



NATIONAL FRATERNAL ORDER OF POLICE

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Justice Department Files “Statement of Interest” in FOP LEOSA Case in New Jersey

FOP Requested DOJ Support for Lawsuit against the NJ Attorney General

WASHINGTON, DC – Patrick Yoes, National President of the Fraternal Order of Police, welcomed news that the U.S. Department of Justice has filed a [“statement of interest”](#) in the case of *Federal Law Enforcement Officers Association, New Jersey Fraternal Order of Police, Richard Bowen, Joseph Jakubiec, and Christopher Martinez v. Gurbir Grewal, Attorney General of the State of New Jersey and Patrick J. Callahan, Superintendent of the New Jersey State Police*, which was filed in May. A statement of interest is a court filing, similar to an *amicus* brief, asserting the interests of the United States in a particular case. The FOP requested that U.S. Attorney General William P. Barr make such a filing in [this letter](#).

“We are very grateful that the Justice Department, at our request, has asserted its interest in this important case,” Yoes said. “The State of New Jersey cannot change existing law by misinterpreting the statute, ignoring the plain meaning of the law, its legislative history or the intent of Congress. The Justice Department’s statement of interest in this case is clear and unambiguous—qualified retired law enforcement officers are exempt from State and local prohibitions on the carriage of concealed firearms—even in New Jersey.”

The statement of interest refutes many of the misstatements of fact and erroneous conclusions contained in the Frequently Asked Questions (FAQ) document issued by the New Jersey Attorney in October 2018, which you can read [here](#). This document rejects the statutory exemption for qualified retired law enforcement officers and interprets the law as barring the “prosecution for retired LEOs who carry concealed firearms in interstate commerce.” It also states, incorrectly, that such officers may not lawfully possess hollow point ammunition. The Justice Department rejects all of New Jersey’s arguments and concludes:

It is the position of the United States that qualified retired law enforcement officers who possess “the identification required by subsection (d)” of 18 U.S.C. § 926C “may carry a concealed firearm,” and use hollow-point bullets with that firearm, “[n]otwithstanding any other provision of the law of any State.” 18 U.S.C. § 926C(a); see id. § 926C(e)(1)(B).

“The clear and convincing position of the Justice Department in this matter will be a key component in our ultimate victory in this case,” Yoes said. “While this case is not yet decided, the position of the FOP in this matter has been whole-heartedly endorsed by the Justice Department. On behalf of all of our members, but especially our retired members in New Jersey, I want to thank Attorney General Barr for his steadfast support for law enforcement and his continued leadership at the Justice Department.”

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Founded in 1915, the Fraternal Order of Police is the largest law enforcement labor organization in the United States, with more than 356,000 members. With national offices in Nashville, Tennessee, and Washington, D.C., the FOP is committed to improving the working conditions of law enforcement officers and the safety of those served through education, legislation, information, community involvement, and employee representation. Please visit <https://www.fop.net> for more information.