



Just who won that election anyway? Corzine?

By Paul Mulshine/The Star Ledger

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In **my prior post** I noted some rather amazingly loony-left language from our new Environmental Protection commissioner on the subject of global warming.

I wish I could say Bob Martin is an exception to the rule in the Christie administration. But that administration's looking more liberal by the minute.

Paula Dow seems to be doing her best as attorney general to move the Gov to the left. Note this release from the **New Jersey Association of Rifle and Pistol Clubs**:

Just one day after being sworn in, the newly appointed state Attorney General took the most aggressive legal posture available to defend former Governor Corzine's one-gun-a-month handgun rationing law, moving to dismiss ANJRPC's lawsuit to overturn the law, and later vigorously opposing ANJRPC's motion for a preliminary injunction in the case. The U.S. District Court could hear argument on these motions as soon as April.

This is the first indication of the new Attorney General's posture on the firearms issue. Despite the unanimous opposition of Senate republicans and several prominent democrats when this legislation was rammed through by one vote in the middle of the night last June, the Attorney General has chosen to aggressively defend the largely ineffective law, which can be easily thwarted by criminals and fails to punish criminal behavior, but which clearly tramples the rights of honest citizens. The legislation fails to address known sources of illegal gun trafficking, like the Fedex gun theft ring that stole hundreds of handguns from legal shipments in 2008 and distributed them illegally on the streets of Jersey City and Newark.

"We will spare no effort or resource to overturn this thinly disguised attempt to ration the Constitutional rights of law abiding citizens," said ANJRPC President Scott Bach. "It is unfortunate that our public officials in Trenton have squandered an opportunity to distance themselves from the Corzine administration's blatant attack on gun rights and have instead rallied to defend it."

I took a look at **the 35-page brief** Dow's office put together defending the law. I was shocked to find on Page 32 a defense of perhaps the worst decision in the history of the U.S. Supreme Court still standing, the Slaughterhouse Cases.

This was a post-Civil War-era case that gutted the "privileges or immunities" clause of the 14th Amendment. The immediate question was whether the state of Louisiana could use its licensing power to create an artificial monopoly in the slaughterhouse business, a practice the court permitted. But the larger question was whether governments could choose arbitrarily which rights of which citizens can be curtailed.

This gets complicated. What's crucial for conservatives, though, is that this exact issue is now before the U.S. Supreme Court. Conservatives are hoping the PI clause can be used to overturn an overbearing Chicago gun-control law.

See the estimable Randy Barnett's account **here**:

Of course, all that is before the Court is the protection of the right to keep and bear arms. In this case, the Court need not decide how or even whether the other privileges or immunities of citizens should be judicially protected. But the Court now has rich doctrinal resources by which it can protect both the rights enumerated in the Constitution and unenumerated fundamental rights that are as "deeply rooted in our nation's tradition and history" as are these rights.

This is a fascinating fight for those who believe in the Constitution and the right to bear arms.

So why is the "conservative" Christie administration on the wrong side of it?

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Jerry McCrea/The Star-Ledger

Chris Christie and Paula Dow: On the wrong side of the most important legal issue of the moment.