

Gun Lawyer Episode 12 Transcript

SUMMARY KEYWORDS

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SPEAKERS

Evan Nappen,

Evan Nappen 00:18

I'm Evan Nappen, and welcome to Gun Lawyer.

Evan Nappen 00:23

So, in the news, I've been seeing a lot of this, and it just keeps on coming. I always see the actual systemic racism in gun control. Now you hear, normally the folks that are anti-gun like to talk about racism and how racist everybody is, and all this. But yet, in my experience, I've actually seen it and experienced it with clients. In my study of the gun laws, I found how the history of gun law is really founded upon racism. What's needed to be done today to correct this, it doesn't seem like anyone's willing to do it. Maybe it's because of a lack of knowledge, but I would like to try to address that. I think this is really something that people should pay attention to. And it may be able to cross trestle, as they say. You may be able to get something done that's pro-gun, even though the normal folks that you think might be against anything that's pro-gun, might see the greater issue here - addressing the inequality and the built-in racism that comes with gun control laws.

Evan Nappen 02:04

Let me tell you, in my experience here, I've had some famous cases that made national news that really highlighted and illustrated this, such as the famous Shaneen Allen case, which is definitely a major turning point in people getting the understanding, the recognition of how there is a racist undercurrent, an element that exists in this enforcement. Let me tell you about Shaneen. This was back in 2014, and she a single black mom, hard-working, worked in the medical field. She had been robbed a couple times. She lived in South Philly, a tough neighborhood, but she was a 100% law-abiding citizen. She was able to procure a carry license from the City of Philadelphia, which is actually, in and of itself, more difficult to get a license in the city than in the state, even though it shouldn't be. But it is, and yet she had gotten her license, but the funny thing is, she wasn't like a gun person, like gun activist, or the way a lot of us are. We love guns, we live for guns, we love to shoot, hunt, collect and everything about guns. She just wanted a gun to protect yourself, end of story, which is fine. She was trying to do it the right way. She went and got training and got her license. She was obeying the law as a law-abiding citizen.

Evan Nappen 03:55

One day, she was driving from Pennsylvania into New Jersey. She was heading down to Atlantic City with her young kids because they're going to have a birthday party there. Atlantic City offers special room deals and also, it's fun just to get away with the kids. You can get a really bargain room there, have a great birthday party, and go to the amusement games and the boardwalk and all this stuff, right? It was a good idea. So, she is driving down, and she gets pulled over in Atlantic County, heading to Atlantic City. Now, of course, the reason for being pulled over, typical of the minor traffic allegation, not staying within lines or this kind of thing, and often you say is this simply a pretext for what is often called DWB (Driving While Black) and it could be. It's very hard to say with specificity. Because how do you prove that, but you know, this undercurrent is there, right? It's still there.

Evan Nappen 05:19

Yet here she is, a single black mom. When she's pulled over, she has her ID, driver's license, and says "Oh, and by the way, I have a handgun and I have a carry license." Why? Because she was told that if you're stopped, make sure the officer knows that you have a gun, so they don't get afraid and you don't get shot. So, she's following what she was told, and it makes sense, because the last thing that she needs is for the officer to think she is some person out to do harm to him. We understand officer safety, and we can appreciate that. So, she tells him, but the problem is in New Jersey, you see, New Jersey doesn't honor any other state's carry license. Not a single one. Even though, right next door, right over the border, she has an official license, legal, has her gun in her purse, legal. It was just over the border. In New Jersey, it didn't amount to a hill of beans. So, what happens?

Evan Nappen 06:23

She's arrested and charged with unlawful possession of her handgun that is licensed and registered to her. She was doing nothing wrong and simply volunteered that she had it even, didn't matter. What was she facing now for this? Oh, well, New Jersey is insane, draconian, out of its mind, on gun possession charges. She was facing up to 10 years in State Prison, folks, with a minimum mandatory three and a half years with no chance of parole. That's right. If she was convicted, the best sentence a judge could give her, the best, would have a component of three and a half years without any chance of parole - she would do every day of three and a half years, every day of it. So, she is in jail being held on the charge. I don't even know about her; she hasn't called me, she's in there. She has a public defender, and they're trying to do their best job for her.

Evan Nappen 07:23

It ends up about nine months or so into the case, she calls me, and she's desperate because the best offer, the best offer, that the State would give her to resolve this matter, someone with no prior offenses, a law-abiding citizen, licensed, legal, did nothing wrong. Their best offer was seven (7) years in State Prison with a minimum mandatory three and a half years for this without a single, aggravating factor whatsoever. It didn't matter. She had been in jail about 40 days even with this. By the way, at some point later, I asked her "How did you find out about me?" She said, "Well, you know, (because she wasn't a gun person) I was talking to one of the prostitutes in jail who said that I had represented one of their clients and saved them and that I should call this guy." So, she did. I get some of my best clients from referrals from prostitutes in jail, apparently. But hey, she called, and we were able to battle this and fight it. It worked out where there was like this whole movement behind to save Shaneen. It was a huge battle, a huge fight, because we wanted to keep her out of jail -not become a convicted

felon, not lose a career, not have her hopes and dreams destroyed, her family life destroyed, everything. All because of New Jersey's insane gun law, this draconian provision in this mandatory minimum, outrageous, outrageous.

Evan Nappen 08:26

So, with enough effort, protest, and the court of public opinion and all this coming into play, I mean, at some point there were billboards all around Atlantic County - Save Shaneen. It got so bad that one day I went in on motion day and the prosecutor is there, one of the Assistant Prosecutors. She had this big Investigator with her. I said "Why do you have your Investigator? Today is just motion day, there's no witnesses." She said "Oh, no, all of us have to have armed protection." "While you're in court?" "Yes." Because they are getting that much hate and disgust from the public over what they were doing. So, this was during the Christie administration. We went through and Christie's administration took note of this. We wanted to get Shaneen into what was called PTI, Pre-Trial Intervention, where if she did a period of supervisory treatment, the charges would be dropped. She wouldn't have a conviction and she wouldn't go to jail. This was a perfect vehicle to handle an honest mistake. That's what this was, an honest mistake. But they're like, "Oh, no, we can't put gun cases into PTI. Well, the Attorney General did a full study, quickly - a study of the whole situation. He determined that the guidelines should allow it, and he promulgated these guidelines called the Heartland Guidelines that would allow someone in Shaneen Allen's situation to get into PTI. They couldn't put her in fast enough, because at that point, they're like, "Get her out of here."

Evan Nappen 10:49

The thing is that this was just startling to me. The Attorney General actually said that in his studies and surveys, his issuance of these guidelines would help over 100 pending cases. Can you believe there are over 100, right at that moment? Over 100 pending cases, over 100 people suffering this idiotic and ridiculous law, where they couldn't even get into a diversion program. So, Shaneen was the tip of the spear, breaking the ceiling, allowing for this to happen, and helping hundreds of folks and have helped them ever since from her valiant fight. And because of that, and Christy's interest in her, even though she was immediately put into PTI and admitted in, Governor Christie pardoned her. Even though she had set this, even gave her a pardon. She didn't even have to complete PTI, which was great. So, I'm glad that justice was served, and we were able to help her and get the justice. But this is still out there. People still to this day, are getting charged because they don't realize that New Jersey doesn't recognize their licenses from other states. It's still bad, and it's hurting, good people. There is a focus that seems to have an undercurrent of race.

Speaker 3 12:33

For over 30 years, Attorney Evan Nappen has seen what rotten laws do to good people. That's why he's dedicated his life to fighting for the rights of America's gun owners. A fearsome courtroom litigator, fighting for rights, justice, and freedom. An unrelenting gun rights spokesman tearing away at anti-gun propaganda to expose the truth. Author of six best-selling books on gun rights, including Nappen on Gun Law, a bright orange gun law Bible that sits atop the desk of virtually every lawyer, police chief, firearms dealer, and savvy gun owner. That's what made Evan Nappen America's Gun Lawyer. Gun laws are designed to make you a criminal. Don't become the innocent victim of a vicious anti-gun legal system. This is the guy you want on your side. Keep his name and number in your wallet and hope you

never have to use it. But if you live, work, or travel with a firearm, the deck is already stacked against you. You can find him on the web at EvanNappen.com or follow the link on the Gun.Lawyer resource page. Evan Nappen -America's Gun Lawyer.

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Evan Nappen 14:03

Hey, so this issue of blacks and guns, racism and guns, goes back to the earliest gun laws in the country. I was researching just in New Jersey to find what were the first gun laws in New Jersey, the very first ones. And guess what? They banned blacks and Native Americans from having guns. That was the earliest ones, even back in the colonial days. That's who was prohibited. I mean, this is racism and guns. It's in the history of our country. You see it repeated over and over in the Civil War. After the Civil War, the newly freed blacks, the South passed the Jim Crow laws and what have you. What they did was they passed laws that targeted blacks without saying straight out, blacks can't have guns. This is a technique.

Evan Nappen 15:09

For example, they made it so that you can only possess under law, the expensive military models of handguns, the military models. Now, of course, the returning white officers all had military model handguns, so they could. But the poor blacks, newly freed, they didn't have expensive Colt Navies and Colt Armies, and Remington Armies. They didn't have that. So, in effect, the earliest Saturday Night Special laws, were really laws designed to stop blacks from having guns. And even later, the Saturday Night Special laws were rooted in that. I'm going to talk about that in one second, because I want to back up for one minute. Prior to the Civil War, one of the famous Supreme Court cases was what? The Dred Scott decision. In Dred Scott, we had the black slave who was now fighting for his rights. Justice Taney, right, as Supreme Court Justice, said, No, no, no. can't have it. One of the reasons in his reasoning was then this black, newly free Blackie, this runaway slave, could have guns under the Second Amendment. We can't have blacks having guns, right? So, you can find racism right there in the Dred Scott decision itself.

Evan Nappen 16:47

After the Civil War, you had the black coats. Then we get into the 60s, and the idea of banning Saturday Night Specials. You don't hear the term too much these days -Saturday Night Special. The reason is because the origin of the term has been documented. The origin of the term "Saturday Night Special" is from the "N word " town, "N" town Saturday Nights. That's what they called it. It was an "N word" town Saturday Night Special. The "N word" got removed, and they just started being called Saturday Night Specials. But what was the origin of that? Directly from racism of "N" town, man. It's an "N" town gun. This is documented by B. Bruce-Briggs in his article ["The Great American Gun War"] in The Public Interest Journal [1976]. He researched and documented this. So, you don't hear the term "Saturday Night Specials".

Evan Nappen 17:57

But now you might hear, we have to stop "junk guns", "junk guns". Well, it's still the same thing, just a different label, right? So, who traditionally has economic disadvantage in that? Blacks. Cheap guns. Exactly. So, it's cheap guns. But just because you can't afford, a custom 1911, \$2500 gun, you have no right to defend yourself? Of course, you do. But yeah, it's just "junk guns". Who are they really talking about? When you heard in the 80s, these assault firearms are the choice of drug dealers. It's a drug joke. Oh, really? Who are drug dealers? Like white guys on Wall Street in business suits? No, that's not who they're talking about. Right? Who are they talking about? Again, its racism built in. It's a term. Throughout our history, it's the idea of disarming blacks. These laws have always been the undercurrent of it.

Evan Nappen 18:43

But it's deeper than that, too. Because Federal law prohibits convicted felons from having guns. Now, we could argue about the logic of that. Maybe they should at least violent felons and all that, but even if we look at the old idea, the western mentality of bad guys can be good guys; good guys can be bad guys. People can change. So, simply because they have a felony conviction, that doesn't necessarily mean you're going to be a felon again, right? But whatever the reason, we've got to this where we accept no guns for felons, okay? Even if you want that position, okay. But what you need is an ability for an individual to be relieved of their disqualification. They need an ability for someone to get a Relief from the Disability, a Restoration of their Rights. Because even if you are a convicted felon, you've now been a law-abiding citizen, you've made something of yourself, you're no longer a threat or danger or problem, yet you still can't exercise your Second Amendment Rights.

Evan Nappen 18:49

Now, what brings us to present, it's still ongoing. I'll show you right now where it is - I can point to it directly. Not only is it in the harsh enforcement of laws, like against Shaneen Allen and the arbitrariness of that; but also, there is a big differential in our society of those that are convicted felons. Do you know that blacks are six times more likely than whites to be convicted felons? And that's a fact and a lot of that has been brought out in various other efforts by the way to restore voting rights to felons, right? And they're saying why - because it's prejudicial against blacks, six to one. It's prejudicial against Hispanics at a ratio of two to one. Now, we all may say, "Well, look, they're felons and who cares? But you know, really, seriously, felons at a ratio of six to one? Come on, what's going on there?"

Evan Nappen 20:18

As a matter of fact, our own government, our own government, brought a lawsuit against BMW and Dollar General. This was an employment lawsuit alleging unfairness and discrimination in employment practice, and what did they say? They said, folks would apply at Dollar General or BMW, and they were all set to hire them. They just had to do their background check, and it would come up with a felony conviction. Up sorry, we can't hire you. Our government argued that is discrimination. Because now you simply won't hire someone because of that, then you're discriminating at a basis of six to one. Well, if we're discriminating on the basis of six to one on having a job, how about a Constitutional Right to Keep and Bear Arms being discriminated against at a ratio of six to one? And how come, when you go to buy a gun, on the 4473, it asks what your race is? Why do we need that? Look, a photo ID is required. Why is race even an issue? It's not like an affirmative action gun application. No, what is this? Then it gets worse even for Hispanics. There's an extra question for Hispanics. Are you Hispanic?

Hispanic, yes or no. You have to either admit or deny Hispanic Heritage? Could you imagine if it said, Are you Jewish? Yes or no? Would we be cool with that? We'll be like, Oh, that's all right. They just want to know. I mean, come on. It's racism, man. It's racism. With a photo ID, none of that's necessary.

Evan Nappen 23:20

There's a federal law that is on the books right now, that allows and permits what's called the Relief from Disabilities so that you can regain Federal rights if you're a convicted felon. It's on the books. It was passed when the felon prohibitions went in. And it's there so you can get a restoration. Except for one thing, one problem, folks. The program is not funded anymore by the U.S. government. It's not funded, thanks to Charles Schumer, the Democrat, who in 1992, put forward the amendment to end the funding that allows for relief with disabilities, thereby prohibiting blacks particularly now at a ratio of six to one that are honest, hard-working, law-abiding, rehabilitated black felons in a systemic racist system, from getting their rights restored. And it's the Democrats that have done that. That's right. By removing the funding so that good people that have redeemed themselves in our society can get their rights back. It has been unfunded since 1992.

Evan Nappen 24:43

Think of how many blacks in a disproportionate ratio have been prohibited from law enforcement jobs, from serving in the military, from having security, from being able to protect their family, because they refuse to fund this and allow them to regain their rights. Oh, they're happy to try to do it for voting. Oh, because they think they got them fooled man, give them the voting rights, and they'll still vote Democrat. So, we better do that. Really? Well, if it's good enough for voting, why isn't it good enough for guns? Let's see a Rights Restoration for real, that can really help empower minorities in America and stop the systemic racism at six to one. It needs to be funded again.

Evan Nappen 25:36

Here they pass these giant COVID relief packages and defense authorization packages, and all this money going out to foreign countries by the millions and billions. Yet, they can't fund a program to help Americans? They're Americans, folks. Americans - get their rights restored. Come on. It's outrageous, and it's political. It is systemically racist. It is the same old game, from the idea of the Jim Crow laws, to what the real name of Saturday Night Specials is, to modern day, and this is how they sell it. It's got to end. It's got to end so good people, at least good people, can get their rights back. Enough already. Maybe we could see this happen.

Evan Nappen 26:38

By the way, maybe we could because I think there are truly people on the other side who sincerely, sincerely, don't like racism, sincerely don't. They would want to see good people get their rights back, even though they might themselves be anti-gun. Are they anti-gun to the degree that they want to discriminate and put minorities on unequal grounds? Because that's what they're doing. Right? Shouldn't it be with a greater good of fighting this built-in racism, they overcome their anti-gun agenda? I sure would think so. I sure would hope so. It needs to happen. It's been long enough, folks, without this program being funded. The Courts have upheld that it was not funded, it's dead. Too bad. You can't do anything about it. If they don't fund it, you can't take advantage of this very law that's on the books as we speak, that's supposed to allow you to get your rights back. It's time, and I hope we can see

progress on this issue and restore fundamental fairness. Restore it, so that everyone can reach the American dream and all exercise our rights. All our rights.

Evan Nappen 28:04

Well, let me tell you, folks. Keep a fellow gun owner from becoming a law-abiding criminal. Tell them to listen to Gun Lawyer radio and visit our website at Gun.Lawyer. What I would really love is if you take a look at our Inner Circle, on our website, at Gun.Lawyer. Sign up for the Inner Circle, and you're going to get the inside from me, Evan Nappen. I'll be giving you tricks, tips, insights, and fun. Sign up - it's free. Go to Gun.Lawyer and join our Inner Circle.

Evan Nappen 28:36

Remember, this helps us also communicate with you, our ability to touch base, and let you know what's going on. Because the big tech, they don't really care about our gun rights. They kind of don't like us and try to shut us down. This is a way that we can stay in contact, despite their efforts. We're gonna have big issues coming up, man, executive orders, all kinds of nasty things. You're going to need to know what to do to protect yourself and what loopholes there might be. I'm going to fill you in on all that. You're going to want to know. How are you going to deal with the Pistol Brace reg if it comes down? How are you going to deal with an Executive Order by Biden on gun transfers? How are you going to do this? I'll be happy to tell you.

Evan Nappen 29:22

Join our Inner Circle, and you'll be able to protect yourself and your rights. Please subscribe, rate the show, and help me get the word out. I'm depending on you. This is Evan Nappen, reminding you, gun laws don't protect honest citizens from criminals. They protect criminals from honest citizens.

29:43

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