



Americans Against Gun Violence
7862 Winding Way #151
Fair Oaks, CA 95628
(916) 668-4160
aagunv.org / info@aagunv.org

Trump Assassination Attempt Exemplifies the Dire Consequences of the Fraudulent Misrepresentation of the Second Amendment

A Message from the President of Americans Against Gun Violence

We may never know what prompted a baby-faced 20-year-old young man, Thomas Matthew Crooks, to borrow his father's AR-15 style rifle and attempt to assassinate Donald Trump at an open air political rally in Butler, Pennsylvania, on Saturday, July 13, 2024. Crooks was killed by a Secret Service agent after firing multiple shots, one of which grazed Trump's right ear. One bystander was killed and two others were critically wounded by stray bullets. Although Crooks was reportedly a registered Republican,¹ he must have disagreed in a major way with Trump's expressed political views. And to the extent that Crooks feared that Trump was seeking to become a tyrannical leader, he might have found justification for his attempt to assassinate him in the gun lobby's fraudulent misrepresentation of the Second Amendment.

The assertion that the Second Amendment was intended to confer an individual right to own guns - including to use them as a defense against tyranny - is nothing new. The gun lobby has been promoting this false assertion - known as the "Insurrectionist Idea" - for decades.² In 1991, the late Supreme Court Chief Justice Warren Burger had called such an interpretation of the Second Amendment "one of the greatest pieces of fraud - I repeat the word, 'fraud' - on the American public by special interest groups" that he had ever seen in his lifetime.³ It was not until 2008, however, that a narrow 5-4 majority of Supreme Court justices would codify this fraud into the U.S. Constitution in the *Heller* decision.⁴

The Second Amendment states, in its entirety:

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Prior to 2008, the U.S. Supreme Court had ruled in four separate cases,⁵ and lower courts had ruled in scores of others,⁶ that the Second Amendment did not confer an individual right to own guns unrelated to service in a well regulated

Trump Assassination Attempt

militia. In the 2008 *Heller* decision, however, a one-justice majority reversed over two centuries of legal precedent in ruling for the first time in U.S. history that the Second Amendment was intended to confer a right to private gun ownership unrelated to militia service.

According to the *Heller* majority opinion written by the late Justice Antonin Scalia, one of the reasons why the Second Amendment confers an individual right to own guns is that “when the able-bodied men of a nation are trained in arms and organized, they are better able to resist tyranny.”⁷ This fraudulent argument has been repeatedly endorsed in the progeny of the *Heller* decision, including in Justice Roberts’ majority opinion in the recent *Rahimi* decision issued on June 21, 2024, in which Roberts referred sanctimoniously to the “spark that ignited the American Revolution...struck at Lexington and Concord” and quoted an obscure 19th Century congressman as stating that if gun ownership is restricted, “you take away the inalienable right of defending liberty.”⁸

There is nothing in the text or history of the Second Amendment to support the assertion that the Founders intended it to confer a right for disgruntled citizens to assassinate elected leaders with whom they disagreed or to participate in armed insurrections. It would have been not only absurd, but suicidal for the members of the first U.S. Congress who drafted the Second Amendment to intentionally include a clause in the Bill of Rights that would have given aggrieved citizens the right to rise up in arms against them. As the Supreme Court ruled unanimously in the 1939 *Miller* decision, one of the purposes of the Second Amendment was to provide for a well regulated militia that could be used to suppress insurrections, not facilitate them.⁹ The militia was used for this purpose on several occasions following the ratification of the Second Amendment, including to end the Whiskey Rebellion in 1794,¹⁰ Fries’ Rebellion in 1800,¹¹ and the Dorr Rebellion in 1842.¹² The perpetrators of these rebellions weren’t found to be innocent on the basis that they were merely exercising their Second Amendment rights. Instead, they were found guilty of treason. As the Government noted in the case of *State v. Dorr*, “The Constitution of the United States has annihilated the right of revolution.”¹³

Gun-related political violence, of course, is nothing new to the United States. President John F. Kennedy was assassinated in 1963, and Reverend Martin Luther King Junior and Senator Robert F. Kennedy were assassinated in 1968. President Ronald Reagan suffered a non-fatal gunshot wound to the chest in an assassination attempt in 1981. His press secretary, James Brady, was also critically wounded in the same incident by a gunshot to the head that eventually led to his death, and a police officer and a Secret Service agent also suffered non-fatal gunshot wounds. Arizona Congresswoman Gabrielle Giffords was critically wounded by a gunshot wound to her head at an open air town hall meeting in 2011. Seventeen other attendees at that event were also shot, six fatally, including a federal district court judge and a nine year-old girl.¹⁴ The gunshot wound that Congresswoman Giffords suffered left her aphasic and partially paralyzed on her right side. More recently, Louisiana Congressman Steve Scalise was critically wounded by a gunshot wound to his pelvis during practice for an annual bipartisan baseball game in

Trump Assassination Attempt

2017.¹⁵

The most serious act of political violence in our country's modern history – but fortunately, one in which the perpetrators weren't carrying guns - was the attack on the U.S. Capitol on January 6, 2021, in which insurrectionists attempted to overturn the results of the 2020 presidential election. Seven people were reported to have died in connection with the attack, including one female rioter who was shot and killed by law enforcement officers as she and other insurrectionists threatened to break into the Senate chambers, another woman who died as a result of being crushed in the stampede to breach the Capitol, two other civilian participants and one police officer who suffered fatal cardiovascular events proximate to the incident, and two police officers who committed suicide within days after the attack.¹⁶ Over a hundred other law enforcement officers were injured in the attack, and two additional officers committed suicide in the following months. Had the insurrectionists been carrying guns in accordance with Chief Justice Roberts view of their "inalienable right of defending liberty," the number of casualties in the attack would have almost certainly been orders of magnitude greater.

The *Heller* decision and its progeny notwithstanding, there's no legitimate excuse for an assassination attempt or other forms of political violence in a democratic society. On the other hand, there's some truth in the adage, "What goes around comes around." It's of note in regard to this aphorism that Donald Trump was charged with inciting the January 6 attack on the Capitol in his second impeachment trial.¹⁷ Although the 57-43 "guilty" vote in the Senate didn't reach the two thirds threshold necessary to convict Trump,¹⁸ he clearly helped fuel the attack on the Capitol with his repeated false claims that the 2020 presidential election had been stolen, including in the speech that he gave on the morning of January 6 in which he urged the crowd that would later storm the Capitol to "fight like hell."¹⁹ It's particularly notable that after falsely implying in his speech that Vice President Mike Pence had the authority to reject Biden's electoral college vote victory, as Trump watched the attack unfold on television with the insurrectionists chanting, "Hang Mike Pence," instead of taking action to halt the insurrection and protect Pence's life, he poured more fuel on the fire by publicly "tweeting:"

Mike Pence didn't have the courage to do what should have been done to protect our Country and our Constitution.²⁰

It would not be until two hours later, after law enforcement officers had already regained control of the Capitol, that Trump would appear on television and the rioters to go home. In the same message, though, he repeated the false claim that the election was "fraudulent" and told the participants in the attack on the Capitol, "We love you, you're very special."²¹

It's also of note in regard to the "What goes around comes around," principle that in 2016, during his campaign for the presidency against Hillary Clinton, Trump made what many observers interpreted to be a thinly veiled reference to the assassination of his

Trump Assassination Attempt

opponent when he said:

Hillary wants to abolish – essentially abolish – the Second Amendment. By the way, if she gets to pick, if she gets to pick her judges, nothing you can do folks, although the Second Amendment people, maybe there is, I don't know.²²

Trump denied intentionally endorsing the assassination of Clinton, but just a few days earlier, he had praised a New Hampshire state campaign co-chairman who had said that Clinton should face a “firing squad” for using her personal email server for sending official communications while she was Secretary of State.

Other political figures have been even more direct in endorsing the “Insurrectionist Idea.” Larry Pratt, a former member of the Virginia House of Delegates, a Reagan delegate to the 1980 Republican convention, and president of Gun Owners of America,²³ stated on his radio show during the 2016 presidential campaign:

[T]he courts do not have the last word on what the Constitution is....And we may have to reassert that proper constitutional balance, and it may not be pretty. So, I'd much rather have an election where we solve this matter at the ballot box than have to resort to the bullet box.²⁴

Similarly, in an unsuccessful campaign to unseat the late Democratic Senator Harry Reid of Nevada in 2010, Republican challenger Sharron Angle, who boasted of carrying a concealed handgun, said in a radio interview:

I'm hoping that we're not getting to Second Amendment remedies. I hope the vote will be the cure for the Harry Reid problems.²⁵

The attempt to assassinate Donald Trump not only highlights the ugly reality of the fraudulent misrepresentation of the Second Amendment as conferring a constitutional right to armed insurrection, it highlights the fraudulent assertion that is repeated more than 50 times in the *Heller* decision and hundreds of times more in the progeny of *Heller* that the Second Amendment was intended to confer a right to private gun ownership for the purpose of “self-defense.” As with the “Insurrectionist Idea,” there's nothing in the text or the history of the Second Amendment to support this assertion.

If private gun ownership conferred net defensive value, with by far the most lax gun control laws and the highest rate of private gun ownership of any high income democratic country, the United States would be the safest country in the world. But quite the opposite is true. Although our rate of criminal assault is lower than the average for other high income democratic countries,²⁶ our homicide rate is eight times higher than the average, driven by a gun homicide rate that is 25 times higher.²⁷

There was overwhelming evidence at the time that the *Heller* case was being heard that

Trump Assassination Attempt

guns in the homes and in the communities of regular, honest, law-abiding Americans were much more likely to be used to harm them than to protect them,²⁸ and a large body of additional evidence has been amassed since the *Heller* decision.²⁹ The attempted assassination of Donald Trump on July 13, 2024, in which a 20 year old young man with no military training was able to climb onto a rooftop of a building 400 feet away from the past president and fire multiple shots at him while Trump was surrounded by Secret Service agents and police, including snipers on other rooftops, illustrates the fact that not even the highest profile and most closely guarded members of American society are safe from the threat of gun violence. The shooting of Congressman Steve Scalise, while law enforcement officers guarded the baseball field on which he was practicing, and the attempted assassination of Ronald Reagan, while he was surrounded by Secret Service agents, are further testimony to this fact.

More than half a century ago, in June of 1968 after the assassinations of Reverend Martin Luther King Junior and Senator Robert F. Kennedy, the late Senator Thomas Dodd of Connecticut stated in a press release³⁰ and a speech on the floor of the U.S. Senate:³¹

Pious condolences will no longer suffice....Quarter measures and half measures will no longer suffice....The time has now come that we must adopt stringent gun control legislation comparable to the legislation in force in virtually every civilized country in the world.

Unfortunately, we haven't heeded Senator Dodd's advice, and as a result, since 1968 more U.S. civilians have died of gunshot wounds than all the U.S. soldiers killed by any means in all the wars in which our country has even been involved.³² It's now long past time for the United States to follow the examples of other high income democratic countries and adopt stringent gun control laws – including complete bans on civilian ownership of all handguns and all automatic and semi-automatic long guns, including so-called “assault weapons” – that will drastically reduce the vast pool of privately owned guns in our country. Until we do so, our own lives, the lives of our children and grandchildren, and the life of our democracy will continue to be at risk.

Sincerely,



Bill Durston, M.D.
President, Americans Against Gun Violence

P.S.: After the attempted assassination of Donald Trump on July 13, I received the usual flurry of emails from other gun violence prevention organizations to which I'd contributed in the past asking me to make another donation. The appeal from Brady was entitled, “Guns have no place in our democracy;” the appeal from Giffords was entitled, “Political violence is never the answer;” and the appeal from March for Our Lives was entitled,

Trump Assassination Attempt

“Everyone is at risk — even a former President.” The first line of the appeal from Everytown stated, “This weekend's terrifying act of political violence is another reminder that no one is immune from experiencing gun violence.”

These are all statements that we at Americans Against Gun Violence obviously agree with. I'd like to re-emphasize, though, as I've done in previous president's messages (see, for example, [“Are You Unknowingly Contributing to ‘The Other Big Lie’”](#)), that none of these organizations advocate overturning the *Heller* decision, which endorses the “Insurrectionist Idea” and which created a right to private gun ownership for the illusion of “self-defense.” On the contrary, in the same Supreme Court cases in which Americans Against Gun Violence has filed *amicus* briefs calling on the Court to overturn the *Heller* decision and its progeny, these other organizations have either been silent with regard to *Heller*, or worse, in the cases of Brady and Giffords, have tacitly endorsed *Heller* as legitimate binding precedent.

Furthermore, none of the measures advocated by these other GVP organizations are likely to have prevented the attempted assassination of Donald Trump, the other politically motivated shootings I've described above, or more than a tiny fraction of the daily carnage of gun violence in our country. The “assault weapons bans” supported by these other organizations all include “grandfather clauses” that allow people who already own so-called “assault weapons” to keep them and loopholes that allow gun industry to make and sell firearms that are just as deadly but that evade the definition of an “assault weapon.” None of these other GVP organizations advocate banning handguns, which are the weapons used in the vast majority of gun-related deaths in our country, including most mass shootings, and in the shootings described above of Congresswoman Gabrielle Giffords and President Ronald Reagan. And finally, none of these other GVP organizations advocate any measures that would significantly reduce the vast pool of privately owned guns in our country. Joshua Sugarmann, Executive Director of the Violence Policy Center, succinctly summarized the measures advocated by these other GVP organizations as “nibbl[ing] around the edges of half-solutions and good intentions dramatically out of sync with the reality of gun violence in America.”³³

It's for the above reasons that we founded Americans Against Gun Violence in 2016. We hoped that by now the other GVP organizations would have joined us in openly advocating and actively working toward overturning the *Heller* decision and its progeny and toward adopting stringent gun control laws in the United States comparable to the laws that have long been in effect in the other high income democratic countries of the world. Unfortunately, despite our best efforts to get the other GVP organizations to get on board with us, this hasn't happened. And even more unfortunately, I've come to the realization that while the misleading messaging coming from these other GVP organizations may actually be doing more to prolong our country's epidemic of gun violence than to stop it, the same messaging is extremely effective in bringing these organizations millions of dollars in donations.

Trump Assassination Attempt

I'll repeat the 1968 quote from the late Senator Thomas Dodd:

Pious condolences will no longer suffice....Quarter measures and half measures will no longer suffice....The time has now come that we must adopt stringent gun control legislation comparable to the legislation in force in virtually every civilized country in the world.

If you agree with this quote, as we do, please consider [making a contribution to Americans Against Gun Violence](#), and if you contribute to other GVP organizations as well, please encourage them to join us in working toward the definitive measures needed to stop our country's shameful epidemic of gun violence.

Thanks very much.

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