



Written by [Selwyn Duke](#) on March 24, 2020

Butter, Not Guns: New Jersey Suspends Second Amendment; Gets Sued

Firearm ownership may be guaranteed under our Constitution by the Second Amendment. But it's secondary at best to the New Jersey officials who've closed down gun stores during our Wuhan flu panic, calling them non-essential. Now two Garden State officials — who some would say are non-essential themselves — are being sued for trampling constitutional rights.



"The case was filed by the Second Amendment Foundation and the New Jersey Second Amendment Society on behalf of Robert Kashinsky and Legend Firearms, a gun shop in the state," [reports](#) WND.com. "Defendants are Gov. Philip D. Murphy and State Police Supt. Patrick J. Callahan."

"Gov. Murphy cannot simply suspend the Second Amendment, and neither can Supt. Callahan," said SAF founder Alan M. Gottlieb," WND continues. "Yet, under this emergency order, that's exactly what they're doing. The Constitution, and federal law, don't allow that. New Jersey may have been the first state to ratify the Bill of Rights, but they're the last state to recognize it."

WND further explains:

The case developed when Kashinsky sought to purchase a firearm for personal protection during the current crisis.

However, Murphy issued Executive Order 107 on March 21 that ordered all non-essential retail businesses closed to the public. The order does not include licensed firearms dealers on its list of "essential" businesses that may continue operating during the crisis.

That means the Second Amendment was violated, the case explains.

"In order for New Jersey residents to purchase firearms," explained Gottlieb, "they must go through a licensed firearms retailer and pass a background check. However, Murphy's order was subsequently followed by a notice posted on the state police website that the agency is no longer conducting background checks."

The plaintiffs also explained that while they don't seek to minimize the Wuhan flu's seriousness and understand that lifestyle changes are currently necessary, there are constitutional limits to the actions government may take.

For example, could a state suspend the right to free speech if it somehow considered doing so beneficial in combating the virus?

Of course, firearms aren't technically a "survival need" like water, food, and shelter — but they can be



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necessary for survival. In fact, when seeing all the liberals hoarding food, one should wonder: If they really think things could get that bad, do they have guns and ammo? For a mountain of food won't help in a social breakdown situation if bad actors can take it, and maybe your life, from you.

(And what's with the toilet paper hoarding? So when the apocalypse comes, you can drop dead with a clean backside?)

But New Jersey, where only the mobsters are supposed to have guns, isn't alone. While demand for firearms and ammo has recently skyrocketed as common people exercise common sense, left-wing governments are again demonstrating how uncommon the quality is. As *American Thinker* [reports](#):

In mid-March, Mayor Deborah Frank Feinen, of Champaign Illinois, signed an executive order declaring a state of emergency, despite the absence of any coronavirus cases in Champaign. With the order in place, Feinen has arrogated to herself [the ability to ban gun sales](#).

Just a few days later, on March 16, New Orleans Mayor LaToya Cantrell also issued an emergency order [allowing her to ban](#) the sale or transportation of firearms.

[In Philadelphia](#), the police department stopped issuing concealed carry permits, while simultaneously announcing that they would be "delaying arrests for ... narcotics offenses, thefts, burglary, and prostitution." However, the police will "continue to arrest people carrying a firearm without a permit." [So when three unaccountable muggers with knives rob you, you'll be unable to defend yourself.]

In the San Francisco Bay Area, a region notoriously hostile to the Second Amendment, a gun store located in Alameda County (home to the City of Berkeley) tried to keep its two locations open despite the local and state-wide shut-down orders .

WOW! California shuts gun stores as 'non essential' due to [#coronavirus](#) while letting criminals out AND reducing law enforcement?? [@NRA @Solartactical pic.twitter.com/A7d3us4DXQ](#)

— Maggie VandenBerghe ?? (@FogCityMidge) [March 20, 2020](#)

The sheriff's department responded to the gun dealer, as the tweet below relates.

[@Solartactical](#) you are not an essential business in Castro Valley. Please move to minimum basic operations per the Alameda County Health Order. [pic.twitter.com/SWNgerwyQA](#)

— Alameda County Sheriff (@ACSOSheriffs) [March 20, 2020](#)

Not surprisingly, though, Solar Tactical ultimately yielded to government pressure.

Regardless of the New Jersey case's merit and resolution, what the above reflects is that there really are "two Americas" (at least), having two radically different worldviews. People applying common sense



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understand that when seconds count, the police are minutes away (it has become a cliché, I know). Realize also that the Supreme Court [ruled in 2005](#) that law enforcement has *no duty to protect you*.

So you're left to protect yourself. Yet the leftists would prevent that, instituting irrational policies that could only be driven by ill intent and/or stupidity born of intellect-clouding emotion. Miscreants bent on evil, who'll take advantage of social breakdown and commit robbery, murder, or rape, don't care about anti-firearms prohibitions. Such laws only affect the good people.

The leftist mentality, in its least-malevolent form and often exhibited by useful idiots ignorant of the aforementioned 2005 ruling, says "It's the government's job to defend us." (Heck, Bernie Sanders inveighs even against charity, claiming that it's the government's job, too.) History tells a different tale.

During the [Los Angeles riots](#) in 1992, a politically correct government's sins of omission allowed for a period of mayhem, and good citizens were harmed. Innocent truck driver Reginald Denny was [beaten almost to death](#). And the only people able to defend themselves were the armed. Just consider ex-merchant David Joo, who described in the video below what transpired outside his store in '92 after the *police fled the scene*.

On a lighter note, there may be a way for gun dealers to get around future non-essential-business-closure orders. Get your establishment classified as a grocery, and sell guns "on the side" (wink, nod). Just carry a few non-perishable food items and offer them gratis with a gun purchase. You could call your store, oh, I don't know, Guns & Butter.

As for those who know butter, and better, they understand that government *is* there to protect you — until it's not.

Image: artas via iStock / Getty Images Plus

Selwyn Duke (@[SelwynDuke](#)) has written for The New American for more than a decade. He has also written for The Hill, Observer, The American Conservative, WorldNetDaily, American Thinker, and many other print and online publications. In addition, he has contributed to college textbooks published by Gale-Cengage Learning, has appeared on television, and is a frequent guest on radio.



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