

Anthony K. Fleming

Gun Policy in the United States and Canada

The Impact of Mass Murders and
Assassinations on Gun Policy

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Gun Policy in the United States and Canada

This book is dedicated to my mother and father.
Without their love and support I wouldn't be
who I am today.

Preface

This book discusses the importance of firearms-related focusing events in two states: the United States and Canada. It is my contention that focusing events can lead to items being placed on the agenda; however, interest group activity can either impede or promote the policy outcomes due to the event.

I argue that in the United States firearms-related focusing events often lead to new policy being placed on the agenda when there is a Democratic government; however, due to the diffuse nature of the American political system and the presence of the NRA (a staunchly status quo group) policy rarely, if ever, goes to the formulation stage. Furthermore, when there is a Republican government in power, focusing events lead to fewer policy alternatives being placed on the agenda, much less advancing to the formulation stage.

Alternatively, in Canada, firearms-related focusing events will lead to an item being placed on the agenda when there is a left-of-center government. Due to public outcry (from the masses and more importantly interest groups), and motivated policy entrepreneurs within government; policy makers will react quickly and decisively in creating new firearms legislation. There are two reasons for this: centralized power of the Parliament, and the minimization of status quo interest group influence due to the blocking of alternative venues in the short term after a focusing event. This minimization of influence for these groups means that focusing events not only lead to new firearm legislation being placed on the agenda, but also allows other actors inside of government, in particular left-of-center policy entrepreneurs, to have significant power in policy making in the short term. When there is a right-of-center government, firearms-related focusing events will lead to the policy being placed on the agenda, but rather than having major overhauls to the subsystem, changes will be incremental in nature, if they occur at all.

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Chapter 1

An Introduction to Political Culture and Gun Control Policy in the United States and Canada

Introduction

In 2007 at Virginia Tech, a lone gun man executed arguably the worst mass murder in modern US history. Yet, even after such a tragedy, new restrictive federal gun control policy was not created. In 1989, a similar event took place in Canada; a lone gun man perpetrated what is known as the Montreal Massacre. Unlike in the United States, Canada took action in less than two years. New comprehensive gun control policy was created and eventually led to the creation of the Gun Registry.

These two very similar events had drastically different outcomes. In the United States very little happened at the federal level, in Canada there were broad and sweeping changes made to gun control legislation at the federal level. It is my contention that the structure of a states government, along with interest group pressures and political parties, play a significant role in dampening or accelerating the effects of a focusing event. Presidential systems, like in the United States, react slowly to events such as the Virginia Tech slayings. They react slowly, in part, because of the diffuse nature of power in presidential systems. Parliamentary systems, especially effectively unicameral ones, are more centralized in power and this enables them to react quickly to focusing events.

Interest group pressures also have significant impact. Dominant status quo interest groups are capable of preventing the passage of new legislation in a presidential system. Yet, in a parliamentary system, interest groups may not be able to react quickly enough to provide the Parliament with alternative ideas to prevent change, or they may be unable to influence government significantly because of lack of access or party discipline.

If a pro-change interest group is the most powerful interest group in a presidential system, change may come, but it will be slow, and will take multiple events to cause change. In a parliamentary system, if a pro-change interest group is the most powerful, change can occur very rapidly. In order to test the theory I study firearms-related focusing events in the United States and Canada.

The US Presidential Institutional Structure vs Canadian Parliamentary Institutional Structure

It is necessary to discuss the basic differences between presidential and parliamentary systems before going into a more in-depth discussion. Presidential systems are generally diffuse. The executive and the legislature are different and coequal entities. This allows for a natural cooling-off period for the creation of legislation after a focusing event.

Parliamentary systems have concentrated power. The executive and the legislature are, in fact, the same branch of government. This allows for policy to be passed rapidly during periods of high emotion; especially when there is a single party majority. This means that the public and interest groups have very little time to try and dissuade the policy makers from a particular course of action (Lijphart 1999, pp. 10–21).

In presidential systems, the executive is always elected by the public. Parliamentary systems differ because the executive is chosen by the legislature. This leads to a centralization of power in a single branch of government, the executive (Lijphart 1999, pp. 10–21). In Canada, power is centralized in the House of Commons, with the Senate taking a less substantial role in policy making. For the party in power to be able to wield power in a way to ensure its policies are implemented, parties need a working majority of the seats in the lower house, and the party must have strict party cohesion. This is very different from the United States where legislators freelance and are themselves their own “enterprise” (Salisbury and Shepsle 1981).

Of particular importance, parties must be able to have the majority of the seats without forming a coalition. Lijphart argues that when a party does not hold the majority of the seats and must enter into a coalition, this weakens the hold of a government’s policy-making abilities. He goes on to suggest that in states where you have multiple powerful parties that are capable of preventing one party from receiving 50% of the legislative vote, you will find that the ability of parties to control policy

making at their discretion is significantly reduced. However, when there is a disciplined majority party system in a Parliament, Lijphart finds that the efficiency and the power of the dominant party to act and disregard the minority allows for there to be an "elective dictatorship" (Lijphart 1999, pp. 12–13). The "elective dictatorship" reference suggests that policy making can be quick and efficient in parliamentary states.

In presidential systems the minority groups (primarily interest groups) can still play a role in the creation of policy. There are many access points for the formulation of policy. Minority groups are able to block or limit the scope of many pieces of legislation. In parliamentary systems, there are few access points and only one body that can create legislation, the majority party or coalition in the House of Commons. This means that minority groups have a nearly insurmountable mountain to climb when trying to influence policy making. Lijphart even suggests that minority groups are completely excluded from policy making and their sole role is to be that of the opposition (Lijphart 1999, p. 11). If all minority groups are marginalized (minority parties and opposing interest groups), then the ability of policy to go from the agenda-setting stage to the formulation stage should be relatively unimpeded by these groups when compared to presidential states.

The Key Variables of the Study: A Discussion of the Structure of Government, Parties, and Interest Groups

As mentioned earlier in the chapter, the structure of government is particularly important in determining the outcome of a focusing event. The presidential structure of the United States is diffuse and this allows for there to be multiple locations where interest groups can access the policy process and either promote or dissuade the creation of policy. In Canada, on the other hand, the parliamentary system there allows for an efficient creation of policy because of power being concentrated in one branch of government, in Canada's case, the House of Commons. These structural differences between the two countries, in my theoretical opinion, are a prime factor in determining the outcome of focusing events and whether the influence from them will lead to agenda attention and ultimately policy creation.

The second major variable in this book is the impact of parties. In the United States there are two major political parties, the Republicans and

the Democrats. The Republicans, as a general rule, favor lenient gun control legislation and the Democrats favor more restrictive gun control legislation. The influence that the National Rifle Association (NRA) has on both of these parties, in particular, the Republican Party is discussed in future chapters.

In Canada, there are multiple parties. Left-of-center parties heavily support more restrictive gun control. Right-of-center parties usually support lenient legislation. However, the interest group dynamics are different in Canada than in the United States. Arguably the most influential interest group in Canada is the Coalition for Gun Control which is a passionately pro-gun control group.

Thus, when we consider parties in both countries, it is important to understand that right-of-center groups support lenient gun controls and left-of-center groups support restrictive gun controls. Because of the political leanings of parties, it is important to understand their impact on policy creation when they are in control of government after a major focusing event.

Finally, we must consider the importance of interest groups and their role in creating or dissuading policy. In the United States, the most powerful and most important interest group is the NRA. Its influence has been felt throughout the entirety of my study. In Canada, the most influential interest group is the Coalition for Gun Control. Its impact on policy making in Canada began after the 1989 Montreal Massacre, but its influence has grown considerably since.

In the United States the most influential interest groups is the NRA. The NRA is an old organization; it was originally created in 1871. Initially, the NRA was primarily a gun club that helped its members easily obtain surplus military weapons and to train individuals to shoot firearms more accurately. Originally, it was not an organization that was overly concerned with politics. For example, the restrictive federal gun control legislation that was created in 1934 was not significantly attacked by the NRA. However, in the 1960s when the federal government began turning its interests to the topic of gun control after multiple infamous assassinations, the NRA became far more political.

The political role of the NRA has been felt by many Congressional members in Washington. The results of the 1994 election, in which the Republicans took overwhelming control of the House of Representatives, has often been attributed by Democrats, in particular, President Clinton, to the NRA. The influence of the NRA on the 1994 election is explored more thoroughly in Chapter 3.

The NRA's membership has also grown significantly since the 1960s. In the mid-1970s, there were nearly a million NRA members; this number has steadily increased. In 2001, NRA membership had increased to well over 4 million. The NRA also has a significant budget. By 2001, the NRA had a budget of \$168 million dollars, and was working with very little debt. It hired 300 employees with 65 specifically devoted to lobbying efforts (Spitzer, pp. 75–6). With its strong membership base, large budget, and its single-minded purpose in defeating gun control legislation the NRA has become the most influential gun policy interest group in the United States.

The NRA's primary opponent is the Brady Campaign, formerly Handgun Control Inc. It was initially created in 1974, by a Republican businessman Pete Shields whose son was murdered by a firearm. Handgun Control Inc. was significantly hindered by lack of resources until the 1980s. After the wounding of Presidential Press Secretary James Brady, his wife, Sarah, joined the executive board of Handgun Control Inc., and eventually took over leadership of the organization. The organization was then renamed the Brady Campaign.

The Brady Campaign has attempted, ironically, to duplicate the tactics of the NRA in order to gain influence. They have worked to build a grassroots base of membership, demonize the opposition, influence its members to contribute money, and for its members to call politicians. However, when compared to the NRA's membership and funding it falls short. For example, the membership of the Brady Campaign in 1998 was 400,000 and its annual budget was only \$7 million dollars (Spitzer, pp. 94–5). The discrepancy in membership and funding demonstrates some key reasons why the NRA has been able to continue its stranglehold on gun control policy.

In Canada, unlike the United States, gun control groups have been far more influential in impacting gun control policy. Arguably the most powerful interest group that lobbies gun control in Canada is the Coalition for Gun Control which is headed by Wendy Cukier. The Coalition for Gun Control was created in a direct response to the Montreal Massacre. Its goals are: possession permits for all gun owners, a cost effective way to register all guns, a total ban on assault weapons and large capacity magazines, regulation of ammunition, and stricter handgun control laws (www.guncontrol.ca). Though statistics on its membership and funding have been difficult to find, it is evident through actions of Canadian politicians and from reactions from the media and antigun control groups that this interest group is the primary mover and shaker on restrictive gun control legislation in Canada.

The primary lenient gun control group in Canada is the National Firearms Association (NFA). The NFA was created in 1978 by David Tomlinson. The NFA has similar goals to its counterpart in the United States, but hasn't been as successful in preventing gun control legislation as the NRA. The NFA states that it quests for fair and practical firearm and property legislation within Canada. The NFA goes on to say that it is "Canada's firearms voice in Ottawa" (www.nfa.com). Like the Coalition for Gun Control, statistics on its membership and funding have been difficult to access.

Stages of the Policy Process: A Quick Overview

In this section, the stages of the policy process are described. Throughout the book I mention the impact of focusing events on the policy process; in particular, the impact focusing events have on agenda setting and formulation. Thus, it is important to understand where agenda setting and formulation fall within the policy process.

Thomas Dye defines the six stages of the policy process. The first stage of the policy process is the problem identification stage. At this stage there is the identification of policy problems and there will be demands by some groups for policy action. The second stage is known as agenda setting. At this stage there is a focusing of attention of the mass media and public officials on specific public problems to decide how to handle a policy issue. The third stage is policy formulation. At this stage there is a development of policy proposals by interest groups, Congressional committees, and think tanks. The fourth stage is policy legitimation. At this stage there is a selection and enactment of policies through political actions by Congress, the president, and the court. The fifth stage is policy implementation. At this stage, the policies are implemented by organized bureaucracies, public expenditures, and by the activities of executive agencies. The final stage of the policy process is policy evaluation. At this stage the policies of government are evaluated by bureaucracies, the media, the public, and government itself (Dye, p. 14).

The main stages of the policy process that I am concerned with in this book are: agenda setting, formulation, policy legitimation, and to a lesser extent implementation. The one difference between my descriptions and Dye is that I combine policy formulation and policy legitimation and make it into one stage. The reason I do this is because formulation as

defined by Dye is the creation of policy by the combined forces of interest groups and Congressional members; policy legitimization is the step of taking these policies and then enacting them. Thus, I see that there is a very fine line between the two, and when I discuss policy formulation in this book it will mean a combination of both of these stages.

Gun Culture Differences between the United States and Canada: Should Gun Culture be Used as an Explanatory Variable?

There are significant cultural differences between the United States and Canada. These differences are important for us to understand in order to have a more concrete grasp of why gun control focusing events have such a significant variation in response from one country to the next.

Lipset (1990) argues that the United States and its beliefs derive from the American Revolution. The American people revolted against their oppressors in Great Britain in order to form a new independent nation. This uprising has had its lingering effects on American culture. One such effect is that Americans have a natural dislike for authority. Americans tend to see the state and authority in a negative way. This stems from the ideas and ideals that were implanted in the American psyche after the American Revolution.

Another effect that has risen in the United States is the belief in civil liberties and individualism. Americans believe that they should have the right to act independently and not be interfered with by the state. Americans are also more driven to succeed individually and are less concerned about communal success.

This tradition of distrusting government and valuing liberty has its roots in the founding of the United States. The US government is designed in a way to prevent the government from being all powerful and overly intrusive into American lives. The Bill of Rights was also established to ensure liberty and undeniable rights to individuals.

The political culture that was created after the American Revolution led to the United States adopting an inefficient presidential system. It also has led to the powerful interest group structure that we see in the United States. Every American believes in civil liberties, but not all Americans believe in the same civil liberties. This has led to the creation of groups who seek to promote a certain liberty, and others who seek to deny it. We can see that this clearly applies to gun control. The NRA at

its most basic form is a group seeking to protect the civil liberty of gun ownership whereas the Brady Campaign seeks to deny this liberty.

Canada is different than the United States. Canadians are the people who did not rebel against the British. The Canadians viewed the rebellious Americans to the south as "rabble-rousers." The Canadians had a peaceful break with the British. Canada did not begin separating from the United Kingdom until 1867. In 1982, Canada asked the United Kingdom to relinquish formal control of authority over the Canadian constitution. The United Kingdom accepted the request. It is interesting to note also that Canada relied heavily on the United Kingdom for a variety of issues. Canadian citizens were not their own separate citizenry until 1947, and the highest court in Canada was the Privy Council of Great Britain until 1982 (Lipset, p. 46).

The most important cultural item that came from the creation of Canada is the deference to the state and to laws. Canadians are far more likely to acquiesce to the state. Canadians are far more community centered. Canadians are also less concerned about liberties and are more concerned with stability and security. Canadians believe that giving away certain liberties in order to maintain social order is common sense. Even with the 1982 passage of the Canadian Charter of Rights, which greatly enhanced individual and group liberties in Canada, Canadians are still more community and society oriented than Americans.

The different political culture that we see in Canada led to the creation of a very different political environment than what we see in the United States. The government in Canada is a parliamentary system which has fewer checks and allows for government to work quickly and efficiently. The public did not distrust government like they did in the United States, thus they did not see the need to create a presidential system, which has numerous checks and balances. The United States created the separation of the main branches of government because they distrusted the power of it. This distrust came from the hatred for the United Kingdom and its taxes during the Revolutionary War.

Interest groups that seek to protect civil liberties are less important in Canada than in the United States. The fundamental right to civil liberties that is felt in the United States is not as important to most Canadians. This has led to interest groups that seek to protect civil liberties in Canada, such as the NFA, to be much weaker than groups that seek to protect public safety rather than civil liberties, such as the Coalition for Gun Control.

The differences in political culture give us some understanding why each country has developed in the way that it has. We have a more solid

understanding of why Americans formed a presidential system and the Canadians a parliamentary one. We also understand why interest groups promoting civil liberties in the United States have stronger support than those that seek to deny them; and we also understand why in Canada interest groups promoting public safety and security have stronger support than those who promote civil liberties.

Kopel (1992) explains why there is a difference in views in relation to gun control policy in Canada when compared to the United States. He argues that Canada views its Mounties and the law in a positive light, which helps explain why Canadians are far more likely to accept the gun laws of the government whereas the American hero, the cowboy, is more likely to take matters into his own hands to protect himself from threats whether they be outlaws or a corrupt government. Kopel suggests this fundamental difference between gun cultures is one of the prime reasons that the publics of the United States and Canada have differences in gun control opinions. However, not all agree that the differences in gun control opinion between the publics of the United States and Canada are that different.

Political culture is a powerful underlying reason why different countries organized themselves in different ways. It also helps us understand why certain types of interest groups are more strongly supported in some countries and less supported in others. But does it explain the reaction to focusing events that government institutions and interest groups have?

Mauser and Margolis (1992) argue that the political culture in the United States and Canada don't differ very much when it comes to gun control policy. They find that Canadians generally favor stricter gun control legislation than in the United States; however, the margin is not as significant as often perceived. They find that majorities of the population in both countries favor moderate gun control legislation such as background checks and firearms licensing. The one major discrepancy that they found is that Canadians own fewer handguns and favor much more restrictive controls on them. However, Mauser and Margolis argue that gun control policy differs significantly between the two countries for institutional reasons and not cultural ones.

They argue that the parliamentary nature of the Canadian government allows for Canadians to pass gun control policy without much interference from the general public. They also argue that the nature of Canadian political institutions allows for only certain interest groups to have access and prevents many interest groups from having any say at all. At the time of publication, they found that gun control groups on both sides of the fence were poorly organized and had very little influence

in determining the outcome of gun control policy. Another important factor is that members of Parliament are more insulated from public pressures than their counterparts in the United States. In sum, they find that institutional factors in Canada better explain gun control policy differences than cultural explanations.

Like Mauser and Margolis, I argue that culture has an indirect impact on the policy that is created after an event. I argue that the form of governmental institutions plays a more significant role in determining the outcome of a focusing event than political culture. The presidential system in the United States makes it difficult to create policy quickly, even if everyone was desirous of a quick outcome. The parliamentary system in Canada allows for policy to be passed quickly and efficiently. I suggest that historical political culture may have led to why and how these institutions were formed, but political culture does not make them function the way that they do today. Thus, political culture is why government institutions were designed the way that they were at the birth of each nation, but political culture does not necessarily dictate how these institutions will behave. Their behavior is a product of their design.

When considering culture and interest groups, it is understandable as to why the NRA is powerful in the United States and its counterpart in Canada is weak. However, a majority of people in both states, and an overwhelming majority at that, believe in stricter gun control laws (Schuman and Presser 1977; Lindaman and Haider-Markel 2002). The NRA is a minority group supporting a minority opinion in the United States, and the NFA is minority group supporting a minority opinion in Canada. Yet, the NRA is far more influential than the NFA. Why?

Based on the previous arguments by Lipset and Kopel, I could suggest that it is a cultural argument. However, if it were purely cultural why would the opinion of the general masses be trumped in the United States in favor of a minority opinion? I believe that the NRA is far more powerful than its counterpart in Canada, not for cultural reasons, but because of its organization and its access to politicians. This access that the NRA has is due in large part because of the design of American institutions which allow for multiple access points. Thus, I suggest that we consider culture a factor, but that we pay more attention to the importance of the structure of government organization in both states. The importance of interest group system structure and the access points that interest groups have (or do not have) in each of these states are more important factors in determining why each state behaves the way that it does after a gun violence focusing event.