



## Federal Judge Hands California Gun Owners Another Victory

The security of our rights to life, liberty, and property often rest in the hands of those entrusted with interpreting the law. In the tumultuous arena of gun rights, federal courts, including the U.S. Supreme Court, have become the battleground upon which the right to keep and bear arms faces the forces of civilian disarmament.

In a resounding win for California gun owners, a district court judge has delivered a second blow to the state's restrictions on magazines capable of holding more than 10 rounds of ammunition.



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The gavel of District Judge Roger Benitez, an appointee of President George W. Bush, resounded with a clear and principled declaration. In the landmark case of *Duncan v. Bonta*, Judge Benitez ruled that California's restrictive law goes against the grain of our Constitution, infringing upon the Second Amendment and the rights it protects, rights cherished by the plaintiffs.

This decision is a testament to the enduring importance of upholding our individual liberties and defending the right to bear arms. Judge Benitez's ruling underscores the need to safeguard our fundamental rights in the face of restrictive laws that can encroach upon the freedom and the natural right of self-defense possessed by all men.

While it is true that we should never place undue reliance on the pronouncements of a federal court as a reliable safeguard of our rights, Judge Benitez deserves credit for his constitutionally sound stance against the overreach of state authorities. His resistance of the state's assault on the people's inherent right to keep and bear arms is an example to his colleagues sitting on benches throughout the union.

Before we get to the heart of the matter, let's rewind. This case is a textbook example of how slowly the wheels of American justice turn: California's anti-Second Amendment legislators initiated this law in 2016. As expected, it faced immediate legal challenges.

In 2017, District Judge Roger Benitez declared the law unconstitutional, emphasizing a crucial point: "Without this injunction, countless law-abiding citizens would face an impossible choice: break the law or relinquish their lawfully acquired property."

The tale carried on. California, consistently unwavering in its pursuit of civilian disarmament, appealed to the U.S. Court of Appeals for the Ninth Circuit. Initially, a three-judge panel upheld Judge Benitez's decision. But it wasn't over yet. A larger panel within the Ninth Circuit later reversed Benitez's ruling by a 7-to-4 vote. Judge Susan Graber, a nominee of President Bill Clinton, argued for the majority, asserting that the ban on large-capacity magazines was a reasonable measure to curb mass shootings while minimizing the impact on Second Amendment rights.

The case then ascended to the U.S. Supreme Court. It remained in limbo until the landmark decision in



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*New York State Rifle & Pistol Association v. Bruen* last year. The Supreme Court vacated the Ninth Circuit's ruling, remanding it to the district court for a fresh review.

Any politician, whether they occupy federal, state, or local offices, who dares to entertain the notion that the government can bestow or revoke the right to bear arms based on compliance with federal regulations treads on treacherous ground. Our nation may have allowed this essential liberty to be redefined by Congress, the courts, and the president, but the plain language of the Second Amendment unequivocally bars any infringement on this right, which serves as the guardian of all others.

In his opinion, Judge Benitez clearly set out not only the constitutional impediments to such a regulation, but he laid out the historical record of magazines, as well.

The detachable firearm magazine solved a problem with historic firearms: Running out of ammunition and having to slowly reload a gun," wrote Benitez. "When more ammunition is needed in case of confrontation, a larger magazine is required. Many gun owners want to have ready more than 10 rounds in their guns. As a result, in the realm of firearms, magazines that hold more than 10 rounds are possibly the most commonly owned thing in America.

Benitez then explained that by restricting magazines with more than 10 rounds, California puts lawful gun owners at unnecessary risk.

"The State denies a citizen the federal constitutional right to use common weapons of their own choosing for self-defense," wrote Benitez. "There have been, and there will be, times where many more than 10 rounds are needed to stop attackers. Yet, under this statute, the State says, 'too bad.' It says, if you think you need more than 10 chances to defend yourself against criminal attackers, you must carry more magazines. Or carry more bullets to hand reload and fumble into your small magazine while the attackers take advantage of your pause. On the other hand, you can become a criminal, too."

Judge Benitez's opinion is an accurate summary of the intended scope of the protections afforded by the Second Amendment to the natural right to keep and bear arms. That right was well known to our Founding Fathers and its protection was paramount in any society hoping to remain self-governing and resist tyranny.

The final word goes to St. George Tucker, forgotten Founding Father and author of the first and most influential restatement of constitutional history in the United States. Tucker warns:

This may be considered as the true palladium of liberty.... The right of self-defense is the first law of nature: in most governments, it has been the study of rulers to confine this right within the narrowest limits possible. Wherever standing armies are kept up, and the right of the people to keep and bear arms is, under any color or pretext whatsoever, prohibited, liberty, if not already annihilated, is on the brink of destruction.



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