

**Faculty of Business, Law and Social Sciences**

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| **Proposed Title:**State Legislatures, Gun Control and the NRA: How Does the NRA Mould State Legislative Programmes? |
| **School:**School of Law |
| **Proposed Supervisory Team:**Dr Anne Richardson OakesIlaria Di-Gioia |
| **Abstract:**The recent school shootings at the Marjory Stoneman Douglas High School in Parkland, Fla. have brought new energy to calls for gun control in the United States. Recent post-Parkland research has shown that a majority (70%) of American citizens now broadly favour increased gun controls[[1]](#footnote-1) In Florida itself, the state legislature has responded with a bill barring people under 21 years of age from buying firearms. The bill also imposes a three-day waiting period for long guns, criminalizes the possession of bump stocks and starts a program to arm some teachers. However, it does not ban automatic weapons, which was one of the requests of student survivors and their parents. Shortly after the Parkland shootings, the Orlando Sentinel reported that survivors “boarded buses ... for a seven-hour trip to confront legislators in Tallahassee,” and posed the question: “[s]houldn’t the students have stayed closer to home to try to persuade local government leaders to move on measures to prevent gun violence?”[[2]](#footnote-2) The explanation lies in Florida’s 2016 state pre-emptive legislation which reserves for the state the exclusive right to regulate guns and ammunition and exposes local government officials to penalties, for even attempting to pass regulations contravening state law. State pre-emptive legislation of this kind is an increasingly used tactic by which conservative state legislators seek to rein in more progressively minded local governments in predominantly urban areas across a spectrum of issues. These issues extend beyond gun control to include preventing local fracking bans, minimum wage ordinances, sanctuary city policies, and protection of LGBT rights.[[3]](#footnote-3) Where states like Florida enact blanket or super-pre-emption laws which in effect reserve a field of regulation for the state, the effect is to dis-empower local attempts at further regulation.[[4]](#footnote-4)Many of these pre-emption laws are based upon model legislation provided by the American Legislative Exchange Council (ALEC), a secretive organisation whose influence is difficult to assess but one which is certainly funded by the powerful pro-gun lobby, the National Rifle Association (NRA) which routinely challenges gun control measures in both state and federal courts *[[5]](#footnote-5)* and works closely with ALEC to support the introduction of state pre-emption bills and so-called ‘Shoot First’ or ‘Stand Your Ground’ bills which legitimise the deadly use of force against an intruder in a residence or vehicle. The aim of this research is to contribute to the attempt to uncover the links between the NRA, ALEC and state legislative processes. It will thereby contribute to the emerging literature which extends studies of federalism beyond the federal government/states dynamic, to explore the internal dynamics of within-state localism versus central control.  |
| **Research Environment:**The School of Law has an active research community, hosting three centres for research excellence, namely the Centre for American Legal Studies, Centre for Human Rights, and Centre for Law, Science and Policy. See, <http://www.bcu.ac.uk/law/research> The School has a vibrant PGR community across these centres. See, <http://www.bcu.ac.uk/law/research/our-phd-students>The successful candidate would join these communities, and specifically contribute to the activities of the Centre for American Legal Studies. They would add to the growing expertise that the centre has in examining intergovernmental relations, political science and state legislative activity. They will also be provided teaching, dissemination, and collaboration opportunities.  |
| **Applicant Requirements:**The student should have a first degree in Law or Politics and a second degree in a related area of study. A reasonably sound understanding of US constitutional arrangements is preferred. |
| **Contact: Name, e-mail and telephone number:**Dr Anne Richardson Oakes, Director of the Centre for American Legal Studies.Anne.oakes@bcu.ac.uk0121 331 6262 |

1. https://edition.cnn.com/2018/02/25/politics/cnn-poll-gun-control-support-climbs/index.html. [↑](#footnote-ref-1)
2. http://www.orlandosentinel.com/opinion/os-ed-parkland-massacre-local-gun-law-preemption-20180221-story.html. [↑](#footnote-ref-2)
3. Lori Riverstone-Newell, The Rise of State Pre-emption Laws in Response to Local Policy Innovation 47(3) Publius,. 403-425 (2017). [↑](#footnote-ref-3)
4. *See* Capital Area District Library v. Michigan Open Carry, Inc. 296 Mich. App. 220 (2012) but cf Wade v. University of Michigan, Mich. App., June 6, 2017. [↑](#footnote-ref-4)
5. Hours after Governor Rick Scott signed the bill into law, the gun lobby led by the National Rifle Association (NRA) filed a federal law suit claiming the measure violates both the U.S. Constitution’s Second Amendment, which provides the right to bear arms, and the 14th Amendment, which guarantees all citizens equal protection under the law. National Rifle Association of America Inc. v. Bondi, 4:18-cv-00137, U.S. District Court, Northern District of Florida (Tallahassee). [↑](#footnote-ref-5)