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The Disturbing Trend In State Gun Laws After A Mass Shooting

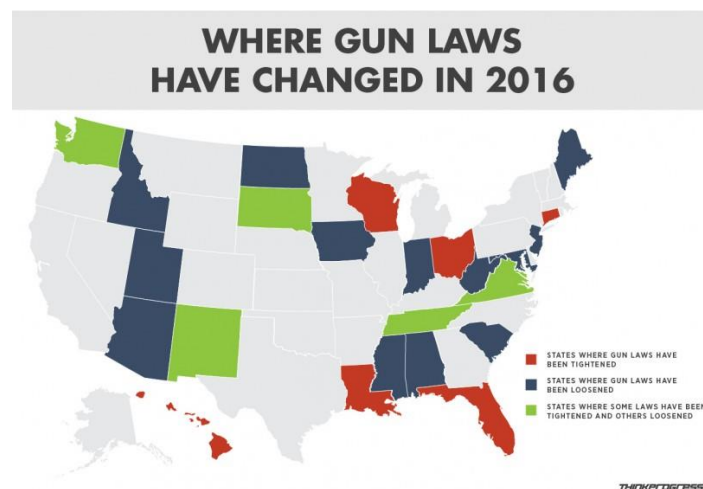
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One of the worst mass shootings in U.S. history — a massacre that left 49 people dead at a gay club in Orlando on June 14 — has prompted the all-too-familiar calls for Congress to take action to curb the epidemic of gun violence in America. However, the U.S. Senate's recent rejection of a series of gun violence prevention measures, despite a long filibuster to force a vote, and the House's refusal (so far) to take up any, despite a sit-in by dozens of House Democrats, leaves little hope for progress on the federal level. Does Congress' intransigence on gun control mean advocates' time would be better spent at the state level then?

Maybe not. In 2016, after last year's horrific mass shootings at a historically black church in Charleston, an Oregon community college, and many other places, pro-gun GOP forces have come out swinging at the state level, as gun laws were loosened in South Carolina and didn't change in Oregon.

A ThinkProgress analysis of entries by the National Rifle Association Institute for Legislative Action, shows that at least 28 state measures loosening gun laws have been enacted so far this year, many in states that saw one or more mass shootings in 2015. Twenty such laws were passed by Republican-controlled legislatures. Seven of the laws rolled back restrictions on concealed carry laws, while three lifted restrictions on carrying guns at educational institutions.



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At least a third of the gun violence prevention measures enacted in 2016 pertain to preventing domestic abusers and people with protective orders from obtaining guns, with the other measures related to tracking guns, background checks, gun shows, restricting concealed carry, and various other aspects of gun control. None seem to restrict a large segment of the non-felon population from obtaining guns.

Overall, at least 18 states have enacted some gun measures that loosened restrictions and at least 11 states passed legislation to, in some way, tighten gun laws thus far in the 2016 legislative session. At least five states enacted some of both and are included in both totals. Nine of the 13 states that only passed bills to loosen gun regulation were states where the legislature is controlled by Republicans.

According to researchers at Harvard University Business School, loosening gun laws at the state level after a mass shooting is not uncommon. Their 2016 working paper uncovered a disturbing pattern: While a single mass shooting increases the number of gun-related measures introduced in those states' legislatures by 15 percent within a year after the event, that did not necessarily mean tighter controls. They found that in states with Republican-controlled legislatures, the number of laws enacted to loosen gun restrictions increased by 75 percent after those states endured a mass shooting. And even in states where Democrats controlled the legislature, mass shootings had no significant effect on laws enacted afterwards.

The study analyzed mass shootings from 1989 to 2014 and the gun legislation that followed those events. It defined a mass shooting as “an incident in which four or more people, other than the perpetrator(s), are unlawfully killed with a firearm in a single, continuous incident that is not related to gangs, drugs, or other criminal activity.”

Michael Luca, one of the authors of the study and an assistant professor of Business Administration at Harvard University, said the research shows that gun legislation following mass shootings is often not based on finding methods proven to reduce gun violence. “The fact that a political party was playing this type of role in what bills are getting passed suggested a more political process rather than an evidence-based process in deciding which bills are going to be most effective,” he told ThinkProgress.

Luca added that his interpretation of the findings is that state lawmakers are using the “policy window” after mass shootings — a time when people are particularly focused on access to guns — to put forward bills that they already would have also supported before a shooting.

This presents a problem for gun control advocates, as Republicans currently have total control of 30 state legislatures across the country, while Democrats completely control just 12. Eight states' legislatures are either split between the two parties or are non-partisan.

One of the recent mass shootings examined by Luca and his colleagues was the 2007 shooting at Virginia Tech. The Washington Post reported in 2014 that Virginia gun laws had significantly loosened since the attack — the deadliest mass shooting in modern U.S. history prior to Orlando — especially after the GOP gained control of the state government in 2011. It is worth noting,

however, that in 2016, Virginia's Democratic governor and Republican legislature agreed to a compromise gun package that tightened some restrictions while simultaneously loosening others.

Months after the 2011 shooting in Tucson, Arizona, which killed six people and wounded 13 others, including then-Rep. Gabrielle Giffords (D), the Republican legislature passed bills loosening gun restrictions, although the measures were vetoed by then-Gov. Jan Brewer (R).

One outlier was the the 2012 massacre at Sandy Hook Elementary School: In the aftermath of the shooting, Connecticut passed strict gun control measures.

Outside of Connecticut was a different story, however, as the majority of gun legislation enacted in other states in the year after Sandy Hook actually made it easier for people to obtain and carry the type of assault weapon used at the elementary school.

Six months after the Newtown massacre, CNN reported that while Connecticut and four other states had tightened gun laws, more than a dozen had loosened them. Additionally, a New York Times analysis showed that of the 109 gun related measures passed by state legislatures in the year after the tragedy, 70 loosened gun restrictions while just 39 tightened them.

David Kopel, research director at the Independence Institute and associate policy analyst at the Cato Institute, said high-profile efforts to enact gun control tend to create a backlash. "Whenever gun control is raised nationally to a high salience level, it often leads to more protective legislation being enacted at the state level," he told ThinkProgress.

Kopel, whose Independence Institute has received grant funding from the NRA Civil Rights Defense Fund, said a more important factor than mass shootings themselves in whether conservative states loosen their gun laws is the political response to the shootings. "To me, it seems it's not just the presence of a mass shooting, but it's also how much political energy does the president especially, but the politicians in general, how much do they invest in turning that into gun control?" he said.

In addition, looming over any effort to enact stricter gun laws at the state or federal level is, of course, the outsized political influence of the NRA. The gun lobby, which holds an uncompromising position on gun violence prevention measures, has repeatedly flexed its political muscles after mass shootings and threatened pro-gun control lawmakers. While the NRA may be best known for its federal lobbying prowess, the organization also keeps meticulous tabs on state gun violence prevention measures and exerts just as much political pressure on state lawmakers.

It is well documented that the NRA's position on gun violence is that "the only way to stop a bad guy with a gun is with a good guy with a gun," essentially arguing that loosening gun laws is an effective response to gun violence and one that would actually increase public safety. However, studies have refuted this claim and found that more guns do in fact lead to more gun violence.

Despite the trends identified by the Harvard study, Laura Cutilletta, managing attorney at the Law Center to Prevent Gun Violence, is still optimistic about the prospect for gun law reform.

She told ThinkProgress that as of June 21, 2016, states have enacted 24 gun violence prevention laws with a few more still pending in legislative sessions that aren't yet over. Cutilletta said she expects more measures to pass before the year is over, particularly in California. And on June 23, Hawaii enacted the 25th gun regulation expansion of the year, becoming the first state to enter gun owners into an FBI database system.

Cutilletta argues that counting and comparing measures that strengthen and loosen gun laws against each other is an imperfect method. She said it's more important to look at the substance of the laws being passed. "There has been a sea change in state legislatures in regard to gun violence since Newtown," she wrote in an email. "I have been tracking laws before and after Newtown and have seen the difference firsthand; it is stark. And I don't just mean affirmative legislation, I also mean defeating gun lobby bills that we weren't anywhere near as successful in defeating in the past."

It's too early to know how the Orlando shooting will impact gun legislation in Florida and beyond. While the results of Luca's study indicate the current push for stricter gun control measures might not lead to the strict gun laws activists hope for — and may in fact further loosen Florida's already weak gun laws — he said the scale of the shooting could mean things will be different this time around.

"At this point, the type of shooting that we just saw is just out of the whole range of things we have seen from the data we have looked at," Luca said. "So in some ways, all bets are off on this to see whether gun laws are going to get tightened because of just the sheer magnitude of this."