

It is the opinion of the law office of Daniel Horowitz that open carry of guns in automobiles should be legal because the 2nd amendment requires this.

In the Supreme Court's landmark 2022 decision in *New York State Rifle & Pistol Association, Inc. v. Bruen* (597 U.S. 1), Justice Clarence Thomas's majority opinion established a new, history-focused test for evaluating firearm regulations under the Second Amendment. The Court emphasized that historical precedent—specifically the nation's "historical tradition of firearm regulation"—is the sole standard for determining whether a modern restriction is constitutional. Core Principle: Text and History as the Test

The Court held that when the Second Amendment's plain text covers an individual's conduct (e.g., carrying a handgun in public for self-defense), that conduct is presumptively protected. The government then bears the burden of justifying any regulation by demonstrating that it is consistent with the Nation's historical tradition of firearm regulation.

Bicycle Guns existed for children and bike rider. Under the Bruen case this is another Reason Open Carry in Cars Should Be Legal.

Bicycles exploded onto the scene in the late 19th century, evolving from cumbersome "penny-farthing" designs to more practical chain-driven models. By the 1880s and 1890s, cycling became a mainstream mode of transportation, especially in urbanizing areas. Riders often traveled long distances through sparsely populated regions, where threats from wildlife, pests, or even human encounters were real concerns. Enter the bicycle rifle: a compact, single-shot or takedown firearm marketed specifically to cyclists for self-defense, hunting small game, or target practice.

One early example is the Stevens Pocket Rifle, introduced in 1872 by J. Stevens Arms and Tool Company. This rimfire gun featured barrels ranging from 10 to 18 inches, a removable wire stock, and chambers in calibers like .22 Long Rifle, .25 Rimfire, or .32 Rimfire. Weighing under 3 pounds, it could be disassembled and carried in a coat pocket or a special bicycle case. It was explicitly advertised as a "bicycle rifle" to appeal to outdoorsmen and cyclists seeking a lightweight backup to larger centerfire rifles.

Similarly, Henry M. Quackenbush's 1896 Bicycle Rifle was a single-shot .22 caliber design with a 12-inch barrel and an extendable wire stock, making it just 27 inches long when assembled. Produced in limited numbers (around 4,321 units between 1896 and 1919), it was ingeniously compact for its era, predating modern regulations on short-barreled rifles. Other manufacturers like Marlin followed suit with models such as the 1897 Bicycle Rifle, which had a 16-inch barrel and a full-length magazine tube, designed to fit in a frame-mounted case.

These weren't military weapons – though bicycle infantry units, like the U.S. Army's 25th Infantry Bicycle Corps in the 1890s, did carry standard rifles slung over their backs or strapped to frames. Instead, bicycle rifles were civilian tools, sold openly without permits or restrictions, reflecting an era when Americans routinely armed themselves for travel.

We Know ... the picture on this blog is not a real bicycle gun. These were guns made to be attached to the bicycle but we couldn't resist posting this silly AI generated image :[

The Bruen Test: History and Tradition as the Sole Standard

In *Bruen*, the Supreme Court, in a 6-3 opinion authored by Justice Clarence Thomas, established a rigorous, history-focused test for evaluating firearm regulations under the Second Amendment. The Court rejected the two-part framework previously used by many lower courts, which

combined a textual analysis with means-ends scrutiny (such as intermediate scrutiny, where courts balanced the government's interest in public safety against the burden on the right). Justice Thomas explained that this approach had "one step too many," as it invited judges to engage in policy-laden interest-balancing rather than constitutional interpretation.

Instead, Bruen holds: "When the Second Amendment's plain text covers an individual's conduct, the Constitution presumptively protects that conduct. The government must then justify its regulation by demonstrating that it is consistent with this Nation's historical tradition of firearm regulation."

Only if the government meets this burden may a court conclude that the regulated conduct falls outside the Second Amendment's protection. The test centers on text and history, drawing from the founding era (around 1791, when the Second Amendment was ratified) and the Reconstruction era (around 1868, when the Fourteenth Amendment incorporated it against the states). Historical evidence too far removed—such as medieval English laws or late-20th-century regulations—carries little weight unless it reflects enduring American understandings.

To apply this test, courts engage in analogical reasoning. A modern regulation need not be identical to a historical one (a "historical twin" or "dead ringer"), but it must share "relevantly similar" characteristics. The Court identified two key metrics:

How the regulation burdens the right of armed self-defense.

Why the regulation imposes that burden (its justification).

If no well-established and representative historical analogue exists, the regulation is presumptively unconstitutional. This approach ensures the Second Amendment is not treated as a "second-class right" subject to discretionary balancing, unlike other constitutional protections.

Here are some articles on bicycle guns. [Gun Digest](#)

[Old time ads for bicycle guns](#)

[Bicycle Rifle](#)

[Rifle Designed for Children on their Bicycles](#)

[The Historical Tradition of Firearm Carry on Bicycles and Private Vehicles](#)

The 19th century offers clear evidence that Americans freely carried guns on bicycles without government interference. Bicycles emerged as a common personal vehicle in the post-Civil War era, with millions in use by the 1890s. Accounts from the time depict cyclists arming themselves for protection during long rides through rural or unsettled areas. Travelogues and newspapers describe adventurers and commuters carrying pistols or rifles strapped to their bicycles, facing no legal barriers. This aligns with the broader 19th-century norm: open carry was widely permitted, and concealed carry restrictions, where they existed, did not prohibit possession in private transport.

This unrestricted carry on bicycles mirrors earlier traditions with other private vehicles. In the founding era and throughout the 1800s, Americans routinely carried firearms on horseback or in carriages—the primary personal transportation methods of the time. State laws rarely, if ever, banned such practices. No statutes from the 18th or 19th centuries prohibited guns in private carriages, and courts upheld the right to bear arms openly for lawful purposes. The few regulations that did exist focused on public transportation, such as railroads, where private companies imposed rules against loaded firearms to prevent accidents or disputes among passengers. These were not blanket bans but safety measures in quasi-public spaces, distinct from

private vehicles like bicycles or carriages.

By the late 19th century, as bicycles became ubiquitous, they were treated similarly to horses or wagons—private means of conveyance where firearm carry was a protected aspect of self-defense. Historical sources confirm that the right to bear arms was "virtually unrestricted" until the century's end, with no evidence of states targeting "bicycle guns" or equivalent practices. This freedom stemmed from the understanding that the Second Amendment safeguarded carrying arms for "lawful purposes," including personal protection during travel.

**Applying Bruen: No Historical Analogues for Car Bans**

Cars are the modern equivalent of 19th-century bicycles, horses, or carriages: private vehicles used for personal travel. Just as there were no historical bans on carrying guns on bicycles, there are none for these precursors to automobiles. Bans on guns in cars—such as laws prohibiting loaded firearms in vehicles without a permit or requiring them to be locked away—fail Bruen's test. The government bears the burden to identify a historical analogue, but none exists for disarming citizens in their private conveyances during ordinary travel.

Critics might point to 19th-century restrictions on concealed carry or public transportation rules as analogues. However, concealed carry laws regulated the manner of carry (hidden vs. open), not the location in private vehicles. And public transportation regulations, like those on trains, applied to shared, commercial spaces where companies prioritized safety amid crowds—unlike the solitary or family use of a personal car. Post-Bruen refinements (such as in *United States v. Rahimi* in 2024) emphasize that analogues need only be "relevantly similar" in burden and justification, not identical, but even this flexible standard finds no footing for car bans. The 19th-century cyclist with a revolver on their handlebars faced no equivalent prohibition, highlighting how such modern laws burden the core Second Amendment right to self-defense during travel.

**Implications for Modern Gun Rights**

Bans on guns in cars effectively disarm law-abiding citizens in one of the most vulnerable settings: the road, where breakdowns, accidents, or encounters with threats are common. This contradicts the Second Amendment's purpose, as articulated in *Heller* and *Bruen*, to ensure arms are available for confrontation outside the home. By drawing on the unregulated history of "bicycle guns," we see that vehicle bans represent a departure from tradition, not a continuation. States defending these laws often cite public safety, but *Bruen* rejects interest-balancing in favor of history. Without analogues from the founding or Reconstruction eras, such restrictions cannot stand. As courts continue to apply *Bruen*, expect challenges to vehicle bans to succeed, restoring the Second Amendment's full scope.

In conclusion, the story of bicycle guns isn't just historical trivia—it's a powerful reminder that the right to bear arms extends to everyday travel. Modern car bans, lacking roots in our nation's traditions, violate this fundamental liberty. It's time for lawmakers to align with history or face judicial scrutiny."