

NATIONAL REVIEW ONLINE

The Twilight of the Gun Control Movement

By Jim Geraghty, February 14, 2014 8:23 AM

The [Cato Institute's Walter Olson](#) sums up why yesterday's U.S. District Court decision is a big deal:

California law forbids the carrying of firearms in public places without a license and provides that the issuance of such a license requires "good cause." San Diego County, as part of its implementation of that law, has set a number of restrictive policies on what it will consider good cause, which must be exceptional circumstances ("distinguish[ed]... from the mainstream"), and it specifies that concern for "one's personal safety alone is not considered good cause."

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But it went on, quoting *McDonald*, to get at the wider constitutional issue (footnotes omitted):

We are well aware that, in the judgment of many governments, the safest sort of firearm-carrying regime is one which restricts the privilege to law enforcement with only narrow exceptions. Nonetheless, "the enshrinement of constitutional rights necessarily takes certain policy choices off the table... . Undoubtedly some think that the Second Amendment is outmoded in a society where our standing army is the pride of our Nation, where well-trained police forces provide personal security, and where gun violence is a serious problem. That is perhaps debatable, but what is not debatable is that it is not the role of this Court [or ours] to pronounce the Second Amendment extinct." Nor may we relegate the bearing of arms to a "second-class right, subject to an entirely different body of rules than the other Bill of Rights guarantees that we have held to be incorporated into the Due Process Clause."

We've had a generation or two of lawmakers – at first in both parties, then increasingly concentrated in the Democratic Party – who believed that the Second Amendment was optional. Increasingly, courts are informing them otherwise.

[Chuck Michel](#), California civil rights attorney, summed it up quite simply on [NRANews.com](#) when he pointed out what's really at issue in the legal challenge to the San Diego case, as well as

the Heller case and the McDonald case challenge to Chicago's gun laws: local lawmakers persisting in "calling it a regulation when what they really mean is a ban."

So if courts all the way up to the Supreme Court keep insisting that the Second Amendment means something, and localities can't use the "we're just regulating gun ownership, we're not banning it" excuse, where does the gun control movement go from here? They haven't pushed for a repeal of the Second Amendment because they know it will go nowhere. [Ace](#) speculates about piecemeal legislative attempts to ban guns from schools, churches, hospitals and shopping malls, as they're currently banned from most government buildings. But that will represent a very nickel-and-dime approach, as more and more Americans get used to the idea that they're legally allowed to carry a gun outside their homes.

At least gun control supporters still have Wendy Davi- oh, that's right.

And Wendy Davis' loud insistence that she's a loyal friend to gun owners has consequences – not huge consequences, but [some small segment of Texas Democrats find her about-faces dispiriting and unacceptable](#):

Rancher, bookstore owner and 79-year-old iconoclast Bill Bond has been sticking it out in Limestone County for a long time, waiting for Texas Democrats to take back control of the state. He thought Wendy Davis had a good chance to do it. But the lifelong liberal activist says he's so pissed off by Davis' open carry talk that he's shutting the Democratic Party storefront in Groesbeck, housed inside his bookstore. Bond swears that he'll sit out the rest of the campaign—and that nothing will win him back.

The positions, values and rhetoric required to win a statewide bid in Texas are incompatible with the positions, values and rhetoric that excites big-time Democrat donors in places like San Francisco, Manhattan, Washington D.C., and Chicago. Davis has to pick one.