



Written by [Bob Adelman](#) on September 14, 2023

Federal Judge Halts N.M. Governor's Unconstitutional Gun Ban

Count a Biden-nominated judge among those anti-gun Democrats who think that New Mexico Governor Michelle Lujan Grisham went too far in issuing an order banning the carrying of firearms in Albuquerque and its surrounding county. David Urias, a district judge for the U.S. District Court for the District of New Mexico, nominated by Joe Biden two years ago, [issued a temporary restraining order yesterday](#) against the Democratic governor.



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In issuing the 30-day suspension of Grisham's executive order, the judge wrote that the plaintiffs — including the Second Amendment Foundation (SAF), Gun Owners of America (GOA), the Firearms Policy Coalition (FPC), the New Mexico Shooting Sports Association (NMSSA), and the National Association of Gun Rights (NAGR), among others — “just want the right to carry their guns.”

Sorry, judge. They already have that right. It was given to them by God and guaranteed in the Second Amendment. All you did was the right thing by reaffirming that right and quashing the leftist governor's order infringing it.

Nearly every Democrat in the state, city, and county opposed Grisham's unilateral and unconstitutional order: Bernalillo County (where Albuquerque is situated) Sheriff John Allen; the state's attorney general, Raul Torrez; Bernalillo County's district attorney, Sam Bregman; and Steve Hebbe, the head of the New Mexico Chiefs of Police Association.

The only support Grisham has gotten has come from anti-gun groups and, surprisingly, Santa Fe's Catholic archbishop, who feared that more value was being given to the Second Amendment than to victims of gun violence.

The temporary restraining order was met with rejoicing by the plaintiffs. In a press release, SAF founder and Executive Vice President Alan Gottlieb said, “We are delighted that the court wasted no time in clamping down on Gov. Lujan Grisham's clearly unconstitutional suspension of the Second Amendment rights. No governor has the authority to arbitrarily deny constitutional rights [constitutionally guaranteed rights], especially on the flimsy argument [that recent gun violence] is a public health emergency.”

SAF's Executive Director Adam Kraut added: “It should be no surprise that Governor Grisham's order was subjected to a temporary restraining order. [Her] order was so patently unconstitutional, even gun



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control advocates have been distancing themselves from her actions.”

One of those is anti-gun California Democratic Rep. Ted Lieu, who posted on X: “This order from the Governor of New Mexico violates the U.S. Constitution. No state in the union can suspend the federal Constitution. There is no such thing as a state public health emergency exception to the U.S. Constitution.”

Lieu was referring to the exchange between a reporter and Grisham over that exact question:

Reporter: You took an oath to the Constitution. Isn't it unconstitutional to say you cannot exercise your carry license?

Grisham: With one exception, and that is if there's an emergency, and I've declared an emergency for a temporary amount of time, I can invoke additional powers.

She added that no constitutional God-given right is unlimited:

No constitutional right, in my view, including my oath, is intended to be absolute. There are restrictions on free speech. There are restrictions on my freedoms.

Translation: I can violate my oath of office anytime that I perceive a reason to do so.

This is what makes the foresight of the Founders of the American Republic so astonishing. Thomas Jefferson held that no man or woman should be trusted holding power, but that he or she should be bound down “from mischief by the chains of the Constitution.”

The first president of that Republic, George Washington, reportedly declared:

Government is not reason, it is not eloquence, it is force. Like fire it is both a dangerous servant and a fearful master.

Never for a moment should it be left to irresponsible action.

The chains, restraints, and limitations, however, are just tinsel unless the sovereign citizens themselves become aware of the threats imposed by such bullies and tyrants as Grisham and remove them from office. Or, better yet, keep them as far away from the levers of government as possible in the first place.

And that is the seed of rejoicing in this small skirmish taking place in a small state in a small city in America's Southwest. The governor's overreach is so massive and so threatening in its implications that her actions have drawn the attention of the mainstream media.

The Associated Press was forced to report:

A federal judge has blocked part of a public health order that suspended the right to carry guns in public across New Mexico's largest metro area, with criticism mounting and political divides widening over the Democratic governor's action.

The ruling Wednesday by U.S. District Judge David Urias marks a setback for Gov. Michelle Lujan Grisham.

From NBC News:



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A federal judge in New Mexico on Wednesday blocked Gov. Michelle Lujan Grisham's recent suspension of certain gun rights in Albuquerque and its surrounding county.

U.S. District Judge David Urias granted a temporary restraining order after a hearing Wednesday afternoon.

From *The Guardian*:

A federal judge has blocked part of a public health order that suspended the right to carry guns in public across Albuquerque, New Mexico, the state's largest metro area, as criticism mounted over the actions taken by the governor and political divides widened.

Grisham's unconstitutional decree is drawing the attention of uninformed gun owners and other citizens now perhaps for the first time becoming aware that the New Mexico governor's pushing the edge of the constitutional envelope could someday apply to them. Freedom lost is difficult if not impossible to regain. How much better to recognize the threat beforehand, and work to keep (and even expand) our freedom.

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