



Written by [Steve Byas](#) on June 3, 2022

New York: No Rifles Until 21

As part of the wave of legislation sweeping the country to deny the right to keep and bear arms to various segments of the civilian population, New York State passed a bill on Thursday to keep anyone under the age of 21 from buying or possessing a semi-automatic rifle. Governor Kathy Hochul asked for the bill, and is expected to sign it into law.

The bill was supported by most Democratic legislators, and opposed by most Republicans, and passed the Assembly 102-47, and the Senate 43-20. Supporters cited the use of a gun to kill 10 people in a Buffalo, New York, supermarket by an 18-year-old as justification for the bill's passage.



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New York is not the first state to take away the right of those under 21 to buy or possess certain types of firearms. Similar legislation is on the books in Florida, Hawaii, Illinois, Vermont, and Washington State.

It is uncertain whether the new law can survive challenges in federal court. The U.S. Ninth Circuit Court of Appeals ruled last month 2-1 that California's ban on the sale of semi-automatic weapons to adults under 21 is unconstitutional. The National Rifle Association (NRA) is challenging Florida's law banning the sale of rifles to adults under 21, as well.

In New York, Governor Hochul defended the new law: "Even as we take action to protect New Yorkers, we recognize that this is a nationwide problem. I once again urge Congress to seize this moment and pass meaningful gun violence and prevention measures. We have no time to waste."

Hochul is correct that we have a "nationwide problem," but the problem is not what Hochul claims it is. The problem is that a constitutionally-protected right is under assault across the country, and Americans need to understand the seriousness of the situation. As Hochul said, "We have no time to waste."

Even a total ban on the private ownership of firearms would not eliminate all firearms, no more than Prohibition eliminated alcohol or drug laws eliminate drugs. What it would do is give the government a monopoly on the ownership and possession of firearms, ending the ownership and possession of guns by private citizens, which is the ultimate goal of many gun-control advocates.

Raising the age to purchase and possess a rifle to 21 is part of a strategy of incrementalism, whereby government chips away at the right to keep and bear arms, hoping that over time this will lead to less and less resistance to a ban on all civilian ownership of guns.

Keep in mind that gun confiscation in National Socialist Germany under Adolf Hitler and in Communist Cuba under Fidel Castro did not happen all at once. First, the Weimar government that preceded Hitler



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passed a national gun-registration law. When Hitler later directed the confiscation of private arms, the government knew who had them. A similar ruse was used in Cuba under Castro.

How does raising the age to purchase and possess a firearm from 18 to 21 fit into this strategy? Since 1971 and the passage of the 26th Amendment, no state can deny the right to vote due to age for any person who is at least 18 years of age. At the time, most states did not allow a person to vote until 21, but with so many young Americans fighting — and dying — in Vietnam who were under 21, there was a national movement to lower the voting age to 18.

Regardless of what one thinks about the wisdom of allowing persons younger than 21 to vote for president of the United States, Congress, governors, and so on, this is now a constitutionally protected right. Logically, then, if a person can be entrusted to choose government officials who have the power to affect all of our lives — regardless of age — then we can presume that person is of “legal age.”

If a person can be charged as an adult with a felony at 18, then one can logically infer that same person should have the other rights afforded to adults. At 18, a person can sign legally binding documents, get married, and serve in the military (and use weapons much more powerful than AR-15s). During World War II, future President George Herbert Walker Bush was just 18 years old when he was a fighter pilot!

In short, those who argue for a ban on gun sales and gun possession for those under 21 are arguing for a ban on such possession for *civilians* under 21.

This sets a dangerous precedent, and is a key part of the incremental strategy mentioned above. Once a person who is considered an adult in most other things can be denied a constitutional right, then it establishes the precedent that Congress or a state legislative body can deny this same right — or other rights — to persons older than 21.

If a person can be denied his Second Amendment-protected right to keep and bear arms because he happens to be under 21, then what is to stop the gun-grabbers from using that principle to raise the age to 22 — or 25? Or even higher? If an adult’s age can be the criteria for taking away a right, then can we take it away for a person *over* a certain age? Could a person be denied the right to own a firearm because of his sex, race, religion, or even political viewpoint?

And for those who say that an 85-year-old great grandmother has no business having a gun, and that she can just “call the police,” we can ask how did that work out for the kids in that school in south Texas? As the saying goes, when seconds count, the police are minutes away.



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