



Written by [Patrick Krey](#) on May 6, 2019

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## Exercising The Right

### Witness Stops Kidnapping, Bad Guy Still Out There

Fox News reported out of Phoenix, Arizona, on April 8 about a harrowing ordeal where an 11-year-old girl was almost kidnapped by a stranger. The girl was walking down a street when a man who was later described as “wearing a black hoodie” ran up to her and grabbed her by the arm. The girl was terrified as the man pulled her arm behind her back and covered her face with his arm. As the stranger tried forcing the young girl to come with him, another man quickly intervened. Sgt. Tommy Thompson with the Phoenix police told Fox10 that this individual shoved the would-be kidnapper to the ground and then pointed a handgun at the man, demanding that he leave the girl alone. Once the suspect realized he was staring down the barrel of a gun, he turned tail and ran away from the scene.

Police are still searching for the suspect, and the investigation is ongoing. Parents are anxious and hope that the suspect is soon caught, since a lot of children walk to school in the area where the incident occurred. Neighbor Don George told [AZFamily.com](#) that “kids walk up to school 2 blocks to the east.... It’s a grade school and probably 25 kids walk by here every morning between 7:30 and 8.”

### Federal Judge Rules California Magazine Ban Is Unconstitutional

The Federalist reported on April 8 that a federal district judge ruled in *Duncan v. Becerra* that a nearly 20-year-old California state law banning gun magazines that hold more than 10 rounds is - unconstitutional.

The ruling initially resulted in huge sales in the state for higher-capacity magazines. The magazines quickly sold out of stock at local gun stores as gun owners rushed to snatch up the now-legal magazines. The booming business for gun shops was short-lived, as California Attorney General Xavier Becerra quickly sought and got an injunction to reinstate the ban while the decision is appealed to a higher court.

The opinion on *Duncan v. Becerra*, written by District Judge Roger Benitez, is well worth the read for supporters of the Second Amendment. As Benitez explains, “Individual liberty and freedom are not outmoded concepts.” The first few pages of the opinion read like “Exercising the Right” columns, as Benitez recounts example after example of people being able to use firearms against violent criminals.

He even analyzes the high number of crimes committed in California as a rationale for private citizens to be able to defend themselves. “In one year in California (2017), a population of 39 million people endured 56,609 robberies, 105,391 aggravated assaults, and 95,942 residential burglaries. There were also 423 homicides in victims’ residences. There were no mass shootings in 2017. Nationally, the first study to assess the prevalence of defensive gun use estimated that there are 2.2 to 2.5 million defensive gun uses by civilians each year. Of those, 340,000 to 400,000 defensive gun uses were situations where defenders believed that they had almost certainly saved a life by using the gun. Citizens often use a gun to defend against criminal attack. A Special Report by the U.S. Department of Justice, Bureau of Justice Statistics published in 2013, reported that between 2007 and 2011 ‘there were 235,700 victimizations where the victim used a firearm to threaten or attack an offender.’ How many more instances are never reported to, or recorded by, authorities?”



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Even the NRA lauded the opinion as “one of the strongest judicial statements in favor of the Second Amendment to date,” but cautioned its supporters that the case faces an uphill battle in the U.S. Court of Appeals for the Ninth Circuit, which has been “notably hostile to the Second Amendment in past decisions.” But a loss in the Ninth Circuit might be appealed to the Supreme Court, and there’s no telling what might happen if the highest court in the land reviewed this issue, especially if the president makes another court appointment in the meantime.

## **Violence Against the Second Amendment**

Anti-gun activists love to conceal their true intention to ban guns behind emotional legislation that tugs on a voter’s heartstrings, and the recently reauthorized “Violence Against Women Act” (VAWA) was only the most recent example of their duplicity. The Conservative Review posted on April 8 about how House Democrats snuck some anti-gun legislation into the act as part of their unrelenting effort to take away Second Amendment protections.

The changes to the law were promoted as intending to combat domestic violence, but loose wording broadened the ways in which the government could take away a citizen’s firearms. Similar to recent so-called Red Flag laws, the new VAWA contains language that enables a judge to take a husband or boyfriend’s gun based solely on the claim of an aggrieved wife or girlfriend. The NRA strongly opposed the new measure, explaining that the prior version of the VAWA never contained any firearm provisions and specifically noted that it opened the door for gun rights to be suspended even over relatively innocuous misdemeanors.

Representative Chip Roy from Texas gave a speech on the House floor excoriating the deceptive tactics of anti-gun ideologues. Roy called the current bill “unrecognizable from the legislation originally passed in 1994” and said, “In the name of protecting women, Democrats are exploiting this bill as an opportunity to assault the Second Amendment rights of American citizens ... and it’s despicable that anyone would seize on this as such an opportunity to weaponize a measure that was intended to protect victims.”

Arizona Congressman Debbie Lesko, who herself is a domestic-abuse survivor, likewise lambasted the act because it “infringes on second amendment rights by taking away a gun owner’s right to due process. This reauthorization has strayed far from the law’s original intention of helping women, girls, and children.”

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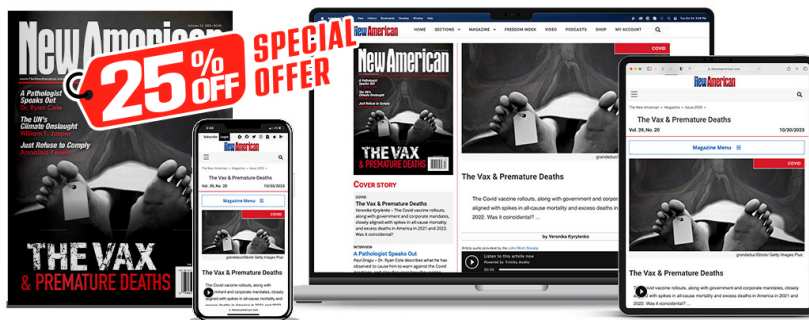
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