



Written by [Bob Adelman](#) on August 17, 2023

Second Amendment Foundation Files Appeal in Minnesota “Carry Case”

The so-called [carry case](#), which began in Minnesota before the Supreme Court’s ruling in *Bruen* last summer, is wending its way upward through the court system, with the outcome in little doubt: Minnesotans between age 18 and 20 have full Second Amendment rights.

The Second Amendment Foundation (SAF), which filed the complaint initially, [has just appealed](#) the state’s determination to continue the contest even with the outcome assured.

The plaintiffs in the case will likely have turned 21 or older by the time the matter is settled, but the conclusion remains: Minnesota’s attempt to restrict the gun-ownership rights of those citizens between age 18 and 20 is unconstitutional.

It’s the *Bruen* ruling that has upended Minnesota’s attempt to restrict the plaintiffs’ rights. The state must now show that there is historical evidence and precedent to support their infringement, and there is none. The anti-gun politicians and officials currently running the state continue to fail to read the new tea leaves.

The case was originally filed by the Second Amendment Foundation (SAF) in June 2021 on behalf of three young adults: Austin Dye, Axel Anderson, and Kristin Worth, each of whom was under age 21 at the time.

They wished to carry a firearm on their persons outside their homes but, because of Minnesota’s onerous permitting rules, they couldn’t apply for permission because of their age. “The State of Minnesota,” wrote the attorneys, “prohibits a certain class of law-abiding, responsible citizens — namely, adults who have reached the age of 18 but are not yet 21 — from fully exercising the right to keep and bear arms.”

They added:

At 18 years of age, law-abiding citizens of this country are considered adults for almost all purposes and certainly for the exercise of fundamental constitutional rights.

Yet the State [of Minnesota] bans such persons from carrying a handgun outside their home ... unless they first acquire a permit...

[But they] are absolutely ineligible to receive a permit to carry even though they are adult individuals over 18 years old, because they are under 21.



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After sifting through the meager evidence attorneys for Minnesota presented, the outcome was clear. U.S. District Court Judge Kathleen Menendez (a Biden nominee!) wrote:

Young adults between 18 and 21 were fully protected by the Second Amendment at the time of its ratification. Hundreds of statutes from colonial and founding eras required 18-to-20-year-olds to keep and bear arms.

She ruled against Minnesota in March this year: “The Supreme Court’s recent decision in ... *Bruen* compels the conclusion that Minnesota’s permitting age restriction is unconstitutional, and Plaintiffs are entitled to judgment [in their favor] as a matter of law.”

Not getting the message, the state immediately filed an appeal, and the judge put a hold on her ruling. So the unconstitutional ban is still being enforced in Minnesota.

The SAF reentered the case, filing an appeal on Tuesday demanding that the court, and the Biden-nominated judge, expedite the case. SAF Executive Director Adam Kraut stated:

Judge Menendez made the right call in this case almost five months ago.

We remind the court that the Second Amendment refers to a right “of the people” without mentioning age, and certainly young adults fall within the definition of “the people” ever since they’ve been allowed to vote, and generations before that when they were considered part of the [states’] militia, and have been accepted into the military.

The appeal to lift the hold and allow plaintiffs, and every other citizen in the state between age 18 and 21, to enjoy their Second Amendment rights reminded Judge Menendez that

[her court] granted Plaintiffs’ motion, holding that the Carry Ban was facially unconstitutional under the Second and Fourteenth Amendments and enjoining its enforcement because 18-to-20-year-olds are part of “the people” protected by the Second Amendment and the State failed to demonstrate that the Carry Ban was part of a historic tradition of firearm regulation that was understood to be consistent with the Second Amendment....

[T]here can be no question that 18-to-20-year-olds are members of “the people” whose rights are protected, and the State has failed to come forward with evidence of even one relevant restriction from the Founding era....

[T]he State has failed to demonstrate a single arguably similar historical restriction from before 1856....

[T]here is not just an absence of similar restrictions at the Founding, there are laws (the militia laws) that affirmatively required 18-to-20-year-olds to own firearms, and no suggestion anywhere that they were restricted from carrying them when not mustering.

The SAF attorneys pressed the point: “Every other constitutional right applies at least to those 18 and older,” reminding her that she wrote in her original ruling that “although one can find certain limitations upon the rights of young people secured by both the First and Fourth Amendments, neither has been interpreted to exclude 18-to-20-year-olds from their protections.”



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The outcome is certain. The plaintiffs are aging out of the restricted range, but other Minnesotans are entering the banned age range and their rights are being infringed upon.



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