



Written by [Joe Wolverton, II, J.D.](#) on November 2, 2022

Lawmakers Prepare to Abolish Second Amendment in New Jersey

New Jersey is considering a bill that would nullify the recent Supreme Court opinion upholding the right of the individual to keep and bear arms.

In June 2022, in the case of *New York State Rifle & Pistol Association v. Bruen*, the Supreme Court of the United States [upheld the right](#) of “law-abiding citizens with ordinary self-defense needs [to exercise] their Second Amendment right to keep and bear arms in public for self-defense.”

Despite the fact that this opinion was aimed directly at a New York state statute that the Court found to violate the rights protected by the Second Amendment to the U.S. Constitution, state lawmakers in the neighboring state of New Jersey have decided to do something that they hate when conservatives do, and nullify a federal act that they consider contrary to the will of the people of their state.

The bill being considered by New Jersey legislators would ignore the protections upheld by the High Court and significantly restrict who can carry a weapon and where weapons are “legal” in that state.

[Here’s a summary](#) of the Garden State’s Legislature’s plan to rewrite the *Bruen* decision:

Democratic Assembly Speaker Craig Coughlin and Senate President Nicholas Scutari, surrounded by other lawmakers and red T-shirt-clad Moms Demand Action supporters, said the new measure will bar permit holders from carrying in schools, polling places, bars, restaurants, theaters, sports arenas, airports, casinos and child care facilities.

It also sets up a new requirement that permit holders carry insurance to protect against accidental discharge, coverage that Scutari said is already available in insurance marketplaces. The bill increases permitting, though the exact amount wasn’t immediately clear. The funds will be put toward compensation for crime victims under the legislation.

The measure also calls for permit holders to undergo gun safety training and would set up a vetting process that requires non-family references to vouch for applicants. It would disqualify applicants with past violations of restraining orders and other “character of temperament” concerns, though just how those issues would be defined wasn’t immediately clear.



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Read through those restrictions again and you'll discover that not only is this bill being considered by New Jersey's Legislature a complete contradiction to the Supreme Court's opinion in *Bruen*, but it is nothing less than a wholesale repeal of the Second Amendment itself. Consider:

- There are more than 25 public places from which citizens of New Jersey will be absolutely barred from carrying a gun!
- A gun owner would have to purchase special insurance.
- A gun owner would have to submit character references?!

Could you imagine how the British government in Massachusetts might have acted if Samuel Adams or John Hancock had applied for permission to own a weapon?

Perhaps more pertinently: Could you imagine Samuel Adams or John Hancock asking for permission to keep and bear weapons?

The supporters of the New Jersey anti-Second Amendment bill are proud of their reputation of being a state that oppresses anyone determined to exercise his natural right to keep and bear arms. Consider this from *The New York Times*: "In proposing the legislation, New Jersey is also solidifying its long-held status as a vanguard of gun control. It is the most densely populated state in the country; yet it is the third-safest state when it comes to gun deaths. Adding the requirement for insurance for gun owners ... is a novel approach, which could serve as a model for other states."

Such misinformed legislators must be made familiar with the intent and history of the Second Amendment.

Any politician — federal, state, or local — who supports the concept that the government has legitimate authority to give and take away the right to own firearms depending on whether a person has complied with federal guidelines is treacherous! Although Americans have allowed this right to be redefined by Congress, the courts, and the president, the plain language of the Second Amendment explicitly forbids any infringement on this right that protects all others.

The reason for inclusion of the Second Amendment in the Bill of Rights had little to do with the British and more to do with future attempts by an out-of-control, all-powerful central authority disarming the American people as a step toward tyranny. Take, for example, the following statements by our forefathers regarding the purpose of the passage of this amendment. In commenting on the Constitution in 1833, Joseph Story wrote:

The right of the citizens to keep and bear arms has justly been considered, as the palladium of the liberties of a republic; since it offers a strong moral check against the usurpation and arbitrary power of rulers; and will generally, even if these are successful in the first instance, enable the people to resist and triumph over them.

In his own commentary on the works of the influential jurist Blackstone, Founding-era legal scholar St. George Tucker wrote:

This may be considered as the true palladium of liberty.... The right of self defence 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 colour or pretext whatsoever, prohibited,



liberty, if not already annihilated, is on the brink of destruction.

And writing in *The Federalist*, Alexander Hamilton explained:

If the representatives of the people betray their constituents, there is then no resource left but in the exertion of that original right of self-defense which is paramount to all positive forms of government, and which against the usurpations of the national rulers, may be exerted with infinitely better prospect of success than against those of the rulers of an individual state.

After learning of the true history of the Second Amendment's protection of the individual's right to keep and bear arms, the first step in thwarting the federal government's goal of consolidating all power in Washington is to remember that any federal act, regulation, or order that exceeds the constitutional limits on federal power has no legal effect.

The bill continues its way through the New Jersey state Legislature. If enacted, it would convert the Garden State into a haven for criminals. Why?

Let's give the last word to one of the men most often quoted by the Founding Fathers: Cesare Beccaria.

I know. I know. You've never heard of Beccaria. That could be because for about six generations we've been "educated" in "schools" whose curricula are mandated by the federal government, and, as you'll understand after you read this quotation from Beccaria, there is *no way* the plutocrats on the Potomac would *ever* let young Americans read the words of men like Beccaria!

Regarding the true utility of "laws" banning the carrying of weapons, Beccaria wrote:

A principal source of errors and injustice are false ideas of utility. For example: that legislator has false ideas of utility who considers particular more than general conveniences, who had rather command the sentiments of mankind than excite them, who dares say to reason, "Be thou a slave"; who would sacrifice a thousand real advantages to the fear of an imaginary or trifling inconvenience; who would deprive men of the use of fire for fear of their being burnt, and of water for fear of their being drowned; and who knows of no means of preventing evil but by destroying it.

The laws of this nature are those which forbid to wear arms, disarming those only who are not disposed to commit the crime which the laws mean to prevent. Can it be supposed, that those who have the courage to violate the most sacred laws of humanity, and the most important of the code, will respect the less considerable and arbitrary injunctions, the violation of which is so easy, and of so little comparative importance? Does not the execution of this law deprive the subject of that personal liberty, so dear to mankind and to the wise legislator? and does it not subject the innocent to all the disagreeable circumstances that should only fall on the guilty? It certainly makes the situation of the assaulted worse, and of the assailants better, and rather encourages than prevents murder, as it requires less courage to attack unarmed than armed persons.

Imagine how much more influential Americans who are proponents of the Second Amendment and its protection of the right to keep and bear arms could be if they knew Beccaria and could explain the



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principles set out in the passage above.

Stay tuned for updates on New Jersey's attempt to abolish the Second Amendment.



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