

LIMITING FIREARM PURCHASES TO THOSE AGE 21 AND OVER

One of the proposals now being urged by many is to prohibit the sale of any firearms to persons under the age of 21. At first blush, such a prohibition seems reasonable. Many states prohibit the sale of alcohol to anyone younger than 21 and the age has been used as a dividing line for other activities such as gambling or the purchase of explicit adult materials. But none of those activities implicate a right guaranteed by the Constitution.

The two sides of the gun control debate can argue for weeks about the meaning of the Second Amendment and what the prefatory phrase referring to a “well regulated Militia” tells us about the intent of the framers. It doesn’t matter. For now at least, the U.S. Supreme Court has held in *District of Columbia v. Heller* that the Second Amendment guarantees an individual as opposed to a collective right to own firearms for personal reasons including self-defense. You may not agree, but that is the holding. Get over it.

Of course, *Heller* does not fully answer the question presented. Even Constitutional rights may be limited where the need is compelling and the limitation is rationally justified and narrowly tailored to achieve the objective. The other articles available on this website explain why such regulation may not be justified at all. Assuming that it is justified, however, what is the rational basis for imposing a blanket prohibition applicable to anyone below a certain age?

Any law limiting the purchase of firearms to those 21 years of age and older would by definition exclude many veterans who have honorably served this country “under arms” for two years; some with deployments to Iraq and Afghanistan that have changed their lives forever, and some who have been recognized for their selflessness and valor under fire. One example is:

ARMY SPC MONICA LIN BROWN



A 19-year-old medic from Texas in March 2008 became only the second woman since World War II to receive the Silver Star, the nation's third-highest medal for valor. Army SPC Monica Lin Brown, after an IED explosion in April 2007 in Afghanistan wounded five soldiers in her unit, ran through insurgent gunfire and used her body to shield wounded comrades as mortars fell less than 100 yards away, the military said. Medical aid she rendered under fire saved all five of her comrades.

The military said Brown's "bravery, unselfish actions and medical aid rendered under fire saved the lives of her comrades and represents the finest traditions of heroism in combat."

Brown would not be allowed to purchase any kind of firearm under proposed legislation. Even without legislation, neither Walmart nor Dick's Sporting Goods would now sell her a firearm.

Setting aside current military veterans and medal recipients younger than 21, of which there are many, here are a few other names to consider:

Andrew Jackson (9), Major Thomas Young (12), James Armistead (15), Peter Salem (16), Marquis de Lafayette (18), James Monroe (18), Henry Lee III (20), Gilbert Stuart (20), John Trumbull (20), Aaron Burr (20) & John Marshall (20).

While many of those names will be familiar, you may wonder at their relevance to this discussion. They are all key figures of the American Revolution and the numbers in parentheses reflect their ages on July 4, 1776. The youngest of them, Andrew Jackson, was born on March 15, 1767. He would have been only 14 years old when the British surrendered at Yorktown on October 19, 1781, a year after he signed up to fight them; and still only 20 years old when the Constitution was adopted and signed on September 17, 1787.

None of these “youth” would be permitted to purchase firearms under legislation of the type now being discussed even though on July 4, 1776, all of them with the possible exception of Andrew Jackson* were owners and users of the most lethal and sophisticated firearm of their day; the smooth bore flintlock musket. [The more accurate and longer range “Kentucky” long barrel rifle was still relatively scarce and would remain so throughout the war, though its occasional appearance in the hands of snipers would wreak havoc among the British Officer ranks].

*Jackson who with his brother signed up to fight the British at age 13 likely owned or had regular use of a musket for hunting even in 1776 at age 9 growing up as he did in the Carolinas.

In 2015, there were a total of 32,166 vehicular crashes in the United States resulting in 35,092 deaths. *Traffic Safety Facts Research Note*, U.S. Dept. of Transportation, National Highway Traffic Safety Administration DOT HS 812 381 (March 2017) [[REF LINK](#)]. Of those fatal accidents, 3,196 involved “distracted driving”, and in 442 of them use of a cell phone was the reported distraction. *Id.* Nine percent of all distracted drivers involved in fatal crashes were 15-19 years old, but fully 14% of ALL of the drivers distracted by cell phones were in that age group; numbers grossly disproportionate to their numbers in the overall driving population. *Id.* In addition to those deaths, an estimated 30,000 injuries were attributed to cell phone caused distractions in 2015. *Id.* Based on the previously cited figures, it is reasonable to assume that 4,200 of those injuries (14%) were caused by a 15-19 year old wielding a cell phone. It also must be remembered that these figures represent only hard data where cell phone use was proven or admitted by the driver. The actual incidence rate undoubtedly was far higher.

This digression was not without purpose. If 18-20 year olds cannot be trusted to own a firearm because of the risk such ownership presents to them and others, perhaps that same logic should be applied to cell phones and we should ban their ownership and use by anyone under the age of 21.

Each of us could probably name several people of varying ages whose firearms we gladly would take away and give to Monica Brown or another similar 18-20 year old for safekeeping if given the choice. There are without question many thousands of 18-20 year old Americans, many of them veterans like her, who have demonstrated the maturity and discipline that we expect of responsible gun owners. We should think long and hard before telling them they cannot exercise the right to own one.

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Author Note: Like many young men growing up in the rural South, the author owned a .22 caliber rifle and a shotgun, both of which were used for hunting and sport shooting. He no longer hunts and has passed the .22 rifle on to his son, but he still owns firearms for recreation and personal defense. He is not a member of the NRA and has no vested interest in the gun debate, but is tired of hearing heated arguments presented on both sides of the issue without bothering to learn the facts.