



28 September 2020

## Concerning the Honorable Amy Coney Barrett's Record on Unconstitutional Gun Control Laws

On 15 March 2019, the Honorable Amy Coney Barrett [dissented](#) from the majority opinion in *Kanter v. Barr*, where two other judges ruled that the Second Amendment to the U.S. Constitution does not prevent states or the federal government from prohibiting non-violent felons from receiving firearms.

While the plaintiff in the case had committed the white-collar and non-violent crime of selling Medicare non-compliant therapeutic shoes and inserts, Wisconsin law barred Rickey Kanter from firearm ownership.

The Honorable Amy Coney Barrett's dissent from her two Republican-appointed colleagues cited the text and original meaning of the Second Amendment to reach a bold, uncompromising, and well-researched conclusion.

**Rather, as Judge Barrett explained, “the Second Amendment confers an individual right, intimately connected with the natural right of self-defense.”**

Rather than assent to the use of intermediate scrutiny to uphold a categorical ban on firearm possession by felons, including non-violent felons who have never posed a danger to anyone, Judge Barrett indicated a willingness to examine and apply the Second Amendment as written, by looking at its text and using history as a guide.

**Judge Barrett rejected “the argument that the Second Amendment protects a purely civic right” that can be eliminated if one is not sufficiently “virtuous.”**

In her *Kanter* dissent, Judge Barrett rejected “the argument that the Second Amendment protects a purely civic right” that can be eliminated if one is not sufficiently “virtuous.” Rather, as Judge Barrett explained, “the Second Amendment confers an individual right, intimately connected with the natural right of self-defense....”

Judge Barrett also rejected the idea that the Second Amendment was simply a continuation of the English tradition, explaining that “the right protected by the Second Amendment was decidedly broader than the one protected in the English Bill of Rights.”

Judge Barrett's conclusion is essential to the defense of our freedoms when considering the unconstitutionality of gun control laws like so-called "Gun-Free" Zones, "Assault Weapons" Bans, and Standard Capacity Magazine Bans which often result in non-violent felony convictions for otherwise law-abiding citizens.

The Honorable Amy Coney Barrett's opinion appears to be that of a judge willing to strike down infringements using the largely ignored landmark precedents set in *District of Columbia v. Heller* and *McDonald v. City of Chicago*, instead of engaging in the judge-empowering interest balancing that has run rampant in the lower courts.

Judge Barrett's dissent also reveals an unequivocal commitment to the rule of law and an unwillingness to back away from Second Amendment issues due to cowardice, personal preference, or ever-increasing [threats](#) by anti-gun politicians.

Our Second Amendment-recognized rights are "necessary for the security of [our] free state." Accordingly, the American people deserve a Supreme Court willing to defend their constitutional rights. Gun Owners of America looks forward to the expeditious confirmation of the Honorable Amy Coney Barrett to the Supreme Court of the United States.

**"[My Democratic colleagues] openly threatened this Court with political retribution [...] warn[ing that] "the Supreme Court is not well. And the people know it. Perhaps the Court can heal itself before the public demands it be restructured in order to reduce the influence of politics. Particularly on the urgent issue of gun control [...]"**

**The implication [of my Democratic colleagues] is as plain as day: Dismiss this case, or we'll pack the Court."**

**—Senator Mitch McConnell**

the Honorable Amy Coney Barrett to the

In liberty,

Aidan Johnston  
Director of Federal Affairs  
Gun Owners of America