

Gun Lawyer Season 1 Episode 2 - Transcript

Systemic Racism, Amy Barrett and the Honey Badger

SUMMARY KEYWORDS

firearm, brace, felons, gun, switchblade, arm brace, short barrel rifle, pistol, Amy Barrett, dissent, convicted felons, handgun, loophole, law, rifle, democrats, Charles Schumer, gun laws, ban, systemic racism

I'm Evan Nappen, and it's time for your Gun Lawyer conference call. You know, I was watching the hearings, as I'm sure many of you were, with Amy Coney Barrett. And I thought she's fantastic. Oh, man, we are just blessed to have someone like her. Not only because she's a student of the great Scalia, but because she is an Originalist. What that means is she will interpret the Constitution as our Founders meant it to be interpreted and not this garbage of the Constitution being a living document. Okay, it's not a living document. No document is living. It's not living. What it is, is a solid foundation of our laws, and it needs to be applied in the manner that it was originally designed to be applied. And to get someone like Amy Coney Barrett replacing Ruth Bader Ginsburg, good grief, the opposite of an activist judge - a judge who interprets the Constitution under today's standards that are often insane.

This is super important. And yet, what totally thrilled me is that Judge Barrett was asked in her questionnaire for being vetted here by the Senate on her to become a justice on the Supreme Court: What she felt one of her most significant cases, significant opinion she's ever written, what is it? And that was just awesome what she said, because what she said is that her dissent in Cantor versus Bar, which was a Seventh Circuit decision. Her dissent in that case, was what she considered to be one of her most significant decisions. I think about how many cases she's ruled on and how many things you know, she covered in her legal tenure so far from qualified immunity and employment disability and hostile work environment claims and interpretation of Federal immigration laws. And yet, her choice was her dissent in Cantor.

Which is awesome, because what was Cantor? Cantor involved an individual who had been convicted of a felony for selling a bad shoe insert - a shoe insert that apparently had not been approved by the FDA. They charged him with fraud in this regard, and he became a felon for this non-violent, shoe insert offense. And Cantor said, look, why am I permanently disbarred of my right to have a gun, over a felony conviction which was non-violent, and involved nothing having to do with guns or threat to anybody's life or limb, none of that. Judge Barrett wrote this great dissent, saying why this should not be a bar to him, that this felony conviction should not take away his right to have a firearm. Now, this was a dissent because the other judges disagreed with her. But that just shows you the guts, the balls, the commitment to her philosophy of the Constitution. Her dedication to the actual Constitution and to write this dissent, and in effect, say that not all felons should lose their right to have a gun. If you watched the hearings, you saw the anti-gun left

Senators trying to go at her on this, trying to paint a picture - oh, you think felons should have guns and just painting it like she's gonna be arming, you know, Charles Manson or something, which is hardly the case.

But I want to go a little deeper here because there's an issue that is not being portrayed here in a way that it should be. And it's important, it really is. Because when it comes to felons not being able to own guns, I think an average citizen can see the absolute unfairness in somebody losing a Constitutional right. When first of all, they paid their debt to society. They did their time for the crime, they paid their price, and yet, there's this continuing price on their head that they have to pay for the rest of their life, in terms of a loss of a fundamental right.

On its face, that seems pretty outrageous. When the Federal gun laws were put forward, particularly in the 1968 Gun Control Act, they added a provision called Relief from Disabilities. It is a relief from disabilities under U.S. Title 18, Section 925. It allows convicted felons to apply to get a restoration of their gun rights, to get a relief from the disability, the disability being the ban on them to ever possess a gun. There's an entire process laid out under Title 18 Section 925 to do this. It has also been put in by way of regulation on how to do it. It requires a showing by the person. You apply to the BATF, and you have to put forward, essentially prove, that you're now a good person. You have reformed, been rehabilitated. You are an asset to society and not a detriment. If you could put forward to the satisfaction of the BATF that you are now a person who should have their rights restored and no longer a danger, in any way, to public health, safety or welfare, then you could get your rights restored. And that's very much an American idea.

In America, we are a land of second chances. Even in our Western philosophy of the West, many times the bad guys became the good guys, right? Like, they're not all bad. And at times, people change, right? Don't we agree that people can change? Don't we agree people can have redemption? Don't we believe that you're not always going to be arguably the felon who should be barred? There are people maybe who should always be barred. People who are violent; who are really dangerous and a problem to society, and they should not get relief. But there are plenty that should. Especially those with non-violent offenses to begin with; that have no history of violence; that have rehabilitated themselves.

This is in the law - so that you can do this. But guess what, folks? In 1992, Charles Schumer put forward his law that stopped the appropriation of funds to fund this program. Since 1992, it has not been funded in any appropriations bill. The Supreme Court said if it's not funded, then the program is essentially dead. So even though this law is on the books that such individuals can get relief, they actually cannot get the relief because of Charles Schumer and the Democrats.

What's interesting is watching the Barrett hearings. You saw the Democrats absolutely pursuing the idea that all felons should be banned from having guns, all felons. And that's it. How could Amy Cony Barrett as a judge even write such a

dissent, allowing someone like Cantor to possess a gun after being convicted of non-FDA approved shoe implants? Ridiculous, right?

That's bad enough on its surface until you look deeper. When you look deeper, then the issue becomes even more shocking. It's more shocking because of actions taken by our own Federal government. It has to do with the ratio of convicted felons, and the racial makeup of felons. You'll hear the Left talk about "Do you oppose white supremacy?", you know, and yet they're the ones that founded the KKK. That's always cute. But this is the thing they do, you know, and they want to make out that Republicans are racist, President Trump is racist, racist, racist all over the place. They oppose anything for African Americans or Hispanics. You know, you hear this all the time. And, and they're such good guys the Democrats on this, and they're out there to help, right? It's Republicans that are going to try to keep you down, right? But in reality, it is the Democrats.

They will call this at times, "systemic racism", maybe you've heard the term. In other words, racism that's in the system, baked into the cake, if you will. And if you actually step back and look at what is systemic racism, I can show it to you right now because it is the gun laws themselves. You see, the Federal government, at one point, brought a lawsuit against BMW and Dollar General for employment discrimination. What was happening in those companies is, individuals would apply for a job, and they'd be all set to hire him. They'd be all set, all great. Then they do a background check, and they come up with a felony conviction. The employer would say, oh, no, sorry, we love you, but you're convicted felon -- we can't hire you. The Federal government went after the companies and said that is racial discrimination. That's discrimination. Like what do you mean? Because the government argued it's because blacks are six times more likely than whites to be convicted felons. And Hispanics are two times more likely than whites to be convicted felons. Therefore, it's discriminatory. If you're going to have a standard that says you won't hire any felons, it's discriminatory against blacks at a ratio of six to one and against Hispanics, two to one. That's the government saying that in that case.

Well, let's take their argument and apply it to what I just said about firearms. When we have a felon prohibition law, then what you're saying is that you agree with discriminating against blacks having guns at a ratio six to one on whites, and Hispanics, two to one compared to whites. And that is exactly what the Democrats espouse, is what they fight for, is what they were so offended at Amy Coney Barrett for daring to have a dissent that someone should not lose their rights. It is Charles Schumer who stopped the Relief From Disability so that minorities at a ratio of six to one and two to one could get their rights back. Think about it. Even if we say, well look, felons on the face shouldn't have guns, but if they're not violent, and rehabilitated and good people and have proven themselves valuable to society and no longer an issue, they should still be able to get their gun - no, no denied.

That means no black or Hispanic felon has the ability to get their gun rights back. And that, my friend, is Systemic Racism. It stops these minorities at that ratio from

having jobs in security, in the military, in police - anything that involves carrying, dealing with, or owning a firearm. They're precluded, forever, and can't get a restoration because of Chuck Schumer and the Democrats. So, you want to see Systemic Racism, look no further than to the gun laws. Do you really think that is what our founding fathers meant? No way. So, let's be happy that Amy Coney Barrett is on her way to the Supreme Court and will be Justice Barrett. Hopefully, we can make progress toward getting rights restoration back for America.

For over 20 years, Attorney Evan Nappen has seen what rotten laws do to good people. That's why he's dedicated his life to fighting for the rights of America's gun owners. A fearsome courtroom litigator. One of the first lawyers to ever get a Federal injunction against this state gun law, an unrelenting gun rights spokesman tearing away at the anti-gun propaganda to expose the truth. Author of six best-selling books on gun rights, including Nappen on New Jersey gun law - the bright orange gun law Bible that sits atop the desk of virtually every lawyer, police chief, firearms dealer, and savvy gun owner in New Jersey. That's what's made Evan Nappen America's gun lawyer. Gun laws are designed to make you a criminal. Don't become the innocent victim of a vicious anti-gun legal system. This is the guy you want on your side. Keep his name and number on a post-it note in your wallet and hope you'll never have to use it. But if you live, work, or travel with a firearm, the deck is already stacked against you. Keep his number with you. Always. You can find him on the web at evannappen.com or follow the link on the Gun Lawyer resource page. Evan Nappen - America's Gun Lawyer.

You're listening to Gun Lawyer with Attorney Evan Nappen - available wherever you get your favorite podcast.

You know, I want to talk to you about loopholes. We've got an interesting loophole here to discuss today. It's in the news, and it's creating a specter that may or may not create all kinds of problems. And the loophole that I'm talking about is the, what is affectionately known as, an arm brace. Now, what is an arm brace - a pistol arm brace. I'm going to tell you what we're dealing with. First, you need to understand that the Federal government, under the National Firearms Act (NFA), have restrictions on what are called SBRs. Now, what's an SBR? SBR means a Short Barrel Rifle, and a Short Barrel Rifle is regulated under the NFA. Short Barrel Rifles are shoulder-fired rifles that have a barrel length that's less than 16 inches. If you have such a firearm, it is the equivalent under Federal laws to having a machine gun. It is National Firearms Act regulated.

So, SBRs are pretty handy because it allows for a rifle having a shorter barrel to be much more effective, particularly in close quarters - not the least of which, your home -thinks about it. If you want to defend your home and you have a rifle and you don't have a big honkin' long barrel on it, you can use it much more effectively in your home, in your bedroom, going through doorways, etc. with that rifle. The crazy thing is, the short barrel rifle means it has a stock. So you can hook it up with your face on it with the stock and yet, you got that short barrel so that you're not getting

in the way, and it's very maneuverable. By having the stock on the short barrel rifle, you have more accuracy. Imagine that - more accurate. Now, here's the thing, don't you think being accurate is a good thing? Not only in terms of being able to save your life so that you hit what you're aiming at, but also in terms of safety, right? Because if you miss, your shots are going wild, and you can't aim well, then that's adding to the danger of having to use a firearm in your home at all. Right? So this is really one of the more foolish things that our government does and that's to create really difficult restrictions on a firearm that has more accuracy.

The reason you say more, more than a pistol is because if you have a firearm that does not have a stock on it and it has a barrel shorter than 16 inches and you hold it with one hand, that's a handgun - a pistol. Pistol shooting is much more difficult without the aid of a stock. Now, many of us love to pistol shoot, enjoy to target shoot, even hunt. It's all good with handguns, we get it. But if you can have a stock on your gun, then your accuracy is dramatically improved. It will be steadier and able to aim with careful fire when braced by a stock. But our government says no, no, no. That falls under the 1934 National Firearms Act, and is therefore a problem. You see, the government often doing this; passing laws where they actually ban something that's safer and better. They actually want to put us at a disadvantage.

I'll give you another quick example: the Federal ban on switchblades - just as stupid. A switchblade is a knife that opens by pushing a button or other device in the handle, and it opens automatically. That's a switchblade. Right? Switchblades were banned in the Federal Switchblade Act of 1958. Why? Well, they all watched West Side Story and knew that they could stop and end youth violence if they ban the Switchblade. Right? That's what they got to do. So, it was another symbol that they went after and created a Federal prohibition, restriction on the Switchblade. And yet, the funny thing about a switchblade or what is commonly called an automatic knife, is that knife not only opens by pushing a button, but it also locks closed. Most automatic knives all have a safety. So it actually locks closed, unlike just about any other pocketknife which does not lock closed. There's many, many uses where you need a knife for one-hand use. To have a switchblade or an automatic knife that has a safety on it, you actually have a safer knife than a folding knife without a safety that could open when you drop it or try to open it and drop it. A safe knife is one that has a safety and locks closed. So, here the Federal government has banned the safer knife. Doesn't make a whole lot of sense.

So, this is where we're at with SBRs. The government stops, bans, and creates a whole lot of restriction over an individual that wants to have a rifle with a barrel that is shorter than 16 inches. Well, this frustrated a lot of folks and along comes from American ingenuity and a loophole is found. The loophole that is found is called an arm brace. The arm brace was designed to go on the back of a handgun. There are multiple ways these things can attach, depending on the type of handgun you have. It extends out and has what is a bracing buttstock if you will. It's a brace, but it's it has two pieces, and there's different ways that they'll wrap around your arm, whether Velcro or just by pressure. The idea of the brace was that it could

strap to your arm or wrap or lock in, so that your pistol is more steady by having the brace. But what folks soon found out is that if you have the brace on it and you shoulder the handgun, well, in my mind it's virtually a short barrel rifle, isn't it? Because now you're shooting from the shoulder in the way you would with an SBR, but it doesn't have a stock on it. It has a pistol brace, and the barrel shorter than 16 inches, not because it's a rifle, but because it's a pistol. There you go - a loophole is born, and I have happiness from that.

There are hundreds of thousands, probably a million or more, arm braces out there since this loophole was found. We went through some things with BATF where they said at first, you couldn't shoulder it. It was ILLEGAL if you shoulder the arm brace, and then they said you still could shoulder the arm brace if you want to. We've now been able to purchase not only these braces as accessories that you can put on various handguns, but many manufacturers just come straight out and sell their handguns with braces. You can find that Ruger, good old American Ruger Company does their PC Charger 9mm with a brace or you buy it without the brace, but it has the back mount on it - ready to just buy a brace and put it right on. You can buy the CZ Scorpion EVO 9mm right from the factory with a brace already on it. There are plenty of others - all kinds of AR pistols, even AK pistols with the brace. They're extremely popular because it allows individuals to have the maneuverability in an area without having to have the clumsiness of the long-barreled rifle. You still have a better ability to aim and handle the firearm. So, these are extremely popular and have been out there now in huge numbers.

Lo and behold, one such firearm was the Honey Badger - which was an AR-type firearm that had a pistol brace. It was actually engineered and made by one of the top pistol brace manufacturers, SP Tactical. I don't know if the left hand didn't know what the right hand was doing - whatever the deal was at BATF. They sent Honey Badger a cease and desist letter saying that this firearm with this brace is an SBR - not a pistol with an arm brace. Oh boy. So that created a ton of turmoil. Because if the Honey Badger is a problem, what about all these others? And now here's BATF up to their old tricks: administratively find that something is perfectly legal. Let it get out there; let people buy it; let people enjoy it; let people appreciate it and own them and then reverse yourself.

So, now you got to go get all these. They are all now a problem and man talk about make work. That's the way they make work for themselves. That's for sure. Big time. So they send this out and now people are nervous. Because you know there's Honey Badger owners that are, of course, not happy at all. And then everybody else with arm braces that have invested in them and have great firearms and use them and appreciate them. Now all that's in jeopardy, and there was a big uproar about the arm brace. It's so utilitarian and a wonderful idea, but now it's in jeopardy and what do we see? Well, what did ATF just do? They suspended the cease and desist. They suspended it for 60 days. Oh, how convenient. They suspended this until after the election, folks. Gee, that wasn't too calculated. Right. And I wonder why they might do that. Do you think they might do that because if Dementia Joe gets elected, who is

bought and paid for by Bloomberg and Company, and all the anti-gunners and his whole platform? Oh, I think I see where they're gonna go with this one, folks. And all these people that have arm braces and every gun that was made that has one of these things now will be the equivalent of unlawful possession of a machine gun. This is what's in store.

So one more thing - make sure you vote. It can't be more important. All right. Till we meet again, this is Evan Nappen, reminding you that gun laws don't protect honest citizens from criminals. They protect criminals from honest citizens

Gun Lawyer is a Counter Think Media production. The music used in this broadcast was managed by Cosmo Music, New York, New York. Reach us by emailing Evan@gun.lawyer. The information and opinions in this broadcast do not constitute legal advice. Consult a licensed attorney in your state.