



Handgun sale ban to under 21-year-olds is unconstitutional, appeals court says

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The federal regulation, which sets a minimum age of 21 for purchasing pistols from authorized dealers, violates the Second Amendment to the Constitution. The Federal Court of Appeals ruled on Tuesday.

The restrictions were considered unconstitutional by a three-judge committee of the Fourth US Court of Appeals for the Circuit. A majority opinion written by Donald Trump's appointed judge Julius N. Richardson states that the law "pushed either the Second Amendment to the Constitution or 18 to 20 years old to a second-class position." It was.

"Looking at the text and structure of the Constitution through this historic lens, we can see that 18 to 20 years old have the right to the Second Amendment," he writes. "Virtually all other constitutional rights apply regardless of age, and the Second Amendment to the Constitution is no exception."

Richardson was joined by Judge G. Stephen Age, appointed by George W. Bush.

Judge James A. Wynn Jr., the appointed Barack Obama, opposed. He accused the majority of the panel of "winning the gun lobby in a battle lost at Capitol Hill more than 50 years ago," and the ruling "is inconsistent with the proper role of federal judiciary in the democratic regime."

The ruling is the latest example of how federal justice has moved to the right, especially with the mark left by former Trump on the bench. Tuesday's decision will be appealed and may eventually be appealed to the Supreme Court. The Supreme Court has already filed another gun rights proceeding during the next term. The case, for which oral arguments have not yet been scheduled, deals with the restrictions New York imposes on carrying guns in public.

The Gun Control Regulations of the Fourth Patrol Case were challenged in court by prospective gun buyers who were blocked from purchasing pistols because of the minimum age of the federal age. Their proceedings covered some restrictions passed by Congress in 1968 law and related regulations prohibiting gun dealers from selling pistols to people under the age of 21. Disproportionately high rate.

However, in Tuesday's opinion, a majority of the Fourth Circuit court said, "We cannot limit the rights of more than 99% of the group, as some 1% commit disproportionate amounts of violent crime." Stated.

Opinions also discussed the dissemination of the requirements for servers aged 18 and over who were in the state militia at the time of ratification of the Second Amendment of the Constitution in 1791.

"The militia law helps to provide a baseline for determining the relevant political communities that have enjoyed the rights of the Second Amendment," Richardson wrote. "They support the positive conclusion that the 18-year-old is protected by the Second Amendment. However, even if the history is not very clear, the 18-year-old is not necessarily the second Amendment. It is not excluded from protection. "

The future of gun control

Other courts previously upheld the federal minimum age and the broader age limit passed by the state. Just last month, a federal judge upheld Florida's ban on the sale of firearms to people under the age of 21.

Adam Winkler, a law professor at the University of California, Los Angeles and author of "Gunfight: The Battle for the Right to Own Weapons," said Tuesday's Fourth Circuit decision, "This law was earlier. It was partly surprising because it was endorsed by the court. " America. "But given the focus on gun rights during Trump's judicial propulsion, the decision was" not a shock, "Winkler added.

"As a result of these Trump appointments, I think we'll see many of these gun controls questioned in the coming years," he said.

The Justice Department did not immediately return CNN's request for comment.

However, legal experts have told CNN that they expect the DOJ to appeal the proceedings and ask the entire Fourth Circuit to consider the decision. Given the small proportion of cases that the High Court has appealed to hear each year, it is not very certain that the cases will end in front of the Supreme Court.

The Supreme Court is more likely to be involved in the case if Tuesday's decision is approved, said David Kopel, a part-time scholar at the Cato Institute in Revertarians.

“The Supreme Court is paying attention when federal law is withdrawn as unconstitutional,” he said.