



Written by [Bob Adelman](#) on March 12, 2024

California's One-gun-a-month Rule Is Tossed

Judge William Hayes, appointed by President George W. Bush to the U.S. District Court for the Southern District of California in 2003, [ruled](#) that California's law forbidding a citizen from purchasing more than one firearm, or a "precursor" such as a receiver, per month, is unconstitutional.

The arguments brought forth by the state illustrated clearly the bankruptcy of the law, its specious nature, and its complete disconnect from reality. As more of these faux arguments are ferreted out of our nation's history and discarded by judges such as Hayes, the more likely these laws passed before the Supreme Court's ruling in *Bruen* in 2022 will also be found to be unconstitutional.



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In a word, *Bruen* upended the basis for states such as California seeking to restrict the rights of law-abiding gun owners. The "rationing" of one gun per month is just one attempt, and was properly ruled unconstitutional.

The claims brought against the state of California were simple enough: Such rationing violated on the Second Amendment, and therefore is unconstitutional. But California reached the bottom of the barrel in its search for some law, somewhere, somehow, that could persuade the judge that such rationing was in fact constitutional.

The state failed, miserably.

First, the state claimed that "rationing" didn't violate the right to "keep" and "bear" arms, guaranteed by the Second Amendment. It was intended, lawyers for California said with a straight face, to "stop one gun purchaser from buying several firearms and transferring [a] firearm to another person who does not have the legal ability to buy a gun him/herself ... a 'straw transaction.'"

Plaintiffs, including five Californians and three gun-rights groups, held that the rationing inhibited their right to keep and bear arms, as the right to keep arms "necessarily involves the right to purchase them." The judge held that "defendants must justify the OGM [one gun a month] law" by proving that "the regulation is consistent with this Nation's historical tradition of firearm regulation."

This, they could not do. But they tried.

First, "gunpowder regulations." The state produced evidence of laws in history that "placed limits on the ownership and storage of gunpowder," declaring those laws analogous to the "rationing" imposed on gun owners in California. But the judge saw through the façade: Those laws were created to prevent accidental fires and explosions.

Next, restrictions on the sale of firearms to Native Americans.



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Lawyers from California, again with a straight face, claimed that limits placed on Native Americans (that were passed due to the risk of “Native violence”) “do not impose a comparable burden to the OGM law,” wrote the judge.

Third, restrictions on “Deadly Weapons” such as knives, swords, and the like.

The judge nearly laughed this argument out of court:

To the extent these nineteenth century laws prohibited the sale of certain deadly weapons because they were “dangerous and unusual,” they “provide no justification for laws restricting the [acquisition] of weapons that are unquestionably in common use today.

Lastly, taxing and licensing regulations.

Claimed the state’s lawyers: “These licensing and taxing regulations are analogous to the OGM law because they ‘served to limit the available and ownership of firearms in order to protect the public.’” The judge declared simply that such regulations are not “relevantly similar” to the OGM law because they “placed no limit on the quantity or frequency with which one could acquire firearms.” In fact, the licensing regulations applied only to the seller and not the buyer.

Accordingly, wrote Judge Hayes, “these laws do not establish a ‘tradition of firearm regulation’ similar to the OGM law.”

Four tries. Four fails. Thanks to *Bruen*.

Concluded Judge Hayes: “The Court therefore concludes that Plaintiffs and entitled to summary judgment as the constitutionality of the OGM law under the Second Amendment.”

He has given the state 30 days to prepare an appeal.



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