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March 15, 2023

Sent Via Electronic Filing

The Honorable Kate M. Menendez
United States District Court
316 North Robert Street
St. Paul, MN 55101

Re: *Kristin Worth, et al. v. John Harrington, et al.*
Court File No. 21-cv-1348 (KMM/LIB)

Dear Judge Menendez:

This letter is to notify the Court to persuasive authority issued by the Eleventh Circuit in *National Rifle Association, et al. v. Bondi, et al.*, No. 21-12314, 2023 WL 2484818 (11th Cir. 2023). On March 9, 2023, the Eleventh Circuit upheld as constitutional Florida’s Marjory Stoneman Douglas High School Public Safety Act, which precluded people under 21 from buying firearms. In affirming the District Court, the Eleventh Circuit found Florida’s law to be “consistent with our Nation’s historical tradition of firearm regulation.” *Id.* at *3, *citing New York State Rifle & Pistol Association, Inc. v. Bruen*, 142 S. Ct. 2111, 2126 (2022).

In reaching its conclusion, the Court acknowledged newspaper coverage of gun violence committed by 18-to-20-year-olds during the Reconstruction Era, analyzed historical statutes, and determined the Reconstruction Era to be more probative of the Second Amendment’s scope than the Founding Era:

Because the Fourteenth Amendment is what *caused* the Second Amendment to apply to the States, the Reconstruction Era understanding of the right to bear arms—that is, the understanding that prevailed when the States adopted the Fourteenth Amendment—is what matters. ... The opposite rule would be illogical. After all, it makes no sense to suggest that the States would have bound themselves to an understanding of the Bill of Rights—including that

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of the Second Amendment—that they did not share when they ratified the Fourteenth Amendment.

Bondi at *3. Notably, the Eleventh Circuit reviewed the same historically analogous statutes that were cited during summary judgment briefing in this matter. It found persuasive that Tennessee and Kentucky’s 1858 and 1859 laws were passed “in tandem with laws that prohibited giving spirits to minors, demonstrating those states’ understandings that alcohol and firearms both represented dangers to minors’ safety.” *Id.* at *7. In upholding the constitutionality of the Florida statute, the Eleventh Circuit found it was analogous to historical regulations in both the way it regulates 18-to-20-year-old’s access to firearms and its public safety purpose. *Id.* at *13 citing *Bruen* 142 S. Ct. at 2132.

Thank you for your time and attention to this matter.

Sincerely,

s/ Amanda E. Prutzman

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cc: All Counsel of Record

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