qb W382
1957

PUBLIC HEARING

ON

ASSEMBLY BILL No. 386

(RE CHANGES IN WEAPONS LEGISLATION,
AMENDING CHAPTER 151 of TITLE 2A,
NEW JERSEY STATUTES)

PROPERTY OF
NEW JERSEY STATE LIBRARY
186 W. STATE ST. PO BOX 520
TRENTON, NJ 08625-0520

BEFORE

ASSEMBLY BUSINESS AFFAIRS COMMITTEE

Held:
Assembly Chamber
State House
Trenton, New Jersey
April 25, 1957

MEMBERS OF COMMITTEE PRESENT:

Assemblywoman Ruby V. Perfette (Chairman)

Assemblyman Thomas C. Swick

Assemblyman John W. Lebeda

Assemblyman Carmine F. Savino, Jr.

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INDEX OF SPEAKERS

	Page
Assemblyman Thomas M. Sherman Sponsor of Assembly Bill 386	1
Grover C. Richman The Attorney General, State of New Jersey	4
John W. Haynes Speaking as a citizen	6
S. J. Mills, Jr. Speaking as a citizen	9
L. Arthur Burton Somerset County Fish and Game Protective Association	12
Charles Osterritter Investigator, Essex County Courts	31
William Soost Member of National Rifle Association	48
William Clark State Patrolmen's Benevolent Association	53
Carl E. Kasner Member, National Board of Promotion of Rifle Practice Member, Board of Directors, National Rifle Association	55
Francis Brain Warren Township, Somerset County	69
Ronald Lord Vice President, Medford Lakes Rod and Gun Club	73
Reginald Magee Camden County Federation of Sportsmen's Clubs	74
Joseph Hogan Secretary, Lake Island Rifle and Pistol Club	75
William J. Engel Secretary, Teaneck Pistol and Rifle Club	78
Luther Gibbons Treasurer, N. J. Arms Collectors Club	80
Frank Bates North Haledon Pistol Club and Tricounty Pistol Club	81
Fred Remington Union County Civilian Pistol League	82
Edward Lentz President, West Paterson Pistol Club	83

Page

George Schielke
Titusville, New Jersey 84

Samuel Rosenberg
Springfield Revolver Club 84

Richard Ceremsak
Maplecrest Gun Club, Maplewood 87

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ASSEMBLYWOMAN RUBY V. PERFETTE (CHAIRMAN): Good morning. The Business Affairs Committee of the General Assembly has called this public hearing. Some of the members are present. Others, I am sure, will arrive. I would like to introduce to you those who are present: On my right are Assemblymen Thomas C. Swick and John W. Lebeda, and my name is Ruby Perfette.

I have also invited to this hearing the sponsor of the bill and with your permission I will call upon Assemblyman Sherman to explain his bill. Mr. Sherman.

ASSEMBLYMAN THOMAS M. SHERMAN: Well, we have a good turnout this morning, fellows, and it is something that will stir this thing up a little bit anyway. I want to say at the offset that I think there has been an awful lot of misinterpretation about the bill. Maybe we all read it a little differently. But I am happy to come here and see you fellows down here so that we can get anything straightened out that is in this bill that is being misinterpreted. I am here to listen. I can't find anything in this bill that would be detrimental to the sportsmen.

There has been a lot of controversy about the taking out of "or target practice" in one of these sections here on line 11 of the third page. I think many of you who have read this bill have not gone any further than that. Many people, when they have seen the deletion of that portion of the bill, have not gone any farther in reading the bill to find out what has happened to the words "target practice." I think it is very amply covered in Section 8 of this bill. Section 8 is the last section of this bill.

Now, what we have tried to do - and I just want to explain our stand on this thing: I am a hunter. I own two hunting camps, or portions of - one in Pennsylvania and one in this State. I have hunted all my life, was born and raised on a farm, so I know just a little bit about what I am talking about when it comes to hunting. I don't want to hurt anybody. The only gripe that I have about hunters is the damage they do on somebody else' property, which this bill has nothing to do with.

You all know that carrying a revolver is an indictable offense, or transporting a gun in your car is an indictable offense if you are picked up by the State Police. They can cause you an awful lot of trouble. We thought we were doing you fellows a favor by asking you to get a permit from your local Chief of Police, and I think it says pretty specifically in here that if you don't have anything to be ashamed of, he will give you the permit, so that, if you are stopped, you may show this card and be let go. Because what you have now, I don't think they will honor. Some of them might honor the National Rifle Association card, but I don't think that's the answer to the problem because of my own experience just this last week. I would like to cite this little case and then we will get into some discussion about this thing:

I have a neighbor next door to me who is in business; he is in a shop and he has been trying for a year to get a purchase permit to get a revolver. He wants a 22 target gun. He has made several trips to the Chief of Police and for some

reason or another, he has been turned down for over a year. Last week he gets a little smart; he sends a five-dollar bill into the National Rifle Association and I think it was Monday or Tuesday of last week he gets back the magazine, a sticker for his car, his card that he is a member of it, and he goes down to the Chief and he comes up with an application to purchase a gun. And, by the way, I signed it for him. I think he has to have three signatures, and I was one of the signers of it. Now, that's how loose that is.

I see a gentleman here and I think he will have something to say today. I don't think that any individual can prove to me that a target pistol won't kill you just as easy as a gun on a permit that I have to carry and some of you people might have to carry, and we have to go through being finger-printed by the local bureau, by the county bureau, and checked through the FBI and pay a three-dollar fee, go before a Judge of your court and give him a good reason why you should carry it and be approved. I say there should be some - not as many restrictions on the target practice end of it, but there should be some permission granted to you fellows so that you will have a card to transport these guns without injury to yourselves.

I would like to turn the hearing over to the Chairman without any further discussion.

ASSEMBLYWOMAN PERFETTE: Thank you, Mr. Sherman.

In fairness to William Hyland, who is a member of the Assembly from Camden County, I received a letter in the mail

wishing me to express to you who come from Camden County his regrets that he cannot be at this public hearing today.

I will call on the Attorney General, Grover C. Richman. Will you take the mike, please, Mr. Attorney General?

ASSEMBLYMAN SHERMAN: Mr. Chairman, may I just say one word. I just wanted to add to what I have said, that when this bill was originally drawn, this wasn't an idea that just came up. We consulted a storekeeper, we consulted our county probation man who takes care of permits in Essex County; the Chief of Police Assocation - Fred Hess of Bloomfield was on that; and we did call in the Captain of the State Police, Captain Gribbins, and of course at that time he was a little reluctant to step in it until after the bill was drawn because the Attorney General had some ideas on this, and I don't know what they are at this time because we didn't consult him on it.

G R O V E R C. R I C H M A N: My objection to this bill is a very limited one, and I am referring specifically to paragraph 6, subparagraph j., which appears on page 4, line 29, which would read as amended:

"Any person licensed under the Private Detective Act of 1939, or any detective association pursuer appointed pursuant to chapter 4 of Title 15 of the Revised Statutes."

Apparently they are to be in the exempt category. We have always felt that there is no reason why a licensed private detective should not be required to get a permit, the same as any other individual. They are not members of law enforcement agencies. They are not required to protect

life or property at the risk of their own life. So that we believe, and I am speaking for myself and for the State Police, that Section j. should be eliminated entirely and that no licensed private detective or any member of any detective association, or any so-called pursuer, should be exempted from the provisions of this act. All of those people should be required to obtain their permits as any other individual should, and I am therefore recommending to this Committee that Section j. be deleted in its entirety - not left as it was but simply deleted entirely.

Thank you very much.

ASSEMBLYWOMAN PERFETTE: Thank you, Mr. Richman.

ASSEMBLYMAN SHERMAN: Isn't this under a different Act, Mr. Attorney General? Isn't this covered under the old Act. There is an old Act in here that we didn't bother to change. Did you check it?

MR. RICHMAN: The Act as it now presently reads is: "Any member of a legally organized detective agency." That has been construed by previous Attorneys General to mean the actual partner or owner of the association. I am not concerned with that interpretation. I am concerned with all private detectives, whether they are employees, the owner, partner, or whatever they are, and I think that this must be deleted regardless of any other Act if we are to achieve our purpose.

ASSEMBLYWOMAN PERFETTE: Thank you again, Mr. Richman.

I will ask those who wish to be heard on the bill to come

forward and sit in the first seat on my right, give your name and what organization you represent. There may from time to time be questions by the Committee, at which time you will be expected to answer, should they come from the Committee.

The first one to register this morning is Mr. John W. Haynes, speaking as a citizen. Mr. Haynes.

J O H N W. H A Y N E S: Well, first I would like to say that I really appreciate our form of government where we are permitted to come here and voice our opinion.

For the past 25 years, I have had the pleasure and privilege of participating in organized target shooting for sport and recreation, not only in the State of New Jersey but also in adjacent states and, in my opinion, the provision of this present bill, which requires a permit for carrying of fire-arms of all sorts to a place of organized target shooting, is far too restrictive, particularly as it would eliminate citizens of other states from participating in organized target shooting within the State of New Jersey. And that is one of my main reasons for being opposed to the bill.

ASSEMBLYWOMAN PERFETTE: Thank you, Mr. Haines.

Are there any questions from members of the Committee?

ASSEMBLYMAN LEBADA: Yes, I would like to ask a question.

As I understand, one of your main objections is that it would serve as a handicap in case of competition in target shooting, that your out-of-state participants would not be able to participate; is that it?

MR. HAYNES: That is correct, sir.

ASSEMBLYMAN SHERMAN: May I ask a question here?

Where do you get that interpretation from that bill about out-of-state people?

MR. HAYNES: Where it says "pistols, revolvers and other firearms."

ASSEMBLYMAN SHERMAN: What line are you talking about where it prohibits out-of-state--

MR. HAYNES: It does not mention "out of state," but it does mention that a permit is required.

ASSEMBLYMAN SHERMAN: But it doesn't say anything about out-of-state members being prohibited from shooting.

MR. HAYNES: Provided they have the use of some other members' firearms at their meet.

ASSEMBLYMAN SHERMAN: I'm sorry, Mr. Haines, it doesn't even say that. Where does it say in there that they are required to get a permit or they are prohibited from getting a permit, or about using anybody else' permit?

MR. HAYNES: It doesn't mention out-of-state persons but in my knowledge of the law, which is very limited, when I enter another state or another person enters this State, they are subject to the laws of that state.

ASSEMBLYMAN SHERMAN: You have men doing the same thing now who are not subject to the laws of the State. Take the Sullivan Law of New York State. So again, I say to you, Mr. Haines, the misinterpretation that you are putting into this bill is not in this bill.

MR. HAINES: Well, I am not a lawyer but, to me, it seems that that is what the bill says.

ASSEMBLYMAN SHERMAN: Well, it may seem, but there is nothing in this bill that prohibits a man from out of the state coming here to shoot. Now, let's say what is in the bill and not misinterpret it.

MR. HAINES: Well, may I ask this question specifically then: Would a member of an organized target shooting organization, let us say of the City of Baltimore, be permitted to bring his target rifle with ammunition into the State of New Jersey to participate in an organized match legally?

ASSEMBLYMAN SHERMAN: He brings them into an organized match now.

MR. HAINES: That is correct.

ASSEMBLYMAN SHERMAN: Without any restrictions against the law of transporting. He is violating the law himself in coming in here and if he gets picked up on the Turnpike or the Parkway he is in violation of the law for transporting firearms in a car and he can be held for the Grand Jury. He is in that fix now.

MR. HAINES: He is?

ASSEMBLYMAN SHERMAN: Absolutely.

ASSEMBLYWOMAN PERFETTE: As a courtesy to Mr. Sherman, I asked him to appear this morning before this hearing. In the future, I will ask him to answer questions directed to him.

Are you through, Mr. Haines?

MR. HAINES: Yes.

ASSEMBLYWOMAN PERFETTE: Thank you.

I will call on Mr. S. J. Mills, Jr., from Union City, speaking as a citizen.

S. J. M I L L S, J R.: It seems to me that if Mr. Sherman feels it is necessary to add another type of permit to permit us target shooters to compete in target shooting activities in order to give us the legal freedom to transport our guns to those matches, a much simpler answer would be to merely provide for that in the present purchase permit rather than leaving it up to the government to require a second permit and the distasteful act of being fingerprinted. Now, certainly no criminal is going to go through the act of being fingerprinted to get a permit, and I don't like it myself. I haved tried to shoot in New York City when I was living over there, and that's one of the reasons why I am glad I am living in New Jersey now so that I can compete responsibly as an honest citizen without the necessity of being treated like a suspect, and I am against the provisions of the bill that infringe upon the activities of the members of the N.R.A. So far as I am concerned, any member of the Business Affairs Committee who votes in favor of this bill loses my vote.

ASSEMBLYMAN SHERMAN: Is that a threat?

MR. MILLS: It's a statement.

ASSEMBLYMAN SHERMAN: I think you are a little out of order when you try to intimidate this committee in any shape, manner or form.

MR. MILLS: I am not intimidating, sir, I am only stating what I am going to do.

ASSEMBLYMAN SHERMAN: Well, I think you are a little out of order in trying to intimidate this committee on what your vote is going to do to them if they do anything about this bill. I don't think we are here for that purpose.

MR. MILLS: The effect on a voter is a matter--

ASSEMBLYWOMAN PERFETTE: Mr. Sherman--

ASSEMBLYMAN SHERMAN: I think you are out of order.

MR. MILLS: Well, that is up to the Chairman to decide whether I am out of order or not.

ASSEMBLYMAN SHERMAN: I would like to have it stricken from the record, Madam Chairman.

ASSEMBLYWOMAN PERFETTE: What is the opinion of the Committee?

ASSEMBLYMAN SWICK: I think we should leave it in the record.

ASSEMBLYWOMAN PERFETTE: Mr. Lebeda?

ASSEMBLYMAN LEBEDA: I think what bearing it has on his voting is immaterial so far as the merit of the bill is concerned. I think we are here to discuss the merits and I know that I feel the purpose of this meeting, and I am sure the Chairman does, is to give everybody an opportunity to express themselves and maybe enlighten some of the rest of us who want to hear their opinions. Without giving it any more thought, I know that I, for one, and I feel that the rest of the Committee, of course, are not going to be influenced by how the various people are going to vote or not going to vote. We are here primarily to do the best job that we can.

You are all undoubtedly interested in this matter and I

think that we would be happier and would accomplish more if we discussed the merits of the bill without involving personalities.

ASSEMBLYMAN SWICK: I would just like to say a word with respect to the functions of the Business Affairs Committee with regard to this bill: No member of the Business Affairs Committee is the sponsor of this bill. It happens to be a bill sponsored by Mr. Sherman which was simply referred to us for our consideration and, therefore, we felt that there was so much conflict that we should call this public hearing and hear the expressions of opinion of people who were vitally interested in this type of thing.

Now, our function is to listen to you and then to decide whether or not to recommend to the sponsor of the bill certain amendments and whether or not to release the bill from our Committee for a vote. I agree with Mr. Lebeda that everyone here should be given a free opportunity to express themselves fully. I can assure you that how you would vote with respect to members of the committee is of no concern to us.

ASSEMBLYWOMAN PERFETTE: That expresses my opinion, too, Mr. Swick. Thank you.

ASSEMBLYMAN LEBEDA: My understanding is, to pinpoint your objection, the reluctance on your part to be fingerprinted. Is that correct?

MR. MILLS: I feel it is unnecessary, sir.

ASSEMBLYMAN LEBEDA: Well, that is the pinpoint of your objection?

MR. MILLS: That's one of them.

ASSEMBLYMAN LEBEDA: What are the others?

MR. MILLS: The primary reason I came up here to speak was merely to express my complete opposition to those provisions of this bill that further restrict our activities.

ASSEMBLYMAN LEBEDA: What other provisions further restrict your activities?

MR. MILLS: The necessity to get a second permit, above and beyond the purchase permit that exists today.

ASSEMBLYMAN LEBEDA: Well, that is the permit we are talking about. That is the same permit as the transportation permit. Do you know the duration of the permit to carry firearms?

MR. MILLS: Are you talking about the proposal in here?

ASSEMBLYMAN LEBEDA: Yes.

MR. MILLS: Well, I believe it says it can be reviewed annually and then revoked if necessary.

ASSEMBLYMAN LEBEDA: That is correct, sir. Once you get a permit it is good for one year.

ASSEMBLYWOMAN PERFETTE: Thank you, Mr. Mills and Mr. Lebeda.

The next gentleman on the list is Mr. L. Arthur Burton of the Somerset County Fish and Game Protective Association.

L. A R T H U R B U R T O N: I am Arthur Burton from Somerset County. I am speaking primarily as a citizen, myself. That is my most vital concern. My second concern is as a club member, representing about 150 members.

These points will probably be gone over after bit. I have gone through this bill, item by item, and if you will bear with me, I will cover them with you.

Now, under 2A:151-18, "This chapter does not apply to [antique] percussion, flintlock or other muzzle-loading pistols or pistols or pistols which have been altered so as to make them unsuitable for use as firearms.." Now, I can't quite picture a collector altering a valuable gun, say a Colt Gadroon or Wells Fargo model or a Minton 80 Cap and Ball, or a gun that is worth anywhere from two hundred or twenty-five hundred or three thousand dollars, in order to avoid getting a permit. So I think here, the intent is definitely fallacious.

ASSEMBLYMAN SHERMAN: May I just ask something there?

MR. BURTON: Certainly.

ASSEMBLYMAN SHERMAN: You see, now this section of the law-- Before you spend a lot of time on this, I just want to say I don't know anything about this. I am taking a man's word for it who is in the business and has sat down with Mr. Osterretter here, who is our county probation permit man; he is a collector, he is in the business of it, and I think that he agreed and he is satisfied with this section. I have no argument with it. As long as he is in the business of selling antiques and rehabilitating antiques, I can't argue about it.

MR. BURTON: I was just going to ask you how many other experts you consulted besides the one man. You have one man's opinion on this section.

ASSEMBLYMAN SHERMAN: Well, one man's opinion - but there were several in his group of people who deal in antiques who came up with this, and that was it. We don't know anything about it. I certainly am not an expert on antiques and don't

profess to be in the retail business which he is in of buying antiques and selling antiques. They came up with that and if they were happy with it, I had no alternative but to put it in.

MR. BURTON: Well, I am definitely unhappy with it, as I am sure a great many of Plainfield Arms Collectors and clubs of that nature would be.

ASSEMBLYMAN SHERMAN: I am sorry he isn't here this morning. His wife has had an operation, or he would have been here.

MR. BURTON: Under 2A:151-24 c. " No pistol or revolver, or imitation thereof, or placard advertising the sale thereof, shall be placed in any window or in any part of the premises where it can readily be seen from the outside," - deleting that I think is very commendable. It was asinine from the beginning.

Under 2A:151-30, where it says, "..shall exhibit such weapon other than during normal business hours," I think that is very sensible, because I have been in a sporting goods store where at five minutes of five the dealer came bustling out with brown wrapping paper and scotch tape to cover up the gun cases. Why? Well, because the law says he can't show guns after five o'clock; in other words, all of a sudden at five o'clock, the public no longer is aware of the fact that guns exist. I think this change is commendable.

Now, under 2A:151-42, and this is one of three cruxes of the important part of this bill that I am against, it says something about carrying a gun to and from his place of dwelling "nor to prevent any person from carrying a gun, rifle or knife in the woods or fields or upon the waters of this State for the purpose of hunting [or target practice]. The

words "or target practice" are being deleted. Now, this, I object to. This strikes at the very recreational heart of firearms and it is definitely unsound legislation, in my opinion.

ASSEMBLYMAN SHERMAN: You understand that the deletion of the words "or target practice" is taken care of in Section 8.

MR. BURTON: It is not taken care of in Section 8.

ASSEMBLYMAN SHERMAN: Well, Section 8--

MR. BURTON: Now, bear with me. You first eliminate it, then after you eliminate it you are trying to correct it by going back to Section 8. Now, first of all, we have eliminated it, and I disagree with that. I think it should be kept in. Several of the officials whom I have consulted, principally in Somerset County, have told me that their situation in Somerset County is not grave; they don't have any citizens running around shooting the place up. Naturally, a few kids do it, and so forth, but that will be done whether you have permits or not. And, incidentally, are you going to issue permits to boys under 18 years of age to carry their rifles? If not, you are striking at--

ASSEMBLYMAN SHERMAN: The law says so.

MR. BURTON: Under 18, you are going to give them a permit? Or no age specified.

ASSEMBLYMAN SHERMAN: There is a provision under the Fish and Game Act to take care of it.

MR. BURTON: That says they must be accompanied by a guardian, and so forth. Right? All right. Now, we have

numerous boys who put their rifles in a case. Every Friday night, we run 35 to 50 boys in a junior rifle program. These boys put their guns in a case and come down in a group in a car or walk down or ride their bikes down to our Gun Club. If they are not accompanied by an adult, they have a rifle with them; it is unloaded, in a case, and so forth, but they would then be subject to prosecution. It's possible.

ASSEMBLYMAN SHERMAN: It is not possible. There is nothing in here --

ASSEMBLYWOMAN PERFETTE: I'm sorry, but as Chairman of this Committee, once again I shall ask Mr. Sherman to answer questions directed to him.

MR. BURTON: All right. Well, I would like to continue on with a few points. Let me make my point: Now, we go on to 2A:151-43, section o. This, I believe firmly, should be left in. It eliminates "Members of government civilian rifle clubs duly organized in accordance with," etc. Now, by eliminating these members of duly organized government civilian rifle clubs, such as our club is, it is in direct opposition of the efforts of the federal government to foster rifle and pistol competition. This also takes in the readiness in regard to the welfare of the nation, too, because under this program in World War II there were 10,000 qualified instructors available to assist the Army in training, and I think that this is hampering this. For instance, we hope to enter a big bore team. Certainly, we are going to have difficulty in getting fellows to shoot big bore with rifles given to us by the government if they

have to go through this permit business.

Now, we come to Section 8, 2A:151-43. Now, with reference to application of a member of the National Rifle Association to a local official for a limited permit, this takes us much more toward a police state and, incidentally, and quite possibly, although I make no implication - I merely mention it - it is one of the first steps in a subversive activity. Certainly, the 80-year old record of the validity of the N.R.A. speaks for itself, and a man honest enough to apply for a purchase permit is certainly not going to go out and commit a holdup. If the police approve his integrity to purchase, it should be evidence of his character and that he is capable of using it - not give a man a permit to purchase and then reexamine him a second time to see if he is qualified to take it to and from target practice.

Now, the really odius part of this is the phrase, "or other firearm," which takes in rifles and shot guns, target rifles, and so forth. That means that trap shooters and skeet shooters, big bore shooters, small bore shooters must obtain a permit to carry their weapons to and from target practice. Now, obviously, a man is not going to commit a crime with a high-grade target pistol with an adjustable quick sight, special stocks, and so forth. So I see no reason to continue on and require a man to have a permit. This could be the death knell for organized shooting and a deterrent to all recreational value, plus the economic loss to various merchants who profit by the shooting activity,

including your gas, your oil, your equipment, your metals, etc., the food, range fee-- All these things are by-products, the same as they are of hunting and fishing. So if you cut down on the sport, you cut down on this economic revenue.

Now, I will just make one more point which goes for myself, and then I'll be quiet: I personally become rather incensed when a certain point is reached where someone, who may know less or more, usually less, about firearms than I do, is to decide whether I am fit to use my firearms for legal purposes. My own personal situation is that the Federal Government has seen fit to give me a commission in the service and they recognize my ability to use firearms if necessary. The State of New Jersey has recognized this ability by giving me a certificate as a hunter safety instructor to teach young people, as we do in our Club, and last year we put through over 700 youngsters alone. The National Board for the Promotion of Rifle Practice has sold me a rifle, evidencing the fact that I am capable of using it. Now, after three or four people have told me, officials, etc., have told me I am capable of using it, we now must then come down to a local police official who can decide whether or not each year I am capable of using my gun. This, I am definitely against.

ASSEMBLYWOMAN PERFETTE: Thank you, Mr. Burton.

The Chairman has granted permission to a member of the Committee to ask Mr. Sherman a question.

ASSEMBLYMAN SWICK: Madam Chairman and ladies and gentlemen, it seems to me that Section 8 of this bill would be the one in which there was a greater area for objection than any other, and there are some things about it on which I am not too clear and about which I would like to ask the sponsor, in conjunction with the remarks just made by the last speaker.

Section 8 requires that a person shall make an application which, in my understanding as an attorney, makes it mandatory to apply to the chief police officer of the municipality in which the applicant resides for a limited permit. Now, the one thing that comes to my mind immediately, and I do not see it defined in the Act, is what is a limited permit? Does that mean that it is limited as to time, or is it limited as to area? In other words, would a permit issued in the City of Newark give you the right to engage in target practice in Montclair or Belleville or any other community? Could you answer that, Mr. Sherman, please?

ASSEMBLYWOMAN PERFETTE: The question is directed to Mr. Sherman. Are you ready to answer it, Mr. Sherman?

ASSEMBLYMAN SHERMAN: Through the chair here, I would like to go a little further, if I may, Assemblyman Swick, in answering some of these things and to clear some of these things up that have been said here by the gentleman in the chair. The gentleman speaks of rifle permits. There is no such thing as a rifle permit. You can read the Act, and this is what I mean about misinterpreting the Act. If you

take the section of the act under 2A:151 which specifically says "26 inch barrels over-all"--

MR. BURTON: But your wording here says "or other fire-arm."

ASSEMBLYMAN SHERMAN: We are going by the Act. And we were very careful about this, and it has nothing to do with rifles, absolutely nothing. And there is nobody in this room who can show me anything in this Act where it says anything about permitting the use of rifles other than an over-all length of 26 inches. Now, if you are going to saw a shot gun off or something like that, you are going to get into trouble, but this has nothing to do with rifles, shot guns or anything else.

I will go one step further, through the chair here: In talking about the members of government and civilian organizations, we have no jurisdiction over them in the first place.

MR. BURTON: Then, how can you exempt them if you have no jurisdiction over them?

ASSEMBLYMAN SHERMAN: This part of the section of that Act is being deleted because they come under government control that we don't have any control over, the State doesn't. As long as they are in uniform and are permitted certain privileges under the federal government and any organization they belong to, such as the Reserve Units, we have no control over them. They carry their guns and we can't do anything about it.

MR. BURTON: That's taken care of in a different section. This says "government civilian rifle clubs." Now, I belong to a government civilian rifle club which has a charter through the Director of Civilian Markmanship. We are not under a reserve clause. We are not any part of the Reserve. We are a civilian organization for the promotion of rifle practice.

ASSEMBLYMAN SHERMAN: I am saying to you that we have very little control over it, if any control over it. Understand, we didn't just draw this bill up. The Law Revision Department drew this bill, checked it to see whether it was all right, went through all the statutes that they thought was necessary to go through.

MR. BURTON: Now, the part that you are referring to is Section m., not section o. Section m. says, "Any duly authorized military organization.....when going to or from the place of meeting of the organization, carrying the weapons prescribed for drill, exercise or parade.." That does not apply to clubs such as ours which are merely pursuing recreation.

ASSEMBLYMAN SHERMAN: You see, I am in just as much trouble as you are, because you are talking and they are "going by" me too.

MR. BURTON: The point that you are making, I tear apart for this reason: What you are referring to is Section m, not Section o. Section o. specifically refers to clubs such as the one that I belong to, for recreational purposes alone.

ASSEMBLYMAN SHERMAN: Doesn't this cover it, under line 48 "r." - "Any civil employee of the United States Government under the supervision of the commanding officer of any post, camp, station, base or other military or naval installation.."?

MR. BURTON: No, sir, definitely not. Am I, as a member of my gun club, a civil employee of the government of the United States? Obviously not. Now, may I ask you one or two more points?

ASSEMBLYMAN SHERMAN: Well, let's clear--

ASSEMBLYWOMAN PERFETTE: Well, I think Mr. Swick has some other questions he would like to ask the sponsor.

ASSEMBLYMAN SHERMAN: Through the chair here, I would like to clear up one other thing: Your feeling is that, as long as you belong to the National Rifle Association, you should carry a gun any time, any place?

MR. BURTON: No, sir, absolutely not.

ASSEMBLYMAN SHERMAN: Do you feel that all the people who make application through the National Rifle Association are as good as you or better in character?

MR. BURTON: No, sir. The National Rifle Association in this case could be completely set aside, and you could just set it aside for the moment.

ASSEMBLYWOMAN PERFETTE: Are there any further questions, Mr. Swick?

ASSEMBLYMAN SWICK: Well, I would just like to ask you again, Mr. Sherman, if I may: What is your interpretation of the words "limited permit"? Does it mean limited in point of time or limited in geographical area?

ASSEMBLYMAN SHERMAN: I think it means that a limited permit distinguishes itself from a permit that is issued by any court to carry a gun, and to get the separation it was a limited permit to carry target pistols rather than give permission to carry a side-arm.

ASSEMBLYMAN SWICK: Well, would a limited permit--would such a permit issued in one municipality entitle a person to engage in target practice in all other municipalities in the State of New Jersey?

ASSEMBLYMAN SHERMAN: Yes, under having the Chief of Police Association sit on this, Mr. Swick, we felt that they would be honored throughout the State as they go through without being stopped in the different municipalities, that if you have a card issued by your local Police Chief or that department, it would be honored in that respect.

ASSEMBLYMAN SWICK: Thank you. Now, there are two other questions that I have that bear directly on this section. The first of them is with regard to fingerprinting, and one of the previous speakers made something of an issue of that. Under this bill, it says that "The chief police officer <u>may</u> require that the fingerprints of the applicant be taken" rather than "shall" require. I take it, therefore, that that means it is entirely within the discretion of the chief of police as to whether or not he shall fingerprint a person.

ASSEMBLYMAN SHERMAN: We felt, Mr. Swick, that that should be left in his hands because we again feel that most people who walk into the police station in the towns or the

cities, somebody in there knows them, and if a man is of questionable character he can't have the opportunity to say to him, "Well, let's fingerprint you and see if there is any record against you."

ASSEMBLYMAN SWICK: Well, do you think that that determination should be left entirely to a chief of police to determine whether a person is of good moral character if such person has no previous criminal record?

ASSEMBLYMAN SHERMAN: Well, I think that anybody-- or my personal feeling is, let's put it that way-- I am not interpreting any other person's feeling but my own: I say that anybody who is carrying guns should have no objection to being fingerprinted by anyone or having his record checked. Now, whether this is the United States or any other place, I feel that if you are going to carry a dangerous weapon - and to me, they are dangerous weapons and that is another point to be raised here - if this man is required to be fingerprinted to carry that weapon, then I think that the Chief of Police or somebody should have the jurisdiction over it to ask for it at least.

ASSEMBLYMAN SWICK: There is just one other thing I have on this section. It would appear to me that the issuance of these permits would be almost entirely discretionary with the Chief of Police inasmuch as it says, "Upon being satisfied of the sufficiency of the application, the chief police officer shall issue" it. Now, assuming that a chief of police would not be so satisfied, he therefore would not have to issue the permit, and I think that it is

conceivable that a chief of police, being a human being, might just not like someone and for that reason he wouldn't issue the permit. (Applause)

ASSEMBLYWOMAN PERFETTE: Please, there will be no demonstration.

ASSEMBLYMAN SWICK: I certainly didn't make that statement with a view to having a demonstration, but I did want to get the sponsor's views on that because, frankly, I have discussed that section of the bill with the Attorney General's Office and there is a possibility that the standards in Section 8 could be set up more clearly, and I just wanted to bring the point out to Mr. Sherman. I would appreciate hearing from him on it.

MR. BURTON: Mrs. Perfette, could I ask Mr. Sherman a question?

ASSEMBLYMAN SHERMAN: Through the Chair, in answer to Assemblyman Swick: Understand, my position on this thing is, I am not here, just because I sponsored this bill, to try to jam it down anybody's throat. That is why we are holding a public hearing. If we wanted to do something about this, we wouldn't even consider a public hearing to give you fellows a chance. There are many pieces of legislation that have gone through this Assembly Chamber without even having given anybody an opportunity on it.

ASSEMBLYWOMAN PERFETTE: Mr. Sherman, we--

ASSEMBLYMAN SHERMAN: This bill right now- the Chief of Police has the power, the Sheriff has the power, and if you can tell me some way to do it without putting the

discretion in somebody's hands-- Whose hands would you suggest that it be in?

ASSEMBLYWOMAN PERFETTE: The Business Affairs Committee called this public hearing.

I will call upon Francis W. Brain of Warren Township.

ASSEMBLYMAN LEBEDA: Mrs. Perfette, I would like to ask Mr. Burton a question.

ASSEMBLYWOMAN PERFETTE: Pardon me, Mr. Brain, Mr. Lebeda has a question.

ASSEMBLYMAN LEBEDA: It is apparent Mr. Burton is well skilled in the use of firearms and well qualified, but I would like to have an answer to his starting point where he has pointed out that this should not apply to antiques; in other words, that a man owning an antique firearm should not be compelled to render it so it cannot be used, in order not to come within the provisions of this Act. I will ask Mr. Burton whether there should be any distinction between an antique in working order and the average firearm?

MR. BURTON: Well, let me point this out: The law, as I understand it, defines "antiques" as a hundred years old, is it, or being prior to a certain date. So if pistols were made subsequent to a certain date, they could be old and of a muzzle-loading or percussion type and yet not be antique. Now--

ASSEMBLYMAN LEBEDA: Well, I think that answers my question. In other words, the point that I was driving at was, if we are going to hold within the provisions of this Act and compel people to obtain a permit, then the only thought that went through my mind was whether or not

somebody could avoid the restrictions of this act by carrying a gun which they would identify as an antique. But if you tell me, and I know that you probably know a lot more about firearms than I do, that it would not be practical to do it, that is an answer to my question.

MR. BURTON: It wouldn't be practical but it would be entirely possible.

Now, may I just ask one more question of Mr. Sherman, Madam Chairman?

You mentioned before, Mr. Sherman, when you started off, you said that you did not intend to express intent in this bill but to define what you were about. Since then you have numerously said that "you intend this" or "the intent of the bill was this." We know that what your intent is and what the intent or the execution by police officials is are two different things.

You made one statement, which I will pick up merely to point out to you that there are fallacies in this bill. You said "or other firearm" is defined in another section as a a firearm over 26 inches in length. It is illegal, I believe, to have a firearm with a barrel length less than 18 inches. It then becomes a pistol. However, where it says "over-all length of 26 inches," I have seen many nine and ten-year old boys take a target rifle which was longer than 26 inches, but their father had to cut the stock down to fit them so they could shoot it; the over-all length is now less than 26 inches. So you see, when you use a loose phrase, such as "or other firearm" without defining it, you create numerous

troubles.

ASSEMBLYMAN SHERMAN: We are using the same phrase. That hasn't been changed and this is the old act, so if you have a complaint about it now, how come you never complained about it before?

MR. BURTON: Which old act?

ASSEMBLYMAN SHERMAN: This is the old weapons act.

MR. BURTON: I have a copy of the original act.

ASSEMBLYMAN SHERMAN: This is the original act. We haven't changed this section of the law.

MR. BURTON: I have a copy here. Would you define it for me?

ASSEMBLYMAN SHERMAN: This is the old act. It is taken word for word, verbatim, right out of this act.

MR. BURTON: From where?

ASSEMBLYWOMAN PERFETTE: I am calling a one-minute recess, please.

(R E C E S S)

ASSEMBLYWOMAN PERFETTE: I would like to introduce to you another member of the Committee, who is serving on a sub-committee of the Appropriations Committee and will only be able to say hello to you, I suppose - Assemblyman Carmine Savino of Bergen County.

One of the members of the Committee has asked for the privilege of the floor, which the Chair grants.

ASSEMBLYMAN LEBEDA: We have discussed this for a moment for the purpose of a decision on how to expedite this hearing from the standpoint of time and efficiency,

we feel that the best way to get at it is more or less to confine it to questions and answers rather than a discussion or proposals. The purpose of this hearing, as was stated before - the Committee is taking no position except to elicit information and, after that is done, the discussion will follow later. But in order to have some semblance of order without having everyone who is for or against coming in and out of the discussion, it was decided that the fairest way and perhaps the most efficient would be to have the proponents of this measure present the side in support of this bill and when that side is through, then have the objectors come forth with what their opinion is. In that way, I think it will give us a clearer picture, because those who have sponsored the bill and those who are supporting the bill are familiar with it, and if we allow them to present their side of it and entirely their side and then listen to you people from the standpoint of objections, we will all be happier.

I would like to call upon the first one who has taken a position in favor of the bill and who is for the bill to step forward, identify himself, and proceed.

MR. BURTON: Mr. Chairman, may I finish with the floor, please? I will be done in a moment.

ASSEMBLYMAN LEBEDA: All right, I'm sorry. I didn't mean to cut you off.

ASSEMBLYWOMAN PERFETTE: I'm afraid the chair will have to rule that hereafter we will grant five minutes.

MR. BURTON: I will finish up in a second. If I may, I would like to leave a copy of what I have said so that you gentlemen may peruse them later. May I submit it to the chair?

ASSEMBLYWOMAN PERFETTE: It is all recorded on the machine.

MR. BURTON: Fine. Assemblyman Swick, I will make one answer to your question before about the discretionary powers of the police. By and large, the police are very fair. However, we have a situation in Manville where the local police chief has just decided that he is not going to issue pistol permits. So, as a result, the shooters in Manville cannot obtain pistol permits, even though the law specifically says if you have not been convicted of a crime of violence and are a reputable citizen you may not be denied the right to purchase. So these gentlemen now must go to the State Police to get their pistol permits. The local sporting goods dealer is not selling any firearms, and he is unhappy. This could be multiplied, and in this bill it could get worse rather than better.

Thank you, gentlemen. (Applause)

ASSEMBLYMAN LEBEDA: We would appreciate your refraining from any demonstration either for or against. It doesn't help the situation. The information elicited from this hearing will be reduced in a report and submitted to the other members of the Legislature, and certainly your applause for or any demonstration against those on the floor is not helpful to the cause.

Will the persons in favor of the bill kindly step forward and identify themselves so that we could have all those in the affirmative speak first?

C H A R L E S O S T E R R I T T E R: My name is Charles Osterritter; I am an investigator for the county courts of gun permits in Essex County. I have been with the county investigating gun permits for the past 29 years and many of these problems have come up, particularly the one of carrying a gun to and from the ranges for pistol practice and match shooting. Our practice is to grant these permits with the condition, "Good only while transporting gun or guns to and from the ranges for pistol practice." Likewise, if a man is employed by an armored car division or any bank or other such employment, the condition is put on that permit, "Good only while being an employee" of that particular employer.

The courts some years ago ruled that it is very hard to prove a man is going to a range, but he can prove that he was at a range. Therefore, they went along with the theory of granting a man a permit conditionally "to and from the range" to prevent any inconvenience to the taxpayer. On that strength, I thought maybe we could clarify this and let it go through at that. We are not intending to harm anyone but I think the individual, no matter what organization he belongs to, has a right to carry a gun to and from a range and be protected in doing so. I think any person whatsoever can take a gun to and from a range and then be stopped and be caused a lot of inconvenience.

That is my theory of it.

On the section here, page 4, line 29, j.- "Any member of a legally organized detective agency.." - we have a lot of detective agencies in the county of Essex that employ all characters of people to act in the capacity of Guard; namely, breweries, smelting and refining companies, and many other fields of employment, and if they don't come through the courts and through this system, many of them may have criminal records and have bad intent; therefore, I think that they should have a permit to carry a revolver and come through the police and then through the county court. As it is, some years ago we had the experience of a person applying for a permit to carry a revolver and it came through the police authority and we found, and I guess the Legislature found because they passed a law giving the power to the Chief Justice and then hand it down to the county courts, at that time the County Court of Pleas. Many times they were abused and we found there were a great number more permits issued at that time than there are today in any county of the State.

Any person who is given a permit to carry a concealed weapon with a condition or not a condition, that permit at the present time is good for the entire State of New Jersey, but they must be cleared and approved by the county where the individual lives.

Some gentleman here before said something about a non-resident. Our law states a person must apply where he resides. He not being a resident of any county in this State, where is he going to apply? Therefore, he is not

eligible to get a permit to carry a gun.

ASSEMBLYMAN LEBEDA: Are you finished, Mr. Osterriter?

MR. OSTERRITTER: If there are any questions, I would be glad to answer.

ASSEMBLYMAN LEBEDA: I would like to ask you one to begin with: To follow up this non-residency, is it your interpretation then that under this act no non-resident would be in a position to engage in target practice in the State of New Jersey?

MR. OSTERRITTER: In any fields, a non-resident. He must apply wherever he resides, and not being a resident he can't apply.

ASSEMBLYMAN LEBEDA: Well, that wasn't exactly my question. Suppose he does not reside in New Jersey and it is an international meet or even in competition with some other State, under this act would he be prevented from participating in a target shoot in New Jersey?

MR. OSTERRITTER: At that rate, yes, the only way he can get about and around is to meet some member or some person who has a right to carry a gun on the state line.

ASSEMBLYMAN LEBEDA: In other words, your answer is that otherwise he would be barred from participating in target practice under the provisions of this act?

MR. OSTERRITTER: Under this act, he would not be eligible for a permit to carry a gun in our State unless he was a resident, no matter what field he was in, either to and from the ranges or in employment.

ASSEMBLYMAN LEBEDA: Just to pinpoint it, the answer is he would be barred from participating in target practice in the State of New Jersey. That is your interpretation of this act, is that correct?

MR. OSTERRITTER: That is correct.

ASSEMBLYMAN LEBEDA: Thank you.

ASSEMBLYMAN SHERMAN: Mr. Chairman, may I ask a question, too? Does this same situation prevail under the old act?

MR. OSTERRITTER: This is under the old act. I am quoting the old act. I am not talking about the new act or this new bill. I would like to explain: Say a man has a New York residence and he has a business in the State of New Jersey; for instance, he is a jewelry manufacturer. His business is in New Jersey; he is a resident of New York; and he does carry valuable jewelry running into a great amount. He can't apply for a permit in our State under the old law. He is not a resident of our State.

ASSEMBLYMAN LEBEDA: We are talking about the bill that is before us without reference to the old law. I take it that the sentiment of this group is largely composed of sportsmen, N.R.A. members, and such, and what we are trying to do is obtain information, and I happen to know that in target practice they have competition shoots where they have out-of-state people come in, and I am sure that what a lot of these people want to know is whether or not, and I think you have answered it, an out-of-state resident would not be permitted to attend the shoots. Now, the purpose is to develop information based upon which consideration can be given as to how this will be handled,

and I think you have given the answer that a non-resident could not compete in a New Jersey shoot.

ASSEMBLYMAN SAVINO: I would like to get some information. As I understand it, the basic reason for this bill is to prevent firearms from reaching criminals too easily. I mean, that is the real reason why you are trying to control firearms, etc. Now, in your experience in your official capacity and duties, could you give us any experience on the number of people who have been caught in criminal acts who received or got their firearms through this sportsmen's procedure that we are talking about?

MR. OSTERRITTER: To my knowledge, I don't know of any.

ASSEMBLYMAN SAVINO: Well, then, aren't we more or less shooting into the wind then? What we are trying to do is prevent, I think, by this bill firearms from reaching people with criminal intent. If the bill isn't going to accomplish that, why should we bother passing it?

MR. OSTERRITTER: Well, at the present time, I should judge in our county there are approximately 800 permits issued for all fields, and out of that 800, I believe there are approximately 250 members of organized pistol clubs who have permits to carry guns to and from the ranges for pistol practice or match shooting.

ASSEMBLYMAN SAVINO: Well, I understand that. I am trying to get to the basic reasons why you are sponsoring or pushing this bill. Now, I understand from other people

that the real reason we are trying to put this across is to give the police authorities better control over firearms in the hands of civilians. Is that right?

MR. OSTERRITTER: Well, in one sense, yes. If one man is willing to apply for a permit to carry a revolver to go to and from the range and the other one is not, there is naturally a gripe there. He doesn't think he needs a permit. If he doesn't need a permit, then we shouldn't continue it.

ASSEMBLYMAN SAVINO: Well, we are not going to be concerned about how people feel about going out and getting a permit. Iam trying to find out whether we are going to perform a useful service by passing this bill. Are we going to prevent criminals from getting firearms by passing this bill? Actually that's what we are worried about, isn't it?

MR. OSTERRITTER: True.

ASSEMBLYMAN SAVINO: Well, are we going to do it or not? Can you give me an experience whereby in the past you have found that firearms have reached criminals by means of these sportsmen's organizations? Have you found criminals with guns who have told you that they received the guns or got the guns by means of joing a sportsmen's club?

MR. OSTERRITTER: No.

ASSEMBLYMAN SAVINO: Well, then, why are we bothering with this bill? Would you tell me?

MR. OSTERRITTER: The only thing is, if a man is willing to go through the process of applying for a permit to carry or transport a gun to and from the ranges, he should be given his permit, under our thoughts, and the next fellow

is not doing that, so therefore--

ASSEMBLYMAN SAVINO: Well, then, the only thing that you object to is that some people have to get permits and others don't.

MR. OSTERRITTER: That's right.

ASSEMBLYMAN SAVINO: Well, I don't see where that is very important to the Legislature. We are concerned with public policy. If we are going to save the public in some way from criminals acts, why then we are going to pass this bill, but if we are only going to give everybody the inconvenience of securing a permit, I don't think that is the object of our sitting here. I mean, I don't care whether or not some people have to go through the inconvenience of getting a permit and others don't; I want to know if those who don't have to get this permit are doing anything wrong and if we are allowing these firearms to get into criminal channels. That seems to me to be the only important thing here to discuss.

MR. OSTERRITTER: The only thing is, you have no right to carry a gun to and from the range without a permit, and if they are stopped, will there be a criminal record.

ASSEMBLYMAN SAVINO: What harm to the public is being done by the fact that these people do not need permits for their guns? What harm is being done to the public at large?

MR. OSTERRITTER: Well, I can't answer that - what harm is being done.

ASSEMBLYMAN SAVINO: Well, why should we put them to

the inconvenience of getting a permit if you have no reason other than this matter of some people have them and others don't. I think we should have a more basic and honest reason for putting through legislation of this kind. Now, from my observation and investigation, I find there are thousands and thousands of New Jersey residents who are members of these sportsmen's clubs and they would be caused a great deal of inconvenience by this bill. As the last speaker told you, some police chiefs have certain attitudes and others don't, and before we put them through that, I would like to have a good, solid reason for it. I am willing to vote for the bill if you are going to show me where it is going to protect the public in some way basically, rather than this matter of inconveniencing them.

MR. OSTERRITTER: Well, the only thing I can say is if they are stopped it causes a lot of inconvenience to prove they are going to a range. They can prove they were at a range but they can't prove they are going to one.

ASSEMBLYMAN SAVINO: Do you think there are any police authorities in the room today who could give me more information in reference to this point that I make? where they found by experience that firearms are reaching people with criminal intent?

MR. OSTERRITTER: I can't answer that.

ASSEMBLYMAN SHERMAN: Mr. Chairman, I would just like--

ASSEMBLYMAN LEBEDA: Just a moment, please. The Chair recognizes-- Are you through Assemblyman Savino?

ASSEMBLYMAN SHERMAN: Who is the chairman of the Committee

here?

ASSEMBLYMAN LEBEDA: Assemblywoman Perfette has asked me to take charge for the time being, as Temporary Chairman.

ASSEMBLYMAN SHERMAN: Well, I think we should have been notified of that.

ASSEMBLYWOMAN PERFETTE: The Committee was notified, Mr. Sherman.

ASSEMBLYMAN LEBEDA: The Temporary Chairman recognizes Mr. Swick.

ASSEMBLYMAN SWICK: Sir, I would like to ask you, what is your interpretation of the words "limited permit" in Section 8. In other words, does it mean to you limited in time or area? How do you understand that?

MR. OSTERRITTER: Well, by limited permit is meant a condition for which the applicant applies, like transporting a gun to and from the ranges for pistol practice and match shooting.

ASSEMBLYMAN SWICK: Well, it doesn't say that specifically in Section 8 though. Do you think that a permit issued in one city would be good in another?

MR. OSTERRITTER: In talking about a county, yes, it would be recognized throughout the entire State.

ASSEMBLYMAN SWICK: Yes, but this is a bill which is to govern target shooting throughout the State of New Jersey. Do you feel that a Newark permit would be good in Phillipsburg?

MR. OSTERRITTER: I don't know anything about that. I know that under the present setup they are recognized

throughout the entire State.

ASSEMBLYMAN SWICK: Well, may I ask you further - Do you feel that Section 8 sufficiently defines the standards by which these permits are to be issued by the Chiefs of Police; in other words, shall some people be fingerprinted and others not? Shall some people be given a permit and others denied it, simply on the opinion or the likes or dislikes of the issuing officer?

MR. OSTERRITTER: Well, I don't think that's fair, no.

ASSEMBLYMAN SWICK: Well, that's exactly what the bill says.

MR. OSTERRITTER: I feel that this authority should come upon the same as it is right now, cleared through the police authorities and then present it to the county court of wherever the applicant resides, the way it is at present.

ASSEMBLYMAN SWICK: Well, this bill does not provide for presentation to the county court, does it?

MR. OSTERRITTER: Well, I don't approve of that part of it. I do approve of it going through the same setup as it is now.

ASSEMBLYMAN SWICK: Then you do not approve of this bill in its present form, is that correct?

MR. OSTERRITTER: That section of the bill.

ASSEMBLYMAN SWICK: Thank you.

ASSEMBLYMAN SHERMAN: Through the chair, Mr. Chairman, I would just like to clear up a point here.

ASSEMBLYMAN LEBEDA: Just a moment. I would like to

ask you, Mr. Osterritter, to enlarge a little bit upon that provision which you do not approve of in this bill.

MR. OSTERRITTER: Well, at the present time, the procedure is that a person applies to the chief of police of wherever he resides, and after the chief of police approves it, it is submitted to the county court of wherever the applicant resides; the county court does not get that permit until it is actually approved. If it is not approved by the chief of police, we don't enter the picture. I think that is a very good part of our present law and that is what I would like to see remain.

ASSEMBLYMAN LEBEDA: In other words, that is not a provision in this bill, however?

MR. OSTERRITTER: No. That is what I would like to see instead of as this bill is drawn up.

ASSEMBLYMAN LEBEDA: In other words, you are not for the bill as it is presently written?

MR. OSTERRITTER: This last chapter, no.

Another thing is, a person can also apply to the Sheriff of the county where he may reside, under the old law, the present law.

ASSEMBLY LEBEDA: Well, what bearing does that have? I mean, what's your point in making that statement?

MR. OSTERRITTER: What's the purpose of my making it?

ASSEMBLYMAN LEBEDA: Yes, what's the purpose of that statement; in other words, we are concerned about this bill here and apparently you are not in sympathy with the entire provisions. We are trying to establish what would be the

objective in any corrections or what the shortcomings are. Now, as I understand it, your objection to the bill is the method of obtaining a permit from the police chief. That is one provision that you do not agree with. Is that correct?

MR. OSTERRITTER: They do apply to the chief of police. I approve of them applying to the chief of police.

ASSEMBLYMAN LEBEDA: But you would carry it further?

MR. OSTERRITTER: I would carry it further.

ASSEMBLYMAN LEBEDA: I'll come back to the point which was so ably developed by Assemblyman Savino as to what the objective of this bill is; what wrongs is it designed to correct; what experience have you had whereby you feel that this legislation is necessary?

MR. OSTERRITTER: My experience is this, and what I was trying to arrive at is that if one person goes to the inconvenience of applying for a permit to carry a gun to and from the ranges, the next person should have to do the same thing. Either they all come through or none come through.

ASSEMBLYMAN LEBEDA: Otherwise you feel that if one person is inconvenienced, they should all be inconvenienced; is that the point?

MR. OSTERRITTER: Well, it's inconvenience if you are stopped on the road and held overnight to prove identification and everything else.

ASSEMBLYMAN LEBEDA: In other words, you are trying to save the inconvenience to the target-shooting man?

MR. OSTERRITTER: That's exactly true.

ASSEMBLYMAN LEBEDA: In other words, the purpose of the bill then, from your standpoint, is to prevent inconvenience to the target-shooting man, but what I am asking for is from the standpoint of public safety, what is the purpose of the bill? So far you have developed that it might be inconvenient or embarrassing to the target-shooting man, but I think what we would like to know is what would be accomplished from the standpoint of public safety.

MR. OSTERRITTER: Well, the public safety, No. 1, is with reference to his fingerprints and clearing and seeing that the person hasn't got any record or previous record; No. 2, he has to prove that he belongs to an organized club, and that the shooting is properly supervised. And that wouldn't be done if it didn't come through the channels of the court.

ASSEMBLYMAN LEBEDA: We come back once again: What has been your bad experience to warrant the establishment of this new system? Have there been any instances where, had this bill been in effect, they would not have occurred?

MR. OSTERRITTER: No, I have had no experiences.

ASSEMBLYMAN LEBEDA: In other words--

ASSEMBLYMAN SHERMAN: Mr. Chairman, just a minute now. Listen here, you are running this thing a little ragged around here now and I'm not going to stand for it.

ASSEMBLYMAN LEBEDA: Just a minute. This is the Chair--

ASSEMBLYMAN SHERMAN: You are intimidating this witness and running this thing the way that your line of

questioning is going.

ASSEMBLYMAN LEBEDA: This is not intimidation. It is for the purpose of bringing out information.

ASSEMBLYMAN SHERMAN: Don't tell me it isn't intimidation. I know better than that. I have been around this port a little bit, too. Now, you are not going to intimidate this witness to run your course of questioning. I tried to stop you before. This time I'm going to stop you.

ASSEMBLYMAN LEBEDA: This witness is privileged to give any answer he wants to give. I am just asking questions.

ASSEMBLYMAN SHERMAN: He isn't privileged to give the kind of answers that you are running a line of questioning to.

ASSEMBLYMAN LEBEDA: He has all the freedom and he will have all the freedom to give any answers he wants.

ASSEMBLYMAN SHERMAN: Let me ask a question.

ASSEMBLYMAN LEBEDA: The Chair rules you out of order for the moment.

ASSEMBLYMAN SHERMAN: You might rule me out of order, but you stay out of the line of questions without intimidating the witness.

Now, I don't mind being criticized on this bill, but I will not subject anybody in that chair, whether he is for or against this bill, to any intimidation by lawyers. These men are laymen.

ASSEMBLYMAN LEBEDA: This is no intimidation. He will have all the freedom there is. We are trying to get both sides of the picture.

ASSEMBLYMAN SHERMAN: You are not trying to get both sides of the case. You are intimidating the witness.

ASSEMBLYMAN LEBEDA: Does the witness feel he is intimidated?

MR. OSTERRITTER: Well, I can't answer that question as to how many people would violate the law if they didn't have a permit or those who did.

ASSEMBLYMAN LEBEDA: All I am asking is, based upon your experience, what your experience has been.

MR. OSTERRITTER: That is correct.

ASSEMBLYMAN LEBEDA: Well, do you consider that an intimidating procedure, to ask that question?

ASSEMBLYMAN SHERMAN: Mr. Chairman--

ASSEMBLYMAN LEBEDA: Just a moment. To sum it up now, I would like to ask the person who is now speaking to add anything which he has to say regarding this bill.

MR. OSTERRITTER: I have nothing else to say.

ASSEMBLYMAN SHERMAN: You have nothing else to say? You are given the privilege of any additional time that you want to voice your own opinion about any phase of the bill along any line whatsoever.

ASSEMBLYMAN SHERMAN: Mr. Chairman, I would like to ask the witness a question.

ASSEMBLYMAN LEBEDA: Just a moment. The witness has not given me an answer as to whether he wishes to continue on his own--

MR. OSTERRITTER: I have nothing to say other than what I have said.

ASSEMBLYMAN LEBEDA: Thank you.

The Chair will recognize the sponsor of the bill, Assemblyman Sherman.

ASSEMBLYMAN SHERMAN: Mr. Osterritter, do you actually believe that most of these fellows who are carrying target pistols in their car are in violation of the law?

MR. OSTERRITTER: Well, they are carrying a concealed weapon which would be dealt with under a concealed weapon; they are carrying a dangerous weapon and many of them would be carrying them when not going to and from a range.

ASSEMBLYMAN SHERMAN: As long as they are transporting, are they transporting against the present law?

MR. OSTERRITTER: Under my interpretation, yes. That's why we give them permits.

ASSEMBLYMAN SHERMAN: Did you feel when we were sitting on this bill, and you were one of the men who sat on it, that we were trying to give these fellows permission under the law to carry those rifles or those guns?

MR. OSTERRITTER: We are trying to help them in any and every way to get it clarified, to find out whether they should have a permit or not, and then we would be guided accordingly.

ASSEMBLYMAN SHERMAN: You feel that some of these other members who sat on this Committee feel that, by giving them a limited permit for a year or an annual, that it was giving them permission to carry their target rifles any place in the State?

MR. OSTERRITTER: Revolvers - yes, that's true.

ASSEMBLYMAN SHERMAN: That was the interpretation, as

I understand it, of the Committee who sat down and drew up this bill? Is that so?

MR. OSTERRITTER: That's true.

ASSEMBLYMAN SHERMAN: Weren't we told by some of the chiefs of police and the members that anybody caught transporting and if we had instances where we had a man transporting or women transporting firearms in the car who were picked up by the State Police and held for the grand jury--

MR. OSTERRITTER: That's true.

ASSEMBLYMAN SHERMAN: Wasn't that some of the information that we got?

MR. OSTERRITTER: Yes.

ASSEMBLYMAN SHERMAN: Well, that's what I am trying to get at, ladies and gentlemen of this audience, that this bill was primarily designed to give you permission to carry that gun in which you are in violation of now.

I want to go one step further: In the out-of-state target practice, men who are now coming in the State, there is nothing changed. He is coming into the State in violation of the law anyway.

MR. OSTERRITTER: True.

ASSEMBLYMAN SHERMAN: There has nothing been changed. This line of questioning and trying to intimidate anybody and saying you are coming into this State for target practice legally-- it cannot be done. The police have been closing their eyes to it for years.

MR. OSTERRITTER: That's very true.

ASSEMBLYMAN SHERMAN: Now, there is nothing changed, and

I am sure the police are still closing their eyes to it. There's nothing you can do about it.

MR. OSTERRITTER: In some instances where the police reserve and the gun clubs are concerned, they have a sergeant-at-arms or custodian of firearms and he gets a permit to carry a revolver and he takes the entire group's permits or guns rather to the ranges or any supervised shooting matches, so each and everyone doesn't have to apply for a separate permit in that case.

ASSEMBLYMAN LEBEDA: Assemblyman Sherman, are you through?

ASSEMBLYMAN SHERMAN: Yes, sir.

ASSEMBLYMAN LEBEDA: And you feel satisfied that you have been given leeway to ask the questions you wish.

Now, I think the next step would be, if there are any other people in the room who would like to direct any questions to the witness or to Mr. Osterritter now, who has the floor, I would ask that such questions be directed and asked through the Chair.

I recognize the gentleman here. Will you please give your name and address first.

W I L L I A M S O O S T: My name is William Soost of Bordentown, New Jersey, citizen, and a member of the N.R.A. I should like to ask the Chair a question first: Is Assemblyman Sherman an attorney?

ASSEMBLYMAN LEBEDA: Now, just a minute. The question as directed and as to whether or not it is material will be decided upon by this Committee. I think it is immaterial

as to whether or not the Assemblyman is or is not an attorney.

MR. SOOST: Mr. Chairman, I would direct my question to the gentleman who is the proponent of this bill. The only thing is, I feel that it is a little bit unfair because the Chair was denied the privilege of questioning the proponent of the bill on the basis of the fact that he was an attorney, and Assemblyman Sherman was permitted to question the witness, and I believe he is also an attorney. I wondered why one side can question a witness as an attorney and the other side may not question the witness.

ASSEMBLYMAN LEBEDA: Well, anybody can question the witness.

MR. SOOST: The Chair was called down for it a few minutes ago when the Chair was questioning the witness.

ASSEMBLYMAN LEBEDA: Well, we are trying to stick to the merits of the bill. We are trying to find out what it is all about.

MR. SOOST: My question is, first: On line 29, page 4--and I ask the question as a former investigator: The witness stated that he objected to members or licensed private detective agencies being exempt from carrying firearms, on the basis that anyone who was a member of the detective agency could carry firearms and not be cleared through fingerprinting. It is my understanding that all members of a detective agency have their fingerprints on file with the Superintendent of the State Police and they are checked thoroughly by the Superintendent of the State Police, so I wonder what would be

accomplished by deleting lines 29, 30 and 31 from this bill?

ASSEMBLYMAN LEBEDA: Will the witness answer that, please?

MR. OSTERRITTER: Well, under the present law, any member of a legally organized detective agency-- Now, anyone who applies for a license through the State Police has a right to carry a revolver but anyone they employ should have a permit to carry it. They are not the licensees; they are not fingerprinted; they are not cleared. That is the purpose.

MR. SOOST: The employees are fingerprinted and their fingerprints are kept on file with the Superintendent of the State Police.

MR. OSTERRITTER: The employee of that organization is not.

MR. SOOST: Yes, he is.

MR. OSTERRITTER: Not in our county.

MR. SOOST: It is a state law.

ASSEMBLYMAN LEBEDA: Are there any further questions?

MR. SOOST: That was one question. I have another question.

On the fact of a limited permit, I don't quite understand whether you mean a regular state permit that would be good throughout the State, and what would happen if such a permit were issued - and I don't see how this bill clarifies whether it is state, county, city or town permit-- and if it were a state permit and the local police officer turned it down, who then could the applicant apply to for sort of an appeal?

MR. OSTERRITTER: Well, under the present law, he can apply to the Sheriff, who acts in the capacity of a chief of police, and he can also apply to the county courts.

MR. SOOST: How does he apply? In other words, under this bill here, it says that the local police officer will have the jurisdiction of granting the permit or rejecting the application for permit, but it does not say anything in the bill here that if it is turned down by the chief of police he may apply to a higher authority.

MR. OSTERRITTER: Well, if you recall, I said I didn't approve of that part of the bill. That is the only thing I didn't approve of.

MR. SOOST: Then could you say in general, if this bill were passed, what benefit would there be to the citizens of the State of New Jersey by the passing of this bill other than, as you stated before, it might be an inconvenience to a shooter if he were stopped by a police officer in proving whether he was going or returning from a range? Other than that, what absolute good will this bill do to the citizens of this State?

ASSEMBLYMAN LEBEDA: Well, I think we have gone over it. I think he has expressed himself adequately on that point. There are a lot of people here and I think a lot of them would like to ask questions.

I would like to find out first whether there is any other individual in the room in favor of the bill.

Assemblyman Sherman has requested permission to call out names of those he believes are for the bill to see

whether they are present. And he is given permission to do that for that purpose.

ASSEMBLYMAN SHERMAN: Before I do that, may I ask this gentleman a question. You seemed to think it was covered.

Were you satisfied with the detective question answer?

MR. SOOST: No, not quite, sir.

ASSEMBLYMAN SHERMAN: If I may, through the Chair, just clear up a little something on here, and I couldn't understand why the Attorney General asked to have this deleted. I think we have found, in the northern part of the State, where they have a blanket license for a detective bureau. Isn't that so? Now, where they have a strike at Westinghouse or G.E. or some other organization, we have known it to be a fact that they have gone out and hired other people to come in and police that strike and break up the strike and issued guns under the blanket permit.

MR. SOOST: Aren't they fingerprinted?

ASSEMBLYMAN SHERMAN: No.

MR. SOOST: Well, as an employee I was fingerprinted.

ASSEMBLYMAN SHERMAN: Well, you might have been but we have had this information that they are not fingerprinted and they hire these fellows to come in and they are issued guns under the blanket permit.

ASSEMBLYMAN LEBEDA: I think we can proceed.

ASSEMBLYMAN SHERMAN: Is Mr. Paul Williams here from the Police Chiefs' Association? Or his representative? Is anybody here representing Chief Lacey from Newark?

They were to have representatives here.

How about William Clark, New Jersey State PBA?

ASSEMBLYMAN LEBEDA: We would like to hear from you, Mr. Clark, at the moment.

W I L L I A M C L A R K: My name is William Clark. I have been instructed to appear at this hearing today representing the State Patrolmen's Benevolent Association. I was instructed to appear due to the enforced absence of State President William Connelly.

Our position on this bill was to be taken as in favor of it, for this reason, and I refer to page 4, line 29 - the exemptions from the requirement to obtain a permit, which have just been gone into by the preceding witness, the gentleman to my left. Our association is particularly concerned with attempts to by-pass the restrictions on carrying concealed weapons without a permit as they are presently contained or being done with respect to the issuing of pistols to persons employed by detective agencies and as detective pursuers without the full check as to a possible criminal background. Policemen are required to patrol large stretches at night and quite often alone. When they meet a person in the course of their duties, they generally suppose that person to be unarmed. Quite often it appears that a person is armed and is armed not in conformity with the law. The policemen would like to be protected and, for that reason, we entered our support to this bill. However, I must confess that I did not learn until this morning that the further content of the bill with restriction on civilian

rifle and pistol clubs and teams, of which many members of the police department are members, was so contained, and we are not prepared to take a stand on that portion of this bill. Our objection is centered mainly about, or our approval is centered mainly about the exemption from the provision requiring the obtaining of a permit as contained in lines 29, 30 and 31. Thank you.

ASSEMBLYMAN LEBEDA: If you will remain for a moment, please. Assemblyman Swick would like to direct a question to you.

ASSEMBLYMAN SWICK: I just have one question, sir: Am I to understand then that the only position that the State PBA takes with respect to this bill is on the private detective section of the bill?

MR. CLARK: Those are my instructions, sir.

ASSEMBLYMAN SWICK: And there was no thought or study given to the issuance by police chiefs or to any of those provisions?

MR. CLARK: The provisions pertaining to members of rifle clubs?

ASSEMBLYMAN SWICK: The issuance of permits.

MR. CLARK: No, sir. We had no thought or discussion of that in mind; we had no knowledge it was contained in the bill. I just got my first copy this morning.

ASSEMBLYMAN SWICK: All right, thank you.

ASSEMBLYMAN LEBEDA: Thank you. I think your testimony did not require any questions. I think you have made your position very clear.

Is there anyone else here in any capacity at all who would want to speak in favor of this bill or anyone who has come here to speak? Some of them have been notified and unfortunately they haven't been able to make it, but we do want to follow the procedure of having all proponents of the bill heard first. Is there anyone in the room for the bill?

I would like to call upon Mr. Carl E. Kasner, whom I have listed here as being next in the order to be heard.

C A R L E. K A S N E R: Mr. Chairman, gentlemen of the Committee: I have through the mail submitted to each of you these pamphlets which our Association has sent out. So there is not much need of my going into those details again.

I happen to be a member of the National Board for the Promotion of Rifle Practice and that organization is in charge of the entire military training program in the country. It has on its present rolls about 387,000 junior members and about 6,000 other clubs that add up to a great number of people.

I am on the Board of Directors of the National Rifle Association, which has about 300,000 individual members and about 6,000 member clubs. We have about 7600 members in the State of New Jersey and in the vicinity of 125 clubs.

I am Secretary of the Association of New Jersey Rifle and Pistol Clubs which has about 1,000 members and about 60 clubs.

I have been on the Olympic Rifle Committee; I have been on the International Shooting Committee; I am currently the

Chairman of the International Shooting Union Committee. That committee is in charge of all international shooting and our committee is in charge of that shooting in this country.

There seems to be a lot of misinterpretation of this present bill and I personally feel that the law we have at present is very good. There have been statements made that shooters coming in from out of state are violating the law. The prime coverage of that particular item and the main item upon which I will speak is on page 4, line 40, o., which pertains to members of government civilian rifle clubs duly organized in accordance with the rules prescribed by the national board for the promotion of rifle practice.

The National Board for the Promotion of Rifle Practice was organized in 1903 as a federal body of the United States Government. All of its activities are directly under the control of the United States Congress. Most states have the provision that members of these clubs shall participate in the over-all training program of the United States Government. The statement has been made here that people coming into the State of New Jersey with firearms, and this proposed bill does in my opinion say "firearms" and is not limited to pistols or revolvers, are violating the law. I will take a moment to tell you what a civilian rifle club is and how it starts.

These clubs begin by having ten able-bodied citizens make application to the National Rifle Association for membership in that organization. The National Rifle

Association sends that application back to the Secretary of the State association in which the club resides or comes from. The Secretary of the State Association and their executive committee decide whether or not those people in their opinion are of good repute and forward that application to the Adjutant General of the State. The Adjutant General of the State of New Jersey in the past has turned that application over to the State Police for investigation. There have been a few times, one in December of the past year, where one club in the State of New Jersey had an applicant on it who was undesirable from the police point of view. That application was refused until a correction was made.

If the club clears through these channels, they are then in the position to apply to the Director of Civilian Marksmanship, who is the executive officer of the national board, for position on the rolls of that organization and, as such, they then come under this paragraph.

Now, you can readily see that there has been plenty of investigation and plenty of reason and plenty of thought behind the inclusion of this paragraph, or line 40, about government civilian rifle clubs.

Now, the duty of this National Board is to promote marksmanship throughout the entire country so that in the event of war, people are trained in the handling of firearms. The provisions of this present bill would, in my opinion, necessitate anyone attempting to participate in these National Board programs to first obtain a permit, which is in complete violation of the opinion of that national board of National

Rifle Association and of any law-abiding citizen who is interested in firearms.

I would like to know, if I may, where a person coming into the State is violating our current law, because I think our current law is very good.

ASSEMBLYMAN LEBEDA: I was going to ask you that very question. There have been statements made that presently anybody entering the State for the purpose of target practice is in violation of the law. Do you feel that under the law as it exists there is no such violation? Is that correct?

MR. KASNER: That is correct, in my opinion.

ASSEMBLYMAN LEBEDA: And in your opinion, you feel that by the passage of this legislation the non-resident target practice sportsman would find it impossible to come here based upon the provision of the legislation that only a resident could get a permit. Would it be your interpretation that this would pervent the out-of-state sportsmen from coming into New Jersey for target practice?

MR. KASNER: It would.

ASSEMBLYMAN LEBEDA: To summarize it then, it is your position, and I assume you will correct me, that under the existing law there is no violation in the out-of-state target practice sportsman coming here, but if the bill were passed, he would be prohibited from so doing.

MR. KASNER: That is correct.

ASSEMBLYMAN LEBEDA: There has been the further suggestion that the sportsman going to and from target practice has no right to carry a gun and he is in violation.

I understand that you disagree with the interpretation of that.

MR. KASNER: I do disagree with that interpretation and we who are interested target shooters certainly do not wish to see people carrying weapons in violation of the law. Target weapons are taken care of the same as we take care of a watch; in fact, a lot more so sometimes. They are usually carried, and I don't know anyone in the target game who does it any differently-- they are carried in the shooting case, complete with telescopes, ammunition, and other information and data that is needed to compete in tournaments. It would be pretty hard to construe such an individual who has identification on him of some type as being intent on committing a crime.

I happened to speak to a police officer, a plain clothesman, on Election Day and asked him his opinion of the present law, and he said that he thought it wasn't bad, that he didn't know too much about it. I said, "Well, do you think that a person who can show that he is a member of the Sheriff's squad or of the auxiliary police department or a member of an organized club should be interfered with?" And this officer told me that, regardless of what identification the man might have, with all the false identification that criminals carry, he would take the man in anyway, which would mean that regardless of whether you had a stack of permits with your pictures on them, this individual would feel it was fraudulent anyway.

I likewise had an experience years ago with the then

Chief of Police of Maplewood, wherein I realized that the police officers around the State were very unfamiliar with the state law as it was written at that time, and it is still approximately the same. So I went to the Chief of Police and said, "Chief, I would like to get a permit to carry a weapon and my reason is to protect myself from the police when I am transporting arms to and from target ranges or going into different States," and I, by the way, have carried weapons in all states in the United States with the exception of about four while attending tournaments in these various places. The Chief told me, "Carl, you don't need a permit." I said, "I know I don't need a permit, but I feel it might help me if I did have it in the event of an automobile accident or something where my weapons were exposed and it might put me in an embarrassing position." He said, "Well, they should know the law." I said, "Well, Chief, I will go out and question quite a few police officers," and I questioned 17 individual police officers in Essex County and I got all kinds of answers about, "Well, you look like a good guy," "It would depend on what kind of a gun you would have," - everything under the sun, and of those 17 officers about half a dozen of them took their weapons out of their holsters and asked me what I thought of them. They showed me corroded ammunition in them and what not. It was the 18th man, who happened to be a plain clothesman in Glen Ridge, who was the first one who knew what the law was. So we have enough restrictions at the present time, and I would be in favor of leaving the law as it is.

ASSEMBLYMAN SHERMAN: Mr. Chairman, may I just ask one question?

ASSEMBLYMAN LEBEDA: The Chair recognizes Assemblyman Sherman.

ASSEMBLYMAN SHERMAN: Mr. Kasner, just to show that there is no animosity on my side, did you get my telegram inviting you here this morning?

MR. KASNER: Yes, I did. And I thank you for it.

ASSEMBLYMAN SHERMAN: So you can see that we have taken no sides, and this man is one of your top men and he was invited here through me. I just wanted to get that cleared up a little bit.

ASSEMBLYMAN LEBEDA: I don't think there is any dispute about it whatsoever, that everybody concerned is here with good motives. We certainly don't feel that anybody is interested for any other purpose than good motives.

I will ask Assemblyman Sherman, are there any other questions you would like to ask?

ASSEMBLYMAN SHERMAN: I pointed out several things to Assemblyman Swick, if he has them there, as to what the law is now and if it checks with the bill, there is a concealed weapon act there--

ASSEMBLYMAN SWICK: I think that what Assemblyman Sherman is referring to, of course, is the Revised Statute 2A:151-41, which is the provision against the carrying of concealed weapons, and in reading and then reading the following section, which would be amended if this present

bill were passed, 2A:151-43, as I read it, specifically exempts members of government civilian licensed rifle clubs from the provisions of the concealed weapons act in carrying their weapons but solely in going to and from target practice. That's the way I understand the present law. Is that your understanding of it, sir?

MR. KASNER: That is correct - for the use of target shooting.

ASSEMBLYMAN SWICK: Solely, yes.

MR. KASNER: I might state an incident that just took place in New York State, where they have the Sullivan Law: The Cadet Pistol Team of West Point was shooting in the inter-collegiate national championships and they were to have a shoulder-to-shoulder tournament with a Connecticut College Team at West Point. The State Police in New York went so far as to prohibit that tournament from taking place at our own Military Academy. It is now up before the Governor and many other people.

ASSEMBLYMAN LEBEDA: Assemblyman Sherman has indicated that he would like to ask an additional question or two.

ASSEMBLYMAN SHERMAN: Mr. Kasner, do you really believe - or let me phrase it a different way.

ASSEMBLYMAN LEBEDA: Just a minute, Assemblyman Sherman. I heard indications from the room that they can't hear you. Would you please either speak up or use the mike, because they are interested in your questions.

ASSEMBLYMAN SHERMAN: Mr. Kasner, do you want to make any recommendations on the looseness of applications to NRA

for purchase permits?

MR. KASNER: I don't see where you bring the NRA into the current law.

ASSEMBLYMAN SHERMAN: Well, I don't know whether you were here before when I cited an instance concerning one of my own neighbors, where they apply to the chief of police or the Sheriff and they turn them down on a purchase permit and by sending five dollars into the National Rifle Association and getting a membership and a sticker for their car, they are entitled to a purchase permit.

MR. KASNER: As I understand the law, unless the Chief of Police has something legally against the applicant, he should not turn it down, and there are of course many places where the law is exceeded at the present time.

ASSEMBLYMAN SHERMAN: Maybe you are misinterpreting me; I don't know. I say that a man is turned down by the Sheriff or the Chief of Police, or whoever it might be who issues purchase permits, and he can't get it, and he finds out that all he has to do is get an application and send it in to the National Rifle Association for a subscription to their magazine, which entitles him to a year's membership, and he gets a sticker for his car and he goes down and gets a permit on the strength of that NRA membership.

MR. KASNER: I say that I don't think it should make any difference.

ASSEMBLYMAN SHERMAN: Well, why do they do it that way? What check do you have on your members?

MR. KASNER: Why should the Chief of Police let it make any difference. The man is either a law-abiding citizen or he is not. The law says that if he is a law-abiding citizen, he should be given the permit. There should be no other consideration.

ASSEMBLYMAN SHERMAN: But he is given--

MR. KASNER: I can't help what the local Chief of Police does.

ASSEMBLYMAN SHERMAN: I think we are pounding the local Chiefs of Police, and in many instances maybe they are a little rugged because they have a uniform on, but there are some good ones.

MR. KASNER: I'm not here to criticize any police officer. They certainly have a problem.

ASSEMBLYMAN SHERMAN: But I'm asking you - don't you think that that's a little loose? What check do you have on a man who applies for membership in your NRA?

MR. KASNER: The NRA membership, and people do prize their membership in the NRA - the person must be signed for by another member of the NRA. That is the only check, except that there are certain criminal records that may be looked into. There have been people stopped from joining the NRA. Not every Tom, Dick and Harry who comes--

ASSEMBLYMAN SHERMAN: Is that by word of mouth?

MR. KASNER: No, it is not.

ASSEMBLYMAN SHERMAN: How do they check the individual?

MR. KASNER: They have pretty complete records. I don't know exactly how they do it. I have been at the

National matches--

ASSEMBLYMAN SHERMAN: I mean, that's the crux of the whole thing.

MR. KASNER: I might explain it this way: I was at the national matches at Camp Perry before World War II when about six people came in to get billeted and to shoot in those matches. They came in at midnight and they were out of there by six o'clock in the morning, and I don't know how they found out that they were undesirable characters from the Chicago area. Now, they do find things out, the same as all these detective agencies find things out, but I don't know how they do it.

ASSEMBLYMAN SHERMAN: Let's assume they are not team men there. A man belongs to the National Rifle Association and he has one gun because he can't afford any more and he doesn't have a case to carry them in - I am talking about the individual such as that, who goes down and buys one 22 target pistol. What check do you have on the individual? Now, this is an "out" so far as I'm concerned. I am only asking-- Well, checking some recommendations from you, do you feel as though your NRA rules should be tightened up on membership to give you some check on the individuals who are carrying pistols, because only for my specific reason that a target pistol will kill you just as easy as an antique or some of the other ones.

MR. KASNER: That is correct. I feel that if the Chief of Police did not make a sufficient investigation to find out whether that man is a law-abiding citizen or not,

the Chief of Police has fallen down. The NRA does not give a permit to purchase in the State of New Jersey.

ASSEMBLYMAN SHERMAN: I know they don't, but why is it so easy to get a card from the National Rifle Association and then get a permit, and most of you know that the Police Department of Newark is pretty tough on purchase permits.

MR. KASNER: They, in my opinion, exceed their authority.

ASSEMBLYMAN SHERMAN: That's right.

MR. KASNER: And that is a matter of opinion. I, likewise, feel that there is no such thing in law in the State of New Jersey and I feel that when you apply to any authority for a permit, in accordance with the laws of the State of New Jersey, the permit which you get is either a permit or it is not a permit; it is good for the entire State; the provision "is good only while carrying guns to and from ranges and places of practice," in my opinion, has no place in the law and I don't know where they got it from. You either have a permit or you don't have a permit.

ASSEMBLYMAN SHERMAN: Mr. Kasner, in the positions you hold in these organizations, would you make some recommendations to the Committee other than not just deleting everything, but make some recommendations to tighten up the thing just a little bit so that there is some check on it?

ASSEMBLYMAN LEBEDA: If you will pardon me for the moment, I think we are going to get involved in maybe more time than is necessary, and I think that the Committee can

confer probably during the lunch hour, during the recess, and agree upon what persons to contact for suggested recommendations. I think if we stick a little bit closer to the bill before us, we will do better from the standpoint of time and we will hear what these other people have to say. In other words, the main topic is as to the advisability of this bill, which is the subject matter of this hearing. I would hesitate to get involved in recommendations and counter-recommendations. In other words, we are not drawing the bill. We are eliciting information, the pros and cons, and as a result thereof, the Committee will have its own recommendations. If it involves getting additional advice from the people who have spoken, I feel sure the Committee will do so.

ASSEMBLYMAN SHERMAN: I didn't mean this morning , Mr. Chairman. I meant any written recommendations that they might send in.

ASSEMBLYMAN LEBEDA: We would welcome them at any time, and I might say that the voluminous letters and information that we have received have been tremendously helpful, and had it not been for the many communications, we would not be here today. We do welcome it, and I have made the Committee's stand clear, I hope, repeatedly that they take no position for or against the bill by holding this hearing. It is just for the purpose of affording you people an opportunity to be heard either for or against it.

ASSEMBLYMAN SHERMAN: Mr. Chairman, just to clear one situation up, and I might say we will close it after this: I don't mind getting mail, whether it is from the National

Rifle Association or anybody else, and I don't care how much of it comes in or how much they ride my back, because I have been in this thing a long time and I have a pretty thick skin and I don't scare easily, but if some of the National Rifle Association members - and some of them might be here - who have written me mail, and I want to say right here for the record, if they are as dangerous with a gun as they are with a pen, then they shouldn't be carrying pistols.

MR. KASNER: I would like to say just one more thing, Mr. Chairman.

ASSEMBLYMAN LEBEDA: I don't think the last statements were material to the purpose of this hearing and the objective for which it was held.

MR. KASNER: I would just like to say one more thing: that all of these organizations, and you have heard the names of them and the basis of them, have for their prime purpose the teaching and educating in the safe handling of firearms. They hold no quarrel with police departments, and so forth. At the national matches, for instances, the National Board and the National Rifle Association conduct a training school for police officers only. The whole good united citizenry should be behind the safe conduct in the firing of all types of firearms and we know that we do need them in times of dire need in competition with other countries. That's all I have to say.

ASSEMBLYMAN LEBEDA: Thank you.

Now, I would like to make this request: I think the cause of the sportsmen has been amply stated by Mr. Kasner

and, although we would not like to foreclose anyone else from speaking, I would make this request: that you bear in mind what the last witness has just stated and confine yourselves to something that has not been brought up before. In other words, we would appreciate avoiding repetition.

I recognize the man in the back row.

F R A N C I S B R A I N: Might I ask a question of yourself or of Mr. Kasner as to whether in your knowledge there is any law which prohibits a law-abiding citizen of this State from carrying his weapons to and from the range at the moment. As I read the law and understand it, there is no such law that prohibits the law-abiding citizen from going to and from a shoot at the moment. He is permitted to do that. It is a privilege that he exercises as a citizen. Am I correct or am I a criminal for doing that for the last 15 years? If so, where is the law?

ASSEMBLYMAN LEBEDA: I would ask Mr. Kasner to answer that question.

MR. KASNER: I think we have the Attorney General's representative here who would be in a better position to answer, but I might state in some of my previous capacities--for instance, in an endeavor, and I know it is your intention to make it safe for all these firearms that were brought in from overseas - the land mines and what not that you might say were smuggled into the country. At that time the National Rifle Association and the Alcohol Tax Unit which is in charge of the federal firearms act, along with the armed services, the Army and the Navy, set up what

they call the War Trophies Safety Committee, and I happened to represent the National Rifle Association on that committee. At that time it was shown that the law is thrown around quite loosely, I would say, to an equal extent on both sides, and there were many chiefs of police at these meetings and many of them stated that they had the situation well in hand because they told the people they just had to register all those things and that there was no worry about it. Well, in my opinion, they were exceeding their authority and I so stated, and a few of them were quite incensed. There happened to be a representative of the court present at each one of those meetings and he answered those questions. So if we have a representative of the Attorney General's Office here, I think it would be better for him to answer than for me.

ASSEMBLYMAN LEBEDA: May I have the gentleman's name, sir?

MR. BRAIN: My name is Francis Brain. I am a resident of Warren Township, Somerset County, New Jersey,

ASSEMBLYMAN SWICK: Well, I will try to answer your question. I am not a representative of the Attorney General's Office, but will you just restate it again briefly, please.

MR. BRAIN: My question was: It seems to be confusing; we hear about the illegal transportation of arms, which this bill apparently is supposed to correct. What law do I violate when I take my rifle or my pistol to the range and use it legally? What law on the books do I violate in

transporting my legal firearms?

ASSEMBLYMAN SWICK: I would say that the basic premise here is a constitutional one, to begin with; not only in our Federal Constitution but also in our State Constitution, there is a provision which gives citizens generally the right to keep and bear arms. Now, that right over the years, not only on the federal but on the state level, has been subjected to certain restrictions in the carrying of weapons. We do have in New Jersey this general cover-all law against carrying concealed weapons. And, of course, what a concealed weapon is is a subject of much discussion. I suppose that you could consider a target pistol in the dash board of an automobile to be a concealed weapon under certain circumstances. But then we have a further law which exempts certain law enforcement officials and other persons from the provisions of that law.

Now, it is quite lengthy, but just briefly, if you wish, I can go over that law for you.

MR. BRAIN: I think that perhaps we are at the wrong end of the question. I did not specifically ask about concealed weapons. I said "weapons," because most of the people like myself are more interested in rifles. A rifle is also a weapon, and I have heard so much this morning about illegal entry of out-of-state people who want to come here with their rifles. What law is on the books of the State of New Jersey today that makes me a criminal for transporting my firearms, my rifles, to a range? Is there such a law?

MR. KASNER: To read from the current law, page 3, 2A:151-42, it says: "Nothing contained in section 2A:151-41 of this Title shall be construed.... to prevent any person from carrying a gun, rifle or knife in the woods or fields or upon the waters of this State for the purpose of hunting or target practice." So that provision exempts them there, and then the one of which I spoke perhaps at length is on page 4, about the national board for the promotion of rifle practice, member clubs, or individual members.

So it seems there aren't as many violations taking place as some of us would be led to believe.

MR. BRAIN: Do I understand then that there is no law and we are not criminals because we simply carry our guns to the rifle range, and that if this bill went through we would be subject to restrictions and, therefore, we would be violating the law if we did not get a police permit to do what we are allowed to do now. Am I correct?

ASSEMBLYMAN SWICK: I believe that you are correct, sir.

MR. BRAIN: Thank you. That's all I wanted to know.

MR. KASNER: There is one more point, sir, that I might make. I intend going from here to make final arrangements for our try-out for the State Team to represent the State of New Jersey at the National Matches. I mentioned before that the National Board loans arms and ammunition to the civilians of the various States for this competition, and we are in cooperation with the military forces, from the top right down to the bottom, in this program of ours of education and cooperation in the handling of firearms. Thank you.

ASSEMBLYMAN LEBEDA: Thank you. Are you through, Mr. Kasner?

MR. KASNER: Yes, sir.

ASSEMBLYMAN LEBEDA: Just a moment, just in case we need you.

Now, I think I would prefer, in recognizing any other speaker, if he were the head of a group or an organization so that he expresses the sentiments of a lot of individuals who may be here speaking on their own, that we hear from him, and in that way, through hearing from one speaker we get the sentiments of a larger group, club or organization.

R O N A L D L O R D: My name is Ronald Lord and I am Vice President of the Medford Lakes Rod and Gun Club and I am representing the Medford Lakes Rod and Gun Club which is an NRA Charter Club connected with the DCM.

The way the law is written now, on page 4, line 40, it says: "Members of government civilian rifle clubs duly organized in accordance with the rules prescribed by the national board for the promotion of rifle practice, in going to or from their several places of target practice and carrying weapons necessary for such practice." That is how the law reads at the present time. Right? If we have there now in black and white, why do we need permits under this new law?

ASSEMBLYMAN LEBEDA: Well, the purpose of this legislation was for those who might have felt it necessary to have the local chief of police pass upon your qualifications to carry weapons. That was the contention of Mr. Kasner, that you are not in violation of any law if you don't have

a permit because it is exempted by reason of the existing law.

MR. LORD: Well, under the present law, it has been brought out that legally you cannot be kept from getting in if you are of sound moral character, and so on. I want to state for the record right now that it is practically impossible through the courts, not the police chiefs or the detectives association, but through the courts in Burlington County to get a permit to carry a hand gun of any kind.

ASSEMBLYMAN LEBEDA: Have you anything further to say?

MR. LORD: No.

ASSEMBLYMAN LEBEDA: All right. You are excused. I recognize the gentleman over on my right.

R E G I N A L D M A G E E: I represent the Camden County Federation of Sportsmen's Clubs, of which there are 24 members, and a life member of the NRA.

I think perhaps there is one thing that has not been brought out and I will be brief on it. There is a law pertaining to the carrying of concealed weapons, and that is for bodily protection. Now, I have a practitioner in my town of Moorestown who every year gets a permit to carry a weapon, which is a revolver, which he assumes he needs to protect him on calls at night. I, however, have a gun case with guns concealed, true, in the trunk of the car when I go to the range. I don't feel I am carrying those loaded, with clips loaded, for my protection. And I think that there possibly is here some difference of opinion or perhaps interpretation of the law concerning the carrying of

concealed weapons. As the gentleman so ably brought out earlier as a proponent of this bill that a jewelry salesman coming from the State of New York into the State of New Jersey with valuables is unable to get a permit to protect his valuables - well, that is a problem for him. I do feel, as sportsmen, as target shooters, that we certainly shouldn't be subjected to the individual's rules and regulations for protecting himself from bodily injury or because he feels that he needs them to protect his possessions. Thank you.

ASSEMBLYMAN LEBEDA: You have made your point.

ASSEMBLYMAN SHERMAN: Mr. Chairman, may I just clear up one thing?

ASSEMBLYMAN LEBEDA: Well, the Chair will recognize Assemblyman Sherman a little bit later. I think I would like to give these other people an opportunity, and then we will have you make your statement, Mr. Sherman, which may embrace the rest of the speakers' contentions.

I recognize the gentleman on my left.

J O S E P H H O G A N: Mr. Chairman, I am Joseph Hogan of Sewaren, New Jersey, and I am Secretary of the Lake Island Rifle and Pistol Club of Carteret, New Jersey.

I would like to ask Assemblyman Sherman and I also have written down here a quote of his as to the part of Section 8 on page 5, as to the chiefs of police and their discretion as to these permits.

Mr. Sherman, you have said here that the police are closing their eyes to people coming into the State without having such permit. Now, as an Assemblyman, would you ask

the State's Attorney to start prosecuting chiefs of police and all agencies of law enforcement because there was a dereliction such as the statement you have just made?

ASSEMBLYMAN SHERMAN: Why should I ask him to do that unless I get all you fellows in trouble doing it?

MR. HOGAN: All right. Now, this other part: You have also come forward and said that you would like recommendations to this application. The dealers in revolvers and pistols and firearms have, through the State Police, three copies, or triplicate forms, whereby they register a person who has secured a purchase permit from the local police department of the municipality, and each one of these copies is sent to the various organizations - one the dealer keeps, one the State receives, and one the local police chief receives. Now, on this point there are three checks on this person. Further, if this were to require an additional permit, which this particular bill is trying to promote, the State receiving this permit to purchase, I believe and also the organizations that I represent believe, that the State Police or the state agency should take that permit or the registration form which is under the present law and then send to that applicant a certificate or a card such as fits in your wallet, stating that that purchase permit has now been authorized by the State Police and with the serial number of the firearm in question, to be used here in this State and that it will be recognized in and out of every State and that the so-called permit would be then what we call "limited," because the permit is now

being used for the use of the arm intention; in other words, if a police officer happened to stop this person in his car and he saw this particular gun number, the serial number, in reference to this card which the State of New Jersey or the State Police has sent to this individual through the mail on receipt of this form which you now have under the law, It would then eliminate this duplication of the permit to purchase.

I know of one instance and this particular Chief of Police is now deceased. He had gone on record that he would not give a purchase permit under any conditions and that if you wanted it you must go to a higher authority. So, therefore, he was the first stumbling block. You have said that the Police Chiefs or the Police Chiefs Association of New Jersey wanted to try to make some more restrictions as to their authority or that they become the first persons to make a rejection or approval of this permit. Of all the people who have ever come before any Chief of Police or any particular office of government, in making application for a purchase permit, they definitely wouldn't be of criminal mind, and it could be very quickly found out if they are.

The fingerprinting has been optional with the police department and they have either done it for their own reference or they have not done it. It was up to their discretion. That part I would go along with, but I believe that if we can eliminate this duplication of permits it should be done.

This business about the detective associations, as referred to by the representative of the PBA, should be deleted from this particular bill and then be brought up again in some other bill to protect the different departments, and that is one of the main objectives here so far as this body of people here is concerned, to try to protect the sportsmen rather than the criminal. The criminal is going to get a gun no matter where he gets it. He can go out of the State and bring it back in. We don't have check points in this State where they search every car entering this State now, and I believe these things should be considered from this point of view.

Thank you very much.

ASSEMBLYMAN LEBEDA: Thank you. I recognize the gentleman right here.

W I L L I A M J. E N G E L: My name is William J. Engel and I am Secretary of the Teaneck Pistol and Rifle Club, a club of 400 target shooters, pistol and rifle, of which 394 or thereabouts are voting residents of the State of New Jersey. It is the considered opinion of my organization that our present law, specified 2A:151, sections 1 through 61, I believe, is quite adequate indeed. There are 18 specific categories set down in Section 2A:151-41 of the Title, exempting from the provisions of that Title these 18 specific categories, of which paragraph o. specifies members of government civilian rifle clubs.

Now, I say in reply to Assemblyman Sherman, when he asked why it was necessary for some neighbor of his to send,

as he puts it, five dollars to the National Rifle Association, receiving in return a magazine and a membership card, and then his Chief of Police recognized and issued a carrying permit.

Well, it has been my experience that many Chiefs of Police are all included. Neil Hart, of Teaneck, when a resident of the township applies to him for a permit, recommends that he join the local NRA shooting club and, after that person does that, he will then grant the permit, providing all the other provisions are met with. It is just the personal opinion of various chiefs whether or not to do that, or still hold it off. It wasn't the case, Assemblyman Sherman, that the NRA forced this issue. We don't force those issues. The mere fact that he has a card in the National Association, and I assume in the Association of New Jersey Clubs, made it a little easier for him to convince that Chief or your Chief that he should be given this permit. The NRA doesn't force those things.

I feel, and I believe my organization feels, one hundred per cent that the present law is quite adequate in every sense. Until Mr. Clark spoke here this morning, I would have said that it was completely adequate. Perhaps, Mr. Chairman, the point that Mr. Clark brought out should be clarified and should be changed.

I think if anything is deleted from the current law or changed, it should be those sections on lines 29, 30 and 31, having to do with these private detectives, and certainly not having to do with members of government civilian rifle

clubs. Thank you.

ASSEMBLYMAN LEBEDA: Thank you.

ASSEMBLYMAN SHERMAN: Mr. Chairman, I would just like to straighten this out. Just let me clear this up.

ASSEMBLYMAN LEBEDA: I think perhaps it would be more advantageous, Assemblyman Sherman, if you made notations and after we give these people a chance to express themselves, then to make an overall comment covering their viewpoints rather than have them speak and have you follow each one of them, because we do want to give them an adequate opportunity.

ASSEMBLYMAN SHERMAN: Only that it might stop repetition of some of the things that might come from some of the other speakers.

ASSEMBLYMAN LEBEDA: I recognize the gentleman over here.

L U T H E R G I B B O N S: I am Luther Gibbons, Treasurer of the New Jersey Arms Collectors Club and represent 365 members. We are mostly collectors of weapons in general. That covers firearms as well as other types. A large number of our membership consists of shooters as well as collectors. They are mainly interested in shooting the old muzzle-loading weapons. We feel that this law, if it goes through, will restrict us in target shooting as well as holding our monthly club meetings because, at our meetings, we display, we sell, and we barter antique weapons.

If this bill went through, it would prohibit the members of the club from transporting their weapons to and from the club meetings, because these weapons that they have

are not made unserviceable, because any good, legitimate collector won't buy a gun that has been stripped down and just looks pretty on the outside. He wants one that is in working order, even if he intends never to fire a shot out of it.

ASSEMBLYMAN LEBEDA: Thank you for stating your position precisely.

Is there anyone else?

I would like to call on the gentleman back there who hasn't spoken yet.

F R A N K B A T E S: My name is Frank Bates and I represent the North Haledon Pistol Club and also the Tri-county Pistol Club.

We are talking about persons getting permits to buy guns and then Mr. Sherman did say that if he had a sticker on his car, he can go ahead and do as he pleases with that gun, which is that as far as you can go with a gun is probably keep it in the house. Today we all know that you just can't go out and shoot in a sand pit. You have to be a member of an organized club, and I wish that some of the people here who are affiliated with pistol clubs mostly, which I represent, would tell you how hard it is to get in to a Pistol Club. You just can't go ahead and say, "Well, I like pistol shooting and that's it." Today, in Northern Jersey you have to pass a course on how to handle firearms first. You have never heard of any accidents happening along the line. Where you can go to your judge or your county and get a permit to carry a loaded gun and use it for business or to carry money, if it ever came to an instance where

that person has to use that gun around a bank, I sure feel sorry for the people who are going to be in his way.

First of all, I think that there should be a correction in how to issue a permit to carry concealed weapons.

ASSEMBLYMAN LEBEDA: Well, we are not here on the point of issuing permits for carrying concealed weapons. I take it that your position is, Mr. Bates, that you feel as representing your club or your organization that the screening process to become a member is sufficiently strict as to give you all the protection that is required. Is that correct?

MR. BATES: That is correct.

ASSEMBLYMAN LEBEDA: Thank you.

Are there any others?

F R E D R E M I N G T O N: My name is Fred Remington. I am a life member of the NRA and I also at the present moment am President of the Union County Civilian Pistol League.

Now, the only thing I take exception to is the emphasis placed on being a member of an organized shooting club or the NRA. I am certainly for people joining the NRA. I am a life member myself, as I stated. However, we have quite a number of shooters who only shoot in the summertime in this twilight league of ours. It's on a county range. Many of them are not members of the NRA or any other shooting organization. However, they are certainly law-abiding citizens, and I don't see any reason why they should be subject to obtaining permits and in applying for these permits they will more than often have to show membership

in an organized gun club. I think that that places an undue restriction upon the person who would just like to maybe shoot on a farm or some other place where it is, let's say, permissible and, as I stated before, at our league, which is not a club. It's a Park Commission sponsored league and anyone who cares to shoot in that league is welcome. However, if they have to get this permit just to carry their weapons back and forth and if, in the town where they live, the chief of police wants them to be members of an organized gun club or the NRA, I think it will place undue restriction upon them. Thank you.

ASSEMBLYMAN LEBEDA: Thank you.

I hope we don't get repetitious here. I think we understand the sentiment here and that a lot of people feel that, if the chief of police will only issue a license to you if you belong to a club, it is an unnecessary step, that he will automatically issue it. So if there is anybody else who has that thought in mind, I think we have the sentiment and we would like to bring the thing to a close without cutting off any vital statements. So, bearing that in mind, I wonder if there is anyone else who has something new to add.

E D W A R D L E N T Z: My name is Edward Lentz, President of the West Paterson Pistol Club. Our organization has 75 members and I would like to go on record as opposing this bill. Thank you.

ASSEMBLYMAN LEBEDA: Thank you. That's very good, from the standpoint of being concise.

I recognize the gentleman in the back row.

G E O R G E S C H I E L K E: My name is George Schielke, of Mercer County, New Jersey. I reside at Titusville, New Jersey. I think that we should give due credit where credit is due with respect to the Honorable Assemblyman Sherman's well-meaning efforts. He probably has several points that are meritorious, and I will try to make my address very short, if possible.

In regard to the gentleman whom he speaks of and the evil that the existing law does, we already have two alternatives that your neighbor should have taken advantage of. You should have advised him that after his local Chief of Police turned him down, he could have gone to his county judge, and from there to the Superintendent of State Police. I don't think that has been brought out. That is in the existing law. Am I correct?

Now, it is quite evident, by the information brought to light here this morning, that it has been difficult to interpret our existing laws. I am quite satisfied with the existing laws even though some of them are somewhat inconvenient. However, if we complicate them further, we will create a condition whereby there will that much more to try to interpret.

We will enter other people's opinion, and I am in favor definitely of leaving it alone, leaving it as is.

ASSEMBLYMAN LEBEDA: Thank you very much.

S A M U E L R O S E N B E R G: I don't think I'll need the mike. I am from the Springfield Revolver Club. I am Past President of the Club for two years and Past Commander of the Disabled American Veterans. In our opinion,

we oppose this bill, Assembly Bill No. 386. However, with one provision, as stated by Officer Clark, this section here with reference to private detective agencies, I believe should be taken up at another time. There were a couple of statements made here, such as carrying a gun, a rifle, in an autmobile. I might say at this time, there is no law in the State of New Jersey that prevents you from carrying a rifle in an automobile, provided it is unloaded. In addition to that, the looseness of obtaining a permit to purchase by merely presenting a membership card of the NRA, doesn't sound entirely right to me.

To give you a little background if you want to check, Mr. Chairman, I believe you stated you were quite interested in how these things were handled. In Springfield, and I see there is another Spingfield member present, we must be recommended by a club member. In addition to that, this man makes application and the application must be cleared through the Springfield Police Department. The man is fingerprinted. That is not for a permit to purchase. That is merely for membership.

ASSEMBLYMAN LEBEDA: I think we have gone over those qualifications with reference to being a member. I think we should confine it to something that has not already been said.

MR. ROSENBERG: Well, we oppose this bill.

ASSEMBLYMAN LEBEDA: Thank you.

If a lot of these people who wish to speak are coming to the conclusion that they are opposed to it for the same

R I C H A R D C E R E M S A K: My name is Richard Ceremsak and I am an officer in the Maplecrest Gun Club, Maplewood, New Jersey.

I would like to again emphasize what Mr. Schielke said, that the present laws are adequate and with a more responsible administration of them by local law enforcement officers and other levels, I think they would serve us very well without any further additions.

ASSEMBLYMAN LEBEDA: Thank you very much. Anyone else?

MR. BRAIN: Might I stress this point, Mr. Chairman: There is something that I think has been overlooked. This bill, as I see it here, is a bill of restriction, especially on page 5, section 8, pertaining to the permit to go target shooting.

ASSEMBLYMAN LEBEDA: Well, I think we have been over that sufficiently. We are in agreement that it is an additional requirement. It appears that everyone has been adequately heard, and I'll just give the opportunity to the sponsor of the bill to conclude, if he wants to, for a moment and, after that, we will call an adjournment.

I am sure that I express the sentiments of this Committee in expressing appreciation for your help and your courtesy which has been shown throughout this hearing. I will call upon Assemblyman Sherman for just a conclusion.

ASSEMBLYWOMAN PERFETTE: May I interject here, please: I have a communication from the Avondale Non-Partisan League, Inc., thanking us for inviting Dr. Daniel W. Cusack and Dr. Albert E. Millar to the hearing, both of whom are in the audience, I know, and asking that

the brochure which was sent to me be included in the record of this hearing. Will you accept that, Mr. Temporary Chairman?

ASSEMBLYMAN LEBEDA: I certainly will. As a matter of fact, I have acted here at your request temporarily and I feel that I should turn this hearing back to our efficient Assemblywoman, Ruby Perfette.

I understand that Assemblyman Sherman wants a moment to sum up and that will be the conclusion of this hearing.

MR. BRAIN: May I ask Assemblyman Sherman a question?

ASSEMBLYMAN SHERMAN: You may ask anything you want. That's what I'm here for.

ASSEMBLYMAN LEBEDA: We don't want to get into a prolonged discussion. All right.

MR. BRAIN: Assemblyman Sherman, in all honesty, would you like to be compelled to go to your local police department because you would like to play a game of golf?

ASSEMBLYMAN SHERMAN: If that was the regulation, I wouldn't mind at all.

MR. BRAIN: I didn't say it was a regulation--

ASSEMBLYMAN SHERMAN: I said if it were a regulation, I wouldn't mind at all, because I have nothing in my character to hide.

MR. BRAIN: I didn't ask you that. I--

ASSEMBLYMAN LEBEDA: Just a moment. The Chair--

ASSEMBLYMAN SHERMAN: Just let me say this: I am not here to argue with you about it. I could argue all day about it, but I'll just sum up here with regard to a few things.

You asked a question-- Now, you know--

MR. BRAIN: Yes or no.

ASSEMBLYMAN SHERMAN: I'll give you a yes or no - but I wouldn't even recognize you if you are going to take that attitude.

ASSEMBLYMAN LEBEDA: Just a moment. The chair does have control of this meeting. I don't think that the question is material. We have troubles enough with pistols, and we don't have to get involved in golf. I feel your question is out of order. I will ask Assemblyman Sherman to conclude as promptly as he can.

ASSEMBLYMAN SHERMAN: There is an exemption in the law, of course, as you know, that exempts you fellows who are in the Rifle Association Clubs and carrying pistols to and from target practice, but there is a provision in the law regarding those who are not members of these clubs as to carrying concealed weapons, and it's here; it's a simple thing. You can't transport them in your car. Let's stop kidding ourselves. I know there was some talk here about exempting you fellows. I am talking about you fellows who are not members of this organization. It is against the law for them to transport any concealed weapon in the car. It's very plain.

Now, the other thing that I have an objection to, and I have had this told to me by NRA people who are members. This individual who got this permit just last week to purchase a gun said to me, "What the heck do I care about NRA next year." The only thing I asked was for Mr. Kasner to

make some recommendation as to what to do with the individual who goes through this to get the inside dope and then next year he forfeits his application and doesn't take it any more? I think there should be something to check on that individual, to stop him from carrying that weapon, because, let's assume he has a good purpose in mind and he does not become a member next year of the NRA - he still has the pistol. I think that is what Mr. Osterritter is trying to do, who issues these permits for your county courts, and I think that's the whole purpose of the bill. If nothing else comes out of it this morning, we had a good discussion on it and something might come from it. We can sleep on it for a while until we find our whether we are right or wrong. We are not trying to take any American privileges away from you or myself, because anything that I do to you fellows I also hurt myself .

The application of members, I have covered that, as to next year, and the carrying of weapons. Under the weapons act it is a violation to carry a gun if you are not a member of a rifle association. Unless I read this act crazy--

VOICE FROM AUDIENCE: How do you define "concealed"?

ASSEMBLYMAN SHERMAN: Well, it means a lot of things in here - pistol, revolver, firearm, without first having to obtain a permit in accordance with the law, and it goes on and names a lot of things.

ASSEMBLYMAN LEBEDA: Are you through, Mr. Sherman?

ASSEMBLYMAN SHERMAN: Yes.

ASSEMBLYMAN LEBEDA: Thank you very much. Now, just to clarify that one last point and that will be the con-

clusion of this hearing, I am going to ask Mr. Kasner the standing of the NRA members, as to the status of the membership, and whether, once having taken out a membership, they are forever protected. Mr. Kasner.

MR. KASNER: Mr. Chairman, I can't quite understand where Mr. Sherman singles out members of the National Rifle Association so far as the law is concerned in the State of New Jersey.

ASSEMBLYMAN SHERMAN: Mr. Kasner, I'm not trying to single them out. My experience has only been through the National Rifle Association.

MR. KASNER: I understood you to say that members of the National Rifle Association are authorized by some means or other to carry weapons where any other citizen is not. I know of nothing in the state law of New Jersey that differentiates between any reputable citizen and a a member of the National Rifle Association. I attempted to explain the position of the National Board for the Promotion of Rifle Practice. If that could be completely understood, and it is quite confusing, you would realize that those people who are members of the National Rifle Association and members of National Rifle Association Clubs who have been investigated by authorities of the State and who then are on the rolls of the DCM, those are the people who are exempted for that position which they hold. It is a confusing point and I attempted to straighten it out.

ASSEMBLYMAN SHERMAN: I would just like to see all your members, whether National Rifle Association members

or not, who carry pistol guns in their car in a case or otherwise, to have some authority on their person so that when they are stopped they will have that authority on them. Now, I don't care how you get it or from whom you get it. I think it's for your protection and for everybody else's protection how you get it.

MR. KASNER: Mr. Chairman, in conclusion I wish to thank the Committee for their courteous hearing of all of us and we sure appreciate the opportunity and hope that we have given you some helpful information.

ASSEMBLYMAN LEBEDA: Well, we certainly have had the pros and cons to get the pulse of this thing, and I think all points have been covered adequately. I would like to turn the hearing back to our Chairman of the Committee, Assemblywoman Ruby Perfette.

ASSEMBLYWOMAN PERFETTE: I want to take this opportunity to thank Assemblyman Lebeda for acting as Secretary Pro Tem of this public hearing. I happen to be a rose between two thorns this morning and I asked Mr. Lebeda if he wouldn't take over the rest of the meeting. I think you will agree with me when I say that we have here in New Jersey truly representative government. When a bill comes before a committee and because of your interest in a certain measure, such as the one before us, your letters led us to believe that it was only fair to you citizens of the State of New Jersey that you be given an opportunity to be heard. We appreciate your coming here, and we certainly appreciate your courtesy in helping us handle this hearing. Thank you very much.

A D J O U R N E D

STATEMENT SUBMITTED BY AVONDALE NON PARTISAN LEAGUE.

Facts About Firearms Laws

① *Two Effective Federal Gun Laws Are Now on the Books*

An amazing number of local police and prosecuting authorities are not aware of the complete coverage and heavy penalties already provided by federal law against the gun-toting criminal. Note carefully the following facts regarding existing federal laws.

(a) All manufacturers, importers and dealers in firearms, ammunition and components must register and obtain a federal license.

(b) All licensed manufacturers, importers and dealers must maintain complete records of shipments and sales of firearms of every type (not just pistols).

(c) No person may legally buy, sell, pawn or transport interstate any stolen firearm or ammunition (not just pistols).

(d) No person who has been convicted of a crime of violence in any court in the United States, its territories or possessions (not just in federal court) may legally transport any firearm (not just pistols) or ship or receive such firearm in interstate commerce.

(e) The restrictions described in (d) apply with equal force to "fugitives from justice," which term covers persons who have fled to avoid prosecution for a crime of violence and those who have fled "to avoid giving testimony in any criminal proceeding."

(f) No person may legally receive, possess, or dispose of any firearm or ammunition stolen while "moving in, or a part of, interstate commerce."

(g) No person may legally receive, possess, or dispose of any firearm (not just pistols) from which the serial number has been obliterated.

The provisions of paragraphs (a) to (g) inclusive are to be found in the Federal Firearms Act, Public Law 785, 75th Congress, approved June 30, 1938, as amended. The penalties for violation of any of the provisions of this law are maximum of $2,000.00 or five years in jail, or both.

(h) All machine guns and shotguns and rifles having barrel lengths of less than 18 inches in length (except .22 rifles and certain special types of double-barreled guns) must be registered and a transfer tax of $200.00 paid whenever the weapon is disposed of.

The provisions of this paragraph are to be found in the National Firearms Act, Public Law 474, 73rd Congress, approved June 26, 1934, as amended. Penalties are the same as for violation of the Federal Firearms Act.

(i) It is unlawful to send a pistol through the mails except to officers of the armed forces, officers and employees of enforcement agencies, and watchmen of federal, state, territorial or local government property.

This law is Public Law 582, 69th Congress, approved February 8, 1927, as amended. The maximum penalties are a fine of $1,000.00 or two years in jail, or both.

② *Effective Law Enforcement Demands Uniformity in Local, State and Federal Statutes*

Criminals, as a class, are transients.

Federal law-enforcement officers work in every state.

For these two reasons efficient law enforcement demands uniformity of federal, state and local laws.

LOCAL FIREARMS ORDINANCES affect only the reputable resident of the community. The transient criminal pays little attention to such local ordinances. To attempt to curb the criminal use of firearms by a local ordinance is so silly as to arouse wonder that anyone should even suggest it.

STATE LAWS are more effective than local ordinances because all the police in the state can co-ordinate their enforcement efforts. By the same token the effectiveness of the state law is lessened in proportion to the number of local ordinances which differ from the state law on the same subject.

FEDERAL LAWS are effective to the extent that they cover interstate criminal operations but when state laws and local ordinances differ from the federal law, then the efficiency of all law-enforcement agencies declines in direct ratio to the variations between federal, state and local laws. This is understood and admitted by all modern police officials, prosecutors, and jurists.

The National Rifle Association has prepared a draft of an Act for adoption by state legislatures which meets the requirement of uniformity. Because the state has ample police powers within its borders the adoption of such a state law, perfectly co-ordinated with the federal law, renders unnecessary any local ordinance. A copy of the model law suggested by the Association may be obtained on request from the NRA.

③ *What About Firearms Registration?*

A firearms registration law does not disarm the criminal and its honest proponents do not claim that it will. No one believes that criminals will register their weapons. Actually, as in the case of automobiles, most weapons used by criminals are stolen.

Such a law does discourage the ownership of firearms by reputable citizens by imposing inconveniences, extra taxes and contacts with the police which the average person prefers to avoid.

By drying up the market such a law forces reputable firearms manufacturers into other businesses thereby accelerating the disarmament cycle.

Regardless of the good intention of some proponents the only practical effect of a firearms registration law is to play into the hands of unscrupulous seekers for political power; to encourage bootlegging; to disarm reputable citizens and thereby to encourage the depredations of the criminal element adding to the work of the police.

No dictatorship has ever been imposed on a nation of free men who have not been first required to register their privately owned weapons.

④ *Who Proposes Firearms Legislation?*

Police

— to attempt to strengthen their hand in catching and convicting law violators, and to attempt to disarm the criminal by ordinance or statue.

Game Departments

— to attempt to put teeth in the laws against taking game out of season; to control the type and caliber of weapon that may be used on various game and to reduce the toll of hunting casualties.

Civic Organizations

— to attempt to reduce crimes of violence or vandalism with firearms through police control over the purchase or ownership of private weapons.

Subversives

— One of the tenets of the Communist philosophy is a disarmed citizenry. It is the first objective of dictatorship everywhere.

Crackpots

— who profess to believe that firearms cause crime and warp the minds of the young, who would outlaw and abolish all firearms as a sure road to eternal peace and brotherhood.

⑤ *What Can I Do?*

★ Watch for firearms legislation that affects you—particularly in your state legislature, your county or your town council.

★ Apply to every proposed firearm law the acid test of common sense.

(a) Is it enforceable?

(b) Will it do the job it is designed to do?

(c) Does it contribute to uniformity with existing federal and state law?

(d) Can it be used to play into the hands of a political dictator or an invader?

(e) Does it deny or threaten your right to possess weapons for sport and the defense of your home and country?

(f) Can it make you or other sportsmen an unintentional violator?

(g) Does it attempt to do by arbitrary rule or prohibition what can better be done by education and training?

★ Make up your own mind if the proposed law is good or bad; then use your voice, your pen and your vote to support it or defeat it.

★ Support your National Rifle Association, since 1871 the watchdog over the right of American citizens to own weapons for sport and defense and to be well trained in their safe and efficient use.