



Written by [Bob Adelman](#) on July 18, 2024

## Appeals Court Affirms Right of 18- to 20-year-old Minnesotans to Carry a Firearm in Public

[The ruling by a three-judge panel](#) of the 8th Circuit Court of Appeals released on Tuesday affirmed a lower court's decision that Minnesota's ban on 18- to 20-year-old citizens of the state from carrying a handgun in public is unconstitutional. The state had a second chance to defend the indefensible, and it failed.

### Anti-gun Attorney General

The state's attorney general, Keith Ellison, a viciously anti-gun Muslim, was angry, and said he was "extremely disappointed" in the court's affirmation of the law's unconstitutionality:

The people of Minnesota want and deserve solutions that reduce shootings and improve public safety, and today's ruling only makes that more difficult.

What's difficult to understand is not only Ellison's refusal to understand the validity of the Second Amendment, but his unwillingness to keep the oath he took to support the Constitution when he assumed office in January 2019.

In [March 2014 Ellison](#) was interviewed by Bill Maher on *Real Time with Bill Maher*:

Ellison: [I am] for gun control, but I don't think you have got to eliminate ownership of all guns in order to get some common-sense gun rules.

Maher: Then why doesn't your [Democratic] party come out against the Second Amendment?

Ellison: I sure wish they would. I sure wish they would.

### The Case

The case in question, [Worth v. Jacobson](#), began when Minnesota revised its gun laws requiring its citizens to obtain a permit before being allowed to carry a firearm in public. That law prohibited anyone aged 18 to 20 from applying for such a permit.

Three Minnesotans, then under age 21 but otherwise qualified to obtain a permit, sued (with legal assistance and support from the Minnesota Gun Owners Caucus, the Second Amendment Foundation, and the Firearms Policy Coalition), claiming their Second Amendment rights were being violated by the law.

The district court ruled in their favor, granting them a summary judgment against the state. The court found that 1) they were covered under the plain text of the Second Amendment, as it had no age limit,



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and 2) the state failed in its attempt to find support for such a ban in the country's historical tradition of firearm regulation.

### **The State's Appeal**

The state, under Ellison, appealed, determined to try again. It claimed that anyone 18 to 20 years old in the state was not included in "the people" of the Second Amendment: "... the right of *the people* to keep and bear Arms, shall not be infringed." The state tried to make the case that 18- to 20-year-olds are not members of "the people" because at common law, individuals then did not have rights until they turned 21 years old.

The court laughed at this. First they noted that rights are not *given* by governments but are only *guaranteed* by them. They also pointed out that there is no age limit in the language of the Second Amendment.

The appeals court wrote:

Those 18 to 20-years-old are "among 'the people'" for other constitutional rights such as the right to vote, freedom of speech, peaceable assembly, government petitions, and the right against unreasonable searches and seizures."

The Second Amendment shares equally with those other rights, and is not in a "second-class" position.

The state tried another tack. It claimed that 18- 20-year-olds are more "dangerous" than the general public, and therefore deserve to have their rights restricted. The court laughed at this canard, too:

A claim that a group is "irresponsible" or "dangerous" does not remove them from the definition of "the people" [noted in the Second Amendment]....

Minnesota has failed to show that 18 to 20-year olds pose such a threat. Accordingly ... the Carry Ban cannot be justified on a dangerousness rationale.

The state sought to prove that there were Founding Era restrictions that justified the infringement, but failed in that, too:

Minnesota's proffered founding-era analogues do not meet its burden to demonstrate that the Nation's historical tradition of firearm regulation supports the Carry Ban.

### **End of discussion**

Therefore, the court concluded:

Minnesota has not met its burden to proffer sufficient evidence to rebut the presumption that 18 to 20-year-olds seeking to carry handguns in public for self-defense are protected by the right to keep and bear arms. The Carry Ban ... violates the Second Amendment as applied to Minnesota through the Fourteenth Amendment, and, thus, is unconstitutional.

The judgment [of the lower court] is affirmed.

Ellison may decide to appeal to the full court, or he may appeal to the Supreme Court. Or, he could



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learn his lesson: His and his state's anti-gun agenda is DOA, thanks once again to *Bruen*.

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