

Obama's executive orders on guns may be more suggestions than policy but we shouldn't discount the power of executive pressure on state policy making.

*President Obama's recent actions on gun control illustrate just how limited such measures are, despite Republican accusations of 'executive overreach'. Using the example of gun laws enacted to address domestic violence, **Sierra Smucker** argues that despite these limitations, the federal attention that such executive directions bring can push states to develop their own legislation to address problems such as gun violence.*



On January 5, 2016 President Obama issued executive orders to better regulate access to guns, hoping to reduce the epidemic of gun violence that claimed more than 100,000 American lives over the past decade. The new orders focus on updating and implementing current federal and state policy that have been hobbled by new firearms technologies and loopholes in the law.

Those on the right cried that Obama's executive orders impinged upon citizens' right to bear arms while those on the left applauded the President's use of the executive office to demand change despite an intransigent Congress. However, many critics (including writers on this blog) noted that Obama's actions were less [executive orders as executive suggestions](#) and [would not actually do that much](#) to curb gun purchases or violence.

But the fact that the President's actions were more suggestions than policy is not just a feature of the executive office or this particular set of executive orders. There are significant limitations to what any policymaker in the federal government can do to address gun violence in the United States. Take the issue of gun violence against women, the topic of [my dissertation research](#). Violence against women with guns is a major problem in the United States. Women in the United States are 11 times more likely to be killed by a gun than any other developed nation. In 2011, [70 percent](#) of women murdered with guns were shot to death by an intimate partner. Having a gun at the disposal of an abusive partner increases the likelihood that domestic violence turns into domestic homicide by [500 percent](#).

Since the 1980s, the issue of domestic homicide has featured in the feminist and gun control policy agenda and has been debated by legislatures in the Capital and across the country. While three states (California, Minnesota, and Rhode Island) passed laws addressing this issue in the early 90s, it wasn't until the passage of the Violence Against Women Act (VAWA) in 1993 that individuals convicted of a misdemeanor of domestic violence were prohibited from purchasing or possessing firearms by the federal government.



President Barack Obama (Official White House Photo by Pete Souza)

But looking only at the federal legislation, one could apply the same criticism of VAWA as Obama's recent executive orders: the policy lacks teeth. While the federal government can create and maintain a country wide background check system and registration of gun sellers, it has scarce resources and cannot feasibly implement gun control at the state level. Consequently, as in the case of domestic violence and firearms policy, states must often develop mirror policy that allows the state law enforcement and judicial system to enforce the legislation.

To protect women from guns, states need to develop their own policy that outlines, for example:

- who is responsible for adding individuals served with domestic violence restraining orders are to the federal registry
- whether guns can be seized by police officers from an offenders residence without a warrant
- where to put the guns once they are seized and how long to keep them
- how to ensure judges ask about a batterer's access to firearms during the hearing, and what punishment batterers face if they violate the law
- whether guns will be returned to convicted abusers after a period of time

Because state systems are so individualized with its own judicial and law enforcement system, it is nearly impossible to expect that any policymaker in the federal government will be able to address gun reform without significant support from the states. However, one important power the federal government has is to encourage states to address a particular problem. VAWA's restriction on firearms purchasing for batterers may not have had a direct effect on this issue but it did prompt state action. Following the passage of VAWA in 1993, state legislators across the country put forward mirror legislation that echoed the sentiment of the VAWA restrictions. The [diffusion](#) of this policy idea was spurred by federal attention to this issue but the individualization of the policy grew out of conversations between state legislators, advocates, and civil servants like police chiefs.

Thus, despite the fact that Obama's executive actions are largely symbolic; the power of ideas and executive pressure should not be discounted. He may have only requested that the [Attorney General Loretta Lynch](#) ask states to address abusive partners' access to firearms but supporting policymakers at the state level can be a powerful step towards change. Indeed, even if he cannot move his opponents in congress, Obama's outward support may be the

push many state legislatures, police chiefs, and judicial leaders need to bring about further advances in gun reform policy.

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Note: This article gives the views of the author, and not the position of USAPP – American Politics and Policy, nor the London School of Economics.

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Sierra Smucker is a PhD student at Duke University's Sanford School of Public Policy. She will be at the LSE US Centre from April 2016 as a Visiting Research Student. Her research, work, and teaching explore the ways in which less-advantaged groups gain access to political power and influence in important policy debates. Focusing on the role of social movements and the political feedback effects of policy making, Smucker looks at the politics of the policy process and how the state can influence who has access to power. She has particular expertise in the politics of gun reform in the United States and policy addressing violence against women.



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