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## May 20, 2017 President's Message

***"If you're not outraged, you're not paying attention."***

Reading the bumper sticker on the car in front of me, I immediately thought of Donald Trump. It seems that almost daily, either he or one of his appointees does or says something outrageous, on issues ranging from interfering with the investigation of Russian meddling into the US 2016 presidential election to supporting legislation that would eliminate health care coverage for millions of Americans.

In fact, the outrageous statements and actions of Donald Trump and his associates keep coming in such rapid succession and on such a wide variety of issues that it's easy for those of us who *are paying attention* to become so distracted by a general sense of outrage that we lose our focus. If we want to be effective, we can't dwell on every outrageous Donald Trump "tweet." We can, however, pay very close attention to the issues that matter the most to us and focus our energy in taking effective action on those specific issues.

For me, as former expert marksman in the US Marine Corps; as combat veteran of the Vietnam War; as a retired emergency physician; and as a husband, a father, and a grandfather, gun violence is a priority issue.

***Every two years in our country, more US civilians are killed by guns than all the US soldiers killed in the entire 11 year Vietnam War.<sup>1</sup>***

***Since the assassinations of Reverend Martin Luther King and Senator Robert F. Kennedy in 1968, more US civilians have been killed by guns than all the US soldiers killed in all the wars in which our country has ever been involved.<sup>2</sup>***

***Children under the age of 15 in the United States are killed by guns at a rate that is almost 12 times higher than in the other high income democratic countries of the world,<sup>3</sup> and the US firearm homicide rate for all ages combined is over 19 times higher.<sup>4</sup>***

These are just a few of the reasons why last year, I helped found Americans Against Gun Violence, an organization dedicated to stopping the epidemic of gun violence in our country through the adoption of the same kind of stringent gun control laws that have long been place in every other high income democratic country of the world. With Donald Trump as President, we now have more reason than ever to turn our outrage into constructive action.

The rates of gun violence in the United States are shameful, and the statements and actions of Donald Trump on the issue of gun violence are truly outrageous. As a presidential candidate, Trump vowed to appoint a Supreme Court justice who would support the radical 2008 *Heller* decision in which a narrow 5-4 majority of the Court overturned over 200 years of legal precedent by ruling that the Second Amendment

guaranteed an individual right to keep a handgun in the home.<sup>5</sup> Trump boasted of being endorsed by the “very, very good people” of the NRA. He advocated that a concealed weapons permit issued in one state should be good in every other state. He implied that mass shootings can be mitigated by more people carrying guns in churches, nightclubs, and at workplace holiday socials. He opposed universal background checks for gun purchases. He stated that bans on assault weapons and high capacity magazines were “a total failure.” And he vowed to abolish gun free school zones on his first day in office.<sup>6</sup>

Trump supporters laud him as someone who does what he says he’s going to do. In my view, if someone says he’s going to do outrageous things and then actually does them, it’s all the more outrageous.

I hope that reducing gun violence is a priority issue for you and that you’ll be as outraged as I am when you consider just a few of the reckless and irresponsible actions that Donald Trump and his minions have already taken on the gun violence issue during Trump’s short time in office. I also hope that you’ll channel your outrage into constructive action by joining Americans Against Gun Violence and by actively participating in our efforts to take definitive steps to stop the epidemic of gun violence that afflicts our country.

Here are just four of the outrageous actions that Trump and company have already taken, or are in the process of taking, with regard to gun violence and gun control.

Outrage #1: A stolen seat on the Supreme Court and a wasted opportunity to overturn *Heller*

The late Supreme Court Chief Justice Warren Burger stated that the misrepresentation of the Second Amendment as guaranteeing an individual right to own guns was “one of the greatest pieces of fraud – I repeat the word ‘fraud’ – **on the American public by special interest groups that I have ever seen in my lifetime.**” On his 12<sup>th</sup> day in office, Trump nominated a party to that fraud, Judge Neil Gorsuch, to replace the late Supreme Court Justice Antonin Scalia. Scalia had been the author of the majority opinion in the radical *Heller* decision. *Heller* was the first time in US history that the Supreme Court had ever ruled that the Second Amendment, which begins with the phrase, “A well regulated militia,” confers an individual right to own any kind of a gun.

In March of 2016, after Scalia’s unexpected death the month before, President Obama had nominated Judge Merrick Garland to fill the vacancy on the Supreme Court. The NRA vehemently opposed Garland’s nomination. As the Chief Justice of the Washington DC Circuit Court of Appeals, Garland had voted in 2007 to reconsider the original ruling that Washington DC’s partial ban on handguns violated the Second Amendment, a ruling that was handed down by a three judge district court panel in the early stages of the *Heller* case.<sup>7</sup> The NRA warned its members that if confirmed, Garland would join with the other four dissenting Supreme Court justices in the final 5-4 ruling on the *Heller* case and overturn that decision at the first opportunity. In an unprecedented breach of its constitutional responsibility, the Republican controlled Senate refused to even hold a hearing on Garland’s nomination during President Obama’s remaining 10 months in office, providing the opportunity for Trump to nominate Gorsuch instead.<sup>8</sup>

The NRA was ecstatic over Gorsuch’s nomination. A smiling NRA Executive Vice President Wayne LaPierre sat at Trump’s side in the Roosevelt Room of the White

House as Trump urged the Senate to rapidly confirm the nomination. During his Senate Judiciary Committee confirmation hearing, Gorsuch did his best to avoid answering any question directly. During questioning about gun control by Senator Dianne Feinstein, though, Gorsuch made it clear that he not only supported the *Heller* decision but that he would be likely to extend the new constitutional right to handgun ownership created by *Heller* to a constitutional right to own assault rifles as well. The Republican majority in the Senate changed the rules that required 60 votes for confirmation of a Supreme Court justice, and the Gorsuch nomination was confirmed by a vote of 54-45 on April 7, 2017,<sup>9</sup> completing the theft of a seat on the nation's highest court and protecting, for the time being at least, the NRA's rewrite of the Second Amendment in the 2008 *Heller* decision.<sup>10</sup>

#### Outrage #2: Allowing 75,000 mentally ill Social Security beneficiaries too disabled to manage their own finances to legally acquire guns

On his 39<sup>th</sup> day in office Trump signed a bill to revoke a rule enacted by the Obama Administration that required the Social Security Administration to report individuals receiving social security benefits for mental illness to the National Instant Criminal Background Check System (NICS) in cases in which the beneficiaries were so disabled that they required a third party to manage their benefits.<sup>11</sup> The NICS is the database that identifies individuals prohibited from owning guns according to the criteria specified in the Brady Act. These criteria include not only a history of felony criminal convictions, but also a history of serious mental illness. As a result of Trump overturning the Obama rule, an estimated 75,000 Social Security beneficiaries who are so mentally ill that they cannot manage their own finances will still be able to legally acquire guns.

#### Outrage #3: Trump's address at the NRA convention

On his 99<sup>th</sup> day in office, Trump became the first sitting US President since Ronald Reagan to speak at the NRA national convention.<sup>12</sup> The NRA had spent \$30 million on campaign ads during the 2016 presidential election to help get Trump elected.<sup>13</sup> During a rambling speech that was laced with bizarre, tangential references,<sup>14</sup> Trump pandered unabashedly to the assembled NRA members. He thanked Wayne LaPierre "for his unflinching leadership in the fight for freedom." He told the audience that it was wonderful to be "back with my friends at the NRA." He promised NRA members, "You came through for me, and I am going to come through for you," and he concluded with the assurance, "And to the NRA, I can proudly say I will never, ever let you down."

#### Outrages #4: Making a concealed weapon permit issued in one state good in any other state

On January 3, 2017, the first day that the 115<sup>th</sup> Congress was in session, Representative Richard Hudson of North Carolina introduced a bill, H.R.38, that would allow anyone who has a concealed weapons permit issued in one state to legally carry a concealed handgun in every other state, provided that the individual isn't otherwise prohibited from owning a gun under the lax criteria of the federal Brady Act. Parenthetically, Congressman Hudson publicly expressed his support for Donald Trump early in the 2016 presidential race, and his wife, Renee Hudson, is Chief of Staff for Trump's White House advisor, Kellyanne Conway.<sup>15</sup>

The NRA has been trying for decades to get all states to adopt laws allowing anyone who's not otherwise prohibited from owning a firearm under federal law to

be able to legally carry concealed handguns. The NRA's manifesto for this effort is the book, *More Guns, Less Crime*, by John Lott, Jr., which purports to show that liberal concealed carry laws reduce crime.<sup>16</sup> The "more guns, less crime" argument, though, has been thoroughly debunked by other researchers, and Lott has been personally discredited by the revelation that he was writing testimonials to himself under the pseudonym, "Mary Rosh."<sup>17</sup>

A committee of the National Academy of Science conducted an extensive review of the effect of concealed weapon laws and concluded that the available evidence does not support claims by the gun lobby that allowing private citizens to legally carry concealed weapons reduces crime.<sup>18</sup> On the contrary, the Violence Policy Center has documented nearly a thousand firearm related killings committed by persons with concealed weapons (CCW) permits since May of 2007, including 31 mass shootings, 56 murder suicides, and 17 murders of police officers.<sup>19</sup> Another study by the VPC showed that over a five year period, Texas CCW permit holders were arrested for 5,314 crimes, including murder, rape, robbery, child molestation, and kidnapping.<sup>20</sup> Moreover, CCW permit holders were arrested for weapons related crimes at a rate that was 81% higher than the general population. Another study of CCW permit holders in Florida showed that over 1,400 individuals who had pleaded guilty or no contest to felonious crimes had subsequently been granted CCW permits.<sup>21</sup>

There is also no credible evidence to support the argument that carrying a concealed weapon protects the individual gun owner. In fact, a study of assault victims in Philadelphia showed that someone who was carrying a gun at the time of the assault was more than four times more likely to be killed than someone who was not carrying a gun,<sup>22</sup> and law enforcement data show that the ratio of violent crimes committed with a handgun to self defense with a handgun is 15:1.<sup>23</sup>

Despite the extensive evidence that carrying concealed handguns confers much greater risk than benefit both to the person carrying the gun and to the general public, the NRA has been remarkably successful in getting states to adopt liberal concealed carry laws. Currently, 11 states don't require any permit at all for people to carry concealed handguns.<sup>24</sup> Of the other 39 states that do require permits for concealed weapons, 30 have "shall issue" policies that allow authorities little or no discretion in refusing to issue a permit if the person requesting the permit meets other requirements for legally owning a gun. The other nine states have "may issue" policies under which authorities may refuse a request for concealed weapon permit from a legal gun owner if the authority believes the person requesting the permit doesn't have a good reason for carrying a concealed handgun or is otherwise at risk for misusing a firearm.

At the present time, H.R.38 has 193 cosponsors in the House of Representatives. If Donald Trump and the NRA get their way and this bill is signed into law, anyone who gets a CCW permit in any one of the states with the most lax CCW permit criteria will be able legally carry a concealed handgun in any other state, even if the other state has laws that would otherwise prohibit the CCW permit holder from owning a gun at all.

As noted above, these four examples are only a small sample of the outrageous actions that Donald Trump and his followers have already taken, or are in the process of taking,

on the gun control issue. I hope that these four examples, though, will be enough to convince you that we must take action now to block Trump's outrageous pro-NRA agenda.

If you haven't already done so, please become a member of Americans Against Gun Violence. If you're already a member, please make an additional donation if you're able, and please encourage friends, family members, and colleagues to join and contribute as well. Please also go to the Facts and FAQ's page of the Americans Against Gun Violence to learn of other actions that you can take right now to help block the outrageous Trump/NRA agenda. These actions including contacting your members of Congress and urging them to oppose H.R.38. (Links for contact information for members of Congress are appended below.)

Outrage can be disabling if it leads to depression and resignation. It can also be energizing, though, if it's channeled into constructive action. I hope that you'll join with other members of Americans Against Gun Violence and me in channeling your outrage into constructive, collective action to stop the shameful epidemic of gun violence that afflicts our country.

Sincerely,

A handwritten signature in black ink that reads "Bill". The letters are cursive and fluid.

Bill Durston, MD  
President, Americans Against Gun Violence

Link for contact information for U.S. Senators:  
<https://www.senate.gov/senators/contact/>

Link for contact information for U.S. Representatives:  
<http://www.house.gov/representatives/find>

## References

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- <sup>14</sup> Gorman, “Trump’s Speech Fires up the NRA” Examples of bizarre, tangential references include: “MS-13—you know about MS-13? It’s not pleasant for them anymore, folks. It’s not pleasant for them anymore. That’s a bad group. Not pleasant for MS-13. Get them the hell out of here, right? Get them out.”

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“We’ll build the wall. Don’t even think about it. Don’t even think about it. Don’t even think about it. That’s an easy one. We’re going to build the wall. We need the wall.”

“And we’re also joined by two people that -- well, one I loved right from the beginning; the other one I really liked, didn’t like, and now like a lot again. Does that make sense? Senator David Perdue -- he was from the beginning -- and Senator Ted Cruz -- like, dislike, like. Where are they? Good guys. Good guys. Smart cookies.”

“I have a feeling that in the next election you’re going to be swamped with candidates, but you’re not going to be wasting your time. You’ll have plenty of those Democrats coming over and you’re going to say, no, sir, no thank you -- no, ma’am. Perhaps ma’am. It may be Pocahontas, remember that. And she is not big for the NRA, that I can tell you.”

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<sup>22</sup> Charles C. Branas et al., “Investigating the Link Between Gun Possession and Gun Assault,” *American Journal of Public Health* 99, no. 11 (November 1, 2009): 2034–40, doi:10.2105/AJPH.2008.143099.

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<sup>24</sup> “Concealed Weapons Permitting | Law Center to Prevent Gun Violence,” accessed May 18, 2017, <http://smartgunlaws.org/gun-laws/policy-areas/firearms-in-public-places/concealed-weapons-permitting/>.