



Written by [Bob Adelman](#) on December 13, 2023

Could Hunter Skate on His Gun Violations Because of Bruen?

Hunter Biden is likely to have the charges filed against him for violating a federal gun law dismissed. This, at the same time that father is pressing for more restrictions on gun ownership!

Hunter lied on his federal Form 4473 when he purchased a handgun in 2018. To the question, "Are you an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance?" he said No. He added to the crime by certifying that his answer was true.



AP Images
Hunter Biden

During the investigation of Hunter's shady dealings by David Weiss, special counsel for the Department of Justice, Weiss learned that Hunter, in his 2021 memoir *Beautiful Things*, admitted that at the time he purchased the pistol he was using crack cocaine "every 15 minutes."

That was enough for Weiss to charge him in September with violating the law: "Robert Hunter Biden ... knowingly made a false and fictitious written statement ... certifying that he was not an unlawful user of, and addicted to, any stimulant, narcotic drug, or any other controlled substance, when in fact, as he knew, this statement was false and fictitious."

[On Monday Hunter's attorneys filed a motion to dismiss Weiss' complaint](#), claiming that under *Bruen*, the federal law that Hunter violated, has been ruled unconstitutional. That law reads, "it shall be unlawful for any person ... who is an unlawful user of or addicted to any controlled substance ... to ... possess ... any firearm or ammunition."

This lifetime ban has been repeatedly ruled unconstitutional, as noted by *The New American*, in *Range v. Garland* and in *Williams v. Garland*, as well as in other decisions since then.

These decisions were seized by Hunter's lawyers as an opportunity to demand that the U.S. District Court in Delaware, where Weiss filed his complaint, dismiss it:

The prosecution [Weiss] charges that Mr. Biden violated a rarely used statute that it claims prevented him from owning a firearm as an unlawful user of a controlled substance, 18 U.S.C. § 922(g)(3), but that statute's status-based prohibition on gun ownership recently was struck down as unconstitutional under the Second Amendment. See *United States v. Daniels*.

Not only does the unconstitutionality of Section 922(g)(3) render Mr. Biden's alleged



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violation of that unconstitutional statute baseless, it compels the same conclusion as to the prosecution's charges that Mr. Biden made a false statement in denying his status as a user of a controlled substance under 18 U.S.C. § 922(a)(6) and caused the seller (a holder of a federal firearms license) to maintain a record of this false answer.

Hunter's lawyers added:

Just recently, the Fifth Circuit applied the new *Bruen* framework to Section 922(g)(3)'s prohibition on gun ownership by persons who is a user of or addicted to controlled substances, the same statute at issue in Mr. Biden's case, and it had no difficulty finding the statute unconstitutional.

In truth, the statute is indefensible under the *Bruen* framework....

There is no reason to believe that the Third Circuit [Court of Appeals] or the Supreme Court will find Section 922(g)(3) constitutional because there is no historical precedent to support its ban on gun possession as *Bruen* requires.

The irony is staggering. For one thing, it puts Hunter in opposition to his father's attempt to rein in private ownership of firearms. For another, gun-rights groups are offering to help with Hunter's defense, if necessary. The Firearms Coalition (FPC) posted on X on Monday:

Reminder:

Our rights are more important than politics.

Our offer to assist in destroying the unconstitutional law still stands.

It also puts pressure on the ATF to remove the offending question from its Form 4473.

In addition, it makes Hunter Biden, the son of Joe, "perhaps the highest-profile Second Amendment plaintiff in the country", said Jake Fogleman at The Reload website.

Of course, Hunter is far from out of the woods. While likely avoiding the possible 15-year jail sentence for violating a law that courts have ruled unconstitutional, still pending are his felony indictments for tax evasion.

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