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# NEWS

# BRIEFS

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## SUPREME COURT UPHOLDS RIGHT TO CARRY!

BY DANIEL L. SCHMUTTER, COUNSEL TO ANJRPC

On June 23, 2022, the United States Supreme Court released its landmark decision in *New York State Rifle & Pistol Association v. Bruen*, sweeping away the ability of governments to prevent law abiding individuals from publicly carrying handguns for self-defense merely because they cannot convince a bureaucrat that they have a sufficient “need” to do so.

The decision represents a breakout moment in the long and arduous struggle to vindicate the basic right of armed self-defense in places like New York and New Jersey—places that make it their business to impair and disparage the fundamental right to keep and bear arms in every way imaginable. And with Directive 2022-07 issued by the New Jersey Attorney General on June 24, 2022, we know that even the State of New Jersey has accepted the fact that the “justifiable need” requirement is at an end. The nearly impossible to satisfy legal requirement to show “justifiable need” in order to obtain a permit to carry a handgun for self-defense made wholesale denial of the basic right of lawful armed self-defense easy for New Jersey. No more.

Not surprisingly, Governor Murphy has, nevertheless, pledged to make public carry as difficult as he can, including proposing to create as many restricted locations as possible, limited only by his imagination. Fortunately, in *Bruen*, the Supreme Court has given us powerful new tools to deploy in fighting these and other unconstitutional restrictions.

Unlike *District of Columbia v. Heller* and *McDonald*

*v. Chicago* before it, the Court’s opinion in *Bruen* presents a comprehensive roadmap on how to do Second Amendment law. Notably, the opinion reflects 12 years of outright frustration regarding how the lower courts have systematically resisted, circumvented, distorted, and fundamentally disregarded *Heller* and *McDonald*. Authored by Justice Clarence Thomas,

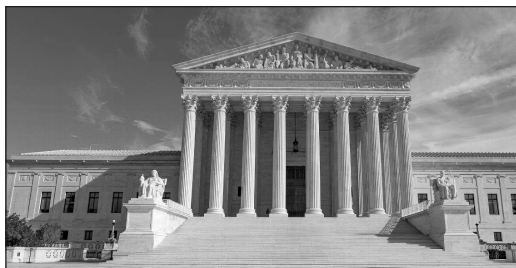
the opinion first cleanly does away with the troublesome and arbitrary “scrutiny” approach that allowed, and in fact invited, so much mischief in the courts. For 12 years, the federal courts of appeals have employed an approach to the Second Amendment that allowed courts to balance away the fundamental Second Amendment right in favor of the court’s own policy preferences. In

nearly every case, courts evaluated challenged laws under what is referred to as “intermediate scrutiny,” a legal standard that virtually guaranteed that the challenged law would survive.

Explaining that the *Heller* decision had already precluded such “interest balancing” away of the right to keep and bear arms, the Court set forth a clear rule for addressing Second Amendment challenges:

[W]e hold that when the Second Amendment’s plain text covers an individual’s conduct, the Constitution presumptively protects that conduct. To justify its regulation, the government may not simply posit that the regulation promotes an important interest. Rather, the government must demonstrate that the regulation

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## ANTI-GUN DEMS VICIOUSLY ATTACK GUN RIGHTS

Throughout the Spring and into early Summer, gun-hating Democrats in the State House viciously attacked gun rights, passing large chunks of Gov. Murphy’s infamous bill package targeting gun rights instead of gun criminals.

These proposals included bills mandating “microstamping” technology, banning .50 BMG firearms, banning guns to those under 21, ammunition registration and reporting, banning body armor, weaponizing government against

firearms “industry members” (including gun rights groups), banning gun ownership to those without formal training, and mandating inconsistent registration standards for new vs. existing residents,

As this issue of *News & Briefs* went to press, it was unclear which bills would make it to Gov. Murphy’s desk and in what form, but it was certain that the governor would sign whatever was presented to him. Please see [www.anjrpc.org](http://www.anjrpc.org) for the latest details. ■

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is consistent with this Nation's historical tradition of firearm regulation. Only if a firearm regulation is consistent with this Nation's historical tradition may a court conclude that the individual's conduct falls outside the Second Amendment's "unqualified command."

This "historical tradition" approach is consistent with an "originalist" method of constitutional interpretation. Originalism, the leading method of constitutional interpretation, tells us to look to the original public meaning of the Constitution, that is, what ordinary people understood a provision of the Constitution to mean at the time it was ratified. Importantly, this approach is the only way to ensure that the Constitution, and therefore the protection of our rights, does not vary at the whim of five unelected judges.

By ruling in this way, the Court has ensured that legislatures may no longer justify a gun restriction merely because they think it is a good idea. Rather they must demonstrate, either directly or by analogy, that a restriction on the right to keep

and bear arms has an important connection to an historical antecedent from the time when the people adopted, and understood the meaning of, the Second Amendment. This ensures that the scope of rights protected by the Second Amendment remains the same today as it did when originally guaranteed by the Constitution.

Significantly, the Court also sent another message to legislatures. In a footnote almost certainly to become famous as "footnote 9," the Court warned legislatures to steer clear of onerous new licensing requirements that could impair the fundamental right of armed self-defense. Footnote 9 makes it clear that such attempts will invite constitutional challenge. Notably, because the linchpin of the right to keep and bear arms is individual self-defense, regulations that inappropriately burden that right become constitutionally suspect.

Importantly, this is not the end of the fight. We have, however, taken the beach, and the Supreme Court has given us the means to advance strongly toward Berlin. ■

## INFANTRY TROPHY "AR-15 TYPE" RIFLE MATCH AT CHERRY RIDGE

BY MATTHEW NEWMAN, INFANTRY TROPHY CHAIR

Eugene Stoner designed what would become the AR-15 type rifle in the late 1950s.

On the rainy, 40-degree day of April 9, 2022, the first of our four Infantry Trophy Matches for the 2022 season was held at the 300-yard line at Cherry Ridge range. Despite the rain, several cars were waiting for the gate of the range to open at 7:30 a.m.! Many prior shooters as well as shooters new to this match showed up with their AR-15 type NJ-legal rifles to compete in this fun match.

This year, scopes of no more than 4.5 power (to comply with Civilian Marksman Program, CMP Rules) were permitted. All but one of the shooters had scopes on their rifles.

Once targets were pulled from the shed, the pits were sealed. Ample time was permitted for several of the shooters to get their shots "on paper" with their new scopes.

It was a very close match, until a malfunction of a shooter's magazine dropped their team out of trophy contention. During the final string of shooting, a heavy rain poured in on the shooters in the middle of the prone position segment, causing steam to rise from the rain contacting the hot rifle barrels during rapid fire! The consensus among many of the shooters was that using scopes in the rain during rapid fire was not an advantage and the winning time had the only shooter using iron sights. The winners of the AR-15 Infantry Trophy Match are Harry Gedicke and Matt Newman. ■



(l-r) 2022 AR Rifle Infantry Trophy Match winners Harry Gedicke and Matt Newman

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