

Gun Lawyer Episode 15 Transcript

SUMMARY KEYWORDS

gun, firearm, gun laws, flea market, gus, uncle, law, lawyer, guns, new jersey, people, learned, evan, influenced, morty, vehicle, deal, inner circle, kinds, criminals

SPEAKERS

Evan Nappen

Evan Nappen 00:21

This is Evan Nappen, and you are listening to Gun Lawyer podcast. I'm really happy to be speaking to you. I've got some great and interesting stories to tell, and we're gonna have a lot of fun. A lot of folks have wondered about this. I have kind of a unique job really not being a lawyer so much as being a Gun Lawyer. That is definitely pretty unique. There are other lawyers that focus in the area of guns, but not too many of us. Basically, we all kind of know each other. The question is what influenced me to become a Gun Lawyer? I could go around ambulance chasing and make some real money there. Of course, it has to do with my love of the Second Amendment and my love of firearms. Fighting for our rights, being part of the gun culture, a shooter, a hunter, and a collector and all that, sure. But what I want to tell you about are the people that influenced my life that actually helped put me on the path to where I am today. This is something that many of us can look back on how we got to where we are and look at these great people that were my influencers. You, too, can be an influencer, and I hope that I've influenced people on their life paths.

Evan Nappen 02:08

One of the earliest was a good friend of mine named Gus. When I was in junior high school, I was 13 years old, and I became friends with Gus. He was the Head Custodian of our school. As a young boy, I was interested in guns and hunting, pursuits like that. Someone had mentioned that at one point, Gus had been a gunsmith. And I said, boy, that's really cool. He was nice guy, and I started talking with him about guns. Sure enough, he had been a gunsmith. He had left home when he was like 12, and he learned that trade. Then he learned how to handle the big boilers and got his gold seal. That was his job there. That was his career, but his love still was firearms. I remember speaking with him any chance I got - recess or break in school. I would ask questions, and he would explain things- history of guns and all kinds of great stuff. He really was a fountain of knowledge. I was in enthralled with learning all this.

Evan Nappen 03:26

One day, Gus, said to me, he said, Hey, I have a rifle that I'm looking to sell. It's an historic rifle. It's a Remington rolling block rifle from the late 1800s, and it was a military model. And he's like, I know you love this and all. So, I'll tell you what, I'll let you have it for \$50. As a kid, that was still a decent amount of money, let me tell you, but it was a good deal. He said, just ask your dad if it's okay. I'll bring it by,

and you can buy it from me. Could you imagine the janitor of a school today, selling a 13-year-old boy, a rifle? How do you think that would fly today, folks? Right. But he knew my dad, and I'm going to talk about my dad in a little bit.

Evan Nappen 04:19

Gus knew my dad from the flea markets. We would always go to Englishtown Flea Market, which was a big flea market in New Jersey. We would find all sorts of collectibles. So, he knew my dad from the flea market, and he said, ask your dad. My dad is a premier collector of political items. In fact, he even wrote the book on Collecting Political Americana, - Warman's Political Collectibles: Identification and Price Guide. My dad would take me every Saturday to the flea markets, and he knew about collecting and history. He had no problem with it. He said Evan, if you want to buy that military historic rifle, go right ahead. Tell Gus I don't have any problem with it. So, I told my buddy Gus about it. He came by the house, and he dropped off this Remington rolling block. But I'll tell you what else he dropped off. And this, I know, was his plan. Looking back, he dropped off boxes and boxes of gun books. Boxes of Shotgun News, boxes of gun magazines and boxes of some of the top gun books of the day.

Evan Nappen 05:35

Basically, I think he gave me, although he never said it, his gun library and threw it all into the deal without me even knowing. I read every one of those multiple times, everyone. To this day, I still have many of those books. They are classic references on guns, and they influenced and educated me by what he did there. I stayed friends with Gus until he passed away a number of years ago from cancer. He and I would go to gun shows together and hit the gun shops together. He taught me things on fixing and repairing guns, collecting guns and how they work. He really helped my interest grow and blossom with firearms. What a great guy, and I really miss him to this day, but his influence lives on.

Evan Nappen 06:38

It's people like that in our lives that are just wonderful and help make us who we are. The same with my father. I was very blessed to have a great childhood with my dad. Every Saturday, we would go to the flea markets together. My father was a college professor - one of the few conservative college professors, and he taught Constitutional Law at the University. We would go to the flea market, and he would collect political items. But you see, it was a good 40 minutes to the flea market from our house. We would get up at three o'clock in the morning, and I'd have this great father and son time. We would talk the whole way there and the whole way back. He would teach me about the Constitution and about history. I just learned so much. When we were at the flea market, you could actually experience the history by holding an antique, or some collectible of a certain period. My father would point out things that most people wouldn't even know what they were because they had been obsoleted. He would say hey, do you know what this is? I'd be like, no, what is it? Oh, that is one of the tools that hung from the Conestoga Wagon, and I was like, wow. They had a tool collection, and I was like who would know, right? My dad did.

Evan Nappen 07:59

He would go through old photographs, and he would pick out carte de visite by face of famous politicians, presidents vice presidents, vice presidents of the losing candidate, senators from the 1800s, and he was amazing. I would learn about this and learn about that. I also learned how to deal with

people. Because at a flea market, you run into all kinds of people. Learning to deal with people and be able to have a good rapport and deal with them is vital. That's one of the things I really learned there as well. How to negotiate, how to be friendly and how to communicate what you want, and what you're looking for. I remember at the time, no one even knew what a political item was, and he would have to educate people. I'm looking for collectibles, buttons, badges, and he had a little spiel that he explained. Many times, we would go there, and people would say, Professor, I brought you some of those political items, and they called him over to the table. Here they are, and he would buy these. It was great, and we learned about that. I saw many amazing things there.

Evan Nappen 09:08

Things not only for sale that are antiques, but even things that were experiences in human nature. I remember one time there was this long aisle that ran from the entrance all the way to the back. That's how the cars exited. One time this old black man was in an old pickup truck, and he had all kinds of essentially junk for sale. I mean, he was junk man, which was fine, and he had things hanging from the vehicle. He had come to the flea market to make some extra money selling his wares. He's just driving out of the flea market. Suddenly I hear all this noise because he had to slam on his brakes, and all his stuff shook and jingled. There's this white punk, teenager guy, who just walked in front of his vehicle without any care and forced him to have to make the short stop. We all turned to look at this, and this guy then kicks the grille of the vehicle of this man. It was outrageous. It's totally this punk's fault, and he kicks the grill. We're all like, Oh, my God, what a jerk. Right? Well, suddenly, the man behind the wheel, jumps out of the vehicle, and he has an axe over his head. He comes at the guy, and this kid is so petrified that he trips over his own feet. He's making like a snow angel in the dirt, trying to get away. We're all watching, waiting for this guy to split his head open. The guy just looked at him, pointed and said, ha-ha, laughed at him like that. He got back in the vehicle and drove away. The whole row was cheering. We're all like Jay was the greatest thing, and man, that's the kind of life lessons you see. So, these are great influencers, not only in terms of your career, but in building you as a person.

Evan Nappen 11:29

All during this time, I had another great influence, and that was my Uncle Morty. He fought in World War Two, and he was a Navy pilot. Uncle Morty was quite a fighter and even re-enlisted for Korea. No, he wasn't going to miss a war, that's for sure. Not my uncle. He brought back all kinds of guns. I would visit with him, and he would tell me the stories. Uncle Morty gave me many of the guns that he brought back, some beautiful things. He was also the Chief of Detectives in Atlanta County, New Jersey, and he had great stories to tell.

Evan Nappen 12:08

One of my favorites, just to tell you the kind of guy he was, happened right before he was going to leave for Korea. He was in the Detective Department there, and they get a call about a jewelry robbery in this part of Atlantic City. So, his men went one way, and he took his unmarked detective car and went to this other section. It's about midnight in Atlantic City, but it's still lit up by trolley cars, and other lights. He was in this one alleyway, and suddenly the guy who fit the description drops down in front of him from the building. He looked at him and the guy was in a tank, t-shirt type, and he's got a classic cloth bag of the goods. My Uncle yelled stop, and the guy runs. So, my uncle draws his pistol, which at the time the detectives carried a .32 Smith and Wesson, believe it or not, a .32 Terrier. He fired all of

the rounds in that revolver at the fleeing crook, and the guy falls down from being hit. My uncle puts the gun back, runs up to the guy who gets up and takes off. The guy grabs a fire escape and starts climbing it.

Evan Nappen 13:29

So, my Uncle's chasing him up this fire escape ladder and he's climbing, and he grabs the guy by the belt. He takes his flat SAP that is carried in his leg pouch, and he starts bashing the guy's head with the flat SAP, blood is flowing. But the guy's not giving up. The guy unbuckled his pants, slips his pants from my uncle, and runs the rest of the way up. My Uncle takes off after him again and now they are on the rooftops. He reloads his .32 Terrier and boom, boom, boom, boom, boom, fires all the shots. Next thing you know, bang from behind him comes multiple shots, and he hits the roof. Turns out it was one of his own men who got off the trolley and thought the plainclothes guy was shooting. My Uncle shouted you almost shot me you dummy. Now the guy got away. So, Uncle Morty has to leave for Korea, and he doesn't know whatever happened to this guy until he gets back. Then he found out that he ended up in the hospital. Every round was in him that my uncle shot, every round. He was obviously high on some kind of drugs and that's how he got away. My grandmother originally was upset that he was going back into the war, back to Korea, and he didn't need to do this. She didn't really approve of his decision. He said, "Look, my own men are shooting at me here. How bad can it be?" So, that's the kind of man he was, and boy do I miss him.

Evan Nappen 15:06

When we come back, we'll talk a little bit more about that, and I have a question from a listener that I think you'll find very interesting. So, see you in a few.

Evan Nappen 15:22

For over 30 years, Attorney Evan Nappen has seen what rotten laws due 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, that 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.

16:37

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

Evan Nappen 16:53

Okay, so I've got some more great stories to tell you, but I would like to take this moment just to respond to a listener's question that I think you'll all appreciate. Because it's advice that we can all use.

This is from Robert J. and he says he's traveling from basically thru New Jersey to Vermont. He has a Utah Carry License. Now, of course, Vermont is a Constitutional Carry State. You don't need any license in Vermont. But he's concerned because he's driving with hollow points to Vermont, and he's also driving through New York. Even though in New Jersey, it seems like it would be illegal. Robert wants to know what's right and wants to decide if it's worth it to bring his gun.

Evan Nappen 17:41

So, let me tell you about Interstate Transport. If you want to transport your firearm interstate, there is a Federal law that allows you to do it as long as you do it by way of certain conditions. It's under Title 18 926 a. This statute requires that your guns be cased and unloaded. It's best to have your guns unloaded in a separate locked container. Do not have anything readily accessible to your passenger compartment. If you have a trunk, put the gun in the trunk. If you don't, put it in a locked box toward the back of the vehicle and have your ammunition separate. As long as you're going from one place where you legally can possess the firearm and the ammunition to another place where you legally can possess it, then it is legal under Federal law.

Evan Nappen 18:26

So, assuming you're not starting in New Jersey, but you're starting, let's say, in Pennsylvania, where you're legal and then you are ending up in Vermont where you are legal (you don't even need a license), then Federal law preempts you for your travel, as long as you travel in the method that I just talked about. However, it's great that this law exists, but it is not as strong as it should be. There have been proposals to strengthen it, but we haven't gotten those through. It is a little bit vague. The second part talks about ammunition, but the first part doesn't. Ammunition should be covered. But you know what? Hollow nose ammunition is a Felony to possess in New Jersey - a felony level offense, each round can carry up to 18 months in State prison.

Evan Nappen 19:21

Now, it's true we could argue Title 18 926a. if you were stopped and arrested. But remember, this becomes a defense that we would have to present. I'm sure you'd rather not be a guest of the iron bar Hilton in New Jersey if you can avoid it. So, even though we could argue that it's covered under Interstate Transport. Your best bet is not to transport prohibited items like hollow nose ammunition. Also New Jersey, New York, and others have magazine limits and although the firearm is covered, what about the magazine? Again, another legal issue not really addressed under Interstate Transport. So, your best bet is not to have a magazine that exceeds the 10 rounds or whatever the limit is through the bad state. Again, even though you could be defended successfully, the best bet is to avoid even having to be in that situation. But as a fallback and insurance policy, you can rely on Title 18 926a. to transport interstate. If you want to know more about it, I have a whole chapter in my book on New Jersey Gun Law about interstate transport. The NRA on its website also has information on Interstate Transport. It's a good law that has helped save a lot of people, but still be smart about it.

Evan Nappen 20:47

One of the other major influences in my life was working for one of the first gun law firms in America. It was the firm of Benenson & Kates - Mark Benenson and Don Kates. I went to law school in New York, and I clerked while in law school and then worked for the gun law firm when I graduated law school.

Great folks, unfortunately, they are both deceased now, but they were both quite influential in the world of gun law and its development. Mark Benenson had been President of Amnesty International. You would think that might be a left-leaning group, but it was founded by his cousin, Peter Benenson. Mark was a solid pro-gun advocate as there ever was. Don Cates, out of California, was a criminologist who wrote prolifically for all kinds of journals and magazines. By joining together, you had both coasts covered with the firm. It was very interesting. Mark did a lot of gun work in New York, and I really learned about the practice of gun law through his pioneering of the area. We dealt with many interesting and fascinating cases.

Evan Nappen 22:19

As a matter of fact, some of you may recall the so-called subway vigilante, who we later learned was Bernhard "Bernie" Goetz. Originally, it was a mystery. Who is the subway vigilante? No one knew. They were trying to find out. Well, I was one of a handful of persons who knew who the subway vigilante was because he had come to Benenson & Kates, having been referred by Massad Ayoob. After he did his thing, Goetz went up to New Hampshire to talk to one of the experts in self-defense, Massad Ayoob. Ayoob knew in New York, Benenson & Kates was the gun law firm. So, we knew about Goetz, and eventually it came out about who it was. But I've got tell you, I met Bernie, and unfortunately, this is something where there's a lesson to be learned for many of us.

Evan Nappen 23:19

Bernie really believed kind of in a naive way, that everything would be fine if he just went and told the police what had happened. Oh, my gosh. It was not a good idea to do that, and we didn't want him to do that. But he insisted. He went and told the police what happened. That's where all of his statements became critical, and it was a creation of more problem for him. One of the things that he told the police, and you may have even heard the famous, "You don't look so bad, have another." Actually, he never said that even though he said that he said that. Part of the thing at the trial was to actually show that he never said what they claimed that he said he said. Now look, when you start going down those kinds of roads, it can create much more problems. So, you don't really want to speak to the police unless you have an attorney who's advising you to do that. Just keep your mouth shut. It is important for you to stand on your Sixth Amendment Right to Counsel. Ask for your attorney and then listen to your attorney. Don't go making statements because that will be used against you, seriously, and can cause a problem. Some of you may know, there was actually a joke going on at the time. I guess it's somewhat of a dad joke, but I'm going to torture you with it. When you go to a bar and you order a "Bernie Goetz", what is that? That's five shots in a screwdriver. So, learn the lesson of not talking to the police. It's a good thing.

Evan Nappen 25:02

Also, Benenson & Kates were counsel to Christie's Arms and Armor for the famous Christie's auction. One of the things we would do in the firm was to evaluate whatever items that Christie's got in for legality and other things and make sure that things proceeded properly under the law. It also meant that I had the opportunity to hold in my hand some of the historic firearms and weapons and man that was so cool. I actually held in my hand, Winston Churchill's Broom Handle - his actual broom handle pistol that was his thru the Boer War. That was just really cool. I also held the Colt Single Action Army, Serial Number One. There was so much cool stuff and really fun. Benenson did lots of licensing, to help

people get licenses, which was really tough to do in New York. He also had other cases defending law-abiding criminals, where I got to see firsthand how the ridiculous gun laws turned law-abiding citizens into criminals. Benenson was a great teacher.

Evan Nappen 26:18

When I came into my own as a gun lawyer, I had a practice in New Jersey, but I stayed associated with them. Our firms brought the first challenge to New Jersey's assault firearm law, and we actually made history. For the first time, we actually got a Federal injunction against a state gun law. The name of the case is Coalition v. Florio, and we were able to take a bite out of it at that time. It was very exciting to do that. With all this experience, I focused on building my firm. I remember asking Don Cates, "Look, I want to just do gun law." I will never forget Don Kate's advice. "Nobody can make a living doing just gun law.". That's what he told me, no one can do that. And I said, Really? Well, I'm going to try. So, here I am still trying after 30 years. It's been okay, and I love it. So, Don, as much as you taught me, I think you were actually wrong about that. But you were right about so many other things, of course. So, it was really great to have that kind of influence and training.

Evan Nappen 27:36

All these things build up to today, where we're now beyond anything that was when I started in terms of the unbelievable anti-gun laws that have passed the states, particularly New Jersey, having gone to such extremes, creating draconian laws that turn law-abiding citizens into criminals. It's really the front line of the battle for our Second Amendment rights. We've had so many cases that have come out of there, because of just how extreme and outrageous they are. You've heard me talk about some of these cases. This was really where I got my start, but it has not changed too much from the foundation. The foundation is the gun laws themselves being wrong, and contrary to the Second Amendment, contrary to our rights, and is something where the law-abiding citizen is the one who becomes the victim of the gun law. That's why when you hear the antis talk about victims of gun violence, my thought is, yeah, what about all the victims of gun laws. That's what they create with these gun laws, and that's where the unfairness comes in. You need to protect yourself.

Evan Nappen 28:54

It's vital, particularly in these days, and it's going to get worse. We're in for the battle of our lives, as the politics have changed in America. The money is there like never before to crush our rights, from billionaires that are misguided, and out to get us. They've freely admitted that they hate us, us being gun owners. So, what I'm doing here with this podcast is a voice to help protect law-abiding gun owners and one of the other things is the Inner Circle that I've established.

Evan Nappen 29:36

I would love for you to join the Inner Circle. Let me tell you, folks, you can 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. You can take a look there and join our Inner Circle right on our website. It's free. With the Inner Circle, you're going to get the inside story 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. It is now more important than ever, as the big tech silences those that are in favor of freedom and protecting our rights across the board. This will give us the ability to still communicate, because our adversaries are trying to

shut us up. I don't want us to be shut up. So, by joining the Inner Circle, we'll be able to maintain our lines of communication, no matter what.

Evan Nappen 30:43

Remember, this helps us to communicate with you, to touch base, and let you know what's going on. Big tech doesn't care about our gun rights. They don't like us, and they're trying to shut us up. The Inner Circle is the way for us to stay in contact, despite their efforts. Big issues are going to be coming up - executive orders, all kinds of nasty things the Biden administration is planning. You're going to need to know what to do, how to protect yourself, what loopholes are, and how to use them.

Evan Nappen 31:18

Remember, loopholes are just freedom finding a way. I'm going to fill you in on all that. You're going to want to know. How are you going to deal with things like the next pistol brace ban when they put it back? You know, that's what they're gonna do even though they've withdrawn it for now. How are you going to deal with the executive order by Biden on private gun transfers or online sales of not only guns and ammo but even parts he wants to prohibit? His agenda is insane. How are you going to deal with it? I'm going to help you with all that. So, 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.

32:18

Gun Lawyer is a CounterThink 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.