

A Political Science Assessment of the House Democratic Gun Violence Prevention Task Force

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On December 14, 2012, Adam Lanza took the lives of 26 teachers and students at Sandy Hook Elementary School in Newtown, Connecticut. In the wake of this tragic mass-shooting, Minority Leader Nancy Pelosi and the leadership of the House Democratic Caucus convened a Gun Violence Prevention Task Force (GVPTF). This task force was charged to “explore the best available methods to address gun violence, to give stakeholders on all sides of [the] issue a voice in the debate, and to develop common sense principles to guide the U.S. House of Representatives as it works to answer important questions about reducing and preventing gun violence while respecting the Second Amendment rights of law-abiding Americans.”¹ After weeks of closed-door discussions; meetings with pertinent interest groups; and public hearings with panels of witnesses that included law enforcement officers, gun violence victims, criminologists, and hunters, the GVPTF released a document of fifteen principles designed to encapsulate the Democratic Party’s ideological stance on gun control and the Second Amendment, as well as its preferred legislative responses to the tragedy.

As a Congressional Fellow working for Representative Robert C. “Bobby” Scott (VA-03), one of the GVPTF’s vice chairs, I had a unique opportunity to watch the members of the Task Force work. In this article, I use a political science lens to reflect on my experience staffing Rep. Scott at GVPTF meetings and events. I believe that the choices made by the GVPTF, as well as the challenges it faced, reflect common themes from theories of Congress, including political messaging and agenda setting, tensions between party and constituency, tensions between policymaking goals and political realities, and inter-branch conflict under conditions of polarization.

POLITICAL MESSAGING AND AGENDA SETTING

The GVPTF was designed to send a very clear message to the American public, and the message began with the composition of the Task Force itself. The Democrats appointed members who represented the various constituencies with a stake in the gun violence/gun control debate. For example, the vice-chairs included Elizabeth Esty (CT-05) and Ed Perlmutter (CO-07) whose districts experienced

mass shootings²; Ron Barber (AZ-02) and Jackie Speier (CA-14), themselves both victims of gun violence;³ Grace Napolitano (CA-32) and my boss who are respectively known as advocates for mental health care and violence prevention; Carolyn McCarthy (NY-04), a vocal advocate of gun control; and John Dingell (MI-12) and Task Force Chairman Mike Thompson (CA-05), both hunters and gun owners. The Democrats wanted to signal (1) their empathy and solidarity with the victims’ families, (2) their support of gun control legislation, and (3) their respect for hunters, gun owners, and the constitutional right to bear arms.

This particular combination of themes was very important. Voters who favor gun control are typically part of the Democratic Party’s electoral base, and the GVPTF reaffirmed their party’s commitment to the legislative goals of this constituency. In its statement of principles, the GVPTF favored reinstating federal bans on private possession of assault weapons and assault magazines, closing loopholes in the nation’s background check system for gun purchases, and criminalizing the act of straw purchasing firearms. These priorities signaled a stark contrast between the Democrats and the Republicans, as the Republican Caucus in the House adamantly opposed any form of new gun control legislation.

However, the vice chairs were sensitive to the fact that the gun control debate is a political minefield, and they actively worked to shift the public discourse away from an exclusive focus on Second Amendment issues and instead frame the debate around the human cost of the Newtown massacre, as well as other recent mass shootings across the country. Both the GVPTF and the White House argued that the mass killing of young children in a school demanded legislative action to curb gun violence; their message was that “this time had to be different,” and that we as a nation could not afford to fall into gridlock. In addition to the human cost frame, the vice chairs also hoped to preemptively diffuse the inevitable backlash from the National Rifle Association by emphasizing their respect for the constitutional right of law-abiding citizens to own firearms. I believe that the inclusion of sportsmen like Rep. Thompson and Rep. Dingell on the GVPTF was an effort to prevent their opponents from creating an “us (gun owners) vs. them (gun control advocates)” frame in the media.

Finally, the vice chairs were keenly aware that they possessed a small window of opportunity to pass any of their bills through the House. Criminologists have discussed the fact that a great deal of criminal justice legislation in America was passed in the wake of tragic crimes. Such events create periods of “moral panic” in which

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the memory of the crime is fresh in voters' minds, and the media devotes a great deal of attention to the crime. Legislative entrepreneurs can capitalize on moral panics to pass legislation in an expedited manner because legislators do not want to be perceived to respond to tragedy with inaction. As part of the House Minority, the vice chairs realized that their only realistic hope of enacting any of their principles into law was to pressure the Republican Majority to debate their bills while Newtown was still high on the public agenda and they possessed the advantage in framing the debate.

Unfortunately, most of these efforts were for naught. The opposition from the NRA was swift and unrelenting, and it seemed to me that they were able to quickly push the focus of the debate back onto Second Amendment rights. Under this counter-frame, the Republicans were able to say that they refused to debate gun control bills because such bills did nothing for victims and only hurt law-abiding gun owners. As the weeks passed and the moral panic faded, the GVPTF struggled and largely failed to reframe the debate to their advantage.

POLITICAL TENSIONS

It did not help that the Democrats struggled to maintain a unified front on the gun control issue within their caucus. Many Democrats were concerned that support for gun control legislation might be political suicide for their party. Several Members argued that the party's support for gun control legislation in the early 1990s played a significant role in costing them the House majority in 1994. The GVPTF vice chairs actively worked to quell these fears by citing recent polls, which showed that many of their specific gun control proposals were supported by not only a majority of likely voters, but frequently also a majority of self-identified gun owners. However, during my time in Congress, I saw little evidence that this argument was particularly effective. When politicians read the political tea leaves, electoral outcomes always trump poll numbers (especially national, rather than district-specific, polls), and legislators' memories are long and filled with cautionary tales of their fallen comrades who lost reelection.

This hesitancy among the Democrats impeded the GVPTF's ability to achieve one of its major goals. On April 15, Chairman Mike Thompson and Pete King (R-NY-02) introduced H.R. 1565, the Public Safety and Second Amendment Rights Protection Act of 2013. This bill would expand the existing background check system to cover all commercial firearm sales, including those at gun shows, over the internet, or in classified ads. As time passed and the vice chairs saw that strengthening background checks was the one type of gun control legislation for which there was the slightest chance of bipartisan support, the GVPTF decided to send a strong message with H.R. 1565 by getting every Member of the Democratic Caucus to cosponsor the bill. However, as of January 2014, more than a dozen Democrats have yet to cosponsor the bill. The reticence of these holdouts was a source of great frustration to the GVPTF. Here I saw tension between constituency and party. Many of these holdouts told the vice chairs that putting their name on any kind of gun control bill would be politically dangerous in their districts, yet the vice chairs noted that many of these holdouts won their last elections with comfortable margins. Some of the vice chairs believed that it was these Members' duty to the party to join them in cosponsoring the bill.

Political scientists have debated whether legislators' concerns for reelection outweigh their policy goals. In watching the GVPTF work, I saw that legislators themselves struggle with the tension between these goals. On the one hand, the vice chairs recognized that they could not push too hard for gun control, one of the thorniest issues in American politics, and they were mindful of protecting the Democratic Party from political backlash. On the other hand, it was clear to me that the vice chairs felt a strong sense of obligation to the Newtown families, and many of the Members believed that it was Congress' ethical responsibility to address gun violence no matter the political costs.

SEPARATION OF POWERS IN A TIME OF POLARIZATION

The experience of the GVPTF also sheds light on the ways in which power dynamics between the branches of government shape the strategic decisions of legislators. Not only were the vice chairs tasked with addressing a particularly emotional and controversial issue; they had to do so during a time of acute polarization. The 112th and 113th Congresses have been characterized by conflict between President Obama and the Democrat-controlled Senate against the Republican-controlled House; indeed, the 113th Congress presently holds the dubious distinction of being the least-productive Congress in history, legislatively speaking. It is unquestionable that this historical context shaped the actions of the GVPTF.

Speaker John Boehner made it clear both publicly and privately that the House would consider no gun violence prevention bills until the Senate passed its own legislation. While the vice chairs were free to take action within their own districts through activities such as media appearances and gun buybacks, their ability to act within the legislature became heavily dependent upon Senate Majority Leader Harry Reid and the Democrats in the upper chamber. Unfortunately, partisan conflict permeated the Senate, as well. Under Republican senators' near-constant threat of filibusters, everyone in Congress recognized that the true vote threshold for bill passage had moved from 51 up to 60. It was for this reason that the centerpiece of the Senate debate, the bipartisan Manchin-Toomey amendment to strengthen the nation's background check system (the counterpart to H.R. 1565), failed on a vote of 54 to 46.⁴ This loss was a major setback to the Democrats' gun violence prevention agenda, one from which the party has yet to recover.

While conflict between the parties is to be expected, intraparty divergences were also apparent. In the wake of Newton, President Obama prioritized solutions to gun violence on the White House agenda, and both he and Vice President Biden wielded the full power of the bully pulpit to keep the memory of Newtown fresh in the media. In mid-January 2013, the White House released its own plan to address gun violence.⁵ It is interesting to note that the GVPTF's statement of principles does not directly mirror the White House's plan. I believe that the differences between these two documents are attributable to America's unique brand of separation of powers. While the GVPTF worked closely with the Vice President's staff on the issue and certainly respected the President's leadership, the vice chairs used the Task Force as an opportunity to push their own legislative agendas, facets of which were more expansive in scope than the White House's plan (particularly the GVPTF's emphasis on evidence-based violence prevention programs). These dynamics remind us that even members of the same party in the US government are rivals for power, each working to "steal the spotlight" for an agenda that is attractive to his or her own, particular constituents.

CONCLUSION

While the House minority possesses extremely limited power to legislate, the creation and work of the GVPTF reminds us that the minority party is not powerless to act. Through the GVPTF, the House Democrats exercised leadership in response to a national tragedy, and they presented the electorate with a clear policy choice that highlighted the differences between the two parties. Whether this message will help or hinder the Democrats in the 2014 election remains to be seen. However, I believe that the work of the GVPTF shows us that “extra-legislative” activities are viable subjects through which to study theories of Congress and legislative behavior, especially if one is interested in studying the House minority.

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NOTES

1. Gun Violence Prevention Task Force. (2013). It's time to act: A comprehensive plan that reduces gun violence and respects the 2nd Amendment rights of law-abiding Americans. Washington, DC: U.S. House of Representatives. Available at <http://www.scribd.com/doc/124384563/Gun-Violence-Prevention-Task-Force-Recommendations>.
2. Esty represents Newtown, and Perlmutter represents Aurora, the site of the July 2012 mass shooting in a movie theater that killed 12 people and injured 70 others.
3. Barber previously worked for his predecessor, Rep. Gabbie Giffords, and he was shot alongside her by Jared Loughner. Speier previously worked for Rep. Leo Ryan and was shot in the 1978 Jonestown Massacre that claimed Ryan's life.
4. A unanimous consent agreement formally set the threshold for passage of this amendment at 60 votes.
5. The White House plan is available online: <http://www.whitehouse.gov/issues/preventing-gun-violence>

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