TriCorner News
from The Lakeville Journal,
The Millerton News and The Winsted Journal
Published on *TriCorner News* (http://www.tricornernews.com)

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Politicians: 'eels in the fundamental mud'

Fri, 09/28/2012 - 9:09am Field Notes From A Battleground [1] Opinion/Viewpoint [2]
Field Notes From A Battleground
By Charles R. Church

Ambrose Bierce, in his gold nugget-laden "The Devil's Dictionary," defined "politician" as "an eel in the fundamental mud upon which the superstructure of organized society is reared. When he wriggles he mistakes the agitation of his tail for the trembling of the edifice." No doubt many of us figure Bierce aptly described the presidential candidate we don't like, in whichever party he may dwell.

I see no point in writing an overtly partisan column, for it would not convince anybody. So that's not what I'm about to do, though I will be taking the in-many-ways impressive Mitt Romney to task for a very particular offense. Trust me, if Barack Obama did the same thing I would squawk about that as well, loudly. What am I talking about?

A plank in the Republican platform — no surprise — supports "our right to keep and bear arms," but I am not heading into a treatise on the true meaning of the Second Amendment. Rather, I will focus on a specific sentence in the plank, which says: "We oppose legislation that is intended to restrict our Second Amendment rights by limiting the capacity of clips or magazines."

Now just hold on. Yes, all candidates pander, as do both major parties (and all the minor ones I can think of). But the bounds of decency limit how far one can go with that stuff. And that goes too far, way too far.

After all, it was only back in July that James Holmes entered the Aurora, Colo., (just 20 miles from Columbine High School) movie house with a semi-automatic descendant of the Vietnam era's M-16 rifle, a pump-action 12-gauge shotgun and at least one semi-automatic pistol and blazed away, killing 12 and injuring 58. More to the point, he first fired the shotgun, then used the semi-automatic rifle until its 100-round barrel magazine jammed, then turned to the pistol. Barrel magazines with 100 rounds? And Romney opposes any limitation on "the capacity of clips or magazines?"

One might protest. Surely the governor didn't write a word of the plank, and probably never read it. But he had to know, or should have known, his platform's essential thrust, and his statement right after the shooting showed his colors. Here was his plan for preventing such horrors: "And so we can sometimes hope that just changing the law will make all bad things go away. It won't. Changing the heart of the American people may well be what's essential."

So Romney can't distance himself from that profane plank.

The plank lauded how the "God-given right of self-defense" is a fundamental individual right affirmed by the Supreme Court in two recent decisions, "District of Columbia v. Heller" and "McDonald v. Chicago." Well, many would say "invented" rather than "affirmed," since the court had never before regarded the Second Amendment as protecting anything more than the right of the people to maintain a well-regulated militia.

Anyhow, Justice Scalia's majority decision in "Heller" did, in 2008, recognize an individual's right to keep and possess weapons "in case of confrontation." (Ironically, as David Cole observes in the Sept. 27 issue of the "New York Review," the NRA did everything it could to stop "Heller" from reaching the Court —

because it feared a bad result). But that personal right is limited. The Second Amendment does not protect "those weapons not typically possessed by law-abiding citizens for lawful purposes." Prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places, or "laws imposing conditions and qualifications on the commercial sale of arms" are fine. Prohibitions on carrying concealed weapons have long been allowed.

Perhaps most importantly, "the sorts of weapons protected were 'those in common use at the time'" of the amendment. In sum, then, as Professor Cole notes: "Most courts have upheld most laws against guns, referring to" Scalia's list of permitted regulations. Indeed, the Brady Center's legal director regarded Scalia's opinion as "a pleasant surprise," for it encompassed the center's entire agenda!

("McDonald" simply extended "Heller" to the states.)

Back to that dreadful plank's opposition to limitations on the capacity of clips and magazines and its fictitious taking of refuge under the umbrella of the recent Supreme Court decisions, which did not even deal with such things. One needs a 100-round barrel magazine for self-defense? Its real basis, then, is the plain desire to kowtow to the NRA which (as Professor Cole tells us) was originally organized to improve marksmanship. It supported gun control from the 1920s through the 1960s, when a "radical contingent took it over in 1977." Now backed by gun industry cash, the NRA is "thought to be so powerful that even quite reasonable regulatory proposals are dead on arrival." Including "a bill that would have banned the 'drum magazine' James Holmes used to increase the lethality of his assault weapon."

Michael Bloomberg, co-founder of "Mayors Against Illegal Guns," (in his July 26, 2012, "How to Break NRA's Grip on Politics") pointed to the NRA's great success in marketing a particular fear: electoral defeat.

Hence, "Romney has walked away from the assault-weapons ban he once supported."

But, Mr. Romney, do you really want to be remembered as the candidate pushing no capacity limits on clips and magazines? I think you're better than that. Or at least I'd like to.

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