

The Indicted Have Gun Rights

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GrouchMar The idea that those who are indicted for a serious crime may not buy a gun, is, I think, what many in America might think of as “common sense gun control.”

But it isn't, for it rubs against the grain of the American legal tradition.

The pseudo-commonsense view appears nonsensical when boldly defended by the U.S. attorney's office, which, *The Texas Tribune* informs us, argued that a “law to prohibit those under felony indictment from obtaining guns

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does not interfere with the Second Amendment ‘because it does not disarm felony indictees who already had guns and does not prohibit possession or public carry.’”

That argument boils down to this: if you retain *some* relevant gun rights, *others* may be taken away.

Compare it to free speech: if the government allows you to talk freely with your family, its regulation of your conversations with neighbors is

hunky-dory!

“The Second Amendment has always allowed laws restricting the gun rights of groups viewed by legislatures as posing a public-safety risk,” the prosecution elucidated, “including those accused but not convicted of wrongdoing.”

But U.S. District Judge David Counts, introduced in every account of this I've read so far as “appointed by former President Donald Trump” — so that must be important, eh? — denies this. He found *no* historical precedent for disallowing the accused and indicted from buying firearms.

Therefore, based on the recent Supreme Court decision,* Judge Countssays the government has no case. It's still *innocent until proven guilty*.

That is, governments may not “take away” our rights until convicted of a specific crime, punishment for which is loss of liberty.

This is Common Sense. I'm Paul Jacob.

* That U.S. Supreme Court case is *New York State Rifle & Pistol Assoc. v. Bruen*.

