



Written by [Bob Adelman](#) on July 2, 2024

Gun Owners of America Files Suit Against New Jersey's "One Gun a Month" Law

The pro-Second Amendment group Gun Owners of America (GOA), along with its sister organization the Gun Owners Foundation, [filed suit](#) against New Jersey's Attorney General Matthew Platkin, challenging him to defend the latest attack on Second Amendment rights in the Garden State.

The attack, clearly an act of derision for and challenge to the Supreme Court's ruling in *Bruen (New York State Rifle & Pistol Association, Inc. v. Bruen)* in 2022, was instigated by anti-gun Democrats who used a thinly disguised excuse to pass the law: straw purchases.

Without a scintilla of evidence, the state claims that such purchases are a cause of New Jersey's gun violence. However, criminals don't buy guns from gun dealers to sell to their criminal associates. They steal them or buy them "on the street" from other criminals.

Nevertheless, Democratic State Senator Teresa Ruiz, declared that the new law "is a significant step in the right direction toward reducing the number of illegal, unlicensed guns on the streets and increasing safety for the people of this State."

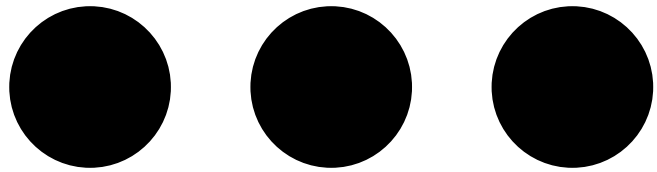
She said that with a straight face.

Not only is the law a direct, in-your-face challenge to the Supreme Court's ruling in *Bruen*, but it contains other equally repugnant and unconstitutional infringements of the Second Amendment, all of which are being challenged in the lawsuit.

From the suit:

This case involves a challenge to New Jersey's onerous, unconstitutional, and ahistorical firearm permitting regime, along with the state's so-called "one gun a month" law....

[The law] does not allow a person to so much as purchase a firearm without receipt of a government permission slip. During the pendency of this lengthy and arduous permitting process, New Jerseyans naturally are unable to "keep ... arms," even within a private domicile or on private property, much less to "bear ... in public for self-defense" firearms they have not yet been able to acquire.



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The law requires a purchaser to be steadfastly determined to navigate the labyrinthine maze of permits, fees, and personal privacy in order to purchase a firearm. He must be patient: The granting of the state government's permission to exercise a right guaranteed in the U.S. Constitution can take up to seven months. And then, if he wishes to purchase a second firearm, he must go through that maze again — and again for each firearm that he or she wishes to buy.

From the lawsuit:

For instance, to acquire a handgun, a person must obtain a 2C:58-3a Permit to Purchase a Handgun requiring, among other things, character references, a background check, payment of a \$23 fee, payment of a \$25 permit fee, payment of a fee for being fingerprinted, a statutory waiting period of up to 30 days to complete the process, another required statutory 7-day waiting period, followed by another NICS [National Instant Criminal Background Check System] check (which is not instant) at the point of sale and payment of another \$16 fee.

But wait! There's more! Much more if one wishes to carry his firearm in public:

An applicant must obtain a 2C:58-4 Permit to Carry a Handgun, which requires submitting an application attested to by no fewer than four "reputable persons" who have known the applicant for at least three years, paying a \$200 application fee, receiving in-person firearm instruction, being fingerprinted, submitting to an interview by government officials, providing any extra information the licensing official demands, providing a list of (registry of) all firearms that the applicant wishes to carry, and of course, submitting to another background check.

And then, having successfully survived all of the above, the waiting begins.

The county where the plaintiff (Mr. Christian Benton) lives, Pennsauken Township, ignores the 30-day "statutory waiting period." Benton managed to make his way through the maze and applied for two Permits to Purchase a Handgun on February 27, 2024. At the time of the lawsuit's filing (June 18), he hadn't heard anything from the township's authorities.

Attorneys for GOA and Benton pulled no punches:

This "one gun a month" limitation on the exercise of an enumerated right lacks any historical tradition, infringes on New Jerseyans' Second Amendment rights, and is an outlier among the states, as in the vast majority of states, there is no quantity limit on how many firearms "the people" can purchase per month.

In short, New Jersey's purchase permitting and purchase rationing schemes violate the Second and Fourteenth Amendments to the United States Constitution.

They are demanding that the state's AG provide evidence of historical "relevance" for this vast invasion of rights in order to justify it:

... The "right to keep and bear arms" presumptively applies to "all Americans," presumptively extends to all "bearable arms," and presumptively covers to all locations.



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Anything limiting that expansive reach must comport with a broad and enduring historical tradition – demonstrating that certain persons, arms, or activities were never considered within the scope of the Second Amendment in the first place.

There isn't any.

Therefore, the court is required to step in and inform the state's AG that the law (which he already no doubt knows) is unenforceable:

Because New Jersey law operates to entirely deprive “the people” of their Second Amendment rights for extended periods of time, this Court’s intervention is necessary to make it clear to New Jersey that it is not free to thumb its nose at the text of the Second Amendment or the opinions of the Supreme Court, and that the Second Amendment is neither a “constitutional orphan” nor a “second-class right.”

The lawsuit added:

... The burden is on New Jersey to prove, based on Founding-era historical tradition, that its laws imposing significant fees, waiting periods, and other requirements somehow comport with the original public understanding of the Second Amendment.

However, there is no historical analogue for requiring individuals to apply for a permit simply to acquire or “keep” a handgun, or to carry it in public, for that matter, and certainly no historical analogue for imposing months-long waiting periods, and layers upon layers of permitting, merely to be able to exercise an enumerated right.

The law is clearly unconstitutional, but the New Jersey Democrats don't care. They're following their own rule: Five and One. That is, it will take five years for this case to wend its way upward through various appeals until it is finally settled in favor of the plaintiffs, and in the meantime legal fees will easily reach one million dollars. Five and One. Until then New Jerseyans will suffer and gun stores in the state will close.

And that's the whole point.



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