



Written by [James Heiser](#) on October 10, 2011

Court to Rule on Georgia's Ban on Guns in Churches

Tensions are building in Georgia over a controversial new law which would restrict the rights of gun owners, and the judges of the 11th Circuit Court may be weighing precisely how many of the fundamental rights of the American people will be at stake when they issue their ruling in a case involving the right of licensed gun owners to carry their firearms with them to church.

[GeorgiaCarry.org](#) has played a significant role in the fight for the Second Amendment rights of the citizens of Georgia, and it is a lawsuit by the organization's attorneys which has brought a review of the law in front of the judges of the 11th Circuit Court. GeorgiaCarry has successfully used such court actions before in its effort to compel supposed "public servants" to actually abide by the laws of the state; as the group's website notes:



Prior to July 1, 2008, the State of Georgia had many restrictions on where and how a law-abiding citizen could carry a firearm. Coupled with a law so vaguely and poorly written that determining where one could legally carry was extremely difficult, many citizens never bothered to obtain a Georgia Firearm License to exercise their rights.

GeorgiaCarry.Org was incorporated on February 9, 2007 and from the beginning, we have fought against the powerful interests who seek to burden the exercise of our second amendment rights.

Our first action was to sue Georgia's Probate Judges to force them to follow the law. We sued them to force them to issue license[s] within a certain time frame as opposed to issuing them when they so desired. We also took them to court to remove their requirement of applicants to supply their Social Security numbers and employment information in order to obtain a license. Next, we took on Cities and Counties to force them to repeal their local gun bans, in violation of Georgia's Preemption Law (OCGA 16-11-173).

However, in the opinion of some observers, the 11th Circuit may have prejudged the case. [As CNSNews reports:](#)

The 11th Circuit Court of Appeals in Atlanta heard arguments Thursday on a lawsuit brought by the central Georgia church and gun rights group GeorgiaCarry.org claiming that the law violates their constitutionally protected religious freedoms. State lawyers said it was a small price to pay to allow other worshippers to pray without fearing for the[ir] safety. The panel of judges roundly criticized the suit after hearing oral arguments but didn't immediately make a ruling.

Georgia is one of a handful of states with the restrictions — court papers say Arkansas,



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Mississippi and North Dakota have also adopted similar laws — and court observers, religious leaders and Second Amendment groups are closely watching the outcome of this case.

If Thursday's arguments are any indication, the challengers are facing a tough fight. All three judges on the panel raised technical legal concerns about the lawsuit targeting the 2010 law that banned people from carrying weapons into houses of worship.

Constitutionalist observers note that the primary matter of concern for the 11th Circuit Court of Appeals should be the unconstitutional character of the such a restriction on the Second Amendment rights of the citizens of Georgia — but if CNSNews is right, the justices are more interested in the fine points of the law than in broader matters such as the Bill of Rights.

The [Los Angeles Times further trivialized](#) the legal restrictions, comparing the firearms restriction to Georgia's antiquated "blue laws":

Some secular types don't like the fact that they are prohibited from buying beer at the grocery store on the Christian Sabbath.

And some gun-rights advocates are peeved that a state law prevents them from packing heat in the pews.

The long-standing "blue law" ban on alcohol, however, could be lifted soon — at least in some parts of the state. And, if a gun-rights group has its way, so will the ban on bringing guns to church.

But constitutionalists point out that while the imposition posed by "blue laws" is a relative inconvenience, the imposition on the Second Amendment rights of Georgians posed by current state law directly conflicts with the constitutional liberties of the citizens of that state. They note that the Left has the ability to feign a sudden burst of piety when it comes to pretending that the presence of firearms would somehow profane a house of worship; yet the same partisans rarely express such a sentiment when the beliefs communicated from the pulpits of such churches are at variance with the tenets of the various creeds of political correctness.

While private citizens, businesses, and nonprofit organizations (including churches) regularly retain the legal right to restrict — or even ban — the carrying of open or concealed firearms from their property, usually such restriction require a specific action on the part of those who control the property. A carte blanche restriction such as presently exists in Georgia preempts the ability of churches to determine whether or not they even desire such a restriction. Critics of the law note that far from preserving the sanctity of churches and other places of worship in Georgia, the legislation actually dictates to such institutions one more aspect of the conduct of worshippers — and does so by systematically stripping them of a fundamental right.



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