Representation, Gun Control, and the Senate: Why Background Checks Failed

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Abstract

After a mass shooting in Newtown, Connecticut, in December 2012, the nation experienced a new episode of the paradox of gun control: legislative efforts to increase firearms regulations commonly fail despite high levels of public support. In April 2013, the U.S. Senate failed to agree upon a measure to require background checks for all gun purchases. This paper analyzes the Senate debate to determine the institutional and organizational sources of the bill's defeat. Unlike prior studies of gun control, this paper finds that partisanship played a major role: support for gun control was influenced by party affiliation, state-level partisanship, and whether the senator was a Democrat running for reelection. Furthermore, this paper finds that the Senate's supermajority rules and malapportionment made it especially difficult for gun control to succeed in the Senate.

I. INTRODUCTION

On December 14, 2012, a mentally unstable shooter entered Sandy Hook Elementary in Newtown, Connecticut, and killed twenty grade school children and six school staff members. This mass murder reignited debate over gun control, including President Obama urging Congress in his 2013 State of the Union address to vote on background checks for gun purchases, a ban on buying guns for resale to criminals, and renewing the federal assault weapons ban which expired in 2004.[1] Obama said:

> Overwhelming majorities of Americans -- Americans who believe in the Second Amendment -- have come together around common-sense reform, like background checks that will make it harder for criminals to get their hands on a gun. Senators of both parties are working together on tough new laws to prevent anyone from buying guns for resale to criminals.

The U.S. Congress, however, did not respond to President Obama's call for new legislation and the public support for increased regulation of firearms after the Sandy Hook shooting. In April 2013 the U.S. Senate debated a bill to mandate background checks for all firearms sales, provide grants to increase school security, and prohibited purchasing a firearm for someone who was otherwise prohibited from owning it.[2] This bill, however, was blocked by a filibuster. The U.S. House never considered gun control legislation.

The failure of gun control legislation after the Sandy Hook shooting exemplifies the "paradox" of gun control: the U.S. Congress is seemingly unresponsive to popular support for additional regulation of firearms (Goss 2006; Schuman and Presser 1977-78; Weissberg 1976, 130). As a CNN editor noted, "The [Manchin-Toomey background check] amendment…went down in defeat even though just about every national poll conducted the past couple of months indicated that the vast majority of Americans supported tougher background checks (Steinhauser. 2013)" For decades, scholars have sought to explain this pattern. Some scholars have tested whether the opponents of gun control are more intense in their views or behavior than supporters of gun control, giving them extra weight in legislators' decisions (Schuman and Presser 1977-8). Others have studied the superior organization and influence of gun control opponents, including the National Rifle Association (e.g. Melzer 2009; Patterson and Singer 2002, 2006). A third line of research documents the net costs to public health and

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[1] "Remarks by the President in the State of the Union Address." http://www.whitehouse.gov/the-press-office/2013/02/12/remarks-president-state-union-address, accessed 5-30-2014. The key section states, "Overwhelming majorities of Americans -- Americans who believe in the Second Amendment -- have come together around common-sense reform, like background checks that will make it harder for criminals to get their hands on a gun. (Applause.) Senators of both parties are working together on tough new laws to prevent anyone from buying guns for resale to criminals. Police chiefs are asking our help to get weapons of war and massive ammunition magazines off our streets."

[2] Major Components of the Senate Gun Bill, 2013.

safety of the under-regulation of firearms, suggesting that Congressional unresponsiveness on this issue does not serve the national interest (cites; examples).

This paper finds that Congressional inaction in the wake of the Sandy Hook shootings—and subsequent mass shootings—was not due to the superior influence of gun rights organizations, nor to public opinion on firearm restrictions per se. Instead, the key determinants of senators' votes were party affiliation and the partisanship of state voters. The outcome, however, also depended on the institutional context of the Senate. Furthermore, the Senate's malapportionment accentuated the influence of gun control opponents. By giving equal weight to states, the Senate overrepresents rural voters who are more likely to oppose gun control legislation and vote Republican. The Senate is thus an uneven playing field for gun control proposals.

II. Analysis of Senate Votes

In a simple model of democratic governance, the key actor is public opinion. As the collective views of the electorate shift, reelection-minded politicians ensure that public policy follows (Mackuen et al 2002). It has long been noted, however, that national firearm policy does not always follow public opinion (Goss 2006; Schuman and Presser 1977-78; Weissberg 1976, 130). The apparent disconnect between public opinion and public policy has motivated research into gun control as an intrinsically important policy issue and a puzzling case of misrepresentation.

The post-Newtown debate over gun control clearly illustrated the gun control paradox. As documented below, polls showed high levels of support for a mandatory background check for all gun purchases. This is exactly what the Democratic majority proposed, with additional restriction on buying firearms for another person. Since the proposed bill was too broad to attract enough votes, Senator Joe Manchin (D-WV) and Pat Toomey (R-PA) developed a bipartisan substitute intended to win a larger coalition.[3] After this proposal failed, Senate majority leader Harry Reid (D-NV) withdrew the bill from the Senate floor, never to return during the 113th Congress. During the public debate around this Senate action, several explanations for the failure of the Senate bill were offered, each corresponding to a subset of research on gun control. I review each explanation below in turn. To simplify presentation, this paper deviates from convention by combining literature review, data description, and hypothesis specification in each section. First, however, I describe the dependent variable.

A. The 2013 Gun Debate

On March 21, 2013, Senate Majority Leader Harry Reid introduced a bill (S. 649) that combined several measures reported by the Senate Judiciary Committee, most notably a mandatory background check for all gun sales (Anderson 2013; Anderson and Gramlich 2013). Notably, Reid's bill omitted an assault weapons ban reported by Judiciary (S. 150). Two weeks later, Reid called S 649 up directly off the Senate calendar and quickly filed for cloture, which was

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[3] "Major Components of the Senate Gun Bill." *CQ Weekly*, April 15, 2013, 685. "Senate Rejects Most Gun Bill Amendments." *CQ Weekly,* April 22, 2013, 726.

approved 68-31 (D 52-2, R 16-29) (THOMAS 2014). On April 16, senators agreed on a unanimous consent agreement for the gun debate, including votes on two key amendments: a compromise background check provision proposed by Joe Manchin (D-WV) and Pat Toomey (R-PA) and an assault weapons ban proposed by Diane Feinstein (D-CA).[4] According to the terms of the agreement, both amendments required 60 votes to pass. The Manchin-Toomey amendment was critical to the success of the bill, since it was considered the only version of a background check that could get 60 votes and thus pass the Senate. When it "failed" 54-46 (R 4-41, D 50-5), it seemed likely the entire bill would fail as well. Sen. Feinstein's assault weapons subsequently failed by a 40-60 vote (R 1-44, D 39-16).

These three key votes on cloture, the Manchin amendment, and the Feinstein amendment provide the dependent variable for this study.[5] Senators scale almost perfectly onto the three votes: every senator who voted for the Feinstein amendment voted for cloture and the Manchin-Toomey amendment, while every senator who voted against cloture also opposed both amendments.[6] Figure 1 displays the distribution of scores by party.

[FIGURE 1 ABOUT HERE]

Obviously, the modal Republican voted zero times to regulate guns, while most Democrats voted "aye" three times. There remains, however, a great deal of variation to analyze. We turn now to hypotheses to explain this variation.

B. Explanations for Senators' Votes on Gun Control

1) Public Opinion on Gun Control

First, was there actually a strong level of public support for restrictions on guns? Public opinion polls before and after the Newtown tragedy suggest that the answer is "yes, but it's complicated." Figure 1 displays the trends from polls asking respondents if they generally preferred making laws covering the sale of firearms more strict, less strict, or kept the same.[7] Figure 2 illustrates that even after the Newtown shooting, only about 52 percent of respondents

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[4] Congressional Record, 4/16/2013, pg. S2679, accessed at http://thomas.loc.gov/cgi-bin/query/F?r113:1:./temp/~r113Xdfvzk:e24439.

[5] There were six other votes on amendments to S. 649. They are not used because they were redundant—and thus added little information—or because they introduced a different dimension, such as gun rights of veterans or mental health treatment. The Manchin-Toomey and Feinstein amendments also seemed to be the most prominent amendment votes.

[6] I made two adjustments in the coding. First, Sen. Lautenberg (D-NJ) was absent for the cloture vote, but as a longtime advocate for gun control his support for cloture was certain (H). Second, Sen. Reid voted for the Manchin-Toomey amendment, but then switched his vote so that he could later move to reconsider the vote. This is a common tactic for Senate majority leaders. I code Reid as supporting the Manchin-Toomey amendment.

[7] Figure 2 combines polls from Gallup and CBS. Gallup asked, "in general, do you feel that the laws covering the sale of firearms should be made more strict, less strict, or kept as they are now?" Before June 2013, CBS asked, "In general, do you think gun control laws should be made more strict, less strict, or kept as they are now?" and afterward asked, "In general, do you think laws covering the sale of guns should be made more strict, less strict, or kept as they are now?"

supported the general idea of gun restrictions, with "kept the same" and "less strict" combining for an average of 45 percent. When compared to an October 2011 Gallup poll (not shown), there was a jump in support for gun restrictions from about 43 percent to 57 percent in December 2012, and this increased level was fairly stable through February 2014.

[FIGURE 2 ABOUT HERE]

Polls told a different story, however, when respondents were asked more specifically about background checks. Figure 3 shows the percentage of respondents supporting "a federal law requiring background checks on all potential gun buyers," broken down by party affiliation. The interesting pattern is that there is very *little* variation. Democrats, Republicans, and independents all supported background check legislation by majorities of 80-90 percent throughout 2013. On the other hand, an April 2013 Fox News poll asking "Which is more important: protecting the constitutional right of citizens to own guns or protecting citizens from gun violence?" estimated that respondents favored the "constitutional right" by a margin of 53 to 42 percent.[8]

[FIGURE 3 ABOUT HERE]

Last, and most relevant to this study, there is significant variation across states. Figure 4 plots the state-level percentages of respondents who generally support stricter gun laws against Barack Obama's share of the two-party 2012 presidential vote.[9] Support for stricter regulation varies from 21% in South Dakota to 64% in New York. It also correlates highly with Obama's vote share (r = .69).

[FIGURE 4 ABOUT HERE]

This article tests one expectation about public opinion and Senate voting on gun control. First, we might expect a straightforward dyadic relationship between state-level public opinion (measured by the CCES data plotted in Figure 4) and support for gun control.

Hypothesis 1 (Public Opinion): As state-level support for gun control increases, senators should be increasingly likely to support gun control proposals.

2) *Intensity Variation*

One of the virtues of public opinion polls is that they measure citizens equally; in theory, all citizens are equally likely to be selected for a poll and, while responses may be weighted to ensure that the sample better matches the population, they are not weighted by the *importance* of

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[8] The poll was conducted by Anderson Robbins Research and Shaw & Company Research. April 20-22, 2013. N=1,009 registered voters nationwide. Five percent answered "unsure." Margin of error ± 3. A January 2013 poll found a similar margin of 51 to 40 percent, with nine percent unsure. Source: http://www.pollingreport.com/guns.htm, accessed 10/28/2014.
[9] From Ansolabehere and Schaffner 2012, question 320: "In general, do you feel that the laws covering the sale of firearms should be made more strict, less strict, or kept as they are?"

the respondents. Legislators, however, may accord extra attention to the views of some constituents over others (Fenno 1978; Arnold 1990). Below I discuss the role of campaign donations, but another distinction between citizens is the intensity with which they hold a particular view and thus their willingness to punish or reward legislators based on a single issue.

A classic answer to the gun control paradox is that the opponents of gun control are simply more passionate than the proponents. They are more likely to write their legislators about firearms legislations, participate in campaigns, and make voting decisions based on a legislator's record on gun control (Bouton el al 2014). Consequently, legislators fear that an anti-gun vote will cost them a cohort of votes and passionate activists, while a pro-gun vote will mildly disappoint a larger bloc of voters who can be won back on other issues that are more important to them.

The more of these intense gun supporters there are in a state, the more we might expect senators to avoid antagonizing them. As a proxy for the number of intense gun advocates in each state, I use the percentage of households with a firearm, as shown in Figure 5 (again, plotted against Obama's 2012 vote share).[10]

[FIGURE 5 ABOUT HERE]

Obviously, gun ownership correlated highly with state-level Presidential voting in the 2012 election. If gun ownership is a suitable proxy for the asymmetrical intensity of pro-gun sentiment in each state, then we can use these data to test for the effects of this intensity gap.

> **Hypothesis 2 (Asymmetrical Intensity):** senators are more likely to vote against new restrictions on firearms as gun ownership in their state increases.

3) *The Pro-Gun Advantage in Campaign Contributions*

A very prominent explanation for the failure of the background check bill was the significant advantage in campaign contributions by the opponents of the measure. One example of this sentiment was a report by the Center for Public Integrity stating, "there's little doubt that money, the political power it represents, and the fear of that power and money, which the NRA deftly exploits, have a lot to do with the group's ability to repeatedly control the national debate about guns.(Berlow and Witkin 2013)" This view is consistent with earlier research finding that National Rifle Association contributions had a significant effect on vote choices during the debate over a 1986 firearms law (Langbein and Lotwis 1990).

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[10] Behavioral Risk Factor Surveillance System, 2001. As an alternate measure, I considered per capita FBI firearm background checks per state but found that these data also reflected variations in state laws. Most notably, Kentucky requires a monthly background check of concealed weapons permit holders, so it has 4.5 times more checks per capita than the second-ranked state, Montana. Without more knowledge of other state laws

As shown in Figure 6, almost all the gun-related campaign contributions from 2007 to 2012 were by groups opposed to gun control. Almost all of the $625,000 in direct anti-control contributions came from interest groups (NRA, Gun Owners of America) rather than manufacturer political action committees, and almost 90 percent of the anti-gun control contributions went to Republicans, while Democrats received 90 percent of the $5,000 in pro-gun control contributions.

[FIGURE 6 ABOUT HERE]

This inspires a straightforward test of the effects of money, controlling for constituency preferences:

> **Hypothesis 3 (Campaign Funding):** as net contributions from pro-gun groups increase, senators are less likely to vote for increased regulations of firearms

4) *Partisanship and Gun Control*

To what extent did senators' votes influenced by their party loyalties? On one hand, one would assume that party has a limited role once we account for state-specific public opinion and intensity, and for campaign contributions, all of which correlate with party affiliation and thus may explain any apparent partisanship. Indeed, Ansolabehere, Snyder, and Stewart (2001), who compare VoteSmart campaign surveys to Congressional voting in the 1990s, single out gun control as an "off the first dimension" issue on which legislators' party affiliation did not cause them to deviate from their prior campaign positions during the subsequent Congress.

On the other hand, some research suggests that gun control has become a partisan issue. Karol (1999) suggests that the influence of party ties on gun control votes in Congress has increased over time, controlling for state-level public opinion but not voter intensity or campaign contributions. This is similar to a process of partisan conflict extension, in which issues that previously were not "partisan" are increasingly incorporated into the issue portfolios of party loyalists (Carsey and Layman 2002; Layman et al 2010). Furthermore, President Obama's advocacy for gun control during the State of the Union address may have contributed to making the issue *more* partisan (Lee 2009). We test for the effect of party affiliation:

> **Hypothesis 4 (Party):** Democrats are more likely to vote for gun control.

5) *Public Health: Rate of Death by Gunfire*

We might expect that senators' votes on gun control might vary with the public health problem caused by firearms in their respective states. The more their constituents are being killed by guns, the more likely senators are to increase regulations on firearms.

> **Hypothesis 5 (Public Health):** legislators are more likely to vote for gun control as the rate of death by gunfire increases in their constituency.

State death rates from firearms vary from 3.2 per 100,000 persons in Hawaii to 20.5 in Alaska, with a median of 10.8 (*2013 State Scorecard*, 2013).

6) Running for reelection

A final explanation for senators' votes on gun control is that senators are increasingly risk-averse as elections near, and are thus less willing to anger pro-gun constituents when they are up for reelection in the current election cycle (Bouton et al. 2014). Following Bouton et al (2014), I focus on Democrats up for reelection 2014 who had reasonable expectations that the upcoming midterm election would be especially challenging for them.[11] This give us:

> **Hypothesis 6 (2014 Democrat):** Democrats running for reelection in 2014 were less likely to vote for gun control.

C. *Analysis of Senators' Votes*

To test these hypotheses, I employ an ordered probit regression of the three key votes, so the dependent variable ranges from zero to three. In an ordered probit regression, the underlying continuous propensity to vote for gun control is observed as one of four outcomes. Ordered probit analysis assumes that the effect of the parameters is equivalent across the spectrum of categories, known as the "parallel lines" assumption. In this case, however, diagnostic tests did not reject the hypothesis that the independent variables were stable across the range of values.[12]

One constraint upon this analysis is multicollinearity among the independent variables: senators who voted for gun control tend to be Democrats who represent states that voted for Obama, support gun control, and have lower rates of gun ownership.[13] For this reason I estimated three versions of the regression model, one estimating a simple model:

Model I   Gun Control* = f(*Democrat*, *Gun Money*, *Gun Limit Support, Gun Death Rate*)

Where Gun Control* is the underlying propensity to support gun control, with three estimated cutpoints between four categories of observed support. Model II adds two party-related

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[11] Coding is based on senators' declared intent as of April 2013, with the default assumption that senators were running for reelection unless otherwise announced.

[12] See Table 1. Also, Brant tests following an ordered logit analysis of the same data did not reject the null hypothesis of parallel slopes.

[13] For the same reason, interaction variables were impractical. Two variables I explored as alternative measures of support for firearms were population density, which is correlated with gun ownership rates, and an index of state gun laws. The latter is highly correlated with state public opinion with little independent effect. I do not use any roll-call-based measure of legislator preferences, such as NOMINATE scores, to predict roll call votes on gun control. I am trying to explain why senators voted the way they did by comparing the influence of geographic and financial constituency interests as well as party pressures. Roll-call based measures are derived from the same set of pressures, so incorporating them into an analysis of representation would mean measuring the effect of the same set of influences *twice*.

measures, while Model III tests the effect of gun ownership rate instead of public opinion on gun control.

Model II   Gun Control* = f(Democrat, Gun Money, Gun Limit Support, Gun Death Rate, *Obama 2012, 2014 Democrat*)

Model III   Gun Control* = f(Democrat, Gun Money, *Gun Ownership*, Gun Death Rate, Obama 2012, 2014 Democrat)

Results

The results of these three variations are provided in Table 1. Across the three versions, party affiliation is a robust predictor of gun control voting even after controlling for constituent opinion, state gun ownership, firearm deaths, and gun-related campaign contributions. Indeed, a second consistent finding is that once one controls for party membership and constituency interests, campaign contributions have no clear effect on these Senate votes.

[TABLE 1 ABOUT HERE]

Not surprisingly, senators are responsive to state-level public opinion on gun control, and to rates of gun ownership in their states. On the other hand, Model I finds a negative correlation between gun deaths and votes for gun control; the *higher* the firearm death rate in their states, the *less* likely senators are to vote for gun restrictions. In Models II and III, however, this pattern disappears, suggesting it is an artifact of negative correlation between gun death rates and voting for President Obama in 2012 (r = -.664).

Finally, there are two partisan patterns in Models II and III. Controlling for state-level public opinion and gun ownership, senators were more likely to vote for gun control as Obama's vote share in their state increased. Mark Kirk's (R-IL) support for gun control probably exemplifies this pattern. Furthermore, Democratic senators running for reelection in 2014 were clearly less likely to vote for gun control. Many of these senators represented Republican-leaning states and would eventually lose, so in 2013 they were apparently risk-averse on an issue that could lose them a bloc of pivotal voters.

The practical impact of these variables is illustrated in Figure 7, which depicts the estimated effect of a shift in each variable from its lowest to highest value on the probability that a senator voted *for* gun control on all three votes, holding all other variables at their mean. The estimate for Gun Ownership is from Model III.

[FIGURE 7 ABOUT HERE]

The variable with the greatest estimated effect was President Obama's vote share; the estimated difference in the probability of voting for gun control across all three votes as Obama's vote share increased from 24.75% (Utah) to 70.55% (Hawaii) was .767. The other major factors were

party (a .572 difference between Republicans and Democrats), household gun ownership (-.559), and state public support for gun control (.485). Democrats running for reelection were also slightly less likely to vote for gun control on all three votes (-.127).

Taken together, these results suggest that the 2013 gun control debate was heavily influenced by party affiliations. All else equal, Democrats were more likely to support gun control and Republicans were likely to oppose it. Deviations from strict partisanship had as much to do with electoral calculations (measured as Obama's vote share and whether Democrats were running for reelection in 2014) as state-level public opinion per se. This helps explain why the Senate's vote on gun control was not as overwhelmingly positive as the public opinion polls on background checks for firearms purchases.

III. Preferences and Institutional Context

While we learn a lot from studying legislators' votes, they do not tell the whole story of this bill's failure. After all, on the critical vote 54 of 100 senators was not enough to win, and (as explained below) those senators represented 62.3 percent of the U.S. population. As one postmortem explained,

> The gun vote failed because of the way the Senate is designed. It failed because the Senate wildly overrepresents small, rural states and, on top of that, requires a 60-vote supermajority to pass most pieces of legislation (Klein and Soltas 2013).

This section examines the effect of Senate malapportionment and procedural rules on the outcome. By its nature, this is a counterfactual study: we are comparing the votes and outcome we observe to the hypothetical behavior and decisions under different institutional rules. In practice, a change in the rules could also affect senators' decision to schedule the background check bill, which votes to hold, and how to vote. Therefore, rather than make naïve claims about what the vote totals and outcomes would be if the rules were manipulated, we calculate how many votes would have to shift to obtain the same outcome (assuming the bill is still scheduled) under different rules.

A. Filibustering and Senate Procedure

Was the gun control bill killed by a filibuster? This question is surprisingly difficult to answer. The debate on S. 649 exemplified several features of a *modern* filibuster. First, there was a "snap" cloture vote on the motion to proceed to shut off the *threat* of a filibuster before it could happen. This vote thwarted a filibuster by Rand Paul (R-KY), Mike Lee (R-UT), and Ted Cruz (R-TX) (Anderson and Gramlich 2013).

However, the defeat of the gun control bill was due to the fact that all amendments—including Manchin-Toomey, required 60 votes to pass. The floor debate on S. 649 was structured by a unanimous consent agreement which included a requirement "that all amendments be subject to a 60-affirmative vote threshold."[14] This is a tactic often used by Harry Reid to streamline the process of coping with filibusters against individual amendments: he acknowledges the

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[14] See *Congressional Record*, April 16, 2013, pg. S2679.

supermajority threshold while avoiding the procedural delays and requirements of the cloture process (Lynch 2008). This threshold—rather than the simple majority to approve amendments under Senate rules—contributed to the failure of the Manchin-Toomey amendment despite its 54-vote majority. Of course, if the amendment and the underlying bill had passed by a simple majority vote, it is still unlikely that the House majority leadership would have ever scheduled the bill on the House floor.

B. Malapportionment

The equal representation of *states* in the U.S. Senate leads to tremendous inequalities in the representation of *citizens* (Lee and Oppenheimer 1999). In a sense, the opinion of a voter in Wyoming—the least populous state—have 65 times more influence than a voter in California. This disparity is manifest in distributive politics (Lee and Oppenheimer 1999, 158-222), but also on policy issues that vary with state population. Firearm regulation is one such issue; state population density correlates highly with household gun ownership (r = -.7413) and state-level public opinion on gun control (r = .7295).[15]

To assess the impact of malapportionment on the Senate votes, I calculated a weight for each senator's vote: half the state's share of the national population using the 2010 census (U.S. Census Bureau 2011). For example, California hosts 12.12% of the nation's population, so if we divide California's population share between its senators, each California senator's vote has a weight of 6.06. When votes are reweighted, the vote "share" for gun control increases across all three votes: +4.4 for the cloture vote, +7.3 for the Manchin-Toomey background checks amendment, and +11.7 for the Feinstein assault weapons ban—enough for it to gain a majority of Senate vote "shares".

[FIGURE 8 ABOUT HERE]

A similar pattern emerges when we compare public opinion on gun control weighing states equally versus by population. The average of state-level support for gun control in the 2012 CCES poll (Ansolahebere and Schaffner 2012) was 42.9 percent, while the population-weighted average was 47.7 percent—a 4.8 percent difference.

It is well-known that the equal representation of states leads to legislative malapportionment and the overrepresentation of low-population states. The purpose of this section is to make clear that this general possibility appears to play a significant role on the issue of gun control. If the same votes were held and senators cast the same votes, the Feinstein amendment would have a majority support and the Manchin-Toomey amendment would have crossed the 60-vote threshold.

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[15] Obviously the denominator matters as well. *Small* low-population states like Vermont, Rhode Island, Hawaii, and Delaware tend to be more supportive of gun control (except Vermont) and represented by Democrats who voted consistently pro-gun control.

IV. Gun Control and Senate Representation

Firearms policy is worthy of study as a major public health problem and economic sector. It is also especially interesting as case study in modern representation. While public support for generic gun control is mixed, there is overwhelming support for mandatory background checks for firearm purchases among Democrats, independents, and Republicans. And yet Congress passed no law, not even in the wake of a mass shooting at an elementary school in Newtown, Connecticut. This inaction—an example of the paradox of gun control—motivated this study on the effects of how public opinion is filtered through the political process, state representation, and the U.S. Senate's decision-making rules.

I find that senators' votes were strongly linked to their party affiliation and the partisanship of state electorates, even after controlling for public opinion on gun control specifically and the distribution of gun ownership across states. Controlling for state-level factors, Democrats were about 57 percent more likely to consistently vote for gun control, while a shift from the lowest to highest levels of 2012 Presidential vote share correlated with a 77 percent increase in consistent gun control voting. In addition, Democrats up for reelection in 2014 were about 16 percent less likely to vote for gun control across all three key votes. These findings suggest a higher level of partisanship on the issue of gun control than legislators have exhibited on previous debates over gun control.

This study is also significant for finding that some oft-cited explanations for the paradox of gun control seemed to have little effect in the 2013 debate. On one hand, campaign contributions seemed to have little effect on senators' voting once we control for the influence of party and constituency. On a more pessimistic note, senators' votes had little relationship to the rate of firearm deaths in their states; more death by firearms did not appear to translate into higher support for gun control.

The institutional context of the Senate likely contributed to the defeat of gun control as well. Most obviously, the simple fact that all amendments and the underlying bill had to attract the support of *sixty* senators in order to survive an implicit filibuster (in the case of the amendments) and a likely filibuster against the bill made it difficult for gun control advocates to pass a controversial bill through the Senate. Second, since gun control attitudes correlate with urban vs. rural population, the malapportionment of the Senate gave disproportionate influence to opponents of gun control.

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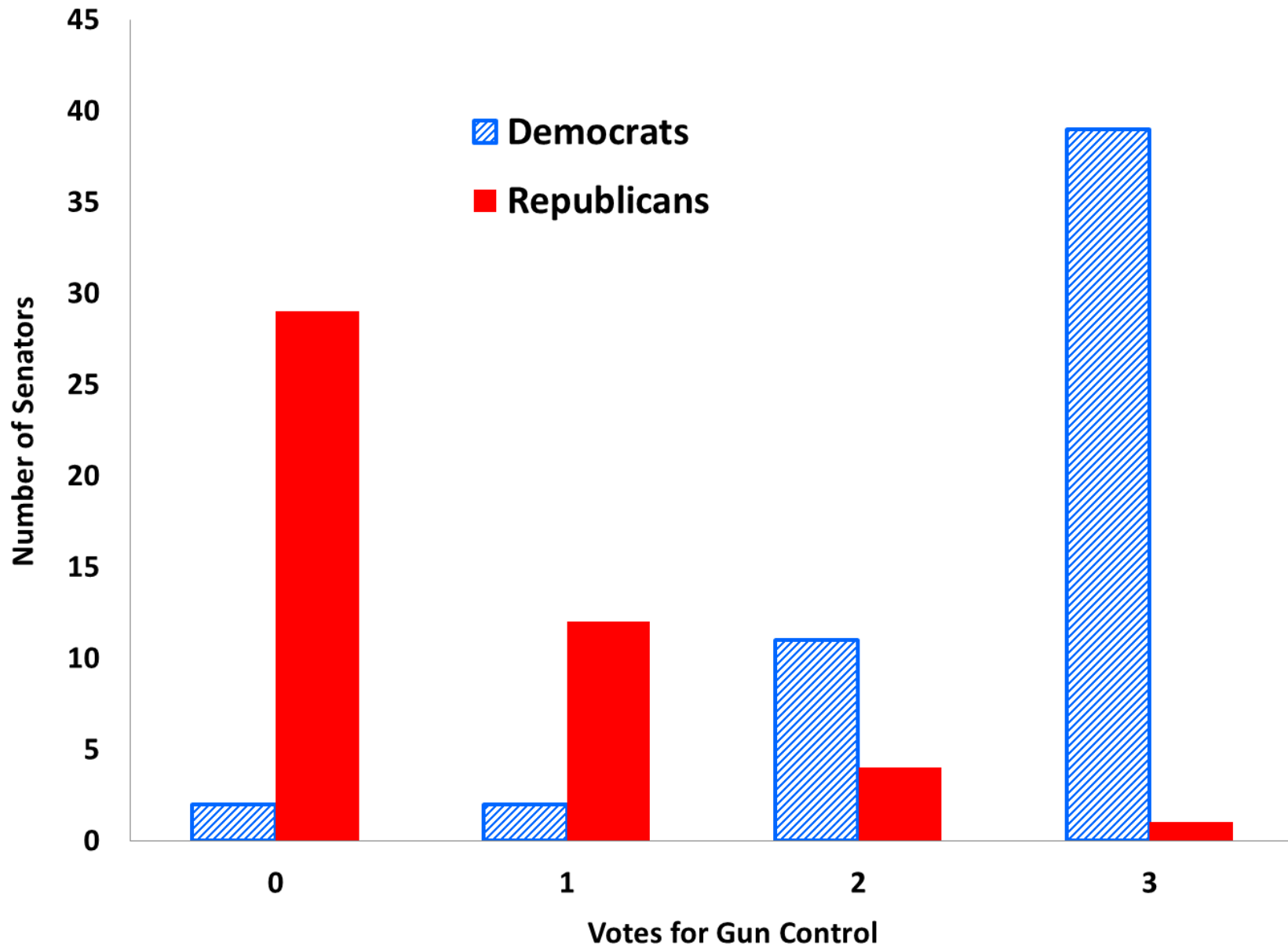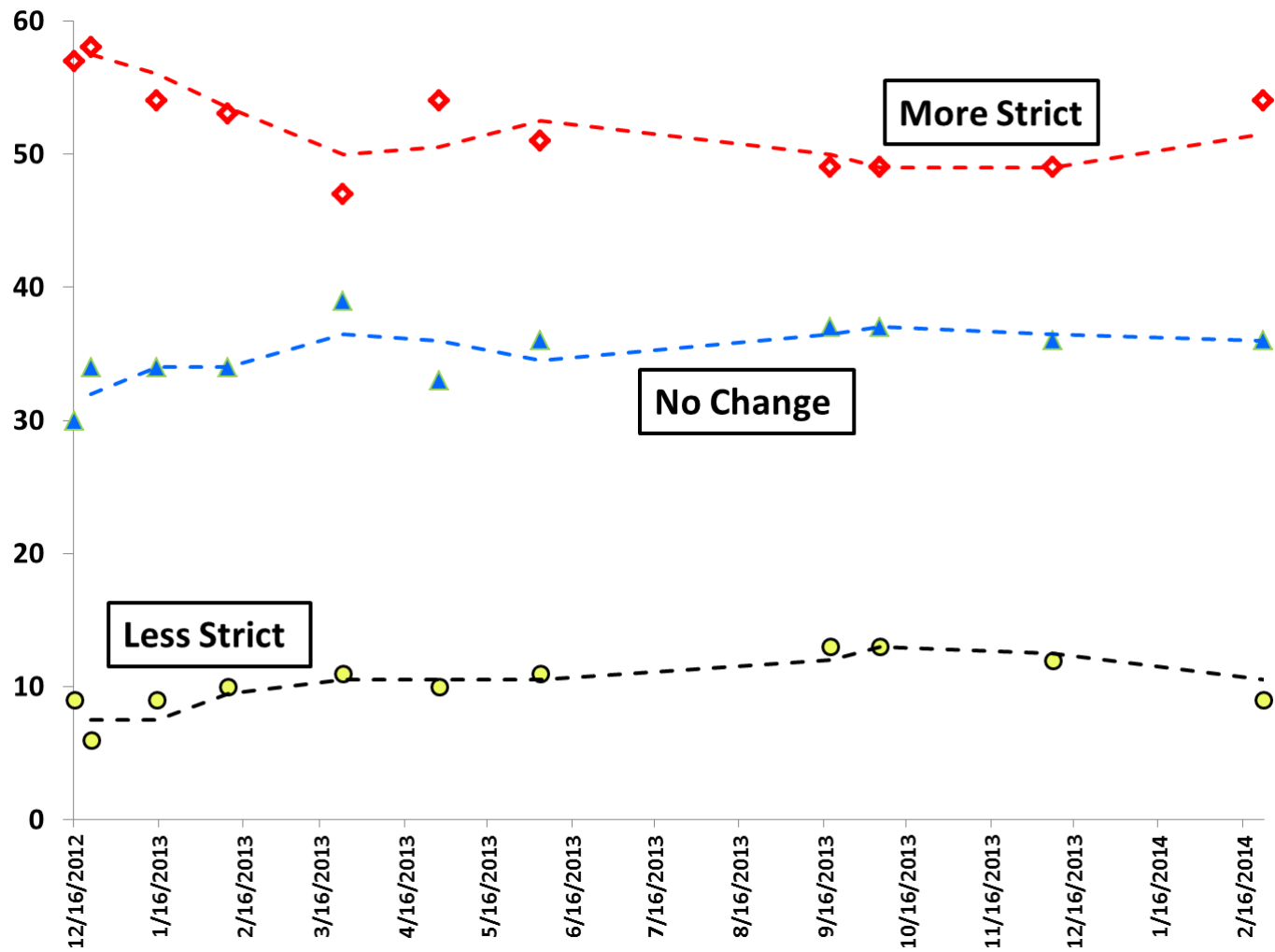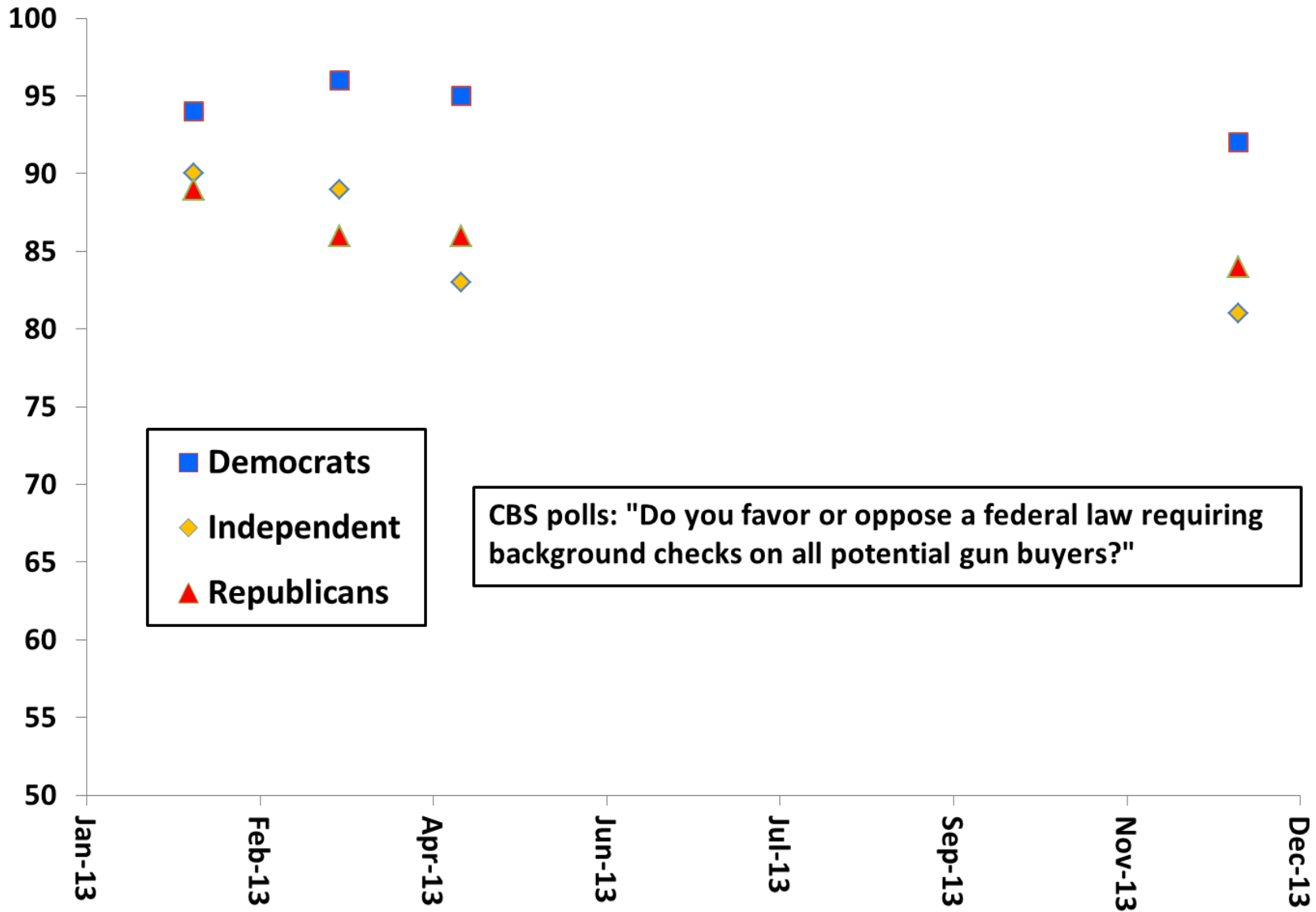
Figure 1: Votes for Gun Control by Party

# Figure 2: Public Support for Changing Gun Sale Laws

Source: Gallup and CBS polls at http://www.pollingreport.com/guns.htm, accessed 10/29/14. Typical margin of error +/-3 percent.

**Figure 3**: Public Opinion on Mandatory Background Checks for Gun Purchases

Legend:
- ■ Democrats
- ◆ Independent
- ▲ Republicans

CBS polls: "Do you favor or oppose a federal law requiring background checks on all potential gun buyers?"

Source: CBS poll at http://www.pollingreport.com/guns.htm, accessed 10/29/14. Margin of error +/- 3% for the December 2013 poll.

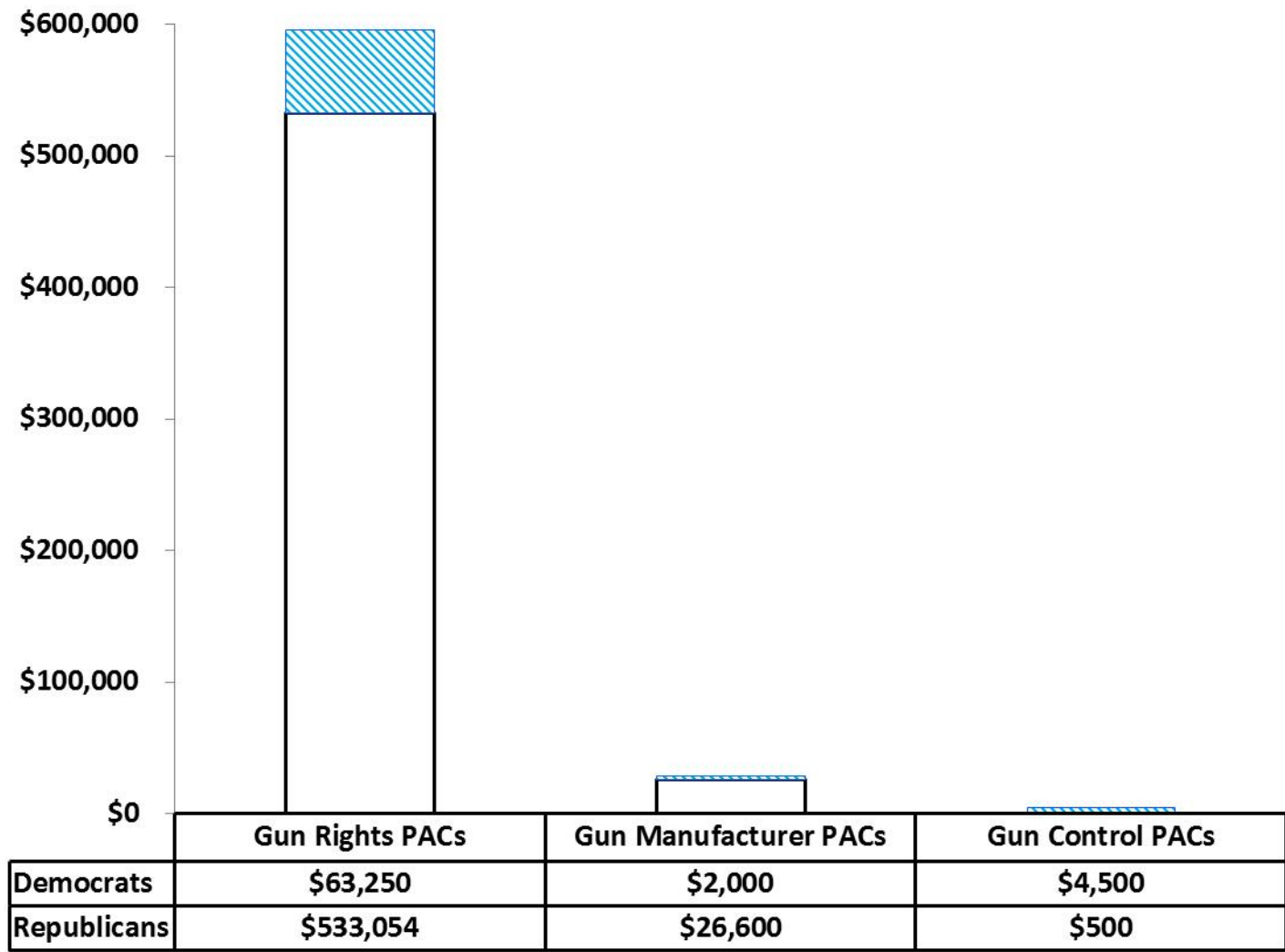# Figure 4: Public support for gun regulation by state
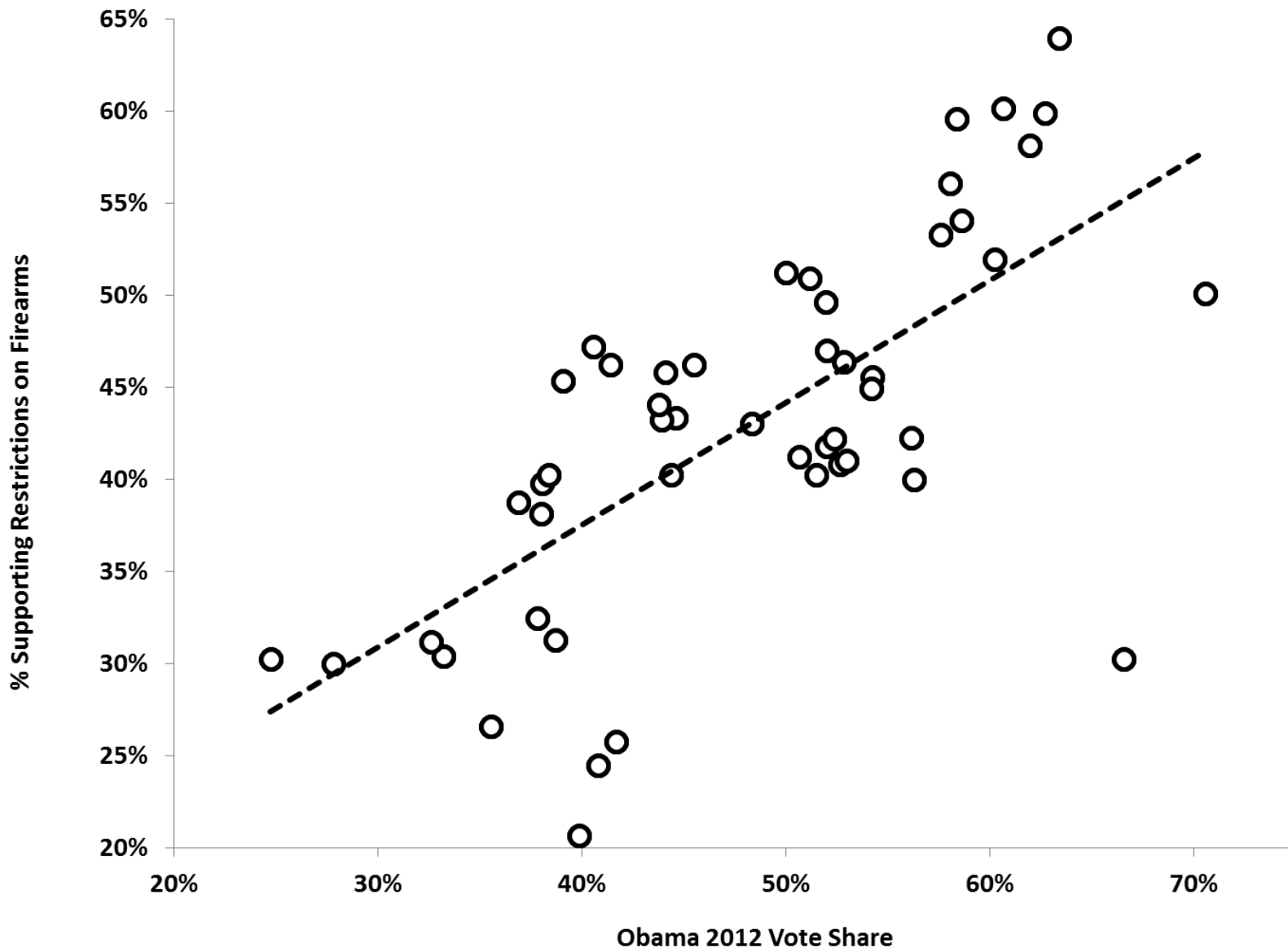
Source: Ansolabehere and Schaffner 2012.

**Figure 5: Household Gun Ownership and Obama 2012 Vote Share**
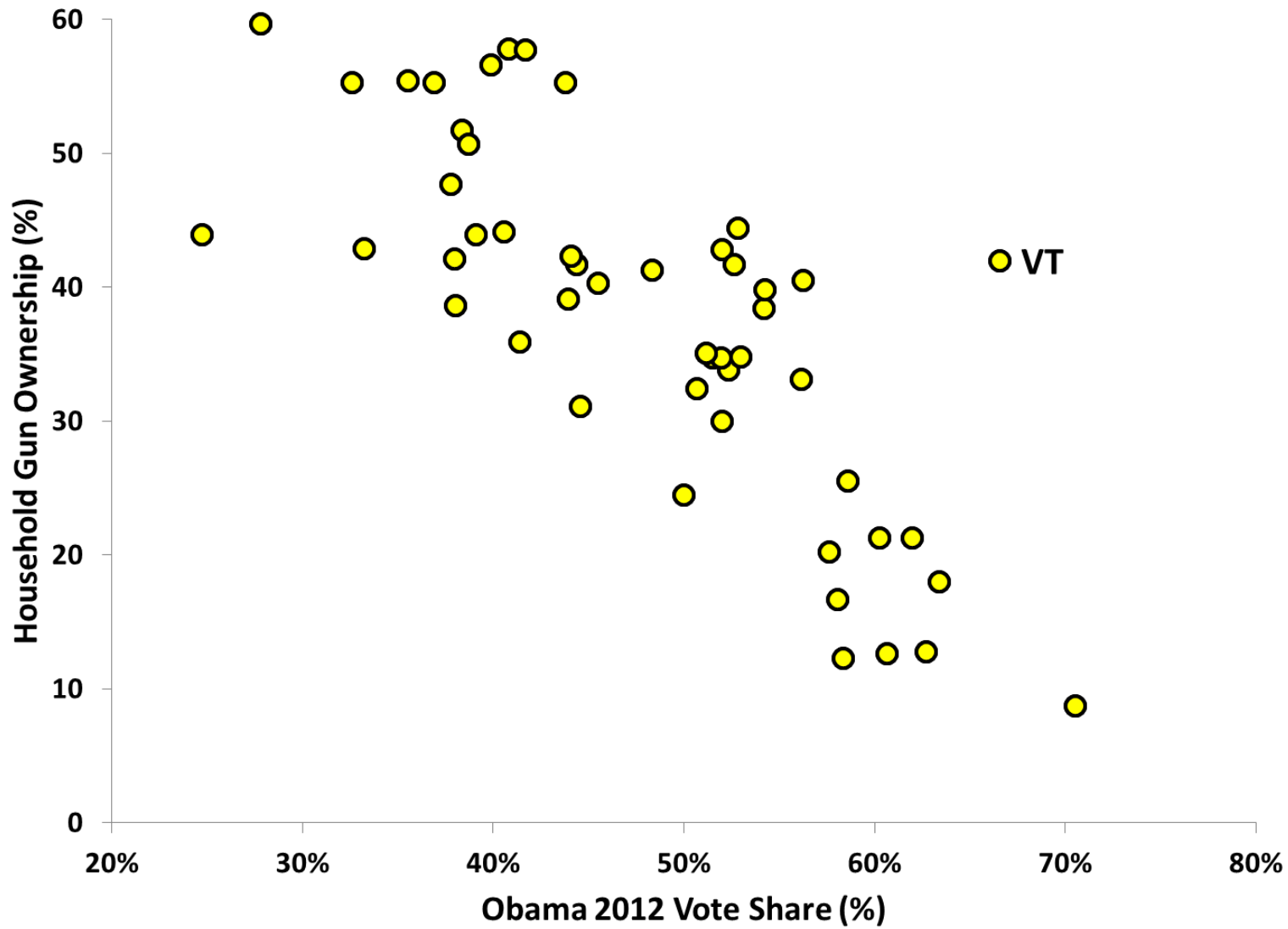
Source: Behavioral Risk Factor Surveillance System, 2001.

Figure 6: Campaign Finance and Firearm Regulations

	Gun Rights PACs	Gun Manufacturer PACs	Gun Control PACs
Democrats	$63,250	$2,000	$4,500
Republicans	$533,054	$26,600	$500

Source: Center for Responsive Politics 2013. Amounts displayed are total direct PAC contributions to US Senators received between 2007 and March 31st, 2013.

Figure 7: Estimated Effects of Shifting Variables from Lowest to Highest Values on Voting for Gun Control
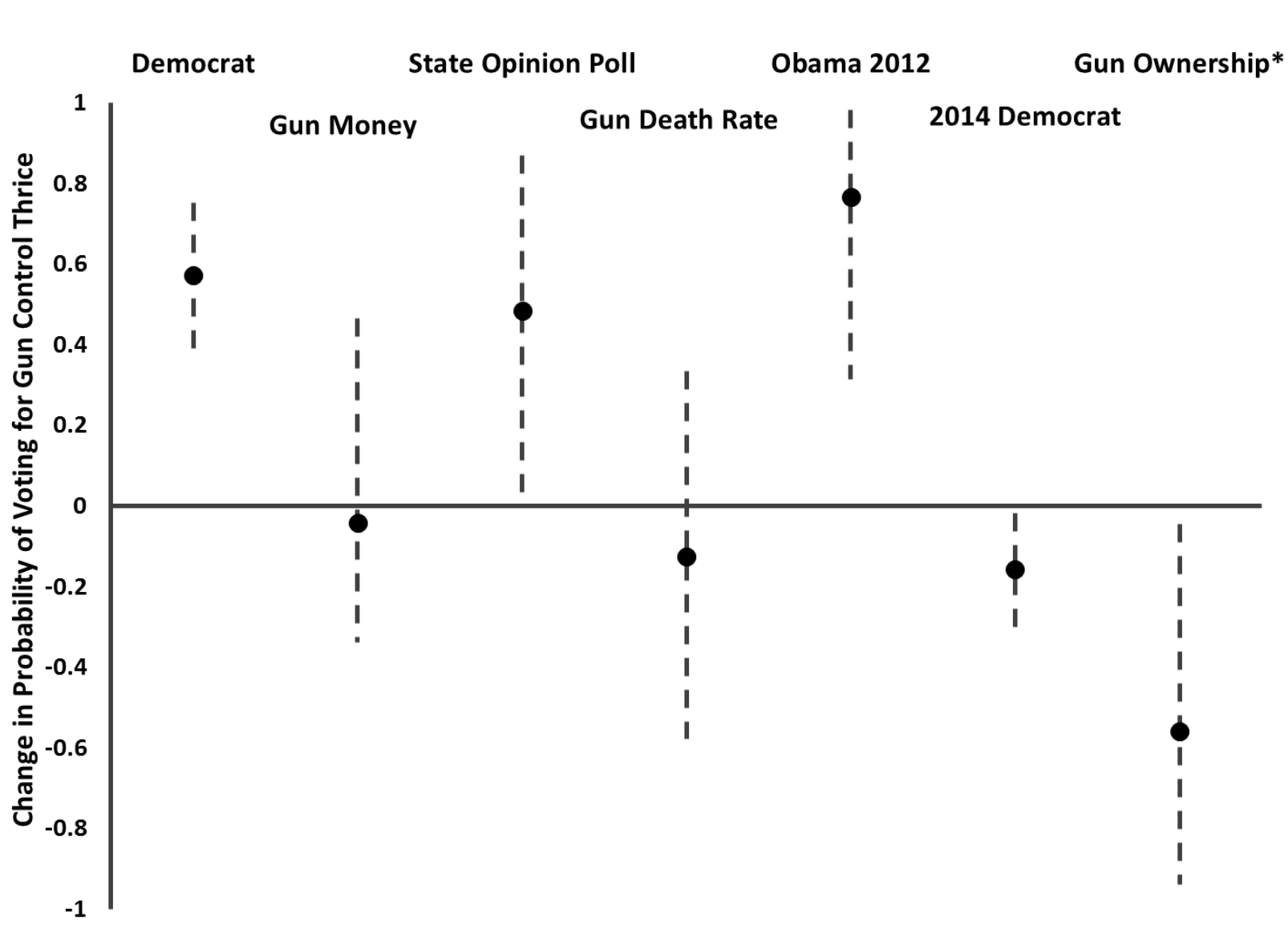
These estimates were calculated using Clarify (King, Tomz, and Wittenberg 2000). The dot marks the estimate, while the dashed line is the 95% confidence interval.

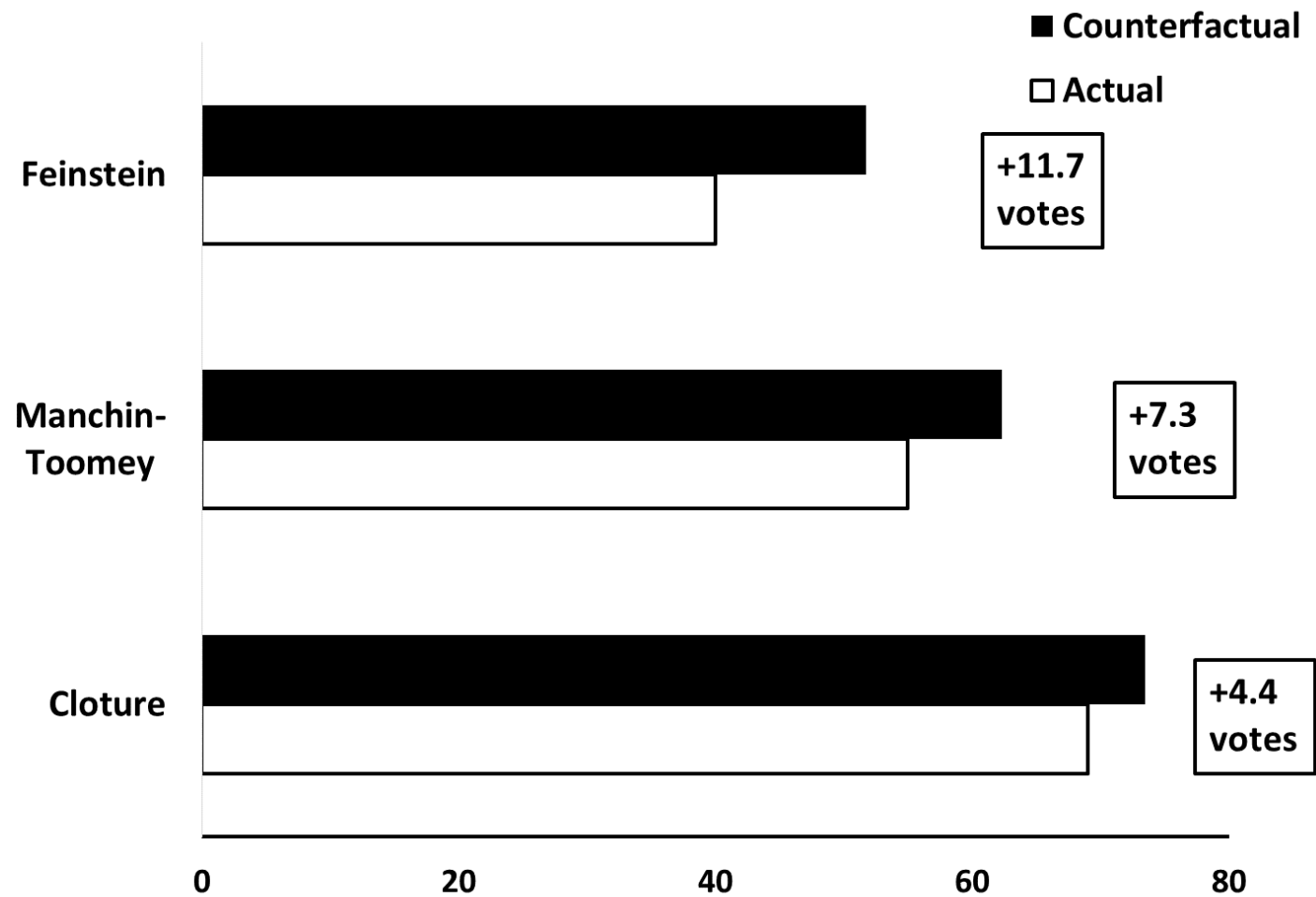**Figure 8:** **Counterfactual Re-weighting of Senate Votes by State Population**

Table 1. Determinants of Voting for Gun Control

Variables	Model 1	Model 2	Model 3
Democrat	2.803	2.578	2.495
	(.420***)	(.467***)	(.458***)
Net Gun Contributions (1000s)	.001	-.010	-.012
	(.020)	(.021)	(.021)
State Opinion	7.513	4.799	
	(1.870***)	(2.395*)	
%Gun Ownership			-.043
			(.021*)
State Gun Death Rate	-.125	-.030	-.010
	(.047**)	(.054)	(.054)
Obama 2012 Vote Share		8.381	8.199
		(2.958**)	(2.995**)
Democratic election 2014		-.757	-.635
		(.330*)	(.322*)
Cases	100	100	100
Log Likelihood	122.72	138.56	138.69
Pseudo R^2	.4759	.5373	.5378
Test of Parallel Slopes (p> χ^2)	.2245	.2492	.2934