mark Landler and Peter Baker, “‘These Tragedies Must End,’ Obama Says”, *The New York Times*, 16 December 2012, <http://www.nytimes.com/2012/12/17/us/politics/bloomberg-urges-obama-to-take-action-on-gun-control.html>.

¹¹⁴ Nick Wing, ‘White House Gun Control Petition Becomes Site's Most Popular Ever’, *Huffington Post*, 17 December 2012, sec. Politics, http://www.huffingtonpost.com/2012/12/17/white-house-gun-control_n_2317189.html

¹¹⁵ Catherine New, ‘Anti-Gun Donations Surge After Connecticut Shooting’, *Huffington Post*, 15 December 2012, sec. Impact, http://www.huffingtonpost.com/2012/12/14/anti-gun-donations-surge-connecticut-shooting_n_2303632.html.

¹¹⁶ Gallup Inc, ‘Americans Want Stricter Gun Laws, Still Oppose Bans’, *Gallup.com*, n.d., <http://www.gallup.com/poll/159569/americans-stricter-gun-laws-oppose-bans.aspx>.

¹¹⁷ ‘Larson: To Do Nothing Is to Be Complicit’, *Congressman John Larson*, 15 December 2012, <https://larson.house.gov/media-center/press-releases/larson-do-nothing-be-complicit>.

*concrete proposals no later than January – proposals that I then intend to push without delay.*¹¹⁸

The President was adamant that progress would be made quickly, adding that the effort would not be ‘some Washington commission...where folks are going to be studying the issue for six months and publishing a report that gets read and then pushed aside. This is a team that has a very specific task, to pull together real reforms right now.’¹¹⁹ He pointed to a growing consensus and majority support amongst Americans on issues like a ban on the sale of high-capacity magazines, a ban on military-style assault weapons, and universal background checks. When questioned about the opposition of the NRA, Obama suggested that ‘common ground’ could be found, and that he hoped ‘they do some self-reflection.’¹²⁰ Addressing Obama’s inaction over gun violence throughout much of his first term, journalist Jake Tapper posed the following question:

*“It seems to a lot of observers that you made the political calculation in 2008 in your first term and in 2012 not to talk about gun violence...you didn’t do much about it. This is not the first issue – the first incident of horrific gun violence of your four years. Where have you been?”*¹²¹

In his response, Obama attributed the Global Financial Crisis, the bailout of the automotive industry, and conflicts in Iraq and Afghanistan as pressing concerns, stating ‘I don’t think I’ve been on vacation’.¹²² However, he conceded that ‘all of us have to do some reflection on how we prioritise what we do here in Washington’ before stressing that the massacre ‘should be a wake-up call for all of us to say that if we are not getting right the need to keep our children safe, then nothing else matters.’¹²³

Democrats in Congress were quick to stand behind the administration on gun control, displaying a marked shift from their position during the election season. House Minority Leader Nancy Pelosi (D-California) stated, ‘what we need are not more words, what we need is action.’¹²⁴ Even conservative Democrats pledged their support. Sen. Joe Manchin (D-West Virginia), a pro-gun rights legislator with an ‘A’ rating endorsement from the NRA, stated that Congress needed to have a ‘common-sense discussion’ on gun control.¹²⁵ Rep. Mike Thompson (D-California) stated:

¹¹⁸ Office of the Press Secretary, ‘Remarks by the President in a Press Conference’, *Whitehouse.gov*, 19 December 2012, <https://obamawhitehouse.archives.gov/the-press-office/2012/12/19/remarks-president-press-conference>

¹¹⁹ Ibid.

¹²⁰ Ibid.

¹²¹ Ibid.

¹²² Ibid.

¹²³ Ibid.

¹²⁴ Sabrina Siddiqui, ‘Nancy Pelosi, House Democrats Demand Action On High-Capacity Magazine Clips’, *Huffington Post*, 19 December 2012, sec. Politics, http://www.huffingtonpost.com/2012/12/19/nancy-pelosi-assault-weapons_n_2331774.html.

¹²⁵ Jillian Rayfield, ‘NRA-Backed Joe Manchin: It’s Time to Talk about Gun Control - Salon.com’, n.d., http://www.salon.com/2012/12/17/nra_backed_joe_manchin_its_time_to_talk_about_gun_control/.

*"It's time. We need to do everything we possibly can to minimise gun violence...I've been a hunter all my life, but there's no reason to have a magazine that holds 30 shells."*¹²⁶

On December 21, the NRA broke its silence on the mass shooting with a press conference led by Wayne LaPierre, who blamed the new media and the makers of 'vicious, violent video games' for creating a pervasive culture that rewarded 'copycat shooters', and remarked that there was 'no active national database of the mentally ill.'¹²⁷ He suggested that the teachers and staff at Sandy Hook Elementary School were not able to stop Lanza because they were unarmed, and called on Congress to put 'armed police officers in every single school' in the US:

*"The only thing that stops a bad guy with a gun is a good guy with a gun. Would you rather have your 911 call bring a good guy with a gun from a mile away or from a minute away?"*¹²⁸

LaPierre's comments prompted strong criticism from both Democrats and Republicans. Former Republican National Committee (RNC) chair Michael Steele stated:

*"As a supporter of the Second Amendment and a supporter of the NRA, even though I'm not a member of the NRA, I just found it very haunting and very disturbing that our country now that are talking about arming our teachers and our principals in classrooms. I do not believe that's where the American people want to go."*¹²⁹

Sen. Richard Blumenthal (D-Connecticut) suggested that 'the NRA today in its approach will be irrelevant, because it can't be a credible and constructive participant in this debate if it says the only acceptable solution is armed guards in schools.'¹³⁰ Rep. Chris Murphy (D-Connecticut) was scathing of the organisation in a comment posted to Twitter:

*"Walking out of another funeral and was handed the NRA transcript. The most revolting, tone deaf statement I've ever seen."*¹³¹

Calling for the country to 'rise above special interest politics,' Michael Bloomberg dubbed the NRA position 'a shameful evasion of the crisis facing our country,' and added that 'instead of offering solutions to a problem they have helped create, they offered a paranoid, dystopian vision of a more dangerous and violent America where everyone is armed and no place is safe.'¹³²

¹²⁶ Siddiqui, et al.

¹²⁷ David Keene, Wayne LaPierre, 'Remarks from the NRA Press Conference on Sandy Hook School Shooting, Delivered on Dec. 21, 2012 (Transcript)', *Washington Post*, n.d., https://www.washingtonpost.com/politics/remarks-from-the-nra-press-conference-on-sandy-hook-school-shooting-delivered-on-dec-21-2012-transcript/2012/12/21/bd1841fe-4b88-11e2-a6a6-aabac85e8036_story.html.

¹²⁸ Ibid.

¹²⁹ Kevin Cirilli, 'Steele: NRA Presser Was "Disturbing"', *POLITICO*, n.d., <http://politi.co/XUQMkT>.

¹³⁰ Brian Naylor, 'Democrats Slam NRA's Response To School Shooting', *NPR.org*, n.d., <http://www.npr.org/2012/12/22/167833089/democrats-slam-nras-response-to-school-shooting>.

¹³¹ Chris Murphy, 'Walking out of Another Funeral and Was Handed the NRA Transcript. The Most Revolting, Tone Deaf Statement I've Ever Seen.', microblog, @chrismurphyct, <https://twitter.com/chrismurphyct/status/282175384257196033>.

¹³² Ben Agger and Timothy W. Luke, *Gun Violence and Public Life* (Routledge, 2015).

The Biden Task Force

Sandy Hook was a watershed moment for the Obama administration, with the White House making its strongest commitment yet to reducing gun violence. Obama vowed that gun control would become a 'central issue' in his second term, and signalled that 'specific legislative proposals' would be forthcoming.¹³³ 'I have never seen the nation's conscience so shaken by what happened at Sandy Hook,' observed Biden, adding that 'the world has changed and is demanding action'.¹³⁴ In the four weeks following the massacre, gun control sped through what one White House official called 'a time warp', according to the *Washington Post*, transforming 'from an issue that was politically off-limits to one at the top of Obama's agenda'.¹³⁵

The task force led by the Vice-President held 22 meetings, collecting ideas from 229 organisations along the way. In Biden's words, the task force reviewed 'just about every idea that had been written up only to gather dust on the shelf of some agency'.¹³⁶ Speaking with press, Biden was optimistic about progress being made on the issue:

*"Among ... my former colleagues in the Senate, who have been pretty universally opposed to any restrictions on gun ownership or what type of weapons can be purchased, etc., I have never quite heard as much talk about the need to do something about high-capacity magazines as I have heard spontaneously from every group I have met with so far."*¹³⁷

On the other hand, gun rights organisations were disparaging of the administrations' efforts. In a statement released following a meeting with Biden's task force at the White House, the NRA stated:

*"We were disappointed with how little this meeting had to do with keeping our children safe and how much it had to do with an agenda to attack the Second Amendment."*¹³⁸

This initial backlash from the gun lobby was largely ignored by the administration. On January 16, 2013, four days before his re-inauguration, Obama announced a plan based on Biden's recommendations for reducing gun violence. Comprised of four key tenets (closing background check loopholes; banning assault weapons and high-capacity magazines; making schools safer;

¹³³ 'President Obama Declares Gun Control Will Be a "Central Issue" of Second Term', *PBS NewsHour*, n.d., http://www.pbs.org/newshour/bb/politics-july-dec12-guns_12-19/.

¹³⁴ Office of the Press Secretary, 'Remarks by the President and the Vice President on Gun Violence', *Whitehouse.gov*, 16 January 2013, <https://obamawhitehouse.archives.gov/the-press-office/2013/01/16/remarks-president-and-vice-president-gun-violence>.

¹³⁵ Philip Rucker, Peter Wallsten, 'Biden's Gun Task Force Met with All Sides, but Kept Its Eye on the Target', *Washington Post*, n.d., https://www.washingtonpost.com/politics/bidens-gun-task-force-met-with-all-sides-but-kept-its-eye-on-the-target/2013/01/19/520d77a6-60c5-11e2-b05a-605528f6b712_story.html.

¹³⁶ Aamer Madhani, 'NRA Blasts Biden's Gun Task Force after Meeting', *USATODAY*, n.d., <https://www.usatoday.com/story/news/politics/2013/01/10/biden-nra-wildlife-gun-control/1823511/>.

¹³⁷ *Ibid.*

¹³⁸ *Ibid.*

and increasing access to mental health services) the plan encompassed 23 executive actions and twelve proposals for Congress.¹³⁹

Following his announcement, Obama sat down to sign the 23 executive orders - all taking immediate effect. Several executive actions directed federal agencies and states to better share information or sought to strengthen the enforcement of existing laws. He also directed that a letter be sent to health care providers saying doctors may ask patients about guns in their homes. Notably, Obama issued a presidential memorandum directing the Centres for Disease Control and Prevention to research gun violence, overruling a Congress-initiated prohibition on the CDC conducting firearms-related research.¹⁴⁰ However, he readily acknowledged that significant change would require legislative involvement, stating that his executive actions were 'in no way a substitute for action by Congress.'¹⁴¹ The legislative proposals for Congress included the implementation of universal background checks; reinstatement of the assault weapons ban; a 10-round ammunition limitation on magazines; a ban on armour-piercing bullets; increasing criminal penalties for 'straw purchasers'; \$20 million to expand a system tracking violent deaths from eighteen to 50 states; and financing programmes to support mental health, train police and emergency services, and assist schools to develop emergency response plans.¹⁴² In a 'direct challenge,' Obama noted that members of Congress 'should be more concerned about the safety of children heading off to school in the morning than about securing an A-rating from the NRA.'¹⁴³

The *New York Times* reported that the White House planned 'a multifaceted effort to sell its plans', including speeches from Obama and Biden and a concerted lobbying effort to 'influence several dozen lawmakers from both parties seen as critical to passage'.¹⁴⁴ Proponents lauded the administration's response as a seminal moment, calling the proposals the 'broadest package of changes that has been put forward by any administration since the 1960s'.¹⁴⁵ Brady Campaign president Dan Gross praised the administration's 'tremendous leadership' in starting a discussion that 'Americans have been calling for in the wake of Aurora, Newtown, and the 32 gun murders that happen every day in our country'.¹⁴⁶ Sam Hoover, an attorney with the San Francisco-based Law Centre to Prevent Gun Violence predicted the proposals would have difficulty making it through Congress, but nevertheless welcomed Obama's actions, stating that 'this should have been done years, if not decades ago, but we're pleased to see it finally happening'.¹⁴⁷

¹³⁹ Office of the Press Secretary, 'FACT SHEET: New Executive Actions to Reduce Gun Violence', *Whitehouse.gov*, 29 August 2013, <https://obamawhitehouse.archives.gov/the-press-office/2013/08/29/fact-sheet-new-executive-actions-reduce-gun-violence>.

¹⁴⁰ Office of the Press Secretary, 'FACT SHEET: New Executive Actions to Reduce Gun Violence', *Whitehouse.gov*, 29 August 2013, <https://obamawhitehouse.archives.gov/the-press-office/2013/08/29/fact-sheet-new-executive-actions-reduce-gun-violence>

¹⁴¹ Ibid.

¹⁴² Ibid.

¹⁴³ German Lopez, 'President Obama's Boldest Action on Guns Yet, Explained', *Vox*, 4 January 2016, <http://www.vox.com/2016/1/4/10708324/obama-gun-control-executive-order>

¹⁴⁴ Peter Baker and Michael D. Shear, 'Obama Unveils Proposals for Toughening Laws on Guns', *The New York Times*, 16 January 2013, <http://www.nytimes.com/2013/01/17/us/politics/obama-to-ask-congress-to-toughen-gun-laws.html>.

¹⁴⁵ Ewen MacAskill, Ed Pilkington, 'NRA Promises "Fight of the Century" over Obama's Bold Gun Control Plan', *The Guardian*, 17 January 2013, sec. US news, <https://www.theguardian.com/world/2013/jan/16/obama-gun-control-plan-nra>.

¹⁴⁶ Ibid.

¹⁴⁷ Ibid.

'The Fight of the Century'

Opposition to Obama's plan also came quickly. House Republicans were noncommittal, stating through a spokesman that, 'House committees of jurisdiction will review these recommendations. And if the Senate passes a bill, we will also take a look at that.'¹⁴⁸ Republican National Committee chair Reince Priebus was more critical, describing the White House plan as an 'executive power grab that may please his political base but will not solve the problems at hand.'¹⁴⁹ Sen. Marco Rubio's (R-Florida) statement was similarly sceptical: 'President Obama is targeting the Second Amendment rights of law-abiding citizens instead of seriously addressing the real underlying causes of such violence.'¹⁵⁰

The National Rifle Association 'vowed all-out opposition' to the White House initiatives. In an urgent fundraising appeal to members, NRA executive vice-president Wayne LaPierre dubbed it 'the fight of the century'¹⁵¹, adding in alarmist tones: 'I warned you this day was coming and now it's here. It's not about protecting your children. It's not about stopping crime. It's about banning your guns... PERIOD!'¹⁵² The NRA's defiance was also reflected in an advert that cast Obama as an 'elitist hypocrite' for his criticism of the organisation's proposal to put armed guards in schools due to his children having Secret Service protection.¹⁵³ The ad drew backlash from MSNBC conservative commentator Joe Scarborough, who described the advert as 'frightening and over the line'¹⁵⁴ and prompted a rebuke from Jay Carney:

"Most Americans agree that a president's children should not be used as pawns in a political fight. But to go so far as to make the safety of the president's children the subject of an attack ad is repugnant and cowardly."¹⁵⁵

Conclusion

Obama's first term is a progression from political risk aversion, to comforting a grieving nation in the wake of tragedy in Tuscon and Aurora, to a solemn determination to act to reduce gun violence

¹⁴⁸ 'RNC Statement on President Obama's Press Conference', *GOP*, 16 January 2013, <https://gop.com/rnc-statement-on-president-obamas-press-conference-2>.

¹⁴⁹ Jesse Helfrich, 'President: Executive Orders Not Enough', *The Hill*, (17 January 2013), <http://origin-ny1.thehill.com/homenews/administration/277661-president-exec-orders-not-enough>.

¹⁵⁰ Peter Baker and Michael D. Shear, 'Obama Unveils Proposals for Toughening Laws on Guns', *The New York Times*, 16 January 2013, <http://www.nytimes.com/2013/01/17/us/politics/obama-to-ask-congress-to-toughen-gun-laws.html>.

¹⁵¹ Luke Johnson, 'NRA Warns Obama Gun Proposal Is "Fight Of The Century" In Fundraising Push', *Huffington Post*, 16 January 2013, sec. Politics, http://www.huffingtonpost.com/2013/01/16/nra-obama_n_2488649.html

¹⁵² Sari Horwitz, 'NRA Planning "the Fight of the Century" against Obama', *Washington Post*, n.d., <https://www.washingtonpost.com/news/post-politics/wp/2013/01/16/nra-planning-the-fight-of-the-century-against-obama/>.

¹⁵³ Susan Eisenhower, 'The NRA's Diabolical Ad about Obama's Children', *The Washington Post*, 17 January 2013, <https://www.washingtonpost.com/opinions/the-nras-diabolical-ad-about-obamas-children>

¹⁵⁴ Paul Harris, 'White House Calls NRA Ad Featuring Obama's Daughters "Repugnant"', *The Guardian*, 16 January 2013, sec. US news, <https://www.theguardian.com/world/2013/jan/16/white-house-condemns-nra-ad>.

¹⁵⁵ *Ibid.*

following the massacre in Newtown. Early on, Obama's actions - or lack thereof, drew disappointed critiques from gun control advocates. 'Not only did he not champion the cause, he actually signed bad legislation into law,' said Dennis A. Henigan, vice president of the Brady Campaign.¹⁵⁶ Critiques too, were elicited from the NRA, who accused Obama of '[stacking] the Supreme Court with anti-gun justices' and '[threatening] our sovereignty.'¹⁵⁷ Throughout Obama's term, Congressional battles were waged mostly over issues such as the stimulus, and healthcare reform. After Republicans retook the House of Representatives in the 2010 midterms, it effectively halted further passage of Obama's domestic agenda and the realisation of the administration's policy goals. Suddenly forced on the defensive, the Administration would assiduously avoid the subject of gun control through most of 2011 and 2012.

Today, Arizona has the most lenient gun control regulations in the United States (*Guns & Ammo* calls it 'the reigning champion') as the Tuscon shooting did little to spur efforts to reduce gun violence in the state.¹⁵⁸ Gun control measures fared better after Aurora. Despite fierce opposition from the state's strong gun lobby, Colorado's Democrat-controlled State legislature successfully passed a series of bills to tighten the state's gun laws following the shooting. Newly enacted measures included a background check requirement for all private gun sales and a ban on large-capacity ammunition magazines that hold more than 15 rounds.¹⁵⁹ Since Sandy Hook, a firearm has been discharged, has wounded, or has killed somebody on a school campus, on over 200 separate occasions — a rate of more than once per week.^{160 161 162}

¹⁵⁶ Jackie Calmes, 'President Is Likely to Discuss Gun Control Soon', *The New York Times*, 28 January 2011, <http://www.nytimes.com/2011/01/29/us/politics/29obama.html>

¹⁵⁷ NRA-ILA, 'NRA-ILA I Surrendering Our Sovereignty', *NRA-ILA*, n.d., <https://www.nra.org/articles/20101213/surrendering-our-sovereignty>.

¹⁵⁸ Keith Wood, 'Best States for Gun Owners', *Guns & Ammo*, 21 July 2015, <http://www.gunsandammo.com/network-topics/culture-politics-network/best-states-for-gun-owners-2015/>.

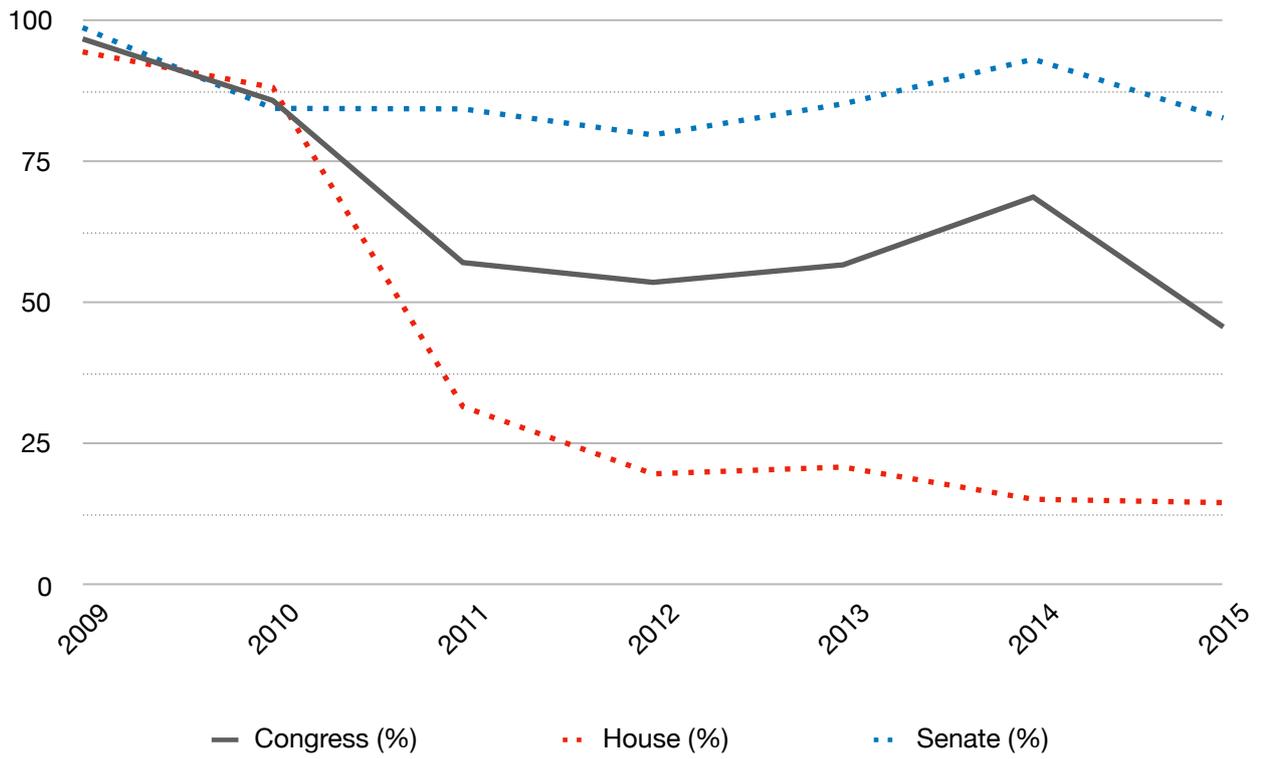
¹⁵⁹ 'Summary of Colorado's New Gun Control Laws', n.d., <https://www.cga.ct.gov/2013/rpt/2013-R-0198.htm>.

¹⁶⁰ Hayley Miller, 'There Have Been Over 200 School Shooting Incidents Since The Sandy Hook Massacre', *Huffington Post*, 14 December 2016, sec. Politics, http://www.huffingtonpost.com/entry/school-shootings-since-sandy-hook_us_58503d99e4b04c8e2bb232eb.

¹⁶¹ 'School Shootings in America Since 2013', n.d., <https://everytownresearch.org/school-shootings/#2966>.

¹⁶² Since Sandy Hook, a Gun Has Been Fired on School Grounds Nearly Once a Week', *Graphics.latimes.com*, n.d., <http://graphics.latimes.com/school-shootings-since-newtown/>.

Fig. 2: Obama's legislative success in Congressional votes



IV. OBAMA'S SECOND TERM: ENGAGEMENT AND EFFORTS TO REDUCE GUN VIOLENCE 2013 - 2017

Overview

Obama's second term engagement with gun violence bears little resemblance to his first. The steady noncommittal that characterised the administration's initial approach to the issue abruptly became an executive priority, as the shooting at Sandy Hook provided the catalyst for an exponential increase in engagement with gun violence.

Obama signed a raft of executive orders and memoranda relating to gun violence measures throughout his second term, but inaction in Congress continued to frustrate the efforts of the executive branch and the gun-control lobby. As hyper-partisanship in Washington reached new extremes, resulting in a brief government shutdown, lobbying efforts from gun control organisations refocused on the state and local level.

In the last two years of Obama's presidency, mass shootings in Charleston, South Carolina, San Bernardino, California, and Orlando, Florida reignited national debate over gun control, race, religion, immigration, and terrorism. Each prompted substantive, concrete legislative measures put forward in Congress, but each fell short of the votes needed to pass in the face of a Republican majority in both the House and Senate.

Changing public opinion and frustration at Congressional inaction galvanised the Democratic party around the issue of tackling gun violence head on, culminating in unprecedented protest action by Democrats on the floor of the House of Representatives. Democrats embraced the issue of gun violence as a 'litmus test' in the 2016 election, featuring the issue at the Democratic National Convention. However, after Republican presidential nominee Donald Trump's victory in the 2016 presidential election, much of Obama's executive legacy on the issue of gun violence faces an uncertain future.

Congressional Action

On January 24, 2013, Sen. Dianne Feinstein (D-California), accompanied by 24 Democrat co-sponsors, introduced the Assault Weapons Ban of 2013.¹ The bill banned the sale, transfer, importation or manufacture of some 150 named firearms, plus certain rifles, handguns and shotguns fitted for detachable magazines. Whilst the 1994 ban had used a two-feature test to classify assault weapons, the new bill utilised a one-feature test.² It also banned high-capacity ammunition magazines able to hold more than ten rounds. Like the original ban, the proposed legislation would 'grandfather in weapons legally owned on the day of enactment,' allowing gun owners to legally retain possession of their existing weapons.³

¹ Dianne Feinstein, "S.150 - 113th Congress (2013-2014): Assault Weapons Ban of 2013" (2013), <https://www.congress.gov/bill/113th-congress/senate-bill/150>

² Ibid.

³ Dianne Feinstein, "Assault Weapons Ban Summary - United States Senator for California," n.d., <https://www.feinstein.senate.gov/public/index.cfm/assault-weapons-ban-summary>.

Gun control advocates reacted positively. A spokesman for the Coalition to Stop Gun Violence commented that the legislation was ‘a huge improvement’ over the 1994 ban.⁴ The Brady Campaign to Prevent Gun Violence commended the proposal and pledged lobbying support:

*"We commend Senator Feinstein's continued leadership and her unwavering dedication to prevent gun violence. The assault weapons ban is one of the key components to the comprehensive plan put forth by President Obama, and we will work closely with Congress on all of the proposals as they are introduced."*⁵

Obama's State of the Union address in February 2013 dedicated a significant part of the speech to the issue of gun violence. Obama outlined the proposals due to be put forward in the Senate, before calling on legislators to take action:

*"Each of these proposals deserves a vote in Congress. If you want to vote no, that's your choice. But these proposals deserve a vote. Because in the two months since Newtown, more than a thousand birthdays, graduations, and anniversaries have been stolen from our lives by a bullet from a gun... Gabby Giffords deserves a vote. The families of Newtown deserve a vote. The families of Aurora deserve a vote. The families of Oak Creek, and Tucson, and Blacksburg, and the countless other communities ripped open by gun violence - they deserve a simple vote."*⁶

However, the legislation faced significant opposition from several stakeholders, including the pro gun lobby, most Republicans, and significantly, conservative Democrats. The *Wall Street Journal* suggested that the proposals ‘reignited longstanding divisions between liberal members [of the Democratic Party]...eager to identify with a clampdown on guns and more-centrist Democrats who pride themselves on defending gun rights.’⁷ Through a spokesman, the National Rifle Association denounced the proposal:

*"Senator Feinstein has been trying to ban guns from law-abiding citizens for decades...it's disappointing but not surprising that she is once again focused on curtailing the Constitution instead of prosecuting criminals or fixing our broken mental health system. The American people know gun bans do not work and we are confident Congress will reject Senator Feinstein's wrong-headed approach."*⁸

Senate Republicans were also critical. Sen. John Cornyn (R-Texas) said the push to prohibit assault weapons was ‘distracting Congress’ from enacting solutions to stop the seriously mentally

⁴ Coalition to Stop Gun Violence, “CSGV Statement on Introduction of Assault Weapons Ban Legislation,” *Coalition to Stop Gun Violence*, January 24, 2013, <http://csgv.org/releases/2013/csgv-statement-on-introduction-of-assault-weapons-ban-legislation/>.

⁵ Brady Campaign, “Brady Campaign Statement on Senator Feinstein’s Leadership to Save Lives | Brady Campaign to Prevent Gun Violence,” January 24, 2013, <http://www.bradycampaign.org/brady-campaign-statement-on-senator-feinsteins-leadership-to-save-lives>

⁶ Barack Obama, “Obama’s 2013 State of the Union Speech: Full Text - The Atlantic,” <https://www.theatlantic.com/politics/archive/2013/02/obamas-2013-state-of-the-union-speech-full-text/273089/>.

⁷ Laura Meckler, Peter Nicholas, and Colleen McCain Nelson, “Obama’s Gun Curbs Face a Slog in Congress,” *Wall Street Journal*, January 17, 2013, sec. US, <https://www.wsj.com/articles/SB10001424127887323968304578245720749827656>

⁸ Meghashyam Mali, “Sen. Feinstein Introduces Sweeping Ban on Military-Style Assault Weapons,” Text, *The Hill*, (January 24, 2013), <http://thehill.com/homenews/senate/279057-feinstein-introduces-sweeping-ban-on-military-style-assault-weapons>

ill from purchasing guns, adding that the ban ‘does nothing to deal with the lack of ineffective enforcement of current gun laws’.⁹ Sen. Lindsey Graham (R-South Carolina) suggested that Feinstein’s proposal, whilst well-intentioned, would ‘not appreciably change things and is giving a false sense of safety’.¹⁰

On March 14, the Senate Judiciary Committee approved Feinstein’s proposal along party lines, voting ten-eight in favour of passing the legislation for consideration by the full Senate.¹¹ Despite this progress, pessimism surrounding the proposal remained strong, with commentators suggesting the ban was ‘almost certain to fail’ in the full Senate.¹² Even Feinstein admitted that passage would be difficult, stating ‘...the road is uphill. I fully understand that.’¹³

On March 19, the ban met a roadblock when the Democratic leadership decided against including the measure in the official gun bill slated for a vote in April.¹⁴ Speaking to media, Sen. Harry Reid (D-Nevada) cited a lack of support, stating ‘...right now her amendment using the most optimistic numbers has less than 40 votes. That’s not 60.’¹⁵ Although Feinstein’s proposal would still make it to the Senate floor as a separate amendment, commentators suggested that the measure’s ‘excision from the bill is an admission that it stands no chance’ and that it was ‘guaranteed to fail’.¹⁶ Gun control advocates showed both disgust and disappointment at the development. Feinstein cited the influence of the NRA, telling media: ‘You know the enemies on this are very powerful. I’ve known that all my life, my adult life in the political arena certainly.’¹⁷ The *New York Daily News* published a front page cover emblazoned with photos of the victims of the Newtown massacre and the headline, ‘Shame on U.S.’¹⁸

The Assault Weapons Ban of 2013 was joined by another measure, the Manchin-Toomey Amendment, in April.¹⁹ The measure (Manchin Amendment No. 715) was a bi-partisan proposal sponsored by pro-gun rights Senators Joe Manchin (D-West Virginia) and Pat Toomey (R-

⁹ Heidi Przybyla, “Panel Approves Assault Weapons Ban Opposed by Republicans,” *Bloomberg.com*, March 14, 2013, <https://www.bloomberg.com/news/articles/2013-03-14/panel-approves-assault-weapons-opposed-by-republicans>

¹⁰ Ibid.

¹¹ Tom McCarthy, “Feinstein Pushes Assault Weapons Ban in Senate Showdown – as It Happened,” *The Guardian*, February 27, 2013, sec. World news, <https://www.theguardian.com/world/2013/feb/27/assault-weapon-ban-senate-hearings-live>.

¹² Ewen MacAskill, “Senators Clash over Assault Weapons Ban as Newtown Father Calls for Action,” *The Guardian*, February 28, 2013, sec. US news, <https://www.theguardian.com/world/2013/feb/28/senate-assault-weapons-ban-newtown>

¹³ Ed O’Keefe, “Assault Weapons Ban Approved at Emotional Senate Hearing,” *Washington Post*, n.d., https://www.washingtonpost.com/politics/assault-weapons-ban-approved-at-emotional-senate-hearing/2013/03/14/1abd673a-8cd9-11e2-9f54-f3fdd70acad2_story.html

¹⁴ Gerry Shields, “‘Assault’ Ban Dies,” *New York Post*, March 20, 2013, <http://nypost.com/2013/03/20/assault-ban-dies/>

¹⁵ Ibid.

¹⁶ Chris Cillizza, “The Assault Weapons Ban Was Always Doomed,” *Washington Post*, n.d., <https://www.washingtonpost.com/news/the-fix/wp/2013/03/19/the-assault-weapons-ban-was-always-doomed/>.

¹⁷ Ibid.

¹⁸ James Warren, ‘SHAME ON U.S.’ Front Page ‘carries the Message’ of Assault Weapons Ban,” *NY Daily News*, n.d., <http://www.nydailynews.com/news/national/sen-dianne-feinstein-daily-news-shame-u-s-front-page-carries-message-assault-weapons-ban-article-1.1319174>.

¹⁹ Joe Manchin, “S.Amdt. 715 to S.649 - 113th Congress (2013-2014)” (2013), <https://www.congress.gov/amendment/113th-congress/senate-amendment/715>

Pennsylvania) to expand firearms background checks to private sales, sales made over the internet, and at gun shows.²⁰ A *USAToday/Gallup* poll found that universal background checks were supported by 92% of Americans following Sandy Hook.²¹ The proposal also expanded some gun rights, allowing gun dealers to sell firearms across state lines, and allowing gun owners with state-issued permits to carry concealed weapons through states where concealed weapons were prohibited.²² Obama's response was largely positive, stating that whilst there were 'aspects of the agreement' he would 'prefer to be stronger', he recognised that the agreement represented 'welcome and significant bipartisan progress' on the issue.²³

The day before the vote, Feinstein took to the floor before a largely empty Senate chamber to deliver an impassioned defence of her proposal:

*"The most important duty a government has is to protect its citizens' safety. When 20 beautiful first-graders are slaughtered, our government has failed that duty."*²⁴

Despite Feinstein's plea, the NRA's claim that Congress would reject the measures would prove to be prescient. On April 17, 2013, the two legislative proposals were defeated in the Senate, along with a third proposal to ban high-capacity magazines.²⁵ The Assault Weapons Ban only managed two-thirds of the required votes, falling 40-60 as anticipated.²⁶ The magazine ban did slightly better, but still failed to receive a majority, falling 46-54.²⁷ The Manchin-Toomey Amendment fell short by the smallest margin, failing 54-46 to get the 60 votes required to pass.²⁸

The Senate also considered measures individually. Democrats put forward six amendments that would have enacted small and narrow reforms across background checks, gun trafficking, magazine capacity, and mental health. Republicans also offered three amendments expanding gun rights, including a concealed-carry reciprocity measure favoured by the NRA. Of these nine amendments, only two passed: a measure to reauthorize and improve mental health programs, and a measure imposing penalties on states for releasing gun ownership data.²⁹ A bipartisan

²⁰ Ibid.

²¹ Gallup Inc, "Americans Want Stricter Gun Laws, Still Oppose Bans," *Gallup.com*, n.d., <http://www.gallup.com/poll/159569/americans-stricter-gun-laws-oppose-bans.aspx>

²² Jennifer Steinhauer, "Manchin and Toomey Reach Gun Bill Compromise," *The New York Times*, April 10, 2013, <http://www.nytimes.com/2013/04/11/us/politics/compromise-on-background-checks.html>.

²³ Jennifer Steinhauer, "Manchin and Toomey Reach Gun Bill Compromise," *The New York Times*, April 10, 2013, <http://www.nytimes.com/2013/04/11/us/politics/compromise-on-background-checks.html>.

²⁴ Richard Simon, "Senate Votes down Feinstein's Assault Weapons Ban," *Los Angeles Times*, April 17, 2013, <http://articles.latimes.com/2013/apr/17/news/la-pn-dianne-feinstein-assault-weapons-vote-20130417>.

²⁵ Ryan Lizza, "Four Reasons Why the Gun-Control Bills Failed," *The New Yorker*, April 18, 2013, <http://www.newyorker.com/news/news-desk/four-reasons-why-the-gun-control-bills-failed>

²⁶ Simon et al.

²⁷ Ibid.

²⁸ Ibid.

²⁹ Weisman, op. cit.

amendment penalising gun traffickers supported by the NRA and expected to pass easily, fell short by two votes 'as the partisan lines hardened.'³⁰

The *New York Times* called the result a 'striking defeat' for one of Obama's 'highest priorities' in the wake of the Sandy Hook shooting.³¹ However, the result surprised few on Capitol Hill, where many considered the legislation 'dead on arrival'.³² Consensus suggested that if the measures passed the Senate, the Republican-controlled House of Representatives would have handed both proposals resounding defeats. In 2013, Obama won on just 20.9 percent of the roll call votes in the House where he took a position.³³ Because legislation must pass both chambers, divided government ensured that 'Obama signed fewer new laws than any president' in the last sixty years.³⁴ As Conley states:

*"The impact of divided government on presidential success is intrinsically linked to... ideological conflict between presidents and opposition majorities..."*³⁵

On the issue of gun control legislation, the ideological divide between the president and the opposition majority in Congress was too great to bridge. Essentially, Obama took on a near-impossible task: to create bipartisan compromise at a time when partisanship was at an all time high.

Ultimately, political realities proved 'too trying' to pass meaningful gun control legislation in the wake of Sandy Hook.³⁶ Senior Democrats, already anticipating a tough fight in the 2014 midterms with a number of moderate Democrats from pro-gun states facing re-election, deemed the proposals too risky to bet against the slim Democratic majority in the Senate.³⁷ Senators Mark Begich (D-Alaska), Mark Pryor (D-Arkansas), Max Baucus (D-Montana) and Heidi Heitkamp (D-North Dakota), representing states with strong pro-gun constituencies, all voted against the Manchin-Toomey bill.³⁸ As an editorial in the *New York Times* scathingly surmised:

"Newtown, in the end, changed nothing; the overwhelming national consensus to tighten a ridiculously lax set of gun laws was stopped cold. That's because the only thing that

³⁰ Ibid.

³¹ The Editorial Board, "The Senate Fails Americans on Gun Bills," *The New York Times*, April 17, 2013, <http://www.nytimes.com/2013/04/18/opinion/the-senate-fails-americans-on-gun-bills.html>.

³² Ibid.

³³ Brookings Institution, "Vital Statistics on Congress," *Brookings*, January 9, 2017, <https://www.brookings.edu/multi-chapter-report/vital-statistics-on-congress/>.

³⁴ Ibid.

³⁵ Richard S. Conley, "The Legislative Presidency in Political Time: Party Control and Presidential-Congressional Relations," in *Rivals for Power: Presidential-Congressional Relations* (Rowman & Littlefield Publishers, 2013).

³⁶ Jonathan Weisman, "Drive for Gun Control Blocked in Senate," *The New York Times*, April 17, 2013, <http://www.nytimes.com/2013/04/18/us/politics/senate-obama-gun-control.html>

³⁷ Ibid.

³⁸ Joe Manchin, "S.Amdt.715 to S.649 - 113th Congress (2013-2014)" (2013), <https://www.congress.gov/amendment/113th-congress/senate-amendment/715>.

*mattered to these lawmakers was a blind and unthinking fealty to the whims of the gun lobby.*³⁹

Senator Pat Toomey attributed the failure of his joint proposal to ‘misinformation’ disseminated by the gun lobby, stating:

*“One of the things that certainly set us back is that the early leaks about a potential deal led to gross misaccurate [sic] characterisations of the legislation.”*⁴⁰

Toomey’s sentiment was shared by Sen. Harry Reid (D-Nevada), who blasted the NRA’s ‘scare tactics’ in influencing the vote:

*“The opponents of the will of the American people should not spread misinformation or sow seeds of fear about this critical anti-violence legislation, but that’s what they are doing. That is what they have done.”*⁴¹

The NRA had launched a concerted lobbying operation to dissuade support for the bill, mobilising members ‘to blanket the Senate with phone calls, e-mails and letters’.⁴² Additionally, the group spent \$500,000 on the day prior to the Senate vote, on an advertising campaign criticising ‘Obama’s gun ban’.⁴³ Calling the Manchin-Toomey proposal ‘misguided’, the NRA added that they were ‘grateful for the hard work and leadership’ of the Senators who voted against the bill.⁴⁴

‘Round One’

Obama’s reaction to the defeat did not mince words. Calling the proceedings in the Senate ‘a pretty shameful day for Washington’, Obama responded in an address from the Rose Garden, surrounded by the families of Sandy Hook victims:

*“Families that know unspeakable grief summoned the courage to petition their elected leaders — not just to honour the memory of their children, but to protect the lives of all our children. And a few minutes ago, a minority in the United States Senate decided it wasn’t worth it. They blocked common-sense gun reforms even while these families looked on from the Senate gallery.”*⁴⁵

³⁹ The Editorial Board, “Opinion | The Senate Fails Americans on Gun Bills,” *The New York Times*, April 17, 2013, sec. Opinion, <https://www.nytimes.com/2013/04/18/opinion/the-senate-fails-americans-on-gun-bills.html>

⁴⁰ Sean Lengell, “Leaks Hurt Gun Control Bill, Sen. Pat Toomey Says,” *Washington Times*, n.d., <http://www.washingtontimes.com/news/2013/apr/24/leaks-hurt-gun-control-bill-sen-pat-toomey-says/>.

⁴¹ Amanda Terkel, “Harry Reid Comes Out For Ban On Assault Weapons, High-Capacity Magazines | The Huffington Post,” n.d., http://www.huffingtonpost.com/2013/04/17/harry-reid-assault-weapons-ban_n_3100164.html

⁴² Ed Pilkington, “Gun Control Fight Enters Round Two after NRA Victory on Assault Weapons,” *The Guardian*, March 22, 2013, sec. US news, <https://www.theguardian.com/world/2013/mar/22/gun-control-nra-assault-weapons>

⁴³ Ted Barrett, Tom Cohen, “Senate Rejects Expanded Gun Background Checks - CNNPolitics.com,” *CNN*, n.d., <http://www.cnn.com/2013/04/17/politics/senate-guns-vote/index.html>

⁴⁴ Ibid.

⁴⁵ Office of the Press Secretary, “Statement by the President,” *Whitehouse.gov*, April 17, 2013, <https://obamawhitehouse.archives.gov/the-press-office/2013/04/17/statement-president>

Obama spoke to the overwhelming support for the expansion of background checks, stating that ‘90 percent of the American people support universal background checks’, but that the measure failed because ‘90 percent of Republicans in the Senate just voted against that idea.’⁴⁶ He also voiced his frustration with the Senate-imposed sixty vote threshold, calling it a ‘distortion of Senate rules’, noting that the Manchin-Toomey proposal had failed even though a small majority of Senators had voted in favour of it.⁴⁷ The NRA joined the Senate as another target of Obama’s ire. In a scornful critique, Obama pointed out that the organisation had previously supported the expansion of background checks, and that the NRA had ‘wilfully lied’ in their opposition to the bill:

“But instead of supporting this compromise, the gun lobby and its allies wilfully lied about the bill. They claimed that it would create some sort of “big brother” gun registry, even though the bill did the opposite. This legislation, in fact, outlawed any registry. Plain and simple, right there in the text. But that didn’t matter...and unfortunately, this pattern of spreading untruths about this legislation served a purpose, because those lies upset an intense minority of gun owners, and that in turn intimidated a lot of senators.”⁴⁸

Calling the setback ‘just round one,’ Obama concluded his remarks with an appeal to the American people for ‘strength and persistence’ in ‘sustaining passion’ on the issue of gun violence:

“The point is those who care deeply about preventing more and more gun violence will have to be as passionate, and as organised, and as vocal as those who blocked these common-sense steps to help keep our kids safe. Ultimately, you outnumber those who argued the other way. But they’re better organised. They’re better financed. They’ve been at it longer. And they make sure to stay focused on this one issue during election time. And that’s the reason why you can have something that 90 percent of Americans support and you can’t get it through the Senate or the House of Representatives.”⁴⁹

Despite Obama’s optimism that the fight for gun control was not over, action at the federal level ground to a halt. This was a striking juxtaposition with activity at the state level. In the twelve-month period after the Sandy Hook shooting, a veritable flurry of some 1,500 gun bills were introduced into state legislatures, with 109 successfully becoming law. However, only 39 of these laws tightened gun restrictions, whereas the remaining 70 laws eased regulations.⁵⁰

Laws easing regulations largely focused on public carry and the authorisation of guns in educational facilities. Alabama, Indiana, Kansas, Oklahoma, Missouri, and Tennessee all passed laws allowing school districts to authorise employees to carry firearms on school property.⁵¹ A

⁴⁶ Office of the Press Secretary, “Statement by the President,” *Whitehouse.gov*, April 17, 2013, <https://obamawhitehouse.archives.gov/the-press-office/2013/04/17/statement-president>

⁴⁷ Ibid.

⁴⁸ Ibid.

⁴⁹ Ibid.

⁵⁰ Karen Yourish, Larry Buchanan, and Alan McLean, “State Gun Laws Enacted in the Year After Newtown,” n.d., <http://www.nytimes.com/interactive/2013/12/10/us/state-gun-laws-enacted-in-the-year-since-newtown.html>

⁵¹ Ibid.

collection of conservative and rural states including Arkansas, Mississippi, North Dakota, and Utah passed 22 laws loosening restrictions on public carry, allowing weapons in bars, gambling sites, and universities.⁵² Demonstrating a backlash over gun control initiatives at the federal level, 37 states introduced bills to nullify any gun control measures enacted by Congress - a move viewed as 'flagrantly unconstitutional' by Harvard University constitutional law professor Laurence Tribe.⁵³ Nevertheless, Alaska, Kansas, and Missouri all passed laws nullifying or prohibiting the enforcement of federal firearms laws in each state.⁵⁴

States passing gun control measures focused largely on mental health issues and strengthening background checks.⁵⁵ A range of conservative and liberal states passed laws requiring mental health records to be submitted to the National Instant Criminal Background Check System, including Alabama, Colorado, Mississippi, New Jersey, North Carolina, and Tennessee.⁵⁶ State Legislatures in New York and Connecticut created mechanisms to remove firearms from people with mental illnesses. Background checks were expanded to private sales in liberal states such as Connecticut, Illinois, and New York, and also in Colorado.⁵⁷ Missouri and North Dakota passed laws requiring background checks for concealed-carry permit applicants.⁵⁸ New York, Colorado, Connecticut, and Maryland all passed laws banning high-capacity magazines, and with the exception of Colorado, strengthened bans on assault weapons.⁵⁹

Mother Jones published an optimistic outlook on the developments throughout 2013, suggesting that as a result of state-level action, a majority of the population - some 189 million Americans - lived in states with stronger gun control measures than they previously had had.⁶⁰ The publication pointed out that 'the gun lobby did not 'win' - adding that 'eighteen states and the District of Columbia boosted their capabilities' to track gun ownership, despite vehement gun lobby opposition.⁶¹

Federal 'Dead-End'

A high-profile mass shooting that killed twelve people and wounded eight at the Washington Navy Yard, in Washington DC on September 16, 2013 prompted Obama to call on Congress to revisit gun control. In a wide-ranging interview the following day with the Spanish-language television network *Telemundo*, Obama reiterated the need for sustained engagement from supporters of gun control, stating:

⁵² Yourish et al.

⁵³ Ibid.

⁵⁴ Ibid.

⁵⁵ Ibid.

⁵⁶ Ibid.

⁵⁷ Ibid.

⁵⁸ Ibid.

⁵⁹ Ibid.

⁶⁰ Mark Follman, "Armed School Guards or Assault Weapon Bans? Here's What Really Happened with Gun Laws after Newtown," *Mother Jones*, n.d., <http://www.motherjones.com/politics/2013/12/state-gun-laws-after-newtown>

⁶¹ Ibid.

*"It's a challenge that I'm speaking out on, but ultimately we're also gonna meet pressure from the public to see if we can change how they do business up there."*⁶²

In a memorial address for the victims of the attack on September 22, Obama spoke at greater length about the need to prevent future mass shootings:

*"I do not accept that we cannot find a common-sense way to preserve our traditions, including our basic Second Amendment freedoms and the rights of law-abiding gun owners, while at the same time reducing the gun violence that unleashes so much mayhem on a regular basis."*⁶³

Pointing out that his remarks echoed those from other mass shootings, Obama added that he feared 'a creeping resignation ... that this is somehow the new normal. We can't accept this.'⁶⁴

Yet little was expected in the way of a legislative response by Congress. Former Senate Majority Leader Harry Reid simply stated: 'We don't have the votes. I'd like to get them but we don't have them now.'⁶⁵ ⁶⁶ Locked in a terse battle with the Republican-controlled House of Representatives over the federal budget and the debt ceiling, gun control barely registered on the Democrat agenda in the aftermath of the Navy Yard Shooting. The House passage of an appropriations bill (H.J.Res 59) that included an amendment defunding the Affordable Care Act on September 20, 2013 heralded a further breakdown in executive-legislative relations.⁶⁷ The Senate removed the House amendment defunding the ACA, and returned the bill to the House. On September 29, the House then added a second amendment to the legislation, once again defunding the ACA, which prompted Obama to threaten a presidential veto.⁶⁸ The Senate retaliated by removing the House amendment a second time, at which point the House leadership under Speaker John Boehner refused to call a vote on the legislation.⁶⁹ On October 1, 2013, the federal government shut down, with the two parties unable to reach a compromise in time.⁷⁰

⁶² Philip Rucker, "Obama Calls for Gun Control in Wake of Navy Yard Shooting," *Washington Post*, n.d., <https://www.washingtonpost.com/news/post-politics/wp/2013/09/17/obama-calls-for-gun-control-in-wake-of-navy-yard-shooting>

⁶³ Office of the Press Secretary, "Remarks by the President at the Memorial Service for Victims of the Navy Yard Shooting," *Whitehouse.gov*, September 22, 2013, <https://obamawhitehouse.archives.gov/the-press-office/2013/09/22/remarks-president-memorial-service-victims-navy-yard-shooting>.

⁶⁴ Ibid.

⁶⁵ Michael A. Memoli, "Navy Yard Shooting Unlikely to Revive Gun Control Legislation," *Los Angeles Times*, September 17, 2013, <http://articles.latimes.com/2013/sep/17/nation/la-na-gun-control-20130918>

⁶⁶ Ian Swanson, "Reid: I Don't Have the Votes to Move Gun Control Legislation," *The Hill*, (September 17, 2013), <http://thehill.com/video/in-the-news/322775-reid-i-dont-have-the-votes-to-move-gun-control-legislation>

⁶⁷ Harold Rogers, "Actions - H.J.Res.59 - 113th Congress (2013-2014): Continuing Appropriations Resolution, 2014" (2013), <https://www.congress.gov/bill/113th-congress/house-joint-resolution/59/all-actions>.

⁶⁸ Ibid.

⁶⁹ Ibid.

⁷⁰ Jonathan Weisman and Jeremy W. Peters, "Government Shuts Down in Budget Impasse," *The New York Times*, September 30, 2013, <http://www.nytimes.com/2013/10/01/us/politics/congress-shutdown-debate.html>

The shutdown ended on October 17, amidst the looming threat of a government default on its public debt.⁷¹ Following a bipartisan compromise plan agreed upon by Senate Majority Leader Harry Reid and Minority Leader Mitch McConnell, the House voted 285-144 in favour of the Senate to fund the government through January 15, 2014, and raise the debt limit through February 7, 2014.⁷² McConnell was critical of the tactics employed by members of his own party, observing that the effort to defund Obamacare ‘was not a smart play’ with ‘no chance of success.’⁷³

Virginia’s high-profile gubernatorial election in November 2013 resulted in victory for Democrat Terry McAuliffe, who had disregarded ‘conventional wisdom in a gun-friendly state’ by celebrating his ‘F’ rating from the NRA and ‘positioning himself as a full-throated supporter of gun control measures.’⁷⁴ McAuliffe’s election victory in the NRA’s home state signalled to Democrats that supporting stricter gun laws could pay political dividends, and underscored how changing demographics could increase support for common-sense gun reform measures.⁷⁵

Stymied by Congress, Obama turned to his executive powers. On January 3, 2014, the Obama administration announced two new executive actions to strengthen the federal background check system, a regulation ‘to clarify who is prohibited from possessing a firearm under federal law for reasons related to mental health’ and a regulation ‘to address barriers preventing states from submitting limited information on those persons to the background check system.’⁷⁶ The administration also provided an update on the raft of executive measures Obama had signed into law in January 2013, stating that ‘in the first nine months after the President’s directive, federal agencies have made available to the NICS over 1.2 million additional records identifying persons prohibited from possessing firearms, nearly a 23% increase...’⁷⁷ Nevertheless, the release concluded that ‘Congress must also act’, stating:

“Passing common-sense gun safety legislation – including expanding background checks and making gun trafficking a federal crime – remains the most important step we can take to reduce gun violence.”⁷⁸

⁷¹ Tom Cohen, Greg Botelho and Holly Yan, “Obama Signs Bill to End Partial Shutdown, Avert Debt Default - CNNPolitics.com,” *CNN*, n.d., <http://www.cnn.com/2013/10/16/politics/shutdown-showdown/index.html>.

⁷² Dan Balz, Scott Clement, and Peyton M. Craighill, “Shutdown Damages Republicans, with Plenty of Pain to Go around,” *The Washington Post*, October 21, 2013, https://www.washingtonpost.com/politics/shutdown-damages-republicans-with-plenty-of-pain-to-go-around/2013/10/21/e3770fc2-3abd-11e3-b7ba-503fb5822c3e_graphic.html?utm_term=.47d56a520c0b

⁷³ Kyle Cheney, “Obamacare Morphing into a Defining 2014 Issue — McConnell: Obamacare Brinksmanship Was ‘not a Smart Play,’” *POLITICO*, n.d., <http://www.politico.com/politicopulse/1013/politicopulse11953.html>.

⁷⁴ Mike Spies, Olivia Li, “How Democrats Learned to Stop Playing Scared on Guns,” *Vice*, n.d., https://www.vice.com/en_us/article/sixteen-moments-that-led-to-democrats-to-stop-playing-scared-on-guns-772

⁷⁵ Alec MacGillis, “The NRA Lost a Big One in Virginia,” *New Republic*, November 6, 2013, <https://newrepublic.com/article/115480/terry-mcauliffes-gun-control-stance-virginia-gives-issue-new-life>

⁷⁶ Ashley Parker, “Obama Announces Gun Control Actions,” *The Caucus*, January 3, 2014, <https://thecaucus.blogs.nytimes.com/2014/01/03/obama-announces-gun-control-actions/>.

⁷⁷ 1. Office of the Press Secretary, “FACT SHEET: Strengthening the Federal Background Check System to Keep Guns out of Potentially Dangerous Hands,” *Whitehouse.gov*, January 3, 2014, <https://obamawhitehouse.archives.gov/the-press-office/2014/01/03/fact-sheet-strengthening-federal-background-check-system-keep-guns-out-p>.

⁷⁸ *Ibid.*

A majority of Obama's actions simply involved directing agencies to better enforce existing law, and 'few concrete actions'⁷⁹ were taken by law enforcement owing to budgetary and organisational issues. Requests for funding for gun violence research and resourcing for law enforcement were turned down by a hostile Congress.

Essentially, the administration was hindered by the limitations of executive power, and was cautious only to introduce measures that would stand judicial scrutiny or charges of overreach. Stated deputy White House press secretary Eric Schultz:

"The actions the president announced last month represent the maximum the administration can do under the current law, namely increasing mental health treatment and reporting, improving public safety, managing the future of gun safety technology and, of course, enhancing the background check system."⁸⁰

In contrast with his 2013 State of the Union address, which highlighted several victims of gun violence who had been invited to the address, and ended 'with an emotional call to action'⁸¹ Obama's 2014 speech was more muted, mentioning gun control in a single paragraph:

"Citizenship means standing up for the lives that gun violence steals from us each day. I have seen the courage of parents, students, pastors, and police officers all over this country who say 'we are not afraid,' and I intend to keep trying, with or without Congress, to help stop more tragedies from visiting innocent Americans in our movie theatres, shopping malls, or schools like Sandy Hook."⁸²

Commentators suggested that the token mention of the issue was 'an acknowledgement that Congress has little appetite to revisit the issue of gun control' in an election year.⁸³ A *POLITICO* article stated that 'gun control is dead' at the federal level, with the gun control movement focusing attention away from Washington.⁸⁴ A second mass shooting at Fort Hood, Texas that killed three and wounded fourteen drew national attention in April 2014, but in a memorial service following the attack, Obama paid only lip service to firearms restrictions:

"As a nation, we can do more to help counsel those with mental health issues, to keep firearms out of the hands of those who are having such deep difficulties."⁸⁵

⁷⁹ Eric Lichtblau and Michael D. Shear, "Obama's Lofty Plans on Gun Violence Amount to Little Action," *The New York Times*, February 7, 2016, sec. Politics, <https://www.nytimes.com/2016/02/08/us/politics/obamas-lofty-plans-on-gun-violence-amount-to-little-action.html>.

⁸⁰ Lichtblau op cit.

⁸¹ Office of the Press Secretary, "Remarks by the President in the State of the Union Address," *Whitehouse.gov*, February 12, 2013, <https://obamawhitehouse.archives.gov/the-press-office/2013/02/12/remarks-president-state-union-address>

⁸² Office of the Press Secretary, "President Barack Obama's State of the Union Address," *Whitehouse.gov*, January 28, 2014, <https://obamawhitehouse.archives.gov/the-press-office/2014/01/28/president-barack-obamas-state-union-address>.

⁸³ Sabrina Siddiqui, "Obama Pledges Gun Control 'With Or Without Congress' In 2014 State of the Union Address," *Huffington Post*, January 29, 2014, sec. Politics, http://www.huffingtonpost.com/2014/01/28/obama-gun-control-state-of-the-union_n_4684426.html

⁸⁴ Reid J. Epstein, "Gun Control Mostly Vanishes," *POLITICO*, n.d., <http://www.politico.com/story/2014/01/state-of-the-union-2014-gun-control-102766.html>

⁸⁵ Office of the Press Secretary, "Transcript: President Obama's April 9 Remarks at Fort Hood, Texas," *Washington Post*, n.d., https://www.washingtonpost.com/politics/transcript-president-obamas-april-9-remarks-at-fort-hood-texas/2014/04/09/7a569f0c-c01c-11e3-b574-f8748871856a_story.html.

Isla Vista, California

On May 23, 2014, Elliot Rodger, a 22-year old with a history of psychiatric treatment and social issues, went on a spree killing near the University of California, Santa Barbara campus in Isla Vista, California.⁸⁶ The attack was premeditated as early as November 2012, when Rodger purchased a Glock 34 pistol. He subsequently purchased two additional weapons, both SIG Sauer P226 handguns, and 400 rounds of ammunition.⁸⁷ Six were killed and fourteen injured, of those, three were killed and nine were wounded by gunfire.⁸⁸

The incident sparked the White House out of ‘a slump’ on engagement with gun violence.⁸⁹ In pointed remarks, Obama shared his frustration with the inaction in Congress on the issue of gun violence, highlighting the Senate failure to pass the Manchin-Toomey amendment in April 2013 that would have significantly expanded background checks:

“Our levels of gun violence are off the charts. There’s no advanced, developed country on Earth that would put up with this. Now, we have a different tradition. We have a Second Amendment. We have historically respected gun rights. I respect gun rights. But the idea that, for example, we couldn’t even get a background check bill in to make sure that if you’re going to buy a weapon you have to actually go through a fairly rigorous process so that we know who you are, so you can’t just walk up to a store and buy a semiautomatic weapon — it makes no sense.”⁹⁰

However, any movement on the issue was deemed unlikely. With Senate Democrats such as Kay Hagan of North Carolina, Mary Landrieu of Louisiana, Mark Begich of Alaska, and Mark Pryor of Arkansas struggling to keep their seats in conservative gun-friendly states, embracing a divisive issue would threaten the Democratic majority in the Senate.⁹¹ Author Kristin A. Goss suggested that Congress ‘is going to need at least one election cycle before this legislation will be seriously considered again,’ adding that ‘even if it [gun control legislation] passed the Senate, I doubt it would pass the Senate with enough votes to make it a priority in the House, let alone pass in the current Congress.’⁹² William Vizzard, a professor of criminal justice at California State University Sacramento, made a harsher assessment, stating that federal gun control legislation ‘doesn’t have

⁸⁶ Ian Lovett and Adam Nagourney, “Video Rant, Then Deadly Rampage in California Town,” *The New York Times*, May 24, 2014, <https://www.nytimes.com/2014/05/25/us/california-drive-by-shooting.html>.

⁸⁷ Jennifer Medina, “Even in a State With Restrictive Laws, Gunman Amassed Weapons and Ammunition,” *The New York Times*, May 25, 2014, <https://www.nytimes.com/2014/05/26/us/even-in-a-state-with-restrictive-laws-gunman-amassed-weapons-and-ammunition.html>

⁸⁸ Emma G. Fitzsimmons and Brian Knowlton, “Trail of Violence in Isla Vista,” *The New York Times*, May 25, 2014, <https://www.nytimes.com/interactive/2014/05/25/us/trail-of-violence-in-isla-vista.html>

⁸⁹ Mark Follman, “Watch: Obama Goes off on America’s Mass Shootings failure: ‘We Should Be Ashamed.’,” *Mother Jones*, n.d., <http://www.motherjones.com/politics/2014/06/obama-guns-mass-shootings>

⁹⁰ Office of the Press Secretary, “Remarks by the President in Q&A with David Karp, CEO of Tumblr,” *Whitehouse.gov*, June 10, 2014, <https://obamawhitehouse.archives.gov/the-press-office/2014/06/10/remarks-president-qa-david-karp-ceo-tumblr>.

⁹¹ Aliyah Frumin, “After UC Santa Barbara Shooting, Does Gun Control Have New Life? | MSNBC,” n.d., <http://www.msnbc.com/msnbc/will-santa-barbara-shootings-revive-gun-control-debate>

⁹² Ibid.

a snowball's chance in hell.⁹³ He pointed out that even if the Senate passed a bill, the Republican-controlled House would bring any progress to an abrupt halt:

*"The House is not going to move. Period. Maybe in four years, you might see something, but you're not going to see anything significant in firearms legislation for years."*⁹⁴

In a June interview hosted by *Tumblr*, Obama revisited his sentiments on Congressional inaction on gun violence. In a wide-ranging discussion, Obama named inaction on gun violence as his 'biggest frustration':

*"My biggest frustration [as president], so far, is the fact that this society has not been willing to take some basic steps to keep guns out of the hands of people who can do just unbelievable damage...right now it's not even possible to get even the mildest restrictions through Congress, and we should be ashamed of that."*⁹⁵

He also suggested that politicians on both sides of the aisle were 'terrified of the NRA' and other gun rights advocates:

*"The combination of the NRA and gun manufacturers are very well financed and have the capacity to move votes in local elections and congressional elections. And so if you're running for office right now, that's where you feel the heat."*⁹⁶

Obama's scant hopes of generating Congressional action all but disappeared when the Republican party reclaimed the Senate majority in November. The Republican sweep proved to have long-lasting consequences, and further stifled Democratic actions on gun control.

Republicans take the Senate

The 2014 midterm elections resulted in the largest Republican majority across the United States in nearly a century.⁹⁷ Republicans increased their majority in the House of Representatives, and crucially took a four-seat majority in the Senate. At the state level, the party claimed 31 governorships, and 68 state legislative chambers.⁹⁸ The elections also saw independent political groups spend more than \$549m to influence the election.⁹⁹ The NRA set a spending record for the organisation, spending over \$27m.¹⁰⁰

⁹³ Ibid.

⁹⁴ Ibid.

⁹⁵ Office of the Press Secretary, "Remarks by the President in Q&A with David Karp, CEO of Tumblr," *Whitehouse.gov*, June 10, 2014, <https://obamawhitehouse.archives.gov/the-press-office/2014/06/10/remarks-president-qa-david-karp-ceo-tumblr>.

⁹⁶ Ibid.

⁹⁷ "Senate Election Results," New York Times, [//www.nytimes.com/elections/2014/results/senate](http://www.nytimes.com/elections/2014/results/senate).

⁹⁸ "Governor Election Results," New York Times, [//www.nytimes.com/elections/2014/results/governor](http://www.nytimes.com/elections/2014/results/governor)

⁹⁹ "2014 Outside Spending, by Group | OpenSecrets," <https://www.opensecrets.org/outsidespending/summ.php?cycle=2014&type=p&disp=O>.

¹⁰⁰ "National Rifle Assn Outside Spending | OpenSecrets," <https://www.opensecrets.org/outsidespending/detail.php?cmte=National+Rifle+Assn&cycle=2014>.

The Republican takeover of the Senate crowned Sen. Mitch McConnell (R-Kentucky) as the Senate Majority Leader. McConnell received considerable support from the National Rifle Association during the election, virtually ensuring that proposals like Manchin-Toomey would not be revisited by the newly instated leadership. Gun-control advocates warned that congressional Republicans would use their majority status to start slipping ‘pro-NRA riders’ — measures to weaken the ATF’s ability to track firearms, for instance — into appropriations bills.¹⁰¹

Despite defeat at the federal level, proponents of gun control lauded the reelection victories of Governors John Hickenlooper (D-Colorado) and Daniel Malloy (D-Connecticut), both of whom had passed strict new restrictions on guns in their states following the mass shootings in Aurora and Newtown.¹⁰² In Washington, the only state with a gun control measure on the ballot (Initiative 594), passed with 60 percent of the vote.¹⁰³ I-594 mandated background checks on all gun sales and transfers, including at gun shows and online, whilst making exceptions for weapons transferred within families and for the purchase of antique guns.¹⁰⁴ I-594 was opposed by a competing measure, I-591, which would have forbidden any background checks beyond the limited regime required by federal law.¹⁰⁵ The battle between the two regulations was notable for the unprecedented amount of money involved. Supporters of I-594 raised \$10.4 million to promote the measure, with contributors including Michael Bloomberg, advocacy group Everytown for Gun Safety, and Bill and Melinda Gates. Protect Our Gun Rights, an opposition group supporting I-591, raised \$1.3 million, with the NRA also making a \$489,000 contribution.¹⁰⁶ The ballot initiative passed in the wake of a local school shooting on October 24, when 14-year-old Jayden Fryberg shot five people, killing two, before turning the gun on himself, at Marysville-Pilchuck High School.¹⁰⁷

The election had also stung pro-gun Democrats, most notably Mark Pryor (D-Arkansas).¹⁰⁸ Despite Pryor’s loyalty to the NRA’s positions on major gun bills, the organisation backed his Republican challenger, Representative Tom Cotton, to the tune of nearly \$3 million. Gun-control advocates expressed hope that swing-state Democrats facing future votes on gun legislation would be less likely to eschew the party line as a result.¹⁰⁹

In an East Room press conference following the Republican sweep, Obama was insistent that the result did not change his outlook for the final two years of his presidency, stating:

¹⁰¹ Alec MacGillis, “Republicans Won the Midterms. The NRA Did Not.,” *New Republic*, November 12, 2014, <https://newrepublic.com/article/120236/2014-midterms-boosted-gun-control-and-hurt-nra>.

¹⁰² MacGillis et al.

¹⁰³ *Ibid.*

¹⁰⁴ *Ibid.*

¹⁰⁵ *Ibid.*

¹⁰⁶ *Ibid.*

¹⁰⁷ *Ibid.*

¹⁰⁸ *Ibid.*

¹⁰⁹ *Ibid.*

*"[This result] energises me because it means that this democracy is working. People in America were restless."*¹¹⁰

The administration quickly took action, setting the tone for the executive-legislative relationship in the three weeks following the midterm elections. In a series of moves lauded by progressives, Obama granted legal status to five million undocumented immigrants, announced a historic climate change plan with China, and endorsed new regulations to protect 'net neutrality' — in defiance of powerful corporate interests.¹¹¹ White House Deputy Press Secretary Jen Friedman stated:

*"[Obama] will work with Congress where he can to seek common ground and look for areas of overlap, but when Congress refuses to act on policies that are right for the country, the president will act within his legal authority to do what is necessary to serve the American people."*¹¹²

Yet gun control remained absent from conversation at the federal level, with gun-control proponents focusing on the states rather than on Congress, which had been deemed a legislative 'lost cause'. John Feinblatt, president of Everytown for Gun Safety, stated:

*"Washington is broken. It was broken before last week's election and continues to be broken."*¹¹³

Charleston, South Carolina

At 8:17 p.m. on June 17, 2015, 21-year old Dylann Roof entered the Emanuel African Methodist Episcopal Church in downtown Charleston, South Carolina. After participating in a Bible study with churchgoers for approximately fifty minutes, Roof drew a Glock 41 .45 caliber handgun and opened fire, killing nine people including Clementa C. Pinckney, the church's pastor and a South Carolina state senator. Each victim was shot multiple times as Roof shouted racial epithets. The attack lasted six minutes, after which Roof fled the church.¹¹⁴ In an exhaustive manhunt, Roof, an avowed white supremacist, was detained at a traffic stop in North Carolina the following morning.¹¹⁵ Roof confessed to committing the attack, telling authorities he had hoped to instigate a 'race war'.¹¹⁶

¹¹⁰ "Transcript: President Obama's Nov. 5 News Conference on Midterm Election Results," *Washington Post*, n.d., https://www.washingtonpost.com/politics/transcript-president-obamas-remarks-on-midterm-election-results/2014/11/05/491a02b2-6524-11e4-9fdc-d43b053ecb4d_story.html.

¹¹¹ Dan Roberts, "After the Midterm Mauling, Is the Real President Obama Finally Standing Up?," *The Guardian*, November 30, 2014, sec. US news, <https://www.theguardian.com/us-news/2014/nov/30/midterm-mauling-real-president-obama-finally-standing-up>.

¹¹² Roberts et al.

¹¹³ MacGillis et al.

¹¹⁴ Jason Horowitz Corasaniti Nick and Ashley Southall, "Nine Killed in Shooting at Black Church in Charleston," *The New York Times*, June 17, 2015, <https://www.nytimes.com/2015/06/18/us/church-attacked-in-charleston-south-carolina.html>.

¹¹⁵ Ibid.

¹¹⁶ ABC News, "New Documents Reveal Deadly Minutes Inside South Carolina Church," *ABC News*, October 29, 2015, <http://abcnews.go.com/US/police-documents-reveal-deadly-minutes-inside-south-carolina/story?id=34836336>.

Owing to the historic nature of the Emanuel AME church — home to one of the oldest black congregations in the United States — and the racially motivated nature of the attack, the shooting was described by commentators and academics as both a hate crime and an act of domestic terrorism.¹¹⁷ Subsequently, Roof was indicted on nine murder charges, three charges of attempted murder, and federal hate crimes charges, including 24 civil rights violations.¹¹⁸ Despite an arrest on narcotics charges in February 2015, Roof was later able to purchase the handgun used in the shooting owing to a lapse in the NICS.¹¹⁹ Investigators examining the gun purchase attributed the lapse to erroneous data entered by local law enforcement.¹²⁰

On June 18, Obama responded to the incident, lamenting that he had ‘had to make statements like this too many times’:

“Communities like this have had to endure tragedies like this too many times. We don’t have all the facts, but we do know that, once again, innocent people were killed in part because someone who wanted to inflict harm had no trouble getting their hands on a gun.”¹²¹

Obama added that ‘at some point, we as a country will have to reckon with the fact that this type of mass violence does not happen in other advanced countries. It doesn’t happen in other places with this kind of frequency,¹²² and urged the American people to acknowledge the issue accordingly:

“And it is in our power to do something about it. I say that recognising the politics in this town foreclose a lot of those avenues right now. But it would be wrong for us not to acknowledge it. And at some point it’s going to be important for the American people to come to grips with it, and for us to be able to shift how we think about the issue of gun violence collectively.”¹²³

Civil rights icon Rep. John Lewis (D-Georgia) called the incident ‘unreal’ and ‘unbelievable’, adding, ‘it’s another dark day in the history of our country’.¹²⁴ Democratic presidential candidates also commented. Secretary Hillary Clinton decried ‘institutional racism’ in the United States, and suggested Congress should pass legislation keeping guns from criminals and mentally ill people

¹¹⁷ Paige Lavender, “Justice Department To Open Hate Crime Investigation Into Charleston Church Shooting,” *Huffington Post*, June 18, 2015, sec. Politics, http://www.huffingtonpost.com/2015/06/18/charleston-hate-crime-investigation_n_7611556.html.

¹¹⁸ Ralph Ellis, Greg Botelho and Ed Payne, “Charleston Shooting Suspect Appears in Court,” *CNN*, n.d., <http://www.cnn.com/2015/06/19/us/charleston-church-shooting-main/index.html>

¹¹⁹ Timothy M. Phelps, “Dylann Roof Indicted on Federal Hate-Crime Charges in Charleston Church Shooting,” *Los Angeles Times*, July 22, 2015, <http://www.latimes.com/nation/la-na-roof-hate-crimes-20150722-story.html>

¹²⁰ *Ibid.*

¹²¹ Office of the Press Secretary, “Statement by the President on the Shooting in Charleston, South Carolina,” *Whitehouse.gov*, June 18, 2015, <https://obamawhitehouse.archives.gov/the-press-office/2015/06/18/statement-president-shooting-charleston-south-carolina>.

¹²² *Ibid.*

¹²³ *Ibid.*

¹²⁴ Lauren Victoria Burke, “Charleston Shooting Gets Strong Response From Congressional Members,” *The Root*, n.d., <http://www.theroot.com/charleston-shooting-gets-strong-response-from-congressi-1790860223>.

while ‘respecting responsible gun owners’.¹²⁵ Sen. Bernie Sanders (I-Vermont) stated that ‘the Charleston church killings are a tragic reminder of the ugly stain of racism that still taints our nation.’¹²⁶

Republican leaders and presidential candidates offered disparate responses. Rep. Devin Nunes (R-California), Chairman of the House Intelligence Committee, suggested that the shooting could be considered ‘domestic terrorism when you look at it — clearly it was a hate crime.’¹²⁷ Former Sen. Rick Santorum (R-Pennsylvania) stated ‘I don’t think there’s any question when someone comes into a church for the reasons of racism and hate that they’re trying to terrorise people...I don’t think there’s any question this is an act of terrorism.’¹²⁸ Former Gov. Jeb Bush (R-Florida) called the incident ‘a horrific act’ and ‘an act of hatred.’¹²⁹ Former Gov. Rick Perry (R-Texas) was critical of Obama, stating that pushing gun control was a ‘knee-jerk reaction’ that would not reduce gun violence:

“This is the MO of this administration, any time there is an accident like this, the president is clear. He doesn’t like for Americans to have guns and so he uses every opportunity, this being another one, to basically go parrot that message.”¹³⁰

The National Rifle Association delivered brief remarks through a spokesperson, stating:

“We are praying for the victims and their families and, given the tragic loss, we don’t think this is the time for a political debate.”¹³¹

South Carolina State senator Lee Bright, a pro-gun Republican, highlighted the inconsistency in gun regulations from state to state. Calling national gun laws a ‘hodgepodge’, he pointed out that in South Carolina, firearms in vehicles must be concealed, whereas in neighbouring North Carolina, firearms in vehicles must be visible.¹³²

The mass shooting did little to deter pro-gun legislation. Shortly after the Charleston shooting, Gov. Scott Walker (R-Wisconsin) signed two bills into Wisconsin State law, eliminating a 48-hour waiting

¹²⁵ Paul Lewis, “Hillary Clinton Denounces Charleston Shooting as Act of ‘Racist Terrorism,’” *The Guardian*, June 24, 2015, sec. US news, <https://www.theguardian.com/us-news/2015/jun/23/hillary-clinton-charleston-shooting-racist-terrorism-ferguson>.

¹²⁶ Greg Krieg, “The One Thing Missing From Bernie Sanders’ Response to the Charleston Church Shooting,” n.d., <https://mic.com/articles/120988/the-one-thing-missing-from-bernie-sanders-response-to-the-charleston-church-shooting>.

¹²⁷ Brian Bennett, “2 Prominent Republicans Call Charleston Shooting an Act of Terrorism,” *Los Angeles Times*, June 21, 2015, <http://www.latimes.com/nation/la-na-church-shootings-terrorism-20150621-story.html>

¹²⁸ Ibid.

¹²⁹ Allie Gross, “Jeb Bush Joins Other Republicans in Downplaying Racism That Fueled Charleston Attack,” *Mother Jones*, n.d., <http://www.motherjones.com/politics/2015/06/jeb-bush-latest-gop-candidate-brush-aside-racial-motivations-charleston-shooting>

¹³⁰ Sabrina Siddiqui, “Rick Perry Calls Charleston Church Shooting an ‘Accident,’” *The Guardian*, June 19, 2015, sec. World news, <https://www.theguardian.com/world/2015/jun/19/rick-perry-charleston-church-shooting-accident>.

¹³¹ Tom McCarthy and Lauren Gambino, “Charleston Shootings: NRA Blames Victims as Reactions Echo Newtown,” *The Guardian*, June 20, 2015, sec. US news, <https://www.theguardian.com/us-news/2015/jun/19/nra-mass-shootings-south-carolina-church>.

¹³² Ibid.

period for handgun purchases, and allowing off-duty, out-of-state, and retired police officers to carry guns on school campuses.¹³³

The shooting in Charleston reignited the national conversation on guns, albeit briefly. Social media analytics company Crimson Hexagon combed Twitter traffic around the subjects of gun violence, gun control, and gun laws, including keywords and hashtags like “gun rights” and “2A” (for Second Amendment) in the aftermath of the Charleston shooting, and found that ‘an authentic conversation about guns was happening, and it was happening across the ideological spectrum, involving members of both violence-prevention and pro-gun circles’.¹³⁴ However, discourse around guns was soon superseded by a new debate: the continued display of the Confederate flag — widely viewed as a symbol of racism — in official and public settings.¹³⁵

A month after the shooting, Rep. James Clyburn (D-South Carolina) introduced the Background Check Completion Act to Congress, describing it as a ‘commonsense fix to our nation’s gun laws’.¹³⁶ The bill aimed to end the ‘default proceed’ rule that allows federally licensed firearms dealers who have initiated a background check to sell the firearm if they have not been notified by the FBI within three business days whether or not the sale of a firearm to a certain individual would violate federal laws. The bill was referred to the House Subcommittee on Crime, Terrorism, Homeland Security, and Investigations.¹³⁷

In a wide-ranging interview with the *BBC* in July 2015, Obama identified the issue of guns as an ‘area where I feel that I’ve been most frustrated and most stymied’, pointing out that the United States ‘is the one advanced nation on earth in which we do not have sufficient common-sense, gun-safety laws...even in the face of repeated mass killings’.¹³⁸ The same day, John Russell Houser, a 59-year old with a history of mental illness and alt-right and anti-government views, opened fire in a cinema in Lafayette, Louisiana, killing two people and injuring nine others, before committing suicide.¹³⁹

Roseburg, Oregon

At approximately 10:30 a.m. on October 1, 2015, Chris Harper-Mercer, a 26-year-old enrolled at Umpqua Community College in Roseburg, Oregon, walked into a classroom at the school armed

¹³³ Daniel Strauss, “Scott Walker Signs Two Pro-Gun Bills,” *POLITICO*, <http://www.politico.com/story/2015/06/scott-walker-two-gun-bills-119380.html>.

¹³⁴ Patrick Blanchfield, “Confederate Flag Supplanted Gun Debate After Charleston Shootings,” *The Trace*, June 29, 2015, <https://www.thetrace.org/2015/06/social-media-analytics-gun-rights-confederate-flag/>.

¹³⁵ *Ibid.*

¹³⁶ James Clyburn, “All Info - H.R.3051 - 114th Congress (2015-2016): Background Check Completion Act” (2015), <https://www.congress.gov/bills/114/congress/house-bills/3051/all-info>

¹³⁷ *Ibid.*

¹³⁸ Full transcript of BBC interview with President Barack Obama, interview by Jon Sopel, July 24, 2015, <http://www.bbc.com/news/world-us-canada-33646542>.

¹³⁹ 1. Campbell Robertson, Richard Pérez-peña and Alan Blinder, “Lafayette Shooting Adds Another Angry Face in the Gunmen’s Gallery,” *The New York Times*, July 24, 2015, <https://www.nytimes.com/2015/07/25/us/lafayette-theater-shooting-john-houser.html>.

with five handguns and a rifle.¹⁴⁰ Witnesses state that he fired a warning shot before ordering the students and teacher to get down on the floor and lie on their stomachs. Harper-Mercer then gave a student, 18-year old Matthew Downing, an envelope and ordered him to the corner of the classroom, deeming him ‘the lucky one’.¹⁴¹ He then opened fire on the remaining occupants of the classroom, shooting assistant English professor Lawrence Levine at point-blank range, and questioned other students about their religious beliefs before shooting them.¹⁴² Witnesses also suggested that Harper-Mercer made a woman beg for her life before shooting her, and then shot another woman when she tried to reason with him. Another victim, 44-year old Sarena Dawn Moore, was killed while trying to climb back into her wheelchair at Harper-Mercer’s orders. Harper-Mercer killed nine people and injured another nine before being engaged in a hallway gunfight by local law enforcement responding to emergency calls. After a short firefight in which he was injured, Harper-Mercer retreated back into the classroom and committed suicide.¹⁴³

That evening, a ‘clearly agitated’¹⁴⁴ Obama delivered an expansive response to the shooting, stressing that ‘thoughts and prayers are not enough’ to prevent the ‘carnage from being inflicted someplace else in America — next week, or a couple of months from now.’¹⁴⁵ In a wide-ranging address, Obama challenged Congress, the NRA, the news media, and appealed directly to the American people:

“...as I said just a few months ago, and I said a few months before that, and I said each time we see one of these mass shootings, our thoughts and prayers are not enough. It’s not enough. It does not capture the heartache and grief and anger that we should feel.”¹⁴⁶

He added that whilst the United States is ‘not the only country on Earth that has people with mental illnesses or want to do harm to other people’, it is ‘the only advanced country on Earth that sees these kinds of mass shootings every few months’:

“Somehow this has become routine. The reporting is routine. My response here at this podium ends up being routine. The conversation in the aftermath of it. We’ve become numb to this.”¹⁴⁷

¹⁴⁰ Julie Turkewitz, “Oregon Gunman Smiled, Then Fired, Student Says,” *The New York Times*, October 9, 2015, <https://www.nytimes.com/2015/10/10/us/roseburg-oregon-shooting-christopher-harper-mercier.html>.

¹⁴¹ Ibid.

¹⁴² “Oregon Umpqua Shooting Survivor Recalls Terrifying Moments Inside Classroom - ABC News,” n.d., <http://abcnews.go.com/US/oregon-umpqua-shooting-survivor-recalls-terrifying-moments-inside/story?id=34249478>.

¹⁴³ “Oregon Shooting: Gunman Killed Himself,” *BBC News*, October 3, 2015, sec. US & Canada, <http://www.bbc.com/news/world-us-canada-34436373>.

¹⁴⁴ Ben Jacobs, “‘It Can Change’: Obama Demands Gun Control Action after Oregon Shooting,” *The Guardian*, October 2, 2015, sec. US news, <https://www.theguardian.com/us-news/2015/oct/01/obama-gun-control-laws-oregon-umpqua-community-college-shooting>.

¹⁴⁵ Office of the Press Secretary, “Statement by the President on the Shootings at Umpqua Community College, Roseburg, Oregon,” *Whitehouse.gov*, October 1, 2015, <https://obamawhitehouse.archives.gov/the-press-office/2015/10/01/statement-president-shootings-umpqua-community-college-roseburg-oregon>.

¹⁴⁶ Ibid.

¹⁴⁷ Office of the Press Secretary, “Statement by the President on the Shootings at Umpqua Community College, Roseburg, Oregon,” *Whitehouse.gov*, October 1, 2015, <https://obamawhitehouse.archives.gov/the-press-office/2015/10/01/statement-president-shootings-umpqua-community-college-roseburg-oregon>.

Obama then launched into a direct critique of the gun lobby, whilst citing polling suggesting that a majority of the American people support common-sense regulation of firearms:

“And what’s become routine, of course, is the response of those who oppose any kind of common-sense gun legislation. Right now, I can imagine the press releases being cranked out: We need more guns, they’ll argue. Fewer gun safety laws. Does anybody really believe that? There are scores of responsible gun owners in this country — they know that’s not true. We know because of the polling that says the majority of Americans understand we should be changing these laws — including the majority of responsible, law-abiding gun owners.”¹⁴⁸

Obama defended his politicisation of the mass shooting as ‘something we should politicise’ owing to its relevance to ‘our common life together, to the body politic.’¹⁴⁹ He highlighted the juxtaposition between the legislative response to threats of terrorism and domestic gun violence, pointing out that the United States spends ‘over a trillion dollars, and passes countless laws, and devotes entire agencies to preventing terrorist attacks on our soil,’ yet has ‘a Congress that explicitly blocks us from even collecting data on how we could potentially reduce gun deaths.’¹⁵⁰

The president then challenged the media to ‘tally up the number of Americans who’ve been killed through terrorist attacks over the last decade and the number of Americans who’ve been killed by gun violence, and post those side-by-side on your news reports.’¹⁵¹ Stating that ‘this is a political choice that we make to allow this to happen every few months in America’, Obama declared that ‘we collectively are answerable to those families who lose their loved ones because of our inaction’.¹⁵² Continuing, he lambasted the disparate response to gun violence in comparison with other public policy issues:

“When Americans are killed in mine disasters, we work to make mines safer. When Americans are killed in floods and hurricanes, we make communities safer. When roads are unsafe, we fix them to reduce auto fatalities. We have seatbelt laws because we know it saves lives. So the notion that gun violence is somehow different, that our freedom and our Constitution prohibits any modest regulation of how we use a deadly weapon, when there are law-abiding gun owners all across the country who could hunt and protect their families and do everything they do under such regulations doesn’t make sense.”¹⁵³

Obama concluded his remarks by promising to persist in his efforts, reminding that it would take ‘a Congress’ and ‘state legislatures and governors who are willing to work with me’ to act on the issue:

¹⁴⁸ Ibid.

¹⁴⁹ Ibid.

¹⁵⁰ Ibid.

¹⁵¹ Ibid.

¹⁵² Ibid.

¹⁵³ Office of the Press Secretary, “Statement by the President on the Shootings at Umpqua Community College, Roseburg, Oregon,” *Whitehouse.gov*, October 1, 2015, <https://obamawhitehouse.archives.gov/the-press-office/2015/10/01/statement-president-shootings-umpqua-community-college-roseburg-oregon>.

“And each time this happens I’m going to bring this up. Each time this happens I am going to say that we can actually do something about it, but we’re going to have to change our laws. I hope and pray that I don’t have to come out again during my tenure as President to offer my condolences to families in these circumstances. But based on my experience as President, I can’t guarantee that. And that’s terrible to say. And it can change.”¹⁵⁴

Other Democrats responded in similar tones. Hillary Clinton, Bernie Sanders, and Martin O’Malley all called for ‘sensible’ gun control reform.¹⁵⁵ In remarks to journalists, Clinton stated that ‘we have got to have the political will to keep people safe...I know there is way to have sensible gun control measures that prevent violence, prevent guns from getting into the wrong hands and save lives.’¹⁵⁶

Republicans were quick to acknowledge the incident as a tragedy, but pointed to mental illness as the key factor. Republican presidential candidate Donald Trump suggested that the Oregon incident and other recent mass shootings weren’t ‘a gun problem’ but ‘a mental health problem’.¹⁵⁷ Marco Rubio concurred, stating that ‘our country needs to examine and not immediately talk about what they use to kill people and focus on why it is this violence is happening. In some cases it is mental illness, in others we just don’t know. We need to really focus on the facts before we take hard positions.’¹⁵⁸ Rubio added that ‘the reflexive reaction on the left is to say we need more gun laws’ but asserted that ‘there’s just no evidence that these gun laws would prevent these shootings.’¹⁵⁹

Jeb Bush was criticised for his remarks made on the shooting where he stated that ‘stuff happens’, after declaring that he did not think ‘more government is necessarily the answer’ to the issue of gun violence.¹⁶⁰ Mike Huckabee was the most critical of Obama’s remarks, stating:

“With few facts, Obama is quick to admittedly politicise this tragedy to advance his liberal, anti-gun agenda. For this president to make a political pronouncement is at best premature and at worst ignorantly inflammatory.”¹⁶¹

Colorado Springs, Colorado

¹⁵⁴ Ibid.

¹⁵⁵ John Cassidy, “Obama, Guns, and the Politics of Hopelessness,” *The New Yorker*, October 2, 2015, <http://www.newyorker.com/news/john-cassidy/obama-guns-and-the-politics-of-hopelessness>

¹⁵⁶ Ben Jacobs, “Oregon Shooting: Jeb Bush Says ‘Stuff Happens’ as Left Calls for Gun Control,” *The Guardian*, October 2, 2015, sec. US news, <https://www.theguardian.com/us-news/2015/oct/02/oregon-shooting-presidential-candidates-democrats-republicans-reaction>.

¹⁵⁷ Ibid.

¹⁵⁸ Ibid.

¹⁵⁹ Ibid.

¹⁶⁰ Ibid.

¹⁶¹ Jacobs et al.

At approximately 11:38 a.m. on November 27, 2015, 57-year old Robert Lewis Dear, armed with an AK-47 assault rifle, opened fire in a Planned Parenthood clinic in Colorado Springs, Colorado.¹⁶² A prolonged shootout lasting five hours between Dear and law enforcement developed, which culminated in police crashing an armoured vehicle into the lobby in order to rescue people trapped inside the clinic.¹⁶³ Dear surrendered shortly after, at 4:52 p.m. Three people were killed, including a police officer responding to the attack, and a further nine were wounded, prompting calls from abortion-rights groups for the Department of Justice to treat the attack as an act of domestic terrorism.¹⁶⁴

The subsequent investigation revealed that Dear, who had a history of domestic violence, was a staunch opponent of abortion, and identified as an evangelical Christian.¹⁶⁵ On December 9, 2015, Dear appeared in court, frequently interrupting proceedings with ‘angry outbursts, declarations of guilt and expressions of anti-abortion politics’.¹⁶⁶ Following several hearings, the court ruled that Dear was incompetent to stand trial, and on May 11, 2016, ordered him to be indefinitely confined to a Colorado State mental hospital.

Obama ‘responded angrily’¹⁶⁷ to the attack, claiming that ‘the last thing Americans should have to do, over the holidays or any day, is comfort the families of people killed by gun violence — people who woke up in the morning and bid their loved ones goodbye with no idea it would be for the last time.’¹⁶⁸ Adding that ‘we can’t let it become normal’, Obama stated:

“If we truly care about this – if we’re going to offer up our thoughts and prayers again, for God knows how many times, with a truly clean conscience – then we have to do something about the easy accessibility of weapons of war on our streets to people who have no business wielding them. Period. Enough is enough.”¹⁶⁹

Calling the attack ‘appalling’, House Speaker Paul Ryan ‘encouraged lawmakers from both parties to present their ideas to address the problems with mental health care’, stating that ‘one common denominator in these tragedies is mental illness.’¹⁷⁰ However, Congressional Democrats remained unconvinced. Stated Harry Reid:

¹⁶² Jack Healy, “Documents Detail Scene of Planned Parenthood Shooting in Colorado Springs,” *The New York Times*, April 11, 2016, <https://www.nytimes.com/2016/04/12/us/documents-detail-scene-of-planned-parenthood-shooting-in-colorado-springs.html>.

¹⁶³ Julie Turkewitz and Jack Healy, “3 Are Dead in Colorado Springs Shootout at Planned Parenthood Center,” *The New York Times*, November 27, 2015, <https://www.nytimes.com/2015/11/28/us/colorado-planned-parenthood-shooting.html>

¹⁶⁴ Ibid.

¹⁶⁵ Richard Fausset, “For Robert Dear, Religion and Rage Before Planned Parenthood Attack,” *The New York Times*, December 1, 2015, <https://www.nytimes.com/2015/12/02/us/robert-dear-planned-parenthood-shooting.html>

¹⁶⁶ Richard Fausset, “Suspect in Colorado Planned Parenthood Rampage Declares ‘I’m Guilty’ in Court,” *The New York Times*, December 9, 2015, <https://www.nytimes.com/2015/12/10/us/colorado-planned-parenthood-shooting.html>.

¹⁶⁷ Office of the Press Secretary, “Statement by the President,” *Whitehouse.gov*, November 28, 2015, <https://obamawhitehouse.archives.gov/the-press-office/2015/11/28/statement-president-0>.

¹⁶⁸ Ibid.

¹⁶⁹ Ibid.

¹⁷⁰ Emmarie Huetteman and Richard Pérez-peña, “Paul Ryan Pushes Changes in Mental Health Care After Colorado Shooting,” *The New York Times*, December 1, 2015, <https://www.nytimes.com/2015/12/02/us/obama-repeats-call-for-strict-gun-laws-after-colorado-shooting.html>.

“It seems to me any time, and that’s often now, we have one of these horrible murders take place, the Republicans go, ‘Let’s do something about mental health’...the word ‘gun’ is not mentioned because they’re afraid to mention guns.”¹⁷¹

Whilst the attack generated fledging debate over the link between gun violence and mental illness, further discourse was subsequently eclipsed by a new mass shooting merely five days later.

San Bernardino, California

At 10:58 a.m. on December 2, 2015, Syed Rizwan Farook and Tashfeen Malik, armed with AR-15 semi-automatic rifles and 9mm semi-automatic pistols, opened fire at the Inland Regional Centre in San Bernardino, California.¹⁷² Farook, a health inspector for the San Bernardino Department of Health, and his wife, Malik, targeted a Department of Health training event and Christmas party at which approximately 80 people were attending.¹⁷³ Farook and Malik wore ski masks and black tactical gear during the attack, in which they indiscriminately fired into the crowd, killing fourteen people and wounding a further 22. Over 100 rounds were fired in the three-minute attack, before the attackers fled in a rented sports utility vehicle.¹⁷⁴ Farook was identified by witnesses at the scene. Law enforcement surveillance spotted the rented vehicle leaving Farook and Malik’s home at 3:08 pm, and gave chase. Following a police pursuit, Farook and Malik engaged in a shootout with law enforcement before both were killed by gunfire.¹⁷⁵

On December 4, FBI Director James Comey stated that the investigation thus far had ‘developed indications of radicalisation by the killers, and of potential inspiration by foreign terrorist organisations’.¹⁷⁶ Malik had pledged allegiance to the Islamic State in a Facebook post on the day of the attack. The investigation concluded that the attack was an act of Islamic terrorism, and that the AR-15 semi-automatic rifles used in the attack were legally purchased but illegally modified under California law.¹⁷⁷

The incident reignited a period of intense debate and condemnation over the myriad responses to gun violence and domestic terrorism. In an interview with *CBS News* shortly after the attack, Obama stated that whilst the circumstances of the attack remained unclear, ‘the one thing we do know is that we have a pattern now of mass shootings in this country that has no parallel anywhere

¹⁷¹ Huetteman, op. cit.

¹⁷² Adam Nagourney, Lovett Ian and Richard Pérez-peña, “San Bernardino Shooting Kills at Least 14; Two Suspects Are Dead,” *The New York Times*, December 2, 2015, <https://www.nytimes.com/2015/12/03/us/san-bernardino-shooting.html>.

¹⁷³ Richard Pérez-peña and Adam Goldman, “‘It Finally Clicked That This Wasn’t an Exercise’: Report Recounts San Bernardino Shooting,” *The New York Times*, September 9, 2016, <https://www.nytimes.com/2016/09/10/us/it-finally-clicked-that-this-wasnt-an-exercise-report-recounts-san-bernardino-shooting.html>.

¹⁷⁴ Ian Lovett Pérez-peña Jennifer Medina, Richard and Christine Hauser, “San Bernardino Shooting,” *The New York Times - The New York Times*, December 2, 2015, <https://www.nytimes.com/live/san-bernardino-shooting/>.

¹⁷⁵ Nagourney, et al.

¹⁷⁶ Michael S. Schmidt and Richard Pérez-peña, “F.B.I. Treating San Bernardino Attack as Terrorism Case,” *The New York Times*, December 4, 2015, <https://www.nytimes.com/2015/12/05/us/tashfeen-malik-islamic-state.html>.

¹⁷⁷ Mike McIntire, “Weapons in San Bernardino Shootings Were Legally Obtained,” *The New York Times*, December 3, 2015, <https://www.nytimes.com/2015/12/04/us/weapons-in-san-bernardino-shootings-were-legally-obtained.html>.

else in the world.¹⁷⁸ He added that ‘we should never that think this is something that just happens in the ordinary course of events because it doesn’t happen with the same frequency in other countries,’ and called on legislators to work together on a ‘bipartisan basis’ to work on ‘common-sense gun safety laws.’¹⁷⁹ Notably, he specifically called for the closure of the ‘no-fly’ loophole:

“For those who are concerned about terrorism, some may be aware of the fact that we have a no-fly list where people can’t get on planes, but those same people who we don’t allow to fly could go into a store right now in the United States and buy a firearm, and there’s nothing we can do to stop them. That’s a law that needs to be changed.”¹⁸⁰

Hillary Clinton and Bernie Sanders echoed the president’s sentiments. In posts on Twitter, Clinton said: ‘I refuse to accept this as normal. We must take action to stop gun violence now’¹⁸¹, and Sanders added that ‘this sickening and senseless gun violence must stop.’¹⁸² Republican candidates praised the actions of law enforcement, and offered their thoughts and prayers to the victims. Jeb Bush stated on Twitter that he was ‘praying for the victims, their families & the San Bernardino first responders in the wake of this tragic shooting’.¹⁸³ Sen. Ted Cruz (R-Texas) added that ‘our prayers are with the victims, their families, and the first responders in San Bernardino who willingly go into harm’s way to save others.’¹⁸⁴ Former Governor Mike Huckabee (R-Arkansas) posted that he was ‘praying for those impacted by the shooting in California today.’¹⁸⁵

In a scathing critique, the *New York Daily News* depicted Twitter posts from Republican Senators Ted Cruz, Lindsey Graham, Rand Paul, and Speaker Paul Ryan, offering their prayers to the victims, accompanied by the headline ‘GOD ISN’T FIXING THIS’.¹⁸⁶ The front page caption read: ‘as latest batch of innocent Americans are left lying in pools of blood, cowards who could truly end gun scourge continue to hide behind meaningless platitudes.’¹⁸⁷

¹⁷⁸ Stephanie Condon, “Obama Responds to San Bernardino Shooting,” *CBS News*, n.d., <http://www.cbsnews.com/news/obama-responds-to-san-bernardino-shooting/>.

¹⁷⁹ Office of the Press Secretary, “Statement by the President on the Shooting in San Bernardino, California,” *Whitehouse.gov*, December 3, 2015, <https://obamawhitehouse.archives.gov/the-press-office/2015/12/03/statement-president-shooting-san-bernardino-california>.

¹⁸⁰ Ibid.

¹⁸¹ Hillary Clinton, “I Refuse to Accept This as Normal. We Must Take Action to Stop Gun Violence Now. -Hhttps://Twitter.com/Nytimes/Status/672139564346187776 ...,” microblog, @hillaryclinton, (n.d.), <https://twitter.com/hillaryclinton/status/672149874046083072?lang=en>.

¹⁸² Bernie Sanders, “Mass Shootings Are Becoming an Almost-Everyday Occurrence in This Country. This Sickening and Senseless Gun Violence Must Stop.,” microblog, @berniesanders, (n.d.), <https://twitter.com/berniesanders/status/672160504572452864>.

¹⁸³ Jeb Bush, “Praying for the Victims, Their Families & the San Bernardino First Responders in the Wake of This Tragic Shooting.,” microblog, @jebbush, (n.d.), <https://twitter.com/jebbush/status/672153025243426816>

¹⁸⁴ Brian McManus, “How the 2016 Presidential Candidates Reacted to the San Bernardino Shooting,” *Vice*, n.d., https://www.vice.com/en_us/article/political-reactions-to-the-massacre-in-san-bernardino-123

¹⁸⁵ Ibid.

¹⁸⁶ 1. Rich Schapiro, “GOP Presidential Candidates Offer Prayers — Not Solutions on Gun Control — after San Bernardino Massacre,” *New York Daily News*, December 3, 2015, <http://www.nydailynews.com/news/politics/gop-candidates-call-prayers-calf-massacre-article-1.2453261>.

¹⁸⁷ Ibid.

Senators Chris Murphy (D-Connecticut) and Richard Blumenthal (D-Connecticut) — two vocal supporters of gun control — were similarly critical. On Twitter, Murphy posted:

*“Your ‘thoughts’ should be about steps to take to stop this carnage. Your ‘prayers’ should be for forgiveness if you do nothing - again.”*¹⁸⁸

Blumenthal added that ‘in 30,000 tragic deaths every year — and now #SanBernardino — Congress is effectively complicit for its inaction.’¹⁸⁹

Republicans fought back on these assertions, claiming that the United States was ill-equipped to deal with terrorism, and lambasted ‘the Obama administration’s unwillingness to come to terms with the true threat posed by Muslim extremists.’¹⁹⁰ On the campaign trail, Jeb Bush suggested that ‘the brutal savagery of Islamic terrorism exists, and this president and his former secretary of state cannot call it for what it is.’¹⁹¹ Ted Cruz had similar sentiments:

*“Coming on the wake of the terror attack in Paris, this horrific murder underscores that we are at a time of war, whether or not the current administration realises it or is willing to acknowledge it, our enemies are at war with us and I believe this nation needs a wartime president to defend it.”*¹⁹²

GOP candidate Carly Fiorina added that ‘Hillary Clinton was tweeting about gun control while we learned radical Islamic terrorists have been building pipe bombs.’¹⁹³

On December 3, the Senate voted on two gun control measures. The first was legislation to prevent people on the F.B.I.’s consolidated terrorist watchlist from purchasing guns or explosives.¹⁹⁴ The amendment’s sponsor, Dianne Feinstein, stated that ‘if somebody is too dangerous to board an airplane, they are too dangerous to buy a gun,’ adding that ‘this shouldn’t be a partisan issue.’¹⁹⁵ Republicans remained unconvinced, with House Speaker Paul Ryan stating ‘I think it’s very important to remember people have due process rights in this country, and we can’t

¹⁸⁸ Chris Murphy, “Your ‘thoughts’ should Be about Steps to Take to Stop This Carnage. Your ‘prayers’ should Be for Forgiveness If You Do Nothing - Again.,” microblog, @chrismurphyct, (n.d.), <https://twitter.com/chrismurphyct/status/67217655859296256?lang=en>.

¹⁸⁹ Richard Blumenthal, “In 30,000 Tragic Deaths Every Year — and Now #SanBernardino — Congress Is Effectively Complicit for Its Inaction.,” microblog, @senblumenthal, (n.d.), <https://twitter.com/senblumenthal/status/672162371750744064>

¹⁹⁰ Noah Bierman and Evan Halper, “After Shooting, Republicans Want a ‘Wake-up Call’ on Terrorism, Democrats on Gun Control,” *Los Angeles Times*, December 3, 2015, <http://www.latimes.com/nation/politics/la-na-san-bernardino-shooting-national-politics-20151203-story.html>.

¹⁹¹ The Editorial Board, “Tough Talk and a Cowardly Vote on Terrorism,” *The New York Times*, December 4, 2015, <https://www.nytimes.com/2015/12/04/opinion/tough-talk-and-a-cowardly-vote-on-terrorism.html>

¹⁹² Ibid.

¹⁹³ Bierman et al.

¹⁹⁴ Dianne Feinstein, “S.Amdt.2910 to S.Amdt.2874 to H.R.3762 - 114th Congress (2015-2016),” legislation, (December 3, 2015), <https://www.congress.gov/amendment/114th-congress/senate-amendment/2910>

¹⁹⁵ Dianne Feinstein, “Feinstein: ‘If You’re Too Dangerous to Board a Plane, You’re Too Dangerous to Buy a Gun’,” *Senator Dianne Feinstein*, n.d., <https://www.feinstein.senate.gov/public/index.cfm/2015/12/feinstein-if-you-re-too-dangerous-to-board-a-plane-you-re-too-dangerous-to-buy-a-gun>.

have some government official just arbitrarily put them on a list.¹⁹⁶ The measure failed, 45-54, with Senators Heidi Heitkamp (D-North Dakota) and Mark Kirk (R-Illinois) both crossing party lines.¹⁹⁷ The second measure revived the April 2013 Manchin-Toomey Amendment designed to enact universal background checks for firearms sales. Echoing Blumenthal, Senate Minority Leader Harry Reid said members of Congress have been ‘complicit through our inaction’ on gun violence, acknowledging that ‘for far too long we’ve done nothing, even as gun violence shakes our nation to its core.’¹⁹⁸ Senate Democrats were joined by Senators Susan Collins (R-Maine), John McCain (R-Arizona), Mark Kirk (R-Illinois), and Pat Toomey (R-Pennsylvania) in voting for the measure, which was also defeated 48-50.¹⁹⁹

On December 4, in the first front-page editorial published in the *New York Times* since 1920, the editorial board called on legislators to ‘end the gun epidemic in America’, deeming it ‘a moral outrage and national disgrace that civilians can legally purchase weapons designed to kill people with brutal speed and efficiency’:²⁰⁰

“The attention and anger of Americans should also be directed at the elected leaders whose job is to keep us safe but who place a higher premium on the money and political power of an industry dedicated to profiting from the unfettered spread of ever more powerful firearms...America’s elected leaders offer prayers for gun victims and then, callously and without fear of consequence, reject the most basic restrictions on weapons of mass killing...”²⁰¹

Publisher Arthur Sulzberger Jr. said the paper intended ‘to deliver a strong and visible statement of frustration and anguish about our country’s inability to come to terms with the scourge of guns.’²⁰²

The National Rifle Association fought back against the calls for action on gun violence. In a column for *USA Today*, Chris Cox, the executive director of the NRA’s Institute for Legislative Action accused Obama of ‘politicising the tragedy in San Bernardino before the facts were even known’²⁰³ and joined Republicans in critiquing the White House’s counterterrorism efforts, claiming that Obama’s ‘failed foreign policy has made us less safe.’²⁰⁴ Describing California’s gun regulations as the ‘strictest’ in the nation, Cox added that:

¹⁹⁶ The Editorial Board, “Tough Talk and a Cowardly Vote on Terrorism,” *The New York Times*, December 4, 2015, <https://www.nytimes.com/2015/12/04/opinion/tough-talk-and-a-cowardly-vote-on-terrorism.html>

¹⁹⁷ 1. Kelsey Snell and Karoun Demirjian, “Senate Rejects Gun Control Amendments Offered Following San Bernardino Shooting,” *Washington Post*, December 3, 2015, https://www.washingtonpost.com/news/powerpost/wp/2015/12/03/senate-democrats-to-force-gun-control-votes-in-the-wake-of-the-san-bernardino-shooting/?utm_term=.b73aad69f00f.

¹⁹⁸ 1. Marina Fang, “Harry Reid On Gun Violence: Congress Is ‘Complicit Through Our Inaction,’” *Huffington Post*, December 3, 2015, sec. Politics, http://www.huffingtonpost.com/entry/harry-reid-gun-violence-nra_us_56605e55e4b08e945fee3ad9.

¹⁹⁹ Snell et al.

²⁰⁰ The Editorial Board, et al.

²⁰¹ Ibid.

²⁰² Ravi Somaiya, “Gun Debate Yields Page One Editorial,” *The New York Times*, December 4, 2015, <https://www.nytimes.com/2015/12/05/us/gun-debate-yields-page-1-editorial.html>

²⁰³ Chris Cox, “No, Mr. President, the NRA Is Not to Blame,” *USATODAY*, n.d., <https://www.usatoday.com/story/opinion/2015/12/03/no-mr-president-nra-not-blame-san-bernardino-column/76748608/>.

²⁰⁴ Ibid.

“...the fact remains that California has already adopted President Obama’s gun control wish list: ‘universal’ background checks, registration, waiting periods, gun bans, magazine bans and an expansion of prohibited gun categories. But those laws did nothing to prevent this horrific crime from taking place. Nothing.”²⁰⁵

On December 6, Obama spoke to the nation from the Oval Office, ‘delivering a prime-time address designed to underscore the government’s campaign’ against terrorism.²⁰⁶ Whilst the key focus of the speech — only the third Obama has delivered from the Oval Office — was to ‘inform Americans of the administration’s efforts against the Islamic State’,²⁰⁷ Obama advocated for two gun control measures, framing them in the interest of national security:

“To begin with, Congress should act to make sure no one on a no-fly list is able to buy a gun. What could possibly be the argument for allowing a terrorist suspect to buy a semi-automatic weapon?”²⁰⁸

He also suggested that it should be ‘harder for people to buy powerful assault weapons like the ones that were used in San Bernardino’, adding that ‘intelligence and law enforcement agencies... cannot identify every would-be mass shooter, whether that individual is motivated by ISIL or some other hateful ideology.’²⁰⁹

Congressional Republican criticism chiefly focused on the counterterrorism aspects of the speech. John McCain said Obama ‘offered no changes to his reactive, indirect, and incremental strategy’,²¹⁰ adding to Paul Ryan’s assessment that the speech was ‘disappointing’ with ‘no new plan, just a halfhearted attempt to defend and distract from a failing policy’.²¹¹ Marco Rubio suggested that Obama was ‘completely overwhelmed’ by the threat of terrorism, and added that ‘the notion that a radical jihadist who is on a no-fly list is going to walk into a local gun shop to purchase a gun’ was ‘absurd’.²¹²

However, the White House remained undeterred by the Republican response. On December 10, White House adviser Valerie Jarrett revealed that Obama had ‘ordered officials to draw up an

²⁰⁵ Ibid.

²⁰⁶ Office of the Press Secretary, “Remarks by the President on the Administration’s Approach to Counterterrorism,” *Whitehouse.gov*, December 6, 2016, <https://obamawhitehouse.archives.gov/the-press-office/2016/12/06/remarks-president-administrations-approach-counterterrorism>

²⁰⁷ Ibid.

²⁰⁸ Ibid.

²⁰⁹ Ibid.

²¹⁰ John McCain, “Statement by Senator John McCain on President Obama’s Speech on Terrorism,” *Senator John McCain*, n.d., <https://www.mccain.senate.gov/public/index.cfm/press-releases?ID=6A770C90-794E-48FA-8020-D9E723CA014F>

²¹¹ Gardiner Harris and Michael D. Shear, “Obama Says of Terrorist Threat: ‘We Will Overcome It,’” *The New York Times*, December 6, 2015, <https://www.nytimes.com/2015/12/07/us/politics/president-obama-terrorism-threat-speech-oval-office.html>.

²¹² Eric Bradner, “Donald Trump on Obama’s Speech: ‘Is That All There Is?,’” *CNN*, n.d., <http://www.cnn.com/2015/12/06/politics/obama-isis-oval-office-2016-reaction/index.html>

urgent new plan to strengthen background checks on gun buyers without the approval of Congress.²¹³ Speaking at a national gun violence vigil in Washington D.C., Jarrett stated:

“The president has directed his team in short order to finalise a set of recommendations on what more the administration can do on its own to save lives from gun violence, and those recommendations will include making sure we do everything we can to keep guns out of the wrong hands, including those expanded background checks.”²¹⁴

White House spokesman Josh Earnest expanded on the planned executive actions, stating:

“The working assumption of this ongoing review is that Congress hasn’t acted and that’s been the source of immense frustration on the part of the president. So given the congressional inaction, the question that’s been raised is what more can the Obama administration do, and that’s the substance of this review.”²¹⁵

Congressional Democrats were also poised to act, buoyed by a ‘groundswell of public activism’ on the issue of gun violence.²¹⁶ At a Capitol Hill press conference, House Minority Leader Nancy Pelosi (D-California) announced that Democrats would seek a reversal of the 20-year ban that prohibits the Centres for Disease Control and Prevention (CDC) and the National Institutes of Health (NIH) to conduct research on gun violence as part of an omnibus spending bill:

“...we’re on the course of a bill, to pass an appropriations bill to keep government open. In that bill is a prohibition, is a ban on research on gun violence. There is a ban. It’s a terrible thing. It’s been there since the late ‘90s – [19] years. [Nineteen] years. The person who was the author of that ban on research has written a letter saying: ‘I was wrong. I take it back. We shouldn’t have this ban anymore.”²¹⁷

Pelosi was joined by Richard Blumenthal, who framed gun violence as ‘a public health crisis’ and reiterated the need to reverse the research ban, stating:

“In a public health crisis, the most important treasure is facts, knowledge, evidence. We face a public health crisis. If the Centre for Disease Control were prohibited from collecting information about Ebola, think of the outcry. That’s in effect what we are doing here. We are

²¹³ Amanda Holpuch, “Sandy Hook Three Years on: Obama Refuses to Give up on Combating Gun Violence Even without Congress,” *The Guardian*, December 14, 2015, sec. US news, <https://www.theguardian.com/us-news/2015/dec/14/newtown-shooting-sandy-hook-third-anniversary-chris-murphy-connecticut>.

²¹⁴ Ibid.

²¹⁵ Josh Earnest, “Josh Earnest: Press Briefing by Press Secretary Josh Earnest,” n.d., <http://www.presidency.ucsb.edu/ws/index.php?pid=111354>

²¹⁶ David Smith, “Obama Looks to Expand Background Checks for Guns with Executive Action,” *The Guardian*, December 10, 2015, sec. US news, <https://www.theguardian.com/us-news/2015/dec/10/obama-background-checks-guns-executive-action-gun-show-loophole>.

²¹⁷ Nancy Pelosi, “Pelosi Remarks at Press Conference Joining Families Affected By Gun Violence and Newtown Action Alliance to Demand Action,” *Congresswoman Nancy Pelosi*, December 10, 2015, <https://pelosi.house.gov/news/press-releases/pelosi-remarks-at-press-conference-joining-families-affected-by-gun-violence-and>.

prohibiting the United States from getting information about a lethal threat to the people of America.”²¹⁸

In a commemoration of the third anniversary of the Sandy Hook massacre on December 15, Obama took to Facebook to call for ‘change...from the grassroots up’.²¹⁹ He pointed to the series of legislative measures proposed in the wake of the tragedy — such as the Manchin-Toomey agreement — and blamed the gun lobby for the proposal’s failure:

“But the gun lobby and its allies mobilised to paint that compromise reform as an assault on our freedom. And even though background checks were supported by some 90% of the American people and a majority of NRA households, the Senate surrendered, voting to block those background checks – even with the families of Newtown in attendance.”²²⁰

Obama also suggested forthcoming executive action, mentioning that he had tasked his ‘team at the White House to take another look at any other actions’ the administration could take to reduce gun violence:

“I refuse to give up on this. Because I still believe that we can do better. I still believe that we can get this right. We may not have a Congress that’s willing to work with us on this right now. So the rest of us will have to do what we can.”²²¹

2016 Executive Actions

At the start of 2016, Obama sought to steer the national conversation to gun violence once again, with a widely lauded East Room speech, a ‘Common-Sense Gun Safety Reform’ suite of executive actions, an op-ed in the *New York Times*, and a town hall on gun control hosted by *CNN*. This marked his strongest shift to the bully pulpit, where he was able to successfully raise public awareness on the issue of gun violence, and pressure Democratic candidates to support gun-control measures. Here, Obama’s use of the bully pulpit exemplifies the rivalry between the executive and legislative branches. With Congress unwilling to respond to the late 2015 spate of mass shootings with legislation, Obama again took the issue into the public arena to build support for his agenda.

On January 1, 2016, the president used his weekly radio address to highlight the ‘epidemic of gun violence’, calling the issue a ‘piece of unfinished business’.²²² Observers suggested that the weekly address was ‘an explicit return’ to the theme of gun control, after a month in which the White House had largely focused on assuaging the fears of Americans concerned about terrorism and

²¹⁸ Smith, et al.

²¹⁹ Barack Obama, “Barack Obama - Posts,” *Facebook*, n.d., <https://www.facebook.com/POTUS44/photos/a.428389484017564.1073741830.424207551102424/434484206741425/?type=3&theater>.

²²⁰ *Ibid.*

²²¹ *Ibid.*

²²² Office of the Press Secretary, “Weekly Address: Making America Safer for Our Children,” *Whitehouse.gov*, January 1, 2016, <https://obamawhitehouse.archives.gov/the-press-office/2016/01/01/weekly-address-making-america-safer-our-children>.

promoting the administration's response to the Islamic State.²²³ Recalling past mass shootings in Newtown, Connecticut, and Tucson, Arizona, Obama placed the blame for inaction squarely on the legislative branch:

*"All across America, survivors of gun violence and those who lost a child, a parent, a spouse to gun violence are forced to mark such awful anniversaries every single day...and yet Congress still hasn't done anything to prevent what happened to them from happening to other families."*²²⁴

Signalling his intent to 'sidestep' Congress and take unilateral action, Obama also announced that he would meet with Attorney General Loretta Lynch after a 'months-long examination of the measures' his administration could take to help reduce gun violence.²²⁵

On January 4, 2016, the White House announced a new slate of executive actions targeting gun violence, stating that 'the President and Vice President are committed to using every tool at the Administration's disposal to reduce gun violence,' whilst acknowledging the limited scope of the executive branch's power.²²⁶

*'Some of the gaps in our country's gun laws can only be fixed through legislation, which is why the President continues to call on Congress to pass the kind of commonsense gun safety reforms supported by a majority of the American people.'*²²⁷

The executive actions focused on refining background checks through the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), prioritising domestic violence outreach for U.S. Attorney Offices around the nation, coordinating with the Social Security Administration and the Department of Health and Human Services to increase mental health treatment, and finally, directing the Departments of Defence, Justice, and Homeland Security to 'conduct or sponsor research into gun safety technology.'²²⁸ Specific measures included requiring a background check for people purchasing weapons through a trust, corporation, or other legal entity, funding for additional staff at the FBI and the ATF, and a \$500 million investment to increase access to mental health care.²²⁹ Ahead of the formal announcement set for January 5, Obama spoke briefly to reporters, stating:

"...although we have to be very clear that this is not going to solve every violent crime in this country, it's not going to prevent every mass shooting, it's not going to keep every gun

²²³ Michael D. Shear and Eric Lichtblau, "On Guns, Obama Cannot Easily Sidestep Congress," *The New York Times*, December 4, 2015, <https://www.nytimes.com/2015/12/05/us/politics/white-house-seeks-path-to-executive-action-on-gun-sales.html>

²²⁴ Office of the Press Secretary, "Weekly Address: Making America Safer for Our Children," *Whitehouse.gov*, January 1, 2016, <https://obamawhitehouse.archives.gov/the-press-office/2016/01/01/weekly-address-making-america-safer-our-children>.

²²⁵ Shear et al.

²²⁶ Office of the Press Secretary, "FACT SHEET: New Executive Actions to Reduce Gun Violence and Make Our Communities Safer," *Whitehouse.gov*, January 4, 2016, <https://obamawhitehouse.archives.gov/the-press-office/2016/01/04/fact-sheet-new-executive-actions-reduce-gun-violence-and-make-our>.

²²⁷ Ibid.

²²⁸ Ibid.

²²⁹ David Nakamura, Juliet Eilperin, "Obama Details Executive Action on Gun Restrictions," *Washington Post*, n.d., https://www.washingtonpost.com/politics/obama-to-unveil-new-gun-restrictions-slams-congress-for-inaction/2016/01/04/81d539e8-b2fb-11e5-a842-0feb51d1d124_story.html

out of the hands of a criminal, it will potentially save lives and spare families the pain and the extraordinary loss they've suffered as a consequence of a firearm getting in the hands of the wrong people."²³⁰

Liberal commentators lauded the president's actions, but tempered expectations. The *New York Times* editorial board described the executive actions as 'modest [and] limited', pointing out that Congress would be required to pass more meaningful restrictions:

"None of the actions will make a big dent in America's gun-violence epidemic, but that's because Mr. Obama can do only so much on his own. Congress could pass far more expansive and effective legislation, such as universal background checks, which have been associated with large declines in gun deaths in the 18 states that have implemented them."²³¹

Republicans were quick to condemn Obama's actions. Paul Ryan suggested that Obama was 'at minimum subverting the legislative branch, and potentially overturning its will,' adding that the president's actions amounted to 'a dangerous level of executive overreach.'²³² Senate Judiciary Committee Chairman Charles E. Grassley (R-Iowa) stated that he would 'be taking a deep look at the president's proposals, with an eye toward ensuring that the Second Amendment is preserved.'²³³ Republican presidential candidates were similarly critical. Donald Trump said of the new measures, that 'pretty soon, you won't be able to get guns'²³⁴, whilst Ted Cruz deemed them 'illegal and unconstitutional'.²³⁵ Marco Rubio echoed Cruz's remarks, stating that Obama had 'waged war on the Constitution,' and suggested that new gun laws would 'not stop the criminals.'²³⁶ Jennifer Baker, an NRA lobbyist, suggested that the organisation was unperturbed by Obama's actions, stating:

"This is it, really? This is what they've been hyping for how long now?...they're not really doing anything."²³⁷

Nevertheless, Baker announced that the NRA would examine the executive actions and consider mounting a legal challenge, in spite of Obama's assurances to journalists that the measures were 'well within' his legal authority.²³⁸

²³⁰ Office of the Press Secretary, "Remarks by the President on Recommendations on Gun Safety," Whitehouse.gov, January 4, 2016, <https://obamawhitehouse.archives.gov/the-press-office/2016/01/05/remarks-president-recommendations-gun-safety>.

²³¹ The Editorial Board, "The President Acts on Gun Violence," *The New York Times*, January 4, 2016, <https://www.nytimes.com/2016/01/05/opinion/the-president-acts-on-gun-violence.html>

²³² Paul Ryan, "This Is a Dangerous Level of Executive Overreach, & the Country Will Not Stand for It. Http://Spkrryan.us/1TzyRy2 Pic.twitter.com/eMCSSp3Rh," microblog, @speakerryan, (n.d.), <https://twitter.com/speakerryan/status/684138639387955200>

²³³ Joseph Weber, "GOP Field Rips Obama's Move toward Executive Action to Tighten Gun Control Laws," Text.Article, *FoxNews.com*, (January 3, 2016), <http://www.foxnews.com/politics/2016/01/03/christie-bush-take-aim-at-obamas-plan-to-use-executive-powers-to-tighten-gun-control-laws.html>.

²³⁴ Ibid.

²³⁵ Ibid.

²³⁶ Ibid.

²³⁷ Ryu Spaeth, "The NRA Doesn't Seem Too Bothered about Obama's New Gun Control Plan.," *New Republic*, January 6, 2016, <https://newrepublic.com/minutes/126993/nra-doesnt-seem-bothered-obamas-new-gun-control-plan>

²³⁸ Michael D. Shear and Eric Lichtblau, "Obama to Expand Gun Background Checks and Tighten Enforcement," *The New York Times*, January 4, 2016, <https://www.nytimes.com/2016/01/05/us/politics/obama-says-he-will-act-on-gun-control-in-coming-days.html>.

On January 5, Obama formally announced the executive actions with a powerful address from the White House East Room. Flanked by an audience that included relatives of mass shooting victims, the president was ‘visibly emotional’²³⁹ during the delivery of an expansive speech that touched on many of the past arguments he had made in favour of gun control, and ‘painted gun reform as the last great civil rights challenge of his generation.’²⁴⁰ Obama pointed to the frequency of mass gun violence as a phenomena that ‘doesn’t happen in other advanced countries,’ and added that ‘somehow we’ve become numb to it and we start thinking that this is normal.’²⁴¹ He acknowledged that discussion around the issue had become ‘become one of our most polarised, partisan debates’ but added that polling suggested ‘a general consensus in America about what needs to be done.’²⁴² Noting the need for an ‘open discussion’, Obama pushed for a ‘a sense of urgency’ in tackling the issue:

*“In Dr. King’s words, we need to feel the ‘fierce urgency of now.’ Because people are dying. And the constant excuses for inaction no longer do, no longer suffice.”*²⁴³

The president defended the need for background checks, suggesting that ‘if a father wants to teach his daughter how to hunt, he can walk into a gun store, get a background check, purchase his weapon safely and responsibly. This is not seen as an infringement on the Second Amendment.’²⁴⁴ He then attacked the rhetoric of his opponents, stating:

*“Contrary to the claims of what some gun rights proponents have suggested, this hasn’t been the first step in some slippery slope to mass confiscation. Contrary to claims of some presidential candidates, apparently, before this meeting, this is not a plot to take away everybody’s guns.”*²⁴⁵

He questioned why background checks had become ‘such a partisan issue’, pointing out that the NRA had formerly supported background checks, and quoted his predecessor, Republican President George W. Bush, as saying: ‘I believe in background checks at gun shows or anywhere to make sure that guns don’t get into the hands of people that shouldn’t have them.’²⁴⁶ After outlining the set of executive actions under four broad categories: expanding background checks, improvements in enforcement, improvements in mental health, and technological advances, Obama suggested that ‘all of us should be able to work together to find a balance’ between Second Amendment rights and ‘the other rights that we care about as well.’²⁴⁷

²³⁹ Dan Roberts, David Smith, and Ben Jacobs, “Tearful Obama Tightens Gun Control and Tells Inactive Congress: ‘We Can’t Wait’,” *The Guardian*, January 5, 2016, sec. US news, <https://www.theguardian.com/us-news/2016/jan/05/obama-gun-control-executive-action-background-checks-licenses-gun-shows-mental-health-funding>.

²⁴⁰ Eric Lichtblau and Michael D. Shear, “Tearful Obama Outlines Steps to Curb Gun Deaths,” *The New York Times*, January 5, 2016, <https://www.nytimes.com/2016/01/06/us/politics/obama-gun-control-executive-action.html>.

²⁴¹ Office of the Press Secretary, “Remarks by the President on Common-Sense Gun Safety Reform,” *Whitehouse.gov*, January 5, 2016, <https://obamawhitehouse.archives.gov/the-press-office/2016/01/05/remarks-president-common-sense-gun-safety-reform>.

²⁴² Ibid.

²⁴³ Ibid.

²⁴⁴ Ibid.

²⁴⁵ Ibid.

²⁴⁶ Ibid.

²⁴⁷ Ibid.

“Our right to peaceful assembly -- that right was robbed from moviegoers in Aurora and Lafayette. Our unalienable right to life, and liberty, and the pursuit of happiness -- those rights were stripped from college students in Blacksburg and Santa Barbara, and from high schoolers at Columbine, and from first-graders in Newtown. First-graders. And from every family who never imagined that their loved one would be taken from our lives by a bullet from a gun.”²⁴⁸

Echoing past talking points, Obama concluded his speech with a call to action, encouraging Americans to ‘demand a Congress brave enough to stand up to the gun lobby’s lies,’ and ‘demand governors and legislatures and businesses do their part to make our communities safer.’²⁴⁹ He also called upon ‘the wide majority of responsible gun owners’ to voice their support for ‘commonsense steps’, whilst admitting that meaningful reform remained an elusive goal:

“It won’t happen during this Congress. It won’t happen during my presidency. But a lot of things don’t happen overnight. A woman’s right to vote didn’t happen overnight. The liberation of African Americans didn’t happen overnight. LGBT rights – that was decades’ worth of work. So just because it’s hard, that’s no excuse not to try.”²⁵⁰

The speech immediately elicited both praise and denunciation. NRA lobbyist Chris Cox accused Obama of engaging in ‘political rhetoric instead of offering meaningful solutions,’ stating:

“The American people do not need more emotional, condescending lectures that are completely devoid of facts. The men and women of the National Rifle Association take a back seat to no one when it comes to keeping our communities safe. But the fact is that President Obama’s proposals would not have prevented any of the horrific events he mentioned. The timing of this announcement, in the eighth and final year of his presidency, demonstrates not only political exploitation but a fundamental lack of seriousness.”²⁵¹

Republicans ‘raced to condemn’ Obama.²⁵² Paul Ryan stated that ‘from day one, the President has never respected the right to safe and legal gun ownership that our nation has valued since its founding’, adding that Obama’s ‘words and actions amount to a form of intimidation that undermines liberty.’²⁵³ Ted Cruz’s campaign launched a webpage soliciting donations that depicted ‘a menacing, altered picture of the president in a commando outfit’ accompanied by the caption ‘Obama Wants Your Guns’.²⁵⁴ In an appearance on *Fox News*, Marco Rubio characterised Obama’s measures as ‘just one more way to make it harder for law-abiding people to buy

²⁴⁸ Office of the Press Secretary, “Remarks by the President on Common-Sense Gun Safety Reform” et al.

²⁴⁹ Ibid.

²⁵⁰ Ibid.

²⁵¹ Tim Devaney, “NRA Rips ‘Condescending’ Obama Remarks,” *The Hill*, January 5, 2016, <http://thehill.com/regulation/264801-gun-lobby-rips-obama>.

²⁵² Eric Bradner and Gregory Krieg, “Obama Executive Action: New Gun Control Orders,” *CNN*, n.d., <http://www.cnn.com/2016/01/05/politics/obama-executive-action-gun-control/index.html>

²⁵³ Ibid.

²⁵⁴ Eric Bradner, “Cruz Campaign: ‘Obama Wants Your Guns,’” *CNN*, n.d., <http://www.cnn.com/2016/01/05/politics/ted-cruz-obama-wants-your-guns/index.html>

weapons or to be able to protect their families. It's going to do nothing to prevent violence or crimes.'²⁵⁵

Democrats and gun control advocates were quick to defend Obama's actions. Bernie Sanders stated that, 'it's become clear that no mass shooting, no matter how big or bloody, will inspire Republicans to put children and innocent Americans over the interests of the NRA. They are simply more loyal to gun lobbyists than our children. That's why I support President Obama's executive actions to make our communities safer.'²⁵⁶ He was joined by Hillary Clinton, who thanked Obama 'for taking a crucial step forward on gun violence,' adding that 'our next President has to build on that progress — not rip it away.'²⁵⁷

Following Obama's press conference, the administration continued to press the issue of gun violence, with a campaign on social media anchored by the hashtag #StopGunViolence, an editorial for the *New York Times*, and a televised town hall with *CNN*.²⁵⁸ Commentators suggested that the promotional effort reflected 'the president's desire to demonstrate for his supporters a commitment to gun control even as he seeks to reassure gun owners that he has no intention of confiscating their weapons.'²⁵⁹

On January 7, Obama penned an editorial for the *New York Times* proclaiming 'Guns Are Our Shared Responsibility.'²⁶⁰ The president echoed many of his previous talking points on the 'epidemic' of gun violence, and encouraged Americans to take action, suggesting that a 'national crisis like this demands a national response.'²⁶¹ Stating that 'gun deaths and injuries constitute one of the greatest threats to public health and to the safety of the American people,' Obama summarised his new slate of executive actions, and added that he would 'not campaign for, vote for or support any candidate, even in my own party, who does not support common-sense gun reform'. Obama also pointed to the gun industry, calling it 'almost entirely unaccountable' owing to the efforts of the gun lobby in Congress, and called on firearms manufacturers to 'invest in research to make guns smarter and safer, like developing micro-stamping for ammunition, which can help trace bullets found at crime scenes to specific guns.'²⁶²

*"We will not end the cycle of gun violence until we demand that the gun industry take simple actions to make its products safer as well. If a child can't open a bottle of aspirin, we should also make sure she can't pull the trigger of a gun."*²⁶³

²⁵⁵ Eric Bradner, "GOP 2016 Candidates Bash Obama's Gun Control Push," *CNN*, n.d., <http://www.cnn.com/2016/01/05/politics/obama-gun-control-republican-reaction/index.html>

²⁵⁶ Bernie Sanders, "Bernie Sanders - Posts," n.d., <https://www.facebook.com/berniesanders/posts/957380400983631>.

²⁵⁷ Hillary Clinton, "Thank You, @POTUS, for Taking a Crucial Step Forward on Gun Violence. Our next President Has to Build on That Progress—not Rip It Away. -H," microblog, @hillaryclinton, (n.d.), <https://twitter.com/hillaryclinton/status/684422434859184128?lang=en>.

²⁵⁸ Michael D. Shear, "Obama Pleads for Stricter Gun Laws and Faces Tough Questioning," *The New York Times*, January 7, 2016, <https://www.nytimes.com/2016/01/08/us/politics/obama-gun-control-town-hall-cnn.html>.

²⁵⁹ Ibid.

²⁶⁰ Barack Obama, "Barack Obama: Guns Are Our Shared Responsibility," *The New York Times*, January 7, 2016, <https://www.nytimes.com/2016/01/08/opinion/president-barack-obama-guns-are-our-shared-responsibility.html>.

²⁶¹ Ibid.

²⁶² Ibid.

²⁶³ Ibid.

Obama equated the issue of gun violence to other social rights issues:

“Change will be hard. It won’t happen overnight. But securing a woman’s right to vote didn’t happen overnight. The liberation of African-Americans didn’t happen overnight. Advancing the rights of lesbian, gay, bisexual and transgender Americans has taken decades’ worth of work....Meeting this crisis of gun violence will require the same relentless focus, over many years, at every level. If we can meet this moment with that same audacity, we will achieve the change we seek. And we will leave a stronger, safer country to our children.”²⁶⁴

Obama concluded with a reiteration that ‘ultimately, this is about all of us’, and that the American people ‘must find the courage and the will to mobilise, organise and do what a strong, sensible country does in response to a crisis like this one’:²⁶⁵

“All of us need to demand leaders brave enough to stand up to the gun lobby’s lies. All of us need to stand up and protect our fellow citizens. All of us need to demand that governors, mayors and our representatives in Congress do their part.”²⁶⁶

The same day, Obama continued his public-relations effort with a live televised town-hall-style meeting broadcast. The hourlong forum, proposed and hosted by CNN, brought gun rights advocates and the president together in an ‘intense but civil’ discussion that offered Obama the opportunity to respond to ‘incorrect or misleading arguments about his positions.’²⁶⁷ In an early exchange with CNN’s Anderson Cooper, Obama empathised with gun owners’ rights to self-protection:

“Michelle and I are campaigning out in Iowa...at one point Michelle turned to me and said, ‘You know, if I was living in a farmhouse where the sheriff’s department is pretty far away and somebody could just turn off the highway and come up to the farm, I’d want to have a shotgun or a rifle to make sure I was protected and my family was protected.’ And she was absolutely right.”²⁶⁸

Obama fielded questions from gun rights advocates, including Taya Kyle (the widow of Navy SEAL Chris Kyle), Kimberly Corban, a rape survivor, and Sheriff Paul Babeu. Challenging Obama’s slate of executive actions, Corban asked the president ‘why he was making it more difficult for her to obtain a weapon’, to which Obama countered: ‘there’s nothing that we’ve proposed that would make it harder for you to purchase a firearm.’²⁶⁹

²⁶⁴ Barack Obama, “Barack Obama: Guns Are Our Shared Responsibility,” *The New York Times*, January 7, 2016, <https://www.nytimes.com/2016/01/08/opinion/president-barack-obama-guns-are-our-shared-responsibility.html>.

²⁶⁵ Obama et al.

²⁶⁶ Ibid.

²⁶⁷ Stephen Collinson, “Obama, Critics Connect at CNN’s Town Hall on Guns,” *CNN*, <http://www.cnn.com/2016/01/07/politics/obama-executive-action-gun-control-town-hall/index.html>

²⁶⁸ Office of the Press Secretary, “Remarks by the President at CNN ‘Guns In America’ Town Hall,” *Whitehouse.gov*, January 7, 2016, <https://obamawhitehouse.archives.gov/the-press-office/2016/01/07/remarks-president-cnn-guns-america-town-hall>.

²⁶⁹ Ibid.

Gun control advocates in the audience included Mark Kelly, the husband of former Rep. Gabby Giffords, Father Michael Pfleger, a Chicago priest, and Cleo Pendleton (the mother of Hadiya Pendleton, a 15 year-old who was shot and killed a week after performing at Obama's second inauguration). Kelly addressed the common refrain promoted by the NRA that Obama's ultimate intention was to confiscate firearms:²⁷⁰

*"So, I would like you to explain with 350 million guns in 65 million places, households, from Key West, to Alaska, 350 million objects in 65 million places, if the Federal government wanted to confiscate those objects, how would they do that?"*²⁷¹

Obama dismissed the refrain as a 'conspiracy' suggesting that much of the debate around gun control 'gets wrapped up in concerns about the Federal government'. When pressed by Cooper if it was 'fair to call it a conspiracy' because 'a lot of people really believe this deeply, that they just don't...they just don't trust you,'²⁷² Obama responded strongly:

*"Are you suggesting that the notion that we are creating a plot to take everybody's guns away so that we can impose martial law isn't a conspiracy? Yes, that is a conspiracy! I would hope that you would agree."*²⁷³

For its part, the NRA boycotted the event, stating through a spokesman that 'the National Rifle Association sees no reason to participate in a public-relations spectacle orchestrated by the White House.'²⁷⁴ On the campaign trail, Republican presidential candidates continued their critiques of Obama. Jeb Bush stated that 'any time that there's a crisis...or these tragic mass killings by deranged people the first impulse of the president of the United States and Hillary Clinton is to take more rights away from law-abiding citizens',²⁷⁵ whilst Donald Trump pledged to 'get rid of gun-free zones on [sic] schools,' adding: 'my first day, it gets signed, okay? My first day. There's no more gun-free zones.'²⁷⁶

Obama continued to push the issue of gun violence during public appearances. At a town hall event hosted by *PBS NewsHour* on June 1, Doug Rhude, the owner of a firearms retailer, put the following question to the president:

²⁷⁰ Ibid.

²⁷¹ Ibid.

²⁷² Office of the Press Secretary, "Remarks by the President at CNN 'Guns In America' Town Hall," et al.

²⁷³ Ibid.

²⁷⁴ Mark Preston, "NRA Declines to Participate in Obama Gun Town Hall," *CNN*, n.d., <http://www.cnn.com/2016/01/06/politics/nra-obama-gun-town-hall/index.html>.

²⁷⁵ Jenna Johnson, "Donald Trump: 'I Will Get Rid of Gun-Free Zones on Schools,'" *Washington Post*, n.d., <https://www.washingtonpost.com/news/post-politics/wp/2016/01/08/donald-trump-i-will-get-rid-of-gun-free-zones-on-schools/>.

²⁷⁶ Ibid.

“...why...do you and Hillary want to control and restrict and limit gun manufacturers, gun owners, and responsible use of guns and ammunition to the rest of us, the good guys, instead of holding the bad guys accountable for their actions?”²⁷⁷

Obama’s answer touched on many of the tropes consistent with his engagement on the issue:

“The notion that I or Hillary or Democrats, or whoever you want to choose, are hell-bent on taking away folks’ guns is just not true — and I don’t care how many times the NRA says it... And at no point have I ever proposed confiscating guns from responsible gun owners. So it’s just not true.”²⁷⁸

Notably, he placed the blame on the NRA for a loophole where people deemed too dangerous to fly are nevertheless allowed to purchase firearms, framing their gun access as a national security issue:

“I just came from a meeting today in the Situation Room in which I’ve got people who we know have been on ISIL websites, living here in the United States, U.S. citizens, and we’re allowed to put them on the no-fly list when it comes to airlines, but because of the National Rifle Association, I cannot prohibit those people from buying a gun. This is somebody who is a known ISIL sympathiser. And if he wants to walk into a gun store or a gun show right now and buy as many weapons and ammo as he can, nothing is prohibiting him from doing that, even though the FBI knows who that person is.”²⁷⁹

Obama’s remarks would prove to be prescient. Eleven days later, a gunman pledging allegiance to the Islamic State terrorist organisation undertook the deadliest mass shooting in American history.

Orlando, Florida

Sometime before 2:00 a.m. on June 12, 2016, 29-year-old Omar Mateen parked his van outside Pulse, a gay nightclub in Orlando, Florida, before entering the nightclub armed with a SIG Sauer MCX semi-automatic rifle and a 9mm Glock 17 semi-automatic pistol.²⁸⁰ At approximately 1:58 a.m., Mateen opened fire in the crowded venue. Loud music inside the venue and the dimly lit nature of the nightclub meant that many patrons did not immediately recognise the sound of gunfire.²⁸¹ At 2:02 a.m., an off-duty officer recognised gunshots and exchanged gunfire with Mateen. At 2:04 a.m., additional officers responding to the incident engaged the shooter in a shootout.²⁸² During this period, many patrons were able to escape or were rescued. Capt. Mark

²⁷⁷ Hari Sreenivasan, “Obama to Gun Owners — I’m Not Looking to Disarm You,” *PBS NewsHour*, n.d., <http://www.pbs.org/newshour/bb/obama-to-gun-owners-im-not-looking-to-disarm-you/>.

²⁷⁸ Ibid.

²⁷⁹ Sreenivasan et al.

²⁸⁰ “What Happened Inside the Orlando Nightclub,” *The New York Times*, June 12, 2016, <https://www.nytimes.com/interactive/2016/06/12/us/what-happened-at-the-orlando-nightclub-shooting.html>.

²⁸¹ “Why the Orlando Shooting Was So Deadly,” *The New York Times*, June 12, 2016, <https://www.nytimes.com/interactive/2016/06/12/us/why-the-orlando-shooting-was-so-deadly.html>.

²⁸² Ibid.

Canty, Orlando SWAT commander, reported that ‘patrol officers were running inside and pulling out victims.’²⁸³ At 2:09 a.m. the nightclub posted a message on its Facebook page: ‘Everyone get out of pulse and keep running.’²⁸⁴

During the shootout, Mateen retreated to the women’s bathroom, where he held five or six hostages. A standoff ensued, during which ‘a SWAT team and an armoured vehicle arrived, along with a team of crisis negotiators.’²⁸⁵ At 2:35 a.m., the gunman placed a call to 911 from the bathroom, and pledged his allegiance to the Islamic State and its leader, Abu Bakr al-Baghdadi. Between 2:48 a.m. and 3:17 a.m., Mateen communicated with law enforcement three times, identifying himself as ‘an Islamic soldier’ and claimed that he had explosives:

“There is some vehicle outside that has some bombs, just to let you know. You people are gonna get it, and I’m gonna ignite it if they try to do anything stupid.”²⁸⁶

At 4:21 a.m., eight survivors escaped after police removed an air conditioning unit from an exterior wall. Another four people were able to escape through an exit on the north side of the building. At 5:07 a.m., spurred by reports from rescued survivors that Mateen was planning to place four hostages in bomb vests, law enforcement breached the side of the building using explosives and an armoured vehicle.²⁸⁷ At 5:14 a.m., Mateen engaged the police in a final shootout before being killed by gunfire at 5:17 a.m. Of an ‘estimated 320 people’ in the nightclub, approximately one-third were hit by gunfire, resulting in 49 fatalities and 53 injuries.²⁸⁸ The attack was the deadliest mass shooting in United States history, and ‘the worst act of terrorism on American soil since September 11, 2001.’²⁸⁹

The mass shooting was classified as both an act of domestic terrorism and a hate crime. FBI Director James Comey suggested there was ‘no indication’ that the shooting was ‘directed from outside the United States’, adding that he was ‘highly confident’ Mateen ‘was radicalised at least in part through the Internet’.²⁹⁰ After the shooting it was revealed that Mateen was investigated by the FBI in May 2013 when ‘he made comments to co-workers suggesting he had terrorist ties’, and again in July 2014, for ‘possible connections to Moner Mohammad Abusalha, an American who

²⁸³ “What Happened Inside the Orlando Nightclub,” *The New York Times* et al.

²⁸⁴ *Ibid.*

²⁸⁵ *Ibid.*

²⁸⁶ Julie Vitkovskaya, “‘You Already Know What I Did’: Read Excerpts of the Orlando Shooter’s 911 Calls,” *Washington Post*, n.d., <https://www.washingtonpost.com/news/checkpoint/wp/2016/06/20/here-is-the-excerpt-of-omar-mateens-911-call-to-orlando-police/>.

²⁸⁷ Jack Healy and John Eligon, “Orlando Survivors Recall Night of Terror: ‘Then He Shoots Me Again,’” *The New York Times*, June 17, 2016, <https://www.nytimes.com/2016/06/18/us/pulse-nightclub-orlando-mass-shooting.html>.

²⁸⁸ AnneClaire Stapleton and Ralph Ellis, “Timeline of Orlando Nightclub Shooting,” *CNN*, n.d., <http://www.cnn.com/2016/06/12/us/orlando-shooting-timeline/index.html>.

²⁸⁹ “Pulse Nightclub Shooting Largest in US History,” *Vox.com*, n.d., <https://volume.vox-cdn.com/embed/8ef00256d>.

²⁹⁰ Ed Pilkington, Dan Roberts, “FBI and Obama Confirm Omar Mateen Was Radicalized on the Internet,” *The Guardian*, June 14, 2016, sec. US news, <https://www.theguardian.com/us-news/2016/jun/13/pulse-nightclub-attack-shooter-radicalized-internet-orlando>.

became a suicide bomber in Syria.²⁹¹ However, the FBI found ‘no solid evidence’ of wrongdoing, and Mateen was able to continue working as a security guard and legally purchase firearms.

Obama responded with brief remarks from the White House in a ‘chillingly familiar’²⁹² address:

*“Today, as Americans, we grieve the brutal murder — a horrific massacre — of dozens of innocent people...and as Americans, we are united in grief, in outrage, and in resolve to defend our people.”*²⁹³

Obama stated that ‘no definitive judgment’ had been reached ‘on the precise motivations of the killer’, but nevertheless declared that the shooting was ‘an act of terror and an act of hate’, and pledged to provide ‘the full resources of the federal government’ for the investigation.²⁹⁴ He additionally highlighted that the shooting was a ‘sobering reminder that attacks on any American — regardless of race, ethnicity, religion or sexual orientation — is an attack on all of us and on the fundamental values of equality and dignity that define us as a country.’²⁹⁵

Obama also broached the subject of gun violence in a short statement. Recognising that ‘today marks the most deadly shooting in American history’, the president added that:

*“The shooter was apparently armed with a handgun and a powerful assault rifle. This massacre is therefore a further reminder of how easy it is for someone to get their hands on a weapon that lets them shoot people in a school, or in a house of worship, or a movie theatre, or in a nightclub. And we have to decide if that’s the kind of country we want to be. And to actively do nothing is a decision as well.”*²⁹⁶

Hillary Clinton, the presumptive Democratic presidential nominee, echoed Obama’s remarks in referring to the massacre as an ‘act of terror’ and an ‘act of hate’.²⁹⁷ She also called for ‘hardening our defences at home’ while ‘refusing to be intimidated and staying true to our values’ before addressing the issue of gun violence:

*“Finally, we need to keep guns like the ones used last night out of the hands of terrorists or other violent criminals. This is the deadliest mass shooting in the history of the United States, and it reminds us once more that weapons of war have no place on our streets.”*²⁹⁸

²⁹¹ Mary Jordan, “Residents of Fort Pierce Are Wondering: How Did One Small Florida Town Produce Two Violent Extremists?,” *Washington Post*, https://www.washingtonpost.com/world/national-security/residents-of-fort-pierce-are-wondering-how-did-one-small-florida-town-produce-two-violent-extremists/2016/06/13/07051126-31b2-11e6-95c0-2a6873031302_story.html.

²⁹² Michael D. Shear, “After Nightclub Massacre, Obama Expresses Outrage and a Familiar Lament,” *The New York Times*, June 12, 2016, <https://www.nytimes.com/2016/06/13/us/politics/president-obama-expresses-outrage-over-massacre-at-nightclub.html>

²⁹³ Barack Obama, “President Obama’s Complete Remarks on Orlando Shooting,” *Washington Post*, n.d., <https://www.washingtonpost.com/news/post-politics/wp/2016/06/12/president-obamas-complete-remarks-on-orlando-shooting/>.

²⁹⁴ “President Obama’s Complete Remarks on Orlando Shooting,” *Washington Post*, et al.

²⁹⁵ *Ibid.*

²⁹⁶ *Ibid.*

²⁹⁷ Libby Nelson, Dara Lind, and Tara Golshan, “Hillary Clinton, Bernie Sanders, and Donald Trump React to Pulse Nightclub Shooting,” *Vox*, June 12, 2016, <http://www.vox.com/2016/6/12/11911796/clinton-sanders-trump-orlando-shooting>.

²⁹⁸ *Ibid.*

Donald Trump, the presumptive Republican presidential nominee, stated on Twitter:

“Appreciate the congrats for being right on radical Islamic terrorism, I don't want congrats, I want toughness & vigilance. We must be smart!”²⁹⁹

Trump also ‘reiterated his controversial call for a temporary ban on Muslim migration to the United States,’ reflecting his campaign’s ‘hard line against Muslims.’ Notably, he made ‘no mention of access to firearms’ in any of several comments posted to Twitter, but suggested Obama should resign the presidency for his own refusal to say ‘radical Islam.’³⁰⁰ Continuing his attacks on Obama in a television interview the following day, Trump insinuated ‘that the president was sympathetic to Islamic terrorists’:

“We’re led by a man that either is not tough, not smart, or he’s got something else in mind. There is something going on.”³⁰¹

Republican leaders largely distanced themselves from Trump’s remarks. Paul Ryan stated that he did not ‘think a Muslim ban is in our country’s interest’, adding that it was not ‘reflective of our principles, not just as a party but as a country.’³⁰² Sen. Mitch McConnell ‘refused to respond to questions about Trump’ at a news conference.³⁰³ Sen. Lindsey Graham was sharply critical, stating that Trump did not have ‘the judgment or the temperament, the experience to deal with what we are facing.’³⁰⁴ A moment of silence called by Speaker Paul Ryan in the House of Representatives as a tribute to the victims of the mass shooting ‘was short-lived’ when Democratic representatives began protesting the Republican-led chamber’s inaction on gun control legislation.³⁰⁵ During the moment of silence, several Democrats left the House floor, including Rep. Jim Himes (D-Connecticut), who labelled such gestures as ‘obnoxious expressions of smug incompetence’ and ‘the perfect metaphor for congressional inaction on guns.’³⁰⁶ Rep. James Clyburn then attempted to ask Ryan when the House would consider gun control measures, but was ruled out of order by the Speaker.³⁰⁷ This prompted Democrats to ‘erupt’ in loud criticism, shouting: ‘Where’s the bill?’

²⁹⁹ Nelson, op. cit.

³⁰⁰ Ibid.

³⁰¹ Ron Elving, “What Trump Really Meant When He Said Obama Has ‘Something Else In Mind,’” *NPR.org*, n.d., <http://www.npr.org/2016/06/13/481934467/what-trump-really-meant-when-he-said-obama-has-something-else-in-mind>.

³⁰² Jake Sherman, “Ryan Breaks with Trump on Muslim Immigrant Ban,” *POLITICO*, accessed April 9, 2017, <http://politi.co/1XnIB4H>

³⁰³ Burgess Everett, “McConnell Won’t Answer Trump Questions for Second Straight Week,” *POLITICO*, accessed April 9, 2017, <http://politi.co/28N8WHa>.

³⁰⁴ Harry Cheadle, “Republicans Are Starting to Turn on Trump,” *Vice*, n.d., https://www.vice.com/en_us/article/republicans-who-hate-trump.

³⁰⁵ Eyder Peralta, “Watch: Following Moment Of Silence, Democrats Shout Down Speaker Ryan,” *NPR.org*, n.d., <http://www.npr.org/sections/thetwo-way/2016/06/14/482031478/watch-following-moment-of-silent-democrats-shout-down-speaker-ryan>.

³⁰⁶ Ibid.

³⁰⁷ Ibid.

and ‘No leadership!’³⁰⁸ In an editorial for the *Washington Post* after the protest, Himes penned a scathing critique of Congressional inaction:

*“If the House of Representatives had a solitary moral fibre, even a wisp of human empathy, we would spend moments not in silence, but screaming at painful volume the names of the 49 whose bodies were ripped apart in Orlando, and the previous victims and the ones before them.”*³⁰⁹

The Democrats fight back

For their part, Senate Democrats ‘moved swiftly’ to ‘renew the debate over tightening federal gun laws’,³¹⁰ demanding that the Senate revisit measures ‘aimed at banning the sale of guns or explosives to people who have appeared on watch lists, or who have been suspected by the Justice Department of ties to terrorist organisations.’³¹¹ Harry Reid indicated that Democrats would ‘force a vote as soon as possible’ on the measure, adding that ‘there is no excuse for allowing suspected terrorists to buy guns.’³¹² He also blasted Congressional inaction on the issue:

*“I hope every member of the House and Senate had time for quiet reflection yesterday to ask what we could have done to prevent this tragedy. I’m so sorry. I’m heartsick, I’m basically sick by our inaction. It’s shameful the United States Senate has done nothing — nothing — to stop these mass shootings.”*³¹³

Reid’s comments were echoed by Sen. Chuck Schumer (D-New York), who suggested that if the legislation proposed in the wake of the San Bernardino shooting had passed Congress in December 2015, Mateen may have been prevented from purchasing his firearms:

*“We are now living with the consequences of that vote. How many more people have to die at the hands of a terrorist with a gun before the Senate acts?”*³¹⁴

On June 14, Obama ‘angrily denounced’ Trump’s rhetoric in a speech delivered at the Treasury Department following a meeting of the National Security Council.³¹⁵ The president comprehensively described the military campaign against the Islamic State, pointing out that the terrorist organisation was ‘losing ground’ in Iraq and Syria:

³⁰⁸ Cristina Marcos, “House Erupts into Shouting after Moment of Silence for Orlando,” *The Hill*, (June 13, 2016), <http://thehill.com/blogs/floor-action/house/283355-house-erupts-in-shouting-after-moment-of-silence-for-orlando-victims>.

³⁰⁹ Jim Himes, “Rep. Jim Himes: Why I Walked out of the House’s Moment of Silence for Orlando,” *Washington Post*, n.d., <https://www.washingtonpost.com/posteverything/wp/2016/06/14/why-i-walked-out-of-the-houses-moment-of-silence-for-orlando/>.

³¹⁰ David M. Herszenhorn and Eric Lichtblau, “Orlando Shooting Reignites Gun Control Debate in Congress,” *The New York Times*, June 13, 2016, <https://www.nytimes.com/2016/06/14/us/politics/terrorist-watch-list.html>

³¹¹ Herszenhorn et al.

³¹² Ibid.

³¹³ Ibid.

³¹⁴ Ibid.

³¹⁵ Michele Gorman, “Read President Obama’s Full Remarks on ISIS after the Orlando Shooting,” *Newsweek*, June 14, 2016, <http://www.newsweek.com/president-obamas-remarks-isis-after-orlando-mass-shooting-470429>.

*“Our aircraft continue to launch from the USS Harry Truman, now in the Mediterranean. Our B-52 bombers are hitting ISIL with precision strikes. Targets are being identified and hit even more quickly -- so far, 13,000 airstrikes. This campaign at this stage is firing on all cylinders.”*³¹⁶

Obama then pivoted to advocate for stronger firearms regulations, framing his remarks in the interests of counter-terrorism:

*“...if we really want to help law enforcement protect Americans from homegrown extremists, the kind of tragedies that occurred at San Bernardino and that now have occurred in Orlando, there is a meaningful way to do that. We have to make it harder for people who want to kill Americans to get their hands on weapons of war that let them kill dozens of innocents.”*³¹⁷

He added that there were ‘common-sense steps that could reduce gun violence’ that were ‘consistent with the Second Amendment’ and pointed out that ‘people with possible ties to terrorism who aren’t allowed on a plane shouldn’t be allowed to buy a gun.’³¹⁸ Finally, Obama delivered a ‘powerful rebuke’³¹⁹ to Trump and other Republicans, calling their critiques ‘a political distraction’:

*“For a while now, the main contribution of some of my friends on the other side of the aisle have made in the fight against ISIL [Islamic State] is to criticise this administration and me for not using the phrase ‘radical Islam.’...what exactly would using this label accomplish? What exactly would it change? Would it make ISIL less committed to trying to kill Americans?...the answer is none of the above. Calling a threat by a different name does not make it go away.”*³²⁰

The following day, Sen. Chris Murphy launched a filibuster in the Senate. A spokesperson for Murphy indicated that the Senator would ‘hold the floor to push for a vote on amendments to close the terror gap and expand background checks.’³²¹ Murphy was engaged with questions over the course of the filibuster from 38 fellow Senate Democrats, and two Republicans, Ben Sasse (R-Nebraska) and Pat Toomey (R-Pennsylvania).³²² The filibuster lasted fourteen hours and 50 minutes, with Murphy yielding the floor at 2:11 a.m after securing votes on two measures:

“It is our understanding...that we have been given a commitment on a path forward to get votes on the floor of the Senate – on a measure to assure that those on the terrorist watch

³¹⁶ Cheryl Pellerin, “Obama Offers Condolences to Orlando Victims, Discusses Counter-ISIL Strategy,” *U.S. Department of Defense*, n.d., <https://www.defense.gov/News/Article/Article/799230/obama-offers-condolences-to-orlando-victims-discusses-counter-isil-strategy>.

³¹⁷ Ibid.

³¹⁸ Pellerin et al.

³¹⁹ Ibid.

³²⁰ Ibid.

³²¹ David M. Herszenhorn, “Senator’s 15-Hour Filibuster Gains ‘Path Forward’ on Gun Control Measures,” *The New York Times*, June 16, 2016, <https://www.nytimes.com/2016/06/17/us/politics/senate-filibuster-gun-control.html>.

³²² Ibid.

*list do not get guns and an amendment...to expand background checks to gun shows and to internet sales.*³²³

Murphy's filibuster prompted some Senate Republicans to seek 'common ground'.³²⁴ Sen. John Cornyn (R-Texas) informed journalists that he was working 'pretty feverishly' with Dianne Feinstein on a compromise proposal to prevent people suspected of having 'terrorist ties' from purchasing guns, acknowledging that 'it's pretty clear Democrats aren't going to let us do anything until we deal with this issue.'³²⁵ The filibuster also appeared to draw a response from Donald Trump. In a post on Twitter, Trump stated:

*"I will be meeting with the NRA, who has endorsed me, about not allowing people on the terrorist watch list, or the no fly list, to buy guns."*³²⁶

In a separate statement, the NRA asserted that 'terrorists should not be allowed to purchase or possess firearms, period. Anyone on a terror watchlist who tries to buy a gun should be thoroughly investigated by the FBI and the sale delayed while the investigation is ongoing.'³²⁷

In a visit to Orlando on June 16, Obama highlighted gun violence in a speech to the press, stating that whilst 'the motives of this killer may have been different than the mass shooters in Aurora or Newtown', the 'instruments of death were so similar.'³²⁸ Adding that 'this debate needs to change', he attacked a common refrain from gun rights advocates that other civilians - if armed - might have prevented the mass shooting:

*"The notion that the answer to this tragedy would be to make sure that more people in a nightclub are similarly armed to the killer defies common sense. Those who defend the easy accessibility of assault weapons should meet these families and explain why that makes sense."*³²⁹

Obama also commented on the measures before Congress, stating he was 'pleased to hear that the Senate will hold votes on preventing individuals with possible terrorist ties from buying guns, including assault weapons'³³⁰ and encouraged members of Congress to support the legislation:

³²³ Deirdre Walsh and Tom LoBianco, "Democratic Senator Ends Filibuster over Guns," *CNN*, n.d., <http://www.cnn.com/2016/06/15/politics/gun-filibuster-senate-democrat/index.html>

³²⁴ Herszenhorn et al.

³²⁵ *Ibid.*

³²⁶ Donald J. Trump, "I Will Be Meeting with the NRA, Who Has Endorsed Me, about Not Allowing People on the Terrorist Watch List, or the No Fly List, to Buy Guns.," microblog, @realdonaldtrump, (n.d.), <https://twitter.com/realdonaldtrump/status/743078235408195584?lang=en>.

³²⁷ NRA-ILA, "NRA-ILA | NRA Statement on Terror Watchlists," *NRA-ILA*, n.d., <https://www.nraila.org/articles/20160615/nra-statement-on-terror-watchlists>.

³²⁸ Office of the Press Secretary, "Remarks by the President in a Statement to the Press," *Whitehouse.gov*, June 16, 2016, <https://obamawhitehouse.archives.gov/the-press-office/2016/06/16/remarks-president-statement-press>.

³²⁹ *Ibid.*

³³⁰ *Ibid.*

"I truly hope that senators rise to the moment and do the right thing. I hope that senators who voted no on background checks after Newtown have a change of heart. And then I hope the House does the right thing, and helps end the plague of violence that these weapons of war inflict on so many young lives."³³¹

However, on June 20, the Senate 'failed to advance four separate measures aimed at curbing gun sales,' with votes falling largely along party lines.³³² The proposed measures would have prevented the sale of firearms to anyone 'reasonably' suspected of posing a terrorist threat — including those on a terrorist watchlist — and would have closed loopholes in background checks to cover sales made at gun shows or through the internet. Harry Reid sought to blame opponents in Congress and the gun lobby:

"Instead of getting help from their elected officials, our constituents see a disturbing pattern of inaction. It's always the same. After each tragedy we try, we Democrats try to pass sensible gun safety measures. Sadly, our efforts are blocked by the Republicans in Congress who take their marching orders from the National Rifle Association."³³³

Sen. Bill Nelson (D-Florida) joined Reid in casting blame on the NRA:

"What am I gonna tell 49 grieving families?...What am I gonna tell the community of Orlando that is trying to come together in the healing?...Sadly, what I'm going to have tell them is the NRA won again."³³⁴

For its part, the NRA labelled the proceedings as 'an embarrassing display in the United States Senate' and accused Obama and his allies of 'playing politics' instead of 'addressing their failure to keep Americans safe from the threat of radical Islamic terrorism.'³³⁵

On June 22, over 40 House Democrats led by civil rights icon Rep. John Lewis (D-Georgia) and Rep. John Larson (D-Connecticut) staged a sit-in on the House floor to protest Republican inaction on gun violence.³³⁶ In an unprecedented move, Democrats walked into the chamber shortly before midday and pledged to 'occupy' the House floor until the Republican leadership allowed a vote on a measure that would prevent people on the 'no-fly' list from purchasing firearms.³³⁷ On the floor of the House, Lewis delivered an impassioned call to action:

³³¹ Ibid.

³³² Jennifer Steinhauer, "Senate Rejects 4 Measures to Control Gun Sales," *The New York Times*, June 20, 2016, <https://www.nytimes.com/2016/06/21/us/politics/gun-vote-senate.html>.

³³³ Michael McAuliff and Jennifer Bendery, "Orlando Massacre Wasn't Enough To Spur Senate To Pass Gun Control Bills," *Huffington Post*, June 20, 2016, sec. Politics, http://www.huffingtonpost.com/entry/senate-gun-control-bills-orlando_us_57681a1be4b015db1bca03fa

³³⁴ Ibid.

³³⁵ NRA-ILA, "NRA-ILA | NRA Statement on the Senate Voting Down Anti-Gun Bills," *NRA-ILA*, n.d., <https://www.nraila.org/articles/20160620/cox-statement>.

³³⁶ David M. Herszenhorn and Emmarie Huetteman, "House Democrats' Gun-Control Sit-In Turns Into Chaotic Showdown With Republicans," *The New York Times*, June 22, 2016, <https://www.nytimes.com/2016/06/23/us/politics/house-democrats-stage-sit-in-to-push-for-action-on-gun-control.html>.

³³⁷ Ibid.

*“We have been too quiet for too long. There comes a time when you have to say something. You have to make a little noise. You have to move your feet. This is the time. How many more mothers? How many more fathers need to shed tears of grief before we do something? Give us a vote. Let us vote. We came here to do our job. We came here to work.”*³³⁸

The protest quickly grew in size, with other Democrats speaking out. Rep. Jerry Nadler (D-New York) stated that the House ‘is drenched in blood and the only way we can cleanse it is if the speaker of the House allows us to vote on this legislation.’³³⁹ Commentators described the sit-in as ‘an escalation of tactics by a virtually powerless minority that amounted to guerrilla warfare to force action on an issue’.³⁴⁰ The protest caught Republicans off-guard, leading Speaker pro tempore Dan Webster (R-Florida) to order the House into recess, cutting off the live television feed of floor proceedings.³⁴¹ Democrats refused to leave the floor and resorted to using smartphones to live-stream the ongoing protest on social media platforms Periscope and Facebook, which in turn was picked up by C-SPAN.³⁴² Through the afternoon, legislators delivered speeches demanding Congressional action on gun violence.

Paul Ryan condemned the protest as a ‘publicity stunt’ and accused Democrats of undermining the institutions of government:

*“One of the things that makes our country strong is our institutions. No matter how bad things get in this country, we have a basic structure that ensures a functioning democracy. We can disagree on policy, but we do so within the bounds of order and respect for the system. Otherwise, it all falls apart.”*³⁴³

At 10:00 p.m. on June 22, Ryan reconvened the House, attempting to ‘break up the protest’ by calling a vote on legislation to override an Obama administration veto.³⁴⁴ In a ‘chaotic showdown’ with Republicans, Democrats continued to disrupt House proceedings, drowning Ryan out with calls of protest.³⁴⁵ Many held signs with pictures and the names of gun violence victims, chanting ‘shame’ and ‘no bill, no break’ at the House Speaker. As the vote ensued, Democrats sang the civil rights anthem ‘We Shall Overcome’, echoing protestors outside the Capitol.³⁴⁶ After the vote, Ryan gavelled the House into recess, but tensions continued to rise. Reps. Louie Gohmert (R-Texas)

³³⁸ John Lewis, “Rep. John Lewis on the Need for Congress to Act Now on Gun Violence and Mass Shootings,” *Congressman John Lewis*, June 22, 2016, <https://johnlewis.house.gov/media-center/press-releases/rep-john-lewis-need-congress-act-now-gun-violence-and-mass-shootings>.

³³⁹ Rachael Bade, Heather Caygle, Ben Weyl, “Democrats Stage Sit-in on House Floor to Force Gun Vote,” *POLITICO*, n.d., <http://politi.co/28PC8xk>.

³⁴⁰ Rachael Bade, Heather Caygle, “How Democrats Mounted Their Guns Sit-In,” *POLITICO*, n.d., <http://politi.co/28Nos20>.

³⁴¹ *Ibid.*

³⁴² *Ibid.*

³⁴³ *Ibid.*

³⁴⁴ Bade, “Democrats Stage Sit-in on House Floor to Force Gun Vote” et al.

³⁴⁵ *Ibid.*

³⁴⁶ *Ibid.*

and Don Young (R-Alaska) confronted the protesting Democrats in separate incidents, prompting both to be restrained by fellow Republican members and staff.³⁴⁷

At 2:30 a.m. on June 23, Ryan reconvened the House to vote on the passage of a major appropriations bill, before forcing through another motion to adjourn the House until July 5 over continued Democratic objections.³⁴⁸ Ryan's move to adjourn the House ahead of a scheduled recess denied Democrats 'any chance of votes on gun control legislation.'³⁴⁹ Despite this, several Democrats remained on the House floor until midday, when the protest concluded. Through the protest, prominent Democrats declared their support through social media. Both President Obama and First Lady Michele Obama endorsed the actions of Congressional Democrats on Twitter, as did former President Bill Clinton, and presumptive Democratic presidential nominee Hillary Clinton.³⁵⁰ ³⁵¹ By contrast, Republicans disparaged the Democratic effort. In a news conference, Ryan again decried the sit-in as a publicity stunt and dubbed it a 'fundraising scheme', pointing to emails from Democrats soliciting political donations.³⁵²

In an address to supporters outside Capitol following the sit-in, Lewis and other Democrats remained defiant:

*"The fight is not over. This is just one step of when we come back here on July the 5th we're going to continue to push, to pull, to stand up, and if necessary, to sit down. So don't give up, don't give in. Keep the faith, and keep your eyes on the prize."*³⁵³

Earlier, Rep. Jim Clyburn stated that lawmakers would return to their congressional districts to build support on the issue of gun violence:

*"We are going to engage our constituents on this subject, and we will not allow this body to ever feel as comfortable as in the past."*³⁵⁴

Commentators concluded that the sit-in was a 'brazen disruption that underscored the outrage many lawmakers have expressed' over Congressional inaction on gun violence.³⁵⁵ Whilst the

³⁴⁷ Ibid.

³⁴⁸ Ibid.

³⁴⁹ The Editors, "House Democrats Stage a Sit-in on the House Floor on Gun Control," *The Atlantic*, June 22, 2016, <https://www.theatlantic.com/liveblogs/2016/06/house-democrats-gun-control-sit-in/488264/>.

³⁵⁰ David M. Herszenhorn and Emmarie Huetteman, "Democrats End Sit-In After 25 Hours, Drawing Attention to Gun Control," *The New York Times*, June 23, 2016, <https://www.nytimes.com/2016/06/24/us/politics/senate-gun-control.html>

³⁵¹ President Obama, "Thank You John Lewis for Leading on Gun Violence Where We Need It Most." <https://twitter.com/Repjohnlewis/Status/745631702186336256> ..., microblog, @POTUS44, (n.d.), https://twitter.com/POTUS44/status/745674203286773761?ref_src=twsrc%5Etfw&ref_url=http%3A%2F%2Fwww.mediaite.com%2Fonline%2Fobama-tweets-support-for-democratic-sit-in-and-john-lewis-loves-it%2F.

³⁵² Dustin Weaver, "Ryan Slams Sit-in as 'Fundraising Scheme,'" Text, *The Hill*, (June 23, 2016), <http://thehill.com/homenews/house/284633-ryan-slams-sit-in-democrats-are-trying-to-raise-money-get-on-tv>

³⁵³ Deirdre Walsh, Manu Raju, Eric Bradner, Steven Sloan, "Democrats End House Sit-in Protest over Gun Control," *CNN*, n.d., <http://www.cnn.com/2016/06/22/politics/john-lewis-sit-in-gun-violence/index.html>.

³⁵⁴ Ibid.

³⁵⁵ Herszenhorn et al.

protest ultimately failed to force a vote on gun control, over 170 Congressional Democrats participated in the sit-in, demonstrating a significant political shift on the issue within the Democratic party.³⁵⁶ Behind Obama's leadership, Congressional Democrats had undertaken an ideological transition on gun control. The uproar from moderate Democrats that had forced the Administration to back away from gun control in 2009 was long gone.

2016 Election

The issue of gun violence played a far larger role in the 2016 presidential election than it had in 2012. Enjoying high public approval ratings atypical of a sitting second term president, Obama was able to exert his influence on the 2016 election, and set the issue of gun control as a litmus test for Democratic candidates.³⁵⁷ In his op-ed for the *New York Times* in January 2016, Obama had pledged:

*"Even as I continue to take every action possible as president, I will also take every action I can as a citizen. I will not campaign for, vote for or support any candidate, even in my own party, who does not support common-sense gun reform."*³⁵⁸

When questioned on his decision at a *CNN* Town Hall event by moderator Anderson Cooper, Obama asserted his position:

*"Yeah, I meant what I said. And the reason I said that is this: The majority of people in this country are a lot more sensible than what you see in Washington."*³⁵⁹

Obama suggested that 'the deadlock' on the issue of gun violence could be broken if the NRA didn't have 'a stranglehold on Congress' and added, 'I want to throw my shoulders behind those who want to solve problems, and not those who want to get high scores from an interest group.'³⁶⁰

Behind Obama's leadership, the Democratic party embraced the issue, in 'a major shift from 2008, when both Clinton and Obama were criticised for failing to talk about the issue.'³⁶¹ Seeking to outflank rival candidate Bernie Sanders, Clinton unveiled a comprehensive gun-control plan in October 2015 that would implement universal background checks, close vetting loopholes, and restrict firearms ownership 'from domestic abusers, other violent criminals, and the severely mentally ill'.³⁶² After meeting with 60 mothers who lost children to gun violence, Clinton addressed the Trayvon Martin Foundation, stating:

³⁵⁶

³⁵⁷ Gallup Inc, "Presidential Approval Ratings -- Barack Obama | Gallup Historical Data & Trends," n.d., <http://www.gallup.com/poll/116479/barack-obama-presidential-job-approval.aspx>.

³⁵⁸ Barack Obama, "Barack Obama: Guns Are Our Shared Responsibility," et al.

³⁵⁹ "Guns in America Town Hall with Obama Transcript (Full Text)," *CNN*, n.d., <http://www.cnn.com/2016/01/07/politics/transcript-obama-town-hall-guns-in-america/index.html>.

³⁶⁰ Ibid.

³⁶¹ Maxwell Tani, "The Dark Reason Why Guns Are Virtually Guaranteed to Be a Major Issue of the 2016 Campaign," *Business Insider Australia*, October 4, 2015, <https://www.businessinsider.com.au/obama-gun-control-2016-hillary-clinton-2015-10>.

³⁶² "Hillary Clinton on Gun Violence Prevention," n.d., <https://www.hillaryclinton.com/issues/gun-violence-prevention/>.

*“At long last, we must do something about the gun violence that stalks communities and terrorises families. And this is on the minds of every one of us here tonight, as we remember all of the young people who have been lost. This problem isn’t going away.”*³⁶³

The extent of Democratic willingness to engage on the issue of gun control was perhaps best demonstrated by Missouri Senate candidate Jason Kander. Kander, a former military intelligence officer and Afghanistan veteran, addressed gun controls in an advert entitled ‘Background Checks’, which featured him standing blindfolded whilst assembling an AR-15 assault rifle:

*“I’m Jason Kander, and Senator Blunt has been attacking me on guns. Well, in the Army, I learned how to use and respect my rifle...and in the state legislature, I supported Second Amendment rights. I also believe in background checks, so that terrorists can’t get their hands on one of these.”*³⁶⁴

Holding the assembled rifle aloft, Kander removed his blindfold and stated, ‘I approve this message, because I’d like to see Senator Blunt do this.’³⁶⁵ Accompanying critiques on incumbent Sen. Roy Blunt’s lobbyist ties, the advert paid political dividends. Originally considered a relatively safe Republican hold, the race became too close to call by election night.³⁶⁶ Kander ultimately outperformed Clinton in the state, narrowly losing to Blunt by some 80,000 votes.³⁶⁷

In stark contrast to the Democrats, Trump, now the presumptive Republican nominee, espoused the NRA line. Addressing NRA members at the organisation’s annual meeting in Louisville, Kentucky, Trump ‘proved adept at exploiting the deep undercurrents of xenophobia, fear, and aggression that have long underpinned the modern right-wing gun movement’:³⁶⁸

*“Whether it’s a young single mother in Florida or a grandmother in Ohio, Hillary wants them to be defenceless. Wants to take away any chance they have of survival. In trying to overturn the Second Amendment, Hillary Clinton is telling everyone, and every woman living in a dangerous community, that she doesn’t have the right to defend herself.”*³⁶⁹

³⁶³ 209. Hillary Clinton, “Remarks Pledging to Fight for Gun Reforms and Protect Communities,” n.d., <https://www.hillaryclinton.com/post/remarks-pledging-fight-gun-reforms-and-protect-communities/>.

³⁶⁴ Nick Corasaniti, “In Missouri Senate Race, Challenger Makes His Point With a Blindfold and Rifle,” *The New York Times*, September 17, 2016, <https://www.nytimes.com/2016/09/18/us/politics/in-missouri-senate-race-challenger-makes-his-point-with-a-blindfold-and-rifle.html>.

³⁶⁵ Peter Stevenson, “This May Be the Best Ad of the Election so Far,” *Washington Post*, n.d., <https://www.washingtonpost.com/news/the-fix/wp/2016/09/15/this-campaign-ad-might-be-the-biggest-mic-drop-of-2016/>.

³⁶⁶ Talking About Guns with the Democrat Who Can Assemble an AR-15 Blindfolded, interview by Jason Zengerle, *GQ*, October 5, 2016, <http://www.gq.com/story/jason-kander-interview>.

³⁶⁷ “2016 Election Results: Senate Live Map by State, Real-Time Voting Updates,” *Election Hub*, <http://www.politico.com/2016-election/results/map/senate>

³⁶⁸ Jenna Johnson, “At the NRA, Trump Completes His Rapid Transformation into a pro-Gun Voice,” *Washington Post*, n.d., https://www.washingtonpost.com/politics/at-the-nra-trump-completes-his-rapid-transformation-into-a-pro-gun-voice/2016/05/20/6a6acc70-1ea1-11e6-b6e0-c53b7ef63b45_story.html.

³⁶⁹ Ibid.

In comparison, Mitt Romney's strongest critique at the same conference in 2012 was a suggestion to 'elect a president who will defend the rights President Obama ignores or minimises.'³⁷⁰

In the weeks following the Orlando shooting, gun control gradually diminished from the national conversation, but returned to the spotlight at the Republican National Convention and the Democratic National Convention. On July 19, Chris Cox delivered a speech at the RNC endorsing Republican nominee Donald Trump. Claiming that 'government has failed to keep us safe', Cox asked the audience to imagine a scenario where 'a young mother is at home with her baby when a violent predator kicks the door in. He's a three-time loser who was released from prison early because some politician wanted to show their 'compassion.' What's she going to do?'³⁷¹ Cox then answered his own hypothetical:

*"She'll dial 911 and pray. The police will do their best to get there quickly, but their average response time is 11 minutes. So the question is, should she be able to defend herself with a firearm in her own home? Of course."*³⁷²

Cox also attacked Clinton's position on guns, suggesting that she would seek to appoint Supreme Court judges willing to overturn the rulings established in *District of Columbia v. Heller*.³⁷³

The ideological shift of the Democratic party culminated in the emphasis placed on gun violence at the Democratic National Convention, where liberal commentators suggested the party was 'finally playing offence on gun control'.³⁷⁴ A 'procession of speakers', including headline gun control advocates Michael Bloomberg, Gabby Giffords, Sen. Chris Murphy, and Americans who have lost family members to gun violence, took the convention stage to 'issue wrenching pleas for tighter gun laws'.³⁷⁵ Christine Leinonen, the mother of a victim of the Orlando shooting, called for 'common-sense gun policy' in brief remarks:

*"It takes about five minutes for a church bell to ring 49 times. I know this because last month, my son Christopher, his boyfriend Juan and 47 others were murdered at a club in Orlando...the weapon that murdered my son fires 30 rounds in one minute. An Orlando city commissioner pointed out the terrible math. One minute per gun to fire so many shots, five minutes per bell to honour so many lives."*³⁷⁶

³⁷⁰ George Zornick, "This Will Be a Historic (and Terrifying) Election for Gun Control," *The Nation*, May 24, 2016, <https://www.thenation.com/article/this-will-be-a-historic-and-terrifying-election-for-gun-control/>.

³⁷¹ NRA-ILA, "NRA-ILA | NRA's Chris Cox Calls on Americans to Support Trump," *NRA-ILA*, n.d., <https://www.nra.org/articles/20160719/nras-chris-cox-calls-on-americans-to-support-trump>.

³⁷² NRA-ILA, "NRA-ILA | NRA's Chris Cox Calls on Americans to Support Trump," et al.

³⁷³ *Ibid.*

³⁷⁴ Carl Hulse, "After Years of Setbacks, Democrats Again See Gun Control as a Winning Issue," *The New York Times*, July 27, 2016, <https://www.nytimes.com/2016/07/28/us/politics/gun-control-democrats.html>.

³⁷⁵ Philip Rucker, "Convention Shows How Democrats Have Learned to Love Gun Control," *Washington Post*, n.d., https://www.washingtonpost.com/politics/convention-shows-how-democrats-have-learned-to-love-gun-control/2016/07/26/f7401162-51cf-11e6-bbf5-957ad17b4385_story.html.

³⁷⁶ Lissandra Villa, "Read the Emotional Speech From an Orlando Victim's Mother," *Time*, n.d., <http://time.com/4427581/dnc-christine-leinonen-orlando-shooting/>.

At the Convention, presidential nominee Hillary Clinton addressed firearms violence as a key theme in her acceptance speech:

*"We should be working with responsible gun owners to pass common-sense reforms and keep guns out of the hands of criminals, terrorists and all others who would do us harm. For decades, people have said this issue was too hard to solve and the politics were too hot to touch. But I ask you: how can we just stand by and do nothing? You heard, you saw, family members of people killed by gun violence. You heard, you saw, family members of police officers killed in the line of duty because they were outgunned by criminals. I refuse to believe we can't find common ground here."*³⁷⁷

Clinton pledged to 'work tirelessly with responsible gun owners to pass common-sense reforms'.³⁷⁸ Describing her position in simplistic terms, she stated:

*"I'm not here to take away your guns, I just don't want you to be shot by someone who shouldn't have a gun in the first place."*³⁷⁹

In adopting the mantle of standard-bearer for the Democratic party, Clinton's rhetoric on firearms violence contrasted strongly with previous Democratic Conventions, where gun control reform had scarcely warranted a mention.³⁸⁰

Gun violence, and related questions of race relations, policing, criminal justice reform, and immigration, also saw exposure in the presidential debates. A question raised by NBC moderator Lester Holt about race relations in the first debate elicited a response from Clinton on gun violence:

*"...and we've got to get guns out of the hands of people who should not have them. The gun epidemic is the leading cause of death of young African-American men, more than the next nine causes put together. So we have to do two things, as I said. We have to restore trust. We have to work with the police. We have to make sure they respect the communities and the communities respect them. And we have to tackle the plague of gun violence, which is a big contributor to a lot of the problems that we're seeing today."*³⁸¹

Asked to respond, Trump emphasised his commitment to 'law and order', highlighting the spate of homicides in Chicago:

³⁷⁷ Hillary Clinton, "Hillary Clinton: Address Accepting the Presidential Nomination at the Democratic National Convention in Philadelphia, Pennsylvania," <http://www.presidency.ucsb.edu/ws/index.php?pid=118051>.

³⁷⁸ "Hillary Clinton Addresses DNC on Guns," *Vox.com*, n.d., <https://volume.vox-cdn.com/embed/466d1b105>.

³⁷⁹ Hillary Clinton, "'I'm Not Here to Take Away Your Guns. I Just Don't Want You to Be Shot by Someone Who Shouldn't Have a Gun in the First Place.'" —Hillary," microblog, @hillaryclinton, (n.d.), <https://twitter.com/hillaryclinton/status/758864830119895041?lang=en>

³⁸⁰ Philip Rucker, "Convention Shows How Democrats Have Learned to Love Gun Control," *Washington Post*, n.d., https://www.washingtonpost.com/politics/convention-shows-how-democrats-have-learned-to-love-gun-control/2016/07/26/f7401162-51cf-11e6-bbf5-957ad17b4385_story.html.

³⁸¹ "The First Trump-Clinton Presidential Debate Transcript, Annotated," *Washington Post*, n.d., <https://www.washingtonpost.com/news/the-fix/wp/2016/09/26/the-first-trump-clinton-presidential-debate-transcript-annotated/>.

“Well, first of all, Secretary Clinton doesn't want to use a couple of words, and that's law and order. And we need law and order. If we don't have it, we're not going to have a country.... In Chicago, they've had thousands of shootings, thousands since January 1st. Thousands of shootings...we have gangs roaming the street. And in many cases, they're illegally here, illegal immigrants. And they have guns. And they shoot people. And we have to be very strong. And we have to be very vigilant.”³⁸²

In her rebuttal, Clinton argued forcibly for ‘commonsense gun safety measures’, arguing that ‘in a lot of places, our police are outgunned’.³⁸³ She also pushed for ‘a prohibition’ on ‘anyone who's on the terrorist watch list from being able to buy a gun’:

“If you're too dangerous to fly, you are too dangerous to buy a gun.”³⁸⁴

Trump found consensus with Clinton’s position on the ‘terror loophole’, before reiterating his endorsement from the NRA and his support for the Second Amendment:

“First of all, I agree, and a lot of people even within my own party want to give certain rights to people on watch lists and no-fly lists. I agree with you. When a person is on a watch list or a no-fly list, and I have the endorsement of the NRA, which I'm very proud of. These are very, very good people, and they're protecting the Second Amendment. But I think we have to look very strongly at no-fly lists and watch lists.”³⁸⁵

On November 8, 2016, Trump emerged as the victor, losing the popular vote to Clinton but winning the Electoral College, 304 to 227.³⁸⁶ The NRA congratulated Trump ‘on his hard fought victory’, suggesting that ‘voters sent a round and clear message that our gun rights are not for sale.’³⁸⁷ Added Cox:

“In the face of threats against their constitutional freedoms, NRA members and Second Amendment supporters rallied to elect a pro-gun president. Trump’s victory repudiates the assertion by gun control advocates that the political calculus regarding the Second Amendment has changed.”³⁸⁸

³⁸² Ibid.

³⁸³ Ibid.

³⁸⁴ Ibid.

³⁸⁵ Ibid.

³⁸⁶ “Presidential Election Results: Donald J. Trump Wins,” New York Times, <http://www.nytimes.com/elections/results/president>.

³⁸⁷ NRA, “Congratulations, President-Elect @realDonaldTrump, on Your Hard-Fought Victory! #2Apic.twitter.com/Ju6J9YH43s,” microblog, @NRA, <https://twitter.com/NRA/status/796263683064217600>

³⁸⁸ Kristine Guerra, “NRA: Voters ‘sent a Loud and Clear Message’ about Gun Rights,” *Washington Post*, n.d., <http://www.washingtonpost.com/politics/2016/live-updates/general-election/real-time-updates-on-the-2016-election-voting-and-race-results/nra-voters-sent-a-loud-and-clear-message-about-gun-rights/>.

Cox's sentiments were echoed by Aaron Dorr, executive director of Iowa Gun Owners, who stated that 'smart politicians all across the country are realising that if [they] don't play ball with the Second Amendment [they] will find ourselves unemployed.'³⁸⁹

Gun control advocates disputed these claims, arguing that 'the national situation was more nuanced than the gun activists' jubilation suggested'.³⁹⁰ Erika Soto Lamb, a spokeswoman for Everytown for Gun Safety, stated that the only 'true referendums on how Americans view the issue of gun safety [were] the ballot measures', pointing to the success of initiatives regulating firearms in California, Nevada, and Washington.³⁹¹ She also highlighted the open discussion of gun violence during the campaign, adding that gun control, 'long considered a third-rail issue' was 'in fact a winning issue.'³⁹²

For the gun industry, Trump's election was something of a pyrrhic victory. Stock prices for Sturm, Ruger and Smith & Wesson — the largest firearms manufacturers in the US — plummeted following the election, with both dropping by more than 20% in three days.³⁹³ Background checks by the FBI fell in December, declining 16 percent from a year earlier.³⁹⁴

Conclusion

Through his second term, Obama's relationship with Congress on the issue of gun violence typifies the Presidential-Congressional rivalry. Faced with a hostile Congress unwilling to compromise or bridge the partisan divide, Obama reverted to executive actions and the bully pulpit to further his agenda.

Much like his first term, Obama's second term engagement is a progression. An urgent flood of support for gun control measures following the Sandy Hook massacre gradually subsided to a trickle, after a series of gun violence reduction measures — including a bipartisan agreement that would institute universal background checks — failed to garner enough votes in the Senate. Obama and congressional Democratic leaders resigned themselves to the bitter reality that gun control simply lacked the votes to pass. The Republican capture of the Senate in the 2014 midterms sounded the final death knoll for firearms legislation in Obama's presidency, with gun control advocates renewing focus at the state level. A spate of shootings in 2015 prompted the administration to take new executive actions, unveiling a raft of measures in January 2016 designed to curb the torrent of gun violence. Again, the White House reiterated that meaningful reform would require Congressional involvement, and Obama resorted to the bully pulpit in a public awareness campaign to promote his position on the issue.

³⁸⁹ Manny Fernandez and Mitch Smith, "Gun Owners 'Can Breathe Again': Trump's Win Emboldens Advocates," *The New York Times*, November 22, 2016, <https://www.nytimes.com/2016/11/22/us/gun-supporters-trump.html>.

³⁹⁰ Ibid.

³⁹¹ Ibid.

³⁹² Ibid.

³⁹³ Aaron Smith, "Gun Stocks Have Plunged since Trump Was Elected," *CNNMoney*, November 11, 2016, <http://money.cnn.com/2016/11/11/news/companies/trump-gun-stocks/index.html>.

³⁹⁴ Sam Thielman, "Smith & Wesson Stocks Dive as Trump Victory Eases Gun Control Fears," *The Guardian*, November 9, 2016, sec. US news, <https://www.theguardian.com/us-news/2016/nov/09/gun-stocks-dive-trump-victory>.

In the context of Presidential-Congressional relations, the battle over firearms policy during Obama's administration exemplifies the inherent rivalry between the executive and legislative branches. As Thurber asserts, 'crises, communication skills, and large partisan majorities'³⁹⁵ are important factors in determining a president's legislative success. Although Obama was able to draw upon crises and his considerable oratory ability throughout his presidency, without sufficient support in Congress, Obama's firearms agenda never gained legislative traction. Party control of Congress is 'indispensable for the legislative presidency',³⁹⁶ and after the Democrats lost their majority in the House of Representatives in the 2010 midterms, gun control reform had little chance of successfully becoming law. States Thurber:

*"From this vantage point, 'divided government'— when an opposition majority controls one or both chambers on Capitol Hill— can place the president's agenda at a sharp disadvantage and is a recipe for gridlock and institutional combat."*³⁹⁷

This would prove to be prescient. Early in his presidency, Obama was able to steer a near-trillion dollar stimulus package through Congress. Within his first two years, Obama signed landmark legislation on health care reform - the Affordable Care Act. But such successes made way for persistent Republican calls to repeal 'Obamacare', a bitter fight over the budget and debt ceiling in late 2013, which culminated in a shutdown of the federal government, and an unprecedented refusal to hold hearings for Obama's nominee to the Supreme Court, Merrick Garland, following the death of Justice Antonin Scalia in 2016.³⁹⁸

Time in office also played into Obama's tumultuous relationship with the legislative branch. As set out by Richard S. Conley, 'regression analysis enables a more systematic test of the net effects of party control on presidential success while controlling for the "natural" decay of presidents' influence over the course of their terms.'³⁹⁹ As presidents make decisions and take positions on policy matters, their political capital wanes. Members of the legislative branch may become disappointed or disaffected by the administration. Conley suggests that:

*"Time in office does take an inevitable toll for all presidents. Executive-legislative concurrence declines by about 2 percent for every year of a president's term, regardless of party control."*⁴⁰⁰

Like Obama's first term, his second drew to a close with a tragedy. The massacre in Orlando, Florida, was at the time the deadliest mass shooting in American history. The incident reignited the issue of gun violence in the midst of a bruising election campaign that saw Democrats in the House

³⁹⁵ James A. Thurber, *Rivals for Power: Presidential-Congressional Relations* (Rowman & Littlefield Publishers, 2013).

³⁹⁶ Thurber, *op. cit.*

³⁹⁷ *Ibid.*

³⁹⁸ Rebecca J. Rosen, "Neal Katyal: Senate's Obstruction of Merrick Garland 'Was Unforgivable,'" *The Atlantic*, June 27, 2017, <https://www.theatlantic.com/politics/archive/2017/06/garland-mcconnell-unforgivable/531858/>.

³⁹⁹ Richard S. Conley, "The Legislative Presidency in Political Time: Party Control and Presidential-Congressional Relations," in *Rivals for Power: Presidential-Congressional Relations* (Rowman & Littlefield Publishers, 2013).

⁴⁰⁰ *Ibid.*

of Representatives take the unprecedented step of protesting the lack of Congressional action on the House floor.

The election of Donald Trump, a candidate virtually aligned with the NRA on nearly every issue pertaining to gun rights, cast doubt not only upon the future of Obama's actions to reduce firearms violence, but on that of his legislative legacy itself.

V. CHALLENGES TO REDUCING GUN VIOLENCE: THE FULL METAL JACKET

Introduction

As had been documented in Chapters III and IV, Obama's efforts to reduce gun violence through executive orders, regulatory changes, and legislative proposals, have been met with a nuanced and complex series of challenges at every turn. Collectively, I call these challenges the Full Metal Jacket. The 'jacket' comprises of three interwoven tenets: the gun lobby, members of Congress (primarily Republicans, but also some Democrats), and an overarching gun culture representing subsets of the millions of Americans who own guns. It is the National Rifle Association that lobbies Congress to reject gun control measures and promotes bills at the local, state, and federal level relaxing gun restrictions. The NRA's legislative efforts have also resulted in hamstringing the law enforcement work of the Bureau of Alcohol, Tobacco, Firearms and Explosives. NRA-sponsored amendments passed in Congress have also stifled research into gun violence and its causes by federal agencies. The NRA also drives gun ownership through rhetoric that promotes gun culture and fosters anti-government opinion even in the organisation's training classes. This rhetoric also rallies hardline NRA members, who form the activist base of the organisation, but can have dangerous consequences for those at the far-right fringe of gun culture. Ostensibly, the NRA acts to preserve the 'freedoms' of everyday Americans, but the lobby's direct ties to the gun industry cannot be ignored.

The Gun Lobby

"You'd get a far better understanding if you[d] just approach us as if [we were] one of the world's great religions."¹

– former NRA president Warren Cassidy.

My examination of the gun lobby focuses predominantly on the National Rifle Association. Whilst other gun rights groups exist, such as the Gun Owners of America (GOA) and the National Shooting Sports Foundation (NSSF), no other organisation is as preeminent or as archetypal as the NRA.²

The NRA is 'the prototypic single-issue interest group in America', but stems from humble beginnings.³ Founded in 1871, its original stated purpose was 'improvement of its members in marksmanship', reflecting concern over the Union Army's poor marksmanship skills in the Civil War.⁴ Although the NRA played a role in limited political efforts to alter national gun policy in the 1920s and 1930s, its primary focus continued to be marksmanship and related sporting activities, although NRA leaders did actively assist legislators in shaping the National Firearms Act of 1934.⁵ The end of the Second World War saw an influx in membership, with some 300,000 members by

¹ Robert J. Spitzer, *Politics of Gun Control* (Routledge, 2015).

² Ibid.

³ Ibid.

⁴ Ibid.

⁵ Ibid.

the mid-1950s. When Congress turned its attention to gun control in the 1960s, so too did the NRA, devoting increased time and resources to its political agenda.

Ironically, the NRA probably owes its existence to 'its long-term intimate association with government subsidies and other forms of support' — a stark contrast from the contemporary 'government-is-the-enemy' rhetoric the organisation employs today.⁶ A year after the organisation's founding, the New York State assembly appropriated \$25,000 to purchase a hundred-acre site on Long Island for NRA use as a rifle range.⁷ In 1910, the Army gave away surplus rifles and ammunition exclusively to NRA members. Two years later, Congress approved funding for NRA marksmanship contests. The National Defence Act of 1916 appropriated \$300,000 for civilian marksmanship, and created the Office of the Director of the Division of Civilian Marksmanship. By the 1960s, the office was spending \$5 million a year on marksmanship activities for groups affiliated with the NRA.⁸ Camp Perry, Ohio, remains the site of an annual NRA marksmanship competition, at government cost of about \$2.5 million.⁹

The NRA also has a long and intimate relationship with gun makers and sellers. Policy analyst Josh Sugarmann concludes that the NRA 'has evolved into the unofficial trade association for the firearms industry.'¹⁰ A 2011 study of the financial relationships between the NRA and the gun industry by the Violence Policy Centre concluded:

"The depth and breadth of gun industry financial support for the NRA makes clear that the self-proclaimed 'America's oldest civil rights organisation' is, in fact, the gun industry's most high-profile trade association. While the NRA works to portray itself as protecting the 'freedoms' of its membership, it is, in fact protecting the gun industry's freedom to manufacture virtually any gun or accessory it sees fit to produce."¹¹

Robert Spitzer suggests that the link between organisation and industry is firstly pragmatic; general gun advocacy helps to generate and sustain a market for the firearms industry's products. It is also ideological — 'both manufacturers and the NRA embrace and extol the gun culture for emotive, symbolic, and patriotic reasons.'¹² According to Spitzer, specific interests have spurred the NRA-industry link: the desire to maintain or boost firearms sales at a time when the percentage of gun users in America is declining, and the desire to avoid any gun regulation that might impinge on sales.¹³

⁶ Tim Dickinson, "The NRA vs. America," *Rolling Stone*, 2013., <http://www.rollingstone.com/politics/news/the-nra-vs-america-20130131>

⁷ Spitzer op. cit

⁸ Ibid.

⁹ Ibid.

¹⁰ Josh Sugarmann, "The NRA: Gun Industry Trade Association Masquerading as a Shooting Sports Foundation," *Huffington Post*, April 25, 2014, http://www.huffingtonpost.com/josh-sugarmann/the-nra-gun-industry-trad_b_5212780.html.

¹¹ Josh Sugarmann, Marty Langley, "Blood Money - How the Gun Industry Bankrolls the NRA," Violence Policy Centre, April 5, 2011

¹² Spitzer op. cit

¹³ Ibid.

In recent decades, the NRA has assumed the political point on gun issues in the political arena, turning the spotlight away from industry. A 1994 *New York Times* article noted, ‘many firearms manufacturers have chosen to remain in the background of the raging debate over tighter restrictions on the sale and possession of guns, preferring to leave their public talking to the National Rifle Association.’¹⁴ This increased political advocacy role led to the creation of a subgroup within the association, dubbed the Institute for Legislative Action.

The NRA Institute for Legislative Action (NRA-ILA)

In the late 1960s, the NRA focused political efforts for the first time on specific legislative races, claiming credit for defeating two gun control proponents in the Senate, Joseph Clark (D-Pennsylvania) and Joseph Tydings (D-Maryland).¹⁵

Buoyed by these victories and persuaded to make politics a higher priority, the NRA reconstituted and concentrated its lobbying efforts with the creation of the Institute for Legislative Action (ILA). Focusing primarily on legislative efforts in the states and in Washington, the ILA has become the primary power centre in the NRA. The *Washington Post* described its effectiveness thus, stating that ‘few lobbies have so mastered the marble halls and concrete canyons of Washington.’¹⁶

The ILA rose from humble beginnings to become the primary power centre of the NRA in the aftermath of a furious internal power struggle that came to a head at the association's 1977 convention.¹⁷ The ‘Cincinnati Revolt’ saw the hardliner Harlon Carter of the fledging ILA wrest control of the organisation from the moderate leadership that was seeking to turn the organisation away from political engagement and back toward hunting, sport, and conservation.¹⁸ Said Carter:

“We must build the NRA into such a strong force, no politician in America will dare intrude on our rights.”¹⁹

As journalist Osha Grey Davidson notes, ‘the NRA became more than a rifle club. It became the Gun Lobby.’²⁰

Importantly, the ILA is the primary mechanism through which the NRA mobilises political support among members, through internal communications in the form of ‘legislative alerts’, fund-raising, and mass mailing through letters and email.²¹ The communications serve to buttress support for the NRA agenda, rally support for political candidates sympathetic to the NRA perspective, and

¹⁴ B. Drummond Ayres Jr, “Gun Maker on Mayhem: That Is Not Our Doing,” *The New York Times*, March 19, 1994, sec. U.S., <http://www.nytimes.com/1994/03/19/us/gun-maker-on-mayhem-that-is-not-our-doing.html>.

¹⁵ Spitzer op. cit

¹⁶ Ibid.

¹⁷ Osha Gray Davidson, *Under Fire: The NRA and the Battle for Gun Control* (University of Iowa Press, 1998).

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Ibid.

²¹ Spitzer op. cit

attack politicians, groups, and individuals perceived by the organisation to be a threat. Davidson has labelled the tone of these politically charged communications as ‘Armageddon Appeals’²² - provoking the fear or anger that political scientist Jeffrey Berry suggests is ‘key to effective internal communications’.²³ As a former NRA head stated:

“You keep any special interest group alive by nurturing the crisis atmosphere. Keep sending those cards and letters in. Keep sending money.”²⁴

A study of NRA advertising conducted by the Congressional Research Service found numerous inaccuracies in the way NRA literature described gun bills before Congress.²⁵ One such letter from the NRA-ILA to members stated:

“The truth is that this legislation would effectively create a NATIONAL GUN REGISTRATION system. And if this bill becomes law, it could set the stage for gun-banners to achieve their ultimate goal - confiscation of our firearms and end of the Second Amendment!!!”²⁶

The legislation referred to in the NRA letter was a bill introduced by Sen. Frank Lautenberg (D-New Jersey) that would have preserved for ten years the gun background check data of applicants identified as suspected or actual terrorists, and preserved other criminal background check records for 180 days.²⁷

The ILA also manages the political action committee (PAC) known as the Political Victory Fund. The PAC serves to funnel campaign contributions to sympathetic officeholders and candidates. It channeled \$1.5 million to George H. W. Bush’s presidential campaign in 1988, then refused to endorse Bush four years later, owing to his support for restrictions on assault weapons imports.²⁸ In the 2012 election cycle, the Political Victory Fund spent more than \$16 million in opposition to Obama and other pro-gun control Democrats through donations to their opponents.²⁹ The PAC heavily favours Republican candidates over Democrats, whom are viewed as more friendly to its agenda. Recalling the 1994 midterm elections in his autobiography, President Bill Clinton suggested:

“The NRA had a great night. They beat both Speaker Tom Foley and Jack Brooks, two of the ablest members of Congress, who had warned me this would happen. Foley was the first Speaker to be defeated in more than a century. Jack Brooks had supported the NRA

²² Davidson op. cit

²³ Spitzer op. cit

²⁴ Gregg Lee Carter, *Guns in American Society: An Encyclopedia of History, Politics, Culture, and the Law*, 2nd Edition [3 Volumes]: An Encyclopedia of History, Politics, Culture, and the Law (ABC-CLIO, 2012).

²⁵ Spitzer op. cit

²⁶ Ibid.

²⁷ Ibid.

²⁸ Ibid.

²⁹ Ibid.

*for years and had led the fight against the assault weapons ban in the House, but as chairman of the Judiciary Committee he had voted for the overall crime bill even after the ban was put into it. The NRA was an unforgiving master: one strike and you're out. The gun lobby claimed to have defeated nineteen of the twenty-four members on its hit list. They did at least that much damage and could rightly claim to have made [Newt] Gingrich the House Speaker.'*³⁰

From 1978 to 2000, the NRA gave about 84 percent of its money to Republican candidates, and in the 2000 election cycle, 94 percent went to Republicans.³¹ The NRA did give 22 percent of its contributions to Democrats in 2006 — sensing correctly that the party would return to power in Congress.³² The organisation has an annual operating budget of over \$300m, and between 2000 and 2010 it spent fifteen times as much on campaign contributions as gun-control advocates such as the Brady Campaign.³³

The NRA Membership

While popular analysis in the media often points to the NRA's political spending as the foremost explanation for its influence, this explanation is expedient.³⁴ The NRA's contemporary political effectiveness 'lies in its highly motivated mass membership and the organisation's ability to bring pressure from that membership to bear at key moments and places.'³⁵

Essentially, the NRA's greatest asset isn't money, but the devotion of its members. *Gunfight* author Adam Winkler states that, 'NRA members are politically engaged and politically active. They call and write elected officials, they show up to vote, and they vote based on the gun issue.'³⁶

After the ILA became the dominant force in the NRA, the lobby 'relentlessly promoted the view that the right to own a gun is sacrosanct'³⁷ — a 'classic example of what the advertising guru David Ogilvy called the power of one 'big idea.'³⁸ As observed by the *New Yorker*, 'by playing on fear of rising crime rates and distrust of government', the NRA 'transformed the terms of the debate.'³⁹ Ladd Everitt, director of One Pulse for America, a gun violence prevention organisation, stated:

³⁰ Glenn H. Utter, *Guns and Contemporary Society: The Past, Present, and Future of Firearms and Firearm Policy* [3 Volumes]: *The Past, Present, and Future of Firearms and Firearm Policy* (ABC-CLIO, 2015).

³¹ Spitzer op. cit

³² OpenSecrets.org, "National Rifle Assn Summary" (Centre for Responsive Politics), <https://www.opensecrets.org/pacs/lookup2.php?cycle=2010&strID=C00053553>.

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³⁴ Spitzer op. cit

³⁵ Ibid.

³⁶ James Surowiecki, "Why Is the N.R.A. So Powerful?," *The New Yorker*, October 19, 2015, <http://www.newyorker.com/magazine/2015/10/19/taking-on-the-n-r-a>.

³⁷ Ibid.

³⁸ Ibid.

³⁹ Ibid.

“Gun-control people were rattling off public-health statistics to make their case, while the NRA was connecting gun rights to core American values like individualism and personal liberty.”⁴⁰

Robert Spitzer highlights an ‘activism gap’, remarking that gun control opponents are more likely to engage in political action — letter writing, contributing money, attending meetings and the like — than gun control proponents.⁴¹ According to one survey, 25 percent of gun rights supporters are likely to take political action based on the gun issue, compared with only 5 percent of those who support stronger gun laws.⁴²

Moreover, NRA members vote at ‘an astounding rate of 95%’.⁴³ A December 2007 poll found that ‘27 percent of all likely voters said they would be more likely to support a candidate who was endorsed by the [NRA],’ making the organisation’s endorsement more valuable than an endorsement from Bill Clinton, George W. Bush, or even Oprah Winfrey.⁴⁴ Writing for the *New York Times*, Steven Roberts states:

“The real power of the rifle association stems from the fervour of its members, their apparent devotion to a single, overriding issue, and their determination to judge politicians on a ‘for-us-or-against-us’ basis.”⁴⁵

This fervour can be attributed to the methods through which the NRA incentivises its membership base. Political scientist James Q. Wilson identified four kinds of member incentives: material, specific solidary, collective solidary, and purposive — all of which are applicable to the methods in which the association galvanises member support.⁴⁶ Material incentives are tangible rewards, including money, services, or gifts. NRA members receive concrete benefits for their dues — including a magazine subscription, a cap bearing the NRA logo, travel and auto discounts, firearms and accident insurance, and an optional Visa credit card.⁴⁷ Specific and collective solidary incentives are intangible rewards, such as honours, recognition, or the bestowal of rank or office. The NRA offers various awards, offices, and other forms of recognition to individual members who show particular devotion to the organisation’s political goals and to those who demonstrate marksmanship and hunting skills.⁴⁸ Finally, purposive incentives are those that might be considered ideological — based on the support of a cause or ideal; the satisfaction of membership comes from belief in and advancement of a cause. The final incentive - purposive - is the most significant. Spitzer observes that ‘the high and intense degree of NRA member involvement

⁴⁰ Surowiecki op. cit

⁴¹ Spitzer op. cit

⁴² Ibid.

⁴³ Ibid.

⁴⁴ Ibid.

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ Ibid.

⁴⁸ Ibid.

connects most directly to the NRA's ideological agenda.⁴⁹ As Wilson notes, 'members animated by purposive incentives 'care passionately about goals'⁵⁰, which for the NRA, 'focus preeminently on avoidance and repeal of gun control regulation.'⁵¹

As aforementioned, the NRA views its internal communications as a critical component in member engagement, and drive the purposive incentives. The association's communications, which are organised by Congressional district, serve as 'a link between the national organisation and the grassroots as well as a mobilising tool to energise and direct member animus.'⁵² The NRA has consistently followed this playbook through regular demonisation and vilification of gun control proponents: Bill and Hillary Clinton, the Brady Campaign, Michael Bloomberg, and Barack Obama.

The NRA and Obama

Explaining the animus towards Obama begins with examining the relationship between the gun lobby and the George W. Bush administration. Under Obama's predecessor, the NRA enjoyed unprecedented access to the Oval Office.⁵³ During the 2000 election campaign, a leaked video showed then-NRA vice-president Kayne Robinson telling NRA members that 'if we win, we'll have a president where we work out of their office — unbelievably friendly relations.'⁵⁴ The Bush campaign disassociated itself from the remarks, stating that 'neither the NRA nor any special interest sets the governor's agenda. Governor Bush sets his agenda based on his priorities and principles.'⁵⁵

Nevertheless, Bush's presidency proved to be the most NRA-friendly administration in history. The Bush White House allowed the assault weapons ban to lapse in 2004, and in 2005 successfully enacted a bill to provide the gun industry and gun dealers with immunity from lawsuits. Bush's first attorney-general, a longtime NRA ally, broke with five decades of Justice Department policy by adopting the 'individualist' view of the Second Amendment, claiming that it protected the right of individual citizens to own guns.⁵⁶ The administration's outlook on gun ownership arguably influenced the Supreme Court's 2008 ruling in *Heller*.⁵⁷ One critic stated that the Bush 'firearms policy [was] largely dictated by the National Rifle Association.'⁵⁸

⁴⁹ Spitzer op. cit

⁵⁰ Ibid.

⁵¹ Ibid.

⁵² Ibid.

⁵³ Ibid.

⁵⁴ Julian Borger, "Gun Lobby Claims It Would 'Work out of President Bush's Office'," *The Guardian*, May 5, 2000, sec. World news, <https://www.theguardian.com/world/2000/may/05/uselections2000.usa>.

⁵⁵ Ibid.

⁵⁶ Spitzer op. cit

⁵⁷ Ibid.

⁵⁸ Ibid.

On the campaign trail in 2008, Obama declared that he respected the Second Amendment,⁵⁹ but the NRA was acutely aware that an Obama White House would not extend the same courtesies the organisation had enjoyed under Bush. This resulted in the association's endorsement of Republican presidential nominee John McCain — who had been a frequent critic of the NRA in the past — and the promise of an 'eight figure' advertising campaign on the candidate's behalf.⁶⁰ When Obama 'offered his maladroit analysis of bitter provincials who 'cling to guns or religion or antipathy toward people who aren't like them,'⁶¹ the media treated the comment as a gaffe. The NRA, however, recognised Obama's comments 'as a blueprint for a coalition'⁶² of conservatives. In his speech at the 2008 NRA annual meeting, LaPierre revised the NRA's fear tactics, warning that 'the Second Amendment is facing a perfect storm. In fact, the worst I've seen in thirty years.'⁶³ The organisation also announced that it would spend \$40 million on the elections, including \$15 million directed at painting Obama as a threat to gun rights.⁶⁴ Overall, \$25 million of the NRA's total expenditure in 2008 was spent on internal communications mobilising current members.⁶⁵ A further \$7.1m was spent opposing Democrats, and \$2.4m in support of Republicans.⁶⁶

Following Obama's election, the NRA-ILA warned that 'American gun owners will soon be the targets of an attack dog named [Chief of Staff] Rahm Emanuel.'⁶⁷ A January 2009 article entitled "Beware the Rahm" asked, 'Will Rahm Emanuel be able to stab a knife into the Constitution and scream that the Second Amendment is 'Dead! Dead! Dead!?'⁶⁸ In alarmist tones, the organisation described 'The Coming Storm' — a 'wish list of gun-prohibition measures' that the gun control lobby had presented to the White House.⁶⁹ Firearms sales soared 23 percent.⁷⁰ However, the 'coming storm' never became a reality. Attorney General Eric Holder suggested that the administration would consider reinstating the assault weapons ban, but the proposal was dropped following outcry from Congressional Democrats.⁷¹ Gun industry lobbyist Richard Feldman

⁵⁹ Politico Obama interview, interview by David Mark, February 11, 2008, http://www.politico.com/news/stories/0208/8457_Page2.html.

⁶⁰ Jonathan Stein, "The Long Saga of John McCain and the NRA," *Mother Jones*, n.d., <http://www.motherjones.com/mojo/2008/10/long-saga-john-mccain-and-nra>.

⁶¹ Francis Wilkinson, "Why the NRA Clings to Religion," *Bloomberg View*, December 17, 2015, <https://www.bloombergview.com/articles/2015-12-17/why-the-nra-clings-to-religion>.

⁶² *Ibid.*

⁶³ NRA-ILA, "NRA-ILA | Remarks by Wayne LaPierre at the 137th Annual Meeting of Members, Louisville, Kentucky, May 17, 2008," *NRA-ILA*, n.d., <https://www.nra.org/articles/20080517/remarks-by-wayne-lapierre-at-the-137th-annual-meeting-of-members-louisville-kentucky-may-17-2008>

⁶⁴ "NRA Endorses McCain-Palin Ticket," *CNN*, n.d., <http://politicalticker.blogs.cnn.com/2008/10/09/nra-endorses-mccain-palin-ticket/>.

⁶⁵ Spitzer op. cit

⁶⁶ OpenSecrets.org, "National Rifle Assn Summary" (Centre for Responsive Politics), <https://www.opensecrets.org/pacs/lookup2.php?cycle=2010&strID=C00053553>.

⁶⁷ "Lessons Unlearned: The Gun Lobby and the Siren Song of Anti-Government Rhetoric" (Violence Policy Centre, 2009.), <http://www.vpc.org/studies/lessonsunlearned.pdf>.

⁶⁸ Jarrett Murphy, "How the Gun Industry Got Rich Stoking Fear About Obama," *The Nation*, n.d., <https://www.thenation.com/article/how-gun-industry-got-rich-stoking-fear-about-obama/>.

⁶⁹ *Ibid.*

⁷⁰ *Ibid.*

⁷¹ Draper op. cit

suggested that ‘Obama has done everything in his power to stay away from the gun issue’ in his first two years in office.⁷²

The NRA’s anti-government rhetoric also returned in force. As reported by the Violence Policy Centre, the NRA, ‘enticed by the grassroots potential represented by anti-government sentiment spurred by the economic collapse of 2008, the election of Barack Obama, and the perceived threat of a Congress controlled by the Democratic party,’ is ‘once again embracing — and, equally important, validating — the anti-government rhetoric being offered by activists that range from Tea Party members, through pro-gun advocates, to members of the militia movement.’⁷³ In a December 2009 letter to NRA members, LaPierre wrote:

“We’re going to see gun-banners along with the media and anti-gun special interests steer our country far away from our founding principles—and build a “new” America where freedom and privacy and self-defence are things of the past. And I can guarantee you that in this “new” America—an America unlike anything you can even imagine—your firearms and your Second Amendment rights WON’T be welcome.”⁷⁴

The NRA’s anti-government rhetoric placed the NRA on the winning side of the 2010 midterms. The lobby spent \$6.7m in independent expenditure, including \$1.6m in opposition to Democratic candidates, and \$4.9m in support of Republicans.⁷⁵ After losing the House in a wave of Tea Party activism, Democrat attempts at raising the issue of gun control following mass shootings in Tuscon, Arizona, and Aurora, Colorado were swiftly stifled.

The 2012 election, dubbed as ‘the most dangerous election in our lifetime’⁷⁶ by LaPierre, presented a new challenge and a new opportunity for the NRA. In what author Tom Diaz describes as LaPierre ‘[pulling] out all the stops on the NRA propaganda organ’⁷⁷, the NRA claimed that Obama had a ‘secret plan’ to ‘destroy the Second Amendment by 2016’⁷⁸ and that the president’s inaction on gun control was a conspiracy designed to lull gun owners into a false sense of security:

“Think about it: before moving into the White House, Barack Obama spend his entire career proudly, publicly advancing the most radical anti-gun positions you can imagine...So what happened after they won the White House? Did Obama, Biden and the anti-gun extremists who soon filled the West Wing suddenly completely reverse their positions? No! In an act of pure political calculation, they plotted to keep their gun-ban objectives concealed.”⁷⁹

⁷² Murphy op. cit

⁷³ “Lessons Unlearned: The Gun Lobby and the Siren Song of Anti-Government Rhetoric” (Violence Policy Centre, 2009.), <http://www.vpc.org/studies/lessonsunlearned.pdf>.

⁷⁴ Ibid.

⁷⁵ OpenSecrets.org, “National Rifle Assn Summary” (Centre for Responsive Politics), <https://www.opensecrets.org/pacs/lookup2.php?cycle=2010&strID=C00053553>.

⁷⁶ Tom Diaz, *The Last Gun: How Changes in the Gun Industry Are Killing Americans and What It Will Take to Stop It* (New Press, The, 2013).

⁷⁷ Ibid.

⁷⁸ Ibid.

⁷⁹ Ibid.

Naturally, the only way to stop Obama's plot was 'by carrying your new 2012 membership card ...in your wallet as a symbol of your commitment — and by renewing or upgrading your NRA membership or making a contribution to defending freedom today.'⁸⁰ In another fundraising pitch, the NRA's Political Victory Fund proclaimed that donations 'could mean the difference between the survival or destruction of our Second Amendment freedoms.'⁸¹ These fundraising efforts were ultimately in vain. Despite spending \$12.7m in opposition to Democrats, and \$5.1m in support of Republican candidates, the NRA was unable to deny the president a second term.⁸²

Faced with the massacre in Newtown, Connecticut, and an administration with gun control measures at the top of its political agenda, the NRA went into crisis mode and vowed all out opposition to Obama's raft of proposals. It was well-equipped to do so. In the first eighteen days after the shooting, the NRA gained more than 100,000 new members and saw revenue rise 35.8 percent to almost \$348 million total in 2013.⁸³ The organisation spent an additional \$10 million in lobbying, and paid a public relations agency \$14.5 million to deal with 'reputational damage control' following Newtown.⁸⁴ By mobilising its formidable member base, the NRA was able to successfully dissuade Senate support for the legislative proposals introduced in 2013.

With the influx in revenue, the NRA set a new spending record in the 2014 midterms. \$18m was spent against Democrats, and \$12.8m was spent in favour of Republican candidates.⁸⁵ It also marked the first occasion where the NRA did not support any Democrats, and did not oppose any Republicans. Again, the organisation tasted electoral success with the Republican party claiming the Senate majority. The lack of legislative support in either chamber on Capitol Hill further stymied Obama's efforts to reduce gun violence through the remainder of his second term.

Congress

*"The single most important thing we want to achieve is for President Obama to be a one-term president."*⁸⁶

– then-Senate Minority Leader Mitch McConnell.

As we have seen, Congressional opposition represents the most significant challenge to enacting federal-level firearms legislation designed to reduce gun violence. Frustrated by their inability to push bills through Congress, the Obama administration was forced to resort to token action

⁸⁰ Diaz op. cit

⁸¹ Ibid.

⁸² OpenSecrets.org, "National Rifle Assn Summary" (Centre for Responsive Politics), <https://www.opensecrets.org/pacs/lookup2.php?cycle=2010&strID=C00053553>.

⁸³ Kira Lerner, "NRA's Revenue Has Skyrocketed Since The Sandy Hook Massacre," ThinkProgress, February 23, 2015, <https://thinkprogress.org/nras-revenue-has-skyrocketed-since-the-sandy-hook-massacre-f617c714a766>.

⁸⁴ Ibid.

⁸⁵ OpenSecrets.org, "National Rifle Assn Summary" op. cit

⁸⁶ Jonathan Cohn, "Whine of the Day, from Mitch McConnell," *New Republic*, October 24, 2011, <https://newrepublic.com/article/96591/mcconnell-villain-who-me>.

through the use of executive powers and the bully pulpit — exemplifying the rivalry between the executive and legislative branches of government. This section details Republican opposition to the Obama administration and obstructionist measures utilised to stifle Obama's agenda. It also remarks on the futile passage of gun control legislation, and considers the role of Congress in denying funding for gun violence research and impeding the enforcement efforts of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

Congressional opposition to the Obama administration

Opposition to the president-elect began long before Barack Obama had taken the Oath of Office. In *The New New Deal*, author Michael Grunwald details that during the transition, a number of Republican senators privately confided in Vice-President Joe Biden that Mitch McConnell had given them a directive that 'there was to be no cooperation with the new administration'.⁸⁷ Stated Biden:

*"I spoke to seven different Republican Senators, who said, 'Joe, I'm not going to be able to help you on anything'. The way it was characterised to me was: 'For the next two years, we can't let you succeed in anything. That's our ticket to coming back.'"*⁸⁸

Republican leaders House Minority Whip Eric Cantor and McConnell laid out their strategies of all-out opposition at private GOP meetings. In December 2008, Cantor devised a plan to oppose Obama's agenda and disrupt Obama's promises of bipartisanship. Republicans would refuse to support Democratic initiatives, thus making them less palatable to conservatives, and 'eventually drive the Democrats out of power'.⁸⁹

*"We're not here to cut deals and get crumbs and stay in the minority for another 40 years. We're going to fight these guys."*⁹⁰

At a House Republican leadership retreat in early January 2009, new campaign chairman Pete Sessions opened his presentation with a question: 'If the Purpose of the Majority Is to Govern... What Is the Purpose of the Minority?' The following slide answered thus: 'The Purpose of the Minority is to Become the Majority'.⁹¹

In *Do Not Ask What Good We Do: Inside the U.S. House of Representatives*, author Robert Draper supports Grunwald's assertions of Republican obstructionism. Draper recounts how several high-ranking Republicans met on the day of Obama's inauguration and plotted to halt Obama's legislative agenda. Draper quotes Rep. Kevin McCarthy (R-California) as saying:

⁸⁷ Michael Grunwald, *The New New Deal: The Hidden Story of Change in the Obama Era* (Simon and Schuster, 2012).

⁸⁸ Ibid.

⁸⁹ Ibid.

⁹⁰ Ibid.

⁹¹ Ibid.

"If you act like you're the minority, you're going to stay in the minority. We've gotta challenge them on every single bill and challenge them on every single campaign."⁹²

After a dinner lasting four hours, Draper suggests that Republicans 'parted company almost giddily'⁹³, having agreed on a strategy: attack Treasury secretary nominee Timothy Geithner; show united and unyielding opposition to the president's economic policies; begin attacking vulnerable Democrats on the airwaves; and 'win the spear point of the House in 2010' using it to propel the party to further victories in 2012.⁹⁴

The passage of Obama's \$800 billion Recovery Act, an emergency stimulus bill, became the first litmus test for Republican opposition. At the end of January 2009, the economy was losing some 800,000 jobs a month and Democrats had recently demonstrated bipartisan support for the Bush administration's 'politically toxic' Wall Street bailout.⁹⁵ Conventional opinion in Washington suggested Republicans would reciprocate and support passage of Obama's stimulus, which contained some \$300 million in tax breaks. According to Grunwald, as Obama was set to meet with Republicans in Congress, word leaked that House minority leaders were 'already whipping their caucus to reject it en masse'.⁹⁶ 'This shit's not on the level, is it?' Obama purportedly asked adviser David Axelrod.⁹⁷

The tenor in Congress was aptly demonstrated by the passage of a measure to give tax advantages to small businesses, legislation 'that would have previously breezed through since it was aimed at a favoured constituency of both parties.'⁹⁸ After a near-party line vote of 247 to 170, Rep. Sander Levin (D-Michigan) scolded Republicans across the aisle:

"You say you agree with these provisions, but then you're going to vote no. You just don't apparently want to be caught being bipartisan. It's going to blur the political message."⁹⁹

In conversation with author Ta-Nehisi Coates, Obama reflected upon the Republican tactics:

"If Republicans didn't cooperate, and there was not a portrait of bipartisan cooperation and a functional federal government, then the party in power would pay the price and they could win back the Senate and/or the House. That wasn't an inaccurate political calculation."¹⁰⁰

⁹² Robert Draper, *Do Not Ask What Good We Do: Inside the U.S. House of Representatives* (New York: Free Press, 2012).

⁹³ Draper op. cit

⁹⁴ Ibid.

⁹⁵ Grunwald op. cit

⁹⁶ Ibid.

⁹⁷ Ibid.

⁹⁸ Carl Hulse, "For Congress, an Era of Conflict Not Compromise," *The New York Times*, June 19, 2010, <http://www.nytimes.com/2010/06/20/us/politics/20cong.html>.

⁹⁹ Ibid.

¹⁰⁰ Ta-Nehisi Coates, "My President Was Black - The Atlantic," January 2017, <https://www.theatlantic.com/magazine/archive/2017/01/my-president-was-black/508793/>.

Racial resentment too, explains Republican animosity to Obama, the first African-American to hold office. As Coates recounts in *My President Was Black*:

*“During Obama’s 2009 address on health care before a joint session of Congress, Joe Wilson, a Republican congressman from South Carolina, incredibly, and in defiance of precedent and decorum, disrupted the proceedings by crying out “You lie!” A Missouri congressman equated Obama with a monkey. A California GOP official took up the theme and emailed her friends an image depicting Obama as a chimp, with the accompanying text explaining, “Now you know why [there’s] no birth certificate!”*¹⁰¹

Like the ‘inside game,’ the Republican ‘outside game’ followed a similar modus operandi, by treating him ‘not just as a president from the opposing party but an extreme threat to the American way of life.’¹⁰² Conservative talk radio and social media denounced Obama and his proposals, casting him as ‘a socialist tyrant intent on destroying America’,¹⁰³ stirring anti-Obama sentiments into what would become the Tea Party movement. Ideological leaders such as former Alaska Gov. Sarah Palin suggested that Obama would introduce ‘death panels’ as part of his push for healthcare reform.¹⁰⁴ Despite being a blatant falsehood, the pernicious attack spread its way through conservative media.

The ‘no-cooperation, no-apologies approach’ towards Obama saw his approval rating fall from 69% at the start of his presidency to 43% by the 2010 midterms.¹⁰⁵ Buoyed by Democratic majorities in the first two years of his presidency, Obama had passed the stimulus, healthcare reform, finance reform, and appointed Sonia Sotomayor and Elena Kagan to the Supreme Court.¹⁰⁶ Republicans ‘capitalised on backlash to this ambitious agenda,’¹⁰⁷ fuelled by unrestricted and often anonymous contributions from conservative groups vying to shift the balance of power in Washington. The spending influx strengthened the Republican assault across the nation, described by one Democratic party strategist as ‘nuclear Whac-a-Mole.’¹⁰⁸

On Election Day, Republicans took the House in a landslide that Obama described as ‘a shellacking’.¹⁰⁹ The *New York Times* surmised it thus: ‘Democrats Outrun by a 2-Year G.O.P. Comeback Plan’.¹¹⁰ Divided government was a death knoll for Obama’s legislative agenda.

¹⁰¹ Coates op. cit

¹⁰² Michael Grunwald, “The Victory of ‘No,’” *POLITICO Magazine*, n.d., <http://politi.co/2h663UM>.

¹⁰³ Ibid.

¹⁰⁴ Angie Drobnic Holan, “Sarah Palin Falsely Claims Barack Obama Runs a ‘Death Panel,’” *@politifact*, August 10, 2009, <http://www.politifact.com/truth-o-meter/statements/2009/aug/10/sarah-palin/sarah-palin-barack-obama-death-panel/>.

¹⁰⁵ Gallup Inc, “Presidential Approval Ratings -- Barack Obama,” Gallup.com, n.d., <http://www.gallup.com/poll/116479/Barack-Obama-Presidential-Job-Approval.aspx>.

¹⁰⁶ Jonathan Chait, *Audacity: How Barack Obama Defied His Critics and Created a Legacy That Will Prevail* (HarperCollins, 2017).

¹⁰⁷ Jim Rutenberg and Jeff Zeleny, “Republican Game Plan Led to Historic Victory,” *The New York Times*, November 3, 2010, <http://www.nytimes.com/2010/11/04/us/politics/04campaign.html>.

¹⁰⁸ Ibid.

¹⁰⁹ William Branigin, “Obama Reflects on ‘Shellacking’ in Midterm Elections,” *The Washington Post*, November 3, 2010, sec. Politics, <http://www.washingtonpost.com/wp-dyn/content/article/2010/11/03/AR2010110303997.html>.

¹¹⁰ Rutenberg op. cit

Obama's American Jobs Act, 'a \$447 billion package of measures...that would have led to the creation of thousands of construction jobs, as well as other substantial economic benefits', was deemed 'dead on arrival' when put before Congress in 2011.¹¹¹ Subsequent proposals for larger tax credits for child care, community college investments, expansion of the earned-income tax credit, retirement reforms, and tax credits for manufacturing communities, were soundly rebuffed by Republican majorities.¹¹²

Following his re-election in 2012, Obama expressed hope that his victory would 'break the fever' of GOP obstructionism.¹¹³ However, Republicans continued to employ the same strategies used through the first term of the Obama administration, culminating in a shutdown of the government in October 2013. Through the remainder of his presidency, Obama was 'forced to play defence' on Capitol Hill, and 'resorted to executive orders and regulations to pursue his domestic agenda'.¹¹⁴

Congressional opposition to gun control measures

Since the mass shooting in Tuscon, Arizona, in January 2011, where former Rep. Gabrielle Giffords (D-Arizona) was shot, lawmakers have introduced more than one hundred gun control proposals in Congress.¹¹⁵ Not one has been passed into law, and few proposals reached the House or Senate floor.¹¹⁶

The futility of passing gun control legislation through Congress was best exemplified after the Democratic protest on the floor of the House of Representatives in June 2016. The protest prompted House Speaker Paul Ryan to relent, and allow a vote on a measure that would allow the attorney general to delay the sale of a gun to a suspected terrorist for three days. ¹¹⁷ The measure was derided by House Minority Leader Nancy Pelosi, who dubbed the proposal as 'a toothless NRA bill that will do nothing to keep our communities safe.'¹¹⁸

On July 6, the *New York Times* reported that 'Ryan stepped back from an itinerary that had included voting on [the] measure,'¹¹⁹ after backlash from anti-establishment conservatives belonging to the House Freedom Caucus. Rep. Justin Amash (R-Michigan) said the legislation

¹¹¹ Steven Rattner, "By Opposing Obama, the Republicans Created Trump," *The New York Times*, April 13, 2016, <https://www.nytimes.com/2016/04/13/opinion/by-opposing-obama-the-republicans-created-trump.html>.

¹¹² Ibid.

¹¹³ Byron Tau, "Obama: Republican 'Fever' Will Break after the Election," Politico, June 1, 2012, <http://www.politico.com/blogs/politico44/2012/06/obama-republican-fever-will-break-after-the-election-125059>.

¹¹⁴ Grunwald, "The Victory of 'No'" op. cit

¹¹⁵ Rebecca Shabad, "Why More than 100 Gun Control Proposals in Congress since 2011 Have Failed," n.d., <http://www.cbsnews.com/news/how-many-gun-control-proposals-have-been-offered-since-2011/>.

¹¹⁶ Ibid.

¹¹⁷ Lois Beckett, "Gun Control Fight Returns to Congress as Speaker Ryan Allows Vote on One Bill," *The Guardian*, July 5, 2016, sec. US news, <https://www.theguardian.com/us-news/2016/jul/05/gun-control-congress-paul-ryan>.

¹¹⁸ Ibid.

¹¹⁹ Emmarie Huetteman, "House Republicans Back Away From Gun Vote After Conservatives Rebel," *The New York Times*, July 6, 2016, <https://www.nytimes.com/2016/07/07/us/politics/gun-control-paul-ryan-congress.html>.

would be ‘among the most egregious gun control measures ever to pass either house of Congress’¹²⁰, adding:

*“If the bill becomes law, it will mark a massive expansion of the government’s ability to restrict gun rights on the basis of precrime — a crime not yet committed.”*¹²¹

Speaking to protestors advocating for gun control, Pelosi summarised Democratic opinion:

*“The overwhelming majority of Americans want action to keep guns out of the hands of suspected terrorists and criminals — real action, not a bill written by the gun lobby...The Republican House still refuses to disarm hate and allow a vote on common-sense gun violence protection.”*¹²²

Without sufficient support from Republicans, and with Democrats also opposed, the legislation never made it to a vote.

Research restrictions

The US Centres for Disease Control and Prevention (CDC) has been restricted from conducting research into gun violence since 1996, when Rep. Jay Dickey (R-Arkansas) sponsored a federal budget amendment forbidding the CDC from funding any research that would ‘advocate [for] or promote gun control’ — effectively banning research into the causes, effects, and prevention of gun violence.¹²³ The amendment transferred the \$2.6 million CDC budget for firearms injury research to brain research.¹²⁴ Today, the CDC only compiles injury statistics, of which gun injuries are a subset.¹²⁵ Additional legislation passed by a Republican House majority in 2011, extended similar restrictions to research supported by the National Institutes of Health.¹²⁶

In his slate of executive actions presented following Sandy Hook, Obama lifted the research ban on gun violence,¹²⁷ but Congress has refused to release funds to the CDC for that purpose.¹²⁸ This ban continues, despite an overwhelming majority of American health professionals supporting gun violence research. An April 2016 letter from 150 medical organisations (representing more than a million American health professionals) argued that Congress’ research ban ‘has caused a dramatic chilling effect on federal research that has stalled and stymied progress on gathering critical data to

¹²⁰ Ibid.

¹²¹ Huetteman op. cit

¹²² Ibid.

¹²³ Jack Kingston, “H.R.2112 - 112th Congress (2011-2012): Consolidated and Further Continuing Appropriations Act, 2012” (2011), <https://www.congress.gov/bill/112th-congress/house-bill/2112>.

¹²⁴ Owen Dyer, “AMA Calls for End to Ban on Gun Violence Research,” *BMJ* 353 (June 23, 2016): i3529, doi:10.1136/bmj.i3529.

¹²⁵ Ibid.

¹²⁶ Michael McCarthy, “US Health Organizations Call for Congress to End Bans on Research into Gun Violence,” *BMJ: British Medical Journal (Online)*; *London* 353 (April 8, 2016), doi:<http://dx.doi.org.ezproxy.canterbury.ac.nz/10.1136/bmj.i2034>.

¹²⁷ Office of the Press Secretary, “FACT SHEET: New Executive Actions to Reduce Gun Violence,” [Whitehouse.gov](https://obamawhitehouse.archives.gov/the-press-office/2013/08/29/fact-sheet-new-executive-actions-reduce-gun-violence), August 29, 2013, <https://obamawhitehouse.archives.gov/the-press-office/2013/08/29/fact-sheet-new-executive-actions-reduce-gun-violence>.

¹²⁸ Dyer op. cit

inform prevention of gun violence for the past 20 years.¹²⁹ Pointing out that ‘robust research on car accidents and subsequent legislation has helped save hundreds of thousands of lives without preventing people from being able to drive,’ the letter advocated for applying ‘the same approach to reducing gun violence in our communities.’¹³⁰

Outgunned and Outmanned

Congress has also stymied the efforts of the ATF to enforce existing gun control laws. The 1986 Firearm Owners’ Protection Act, passed with NRA support, outlawed the creation of a national gun registry.¹³¹ As a result, any documents the ATF scans cannot be searched digitally, a byzantine restriction in the modern era. Writing for *Mother Jones*, journalist Bryan Schatz suggests that ‘by design, it’s an analog agency in a digital world,’ ‘...underfunded and buried in bureaucracy.’¹³²

In 2003, Rep. Todd Tiahrt (R-Kansas) introduced the Tiahrt Amendment as a rider to a federal spending bill.¹³³ The Tiahrt Amendments, versions of which have passed every year since, prohibit the ATF from publicly releasing detailed gun trace data and limit its ability to share this data with other law enforcement agencies. The Tiahrt measures also constrain the bureau’s ability to prosecute ‘bad actor’ firearms dealers.¹³⁴ Routine checks on dealers and other federal firearms licensees (FFLs) are rare, owing to a ‘shrinking, raging workforce’.¹³⁵ Neil Troppman, an ATF program manager, told Schatz that the ATF has ‘600 inspectors for 140,000 FFLs’.¹³⁶ The bureau is at its lowest staffing level in a decade as the result of a four-year hiring freeze and stagnant funding from Congress, and only has some 2,600 agents for an estimated 350 million guns owned by Americans.¹³⁷ Corey Ray, a spokesperson for the ATF, finds the NRA-promoted concept of firearms confiscation laughable:

“We always crack up when they’re like, ‘You’re coming to take our guns.’ Look, we don’t have the people...Even if we were like, ‘Yeah, we’re coming to take your guns’, 30 years from now you might get a knock on your door.”¹³⁸

¹²⁹ McCarthy op. cit

¹³⁰ McCarthy op. cit

¹³¹ James McClure, “S.49 - 99th Congress (1985-1986): Firearms Owners’ Protection Act” (1986), <https://www.congress.gov/bill/99th-congress/senate-bill/49>.

¹³² Bryan Schatz, “How the NRA Buried the Nation’s Top Gun Cops in Bureaucracy,” *Mother Jones*, n.d., <http://www.motherjones.com/politics/2016/09/atf-nra-battle-guns>.

¹³³ Ibid.

¹³⁴ Ibid.

¹³⁵ Ibid.

¹³⁶ Ibid.

¹³⁷ Ibid.

¹³⁸ Ibid.

In Obama's January 2016 slate of executive orders aimed at reducing gun violence, the White House proposed adding 200 new agents to the ATF¹³⁹. The proposal ran into opposition in Congress, which cut ATF funding further¹⁴⁰. Alluding to the interwoven challenge presented by the gun lobby and Republicans, Troppman stated: 'The NRA wants us right where we're at. They have the ear of a big portion of Congress, so they can manipulate what happens.'¹⁴¹

Culture

"I'll give you my gun when you take it from my cold, dead hands!"¹⁴²

– former NRA president Charles Heston.

The third element of the full metal jacket is culture, which I employ as an overarching tenet to describe 'gun culture' from historical antiquity to the contemporary era, the development of 'citizen-protectors', and the NRA's connection to the 'culture wars'. Here, I explore the sentiments of gun owners, the myriad array of reasons for their attachment to firearms, and their resistance to gun control. I also consider two subsidiaries of gun culture: hardline NRA members known as 'gun crusaders', and far-right militia members.

Traditional 'Gun Culture'

Part of America's social and cultural tradition includes an identifiable 'gun culture' — which 'evokes strong sentiment amongst gun owners' by portraying the 'attachment to firearms founded on the presence and proliferation of guns since the earliest days of the country.'¹⁴³ Gun culture incorporates the fight for independence and the American frontier experience; and the cultural mythology that has grown up about the gun through American history, as 'reflected in books, films, folklore, and other forms of popular expression.'¹⁴⁴ Gun culture is considered 'a key component of the American mythic tradition,'¹⁴⁵ however, it is far less ubiquitous in early federal life than popular impression and mythology suggests. Early firearms were cumbersome, dangerous to operate, and difficult to maintain. After the Civil War, gun ownership became more widespread as manufacturers such as Samuel Colt developed advertising campaigns that deliberately romanticised the attachment to guns.¹⁴⁶ Technological advances also made guns more reliable, easier to use, more durable — and crucially, cheaper. In his analysis of gun culture, political scientist Robert Spitzer

¹³⁹ Office of the Press Secretary, "FACT SHEET: New Executive Actions to Reduce Gun Violence and Make Our Communities Safer," Whitehouse.gov, January 4, 2016, <https://obamawhitehouse.archives.gov/the-press-office/2016/01/04/fact-sheet-new-executive-actions-reduce-gun-violence-and-make-our>.

¹⁴⁰ Schatz op. cit

¹⁴¹ Ibid.

¹⁴² Charlton Heston, "From My Cold Dead Hands," n.d., <https://www.youtube.com/watch?v=5ju4Gla2odw>.

¹⁴³ Spitzer op. cit

¹⁴⁴ Ibid.

¹⁴⁵ Ibid.

¹⁴⁶ Ibid.

suggests that gun culture can be defined by two elements - a hunting/sporting ethos, and a militia/frontier ethos.¹⁴⁷

The first element sprang from a time when the United States was an agrarian, subsistence nation existing in a hostile environment. Guns were used by settlers to hunt game (although domesticated livestock were a far more important food source) and as a form of protection against animal predators.¹⁴⁸ The hunting tradition has continued since the earliest days of American settlement, but owing to changing demographics, a decline in rural populations, changing social attitudes, and the reduction of land where hunting is permitted, the popularity of hunting continues to diminish in the modern era. In 1975, the active hunting population was 17 million, but by 2006 a federal survey reported a decline to 12.5 million active hunters, indicating a long-term trend of decline in hunting numbers.¹⁴⁹

The second element, the militia/frontier ethos, has more direct political antecedents and consequences. Early settlers were required to participate in local defence through necessity, as the neither the budget or the manpower existed to maintain a full-time army. Hence, the armed citizen-soldier bore this responsibility.¹⁵⁰ Citizen-soldiers serving in state-based militias assisted in the American War of Independence, but George Washington paid them little regard. In private correspondence with Congress, Washington was scathing:

“To place any dependence upon Militia, is, assuredly, resting upon a broken staff...If I was called upon to declare upon Oath, whether the Militia have been serviceable or hurtful upon the whole; I should subscribe to the latter.”¹⁵¹

By the 1790s the many drawbacks of citizen militias accelerated the reliance on volunteer units and a professional, full-time army. The death knell of the citizen militia was its abysmal performance in the War of 1812, after which it ceased to play any active role in national defence.¹⁵² Despite this, the militia tradition has survived to the modern era.

The frontier tradition ‘linked westward movement with weaponry’ as nineteenth-century firearms became symbolic of westward expansion.¹⁵³ Winchesters, Smith & Wessons, Remingtons, and Colts became ubiquitous through aggressive marketing campaigns that pictured guns as a necessity for self-defence:

¹⁴⁷ Ibid.

¹⁴⁸ Ibid.

¹⁴⁹ Spitzer op. cit

¹⁵⁰ Ibid.

¹⁵¹ Michael Harris, Brandywine: A Military History of the Battle That Lost Philadelphia but Saved America, September 11, 1777 (Savas Beatie, 2014).

¹⁵² Spitzer op. cit

¹⁵³ Ibid.

“Men who wanted to hold their own against all comers carried their law with them - a Colt Peacemaker, slung from their belt or in an arm-pit holster.”¹⁵⁴

Expressions such as ‘the guns that won the West’ and ‘the American experiment was made possible by the gun’ typify ‘a romanticised and wildly exaggerated assessment of the importance of firearms’¹⁵⁵ in westward settlement. These characterisations effectively ignore the central role of homesteaders, ranchers, miners, tradesmen, businessmen, railroads, and the generalised movement of ‘civilisation’ across the West.¹⁵⁶ The ‘taming of the West’ was primarily an agricultural and commercial movement, attributable to ranchers and farmers, for whom guns played a minor role.¹⁵⁷

Moreover, even in the most violence-prone Western cattle towns, ‘vigilantism and lawlessness were only briefly tolerated’.¹⁵⁸ As historian Richard Shenkman states:

“The truth is many more people have died in Hollywood Westerns than ever died on the real frontier...in the real Dodge City, for instance, there were just five killings in 1878, the most homicidal year...in the most violent year in Deadwood, South Dakota, only four people were killed. In the worst year in Tombstone, home of the shoot-out at the OK Corral, only five people were killed. The only reason the OK Corral shootout even became famous was that town boosters deliberately overplayed the drama to attract new settlers.”¹⁵⁹

Historian Ray Allen Billington noted that local businesspeople and other leasers quickly push for town incorporation in order to establish local police forces, which were supported by taxes levied against vice venues: local bars, gambling establishments, and houses of prostitution.¹⁶⁰ Prohibitions against carrying guns in town limits were strictly enforced, and there were few homicides. The gun ‘disarmament’ that was routinely practiced in newly formed Western towns recognised as a sign of civilisation and an improvement in public safety.¹⁶¹ Western-style shootouts prevalent in mass media were literally ‘unheard of’¹⁶². In *The American Cowboy: The Myth and the Reality*, authors Joe B. Frantz and Julian E. Choate establish that, ‘the six-shooter has been credited with use entirely disproportionate with the facts.’¹⁶³ Most of the killing that took place on the frontier involved the battles between the professional military - the US Cavalry - and Native Americans affronted by settlement.

¹⁵⁴ Ibid.

¹⁵⁵ Ibid.

¹⁵⁶ Ibid.

¹⁵⁷ Ibid.

¹⁵⁸ Spitzer op. cit

¹⁵⁹ Ibid.

¹⁶⁰ Ray Allen Billington, *America's Frontier Heritage* (Albuquerque: University of New Mexico Press, 1975).

¹⁶¹ Spitzer op. cit

¹⁶² Ibid.

¹⁶³ Joe Bertram Frantz and Julian Ernest Choate, *The American Cowboy: The Myth & the Reality* (Thames and Hudson, 1956).

Historical gun culture revolves around gun owners and enthusiasts, for whom the ‘veneration of guns, with all its attendant symbolism and mythology, drives a powerful and deeply held belief that guns are not only an integral part of but also a force responsible for America as it exists today.’¹⁶⁴ Firearms and hunting have a deep familial and societal link, as those most likely to embrace and carry on the gun tradition are socialised early in their lives by other family members into patterns of gun ownership and use.¹⁶⁵

Citizen-Protectors

Modern gun culture, drawing on the archetypes of the ‘citizen-soldier and the cowboy lawman’¹⁶⁶ has adopted the tenet of self-defence, buttressed by the prevalence of ‘stand your ground’ and concealed carry legislation. The ‘concealed carry revolution’¹⁶⁷ reflects that the number of Americans using firearms for sporting and hunting purposes is today rivalled by the number who have concealed carry permits. In *Citizen-Protectors: The Everyday Politics of Guns in an Age of Decline*, sociologist Jennifer Carlson traces the emergence of the ‘citizen-protector’ and how gun ownership is intertwined into an ubiquitous culture of self-reliance and vigilantism.¹⁶⁸ Through a series of interviews with gun owners, Carlson sheds valuable insight on this aspect of the modern gun culture. Carlson introduces the case study of ‘Corey’, a white male in his late thirties, who works at his family corner store on the east side of Flint, Michigan, ‘stubbornly refusing to join the empty lots that blighted the once-bustling area’.¹⁶⁹

“Explaining his decision to purchase a gun and obtain a concealed carry permit, Corey told me that he had been held up ‘a dozen’ times with various weapons...’I just thought it was time, I guess. Crime’s bad, cops are low. I think this is what we come to. Cops are low everywhere. They always lay them off first, and it doesn’t make no sense why they lay those guys off first.”¹⁷⁰

Carlson also shares the experiences of ‘Jason’, an African-American male in his thirties, who describes how he regularly ‘open-carries’ (carrying a holstered handgun in plain view) in his hometown of Detroit as a deterrent to crime. In addition to Jason’s suggestion that ‘the economy was going bad and everything’¹⁷¹, Carlson states:

“Jason’s turn to gun carry seems to go beyond personal protection; connecting his decision to carry a gun with the decline of Detroit, he said, ‘That’s what I’m trying to do: take my city

¹⁶⁴ Spitzer op. cit

¹⁶⁵ Ibid.

¹⁶⁶ Ibid.

¹⁶⁷ Evan Osnos, “How Fear Helps the Gun Business,” *The New Yorker*, June 27, 2016, <http://www.newyorker.com/magazine/2016/06/27/after-orlando-examining-the-gun-business>.

¹⁶⁸ Jennifer Carlson, *Citizen-Protectors: The Everyday Politics of Guns in an Age of Decline* (Oxford University Press, 2015).

¹⁶⁹ Ibid.

¹⁷⁰ Ibid.

¹⁷¹ Ibid.

back one day at a time, one step at a time, and show the thugs, look, that's right, I have a gun too."¹⁷²

Corey and Jason represent a major shift in the 'gun landscape.' Since the 1970s, nearly 40 states have loosening their restrictions on Americans' ability to carry guns legally, with an estimated eight to eleven million licensed concealed carriers.¹⁷³ The popularity of concealed carry suggests Americans are increasingly arming themselves for protection. One survey suggests that Americans are much more likely to own and carry guns for self-protection in 2015 (48%) than they were in 1999 (26%).¹⁷⁴ Gallup suggests an even higher number carrying for self-protection — citing 60%.¹⁷⁵

'American Decline'

Whilst the self-protection motive is significant, 'gun use and ownership represents complex responses to economic decline, social disorder, and inadequate police protection.'¹⁷⁶ Public concerns about vanishing economic opportunity, abiding worries about crime and police cutbacks, and descriptions of community collapse are reflected in a contemporary gun culture where 'owning and carrying a gun is a way of practicing a particular civic duty.'¹⁷⁷ These three factors of decline - economy, crime, and community, form much of the impetus for gun carriers.¹⁷⁸

First, as the NRA began pushing 'shall-issue' carry legislation in the 1970s, Americans 'responded to recent law enforcement problems through increased fear, estrangement from neighbours, avoidance behaviour, increased receptivity to 'law-and-order' politics, and increased purchases' of private security devices - including firearms.¹⁷⁹ Thus, gun ownership is a response to perceptions of increased crime and decreased police efficacy.¹⁸⁰ Although crime has plummeted over the last twenty years in many places, these anxieties persist.

Second, the shift from a male-dominated, single-income-earner, manufacturing-based economy to a service-based economy that lacks the benefits consistent with men's jobs in the 1950s and 60s (reliable healthcare, retirement funding, and sick leave) has had both economic consequences and a social impact - undermining the traditional gender relations of families that posit men as

¹⁷² Ibid.

¹⁷³ Ibid.

¹⁷⁴ Carlson op. cit

¹⁷⁵ Gallup Inc, "Crime Victims More Likely to Own Guns," Gallup.com, December 12, 2016, <http://www.gallup.com/poll/199235/crime-victims-likely-own-guns.aspx>.

¹⁷⁶ Carlson op. cit

¹⁷⁷ Ibid.

¹⁷⁸ Ibid.

¹⁷⁹ Ibid.

¹⁸⁰ Ibid.

'breadwinners' and women as 'homemakers'.¹⁸¹ As a result, the traditional concepts and expressions of masculinity are being redefined, leading to a crisis of identity.¹⁸²

Third, many Americans feel disconnected from their communities.¹⁸³ As Robert Putnam states, Americans are increasingly 'bowling alone' due to a 'withering of social capital'.¹⁸⁴ More Americans are becoming withdrawn from their communities, a pattern visible through factors such as decline in voter turnout and growing distrust in government.¹⁸⁵ Putnam's findings are particularly applicable to Americans most invested in traditional values and social institutions, such as the nuclear family. Notably, this alienation has given rise to a version of politics aimed specifically at defending and resurrecting these values and institutions¹⁸⁶ — as one might suggest, 'making America great again'.¹⁸⁷

For citizen-protectors, gun ownership and carry represents a means to navigate the discord associated with crime, the economy, and community decline. As traditional masculine roles are in upheaval, gun carriers perform a particular kind of masculinity that 'includes protecting the family from threats, at times literally putting their bodies in the line of fire on the street'.¹⁸⁸ The men in Carlson's case studies 'reinvented themselves as citizen-protectors in a context in which their relevance and authority as financial providers and productive workers was undermined'.¹⁸⁹ By fulfilling this 'duty', gun carriers 'reclaim a sense of dignity'.¹⁹⁰ Both instrumental and symbolic, guns provide an alternate means of claiming masculine duty, authority, and dignity in the household. Gun-carrying men 'can assert themselves as useful, relevant, and dutiful to their families and their communities'.¹⁹¹

The concept of the citizen-protector is grounded in contemporary neoliberalism, where a person's ability to participate in the market surpasses their relationship to the state in defining their rights, duties, and obligations as a citizen. Criminologist Pat O'Malley describes this 'shift of responsibility from the state to the citizen and the redefinition of social functions as personal responsibilities' as 'responsibilisation'.¹⁹² The concealed carry activity of citizen-protectors 'shifts the social

¹⁸¹ Ibid.

¹⁸² Ibid.

¹⁸³ Ibid.

¹⁸⁴ Robert Putnam, *Bowling Alone*, 2001, <http://www.simonandschuster.com/books/Bowling-Alone/Robert-D-Putnam/9780743203043>.

¹⁸⁵ Putnam op. cit

¹⁸⁶ Carlson op. cit

¹⁸⁷ Aoife Barry, "What Made Trump's 'Make America Great Again' Slogan so Powerful?," *The Journal*, November 2016, <http://www.thejournal.ie/trump-slogan-make-america-great-again-3071552-Nov2016/>.

¹⁸⁸ Carlson op. cit

¹⁸⁹ Ibid.

¹⁹⁰ Ibid.

¹⁹¹ Ibid.

¹⁹² Ibid.

responsibility for crime control away from the police patrol car and into the holster of a licensed gun carrier'.¹⁹³

Carlson suggests that citizen-protectors 'claim the right to self-defence' by defining themselves with respect to the police, asserting themselves 'against a state apparatus that they see as incompetent, ineffective, and inadequate.'¹⁹⁴ This is reinforced through pro-gun rhetoric in and beyond the NRA classroom, which emphasises police inefficacy. NRA course materials, magazines, and membership brochures all suggest that Americans are better off relying on themselves and their personal guns than the police for protection against crime. Adages such as 'I carry a gun because a cop is too heavy' and 'When seconds matter, the police are only minutes away' are typical of the attitudes of citizen-protectors, and reflected in merchandise and NRA paraphernalia and marketing materials.¹⁹⁵ An interviewee who formerly worked as an emergency medical technician (EMT) suggested the safety provided by law enforcement was an 'illusion', stating adamantly that 'there isn't any police protection in America.'¹⁹⁶ To gun carriers, reliance on the police is naive — and dangerous.¹⁹⁷

The 'Culture Wars' and the NRA's 'Gun Crusaders'

Carlson's work evokes a comparison with Scott Melzer's *Gun Crusaders*, in which Melzer explores the NRA not only as a political lobbying body, but the organisation and its membership as a subsidiary of gun culture engaged in conservative causes. Melzer describes the NRA and its membership as a 'sledgehammer for conservative causes...fighting not just the gun war but the culture wars'.¹⁹⁸ The primary threads of American conservatism (libertarianism, anticommunist militarism, and traditionalism) are each intertwined into the worldview of hardline NRA supporters. As Melzer reports, 'my interviews with NRA members reveal clear-cut conservative patterns in their cultural and political views':¹⁹⁹

*"Big government, or 'nanny state,' policies, NRA members warn, are part of a broader culture war threatening gun rights, individual rights and freedoms, the values of self-reliance and independence, and, ultimately, white men's status and power— all issues the NRA pushes and its members fear. To them, guns are the first line of defence. If lost, all other rights will be jeopardised and, ultimately, the political Left will have undermined American democracy and replaced it with a socialist, communist, or fascist government."*²⁰⁰

In expansive interviews with NRA members - the 'gun crusaders', Melzer discovers that 'the main foes in the culture war...are feminists, liberals, Democrats, and socialists, all 'anti-gunners' who

¹⁹³ Ibid.

¹⁹⁴ Ibid.

¹⁹⁵ Ibid.

¹⁹⁶ Ibid.

¹⁹⁷ Ibid.

¹⁹⁸ Scott Melzer, *Gun Crusaders: The NRA's Culture War* (NYU Press, 2012).

¹⁹⁹ Ibid.

²⁰⁰ Ibid.

want to expand the government's reach into citizens' private lives.²⁰¹ Members seldom see nuance, mirroring the NRA's 'all-or-nothing approach to gun rights politics', with 'femininity, emotions, and gun control on one side and masculinity, logic, and gun rights on the other.'²⁰²

*"NRA member Bob bemoaned the fact that being a man "used to be a thing of privilege." "Now," he told me, "you've got [women] legislators voting on emotions, CEOs hired because it's politically correct," and they're basing important decisions on feelings instead of logic. Bob thinks that men's rationality is being replaced by women's irrational behaviour in government and business, which endangers gun rights and America's wellbeing."*²⁰³

Hard-line NRA members 'see little difference between U.S. liberal social policies such as social security or welfare and actual communist or socialist countries' and label any form of government assistance as 'communist'.²⁰⁴ Traditionalists bemoan that 'family values are all messed up' and many NRA members were quick to point to feminists as 'the primary culprit in challenging the gender status quo'.²⁰⁵ Melzer concludes that the NRA, having 'embedded itself within a movement and a political party' is part of a conservative coalition waging 'a right-wing culture war'.²⁰⁶ Essentially, the NRA's success in mobilising support is predicated on the fear of gun rights supporters who 'feel as if they are being displaced by a society that has fewer clear-cut role expectations and is turning more urban and diverse'.²⁰⁷

*"It became clear to me that the NRA is not just fighting for guns. Committed NRA members' support for gun rights is about freedom, independence, self-reliance, and their American way of life. Though they rally behind and respond to these ideas, beneath all that is fear . The driving force behind these gun rights activists is fear, and not just of gun control foes but also of feminists, criminals, terrorists, gays, and Communists. They perceive that liberals are plotting to take away their gun rights and give women, gays, and people of colour not equal but "special" rights. The gun-owning, rural, conservative, straight, white man is the new victim of discrimination, the new minority, they believe. NRA members must fight back before it's too late."*²⁰⁸

The Militia Movement and Radicalised Individuals

The most insidious elements of gun culture are represented by right-wing fringe groups and individuals collectively known as the militia movement. Americans who are often aligned to these groups frequently espouse white supremacist rhetoric, promote conspiracy theories, share

²⁰¹ Ibid.

²⁰² Ibid.

²⁰³ Ibid.

²⁰⁴ Ibid.

²⁰⁵ Ibid.

²⁰⁶ Melzer op. cit.

²⁰⁷ Ibid.

²⁰⁸ Ibid.

antigovernment sentiment, and a deep-seated paranoia.²⁰⁹ As Hemenway writes, members ‘often identify the government itself as the enemy’.²¹⁰ Individuals are often ‘radicalised’ through online message boards and are typically informed by alt-right media sources such as Alex Jones’s *InfoWars*. In an interview on *CNN*, Jones made his sentiments on gun rights clear:

“Hitler took the guns, Stalin took the guns, Mao took the guns, Fidel Castro took the guns... and I’m here to tell you that 1776 WILL COMMENCE AGAIN if you try to take our firearms!...we will not relinquish them. Do you understand? That’s why you’re going to fail and the establishment knows no matter how much propaganda, the Republic will rise again when you attempt to take our guns.”²¹¹

After Obama took office, fringe groups exploded in number. As reported by the Southern Poverty Law Centre, ‘almost a decade after largely disappearing from public view, right-wing militias...are appearing in large numbers around the country.’²¹² This re-emergence has coincided with a ‘remarkable rash of domestic terror incidents.’²¹³ Analyst Chip Berlet suggests that ‘this frequently happens when elections favour the political left and the society is seen as moving toward greater social equality or away from traditional societal hierarchies,’ adding that ‘it is easier for right-wing demagogues to successfully demonise liberals’.²¹⁴

“The current political environment is awash with seemingly absurd but nonetheless influential conspiracy theories, hyperbolic claims and demonised targets. And this creates a milieu where violence is a likely outcome.”²¹⁵

The consequences of this radicalisation were realised shortly into Obama’s first term. Richard Poplawski, from Pittsburgh, Pennsylvania, first appeared on white supremacist sites in 2007, where he discussed his hatred of minorities and his belief in an oncoming government collapse.²¹⁶ Poplawski believed that the federal government was building concentration camps for dissenters and that under Obama’s leadership it was planning ‘to suspend the Constitution, declare martial law, and confiscate Americans’ firearms.’²¹⁷ Posts from Poplawski on the website of the Pennsylvania Firearms Owners Association discussed concealed-weapons permits, police arrests and gun confiscations he believed were illegal.²¹⁸ Poplawski also frequently visited and

²⁰⁹ David Hemenway, *Private Guns, Public Health* (University of Michigan Press, 2004).

²¹⁰ *Ibid.*

²¹¹ Piers Morgan, “CNN - Piers Morgan Tonight,” *CNN*, n.d., <http://transcripts.cnn.com/TRANSCRIPTS/1301/12/pmt.01.html>.

²¹² Southern Poverty Law Centre, “The Second Wave: Return of the Militias” (Southern Poverty Law Centre, July 31, 2009), <https://www.splcenter.org/20090801/second-wave-return-militias>.

²¹³ *Ibid.*

²¹⁴ Southern Poverty Law Centre op. cit

²¹⁵ *Ibid.*

²¹⁶ Diaz op. cit.

²¹⁷ *Ibid.*

²¹⁸ *Ibid.*

occasionally posted on Alex Jone's *Infowars* website.²¹⁹ Furthermore, as a co-host on a white supremacist Internet radio programme, Poplawski discussed his private 'hit list' - which included a Pittsburgh police officer, a black, a Jew, his ex-girlfriend, her parents, and neighbours' pets.²²⁰ In March 2009, he wrote:

*"If a total collapse is what it takes to wake our brethren and guarantee future generations of white children walk this continent, if that is what it takes to restore our freedoms and recapture our land: let it begin this very second and not a moment later."*²²¹

Naturally, Poplawski was easily and legally allowed to own firearms. His guns included a .380 semiautomatic pistol, a 22 caliber rifle, a .357 Magnum handgun, a shotgun, and an AK-47-style semiautomatic assault rifle. He also had some thousand rounds of ammunition, and a bulletproof vest.²²²

Sometime before 7:00 a.m. on April 4, Poplawski's mother, Margaret, awoke and found that one of her son's dogs had urinated on the floor. She awoke her son, and an argument ensued. At 7:03 a.m. Margaret called 911 and asked that the police come and remove her son. A police dispatcher sent the call out at 7:05 a.m. as a domestic disturbance.²²³ Poplawski later told police that his mother was 'extremely stupid' to call law enforcement.²²⁴ Immediately following his mother's call, Poplawski donned his bulletproof vest and loaded his shotgun. Pittsburgh police officers Paul Sciallo II and Stephen Mayhle arrived at 7:11 a.m. Margaret met them at the door, let them in, and said, "Come and take his ass."²²⁵ Walking out of his bedroom with his shotgun in hand, Poplawski saw Sciallo standing in the doorway, and shot him. As Mayhle entered the house, Poplawski tried to shoot him too, however, his shotgun jammed. Mayhle raised the alarm on his police radio, and a furious gun battle commenced through the house.²²⁶ A trail of 40 calibre casings from Mayhle's service pistol indicated that he chased Poplawski from the living room, through the kitchen, into the dining room, and then into a hallway. Two bullets struck Poplawski — the first, close to the heart was stopped by the ballistic vest — and the second struck his leg. Despite his injury, Poplawski was able to grab his AK-47 and began firing at Mayhle. Mayhle then tried to run out of the house, but was struck by a hail of bullets from Poplawski's assault rifle.²²⁷ Twenty-eight spent AK-47 casings were found in the living room alone. Poplawski went outside and shot both officers multiple times again as they lay prone on the ground.

²¹⁹ Diaz op. cit.

²²⁰ Ibid.

²²¹ Ibid.

²²² Ibid.

²²³ Ibid.

²²⁴ Ibid.

²²⁵ Ibid.

²²⁶ Ibid.

²²⁷ Ibid.

An off-duty officer, Eric Kelly, was a few blocks away and heard the sound of gunfire. He pulled up to the house and was stuck immediately by bullets from Poplawski's AK-47.²²⁸ Other officers responded to the scene, and a gun battle began, lasting two and a half hours. Hundreds of rounds were used in the firefight. Sergeant James Kohen reported that 'bullets were whizzing and pinging everywhere. It was a meat grinder. We were totally outgunned — pistols against assault rifles.'²²⁹ Poplawski eventually engaged with a police negotiator. Worn down by his wounds, he surrendered at approximately 10:45 a.m.²³⁰ Convicted of three counts of murder and numerous other crimes, Poplawski was sentenced to death and is currently on death row.²³¹

Poplawski exists on the fringes of gun culture, but his beliefs pertaining to firearms and the federal government are not unique. In two separate cases in 2009, one man pleaded guilty to illegally possessing two grenade launchers, 54 grenades, 37 machine guns, eight silencers and a variety of explosives in a storage unit.²³² Another was charged with possessing an illegal cache of weapons including a machine gun, four silencers, and two guns inscribed with the phrases '*Christian warrior*' and '*NObama*'.²³³ Moreover, assaults like Poplawski's occur with alarming regularity. Indeed, his shootout with law enforcement was only the third deadliest mass shooting involving police fatalities that year. Lovelle Mixon, armed with two semiautomatic firearms, shot and killed four Oakland, California police officers in March.²³⁴ Maurice Clemmons, armed with a semiautomatic pistol, killed four Lakewood, Washington police officers in November.²³⁵

Conclusion

The Full Metal Jacket represents a complex and nuanced set of challenges to Obama's efforts to engage with the issue of gun violence, and propose and implement actions to reduce gun violence.

As this chapter demonstrates, the threads of this jacket are intertwined. The gun lobby, fronted by the NRA juggernaut, actively promotes gun rights through legislative efforts in Congress and the judicial branch, and supports Congressional opposition through advertising and independent spending in favour of Republican candidates. The NRA is also interwoven into the fabric of modern gun culture. It pays homage to the historical hunting and sporting ethos, and actively promotes concealed carriers, not only providing training courses and classes to citizen-protectors, but also by deriding law enforcement and the government's role in public safety. A subsidiary of this culture

²²⁸ Diaz, op. cit.

²²⁹ Paula Reed Ward, "Prosecutors Present Graphic Evidence of 2009 Shooting Deaths of 3 Pittsburgh Police Officers," *Pittsburgh Post-Gazette*, June 21, 2011, <http://www.post-gazette.com/home/2011/06/21/Prosecutors-present-graphic-evidence-of-2009-shooting-deaths-of-3-Pittsburgh-police-officers/stories/201106210217>.

²³⁰ Diaz op. cit.

²³¹ 1. Paula Reed Ward, "Poplawski, Convicted of Killing 3 Police Officers, Gets Stay of Execution," *Pittsburgh Post-Gazette*, February 16, 2017, <http://www.post-gazette.com/local/city/2017/02/16/Richard-Poplawski-who-killed-three-Pittsburgh-police-officers-gets-stay-of-execution/stories/201702160195>.

²³² Southern Poverty Law Centre, op. cit

²³³ Ibid.

²³⁴ Solomon Moore and Jesse Mckinley, "A Familiar Path in Months Before Fatal Shooting," *The New York Times*, March 24, 2009, <http://www.nytimes.com/2009/03/25/us/25parolee.html>.

²³⁵ William Yardley and Liz Robbins, "Suspect Slain in Seattle; 4 Are Held as Flight Aids," *The New York Times*, December 1, 2009, <http://www.nytimes.com/2009/12/02/us/02tacoma.html>.

exists in the form of hardline NRA supporters — the ‘gun crusaders’ — who accept the NRA narrative in the ‘culture war’ and engage in general conservative idealism. NRA members also constitute a mobilised and active political base. Finally, fringe elements of gun culture include individuals and groups who typically possess a conspiracist, anti-government, and white supremacist ideology. For radicalised individuals like Richard Poplawski, their engagement with guns is often deadly.

Encouraged by a gun lobby with a ‘ruthless willingness to say or do anything to defeat even the most modest proposal to regulate guns’²³⁶ Republicans in Congress provided ample opposition to the gun control proposals suggested by Obama and advanced by Democrats in the House and Senate. In turn, Republicans are buttressed by support from the NRA and its members, and kept in line on gun rights and other conservative issues through fear of retribution.

As discussed through Chapters III and IV, this linked relationship between the NRA, Congressional Republicans, and Americans engaged in gun culture has presented a formidable challenge to Obama. More often than not, the jacket has become an insurmountable obstacle, making the meaningful reduction of firearms violence a near-impossible task politically.

²³⁶ Diaz op. cit.

VI. AFER OBAMA: GUN VIOLENCE AND THE TRUMP PRESIDENCY

“The intoxication of power rapidly sobers off in the knowledge of its restrictions and under the prompt reminder of an ever-present and not always considerate press, as well as the kindly suggestions that not infrequently come from Congress.”¹

– William Howard Taft

The Trump Administration

Under the Trump administration, several government agencies have affected changes reducing firearms regulation. The Federal Bureau of Investigation has removed more than 500,000 records identifying people with outstanding criminal arrest warrants from the NCIS, following a ruling by the Department of Justice, which determined fugitives as only those people who have fled a state to avoid prosecution, and are wanted for “imminent” criminal prosecution or testimony.² Prior to February 2017, those with an open warrant who had been entered in the NICS and tried to buy a firearm were flagged for further review.

Interior Department secretary Ryan Zinke rescinded an Obama administration order that banned the use of lead ammunition on wildlife refuges.³ Lead ammunition has been implicated in the poisoning of wildlife, including protected bald eagles.⁴ Trump also signed a bill into law rescinding an Obama-era regulation that made it more difficult for Americans with severe mental health problems to purchase firearms.⁵ Under Obama, people receiving Social Security checks for mental illnesses and people deemed unfit to handle their own financial affairs were added to the NCIS.⁶

Trump and the NRA

Republican control of the White House and Congress presents an opportunity for the National Rifle Association to attack gun regulations at the federal and state level, and to champion policies formerly regarded as fringe-level. In a post-election address, Wayne LaPierre declared to supporters that Trump’s victory represented ‘our historic moment to go on offence.’⁷

The NRA has substantive ties to the new administration. During the 2016 presidential campaign, the NRA spent over \$30 million in support of Trump — more than any other outside group, and was

¹ Richard Conley, *“Presidential Relations with Congress.”* (Transaction Publishers, 2016).

² Ann Givens, “Gun Background Check Change Could Put Weapons in Fugitives’ Hands,” *The Trace*, March 13, 2017, <https://www.thetrace.org/2017/03/gun-background-check-change-fugitives/>.

³ Timothy Cama, “Interior Secretary Repeals Ban on Lead Bullets,” *The Hill*, (March 2, 2017), <http://thehill.com/policy/energy-environment/322058-interior-secretary-repeals-ban-on-lead-ammunition>.

⁴ Ibid.

⁵ German Lopez, “Congress Is Repealing a Rule That Makes It Harder for People with Mental Illness to Buy a Gun,” *Vox*, February 3, 2017, <https://www.vox.com/policy-and-politics/2017/2/3/14496774/congress-guns-mental-illness>.

⁶ Ibid.

⁷ Lois Beckett, “‘Our Moment to Go on Offense’: NRA Makes Big Plans for Trump Presidency,” *The Guardian*, November 28, 2016, sec. US news, <http://www.theguardian.com/us-news/2016/nov/28/nra-gun-control-donald-trump-republicans>.

amongst the first major conservative groups to endorse his candidacy. In an NRA-ILA alert commemorating Trump's inauguration, the organisation reminded members that 'your NRA was among Trump's earliest and most faithful backers during a campaign in which conventional wisdom gave him no chance of winning.'⁸ Throughout 2016, Trump promised to 'cherish' the Second Amendment, and pledged to get 'rid of gun-free zones' at the NRA-ILA Leadership Forum.⁹

On February 1, the president convened a meeting in the Roosevelt Room of the White House with several high-profile conservative leaders, including LaPierre, who was seated next to the president. Commentators labelled LaPierre as Trump's 'left-hand man' and suggested that if 'proximity to the president indicated importance, then the NRA was at the top of the pecking order.'¹⁰

The meeting followed Trump's nomination of Neil Gorsuch to the Supreme Court. Writing in 2012, Gorsuch held that 'the Second Amendment protects an individual's right to own firearms and may not be infringed lightly', and has been described by the NRA as an 'outstanding choice' for the Supreme Court.¹¹

Legislative Agenda

At the federal level, the NRA's top legislative priority is a bill that would allow people who are permitted to carry concealed guns in their home state to carry in every other state, essentially 'gutting existing local restrictions on carrying guns in public'.¹² A national reciprocity law would make gun-carrying permits issued in one state valid across the country, meaning a permit-holder from Mississippi could carry a weapon in New York.

On February 2017, Sen. John Cornyn (R-Texas) and 31 GOP co-sponsors introduced the Constitutional Concealed Carry Reciprocity Act of 2017.¹³ The bill aligns with the Trump administration's gun rights platform, which suggests concealed-carry permits from one state 'should be valid in all 50 states'.¹⁴ As noted by Sen. Chris Murphy, Conryn's bill represents 'a significant departure' from Republican ideology, which frequently asserts for the right of states to make their own laws on other issues of public policy:

⁸ NRA-ILA, "NRA-ILA | Gun Owners Welcome Donald J. Trump as President of the United States," *NRA-ILA* <https://www.nra.org/articles/20170120/gun-owners-welcome-donald-j-trump-as-president-of-the-united-states>.

⁹ Nolan D. McCaskill, "Trump: Clinton like a Dictator on Guns," *POLITICO*, <http://politi.co/1WH0quw>

¹⁰ Mike Spies, "In Trump's America, Nothing's Off the Table for the NRA," *The Trace*, February 3, 2017, <https://www.thetrace.org/2017/02/donald-trump-nra-radical-policy-goals/>.

¹¹ Mike Spies, "Why Gun People Are High on Neil Gorsuch - VICE," https://www.vice.com/en_us/article/pg9qxb/why-gun-people-are-high-on-neil-gorsuch.

¹² Lois Beckett, "Local Gun-Carrying Restrictions May Be Wiped out under Trump, Advocates Say," *The Guardian*, November 14, 2016, sec. US news, <http://www.theguardian.com/us-news/2016/nov/14/gun-control-donald-trump-congress-concealed-carry-law>.

¹³ Dan Friedman, "Spotlight Falls on Red-State Democrats as a New Gun Fight Brews in Congress," <https://www.thetrace.org/2017/02/concealed-carry-reciprocity-bill-nra/>.

¹⁴ Ibid.

“The idea that Texas’s laws on guns should apply to Connecticut or New Hampshire or Vermont is absurd given Republicans’ traditional position on states’ rights. So we’ve got to call Republicans out for their hypocrisy.”¹⁵

Gun control supporters derided the bill on similar grounds. The Law Centre to Prevent Gun Violence argued that reciprocity would create a ‘lowest common denominator standard’ for carrying firearms, and would ‘eviscerate state authority to restrict who may carry guns within their borders.’¹⁶ New York attorney general Eric Schneiderman suggested a federal reciprocity measure would ‘undermine the core principles of federalism, the traditional police powers of state governments, and the safety of law enforcement officers across the country.’¹⁷

The NRA congratulated the Republican effort, stating that, ‘we now have a president and Congress who understand that our fundamental right to self-defense does not stop at a state’s borders. Our members and gun owners across the country look forward to the day when President Trump signs this important legislation into law.’¹⁸

The NRA is also lobbying for a measure pending in Congress that would deregulate silencers, touting the supposed ‘public health’ threat to gun owners’ hearing.¹⁹ The Hearing Protection Act would remove federal registration and identification requirements for those seeking to purchase gun silencers, and has received the endorsement of Trump’s son, Donald Trump Jr. Author Robert Spitzer suggests that the goal of the deregulation effort is ‘clearly to boost silencer sales, which have already become a gun industry boomlet,’²⁰ adding that ‘further proliferation of silencers would also have the commercial benefit of boosting gun sales, because most existing guns do not have the threaded barrels necessary to attach them.’²¹

A third measure would abolish gun-free school zones, allowing guns onto more college campuses. Proposals to allow some people to carry guns in schools and universities have been introduced in 13 states, including Florida, South Carolina, Texas, and Virginia.²²

At the state level, twelve state legislatures are considering bills that would deregulate the carrying of concealed guns in public spaces, allowing residents to carry pistols without permits or basic safety training.²³ Proponents of permit-less, or ‘constitutional carry’, argue that the founding fathers intended the Second Amendment to give individual citizens a right not just to own firearms, but to

¹⁵ Friedman, op. cit.

¹⁶ Beckett, op. cit.

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Robert J. Spitzer, “The NRA Wants to Suppress One of Guns’ Most Important Safety Features,” *Washington Post*, https://www.washingtonpost.com/opinions/the-nra-wants-to-suppress-one-of-guns-most-important-safety-features/2017/01/22/5a7140fc-dcd7-11e6-ad42-f3375f271c9c_story.html.

²⁰ Ibid.

²¹ Ibid.

²² Reid Wilson, “Trump’s Win Spurs New Push on Gun Rights,” *The Hill*, February 3, 2017, <http://thehill.com/homenews/state-watch/317653-trumps-win-spurs-new-push-on-gun-rights>

²³ Ibid.

carry them anywhere. Proponents also view gun-licensing programs and constraints on carrying guns as unconstitutional.

Declining Gun Sales and the Counter-Resistance

Even as its legislative efforts surge forward, the NRA faces its own dilemma. When customers no longer perceive the threat of new firearms regulations from the government, gun sales decline.²⁴ Likewise, the NRA's hyperbolic narrative of 'government tyranny' rings hollow when the organisation has endorsed the sitting president. With their candidate in the White House, the NRA faces the possibility of decreased member engagement and fewer donations. Spitzer suggests that the NRA's 'membership tends to stagnate, and contributions tend to fall, when the government is more sympathetic.'²⁵

Trump's victory has further ramifications. Shares of the US's two largest gun companies fell more than 10% following Trump's election victory in a reaction to the end of spiking gun sales driven through fears of gun bans.²⁶ Gunmaker Remington has announced a second round of layoffs, eliminating a further 34 jobs at its Ilion, New York facility, after 122 firings the previous week. Remington and other gun manufacturers have seen demand slump as customers are no longer incentivised to purchase through the fear of new firearms restrictions.²⁷

To counter this, the NRA is focusing much of its legislative attention on expanding the buying public through the removal of restrictions on who can own firearms, and opening the market for gun-related accessories to drive further sales. In its first effort at redefining its internal narrative, the NRA debuted a new advert promoting Wayne LaPierre's speech at the Conservative Political Action Conference, appointing itself the leader of the 'counter-resistance' and vowing to defend Trump from 'the forces who conspired' against his candidacy.²⁸ The advert depicts anti-Trump protestors and riots, accompanied by a text card that reads 'We won the battle. They couldn't handle it. So they started a war.'²⁹ 'Wayne LaPierre leads the fight,' viewers are informed, before LaPierre declares that 'Donald Trump will need every ounce of energy we can muster, and he has no more powerful ally than the NRA.'³⁰

The new 'counter resistance' narrative stokes the familiar sentiments of fear and anger amongst the NRA membership. LaPierre also warned of the dangers of illegal immigration, terrorism, and urban crime — in striking similarity to Trump's own rhetoric. At CPAC, LaPierre decried opponents

²⁴ Lois Beckett, "The 'Trump Slump': Gun Sales Decline as Fears of Tighter Controls Fade," *The Guardian*, August 24, 2017, sec. US news, <http://www.theguardian.com/us-news/2017/aug/24/gun-sales-decline-trump-controls>.

²⁵ Lois Beckett, "'Our Moment to Go on Offense': NRA Makes Big Plans for Trump Presidency," *The Guardian*, November 28, 2016, sec. US news, <http://www.theguardian.com/us-news/2016/nov/28/nra-gun-control-donald-trump-republicans>.

²⁶ Sam Thielman, "Smith & Wesson Stocks Dive as Trump Victory Eases Gun Control Fears," *The Guardian*, November 9, 2016, sec. US news, <http://www.theguardian.com/us-news/2016/nov/09/gun-stocks-dive-trump-victory>.

²⁷ Ibid.

²⁸ Kristine Phillips, "'No More Powerful Ally than the NRA': Group Names Itself Leader of Trump's #counterresistance," *Washington Post*, February 23, 2017, sec. The Fix, <https://www.washingtonpost.com/news/the-fix/wp/2017/02/23/no-more-powerful-ally-than-the-nra-group-names-itself-leader-of-trumps-counterresistance/>.

²⁹ Ibid.

³⁰ Ibid.

of Trump as the ‘violent left’ and accused them of seeking to destroy the United States, and called on NRA members to rise up against ‘radical political elements, including anarchists and Marxists, ‘who literally hate what America stands for.’³¹ With images of violent protests projected on two screens behind him, LaPierre stated:

“We face a gathering of forces that are willing to use violence against us.”³²

LaPierre also included an unsubstantiated claim that Mexican cartels are working with “100,000” gang members in Chicago, and suggested that a protest blocking a freeway could lead to deaths among people who experience heart attacks, and who can’t be quickly reached by ambulances. ‘The left is enraged,’ LaPierre added, ‘and its message is absolutely clear: They want revenge.’³³

The NRA has also joined the Trump administration’s assault on mainstream media, in which any negative coverage of the fledgling presidency is labeled as ‘fake news’, ideologically motivated, or both.³⁴ Trump has repeatedly singled out the ‘failing’ *New York Times* for its critical coverage, including revelations that members of Trump’s campaign and other Trump associates had repeated contacts with senior Russian intelligence officials in the year before the election.³⁵ On February 27, the organisation released an advert entitled ‘Truth Doesn’t Matter to The New York Times’. The video represents a new instalment of the NRA’s counter-resistance narrative, in which it accuses the newspaper of biased reporting, and declares that ‘America has stopped looking to the *New York Times* for the truth.’³⁶

In response, a spokeswoman for the newspaper stated:

“Our commitment to the truth isn’t new, it dates back 166 years. And, each and every story mentioned in the NRA’s video, from Benghazi to crime in Chicago, was covered in deep and rich detail by Times reporters who in some cases — Libya, for instance — risked their lives to get at the truth.”³⁷

Everytown for Gun Safety also released a statement criticising the NRA’s salvo, stating that ‘after spending more than 30 million dollars to elect President Donald Trump, the extremist leadership of the NRA won’t let the lack of a bogeyman in the White House keep them from fear-mongering - and their latest target is the truth and the journalists who uncover it.’³⁸

³¹ Philip Bump, “Analysis | The Head of the NRA Defines His New Enemies: The ‘violent Left’ and Judges Who ‘do Violence’ to the Constitution,” *Washington Post*, February 24, 2017, <https://www.washingtonpost.com/news/politics/wp/2017/02/24/the-head-of-nra-defines-his-new-enemies-the-violent-left-and-judges-who-do-violence-to-the-constitution/>.

³² Ibid.

³³ Bump, op. cit.

³⁴ <https://twitter.com/realDonaldTrump>

³⁵ Jo Becker, Adam Goldman, and Matt Apuzzo, “Russian Dirt on Clinton? ‘I Love It,’ Donald Trump Jr. Said,” *The New York Times*, July 11, 2017, sec. Politics, <https://www.nytimes.com/2017/07/11/us/politics/trump-russia-email-clinton.html>.

³⁶ Class A shares for the *New York Times* have climbed 18% in the last 12 months, and its publisher recently reported an influx of subscriber growth, suggesting that Americans are indeed looking to the *Times* for their news.

³⁷ Joe Pompeo, “A Few Notes on Last Night’s Trump speech—NYT v. NRA—one Step Closer to a Time Inc. Sale?,” *POLITICO*, March 1, 2017, <http://politi.co/2lag3Pg>.

³⁸ Ibid.

In the absence of Obama and Democratic presidential candidate Hillary Clinton, high-profile gun control advocates such as Michael Bloomberg, and senior Democrats, such as Senate Minority Leader Chuck Schumer and House Minority Leader Nancy Pelosi will likely become the main targets of NRA vilification.³⁹ In a recent NRA-ILA article calling for NRA members to ‘Stand Tall As Liberty’s Bodyguards’, LaPierre declared that:

“With the 2016 election victories, NRA members saved the Second Amendment. We saved the country. We saved freedom. We saved the bedrock values and culture of liberty that throughout history so many Americans have fought and died for.”⁴⁰

Adding that ‘we have so much work to do to make sure...we take back our country,’ LaPierre labelled Schumer as the ‘archenemy of the Second Amendment’ and ‘a political chameleon’ in response to Schumer’s decades-old testimony in a 1995 Congressional hearing.⁴¹ As Schumer’s testimony stated:

“The NRA and its friends ... have planted a poisonous weed of political paranoia in the minds of hundreds of thousands of Americans. ... This barrage of cynical, fundraising NRA propaganda about the Second Amendment has convinced many people that there is a vast plot to seize their guns and ‘take away their rights.’⁴²

Las Vegas, Nevada

Sometime on October 1, 2017, 64 year old Stephen Paddock broke two windows in his hotel suite on the 32nd floor of the Mandalay Bay hotel in Las Vegas, Nevada.⁴³ At about 10:05 pm, Paddock began shooting through the broken windows at a crowd of people attending the Route 91 Harvest country music festival at the Las Vegas Village, an outdoor performance venue on the Las Vegas Strip.⁴⁴ Paddock’s vantage point in the hotel suite was some 450 metres from the music festival, yet a performer at the concert suggested it was “like shooting fish in a barrel from where he [Paddock] was.”⁴⁵ Between 10:05 and 10:15 pm, Paddock fired a ‘barrage’ of ‘hundreds’ of rounds into the audience, killing 58 people.⁴⁶ An additional 546 people were injured in the shooting.⁴⁷

³⁹ Wayne LaPierre, “NRA Members Must Stand Tall As Liberty’s Bodyguards,” <https://www.americas1stfreedom.org/articles/2017/2/27/nra-members-must-stand-tall-as-libertys-bodyguards/>.

⁴⁰ LaPierre, op. cit.

⁴¹ Ibid.

⁴² Ibid.

⁴³ Ken Belson, Jennifer Medina, and Richard Pérez-Peña. “A Burst of Gunfire, a Pause, Then Carnage in Las Vegas That Would Not Stop.” *The New York Times*, October 2, 2017, sec. U.S. <https://www.nytimes.com/2017/10/02/us/las-vegas-shooting-live-updates.html>.

⁴⁴ Ibid.

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ Sarah Almukhtar. “Las Vegas Shooting: Chaos at a Concert and a Frantic Search at Mandalay Bay.” *The New York Times*, October 2, 2017, sec. U.S. <https://www.nytimes.com/interactive/2017/10/02/us/mandalay-bay-vegas-shooting.html>.

Amidst ‘total chaos’⁴⁸, many concertgoers crouched or lay flat, not realising they remained exposed.⁴⁹ At 11:20 pm, law enforcement breached the hotel suite with explosives to find Paddock dead from an apparent suicide.⁵⁰

Law enforcement discovered an arsenal of weapons in Paddock’s suite.⁵¹ 23 firearms, including four DDM4 rifles, three FN-15 rifles, an AR-15 rifle, a .308-caliber AR-10 rifle, a Kalashnikov, and a made-to-order LMT rifle, were discovered,⁵² in addition to a large quantity of ammunition, and several high-capacity magazines capable of holding up to 100 rounds.⁵³ Twelve firearms were modified with “bump stocks”, a legal modification that allows a semi-automatic rifle to fire in a similar manner to a fully automatic weapon by actuating the trigger.⁵⁴ The Bureau of Alcohol, Tobacco, Firearms and Explosives determined the guns were legally acquired by Paddock.⁵⁵

The incident is the deadliest mass shooting committed by an individual in modern United States history, surpassing the toll from the mass shooting in Orlando, Florida in June 2016. Paddock’s motive remains unclear.⁵⁶

On October 2, President Trump denounced the shooting as ‘an act of pure evil’, stating:

“[First Lady] Melania and I are praying for every American who has been hurt, wounded or lost the ones they loved so dearly in this terrible, terrible attack. We pray for the entire nation to find unity and peace, and we pray for the day when evil is banished and the innocent are safe from hatred and from fear.”⁵⁷

Speaking to reporters, Trump stated that, ‘we’ll be talking about gun laws as time goes on,’ but did not elaborate further or suggest any proposals to reduce gun violence.⁵⁸ White House Press Secretary Sarah Huckabee Sanders stated that there would “...be, certainly, time for that policy discussion to take place, but that’s not the place that we’re in at this moment,”⁵⁹ and added:

⁴⁸ Almkhatar, op. cit.

⁴⁹ Belson, op. cit.

⁵⁰ Ibid.

⁵¹ “Multiple Weapons Found in Las Vegas Gunman’s Hotel Room.” *The New York Times*, October 2, 2017, sec. U.S. <https://www.nytimes.com/2017/10/02/us/las-vegas-shooting.html>.

⁵² Ibid.

⁵³ Ibid.

⁵⁴ Ibid.

⁵⁵ Ibid.

⁵⁶ Ibid.

⁵⁷ Donald J. Trump. “Full Transcript and Video: Trump Speaks After Las Vegas Shooting.” *The New York Times*, October 2, 2017, sec. U.S. <https://www.nytimes.com/2017/10/02/us/transcript-video-trump-las-vegas.html>.

⁵⁸ Lauren Gambino. “Gun Control: Trump Says Lawmakers Will Discuss Issue ‘as Time Goes By.’” *The Guardian*, October 3, 2017, sec. US news. <http://www.theguardian.com/us-news/2017/oct/03/donald-trump-gun-control-discuss-las-vegas>.

⁵⁹ Ibid.

*"I think one of the things that we don't want to do is try to create laws that won't stop these types of things from happening."*⁶⁰

The Trump Administration's position was further clarified in talking points leaked to *NBC News*.⁶¹ The leaked press lines suggested that Trump's 'thoughts and prayers' were with the 'hundreds of victims',⁶² but added that 'new laws won't stop a mad man committed to harming innocent people', warning gun control measures would 'curtail the freedoms of law abiding citizens.'⁶³

Democratic leaders were quick to call for gun control measures. Senate Minority Leader Chuck Schumer called on Trump to bring together congressional leaders to address the 'epidemic that costs the lives of more than 30,000 Americans a year'⁶⁴, stating:

*"We cannot banish evil or madness from the earth. But we must do what is within our power to make our country a safer place to live. We need common-sense reforms."*⁶⁵

In a speech on the Senate floor, Chris Murphy (D-Connecticut) suggested that Americans had 'become normalised and regularised to 50 people losing their lives.'⁶⁶ Describing the mass shooting as a 'uniquely American problem', Murphy added:

*"The hurt is deep, the scars are wide in Newtown, but they are made wider by the fact that this body, in four and a half years, has done absolutely nothing to reduce the likelihood of another mass shooting. There's an unintentional endorsement that gets sent to these mass murderers when after slaughter after slaughter, Congress does nothing."*⁶⁷

Sen. Dianne Feinstein (D-California) has introduced a bill outlawing bump stocks and other devices that "easily and cheaply modify legal weapons into what are essentially machine guns."⁶⁸ Mirroring the uptick in firearms sales that typically follows a mass shooting, the proposed ban on bump stocks has created an exponential growth in demand for the device from gun rights advocates and enthusiasts.⁶⁹

In a rare concession, the NRA, which prohibits the use of bump stocks at its shooting ranges, welcomed additional scrutiny of the devices, stating:

⁶⁰ Gambino, op. cit.

⁶¹ NBC Politics. "BREAKING: NBC News Has Obtained White House Talking Points Distributed to Trump Administration Allies Following Las Vegas Shooting:pic.twitter.com/3HjLCfjvEN." Tweet. @NBCPolitics (blog), October 1, 2017

⁶² Ibid.

⁶³ Ibid.

⁶⁴ Gambino, op. cit.

⁶⁵ Ibid.

⁶⁶ Ibid.

⁶⁷ Ibid.

⁶⁸ Sheryl Gay Stolberg, and Tiffany Hsu. "Republicans Open to Banning 'Bump Stocks' Used in Massacre." *The New York Times*, October 4, 2017, sec. Politics. <https://www.nytimes.com/2017/10/04/us/politics/bump-stock-fire-legal-republicans-congress.html>.

⁶⁹ Ibid.

“The NRA believes that devices designed to allow semiautomatic rifles to function like fully-automatic rifles should be subject to additional regulations.”⁷⁰

In the same statement, however, the organisation also called on Congress to pass a ‘reciprocal concealed carry’ bill requiring states to recognise concealed-carry permits issued by other states.⁷¹

Some Republicans have supported a ban on the device. Senator John Cornyn (R-Texas) stated:

“I own a lot of guns, and as a hunter and sportsman, I think that’s our right as Americans, but I don’t understand the use of this bump stock.”⁷²

Another Texas Republican, Rep. Bill Flores, called for an outright ban:

“There’s no reason for a typical gun owner to own anything that converts a semiautomatic to something that behaves like an automatic.”⁷³

However, Republicans leaders were less willing to entertain stronger gun control measures. Senate Majority Leader Mitch McConnell dismissed it as ‘premature to be discussing legislative solutions if there are any,⁷⁴ and House Speaker Paul Ryan sought to shift the focus on mental health reform:

“It’s important that as we see the dust settle and we see what was behind some of these tragedies, that mental health reform is a critical ingredient to making sure that we can try and prevent some of these things from happening in the past.”⁷⁵

Conclusion

Inundated with controversy and multiple investigations surrounding the Trump campaign’s alleged collusion with the Russian Federation during the 2016 election, the new administration’s legislative agenda is presently at a standstill.⁷⁶ Republican attempts to repeal and replace the Affordable Care Act have largely failed, with unified Democrat opposition, and significant internal division within Congressional Republican ranks preventing ‘Trumpcare’ from gaining passage.⁷⁷ Obamacare is now favoured by a plurality of the general public. Other priorities, including the construction of a border wall on the United States-Mexico border, and deep funding cuts to the Environmental

⁷⁰ National Rifle Association. “Joint Statement,” <https://home.nra.org/joint-statement/>.

⁷¹ Ibid.

⁷² Stolberg, op. cit.

⁷³ Ibid.

⁷⁴ Ibid.

⁷⁵ Gambino, op. cit.

⁷⁶ Ibid.

⁷⁷ Robert Pear, Thomas Kaplan, and Emily Cochrane, “Health Care Debate: Obamacare Repeal Fails as McCain Casts Decisive No Vote,” *The New York Times*, July 27, 2017, sec. Politics, <https://www.nytimes.com/2017/07/27/us/politics/senate-health-care-vote.html>.

Protection Agency and Planned Parenthood have run into Democratic opposition, and have not been reflected by a recent bipartisan spending package.⁷⁸

For proponents of gun control, the legislative outlook remains bleak, but the NRA's priorities — once seen as a surety following Trump's inauguration — have been derailed by the Administration's governing inefficacy, the first high profile mass shooting of 2017, and the widening divide between Republicans in Congress and the White House.⁷⁹

⁷⁸ Jennifer Hansler, "What Do Trump's Newly-Signed Laws Do?," *CNN*, <http://www.cnn.com/2017/06/29/politics/president-trump-legislation/index.html>.

⁷⁹ Alexander Burns and Jonathan Martin, "McConnell, in Private, Doubts If Trump Can Save Presidency," *The New York Times*, August 22, 2017, sec. Politics, <https://www.nytimes.com/2017/08/22/us/politics/mitch-mcconnell-trump.html>.

VII. CONCLUSION: THE UNIMAGINABLE PROVOCATIONS

“Change doesn’t come from on high. That if you’re waiting for Congress, then, you’re going to be waiting a long time. Even a pretty capable, well-meaning President is going to only be able to take the country so far without people - ordinary folks across the country being engaged, being involved, being active.”

– President Barack Obama¹

Hypothesis

In answering my research question, I conclude that Barack Obama was broadly unsuccessful in reducing gun violence throughout his administration, but did enjoy limited success in raising awareness and the public profile of the issue.

The simple, stark reality is that by any measure considering gun fatalities, Obama failed. Using the best data available, approximately 97,630 people were killed by firearms homicide during the Obama administration.² Approximately 165,328 people committed firearms suicide.³ Tellingly, rates of firearms violence did not decrease during Obama’s tenure - but rather trended upwards (Fig. 3).⁴

Mass shootings, defined as events where four or more people were wounded or killed also trended upwards through Obama’s second term. In 2013, there were 339 mass shooting incidents, a number that rose 40% to 477 incidents in 2016.⁵

In this respect among developed nations, the United States stands uniquely alone. More Americans die in gun homicides and suicides every six months than have died in the last 25 years in every terrorist attack and the wars in Afghanistan and Iraq combined.⁶ More Americans have died from guns in the United States in the last fifty years than on battlefields of all the wars fought in American history.⁷ Despite Obama’s efforts, gun violence remains a daily epidemic, punctuated by a series of seemingly unimaginable provocations that again and again, fail to galvanise the political will for change.⁸

As explored in the previous chapter, the three tenets of the full metal jacket — Congress, the gun lobby, and gun culture — presented a formidable challenge to Obama’s efforts.

¹ Bill Maher, President Obama: Full Interview | Real Time with Bill Maher, <https://www.youtube.com/watch?v=xXH5agV7skw>.

² Gun Violence Archive, “Past Summary Ledgers | Gun Violence Archive,” <http://www.gunviolencearchive.org/past-tolls>

³ Center for Disease Control, “FastStats,” July 10, 2017, <https://www.cdc.gov/nchs/fastats/suicide.htm>

⁴ Fig. 4. Compiled from CDC reports and Gun Violence Archive data. Suicide data not available for 2016.

⁵ Gun Violence Archive, op. cit.

⁶ Nicholas Kristof. “Opinion | Kristof: Lessons From the Virginia Shooting.” *The New York Times*, August 26, 2015, sec. Opinion. <https://www.nytimes.com/2015/08/27/opinion/lessons-from-the-murders-of-tv-journalists-in-the-virginia-shooting.html>.

⁷ Ibid.

⁸ Dan Hodges on *Twitter*, 19/06/2015: “In retrospect Sandy Hook marked the end of the US gun control debate. Once America decided killing children was bearable, it was over.”

The first element is the gun lobby, spearheaded by the National Rifle Association. Few other lobbying organisations wield similar power and influence. Following the landmark *Citizens United* ruling, the NRA was able to exponentially increase its political expenditure.⁹ During the 2006 election cycle, the NRA spent \$2.06 million. Throughout the 2014 cycle, the organisation spent \$30.9 million, a 1402% increase in spending.¹⁰ In 2016, the NRA spent over \$50 million.¹¹

Yet spending alone does not account for the NRA's power on Capitol Hill. The organisation is adept at provoking fear and outrage amongst its most ardent members to drive its political message.¹² This activist fervour is frequently anti-government in nature and directed at gun control proponents. NRA members are typical 'single-issue voters' who consistently show up on polling days, giving them an outsized influence across the American electorate.¹³

The second element is Congress, and with few exceptions, Republican legislators. Following Obama's election, Republican leaders established a strategy of obstruction, reasoning that by disrupting Obama's agenda, they could drive him out of office in 2012.¹⁴ Republicans employed an inside game, whipping partisan votes on seemingly consensus measures, and an outside game, fuelling animosity towards the nation's first African-American president.¹⁵ In the 2010 midterms, the Republicans took 'the spear', winning a sizeable majority in the House of Representatives.¹⁶ With a divided government, the odds of successfully passing legislation plummeted. As the disgraced former Speaker Dennis Hastert (R-Illinois) observed:

*"The art of what is possible is what you can get passed in the House, what you can get passed in the Senate and signed by the president. We're playing a three-sided game here."*¹⁷

Overnight, issues with scant chance of passage through the House — such as gun control legislation — simply became impossible. From 2011 onwards, Obama lacked the 'indispensable' unified government necessary to pass his legislative agenda.¹⁸ As Vizzard states:

⁹ *Citizens United v. Federal Election Comm'n* (U.S. Supreme Court 2010).

¹⁰ Jordan A. Lieberman, "Inaction on Gun Control Reform During the Obama Administration," *Inquiries Journal* 7, no. 2 (2015), <http://www.inquiriesjournal.com/articles/991/3/inaction-on-gun-control-reform-during-the-obama-administration>

¹¹ Mike Spies and Ashley Balcerzak, "The NRA Placed Big Bets on the 2016 Election, and Won Almost All of Them", *The Trace*, November 9, 2016, <https://www.thetrace.org/2016/11/nra-big-bets-election-2016-results/>

¹² James Surowiecki, "Why Is the N.R.A. So Powerful?," *The New Yorker*, October 19, 2015, <http://www.newyorker.com/magazine/2015/10/19/taking-on-the-n-r-a>.

¹³ *Ibid.*

¹⁴ Robert Draper, *Do Not Ask What Good We Do: Inside the U.S. House of Representatives* (New York: Free Press, 2012).

¹⁵ Ta-Nehisi Coates, "My President Was Black - The Atlantic," January 2017, <https://www.theatlantic.com/magazine/archive/2017/01/my-president-was-black/508793/>.

¹⁶ Michael Grunwald, "The Party of No: New Details on the GOP Plot to Obstruct Obama," *Time*, August 23, 2012, <http://swampland.time.com/2012/08/23/the-party-of-no-new-details-on-the-gop-plot-to-obstruct-obama/>.

¹⁷ Roger H. Davidson et al., *Congress and Its Members* (CQ Press, 2017).

¹⁸ James A. Thurber, *Rivals for Power: Presidential-Congressional Relations* (Rowman & Littlefield Publishers, 2013).

"I can't fault the administration and I'd probably do the same thing, because the first rule of politics is you've got to be able to count. It's like global warming, in that, yes, it's theoretically possible to do something, but it's not politically possible."¹⁹

After Sandy Hook, as the nation grappled with what had transpired in that small town elementary school in Newtown, Connecticut, the administration seized upon the opportunity.²⁰ Obama ordered a task force led by Vice President Joe Biden to deliver a suite of policy proposals to reduce gun violence.²¹ The recommended measures enjoyed broad support from the American public, and even a plurality of gun owners, yet each failed to gain passage through the Senate. Conservative senators from both parties wilted under the pressure of the gun lobby and gun rights advocates.²² The scenario would become all too familiar through Obama's second term: a mass shooting would be followed by condemnation, pundits, and platitudes, but no legislative solution.²³ Through Obama's tenure, even gun violence measures with broad bipartisan support, such as limiting domestic violence offenders' access to firearms, would see no 'significant movement' in Congress.²⁴

The impasse on gun control legislation aptly illustrates contemporary politics in Washington:

"Today, the strength of partisanship and party leaders is the most salient reality of Capitol Hill. Congress is a vortex of the so-called permanent campaign, in which electioneering is interlocked with process and content of lawmaking."²⁵

The last element is an evolved gun culture that permeates American society today. Modern gun owners are often 'citizen-protectors' (influenced by the NRA's derision of law enforcement effectiveness and the government's role in public safety) asserting themselves 'against a state apparatus that they see as incompetent, ineffective, and inadequate.'²⁶ 'Gun crusaders' are a subsidiary group of hardline NRA supporters who represent the organisation's core constituency, and frequently engages in conservative activism.²⁷

The fringe elements of gun culture include individuals and groups who typically possess a conspiracist, anti-government, and white supremacist ideology. Many are 'radicalised' through

¹⁹ Anita Kumar and Lesley Clark. "Much Talk, Little Action from Obama on Gun Control." McClatchy Washington Bureau, December 21, 2012. <http://www.mcclatchydc.com/news/politics-government/white-house/article24742105.html>.

²⁰ Office of the Press Secretary, 'Statement by the President on the School Shooting in Newtown, CT', *Whitehouse.gov*, 14 December 2012, <https://obamawhitehouse.archives.gov/the-press-office/2012/12/14/statement-president-school-shooting-newtown-ct>.

²¹ Office of the Press Secretary, "Remarks by the President and the Vice President on Gun Violence," *Whitehouse.gov*, January 16, 2013, <https://obamawhitehouse.archives.gov/the-press-office/2013/01/16/remarks-president-and-vice-president-gun-violence>.

²² The Editorial Board, "Opinion | The Senate Fails Americans on Gun Bills," *The New York Times*, April 17, 2013, sec. Opinion, <https://www.nytimes.com/2013/04/18/opinion/the-senate-fails-americans-on-gun-bills.html>.

²³ Michael D. Shear, "After Nightclub Massacre, Obama Expresses Outrage and a Familiar Lament," *The New York Times*, June 12, 2016, <https://www.nytimes.com/2016/06/13/us/politics/president-obama-expresses-outrage-over-massacre-at-nightclub.html>

²⁴ Tom LoBianco, Deirdre Walsh, Betsy Klein and Manu Raju, "Senate Rejects Series of Gun Measures," *CNN*, June 20, 2016, <http://www.cnn.com/2016/06/20/politics/senate-gun-votes-congress/index.html>.

²⁵ Davidson et al., op. cit.

²⁶ Jennifer Carlson, *Citizen-Protectors: The Everyday Politics of Guns in an Age of Decline* (Oxford University Press, 2015).

²⁷ Scott Melzer, *Gun Crusaders: The NRA's Culture War* (NYU Press, 2012).

online message boards and alt-right media sources.²⁸ After Obama's election, the Southern Poverty Law Centre documented a significant re-emergence of these groups and a corresponding rise in individual incidents of violence.²⁹

Congressional opposition is the most powerful component of this collective challenge. Although gun culture provides grassroots support to gun rights advocacy, and the gun lobby presents significant political pressure, Congress alone has the power to legislate — or to vote down the proposals of the executive branch. Therefore, I find that Obama's battle with Congress over the issue of gun violence, particularly through his second term, exemplifies Presidential-Congressional relations theory, which posits that the relationship between the two branches of government is inherently rivalrous.

In engaging with the issue, and proposing regulatory measures, the Obama Administration drew the ire of Congress under unified government (2009-2010) and divided government (2011-2016). Despite repeated attempts, the White House failed to progress legislation due to Congressional opposition. As the saying goes, "Presidents propose and Congress disposes."³⁰

Presidential-Congressional relations theory suggests that when faced by a hostile Congress, a president will turn to their other regulatory levers and 'go public.'³¹ Through the lens of the gun debate, this is readily evident. With the full metal jacket successfully able to prevent passage of gun violence legislation, Obama turned to executive orders. However, a majority of Obama's actions simply involved directing agencies to better enforce existing law, and 'few concrete actions'³² were been taken by law enforcement owing to budgetary and organisational issues. Requests for funding for gun violence research and resourcing for law enforcement were turned down by a hostile Congress. Stated Obama:

"Well, keep in mind that after Sandy Hook, we put forward 23 executive actions. So we haven't been asleep at the switch in terms of executive actions that we've tried. There are maybe a few more that had to be scrubbed by lawyers because, essentially, with every executive action, we can count on it being challenged by somebody in Congress or...the NRA."³³

Obama's failure to implement federal legislation, and the limitations on his executive authority led him to the bully pulpit. In a range of public addresses, town hall appearances, statements in interviews and on social media, and newspaper editorials, Obama frequently utilised the platform

²⁸ Melzer, op. cit.

²⁹ Southern Poverty Law Centre, "The Second Wave: Return of the Militias" (Southern Poverty Law Centre, July 31, 2009), <https://www.splcenter.org/20090801/second-wave-return-militias>.

³⁰ Richard Conley, *"Presidential Relations with Congress."* (Transaction Publishers, 2016).

³¹ James A. Thurber, "An Introduction to Presidential-Congressional Rivalry," in *Rivals for Power: Presidential-Congressional Relations* (Rowman & Littlefield Publishers, 2013).

³² Eric Lichtblau and Michael D. Shear, "Obama's Lofty Plans on Gun Violence Amount to Little Action," *The New York Times*, February 7, 2016, sec. Politics, <https://www.nytimes.com/2016/02/08/us/politics/obamas-lofty-plans-on-gun-violence-amount-to-little-action.html>.

³³ Bill Simmons, "Obama and Bill Simmons: The GQ Interview," *GQ*, November 17, 2015, <https://www.gq.com/story/president-obama-bill-simmons-interview-gq-men-of-the-year>.

that the presidency affords to address gun violence. Here, he successfully raised public awareness of gun violence, and led the eight-year evolution of the Democratic party on gun control reform.

Directions for future research

15,057 people were killed in firearms homicides in 2016.³⁴ 2017 is on pace to eclipse this number, continuing the trend of rising gun violence fatalities.³⁵ The outlook is bleak, both in terms of a public health epidemic, and the ongoing stalemate in Congress over legislation that could reverse the rising trend of fatalities and life-altering injuries.

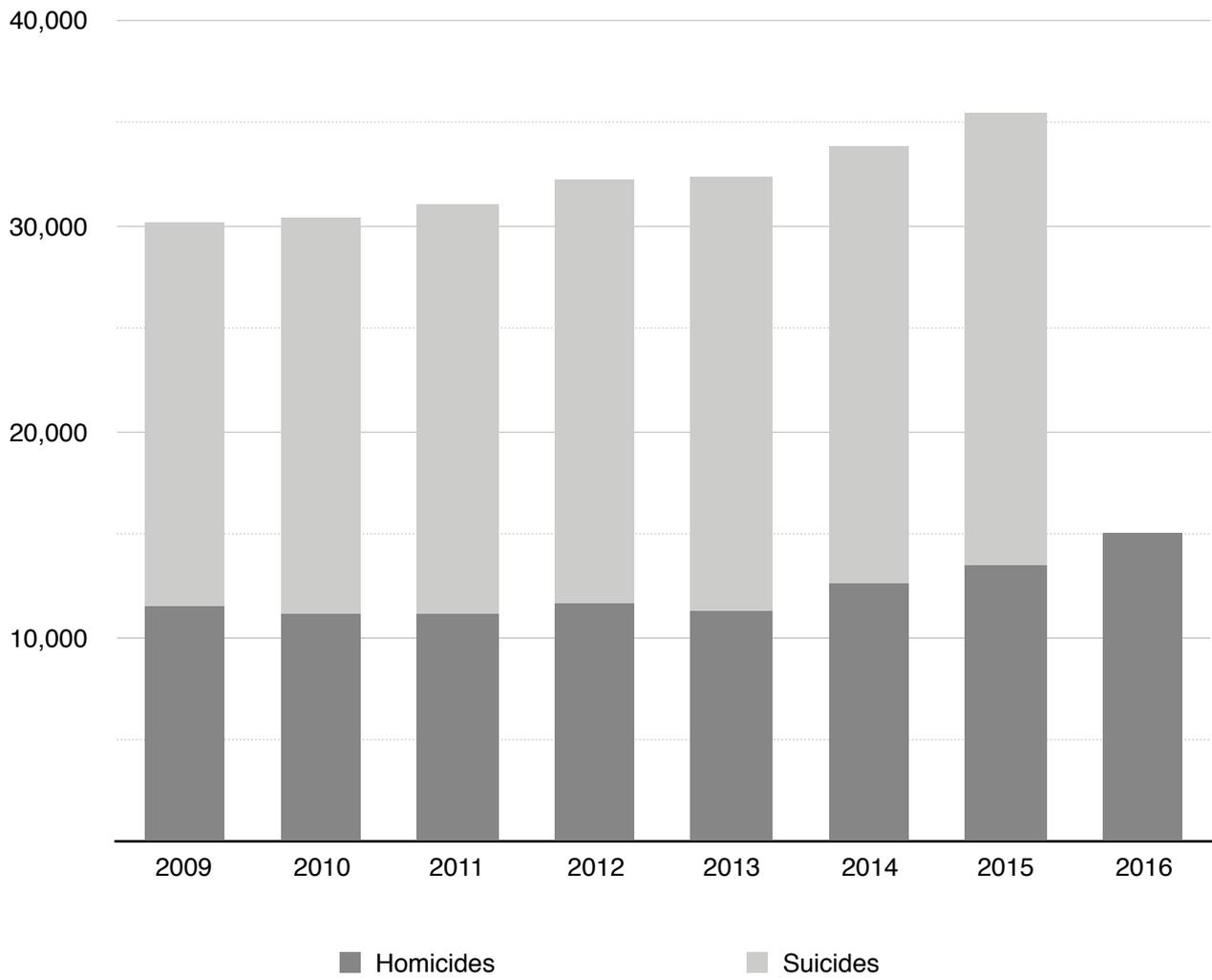
Absent the bully pulpit of the presidency, will Democrats sustain their public push for gun control measures? Consideration of ongoing Democratic efforts to push for gun control legislation in Congress could provide use insight as the party attempts to redefine itself after Obama.

This thesis considers eight short years in a policy debate that has lasted decades. A natural evolution of this research would be to apply the Full Metal Jacket model to the Trump presidency. Obama's successor, of course, is much more beholden to the gun lobby. But like his predecessors, Trump has run afoul of Congress, and the rivalry between the executive and legislative branches of the US government remains strong. Analysis of this new relationship would be a valuable contribution to Presidential-Congressional relations scholarship.

³⁴ Gun Violence Archive, op. cit.

³⁵ Ibid.

Fig. 3: U.S. Gun Deaths from homicide and suicide, 2009-2016



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