

Gun Lawyer Episode 21 Transcript

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SPEAKERS

Evan Nappen, Louis Nappen, Speaker 3

Evan Nappen 00:19

I'm Evan Nappen and welcome to Gun Lawyer. Today we have a very special guest. This guest is somebody I've known for a long time, and this person is my brother, Louis Nappen. Louis is also a gun lawyer. We are the Gun Lawyer brothers. Louis has worked with me in the firm for over 15 years, and we both have vigorously defended our clients and gun rights. Louis is here today because he has a special focus. He's great on licensing and challenging of license denials and doing Appellate work on that all the way up to the Supreme Court. Being the only attorney, I know that has won at the New Jersey Supreme Court, a unanimous, all seven judges, pro-gun victory in the state of New Jersey. We're here today with Louis. Hi, Lou, how are you today?

Louis Nappen 01:31

Howdy, Evan. How are you doing?

Evan Nappen 01:33

Great, I'm glad you're here to talk to our friends about some insights that you have on licensing and even for our folks that aren't from New Jersey. The thing about New Jersey is New Jersey is the frontlines in our battle for gun rights. You have some great experience in fighting through the absurd and ridiculous system in New Jersey.

Louis Nappen 02:07

Yeah, I am definitely behind enemy lines here when I'm fighting for all sorts of permit appeals. When it comes to firearms, we're talking about the majority of them are New Jersey Firearm Purchaser Identification Cards, Purchaser Identification Cards and also New Jersey Permits to Purchase a Handgun. Then there's carry permits also - the unicorn, the very, very ridiculously tough thing to get in New Jersey. But those are the things that I'm focusing on. Majority for this firm what we do here and weapon forfeitures, which concern the exact same disqualifiers. So, it's duplicative, and they overlap. But in terms of the same types of disqualifiers that keep coming up in both of those arenas.

Evan Nappen 02:56

So, tell us what is a Firearms ID Card and Pistol Purchase Permit? How does Jersey lay out their gun control scheme?

Louis Nappen 03:05

Yeah, scheme is a good term for it. If you reside in New Jersey, you need a New Jersey Firearms Purchaser Identification Card in order to purchase long arms, shotguns and rifles. For handguns, you need a Permit to Purchase a Handgun. I could talk on and on and on and on about the laws. So, I'll just touch upon some things. For instance, in New Jersey, just how bad it is, we only are allowed to purchase one handgun every 30 days. That's after you have applied and waited for the Permit to Purchase of a Handgun.

Evan Nappen 03:52

And a new permit is required anytime you want to buy an additional handgun. I want our listeners to understand the process because this is something you never want to have happen where you live in your state, if you're not in New Jersey. We, of course, have to overturn this horrible system. Tell us what is involved to get a Permit to Purchase a Handgun in New Jersey.

Louis Nappen 04:26

Under NJS 2C:58-3, which is New Jersey's licensing statute, it lays out 10 disqualifiers. Now those disqualifiers, and it sounds like you've discussed common sense gun registration, gun legislation, excuse me, laws. But they're anything but common sense. They are looking for reasons to deny you. It starts off with the positive that "any person should be able to receive this" as long as you don't have any of the following. And the following just beats up the rule in terms of who can obtain a firearm. Now, just to go through those initial disqualifiers. Of course, any person who's been convicted of any crime or disorderly persons offense involving an act of domestic violence, we can understand those.

Evan Nappen 05:31

That mirrors the Federal law, of course.

Louis Nappen 05:34

Correct that mirrors the Federal law. Any drug,

Evan Nappen 05:39

drug dealers,

Louis Nappen 05:40

I'm just going to work through these just to give you an idea of the ones and then I'm going to focus in on some issues that have occurred, to give you an idea of how bad it can get. To any drug dependent person as defined under the certain sections of the law, or anyone who was confined for a mental disorder to a hospital, mental institution, or sanitarium, or any person who is presently a habitual drunkard. Now, that's a great term of art there, habitual drunkard.

Evan Nappen 06:09

That sounds like it should be a qualification, doesn't it? Get a lot to get a permit in New Jersey, you need a few drinks to get through.

Louis Nappen 06:17

A lot of people do say Alcohol, Tobacco and Firearms should be a convenience store. Right? An agency anyway. To any person who suffers from a physical defect or disease, which would make it unsafe for him to handle firearms, any person who's ever been confined for a mental disorder, to any alcoholic. There's three times throughout the statute where they talk about alcohol. Then they talk about how you have to relieve this with a doctor's note. Now you've discussed how impossible it is to find doctors willing to do this.

Evan Nappen 06:50

Right, because they're afraid of the liability. So, even though they may feel you're perfectly fine, they don't want to put their name on that paper, in case there's ever a problem.

Louis Nappen 06:58

So, you have to be over 18 for the Firearm Purchaser Identification Card to get long arms and over 21 for a Permit to Purchase a Handgun. I'm going to skip number five; we're going to get back to that. Then number six, we're talking about anyone who has a restraining order issued pursuant to domestic violence. Then we have number seven, anyone who is a juvenile who was adjudicated delinquent for an offense, which if committed as an adult, would constitute a crime or involve certain elements.

Evan Nappen 07:28

Right in Jersey, your juvenile conviction does count as a disqualifier. It doesn't Federally, but it does in the state of New Jersey.

Louis Nappen 07:37

There you go. I don't know if you remember Governor McGreevy who, back in the day, put into law that anybody whose firearm is seized pursuant to the Prevention of Domestic Violence Act of 1991 and whose firearm has not been returned, is barred from getting this permit. So, your rights were attached to your firearms. You might not even have known or been told that you're going to forever, ad infinitum, lose your firearm rights because you did not get that firearm back. It makes you a felon, a certain person not to possess firearms, subject to State Prison if you ever own, use, control, or possess a firearm.

Evan Nappen 08:23

And let me just say, this is a trap. This is not something that appears on the gun license application. This law has been in effect for over 10 years, where they don't want New Jerseyans to know about it. Because if it was on the application and on the Certificate of Eligibility that you have to sign before you get your gun, you would know that if your guns have been taken in a domestic violence allegation and not returned, you would know that you have to fight to get them back. But they don't tell you that. What happens is they sucker people that have had their guns taken, even though they're entitled to get them back, someone from the State will call you and say "hey, look, we'll just allow your guns to go to a dealer and get sold, and you'll get the money for it. You don't even have to come to Court. What do you say?" You might think they're cutting you a break. They don't even have to tell you that you've just forfeited your gun rights.

Louis Nappen 09:17

Let me tell you. Sometimes it's a setup over a very, very minor broken bb gun for instance. New Jersey considers that a firearm. So, people don't want to waste an entire day out of work to go get a broken bb gun returned. Meanwhile, a couple years later, after he said no, I don't want that gun. Don't give it back to me that bb gun. He later learns he is the equivalent of a felon. He wants to go shoot it with his Boy Scout buddies. Well, you know he wants to be a Scoutmaster, and he gets in trouble or something.

Evan Nappen 09:53

Or he goes out hunting because he borrowed a gun from a friend or whatever. Then he gets criminally charged, and he's looking at up to 10 years in State Prison, as a penalty.

Louis Nappen 10:08

So, there is just one example. Now one of the things though I want to stress here is always make yourself the best candidate before you apply for any permit, much less a firearm permit in New Jersey, or any firearm permit. When it comes to having firearms taken and not returned, our firm has ways that we have worked. I do about one a month where somebody who had that scenario, and we get him relief from that order. So, the client no longer has that disqualifier and is no longer considered a felon so that he can once again apply. So, if you think you have one of these situations, always clear yourself up before you apply for anything. Yeah, moving on. Here's a classic, anyone who's (these are more recent ones) named on the Consolidated Terrorist Watchlist may not obtain. Now, I don't know how you would know that you're on that list. It's always a fun question to ask during cross examination. "Are you presently named on the Terrorist Watch List maintained by the Terrorist Screening Center administered by the Federal Bureau of Investigation?" And they're like, how the heck would I know?

Evan Nappen 11:24

And then if you are, how do you even get off it? By the way, what was the criteria to even get on it in the first place. It is a ridiculous violation of due process to make that something that you lose your Second Amendment constitutional right over.

Louis Nappen 11:39

It's up there with the No-Fly List, a whole craziness to me. Then another one here, the most recent we've gotten is they've expanded on restraining orders to any person who is subject to a court order prohibiting the custody, control, ownership, purchase, possession, or receipt of a firearm. They call them Red Flag Laws or Extreme Risk Protection Orders (ERPO). It's basically now anybody can go after anybody on these. Now, that's a pretty extensive listing there, but then there's one I skipped. This is the one that's truly offensive. If you're a Constitutionalist or originalist in any way. It says to any person where the issuance would not be in the interest of the public health, safety or welfare.

Evan Nappen 12:30

That's the all-inclusive, weasel clause they can hit anybody with.

Louis Nappen 12:35

So, you've never been convicted of anything. But you have a DWI out there. Oh, you should be denied. There's somebody out there who just doesn't like you. Or he has some ex-wife or something that

doesn't want you to have a gun. Yeah, everything's dismissed, but they want to come out of the woodwork and screw you on your gun rights.

Evan Nappen 12:52

Well, remember, DWI in New Jersey is just a motor vehicle violation. That's why normally you wouldn't even consider it. It's just a motor vehicle violation. It's not a crime. It's not a criminal offense.

Louis Nappen 13:05

But you have a Fish & Game violation. That's not listed, but they want to use that against you.

Evan Nappen 13:12

And they try that. Absolutely. We've had those cases.

Louis Nappen 13:15

It just goes on and on in terms of that. So, that gives you an idea of what subsumes the rule. But the bottom line is always get yourself in good graces before you apply. Each one of these has a way to relieve yourself of that disability. And that's an important lesson to learn. Now, in terms of how bad it can get, I want to give an example in terms of the application process and the fights that we've had. I guess I'm going to have to go into that, I hear music.

Evan Nappen 13:45

In a little bit. We're going to do that next, the most egregious, incredible licensing fight that we had to illustrate how rotten New Jersey's gun laws are.

Louis Nappen 13:57

And how rotten they can get.

Evan Nappen 14:04

For over 30 years, Attorney Evan Nappen has seen what rotten laws do to good people. That's why he's dedicated his life to fighting for the rights of America's gun owners. A fearsome courtroom litigator fighting for rights, justice, and freedom. An unrelenting gun rights spokesman tearing away at anti-gun propaganda to expose the truth. Author of six best-selling books on gun rights, including *Nappen on Gun Law*, a bright orange gun law Bible that sits atop the desk of virtually every lawyer, police chief, firearms dealer, and savvy gun owner. That's what made Evan Nappen America's Gun Lawyer. Gun laws are designed to make you a criminal. Don't become the innocent victim of a vicious anti-gun legal system. This is the guy you want on your side. Keep his name and number in your wallet and hope you never have to use it. But if you live, work, or travel with a firearm, the deck is already stacked against you. You can find him on the web at EvanNappen.com or follow the link on the Gun Lawyer resource page. Evan Nappen - America's Gun Lawyer.

Speaker 3 15:19

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Evan Nappen 15:34

Okay, I want to just tell you, folks, this is so important. We have to stay in communication. You and I, we can keep our fellow gun owners from becoming law-abiding criminals. Tell them to listen to Gun Lawyer radio and to visit our website at Gun.Lawyer (instead of .com we're .Lawyer and we're Gun.Lawyer. What I'd really love is for you to take a look at our Inner Circle. It's on our website at Gun.Lawyer. Sign up for the Inner Circle. You're going to get the inside from me, Evan Nappen. I'll be giving you tricks, tips, insights, and fun. Sign up. It's free. Go to Gun.Lawyer and join our Inner Circle. Remember, this helps me communicate with you, touch base, and let you know what's going on. Because Big Tech doesn't care about our gun rights. They hate us and want to shut us down. The Inner Circle is a way that we can stay in contact despite their efforts. We're going to have big issues coming up. We're already starting to see it now. Executive Orders with all kinds of nasty things. You're going to need to know what to do to protect yourself; what loopholes there might be, I'm going to fill you in on that. You know that I love loopholes. You're going to want to know, so please subscribe to this podcast, join my Inner Circle, and help me get the word out. I'm depending on you. Tell your friends about it. This is our voice so we can keep up the fight. So, Lou, tell us about this case that we teased about a little while ago. How it illustrates what is going on in New Jersey and how bad it is. Go right ahead.

Louis Nappen 17:25

Yeah, I want people to really see how bad it can get. Imagine throughout this entire discussion here. I want you to imagine if they required this of somebody to exercise any other Constitutional right, any other fundamental, individual, constitutional right. Imagine that they wanted you to go through all of this to exercise your First Amendment. If you wanted to go to church, you have to fill out and do all this. Or if you want to buy a newspaper or vote or whatever you want to just if you wanted to exercise a right. It is the equivalent of a Poll Tax. This is what it is. If you wanted to go through the listing. Now, this is the most heinous and egregious example that I know of, how bad it can get, and what they will do if you allow it to happen. If you just give them an inch, this is the equivalent of "two weeks to flatten the curve", and here we are in week 50.

Evan Nappen 18:26

Celebrating two weeks the anniversary to flatten the curve. Right. Great.

Louis Nappen 18:32

So, this is what happens when you give two inches of public health, safety and welfare.

Evan Nappen 18:36

Two weeks to flatten the curve, and now none of us have a face. You know, like what? How did we get from that to here? That's great.

Louis Nappen 18:44

That's right. This is the thing if you just let it in the door, whatever metaphor you want to use the "camel's nose, then the whole camels in the tent", or the slippery slope, whatever it is, this is

Evan Nappen 18:55

Wait, I don't think I've given them enough metaphors.

Louis Nappen 19:00

Okay, well, you didn't tell them that I have a background as an English professor, and I did teach it for a while.

Evan Nappen 19:09

You're such a grammar Nazi, too, damn. But anyway, that's good stuff when it comes to appellate briefs, that's for sure.

Louis Nappen 19:17

I do have my share there, of briefs. So, I'm going to tell you the story of Mr. Michael McGovern. He was a very nice, very upstanding citizen of Jersey City, New Jersey. And there's a case you can look at it. Now, it is not a published case, and what that means is this case did not make law. I'll explain a little bit later why it is actually better than another case of mine which did make the law. But this shows a better example of the egregiousness of the State when it comes to firearm permits. It's In the Matter of the Application for New Jersey Firearms Purchaser Identification Card and Permit to Purchase a Handgun by Michael McGovern, Docket #A (meaning Appellate) 1282-12T4. You can look at that and read about it. I'm going to cut to the chase on this. Under that licensing chapter that I read, I said when you read it at first, it sounds very common sense. But it's anything but in terms of how its applied or lack thereof of application. There's a section under 58-3f. that specifically says, "there shall be no conditions or requirements added to the form or contents of the application or required by the licensing authority for the issuance of a permit or identification card, other than those that are specifically set forth in this chapter." Now, I just read the ones that are specifically set forth in the chapter. So, there's a statute that says they're not allowed to add to that.

Evan Nappen 21:05

As if that's not enough. I mean, why would you need to add to it, okay, but oh, no, they did. Tell us something bad.

Louis Nappen 21:12

The applications are put forth by the Superintendent of State Police, and they're done by the State Police. So, we have actual applications. Now, it's online, that are prepared as to what questions may be asked. And those are the questions. It's two forms; one is a mental health background check and the other one is the actual application. You could consider the third form a criminal background check. That's it. That's what it's supposed to be. When Mr. McGovern goes to apply, they hand him a ream of paperwork that he has to fill out. They've been doing this for years. This is not a particularly old case. It was decided on April 28, 2014, the Appellate Division decision. So, this is within recent history that this was going on. Jersey City Mayor Steven Fulop, as you may or may not know, is particularly against guns. His administration and his employees are following that policy.

Evan Nappen 22:19

Yeah, what is in these additional forms?

Louis Nappen 22:22

So, let me tell you. Mr. McGovern refused to do these additional forms. He pointed out exactly what I just read saying I'm not required to fill out any of this. So, listen to some of these things. First off, there is an Authorization Waiver to Release Information that they've required permit applicants to Certify. Let me just tell you what's on this form. The main area that you have to hear in terms of the Authorization Waiver to Release Information. It's absolutely absurd that they would require you to do this. "By use of this form, I hereby authorize the release of any and all information to the Jersey City Police Department that they may request. This release is directed to whoever they may deem it necessary to make such a request. Such information will include but not be limited to police records, records of arrest, court records, motor vehicle records, military records, medical or psychological records, employment records, background investigative materials, or reports and records considered confidential in nature, that could have an effect on the issuing of a firearms license." That's how broad the waiver you had to fill out if you wanted to purchase a firearm in Jersey City.

Evan Nappen 23:46

By the way, this is not found anywhere in the law that you'd have no way to make this waiver.

Louis Nappen 23:50

Nowhere. Nowhere under the law, that waiver is one example. Then they have another form - Information for Firearm Permit Recipients. They have eight, this is actually very funny, that you have to acknowledge to have read eight little statements. So, you have to acknowledge having read and understood, okay. There's no requirement to having read or knowledge or understood stuff. But you know what's great about this is that the information they're providing is actually contrary to the law. Let me tell you some of these things that they're saying that you have to certify that you understand. You will be held totally liable for any accident with your firearm. All firearms must be stored in a locked case. A trigger lock is now required for every weapon, even while stored in the locked case. They're telling people this four (4) years after the McDonald case came down, much less Heller which was six years earlier saying that you cannot require people to have a trigger lock or stored in a locked case. They say that you may not loan to another person or give to another person your firearm. No, that's totally wrong. Because there is a section of the law that allows you to.

Evan Nappen 25:02

Temporary transfer at a range or while hunting.

Louis Nappen 25:05

That's right, exactly so. Once again, they say you will be held totally responsible for any use or misuse of the firearm. They repeat it under that section as well. I'm just reading you some of the highlights of this information that you must certify to having gotten if you wanted a permit in Jersey City. If any firearm you own or possess is lost or stolen, it must be reported immediately to the local police department where the loss or theft occurred. The loss or theft of the firearm must also be reported to the police department where the weapon is registered. First off, there is no registration of firearms in New Jersey. So, what the heck does that mean?

Evan Nappen 25:40

Only on acquisition. It is not required, and you have 72 hours to report a stolen firearm, not immediately.

Louis Nappen 25:49

That's right, and not only that, do you have to report it twice? They're telling you that you have to report it twice.

Evan Nappen 25:55

Only once within 72 hours.

Louis Nappen 25:57

That's right. Then it says here that the Jersey City Police must be notified of any sale of the firearm.

Evan Nappen 26:04

Again, not true - not found anywhere in law.

Louis Nappen 26:08

Yeah, that's right. Then let me read it. I'm just reading you right down the list. Every one of them is incorrect, except for maybe the one that says if you change your address, you have to tell them. All firearms being transported must be unloaded with a trigger lock in a closed and fastened case or gun box or securely wrapped and tied package locked in the trunk of the vehicle in which it has been transported.

Evan Nappen 26:29

No trigger lock is required.

Louis Nappen 26:31

That's right, no trigger lock is required. So, you have to sign off that you understand this miss information.

Evan Nappen 26:38

Yeah, okay. All right.

Louis Nappen 26:40

Okay, then it gets better. This is all the City of Jersey City Police Department Firearm Licensing Unit forms that you had to fill out in addition, totally contrary to what the law said.

Evan Nappen 26:52

Think of how they enforce the law when they're misunderstanding of just a permit process is this bad?

Louis Nappen 26:59

That's right. Meanwhile, if you falsify anything, you could be charged criminally, and they do that. Or you could be denied your permit if you falsified anything. Put any mistake on anything, and I've seen them go so far as even a person who transfixed, they were trying to say that he falsified because he

transfixed two numbers. It was like six one and he put one six for his employer's phone number. Okay, they said look you falsified this. You know that's not the phone number. You purposely

Evan Nappen 27:30

Jersey City's antics don't stop there, do they?

Louis Nappen 27:32

No, then we have this one Firearm Permit Applicant Domestic Violence Disclosure Form. So, in addition to whether. Okay, I get it. Even Federally, if you have an actual Domestic Violence Restraining Order that is active, you are barred from firearms. However, this asks if you have ever been the subject in addition to that. That's nothing, it has no bearing in terms of it's actually a disqualifier.

Evan Nappen 27:59

Only if you actually have an active one. If you ever had one before, it's irrelevant to the to any disqualifier.

Louis Nappen 28:08

They try to allege falsification although wrongfully, obviously, to people who fail to say yes, because they've had them dismissed. He doesn't have to mention dismissed ones, only active ones. But then, it gets better on the same form. These are Yes or No questions. There are four questions. The first is "Have you had one? Or do you presently have one?", which is duplicative of the question on the state form. But the second, third, and fourth questions on this form ask, "Are there any members of your household who presently have, who have been subject to any court issued restraining order or complaint involving domestic violence?"

Evan Nappen 28:45

So, now your application is subject to a third parties' issue?

Louis Nappen 28:49

That's right, and you're not supposed to be asking? Yeah, that's right. You have to certify to this. Guess what, what if you don't know that your brother (laughingly, saying here) has a restraining order on him, and he happens to live with you? Now you falsified, right? Because you said he doesn't. How are you supposed to know somebody else's, much less be held to lose your rights, because of somebody else that you happen to reside with?

Evan Nappen 29:15

Mm hmm.

Louis Nappen 29:16

Okay. You think that's bad? Then there's a whole separate form, and they call it the City of Jersey City Police Department Firearm Licensing Unit Firearms Applicant Questioner. Okay, it's a questionnaire, but they call it a questioner here. And it's a laundry list

Evan Nappen 29:33

No one expects the Jersey City Questioner.

Louis Nappen 29:36

That's right. Okay, I'm going to ignore the duplicative questions. First off, there's just a slew of questions that are already asked on the main form about your name, your date of birth, all that kind of stuff. But then it asks you your build.

Evan Nappen 29:53

My build?

Louis Nappen 29:54

Yeah, what are you going to write? You got to write, you know, no joke. You have to say what your build is. With no examples of what that is.

Evan Nappen 30:04

What's your build? Your build? I don't know. I kick sand in people's faces on the beach. Just imagine my build.

Louis Nappen 30:09

You know, study? I don't know. Because it says race, sex, weight, height

Evan Nappen 30:26

Like Legos, you know? Lego, link building, wood blocks.

Louis Nappen 30:32

So, in addition to driver's license, which is required on the State form - the one by the State Police. It asks your auto plate number. Do you have to give them your plate number for your vehicle? This is great. The State and the expiration date of your automobile.

Evan Nappen 30:52

What if you don't have a car?

Louis Nappen 30:56

Right? Don't homeless people have a right, too? I don't know.

Evan Nappen 30:59

Or even non-drivers, or non-car owners. Maybe you drive but it doesn't mean it's your vehicle.

Louis Nappen 31:06

And you know what? It gets better. Because that's true. Because you know, what

Evan Nappen 31:08

What if you own more than one car? What if you have a fleet because you're a business owner? What do you like attach a separate addendum of every plate? I mean, this is insane. No required.

Louis Nappen 31:20

And you know, what's interesting? Jersey City is the most populated, densely city in America, I believe.

Evan Nappen 31:26

Right. Absolutely. So

Louis Nappen 31:28

So, let me tell you, most people do not drive. Probably a large majority of people in Jersey City are not drivers because there's no place to park your car.

Evan Nappen 31:35

They take the bus or they're using the path train.

Louis Nappen 31:39

Okay, then it asks you not only your address, but also the type of residence. Is it a one family, a two family, or apartment?

Evan Nappen 31:45

In case you want to sell your house. That's what I'm thinking. They get a little kickback. Hey, I got a great property here. This guy applied, here's all his info. Give him a call and maybe get the listing. You know,

Louis Nappen 32:02

Remember, this is all if you want to get a firearm, just purchase a firearm.

Evan Nappen 32:05

Well, hey, you know how important real estate information is to the issuance of a gun whether you know what type of place you live in.

Louis Nappen 32:13

While having employment is not necessarily a disqualifier, even though they do ask you what your employment status is and who you're employed by on the State form. They also asked you in this Jersey City form who your previous employer was, and whether it was part-time or not.

Evan Nappen 32:31

That's awesome, right? Part time even, every job.

Louis Nappen 32:35

So, let me tell you, you put this stuff down with the contact information, and they call them. Does everybody that you know get along with your previous employer? There is probably a reason that you left.

Evan Nappen 32:43

Isn't it great? They call your previous employer and say, this guy wants to buy a gun? What do you think? I mean, their opinion is vital. Right? Alert everyone.

Louis Nappen 32:59

I used to be a schoolteacher. The only two things I can think of worse is going to contact previous school administrators and asking if a certain prior teacher should get a gun, or maybe the post office. Right?

Evan Nappen 33:12

That's wonderful. As a kid, you were a burger flipper. So, they call some McDonald's Manager from ten years ago. Louis wants to get a gun. What's your view on that? You know, right? Yeah,

Louis Nappen 33:24

That's right. Exactly. What?

Evan Nappen 33:25

Okay, they asked us to do fries. I thought, Wait a minute, what?

Louis Nappen 33:29

This is still that same form. They asked military service Yes or No? And if yes, what branch and your Service ID Number. First off, as you know very well, being in the military is not a prerequisite to possess a firearm, okay, or purchasing or anything having to do with it. They say years of service, and they want the years of service. Now they do ask type of discharge.

Evan Nappen 33:52

Well, that could actually be relevant.

Louis Nappen 33:53

That's interesting because that could be relevant to the Federal standard,

Evan Nappen 33:57

Which is not in New Jersey, which is all you need to be concerned with. What else? You know, it's like, what do they want, a DD 214 (Discharge Papers)?

Louis Nappen 34:06

That's right? So, a dishonorable discharge could be an actual valid question if you're looking at a Federal form, but we're not here. So anyway, at point of purchase, that would be a relevant question on the forms, but not here. Here you go. Remember, it's only about whether you have an actual conviction that's supposed to be a disqualifier. Here it says, "Have you ever been arrested or charged with a crime that has not resulted in a conviction?" Yes or No., and please explain. Use back if more space is required. So, every time that you've ever been arrested, and

Evan Nappen 34:40

were innocent, we need to know about this so-called innocence.

Louis Nappen 34:44

That's right. Was found not guilty. It was dismissed. It was no bill, you don't care. We want to know what was alleged. Okay. This is why I'm saying, if you have anything in your past history, because they will use it under the name of public health, safety, welfare, get yourself an Expungement to clear up even things that have been dismissed, no billed, whatever, not guilty, all those. You need to get that off of your record, while you still can. As you've discussed previously, there was a time you could get a Federal expungement but not anymore. When there's a governor such as Christie, who would pardon you for a firearm offense, get yourself a pardon if you can. Whereas you're not going to get it under Governor Murphy.

Evan Nappen 35:33

Were there any other fun things that Jersey City requested?

Louis Nappen 35:36

Yeah, here we go. List the names and ages of all people who reside in your household, including any non-related, co-habitants.

Evan Nappen 35:44

Oh my gosh, non-related, co-habitants.

Louis Nappen 35:46

It gets better. Are you ready for this? Their name, date of birth, social security number and relationship.

Evan Nappen 35:51

Oh, that's great. Oh, social, too. Wow.

Louis Nappen 35:56

So, you get all that, but it gets better. And we all know the Social Security

Evan Nappen 36:01

They want like babysitters' names, too?

Louis Nappen 36:03

Are you ready? Here's the one that actually of all that, the one that gets me the most. This is the one that should trouble everybody the most. What is the reason for your request?

Evan Nappen 36:14

Oh, completely irrelevant. Not a statutory requirement. No merit to that question whatsoever. No.

Louis Nappen 36:24

You don't even have to say why you should because I want to enjoy a Constitutional right. You shouldn't even have to write that.

Evan Nappen 36:30

It is not a requirement. As a matter of fact, at one point, years and years ago, it was on the New Jersey application. They realized it shouldn't be there, and they had to remove it. Your reason is of no moment. Does not matter. Not one bit.

Louis Nappen 36:47

It also asks Do you have any firearms. Do you own any presently? And it says Do you have a hunting license? Irrelevant. Have you taken any firearm safety courses?

Evan Nappen 36:56

Again, not required.

Louis Nappen 36:58

All of that, not required. So, Mr. McGovern refuses to fill this out. Rightfully so. He stands by his rights on this. By the way, when he goes up to the desk where he has to drop off his permit, there's a sign that says "Notice due to high volume of applications, processing will be done in the following priorities. Number one police and law enforcement get priority then corrections officers, then civilian security officers, then all other hunters, sports, target, business, home." There's nothing under the law that says anybody gets a priority when it comes to get to the front of the line when it comes to getting a permit.

Evan Nappen 37:35

Right. That's true.

Louis Nappen 37:36

So, he refuses, and what do they do? Well, they deny him, of course, because he's uncooperative. He says that they said that he's not of good repute in the community because he has not been cooperative with the police department's investigation. The judge in Jersey City on appeal upholds it because he appealed that decision of denial. They said the lack of cooperation, evidence of the government was

Evan Nappen 38:04

Yeah, for not filling out an illegal form, for not breaking the law, not certifying misinformation, for not revealing privacy and protected information, for not saying things that have no basis in law whatsoever to be asked. He gets denied because he "Didn't cooperate".

Louis Nappen 38:25

They said the lack of cooperation evidences Mr. McGovern's disregard for the welfare of others. I swear, that's what it says. You can read the case yourself. It said that it provides a reflection on his character. From my point of view, a terrific reflection of a person who knows his rights and stands by them.

Evan Nappen 38:42

A standup guy and wouldn't take the abuse and fought it. You brought an appeal, what happened? What happened with that appeal?

Louis Nappen 38:51

We appealed it. Real fast on that one, and it was reversed. They said no added forms. Any added forms like that. They are on notice, clearly in Jersey City, they cannot do these forms anymore. Mr. McGovern got his permits in the end. I want to say two things here, though. There are other people who have done this. Now that, unfortunately, was not a published case. Mr. Jeremy Perez also went because they were requiring him. It's a different case. This is one of our other cases that I handled on appeal. They said he had to provide a photo ID. Now, there is no requirement for a photo ID, and we won. They remanded that. Now the kicker is that in the end, we won the case In the Application of ZK, where there was one single duplicative form. After all that, we get a published case, meaning its now law, no added forms. For a case where East Brunswick Police were simply requiring people, wrongfully, but just requiring them to write any juvenile delinquency adjudication they have on a separate form. A little bit more detailed than the form that New Jersey required. And that's so even a simple added. I'm glad and that's why I said at the beginning, I'm glad that's the case that ended up being published because it shows that even a minor thing that you would say it's just one. The judge at the time said "I like this form. It's duplicative. It doesn't ask anything different, but it's a little bit more detailed. And I like this form." Doesn't matter. It's unlawful. Can't make people

Evan Nappen 40:24

Right. That made case law. So, if anyone experiences additional forms, it is illegal, and they are violating Jersey law, but you can see how far it goes. Our firm did a hat trick. We won all three cases. That last ZK matter was the best because that one was published and made law. This is Evan Nappen reminding you that gun laws don't protect honest citizens from criminals. They protect criminals from honest citizens.

Speaker 3 40:59

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