

PROTESTS, INSURRECTION, AND THE SECOND AMENDMENT

A Culmination and a Crossroads

The NRA's Past and Future in Light of the Events of 2020

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Introduction

The year 2020 may mark an important turning point in the political development of the National Rifle Association (NRA) and, as a result, the broader gun rights movement. Its events can be seen both as a culmination of the NRA's approach to politics over the past several decades and as evidence of the challenges that approach has created for the organization moving forward.

Acting as the most prominent representative of the gun rights movement, the NRA has for many decades succeeded at advancing its pro-gun agenda by building and maintaining a sense of identity around gun ownership. The organization has promoted this identity among gun owners through its firearms-related programs and its communications with members via magazines such as *American Rifleman*. It has also politicized the identity, promoting gun ownership as a lens through which to view and act upon politics by emphasizing the negative consequences that gun regulations have on gun owners' lifestyles, values, and identities (as opposed to, for instance, pointing out their technical flaws). Finally, the NRA has used the gun owner identity to mobilize political action among its supporters during elections and legislative debates by portraying it as deeply threatened by proposed gun regulations and their advocates: rather than simply being misguided, gun control is seen as an attack on gun owners that endangers their way of life.¹

This mobilizational tactic has been effective for a long time; it proved successful as early as the 1930s during initial debates over federal-level gun control and has generally continued to serve the NRA well in the years since, especially when gun control is under consideration in Washington. The NRA, in short, has used identity to build a very politically active base of supporters that it can mobilize during policy battles and elections. This ability and the reputation it earned the NRA has been a substantial barrier to the advancement of stronger regulations on guns.²

The NRA, the GOP, and Identity Politics

During the late 1970s and 1980s, the NRA — whose politically active supporters constituted an attractive demographic group to politicians — started to align itself with the insurgent New Right conservative movement and a Republican Party reshaped by that movement. The dramatic takeover of the NRA by activist members at its 1977 meeting (the so-called "Revolt at Cincinnati") set this process into motion, and it began in earnest with the organization's endorsement of Ronald Reagan for president in 1980. The NRA's relationship with the GOP strengthened over the decades that followed. In general, this alignment has further bolstered the NRA's political power. Rather than having to rely on mass mobilization campaigns when gun control comes onto the agenda, the NRA's position in the Republican coalition has frequently kept the issue off the agenda altogether — gun control has often been dead on arrival when Republicans control any part of the federal government — and led to policy changes that have actually loosened gun regulations.³

The NRA's alignment with the GOP has also led to the alignment of its gun owner identity with other Republican-aligned identities. For many NRA supporters, in other words, the social-psychological meaning of being a gun owner has become entwined with the meaning of being a Republican and linked to other identities (including white racial identity, traditional masculine identity, rural identity, and Evangelical identity) associated with support for the GOP. The packaging together of these identities — all of which push individuals in the same political direction — reinforces the strength of each, forming what political scientist Lilliana Mason has described as a "mega-identity" that can powerfully shape political behavior. As a result, gun ownership and

the identity associated with it have come to comprise a central and nearly all-encompassing political worldview through which some gun rights supporters view politics.⁶

In combination, the NRA's consistently successful use of identity to mobilize political action on behalf of gun rights and its deep alignment with the GOP have taken it in an increasingly politically extreme direction. The NRA's success has provided it with a *reason* to go in such a direction. Success poses an interesting and perhaps counterintuitive challenge for groups that rely on threat-based appeals to mobilize their members: political victories push back against the notion that group members are under threat and can therefore decrease the effectiveness of that strategy in the future, particularly when a group's success is more the rule than the exception. Groups that find themselves in this situation have incentives to rhetorically exaggerate and broaden the scope of threats ostensibly facing their members.

If the NRA's success has given it a reason to go in a more extreme direction, its alignment with the conservative movement and the Republican Party has given it a way to do so. The NRA, leveraging its position in the GOP, has both exaggerated and broadened the threats its members are said to face over the past few decades; rather than focusing only on threats to gun rights, the organization has portrayed gun owners as endangered by a wide range of factors, many of which are wrapped up with a nationalistic, right-wing brand of populism that is closely linked to the package of identities discussed above. In this view, gun rights are symbols of liberty, and their protection is crucial for the defense of the American tradition by average Americans against cosmopolitan elites in the media and government, who are led by billionaires like George Soros and Michael Bloomberg and conspire to harm not just gun owners but all Americans opposed to socialism and the sort of mob rule that leftwing activists are said to favor. These appeals, which are often racially charged and sometimes advance anti-Semitic conspiracy theories, build on and contribute to a range of themes present in contemporary conservatism, enabling the NRA — by linking itself to a broader culture war — to make threat-based appeals even when gun control is not on the agenda. Constant armed vigilance is needed, according to this worldview, in order to defend the country and its traditional heritage against threats from elites in politics and media, as well as international organizations (e.g., the United Nations) and influential cosmopolitan actors. Americans must be ready, as the NRA puts it, to "stand and fight" in light of these threats.

Trumpism Enters the Fray

Perhaps no politician has given more voice to the worldview articulated by the NRA than Donald Trump. In this sense, the enthusiasm of the NRA and its supporters for Trump is unsurprising. Despite — as a big-city billionaire himself — not exactly outwardly representing the sort of image that the NRA has developed around gun ownership, Trump appealed directly to the worldview it had built. Although by 2015 strong support for gun rights had become a standard position for Republican presidential aspirants, few (if any) of those aspirants had ever embraced the broader political outlook advanced by the NRA like Trump did: he launched similar attacks against the media and politicians (including some Republicans); used similar populistic, anti-system rhetoric (about a bureaucratic "deep state" running things from behind the scenes); and utilized similar racially charged appeals to portray a frightening world in which the interests of cosmopolitan elites are protected while those of average Americans are not.⁸

Perhaps unsurprisingly, gun ownership and the social identity associated with it were consistently strong statistical predictors of support for Trump, as were many of the other identities that, as discussed earlier, had become linked with them. Trump's rise to power should, in this sense, be seen as an apex of the NRA's

relationship with the Republican Party: not only would the party protect gun rights, it would be led by a president who advanced a very similar broader political outlook — a testament to the NRA's prominence in and influence on American politics. Throughout Trump's term, the NRA had the ear of the White House and eagerly defended the president through its media outlets.

Given these developments, it should come as no surprise that guns and gun owners were front and center at many right-wing protests throughout 2020 and into the beginning of 2021. ¹⁰ Not only did Trump himself lead — or at the very least encourage — these protests (which by itself could spur support among NRA supporters given their support of him), he did so by using the same sorts of ideas that the NRA had propagated and delivered to gun rights enthusiasts for years prior. The package of identities and identity-based grievances expressed at anti–Covid-19 lockdown protests and post-election Stop the Steal rallies fit neatly with the ideas advanced by the NRA. And the willingness of participants to take armed action also aligned with the NRA's long-term promotion of a link between guns and the defense of liberty and democracy. Trump played handily into these ideas; in April 2020, for instance, when anti-lockdown protests were occurring across the country, Trump posted a series of Tweets encouraging supporters to "LIBERATE" several states and linked this call to the need to "save your great 2nd Amendment" that "is under siege!" In the lead-up to the election, when asked about fringe supporters of his who were part of armed militias, Trump said that they should "stand back and stand by" and that "somebody's got to do something about Antifa and the left." And then, during the rally — promoted by Trump — that preceded the January 6, 2021, insurrection at the U.S. Capitol, the former president said, "We fight like hell, and if you don't fight like hell, you're not going to have a country anymore." ¹³

An Uncertain Future

If the NRA's relationship with Trump's GOP and the role of guns at the right-wing protests of 2020 are in some ways a culmination of the NRA's ongoing approach to politics, then Trump's loss and the insurrection that followed it leave the organization in a difficult position. Following the events of January 6, Trump was impeached for an unprecedented second time. And although the Senate ultimately failed to convict him on those impeachment charges, influential Republican leaders, including (notably) Senator Mitch McConnell, have made clear that they want the party to leave Trump behind. Hanned from Twitter and shunned by some powerful members of his own party, Trump's previously colossal platform has shrunk, and since leaving the White House, he has been quiet. The battle over the direction of the Republican Party in the wake of his loss and post-election behavior could lead to a rejection of the sort of Trumpian politics that the NRA had helped propagate for years.

The NRA, as a result, could find itself somewhat isolated from the party with which it has been aligned for several decades, inextricably linked to a forsaken or at least marginalized set of ideas. And even if this brand of politics remains popular within segments of the GOP, an intraparty split in which the NRA is aligned with the more extreme wing of the party could provide an opening for some Republicans to compromise on gun control. In other words, the NRA's close association with the Trumpist wing of the GOP may make it easier politically for an anti-Trump wing to support new gun regulations.

Relatedly, the Trump presidency may mark the end (or at least contribute to the demise) of an era defined by the political transformation ushered in by Reagan. The NRA's relationship with the GOP began at an opportune time, when Reagan, capitalizing on the struggles of the New Deal Democratic Party, was able to durably alter politics; Reagan crystallized a new electoral coalition, popularized a political outlook that opposed big

government, and set into motion a redefinition of the terms of debate in American politics. ¹⁵ There are signals, however, that the electoral coalition crystallized by Reagan — pairing wealthy fiscal conservatives with middle-and working-class white social conservatives — is both shrinking as a proportion of the electorate and facing serious internal conflicts. Moreover, the popularity of the anti-government outlook associated with it, especially in light of the Covid-19 crisis, has been called into question. If the Reagan era is coming to a close, the NRA's relationship with the Republican Party (and its related rejection of the Democratic Party) may prove less valuable moving forward; the NRA, given its position in the GOP, cannot easily or quickly pivot to become more bipartisan, and the political costs of supporting gun control for Democrats are perhaps lower than ever.

Finally, the NRA's shift to the right fringe of politics — beyond calling into question its future in the GOP and the ongoing usefulness of its alignment with it — also leaves it poorly positioned to bring new gun owners into the fold. The many anxieties of 2020 led to a gun-buying explosion; while many of these gun purchases were made by preexisting gun owners whose backgrounds align with the NRA's demographics, many others were first-time gun buyers from demographics underrepresented in the gun rights movement. ¹⁶ The NRA, however, is not particularly well positioned to recruit these first-time gun buyers, some of whom were actually participants in left-wing protests against police violence that the NRA characterized as mob rule; ¹⁷ its close alignment with Trump and general shift to the right wing of the Republican Party reduces its appeal for new gun owners who may be motivated by fear but do not support the NRA's politics.

This difficulty appealing to these new gun owners could not come at a worse time for the organization. The NRA is facing substantial legal challenges and dealing with internal turmoil, which in combination have harmed its finances and reduced its ability to focus on strategizing paths forward. Its bankruptcy declaration in early 2021 — which may be a legal ploy to sidestep the lawsuit led by New York Attorney General Letitia James seeking to dissolve the organization — speaks to the magnitude of the challenges the group faces. ¹⁸ At a time when the NRA could really use new members, its past politics are constraining its ability to tap into a large pool of new gun owners.

Moreover, not only is the NRA currently poorly positioned to recruit many of 2020's new gun owners, but those potential members' entry into the gun-owning community could alter the gun policy landscape moving forward in ways that weaken and marginalize the association. The first-time gun buyers from social groups underrepresented in the NRA (including people of color, women, and Democrats) might be more open to moderate gun regulations than the NRA's current membership base. If these gun owners become politically active *as gun owners*, they could help shift the sociopolitical meaning of gun ownership in ways that are more compatible with gun control. Some gun safety advocacy organizations are happy to welcome these gun owners with open arms, emphasizing that responsible gun ownership does not clash with support for additional regulations. ¹⁹ In other words, rather than making gun control less likely, diversification of the gun-owning community could in some ways make it easier to pass, while also reducing the extent to which the NRA is seen as the voice of gun owners.

Conclusion

It is possible, of course, that the NRA will overcome most or all of these challenges. Perhaps the now-genuine threats it faces from lawsuits and from unified Democratic control of government will provide it with an opening for change. Maybe new gun owners will not change the sociopolitical meaning of gun ownership but will instead be changed by it, adopting the NRA's preexisting worldview and joining the organization or, at

least, coming to oppose even moderate regulations on guns. The NRA has certainly rebounded from setbacks in the past. Several of its current executive vice president Wayne LaPierre's predecessors, in fact, left the organization amid accusations of misbehavior and grift; it nonetheless carried on.²⁰ The NRA has also suffered policy and electoral defeats in the past, and in some cases demonstrated a remarkable ability to use those setbacks as part of subsequent mobilizational appeals; the association thrived, for example, following the passage of the Gun Control Act in 1968 and the Brady Law and assault weapons ban in the early 1990s, using both as evidence that gun ownership is threatened and needs to be defended.²¹ Perhaps the NRA will be able to use the challenges it now faces to refocus its appeals away from the broader culture war and back onto the gun issue. Alternatively, maybe its allies will prevail in the fight for the heart and soul of the GOP. The battle between the party's pro- and anti-Trump wings is far from over; Trump himself may at some point choose to reenter the fray, and his allies remain powerful within the Republican Party organization and its state-level affiliates. If they do prevail, the NRA may not be so alienated after all.

Only time will tell what lies in store for the NRA. What is clear now is that the tumultuous events of 2020 can be traced to the organization's past and will surely impact its future — and the future of the gun debate.

Endnotes

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- ² Matthew J. Lacombe, FIREPOWER: HOW THE NRA TURNED GUN OWNERS INTO A POLITICAL FORCE 129-48, 186-218 (2021).
- ³ Reva B. Siegel, *Dead or Alive: Originalism as Popular Constitutionalism in Heller*, 122 HARV. L. Rev. 191, 212–15 (2008); Lacombe, *supra* note 2, at 149–85; David Karol, PARTY POSITION CHANGE IN AMERICAN POLITICS: COALITION MANAGEMENT (2009).
- ⁴ See Lacombe, *supra* note 2; Alexandra Filindra & Noah J. Kaplan, *Racial Resentment and Whites' Gun Policy Preferences in Contemporary America*, 38 Pol. Behavior 255–75 (2015); Kerry O'Brien, Walter Forrest, Dermot Lynott & Michael Daly, *Racism, Gun Ownership and Gun Control: Biased Attitudes in U.S. Whites May Influence Policy Decisions*, 8 PLOS ONE e77552–e77552 (2013); Scott Melzer, Gun Crusaders: The NRA's Culture War (2009); Jennifer Carlson, Citizen-Protectors: The Everyday Politics of Guns in an Age of Decline (2015); Jennifer Carlson & Kristin A. Goss, *Gendering the Second Amendment*, 80 Law & Contemp. Probs 1 (2017); Angela Stroud, Good Guys With Guns: The Appeal and Consequences of Concealed Carry (2015); David Yamane, *Awash in a Sea of Faith and Firearms: Rediscovering the Connection Between Religion and Gun Ownership in America*, 55 J. Sci. Stud. Relig. 622–36 (2016); Stephen M. Merino, *God and Guns: Examining Religious Influences on Gun Control Attitudes in the United States*, 9 Religions 189 (2018); Andrew L. Whitehead, Landon Schnabel & Samuel L. Perry, *Gun Control in the Crosshairs: Christian Nationalism and Opposition to Stricter Gun Laws*, 4 Socius: Socio. Rsch. For a Dynamic World 1–13 (2018); *and* Kim Parker, Juliana Menasce Horowitz, Ruth Igielnik, J. Baxter Oliphant & Anna Brown, *America's Complex Relationship with Guns*, Pew Res. Ctr. (Jun. 22, 2017), http://www.pewsocialtrends.org/2017/06/22/views-on-gun-policy.
- ⁵ See Lilliana Mason, UNCIVIL AGREEMENT: HOW POLITICS BECAME OUR IDENTITY (2018).
- ⁶ Lacombe, supra note 2, at 44–128, 149–85.
- 7 Id. at 85-128.
- 8 Id. at 149-85.
- ⁹ Mark R. Joslyn, THE GUN GAP: THE INFLUENCE OF GUN OWNERSHIP ON POLITICAL BEHAVIOR AND ATTITUDES (2020); Lacombe, *supra* note 2, at 149–85.
- ¹⁰ Charles Homans, *Out of the Barrel of a Gun*, N.Y. TIMES MAGAZINE (Jan. 26, 2021), https://www.nytimes.com/interactive/2021/01/26 /magazine/armed-militia-movement-gun-laws.html; Jarrett Renshaw, Michael Martina & Mimi Dwyer, *Some Americans Dance, Others Wield Guns at Vote-Counting Sites as Biden's Lead Widens*, REUTERS (Nov. 6, 2020), https://www.reuters.com/article/us-usa-election-reaction/some-americans-dance-others-wield-guns-at-vote-counting-sites-as-bidens-lead-widens-idUSKBN27M2ND; Katie Shepherd & Moriah Balingit, *A Noose, an Ax and Trump-Inspired Insults: Anti-lockdown Protesters Ratchet Up Violent Rhetoric*, WASH. POST (May 15, 2020), https://www.washingtonpost.com/nation/2020/05/15/noose-fight-coronavirus-protest.
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¹⁷ Simonson, et al., *supra* note 16, at 5.

¹⁸ Katie Zezima & Beth Reinhard, NRA's Top Lobbyist Resigns amid Chaos at the Gun Rights Organization, WASH. POST (Jun. 26, 2019), https://www.washingtonpost.com/national/nras-top-lobbyist-resigns-amid-chaos-at-the-gun-rights-organization/2019/06/26/235447ec-9835-11e9-916d-9c61607d8190 story.html; Danny Hakim, N.R.A. Declares Bankruptcy and Seeks to Exit New York, N.Y. TIMES, https:// www.nytimes.com/2021/01/15/us/politics/nra-bankruptcy.html (Jan. 15, 2021; last updated Apr. 11, 2021); Tim Mak, Secret Recording Reveals NRA's Legal Troubles Have Cost the Organization \$100 Million, NPR (Apr. 21, 2020), https://www.npr.org/2020/04/21/839999178 /secret-recording-reveals-nras-legal-troubles-have-cost-the-organization-100-mill.

¹⁹ See, e.g., GIFFORDS, Gun Owners for Safety, https://giffords.org/action/gun-owners-for-safety (last visited May 8, 2021).

²⁰ Lacombe, *supra* note 2, at 219–22.

²¹ *Id.* at 129–48, 186–218.