



“... the right of the people to keep and bear Arms, shall not be infringed.”

EXERCISING THE RIGHT

Too Young for the Second Amendment?

At what age does the Second Amendment protect a citizen's right to bear arms? That question may be answered someday by the Supreme Court owing to a recent appellate court decision. The *Washington Times* reported on July 14 that the Fourth U.S. Circuit Court of Appeals struck down part of a federal law, the Gun Control Act of 1968, that prohibited handgun sales by licensed dealers to anyone under the age of 21.

The case at hand involved a 19-year-old woman who tried buying a handgun after an abusive ex-boyfriend, whom she had an order of protection against, missed a scheduled court date. The woman was unable to buy the gun due to the federal law, and sued to challenge the law in federal court. The judge who wrote the opinion ruled that the Second Amendment extended to 18-20-year-olds and couldn't be limited to just those 21 and up. Judge Julius Ness Richardson, who was appointed by President Trump, explained his rationale in the opinion by writing, “When do constitutional rights vest? At 18 or 21? 16 or 25? Why not 13 or 33? In the law, a line must sometimes be drawn. But there must be a reason why constitutional rights cannot be enjoyed until a certain age. Our nation's most cherished constitutional rights vest no later than 18. And the Second Amendment's right to keep and bear arms is no different.”

The law had been challenged in the past and was upheld by other appellate courts, which found that since the age of majority was understood to be 21 at the time of the ratification of the Constitution, then that same age was suitable for the 1968 law. Judge Richardson addressed this view in his decision and wrote that laws in existence at the time of the Founding mandated 18-year-olds to join militias and even required them to supply their own firearms. “While some historical restrictions existed, none support finding that 18-year-olds lack rights under the Second Amendment,” Judge Richardson wrote.

Legal scholars are expecting this split in the appellate courts to eventually make its way up to the Supreme Court. The attorney for the young woman in the case,

Elliott Harding, told the *Washington Times* that he's optimistic the case will be heard by the Supreme Court: “I'm hopeful the case will find its way to the Supreme Court should they deem it worthy of consideration, as there's a circuit split now and the case has significant implications for current and potential legislation concerning young adults' access to firearms.”

Anti-gun Grandstanding

New York Governor Andrew Cuomo has a notorious love of the spotlight, and Fox News reported on July 7 that, true to form, Cuomo was once again trying to grab the media headlines when he declared gun violence a public-health crisis. In his typical self-aggrandizing fashion, Cuomo heaped praise on himself for his executive orders related to COVID and cited those as a model for how he will address the increase in shootings that is plaguing his states' major cities. “Just like we did with COVID, New York is going to lead the nation once again with a comprehensive approach to combating and preventing gun violence, and our first step is acknowledging the problem with a first-in-the-nation disaster emergency on gun violence.... Now, this is a national problem. I get it. But somebody has to step up and somebody has to address it,” Cuomo told the media. This move was met with collective eye-rolling from both sides of the aisle, as those familiar with Cuomo's antics were not impressed.

Cuomo found himself being criticized by fellow Democrats. Democratic New York State Assemblyman Ron Kim tweeted, “For Cuomo, this isn't about fixing gun violence. It's about continuing his executive powers through a state of emergencies so he can continue to play savior on TV while monitoring his poll [numbers] incessantly.” Kim followed up that tweet with another mocking Cuomo for engaging in these moves simply to garner himself publicity the way he did during the COVID pandemic: “Translation: I want to use gun violence to play hero again on my brother's CNN show and earn another \$5.1 million on a book deal while not doing anything to end the cycle of violence.”

Former NYPD Commissioner Bernard Kerik placed the blame for the surge in crimes involving guns on a soft-on-crime approach by Democrats. “The governor, prosecutors, and mayor are responsible for the increases in violent crime, shootings, and murder,” Kerik tweeted.

Dog Walker Shoots Would-be Intruder

WUSA9.com reported on July 23 about a woman in Woodbridge, Virginia, who was involved in a shooting called a justifiable homicide by the Prince William County Police Department. Police say the incident unfolded around midnight, when the woman exited her house to walk her dog and was confronted by a masked man wielding a firearm. Thankfully the woman was well-prepared, and she pulled out her own loaded gun and fired at the suspect, seriously wounding him. She immediately called the police, who arrived on the scene and discovered the injured suspect lying near the doorway of the house, suffering from gunshot wounds. The suspect, who was later identified as 20-year-old Azhar Laurent Smart, was transported to a nearby medical facility, where he was pronounced dead.

Investigators from the Prince William County Homicide Unit said they discovered a loaded firearm on Smart's body. First Sergeant Jonathan Perok of the Prince William County Police Department told WUSA9.com, “She was simply exiting her residence from what we could determine, to walk her dog, something very innocent, something countless people do every day.... She encountered an individual who was threatening her. She stated she saw the gun in his hand, so she took the action that was necessary. It's very amazing that she was able to take all of that and process it very quickly and make a determination that my life is in danger.” After consultation with the local Commonwealth Attorney's Office, the shooting was ruled to be justified self-defense, and the woman won't face any charges for her actions. ■

— PATRICK KREY