



Another Win for the Second Amendment, This Time in Tennessee

When Tennessee legislators ended the requirement for most adults to get permission to carry a concealed handgun in 2021, they neatly excluded anyone between the ages of 18 and 21. Three such people, with the legal assistance of the Firearms Policy Coalition (FPC), [filed suit](#).

Claiming their rights were being violated under the Supreme Court's ruling in *District of Columbia v. Heller* (2008), they stated:

This is an action to uphold the right to keep and bear arms as guaranteed by the Second Amendment to the United States Constitution. This right "guarantee(s) the individual right to possess and carry" firearms.



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They further claimed their rights were being violated under the high court's ruling in 2010's *McDonald v. City of Chicago*, which confirmed that the rights guaranteed by the Second Amendment are "among those fundamental rights necessary to our system of ordered liberty."

The complaint argued that at 18 years of age a citizen of Tennessee is considered an adult "for almost all purposes ... yet the state bans such persons from carrying a loaded handgun in public for self-defense."

While never specifically mentioning the ruling by the high court in *New York State Rifle & Pistol Association, Inc. v. Bruen*, the complaint took special pains to remind the district court where the complaint was filed that any "government must ... justify its regulation by demonstrating that it is consistent with the Nation's historical tradition of firearm regulation."

Accordingly, the complaint explained:

Throughout American history, arms carrying was a right available to all peaceable citizens. Sometimes it was even a duty....

Moreover, young adults between 18 and 21 were fully protected by the Second Amendment at the time of its ratification. Hundreds of statutes from the colonial and founding eras not only permitted but required 18-to-20-year-olds to keep and bear arms.

The complaint alluded indirectly to the *Bruen* decision in its summary of the complaint against Tennessee:

Thus, these laws ... prohibit Plaintiffs ... from carrying loaded handguns in any place ... in



Written by [Bob Adelman](#) on January 26, 2023

direct violation of the Second and Fourteenth Amendments to the United States Constitution under the authorities of *Heller* and *McDonald* **and their progeny**. [Emphasis added.]

These arguments were so persuasive that on January 23 attorneys for the state of Tennessee came to favorable terms with the plaintiffs and the court issued an [“Agreed Order”](#) restoring the rights that were violated and keeping the state from enforcing the unconstitutional law. The state must also start issuing concealed carry permits to those aged 18 to 21, and pay almost \$50,000 in legal fees to the FPC.

The Agreed Order stated:

The Challenged Scheme regulating the possession and carrying of handguns that restricts individuals 18 years old to 20 years old from carrying handguns or obtaining permits to carry handguns on the basis of age alone violates the Second and Fourteenth Amendments to the United States Constitution.

The takeaway here is the growing influence of the *Bruen* decision in restoring full constitutional rights to American citizens that have been deliberately eroded over time by anti-gun politicians and judges. As Jake Fogleman, writing for The Reload, noted: “The [agreed] order adds to the growing list of legal decisions finding special restrictions on the gun rights of otherwise law-abiding adults under 21 to violate the Second Amendment.”

In December the state of Texas withdrew its attempt to ban the carrying of handguns by adults under the age of 21, and in January an Illinois judge issued a temporary restraining order against the state’s ban on “assault weapons” and “high-capacity” magazines.

The *Bruen* decision is keeping the lawyers at the Firearms Policy Coalition very busy: They have filed suit in Oregon over its gun control law and in Delaware over its “assault weapons” ban, and are participating in more than 70 similar cases across the country.

All of this emanates from the actions of the 45th president of the United States, Donald Trump, who kept his promise to nominate “originalists” to the Supreme Court. The reverberations flowing from his promise kept are continuing and accelerating in the long war against the private ownership of firearms in a constitutional republic.



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