



Written by [Bob Adelman](#) on May 23, 2016

## Trump vs. Clinton on Gun Control & Second Amendment

Dan Gross, the president of the Brady Campaign to Prevent Gun Violence, perceived as far back as last October that gun control (i.e., control of people owning guns) would be a key issue in the 2016 presidential election, and Trip Gabriel picked up on it [in his comments in the New York Times](#) this weekend. Said Gross: "This issue is at a tipping point. You're going to hear about it as a differentiator for the first time in decades.... Change is in the air."



Gabriel is right about one thing: Attacks from the Left on gun ownership and its right implanted and guaranteed by the Second Amendment will continue, and likely escalate, into November.

In the past, candidate Hillary Clinton has not been willing to put gun control at the top of her agenda. But now she has taken off the gloves and is confronting the issue head on, starting with her very first day in office in January 2017. Her agenda includes expanding background checks to include every transaction between private individuals in the country and reinstating her husband's "assault weapons" ban that expired in 2004. She wants to remove protections gun makers currently enjoy from being sued by victims of gun violence. She considers the Supreme Court's decisions in *Heller* and *McDonald* "wrongly decided," and would likely name liberal anti-Second Amendment justices to replace those dying or retiring during her term in order to override those decisions.

She favors the upcoming California referendum mandating background checks on ammunition purchases, and supports the implementation of Australian gun-control laws that forcibly removed firearms from their private owners. She has made abundantly clear her goal: "We have just too many guns — on the streets, in our homes, in our neighborhoods." She is blatantly attacking local police for what she claims is a pattern of mistreatment of black Americans that is "unmistakable and undeniable," and promises to continue the takeover of those local law-enforcement departments by investing in "law enforcement training programs on issues such implicit bias, use of force, and de-escalation." She supports federal legislation banning "racial profiling by federal, state and local law enforcement officials."

As we reminded readers that less than a year after President Obama was inaugurated, Clinton supported implementation of the United Nations' Arms Trade Treaty: "The United States is committed to actively pursuing a strong and robust treaty that contains the highest possible legally binding standards." Among those "standards" is Article 3, which includes "ammunition/munitions fired, launched or delivered by the conventional arms covered under Article 2."

For those unfamiliar with the UN's ATT, the Arms Control Association makes it clear exactly what is intended: "The Arms Trade Treaty requires all states to 'establish and maintain a national control system, including a national control list' and 'designate competent national authorities in order to have an effective and transparent national control system regulating the transfer of conventional arms.'"

In short, given the opportunity, Hillary Clinton may very well establish, under UN directives, a gun



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registry of all privately-owned firearms in the country. History shows that this is the final step toward confiscation.

Her likely opponent, Donald Trump, has more of a helter-skelter approach to the matter. Sometimes he is on point. Other times, he waffles or back steps on his positions. At times he fails to grasp the concept of limited government put in place by the Constitution. At the moment, attendees at the NRA's national convention last week learned that Trump would "totally protect" the Second Amendment by ending all public school gun-free zones: "I will get rid of gun-free zones on schools, and — you have to — and on military bases. My first day, it [presumably, an Executive Order] gets signed, OK? My first day. There's no more gun-free zones."

Under the Constitution, Trump would have no such authority. Issuing an EO would be just as offensive to the Constitution as have those EOs issued by President Obama. Adam Winkler, a law professor at the University of California, Los Angeles, explained: "Trump would not be able to eliminate gun-free zones by executive order. That law can only be repealed by Congress."

Trump's campaign made public its list of potential candidates to be nominated to the Supreme Court during his term, most of whom were greeted with approval by constitutional scholars and conservative think tanks. But left out was any mention that each of those nominees, were Trump president, would be subject to scrutiny and approval by the Senate before moving onto the bench.

Trump stated in his book *The America We Deserve*, published in 2000, that he supported the "assault weapons" ban and favored a "slightly longer waiting period to purchase a gun." He also criticized the NRA's influence over the Republican Party: "The Republicans walk the NRA line and refuse even limited restrictions."

Trump also takes an opposing position on the so-called "watch list" which would prohibit, without Constitutional protections under the Fourth Amendment, the right to keep and bear arms by anyone whose name is placed on that list. Said Trump in an interview with ABC News last year: "If somebody is on a watch list and [is] an enemy of [the] state and we know [he's] an enemy of [the] state, I would keep them away, absolutely."

What then is one to make of all this? Bob Barr, who served in the House from the Seventh District of Georgia from 1995 to 2004, answered the query: "We're all very familiar with the fact [that] Mr. Trump does change his positions over time, sometimes over a very short period of time. The most important question in my mind is: would he be better than Hillary Clinton? And the answer is, absolutely yes."

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