

N.J. gun law takes aim at Constitution

by Patricia Salisbury

As early as Thursday, April 5, the New Jersey State Senate is expected to vote on what is probably the most worst gun control measure ever seriously proposed in the United States, N.J. Senate Bill 166 (S166). The bill has already the subject of a demonstration of 3,000 people opposing it in Trenton on March 15.

Nominally aimed at stopping "assault rifles," the bill's definition of such rifles is so extraordinarily broad, that it could, at the discretion of New Jersey's attorney general, outlaw virtually all firearms in the state, except two specifically exempted models of shotguns, and three rifles. Any gun with a barrel length of between 16 and 22 inches, or which could be sawed off to be that length, is banned, except those specifically exempted. Various other classes of weapons, including rifles with pistol grips and rifles and handguns with large magazines, are also banned.

Most incredibly, the bill bans not only existing guns, but *any* gun which could be modified, with eight hours of work in a machine shop by a competent machinist, to fit the banned specifications. In eight hours of work in a machine shop, it has been pointed out, a competent machinist could virtually take an axle out of a car and make a machine gun out of it.

Carte blanche ban

Thirty days after the passage of the bill, the Attorney General would submit a list of guns which, according to his judgment, would be covered by the new legislation, and these guns would have to be turned over to the State Police. Thus, the bill is a *carte blanche* for banning anything and everything. The owner could then apply for a machine gun license in order to get his gun back, but these are rarely granted. New Jersey, unlike most other states, has its gun owners registered—as in Lithuania, where the Soviets have demanded the confiscation of all privately held weapons. If the banned weapons are not turned over to the State Police, the police would then be authorized to confiscate them.

As Roger Iverson, the National Rifle Association's chief organizer for the state said on March 25, "With the timing of this with what is happening in Lithuania, John Russo [the bill's sponsor] and Jim Florio [the governor] are marching to the beat of the Kremlin's drummer."

S166 empowers the attorney general to make a list of what firearms he thinks fit the bill's vague characteristics, a list he may add to at any time he wants to in the future. In Lithuania, the Soviets made sure all the gun owners were registered, the better to confiscate their guns. New Jersey's 873,000 gun owners are also registered. If you don't turn in your gun, the State Police are authorized to come and break down your door and get it.

Governor Florio, who as a liberal Democratic congressman was the author of various "toxic waste clean-up" bills designed to wreck U.S. industry, has put extraordinary pressure on New Jersey's legislators to pass the bill. Reports circulating widely in the state capital say he has threatened pro-gun legislators with having none of their legislation passed this year unless they capitulate, and has offered, as a carrot, extremely lucrative "no-show" jobs in return for a yes vote, jobs with annual salaries of \$90,000. The vote at present is extremely close. If S166 passes on April 5, Florio is expected to run down the hall to the lower house, declare an "emergency," and ram it through there as well.

New Jersey has 837,000 registered firearms owners, out of a total population of 8 million. The great passion around the issue was reflected in the 3,000 person rally in Trenton on March 15, which was called on short notice, and for which most participants took time off work. The state is one of only five in the country without provisions in its state constitution for the right to bear arms, and the anti-gun lobby led by Lloyd Cutler has made the state a test case for an almost complete ban on guns. A variant of S166 is reported to be working through the committee process in the House of Representatives, sponsored by New Jersey Rep. Bill Hughes (D).

The law firm behind Handgun Control, Inc., Wilmer Cutler and Pickering, is headed by Lloyd Cutler. The leadership of Lloyd Cutler, the former White House counsel under Jimmy Carter, in the fight for the New Jersey bill comes as no surprise. He is a leading proponent of the idea that the U.S. Constitution and the institutions and policial processes which it founded are outmoded.

New Jersey's state constitution is one of only five state constitutions in the nation without an explicit clause protecting the right to keep and bear arms. Of course, the Constitution of the United States, which has a validity above those of the states, explicitly says that "the right to keep and bear arms shall not be infringed." The right to bear arms is the sole subject of the Second Amendment, right after the First Amendment, which guarantees free speech. But astoundingly, Attorney General Robert J. Del Tufo has issued a decision which says that there is no constitutional right to keep and bear arms.

What country does Comrade Del Tufo think he lives in? This extraordinary ripping up of the Constitution should alarm all citizens, not just those of New Jersey, and not just gun owners. If this basic constitutional guarantee goes, which one goes next?