

# Will Enough Ever be Enough?

## Examining the Discrepancy Between Public Opinion and Congressional Action with Regards to Gun Control Legislation

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**Abstract.** Within the United States, public outcry for the tightening of gun control legislation has been seemingly widespread. This paper examines the apparent discrepancy between public opinion and congressional action with regards to the implementation of further gun control policies within the United States. Through the examination of the history of congressional decision-making as well as the history of gun control policies, it is the main contention of this paper that under the current policy-making environment within the United States further, gun control measures will fail to materialize. This will be argued on the basis that congressional actors are self-interested, seek to maximize concentrated costs and minimize concentrated benefits, and given the rise of condition party government and levels of party polarization.

### Introduction

In 2015, of 100,000 Americans, approximately 11 of them would die from gun-related incidents (National Center for Health Statistics, 2017). In 2016, this number would rise to approximately 12 Americans per 100,000 who would become victims of firearm-related causes (National Center for Health Statistics, 2017). At the time of writing this paper in November of 2017, approximately 93 Americans were killed each day due to gun violence (Web-based Injury Statistics Query and Reporting System, 2017). In the United States today, statistics such as these have become a permanent reality within the economic, political, and social realms of the country. Due to the continuous and steady rise in these statistics, it would be easy to declare Americans have simply accepted these deadly consequences and are no longer bothered with mitigating the fallout. However, in many spheres of public opinion in American society, the opposite appears to be true, as private citizens, as well as the public media, often express their worry, concern, and the need for changing these troubling statistics.

While public outcry has seemingly been vocal and plentiful, the gun control that individuals express the immediate need for has never actually materialized. Therefore, an apparent disparity exists between public attitudes and opinions and the actual implementation of policy to match these wants and needs. This paper will examine this phenomenon and offer specific explanations for its occurrence. Due to the fact the American political landscape is a complex one, this paper will specifically examine the impact the institution of Congress has had on the lack of substantial gun control legislation. Fundamentally, the institution of Congress itself, as well as the actors who comprise it, makes the actualization of further gun control measures an unlikely possibility. This paper will argue that it is unlikely that further gun control legislation will materialize under this policy-making environment due to the fact that Congress is made up of self-

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interested individuals who principally seek reelection who specifically seek to minimize or avoid concentrated costs and only serve diffuse general benefits when absolutely necessary. As a result, the discrepancy between public opinion and congressional action will not diminish.

### **The Policy Environment: How Congress Makes Decisions**

Before understanding the specific nature of why gun control policy has not materialized within the United States, it is first relevant to discuss the general role Congress plays in the creation of policy and how they make decisions within the legislative process as a whole. While facts regarding Congress' infrastructure are relatively straightforward, theories surrounding how the decision-making body operates exist in plurality. In his seminal work, *Congress: The Electoral Connection*, David R. Mayhew pioneered the perspective that Congress was comprised of rational decision makers (1974). From Mayhew's perspective, the legislative process within Congress functions as rational actors aim to maximize their chances of re-election (1974: 13). In order to maximize these reelection chances, Mayhew argues congressional actors engage in three activities: advertising, credit claiming, and position taking (1974: 73). First and perhaps most simply, advertising consists of the cultivation of a certain "brand" to express and convey to constituents (Mayhew, 1974: 49). In addition to this, legislators will engage in the activity of credit claiming, or the act of promoting that the reason for the success of the implementation of an initiative or the creation of a policy should be attributed to the sole legislator claiming the credit for it (Mayhew, 1974: 52-53). Finally, the act of position taking is crucial for legislators as they aim to explicitly exemplify to their constituents that their beliefs align with the relevant actors who are voting for them (Mayhew, 1974: 61). Through engaging in these activities, legislators aim to demonstrate to relevant actors, in particular, their constituents, that they are consistently enacting policies and taking points of view that align with the goals and beliefs of their electorate, thus increasing their overall chances at reelection.

Mayhew also offers an interesting perspective on the role of political parties within Congress. He argues that parties exist within Congress solely to "suit members' electoral needs" (1974: 97). Mayhew largely shuns the act of "party voting," which he argues has been rapidly decreasing, in favour of stressing that the most crucial role each congressman seeks to play is to "be free to take positions that serve his advantage" (1974: 103; 99). Thus, parties should, and in reality, do follow a very hands-off approach when providing directives for their members and as Mayhew clearly states, the most vital service a party can provide to its members is to "leave them alone" (1974: 100). Overall, the picture that Mayhew paints of Congress is one in which allegiances to political parties matter very little, and instead legislators perform their song and dance very carefully, taking positions and claiming credit only when they feel their electorate is watching closely and their chances at reelection can be strengthened (1974: 115).

Expanding on this premise, R. Douglas Arnold assumes that a driving force behind the actions of legislators is the desire to be reelected (1990: 5). Additionally, he argues that when members of Congress are confronted with decisions on policy matters, legislators move through a cost-benefit analysis of sorts (Arnold, 1990). Through this analysis, legislators seek to maximize concentrated benefits from certain policy decisions in an effort to bolster their chances at praise and eventual reelection and minimize or completely avoid concentrated costs for which they may be punished (Arnold, 1990: 3-4). This cost-benefit analysis, however, is contingent on the actual or potential salience of the policy decision and outcome (Arnold, 1990: 142). In this regard, legislators will only seek to serve the interests of the public at large if the salience of the

consequences from their decisions become too noticeable to ignore or if coalition leaders can frame the issue to limit traceability to individual legislators (Arnold, 1990: 142-143). However, in many cases, this is a difficult corner to back legislators into, either because “general effects are too small for citizens to notice or because the causal connections between governmental policy and these general effects are too long and complicated for citizens to appreciate” (Arnold, 1990: 143). Thus, Arnold furthers our understanding of how Congress makes decisions, arguing that legislators largely aim to maximize concentrated benefits and minimize concentrated costs as long as the consequences or outcomes of these decisions remain minimal and inconspicuous to the general electorate.

Congress cannot be examined as a static body, and in reality, has undergone various internal changes and developments since the analysis undertaken by Mayhew. Nonetheless, one similarity cuts across all the theories: while legislators may possess secondary goals, their primary one is to obtain reelection (Rohde and Aldrich, 2010: 237). As identified by David Rohde and John Aldrich, one of the most significant and impactful changes is with respect to the role of political parties within Congress (2010: 234). During Mayhew’s period of study, around the 1950s through the 1960s, he found the action of “Party voting” within the House specifically, was rapidly decreasing (Rohde and Aldrich, 2010: 235; Mayhew, 1974: 103). However, Rohde and Aldrich argue that during Mayhew’s time period, parties were exhibiting “decreasing internal agreement,” a trend that would reverse itself in the 1980s when internal agreement began to rise (Rohde and Aldrich, 2010: 236). This began the phenomenon that Rohde and Aldrich deem “conditional party government” (CPG) (2010: 235). Under CPG, as individual legislator’s opinions come to be more closely aligned with the opinions of their party as a whole, they will be more likely to consolidate their power and interests with the political party leadership as a whole (Rohde and Aldrich, 2010: 241). This is due to the fact that if members are likely to make the same decisions as their party, members have less reason to fear the party will take actions that hinder or prevent individual members from retaining the support of their constituents (Rohde and Aldrich, 2010: 241). Furthermore, the increased strength of political parties within Congress allows respective parties to “achieve their more consensual partisan ends” through the promotion of increased “party-line voting” (Rohde and Aldrich, 2010: 234-235). However, the rising importance and strength of political parties has led to both “increased intraparty homogeneity and interparty conflict” (Rohde and Aldrich, 2010: 249). Therefore, as parties confer their interests internally, their respective interests also move further away from each other on the ideological spectrum. The 21<sup>st</sup> century Congress we see today exhibits anywhere between a 23.4 percent to 31.1 percent increase in party polarization since 1972, creating a unique policy-making environment distinct from past iterations of Congress (Sussell and Thomson, 2015: 19). To conclude, the incarnation of Congress, as it exists today, diverges somewhat from Mayhew’s original conception. While members and their actions can still be considered to be strongly driven by their aspirations to be reelected, with the rise of conditional party government and increasingly polarized parties, political parties within Congress have become a central and influential institution.

### **Interest Groups within Congress**

This paper would be remiss if it did not discuss the impactful presence that interest groups can have on how Congress makes decisions. In a general sense, the support or punishment of an interest group can significantly affect a legislator’s chances at achieving his/her reelection dreams, which, as examined previously, is the primary goal of those in Congress. Simply put, interest

groups act as the gatekeepers to two very important resources: money and votes. In their study of the correlation between position-taking within Congress and direct contributions and funding from interest groups, Michael Rocca and Stacy Gordon found significant links between non-roll call voting and funds received (2010). Specifically, Rocca and Gordon found a “strong relationship” between bill sponsorship and the resulting funding from ideological PACs (2010: 393). Thus, it can be said that interest groups play a role in the funding of legislator’s campaigns and terms in Congress. Similarly, as described by Mayhew, “some national interest groups watch the votes of all congressmen on single issues and ostentatiously try to reward or punish members for their positions” (1974: 66). The extent of this influence, as put by former Attorney General Jeremiah Nixon and Paul Maguffee, is the simple fact that “money talks” (2000: 662). In their 2016 study of how campaign contributions affect access to policy-makers, Kalla and Broockman found that when scheduling meetings individuals who donated to campaigns were “between three and four times” more likely to gain access to their representative (2016: 545). Baumgartner et al. identified a similar phenomenon, exhibiting that eventual policy outcomes and decisions favoured “the side that enjoyed greater resources” (Gilens and Page, 2014: 568). These resources were measured in terms of contribution size, lobbying expenditures, and membership size of the group (Gilens and Page, 2014: 568). Thus, in the interest of funding their successful campaigns with eventual hopes of reelection, members of Congress are likely to skew their attention and their voting in favour of individual donors and powerful interest groups that can facilitate this goal. As will be examined later, this practice is perhaps most visible in the actions and reactions from members of Congress towards the National Rifle Association (NRA). Therefore, it is critical to take into account that, often, members of Congress are not acting completely of their own volition, and instead, must take into account the interests of powerful groups working within Congress.

### **Public Push: Public Opinion on Gun Control Legislation**

The basic function of Congress is, in an ideal world, to listen to the interests of constituents and to then reflect these interests in the form of bills that will eventually become laws. Various studies have shown an incredibly strong support for basic gun control measures that include background checks and increased waiting periods before purchase, as well as “a majority of Americans [supporting] a ban on high-capacity ammunition magazines” (Wozniak, 2017: 257). Furthermore, through the examination of Gallup polls between 1938 and 1972, Hazel Erskine observed that at least two-thirds of the citizens in the United States were consistently in favour of gun control (1972: 455). Finally, as examined by Howard Schuman and Stanley Presser, in response to the poll question “Do you favor or oppose federal laws which would control the sale of guns, such as making all persons register all gun purchases no matter where they buy them?” 70 percent of citizens responded in the affirmative (1981: 41). Exemplifying the stability of these beliefs, in a Gallup Poll completed in March of 2018, 67 per cent, only three percentage points lower than Schuman and Presser’s 1981 study, responded “more strict” to the question “In general, do you feel that the law covering the sale of firearms should be made more strict, less strict or kept as they are now?” (Gallup Polls, “In Depth Topics A to Z: Guns”). However, not all citizens express their interests in the same manner. In their study of the “attitude-action” correlation with respect to opinions on gun control, Schuman and Presser found citizens with negative views towards gun control were “quite likely” to voice their opinions, whereas those who were in favour of the policy were less likely to take action on these attitudes (1981: 40). In this regard, those who felt very strongly against the implementation of gun control legislation were much more likely to

engage in actions such as “letter writing and fund raising” (Schuman and Presser, 1981: 47). Therefore, a critical discrepancy occurs as citizens who hold certain attitudes in favour of gun control fail to translate these attitudes into real actionable and visible tasks. Nonetheless, as examined by numerous scholars, public support for increased gun control legislation does exist and exists at consistent levels. What is missing, and inconsistent, is an appropriate response from Congress.

### **Congressional Response: Failed Initiatives & Unrealized Goals**

The history of gun control within the United States speaks to the country’s dynamic, onerous, and often stagnant process of legislation. As aptly noted by Hazel Erskine, “It is difficult to imagine any other issue on which Congress has been less responsive to public sentiment for a longer period of time” (Erskine, 1972: 456).

#### ***Gun Control from 1911-1968***

To start, modern gun control laws can be said to have begun in 1911 with the implementation of the Sullivan Law in the State of New York (Carter, 2002: 568; Hansen, 1976: 8). With the passing of the Sullivan Law, all individuals within New York were required to possess a permit if they owned a handgun and in order to acquire a handgun (Vizzard, 1995: 341). Then, in 1934, the National Firearms Act would come into effect which created a registry that originally was meant to cover a larger category of guns but, after negotiations, only included specific and especially dangerous weapons, such as “sawed-off shotguns, silencers, bazookas, and machine guns” (Carter, 2002: 428; Vizzard, 1995: 342). This act was significant for two reasons: it was the first significant piece of gun control legislation that applied at the federal level, and it was also the first piece of legislation that the NRA would attempt to influence as an interest group (Carter, 2002: 428; Hansen, 1976: 28). The Federal Firearms Act of 1938 stipulated that persons wishing to sell guns have to possess the relevant permits, as well as keep informative records on the sales of their guns (Vizzard, 1995: 342). However, the law largely lacked any and all “mechanics for enforcement” and often the standards of obtaining permits and keeping records were not adequately met (Vizzard, 1995: 342). In 1968, the Gun Control Act was passed in response to the overwhelming violence of the decade, which included the assassination of President John F. Kennedy and others, which rocked the foundation of many Americans across the entire country (Carter, 2002: 238; Vizzard, 1995: 342). While this was one of the strictest attempts at gun control legislation, implementing “restrictions on the import of firearms; the prohibited persons list of people who are barred from possessing guns; and a point-of sale-system of gun owner registration,” approximately 20 years later Congress and President Reagan passed legislation to soften some of the restrictions (Carter, 2002: 238).

#### ***The Brady Bill to Present***

Finally, the Brady Handgun Violence Prevention Act, commonly known as the Brady Bill, was passed in 1993, which many see as the last drastic attempt at gun control legislation (Aborn, 1995: 418). The Brady Bill required that persons who wanted to buy a gun would need to wait five days before they could obtain the gun (Aborn, 1995: 418). The impetus behind this waiting period was the need to supply adequate background checks as well as provide a “cooling-off” period of

sorts, between purchasing a gun and actually receiving it (Aborn, 1995: 418-419; Carter, 2002: 75). However, the Brady Bill is just another paradigmatic example of gun control legislation in the United States as it was described by many as “a long and torturous struggle” (Aborn, 1994: 419). Particularly telling is the fact the Brady Bill was “immensely popular in the polls,” but languished in Congress for upwards of six years from 1987 to its eventual passage in 1993 (Aborn, 1994: 419). Additionally, the five-day waiting period would eventually be struck down in favour of instant background checks and the “cool-down” period was eliminated (Carter, 2002: 75). Thus, it is important to note a trend among these pieces of relevant legislation. While it cannot be said that legislation pertaining to gun control has never been passed in the United States, it can be said that the legislation is increasingly difficult to pass and only does so after extensive debate and compromise. Additionally, legislation that begins strong is often either unenforceable at the scale necessary or is weakened in succeeding years by succeeding Congresses. As such, it can be concluded that in response to relatively strong public pushes for stricter gun control; Congress has only offered in return a series of failed initiatives and unrealized goals to address the public’s desires.

### **Analysis: Will Gun Control Legislation Ever Materialize?**

Thus far, this paper has examined the general policy-making environment of Congress, public opinion with regards to gun control, and the limited congressional response to these opinions. Hence, a single question remains: will further gun control legislation ever materialize within the United States of America? The short answer to this question is no, or at least it is very unlikely that specific legislation tightening or limiting of gun ownership laws will ever come to fruition. In particular, three important considerations arise that severely impact the likelihood that further gun control legislation will ever materialize.

First, gun control legislation will not come to fruition due to the fact legislators are self-interested individuals who wish to maximize their chances at reelection. As examined previously, we can assume that the primary goal of legislators is obtaining reelection (Arnold, 1990: 5; Mayhew, 1974: 13; Rohde and Aldrich, 2010: 237). Therefore, it is important to reflect upon the fact that interest groups can significantly hinder an incumbent’s chances of reelection through a variety of tactics such as disparaging remarks in the media and press or the withholding of funds and votes. Consequently, it is important to recognize that interest groups within the gun control policy field, specifically the National Rifle Association (NRA), can also improve a legislator’s chances of getting reelected. When combining these two factors, we would expect to see legislators avoid potentially harmful confrontation with the NRA and instead lean into their policies and preferences thus promoting their reelection interests. The empirical evidence to support this observation is plentiful. For instance, Rocca and Gordon, in their 2010 study, found that “specifically, sponsoring labor and gun control bills increases contributions from labor and gun control PACs, respectively” (393). In addition, totaling both money spent “on behalf of candidates” and money directly donated, numerous members of the House and Senate have received upwards of one million dollars each from the NRA, with Senator John McCain leading the pack with almost eight million dollars in funding (Leonhardt et al., 2017). Furthermore, perhaps the most telling quote comes from a former NRA spokesperson, who stated, “The NRA’s membership, if it had one trait, one political trait, they vote... That’s the deal. You are a politician. You want to get elected. You want votes. NRA has votes,” (Wozniak, 2017: 272). Lastly, in his study of Senate voting on the 1993 Brady Bill, Leo Kahane found “the greater the political

contributions by the NRA, the more likely a senator voted in the direction favouring the NRA” (1999: 384). This impact is especially relevant in primary elections where candidates must typically appeal to a party’s strong ideological base in order to get elected (Rohde and Aldrich, 2010: 240). Thus, consistently, it has been shown that legislators vote along NRA lines or appease NRA interests in order to maximize benefits from the group in the form of votes and monetary donations, which, in turn, better their reelection chances and demonstrates their self-interest. Therefore, gun control legislation will not materialize within the United States policy-making environment since members of Congress continually hold their reelection interests as their ultimate goal and attempt to appease powerful interest groups that aid in the achievement of this objective.

Second, gun control legislation will not materialize in the United States policy-making environment as legislators aim to maximize concentrated benefits, minimize concentrated costs, and only serve the interests of the larger general public when it becomes necessary (Arnold, 1990: 142-143). While studies have shown there is constant public support for further gun control measures, this consistency could be the fundamental problem. When examining the long-term public opinion, Vizzard shows that over the past twenty years public support for stricter gun regulation has declined (2014: 887). Arguably, because the level of public support for gun control has remained relatively stable, evidence suggests that salient costs for the general public have not risen to levels the public deem critical; thus, legislators view addressing these issues as equally non-critical. In reality members of Congress are not actively voting against public interests, they are instead keenly aware of the lack of upward movement in support for gun control measures. For instance, Kevin Wozniak studied public support for gun control after the Sandy Hook shooting and found that the shooting “did not dramatically alter the distribution of support or opposition to gun control among the American people” (2017: 270). Wozniak additionally found this finding was consistent for numerous other mass shootings over the years (2017: 270). If the salient costs for the general population do not reach catastrophic levels after the shooting of 26 people, 20 of them young children, then many doubt it is likely they ever will (Wozniak, 2017: 255). Therefore, legislators carry with them much trepidation on serving the benefits of the general public at the expense of incurring large concentrated costs from opponents of gun control legislation (Schuman and Presser, 1981: 41). Congress is much more content to serve the interests of groups, such as those against gun control, who actively share their positions and interests and where concentrated benefits exist (Schuman and Presser, 1981: 40). Overall, the costs of a lack of gun control legislation for the public have not risen to a noticeable level of salience to warrant legislators taking action on the matter. Thus, according to Arnold’s theory of why Congress makes decisions, legislators have no incentive to address the larger interest of the diffuse public and instead will continue to serve the concentrated opponents of gun control, until such a time as general costs of the former become noticeable.

Third, gun control legislation within the United States is an unlikely outcome due to the rise of conditional party government and increased party polarization. As opposed to Mayhew’s original assessment, as examined by Rohde and Aldrich, political parties within Congress are becoming increasingly impactful institutions (Rohde and Aldrich, 2010: 234). Furthermore, over the past 32 years, political parties have doubled their levels of polarization, and thus, parties are subjected to increased internal agreement, but by virtue of this phenomenon, also increased external disagreement (Rohde, 2013: 850; Theiault, 2008: 134). As parties become increasingly polarized, Congress is subject to increasing policy stalemates and general difficulty in straightforward law-making (Theiault, 2008: 8). Subsequently, it then becomes increasingly difficult for members of respective parties to find common ground regarding policies, especially

those seen to pertain to moral or partisan issues, such as gun control (Ansolabehere et al., 2001: 555). For that reason, the debate on gun control has transformed from a simple dichotomous choice to a decision that encompasses partisan ties within a Congress that are increasingly polarized. As a result, with the rise of “intraparty homogeneity and inter-party divergence,” gun control legislation within the United States is unlikely to materialize due to increased party polarization that makes agreement on partisan issues a near impossibility (Rohde, 2013: 861). As parties continually focus on supporting and upholding their specific “brand” of politics and policy preferences, they move farther away from discussion of any kind regarding partisan policy preferences, like gun control (Rohde and Aldrich: 2010, 238). Thus, as this polarization persists and manifests further, it is not likely that further gun control legislation will materialize.

## Conclusion

To conclude, gun violence within the United States statistically occurs at a staggering level. While it would be convenient to say the American people have accepted these statistics, this is not necessarily the case. In society today, a discrepancy exists between high levels of support for gun control and a lack of legislation passed by Congress to match these opinions. However, it is the main contention of this paper that gun control legislation will not materialize and this discrepancy will remain under the current policy-making environment of the United States. This is due to the fact that legislators are self-interested actors that value, as their primary goal, to be reelected; legislators also seek opportunities to minimize concentrated costs and maximize concentrated benefits; and finally, with the rise of conditional party government and party polarization it has become increasingly difficult to pass, what many view as partisan legislation. Therefore, notwithstanding public sentiment, the legislative environment within Congress lacks the requisite force to spur change of any kind concerning enacting stricter gun control legislation.

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