



Written by [Bob Adelman](#) on September 11, 2023

New Mexico Gov. Faces Massive Outrage Over Unconstitutional Gun Ban

Almost immediately after New Mexico Governor Michelle Lujan Grisham declared a unilateral ban on the legal carrying of firearms in Albuquerque and the surrounding county on Thursday, [gun rights groups filed lawsuits](#) demanding a temporary restraining order against it.

Grisham, a far-left Democrat in a state suffering from a Democrat “trifecta” — the party controls the offices of governor, secretary of state, the state’s attorney general, and both chambers of the state’s legislature — outraged gun owners and those who support the state and federal constitutions with her ban.



AP Images
Michelle Lujan Grisham

When quizzed over the impact of the 30-day ban — with her assurance that it would be extended “if necessary” — she said the ban “sends a message.” In a press conference where she was pressed about the constitutionality of her ban, she responded that her oath of office supporting and defending the Constitution of the United States and the constitution of New Mexico was “not absolute” and that the current climate of gun violence justified the violation of her sacred oath.

Here is [the interchange](#) between the governor and a reporter:

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.

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.

In this emergency, this eleven-year-old and all these parents who have lost all these children, they deserve my attention to have the debate about whether or not, in an emergency, we can create a safer environment. Because what about their constitutional rights?

I took an oath to uphold those, too. And if we ignore this growing problem without being bold, I've said to every other New Mexican, your rights are subrogated to theirs. And they are not, in my view.

Grisham used the standard tactic of riding the wave of emotional distress caused by the murder of a young boy on his way home from a baseball game on Wednesday as an excuse to inflict her style of tyranny regardless of constitutional constraints, [saying in a press release](#):



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Today, I join the family of an 11-year-old boy in mourning his violent death yesterday. And I mourn the loss of a 5-year-old girl murdered in her bed last month. These are disgusting acts of violence that have no place in our communities.

As a mother and grandmother, I cannot fathom the depth of these losses, and their effects will be felt by families, friends and communities forever. I send my most sincere condolences to the loved ones of both of these children.

The time for standard measures has passed. Today I am declaring gun violence a public health emergency in New Mexico.

This administration has done meaningful work to pass legislation, support law enforcement and significantly increase public safety resources to curb violence.

But it is clear that we need to do more.

This declaration, according to the governor, justifies her trampling of the rights of law-abiding gun owners. On Friday [she issued her decree](#):

The action plan includes a suspension of open and concealed carry laws in Bernalillo County, temporarily prohibiting the carrying of guns on public property with certain exceptions....

Citizens with permits to carry firearms are free to possess their weapons on private property (such as at a gun range or gun store), provided they transport the firearm in a locked box, use a trigger lock, or some other mechanism that renders the gun incapable of being fired.

Her “action plan” also targeted others not responsible for the shootings, requiring:

- The Regulation and Licensing Division to conduct monthly inspections of licensed firearm dealers to ensure compliance with all sales and storage laws.
- The Department of Health, along with the Environment Department, to begin wastewater testing for illegal substances such as fentanyl at schools.
- The Department of Health to compile and issue a comprehensive report on gunshot victims presenting at hospitals in New Mexico, which shall include (if available): demographic data of gunshot victims, including age, gender, race, and ethnicity; data on gunshot victim’s [sic] healthcare outcomes; the brand and caliber of the firearm used; the general circumstances leading to the injury; the impact of gunshot victims on New Mexico’s healthcare system; and any other pertinent information.
- A prohibition on firearms on state property, including state buildings and schools. This also includes other places of education where children gather, such as parks.

Two Republican minority representatives called for the governor’s impeachment. Gun owners visibly carrying firearms showed up at [a rally in Old Town Albuquerque](#) on Sunday in defiance of her order, while the local police stood down. The chief of Albuquerque’s Police Department, Harold Medina, said his officers wouldn’t be enforcing her ban.



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Bernalillo County Sheriff John Allen said that “the temporary ban challenges the foundation of our Constitution.”

Rep. Ted Lieu, a far-left Democrat from California, 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.”

Amy Swearer, a senior fellow at The Heritage Foundation, made perhaps the most important point: What about focusing on the criminals? Where was that in the governor’s decree? She wrote:

Concealed carry permit holders aren’t the ones driving gun crime, and now you’re telling actual criminals that they have free reign [sic] because their victims can’t be armed? Statistically [law-abiding gun owners are] one of the most law-abiding and peaceable populations you could imagine.

The lawsuit filed by the National Association of Gun Rights demands a temporary restraining order because of the *Bruen* decision:

The State must justify the Carry Prohibition by demonstrating that it is consistent with the Nation’s historical tradition of firearm regulation.

But it is impossible for the State to meet this burden, because there is no such historical tradition of firearms regulation in this Nation.



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