

F R I D A Y , D E C

## US Appeals Court Expands Gun Rights

This article comes from the Wall Street Journal

By Ashby Jones

In the first legal ruling of its type, a federal appeals court in Cincinnati on Thursday deemed unconstitutional a federal law that kept a Michigan man who was briefly committed to a mental institution decades ago from owning a gun.

A three-judge panel of the Sixth U.S. Circuit Court of Appeals unanimously ruled that the federal ban on gun ownership for anyone who has been “adjudicated as a mental defective or who has been committed to a mental institution” violated the Second Amendment rights of Clifford Charles Tyler, a 73-year-old Hillsdale County man.

“The government’s interest in keeping firearms out of the hands of the mentally ill is not sufficiently related to depriving the mentally healthy, who had a distant episode of commitment, of their constitutional rights,” wrote Judge Danny Boggs, an appointee of President Ronald Reagan, for the panel.

Lucas McCarthy, Mr. Tyler’s lawyer, called the ruling “a forceful decision to protect Second Amendment rights,” and said he hoped it that it would have “a significant impact on the jurisprudence in the area of gun rights.”

The Justice Department didn’t respond to a request for comment.

The decision is the first by a federal appeals court to deem unconstitutional a federal gun law since the U.S. Supreme Court’s landmark 2008 ruling, called *D.C. v. Heller*. The *Heller* ruling, in which the court struck down the Washington, D.C., ban on firearms ownership, represented the Supreme Court’s first foray in decades into the scope of the Second Amendment.

Mr. Tyler recently attempted to buy a gun, but was denied on grounds that he had been committed by a


court to a mental institution in 1986 after emotional problems associated with a divorce, Thursday's opinion said. His commitment lasted less than a month.

Federal law bans gun ownership for a several types of people, including convicted felons, people under 18, illegal immigrants, drug addicts and those ordered by a court to a mental institution. However, federal law also says that people must have opportunities to prove that their disqualifying "disabilities" have ended and that they should be able to own a gun.

The federal government defunded its "relief from disabilities" program in 1992, said the opinion. Since 2008, states have been able to get federal grants to set up their own programs. But such programs are voluntary on the part of the states, and Michigan has yet to set one up, leaving Mr. Tyler without a venue by which to prove that his "disability" no longer should apply.

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