The Phyllis Schlafly Report

Seek the Death Penalty Against Kirk's Assassin

By John and Andy Schlafly

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The assassination of Charlie Kirk cries out for the death penalty, which is rarely imposed by Utah courts. This murder was premeditated and executed with vengeance, against an innocent victim merely for exercising his constitutional right of freedom of speech.

This crime struck at the heart of our republic, and has terrorized Americans from expressing their views in public. Like the assassination of President William McKinley by an anarchist on September 6, 1901, for which the assassin received full due process and then was executed on October 29, retribution by seeking the death penalty against Kirk's assassin is needed.

Before the suspected Kirk assassin was arrested, Utah Gov. Spencer Cox pointed out that Utah still has the death penalty, but Utah law makes it nearly impossible to apply. Utah has executed only one person (an American Indian) in the last 15 years, and there are only four criminals on Utah's death row, each of whom has been supported there at taxpayer expense for more than 29 years.

A murderer cannot be punished by the death penalty in Utah state courts unless there is an aggravating factor as narrowly defined by Utah law, such as killing a police officer or shooting in a way that creates a "grave risk" to bystanders in a crowd. Kirk's assassin allegedly fired one shot from a high-precision rifle at Kirk while he was seated on stage, so it is unclear if Utah's death penalty even applies to this crime.

In addition, Utah has a pro-transgender culture, contrary to every other Republican state. Codifying a pro-transgender administrative rule promulgated in 2020, Utah in 2023 became the only Republican state with a law that prevents parents from seeking professional counseling to straighten out gender dysphoria in their children. In 2022, Gov. Cox also vetoed legislation protecting girls' sports against transgender athletes.

The suspect, Tyler Robinson, was living with his transgender partner, whom Gov. Cox praised as being "incredibly cooperative" with investigators. Robinson reportedly had a romantic relationship with his transgender roommate.

Bullet casings found with the murder weapon contained markings demonstrating that this assassination was carefully planned and carried out with vengeance. These inscriptions included a merciless “CATCH,” along with positive references from online communities, including the sexually deviant furry subculture.

Afterward Robinson reportedly sent electronic messages to his transgender lover about the murder. Robinson also exchanged messages among more than 20 people in the online platform Discord soon after the assassination, apparently without anyone rebuking him or telling him to turn himself in to authorities.

The FBI reports that Robinson’s DNA has been linked to the crime scene, where a high-powered hunting rifle with a 500-yard shooting range was found nearby. It is alleged that Robinson shot Kirk from a rooftop merely 150 yards away.

Tyler Robinson has so far been charged only in state court with three crimes for assassinating Charlie Kirk: aggravated murder, felony discharge of a firearm, and obstruction of justice. In state court Robinson will benefit from a system that is more lenient than federal court, and less likely to impose the death penalty.

As President Trump vows a full federal investigation, his Attorney General Pam Bondi needs to file federal charges that carry the death penalty. The FBI should not be relegated merely to a supporting role in Utah, which is notorious for its Trump-haters and for favoring residents against outsiders.

Tyler Robinson admittedly hated Charlie Kirk, who frequently professed his Christian faith and was outspoken against the transgender ideology, as President Trump has been. Robinson’s love interest is transgender, and Kirk’s close association with Trump made Kirk a proxy of Trump and a target for Trump-haters, of whom there are many in Utah.

The federal death penalty is triggered by hate crime murders when motivated by animus towards one’s perceived race, religion, national origin, sexual orientation, gender, gender identity, or disability. If it is a capital offense to murder a transgender person, then it should be a capital offense for a transgender’s lover to murder a prominent Christian critic of the transgender movement.

The federal hate crime statute – and the federal death penalty – should be applied to prosecute this assassination of an outspoken Christian. The Trump Administration should ensure that Americans are fully informed about what encouragement the assassin may have received from well-funded Leftist organizations before and after this crime.

On Tuesday FBI Director Kash Patel was subjected to rants by Senate Democrats and liberal Republicans in a hearing on Capitol Hill, but little of it had to do with this shocking assassination that has terrorized millions of Americans. Instead, Democrats were more concerned about preventing unproductive federal workers from being fired.

Kirk's death is a watershed moment for our country, and freedom of speech depends on how thoroughly this heinous crime is prosecuted.

John and Andy Schlafly are sons of Phyllis Schlafly (1924-2016) and lead the continuing Phyllis Schlafly Eagles organizations with writing and policy work.