



Written by [William S. Hahn](#) on September 27, 2023

New Mexico Follows Illinois' Lead, Nullifies Gun Ban

Last month we told you about how nullification was being utilized to save the Second Amendment in Illinois. Now, it's New Mexico's turn. Find out what happened and how their win can be your win in today's [Analysis Behind the News](#).

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According to [The New American TV](#), "New Mexico Gov. Michelle Lujan Grisham issued an emergency order prohibiting law-abiding citizens from carrying firearms in public in Albuquerque and surrounding Bernalillo County."

She did this in reaction to increased lawlessness in her state that had left innocent victims, including children dead. Rather than focus on the perpetrators of the crime, she focused on the inanimate tool that she blamed for the crimes and unconstitutionally cancelled the rights of law-abiding citizens.

Just as some local Democratic officials did in Illinois, some Democratic officials in New Mexico are speaking out and going a step further. They want to see the governor impeached.

[The New American](#) reported, "On Tuesday, New Mexico State Attorney General Raul Torrez, a Democrat, wrote Grisham that she was on her own in defending herself against a slew of lawsuits her unconstitutional gun ban has drawn from various gun rights groups:

'Though I recognize my statutory obligation as New Mexico's chief legal officer to defend state officials when they are sued in their official capacity, my duty to uphold and defend the constitutional rights of every citizen takes precedence.'

'Simply put, I do not believe that [your] Emergency Order [EO] will have any meaningful impact on public safety but, more importantly, I do not believe it passes constitutional muster.'

Mr. Torrez wasn't the only Democrat to call out the governor. Bernalillo County Sheriff John Allen, a Democrat, said he would not be enforcing the public health order. [KOAT Action News](#) reported, "Allen described the order as unconstitutional and said he learned about the order just minutes before the announcement."

Sheriff Allen said, "The governor made it clear in her press conference, she knew we as law enforcement did not agree with the order, and as a result, this was solely her decision. ... This order will not do anything to curb gun violence other than punish law-abiding citizens from their constitutional right of self-defense."



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While the governor swore an oath to the Constitution to support and defend it, she told KOAT Action News, “I don’t need a lecture on constitutionality from Sheriff Allen: what I need is action. What we need is for leaders to stand up for the victims of violent crime. We need law enforcement, district attorneys, public officials, school leaders and state agencies to use every single tool at their disposal to stop this violence. Period.

This is an administration that has treated the gun violence epidemic as the crisis that it is. We’ve passed common-sense gun legislation, including red flag laws, domestic violence protections, a ban on straw purchases, and safe storage laws; dedicated hundreds of millions of dollars to a fund specifically to help law enforcement hire and retain officers; increased penalties for violent offenders and provided massive support to intervention programs.”

Perhaps if she did listen to a lecture on the Constitution, then she would learn that the vast majority of items she listed have curtailed the Second Amendment rights of citizens, is unconstitutional, and only leads to more crime.

This was not lost on State Representative John Block, [who wrote](#), “I have a newsflash for the Governor: The Second Amendment is an absolute right and so is my authority to impeach you for violating your oath to New Mexico and the United States.”

Shortly thereafter, many New Mexican citizens attended a rally in Albuquerque openly carrying firearms. Law enforcement was asked afterwards by the media of the number of citations that were given to those willfully breaking the order. The answer was “none.”

According to *The New American*, in addition to the county sheriff, Albuquerque Police Chief Harold Medina, Bernalillo County District Attorney Sam Bergman, and the New Mexico Chiefs of Police Association have said they will not support such an unconstitutional order.

Lawsuits by the National Association of Gun Rights, Gun Owners of America, and a local resident are expected to be heard soon. If the court does what it should, it will see the attack on the rights of law-abiding citizens and rule accordingly.

But notice an important point here. County officials did not wait for a court ruling before acting to protect the rights of citizens. They and some state officials did not just follow orders. Instead, they interposed, or placed themselves in the gap to block the order and protect their citizens from such a blatant and illegal order.

This blows apart the argument that you must have a Republican majority to protect or advance Second Amendment rights. The Founding Fathers abhorred political parties and for good measure. The battle isn’t Republicans versus Democrats. It’s freedom versus tyranny. Use the Constitutional tool of interposition to nullify any unconstitutional orders, edicts, laws, rules, or regulations. Your county and state officials have the power to do so. Learn more so you can help inform them of this critical duty that many do not know is an option.

Download our free booklet, [“The Founders’ Brilliant Solution to Big Government: Article VI”](#) today. Then purchase physical booklets to distribute to such officials as the county sheriff, the chief of police, the mayor, the city council, and various state and county attorneys.

This works with other rights, too, including protecting property rights and the many rights enshrined in the First and Fourth Amendments. This was especially useful to battle mask and shot mandates during the initial Covid lockdowns. With some communities revisiting these once again, it’s time to learn more



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and take action. If you find a wall of opposition, then use the power of organization to overcome.

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I'm Bill Hahn for The John Birch Society, and until next time, learn more and take action!



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