



Second Amendment Foundation Offers to Defend Trump

If former President Donald Trump, now a felon, is charged under a federal law that prohibits him from possessing a firearm, the Second Amendment Foundation (SAF) [stands ready to defend him](#).

Said SAF founder Alan Gottlieb: “If Donald Trump is further prosecuted for owning firearms, we will offer to defend him and challenge the law.”

He explained:

Donald Trump has no history of violent crime.

Under the Supreme Court’s 2022 *Bruen* ruling, which requires gun laws to have some analogous connection to historical regulation at the time the Founders wrote the Constitution and Bill of Rights, Mr. Trump should not lose his Second Amendment rights.

There is no historical nexus to deny someone, including Trump, of their gun rights over such a conviction.



AP Images

The federal law is currently being challenged, with several appeals courts upholding it, and some ruling it unconstitutional. This sets up a challenge to the Supreme Court. Trump’s conviction that triggered the “felon-in-possession” law would, if he is charged under it, likely speed up the high court’s decision in a similar, but not identical, case it heard in November: *United States v. Rahimi*.

In that case, Zachey Rahimi complained that, because he was under a civil restraining order, he was prohibited from owning a firearm. He challenged “whether 18 U.S.C. § 922(g)(8), which prohibits the possession of firearms by persons subject to domestic-violence restraining orders, violates the Second Amendment on its face.” In February 2023, the Fifth Circuit Court of Appeals struck down the law as unconstitutional, but a month later the Biden administration petitioned the High Court to overturn that decision. The High Court heard arguments on the case in February, and is due to issue its decision shortly.

According to CNN, Trump owned three firearms, but turned two of them in to the New York State Police after he was charged in the phony “hush-money” trial that convicted him of 34 counts of “falsifying business records.” The third firearm apparently resides at his residence in Florida.

The Florida Supreme Court has ruled that the federal law is constitutional, so it could be just a matter of time for the DOJ to launch another “investigation” into his possession of that third firearm, and



Written by [Bob Adelman](#) on June 10, 2024

charge him under the federal law.

Supreme Court Justices Amy Coney Barrett ruled in *Kanter v. Barr* (when she served as a judge on the Seventh Circuit Court of Appeals) that “Founding era legislatures did not strip felons of the right to bear arms simply because of their status as felons.”

And earlier this month, the Ninth Circuit ruled in favor of a defendant in a similar case.

Adam Kraut, SAF’s executive director, said he is ready to litigate if necessary:

SAF has litigated challenges in the past to restore gun rights for people convicted of non-violent crimes and we will do so again. In fact, we are currently litigating a challenge to the denial of carry permits for some former plaintiffs whose rights were restored due to prior SAF lawsuits.

The attack on Trump’s gun rights emphasizes the need to revisit existing gun control laws and change them to protect an individual’s gun rights.

Until that happens, we will be more than happy to meet New York State or the federal government in court.

The SAF currently has nearly 60 cases pending in various courts, defending the Second Amendment against infringements by various governments.



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