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A Tragically Prescient Essay by a Ninth Grade High School Student

A message from the President of Americans Against Gun Violence

May 17, 2022

We'd scheduled a Zoom call weeks in advance for the evening of Sunday, May 15, to make the final decision concerning the winners in this year's Americans Against Gun Violence National High School Essay Contest. The prompt for the contest was the following statement made by the late Supreme Court Chief Justice Warren Burger during an interview on the PBS NewsHour in 1991:

"If I were writing the Bill of Rights now, there wouldn't be any such thing as the Second Amendment.... This has been the subject of 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."¹

One of the essays we would be considering as worthy of an award had been submitted a month earlier by a ninth grade high school student in Arizona. In the introductory paragraph, the student wrote, with reference to the mass shooting in which former U.S. Representative Gabrielle Giffords was critically wounded on January 8, 2011:

Anger and despair filled the air at the grocery store close to my house. Eleven years ago, a gunman killed six people and wounded 12 others in the parking lot of that store. But life has gone on with no meaningful change. People buy their groceries, blissfully unaware or merely desensitized to the carnage that occurred there.

In the body of the essay, the student noted that the gun homicide rate in the United States is 26 times higher than the rate in other comparable democratic countries, and the student called for overturning the Supreme Court's rogue 2008 *Heller* decision, in which a narrow five member majority of justices endorsed the gun lobby's fraudulent misrepresentation of the Second Amendment, and adopting stringent gun control laws in our country comparable to those in other advanced democracies.

The student concluded the essay with the sentence:

We have to fight the deep-pocketed gun lobby, so our American future can be one where no one lives in fear of being gunned down at a supermarket.

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On May 14, 2022, the day before our Zoom call to discuss this student's essay along with other candidates for the winners in our 2022 High School Essay Contest, an 18 year old white supremacist, Peyton Gendron, shot and killed 10 people and wounded three others using an AR-15 rifle at a supermarket in a predominately African American neighborhood in Buffalo, New York.²

Local law enforcement officials and New York mayor Kathy Hochul, noting that Gendron had purposefully targeted African Americans, were quick to condemn the mass shooting as a hate crime.³

President Biden traveled to Buffalo, and he and First Lady Jill Biden placed flowers on a makeshift memorial for the victims. Biden also gave a heartfelt formal address, eulogizing the deceased victims one by one and expressing sympathy and praise for the survivors and all the affected families, friends, first responders, and other community members. Biden condemned white supremacy, racially motivated mass shootings, and other forms of racism and domestic terrorism. During his speech, he also made an indirect reference to gun control, stating:

We can keep assault weapons off our streets. We've done it before. I did it when I passed the crime bill last time, and violence went down, shootings went down.⁴

The "crime bill" to which Biden was referring was the Violent Crime Control and Law Enforcement Act of 1994, a complicated bill that banned certain models of semi-automatic rifles, commonly referred to as "assault weapons," but that also grandfathered in millions of "assault weapons" already in circulation and that contained loopholes that allowed the manufacture and sale of equally deadly weapons that evaded the definition of an "assault weapon."⁵ The crime bill also included a "three strikes" provision, requiring life imprisonment for individuals with three or more convictions for violent felonies or felonious drug offenses; the bill expanded the federal death penalty; and the bill "enhanced" sentences for multiple other crimes.⁶ Although there was a transient decline in homicides following the enactment of the law, the homicide rate had been declining before the bill was passed, and it's unclear whether there was any cause and effect between the crime bill and the further decline in homicide. The law was also subsequently blamed for the mass incarceration of a disproportionate number African American men.⁷ And contrary to Biden's claim, the crime bill definitely did not keep any significant number of assault weapons "off our streets," nor did it lead to a significant reduction in mass shootings.⁸ Some of the severe sentencing laws for drug related crimes that were included in the bill were later relaxed, and the so-called "assault weapons ban" was allowed to sunset in 2004.

In the aftermath of the Buffalo mass shooting, numerous other leaders denounced the online white supremacist rhetoric that apparently led to the indoctrination of Peyton Gendron and that Gendron himself espoused in online postings. The NAACP Legal Defense Fund issued a statement calling for action to reduce online hate speech, as well as a call to "put an end to gun violence in America" and to end "unchecked access to militaristic weapons that are trained on our communities."⁹ No one, though, was quoted as calling for a complete ban on civilian ownership of so-called "assault rifles."

The gun dealer who had sold 18 year old Peyton Gendron an AR-15 just a few months before the mass shooting reportedly described the sale as a "routine transaction"¹⁰ – "routine," at least, for gun sales in the United States, in which Gendron and most other

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mass shooters have been able to pass rudimentary background checks and legally purchase the guns they used in their nefarious crimes.¹¹ And “routine” in a country in which, as we reported in a press release just last week, two Trump-appointed judges of the 9th Circuit Court of Appeals ruled that a law banning the sale of semi-automatic rifles to an 18 year old is unconstitutional.

The ruling by 9th Circuit judges in the case of *Jones v. Bonta*¹² was based in part upon what we referred to in our press release as “sanctimonious nonsense” – the reasoning of the two judges that if 18 year-olds could carry muskets while serving in volunteer militias during the Revolutionary War (militias, by the way, that George Washington characterized as “incapacitated to defend themselves, much less annoy the enemy”¹³), 18 year-olds today should be able to buy AR-15’s to do whatever they want with them. The sale of an AR-15 to a person like Peyton Gendron would have been prohibited in every other high income democratic country of the world, many of which ban any civilian from possessing these kinds of semi-automatic rifles, and all of which require individuals seeking to purchase a firearm to show good reason why they need one.¹⁴

From the legal point of view, the two 9th Circuit judges based their ruling in *Jones v. Bonta* on the Supreme Court’s rogue 2008 *Heller* decision,¹⁵ in which a narrow five-member majority of justices reversed over two centuries of legal precedent, including four prior Supreme Court opinions,¹⁶ in ruling for the first time in U.S. history that the Second Amendment conferred any kind of individual right to own a gun outside of service in a “well regulated militia.” Chief Justice Warren Burger, who made the statement we used for the prompt in our 2022 high school essay contest, died before the *Heller* decision was issued, but the late Supreme Court Justice John Stevens, who wrote a dissenting opinion in *Heller*, noted in his autobiography that the majority opinion in *Heller* endorsed the same misrepresentation of the Second Amendment that Chief Justice Burger had described in 1991 as “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.”¹⁷

It’s definitely both necessary and appropriate to address the problems of white supremacy and other forms of racist and right wing extremism following horrific attacks like the mass shooting of African Americans that was committed in Buffalo this past weekend; like the mass shooting targeting persons of Mexican descent that was committed with an AK-47 rifle at the Walmart in El Paso, Texas on August 3, 2019, in which 23 people were killed and more than 20 injured;¹⁸ like the mass shooting targeting Jewish worshippers that was committed with an AR-15 and semi-automatic handguns at the synagogue in Pittsburgh, Pennsylvania on October 27, 2018, in which 11 people were killed and 6 were wounded;¹⁹ like the mass shooting targeting members of the LGBTQ community that was committed with a semi-automatic rifle and a semi-automatic handgun at the Pulse nightclub in Orlando, Florida on June 12, 2016, in which 49 people were killed and 53 wounded;²⁰ like the mass shooting targeting members of the Sikh community that was committed with a semi-automatic handgun at the Sikh Temple near Milwaukee, Wisconsin on August 5, 2012, in which 6 people were killed and 4 wounded;²¹ and so on, and so on, and so on.

It’s not only inappropriate, though, but in my opinion, downright shameful to ignore the fact that while racism and other forms of right wing extremism exist in other high income democratic countries, the United States is the only economically advanced democratic country in the world in which mass shootings, including not only mass shootings targeting members of certain ethnic and religious groups, but also mass shootings targeting children and youth, occur on a regular basis. It’s also shameful, in my opinion, to ignore

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the fact that on an average day in our country, more than 110 people are killed with guns.²² And if Chief Justice Burger were alive today, I'm sure he'd agree with me that it's shameful to let the fraudulent misrepresentation of an antiquated constitutional amendment prevent us from taking definitive steps to stop the carnage.

Combatting racism and other forms of right wing extremism is complicated. Other high income democratic countries also wrestle with this problem. Stopping the epidemic of gun violence in the United States of America, though, should be simple. Other high income democratic countries have solved this problem long ago. We need only to follow the examples of countries like Great Britain, Australia, and New Zealand that all promptly banned civilian ownership of all automatic and semi-automatic rifles (not just so-called "assault weapons") after mass shootings committed with these kinds of weapons in Hungerford, England in 1987;²³ in Port Arthur, Australia in 1996;²⁴ and in Christchurch, New Zealand (a hate crime against Muslims that reportedly inspired Peyton Gendron²⁵) in 2019.²⁶ And recognizing that there's no net protective value in owning or carrying a handgun²⁷ and that handguns are used not only in most mass shootings in our country,²⁸ but in the vast majority of all gun related deaths,²⁹ we need to follow the example of Britain which banned civilian ownership of all handguns following the 1996 Dunblane Primary School mass shooting.³⁰ And we only need a one justice majority on the Supreme Court to reverse the lone constitutional obstacle to the adoption of such laws - the Supreme Court's the rogue 2008 *Heller* decision.

We carried on as planned with the essay contest Zoom call on Sunday evening, except that we took some time at the beginning of the call to discuss the Buffalo mass shooting that had occurred the day before. We also delayed a bit longer in discussing the essays after one of our members, whose father-in-law was a Presbyterian minister, logged in to the call and advised us that another mass shooting had just occurred at the church where his father-in-law had once preached in Irvine, California. It was subsequently reported that this shooting, in which one person was killed and five others were wounded (four critically), was committed by a man armed with semi-automatic handguns who specifically targeted worshippers of Taiwanese descent.³¹

In the announcement of this year's essay contest, we'd stated that we'd be awarding a total of at least \$15,000 to 12 winners, with individual awards ranging from \$250 to \$3,000; but we reserved the option of giving additional awards if we received more than 12 outstanding essays. On Sunday evening, we discussed the top 24 essays that had been chosen based on ratings submitted by our readers in previous phases of the winner selection process. After a lively discussion concerning the pros and cons of all 24 essays, we decided to award at least \$100 to all 24 students. Although some of the essays were better written than others, all the students "got" the fact that the misrepresentation of the Second Amendment as guaranteeing an individual right to own guns, including for the purpose of participating in armed insurrection, is not only a "fraud" on the American public, it's a death sentence for tens of thousands of Americans annually, and potentially a death sentence for American democracy itself. If these high school students "get it," we wondered, why don't our elected officials, our federal judges and justices, and the vast majority of the American electorate also "get it."

And frankly, I continue to wonder why other gun violence prevention organizations also don't "get it." I received numerous email appeals for donations immediately after the Buffalo mass shooting from organizations that propose measures that Joshua Sugarmann, executive director of the Washington DC based Violence Policy Center, has

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accurately characterized as “nibbl[ing] around the edges of half-measures and good intentions, dramatically out of synch with the reality of gun violence in America;”³² At the time of this writing, despite our best efforts to encourage other gun violence prevention organizations to join us, Americans Against Gun Violence remains the only national gun violence prevention organization that openly advocates and is actively working toward overturning the Supreme Court’s rogue 2008 *Heller* decision and achieving the adoption of stringent gun control laws in the United States comparable to the laws that have long been in effect in all the other high income democratic countries of the world.

We’ll be posting the winning essays in our 2022 on the High School Essay Contest page of our website within the next several days, as soon as we get responses to the notifications that we’ve sent to all the winning students. We’ll send out another message when the essays are up. In the meantime, please [contact your elected officials](#), including your state legislators, your members of Congress, and the White House, to make sure that they “get it;” and that in addition to working to combat racism and other forms of right wing extremism, you expect them to join us in openly advocating and actively working toward the adoption of the kinds of stringent gun control laws needed to stop our country’s shameful epidemic of gun violence.

Sincerely,



Bill Durston, MD
President, Americans Against Gun Violence

Note: Dr. Durston is a board certified emergency physician and a former expert marksman in the U.S. Marine Corps, decorated for “courage under fire” while serving in combat during the Vietnam War.

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