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FROM SOUTH JERSEY TO YOU

2nd Amendment hero? You may want to hold your fire

By JANE ROH • Courier-Post Staff • December 26, 2010

Gov. Chris Christie's first commutation was granted to a Mount Laurel man sentenced to seven years on widely criticized gun charges.

The news of Brian Aitken's release inspired his attorney to declare Christie "a hero to gun owners across the nation."

But is he really? Not so much.

While Aitken has become a national Second Amendment cause celebre, the merits of his case have less to do with the right to bear arms than with a sometimes flawed justice system.

Aitken was sentenced to seven years for unlawful possession of a handgun that he'd purchased legally in Colorado and ammunition that is illegal in New Jersey, despite not having been suspected of a crime. Frank Fiamingo, president of the New Jersey Second Amendment Foundation, said reason dictated commutation of Aitken's sentence.

"I don't think Second Amendment issues played too much into his decision," Fiamingo said. "It does show that the governor is a compassionate and reasonable man. When he looked at the situation the facts represented themselves."

Some guns rights advocates thought Christie should have gone farther.

"While a full pardon seems more appropriate -- the judge in this case should have given the jury instructions on the 'moving exception' that protected Aitken -- this is at least recognition of an injustice and relief for one man and his family," wrote David Rittgers of the libertarian CATO Institute.

It is legal in New Jersey to transport weapons when moving, but Superior Court Judge Michael Haas would not permit Aitken's defense to argue on those grounds.

Those who've crowned Christie a conservative hero shouldn't read too much into Aitken's commutation, said David Redlawsk of the Rutgers-Eagleton

Institute of Politics.

"While some folks may see a political angle in this, frankly it seems like a very simple correction of a miscarriage of justice," Redlawsk said.

"We'll be watching," Fiamingo said, adding he still is not clear where Christie is on gun control.

"I don't want to say I'm happy with him as a conservative," Fiamingo said. "That still remains to be seen."

"But I am very pleased with most of the decisions he has made so far."

Mad at McCain

Arizona Sen. John McCain spurned moderate and Democratic fans during his hard-right swerve in 2008.

The former presidential candidate continues to tick off liberals, most recently New Jersey Democrats.

Last week, the Republican senator -- with no explanation -- blocked a provision that would have increased suicide prevention funding at the Department of Veterans Affairs, according to a report in the Home News Tribune in East Brunswick.

It also would have required Defense Department personnel to phone members of the reserve every 90 days to check on their mental health.

The measure was added to the Defense Appropriations Act by Rep. Rush Holt of the 12th Congressional District. Holt had been moved to introduce the legislation following the suicide of an area Individual Ready Reserve Iraq veteran who'd had difficulty getting counseling. Sgt. Coleman Bean, 25, of East Brunswick, killed himself Sept. 6, 2008.

"When I learned it was removed at the last minute, I was furious," Holt told the Home News Tribune.

"I heard the language of the bill disappeared, in a response to an objection from the Senate. I thought it was from an unnamed senator and then Sen. McCain said it was he himself who opposed this."

McCain's office did not return the newspaper's request for comment.

Holt's bill was designed to plug a mental health screening gap that apparently exists for reservists. An aide in his office described McCain's move as "indefensible."

Pentagon officials readily acknowledge suicides rates among U.S. service members deployed to Iraq and Afghanistan are alarmingly high.

McCain tussled with the Garden State again on Dec. 14, when in that day's "top 10 Pork List," he Tweeted, "#4. \$522,000 for cranberry and blueberry disease and breeding in New Jersey."

And on Dec. 17. Sen. Frank R. Lautenberg, D-N.J., lashed out at McCain over comments made about a health care bill for 9/11 first responders.

"It's shocking to learn that Sen. John McCain said the Senate is 'fooling around' by trying to pass a health care bill for 9/11's first responders.

"The 9/11 workers are heroes, too, and they should be treated as such," Lautenberg said. "This is not just a New York matter, it is a national matter."

It's safe to assume McCain enraged both Lautenberg and Sen. Robert Menendez when the Vietnam war hero sought to block repeal of the military's Don't Ask, Don't Tell policy. In 2006, McCain had said he would support a repeal of the anti-gay policy if Pentagon leaders recommended it.

Last February, Defense Secretary Robert M. Gates and Joint Chiefs Chairman Mike Mullen announced

they would seek repeal of the policy. McCain reversed himself, calling the move too sudden.

Senate Democrats were united in last weekend's vote to repeal the policy. President Barack Obama signed the repeal Wednesday.

Race card: Part 2

Minority Leader Alex DeCroce, R-Morris, ignited a firestorm last week when he accused Speaker Sheila Y. Oliver, D-Essex, of playing "the race card" in a dispute over unemployment benefits that up until then had not been about race.

Leaders of the state chapter of the NAACP asked DeCroce, who is white, to meet with them. DeCroce has accepted the offer, Assembly GOP and NAACP representatives said last week. Details on date and location were not available by Wednesday.

DeCroce was traveling and unavailable for comment.

A spokesman said DeCroce wouldn't have anything specific to say other than he's agreed to meet with them and have a dialogue.

About 75 people gathered Wednesday outside DeCroce's Whippany office to protest his having said earlier this month that current unemployment benefits levels were too good for "these people."

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