

Gun Lawyer Episode 18 Transcript

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SPEAKERS

Evan Nappen, Speaker 3

Evan Nappen 00:19

I'm Evan Nappen, and welcome to Gun Lawyer. Today I want to tell you about a really interesting case that I had, and I call it the Case of the Haunted Gun Collection. Now, lately in the news, one of the buzz words, one of the things that the Antis like to push, is they want to ban "ghost guns". Ooh, scary. Ghost Guns. This is like a gun that Casper might have. What are we talking about? Well, they just come up with these pejoratives, fearmongering terms to scare the public. A "ghost gun" is a homemade firearm. We've been making guns in our home since America was founded. Under Federal law, you can build a gun for your own private use. It can't be a prohibited weapon like a NFA (National Firearms Act) gun, but you can build your own rifle, shotgun, or handgun. Now, some states have passed laws trying to ban and prohibit this, and New Jersey is one of them. But today is not about ghost guns as the media and the anti-gunners like to use the term. This is about real ghost guns.

Evan Nappen 01:47

So, let me say I was one day in my office and had an appointment with this couple who came in, and they sit down in the office. The man is average, a little overweight, just a normal looking guy. His wife was a lovely person, wonderful person, but she was absolutely emaciated. She was like a living skeleton. I'm not kidding. She had huge, as we used to say, "coke bottle glasses", really thick glasses and like a skeleton look and man, you know, I wondered like, wow. I, of course, talk with her, and I find out that what it was is she had been fighting a debilitating disease, some type of cancer for many years. She had actually died a number of times and been revived.

Evan Nappen 02:46

She claimed that after her death experiences and being brought back to life, that she became empowered through this with a certain gift that, maybe the underpinnings were there, but this released it, where she was able to communicate with the spirits. She was able to see and communicate and have this ability. Kind of like the folks that you see and hear about that talk with the beyond. And I'm like, Well, okay, whatever. I mean, I'm not gonna argue with her about any of that. If that's what she's saying, that's fine, and like I said, a real nice person. These two, unfortunately, had gotten into an argument and it was a loud argument, nothing physical. But in New Jersey, even a loud argument can be considered harassment, arguably, and domestic violence. So, some neighbor called the police on them, and then the police came. They said, well, they were just arguing, but the police said they have to take the steps and both parties were upset, so that's too bad. They issued a Temporary Restraining

Order (TRO). As part and parcel to just about every Temporary Restraining Order New Jersey issues, the weapons or firearms were seized.

Evan Nappen 04:31

You see, in order to have a Temporary Restraining Order of domestic violence issue in New Jersey, only two things need to be shown. One is that the person who's the plaintiff qualifies as "a victim". Now, that doesn't mean that any determination has been made that they are a victim. No, no, the statute right out of the box just says you're falling into the definition of "victim of domestic violence" if you are a spouse, girlfriend, or someone you have a dating relationship with a common household member or you share the household in that regard. If you fall under that, you've already met the first requirement. Then the second requirement is you have to show what's called a predator, a predicate act of domestic violence, which is a list of criminal-type offenses. They range all the way from homicide, all the way down to the lowest level of offense in New Jersey, harassment. Harassment is a petty disorderly person, and in the domestic restraining order world, the standard of proof is just a preponderance of the evidence, a low burden of proof. What is the essence of harassment? Well, it is essentially doing something with purpose to annoy. That's really all it is. So, I know none of you have ever annoyed your spouse, right? Because if you have annoyed your spouse, well, you've committed domestic violence under New Jersey's domestic violence law, and a restraining order can be issued against you. All your firearms can and will be seized, and that's what happened here.

Evan Nappen 06:09

But you see, these folks had been collecting their firearms together for a while. They had a very substantial collection of antique firearms, probably a quarter million dollars, at least in antique firearms. But the thing that was so interesting here is how they collected the antique firearms. See, I love antique firearms, I love all firearms. As a collector, I look for historic significance, something to the design of the firearm maybe or the history of the firearm or things that are make it a rarity and all these things that collectors love. But that's not how they collected their antique firearms and other weapons too, edged weapons as well. The way they collected was they would go to antique arm shows or even antique shows. If they found an antique weapon of any sort, she would hold it, and if it spoke to her, if the spirits that were possessed in it, if there was this spiritual ghost in what she was holding, and she could communicate with it, ah, that's the weapon they wanted to collect and buy. So, every gun that they had purchased, every sword, every accoutrement, everything associated with this was gathered, because of her communication with the beyond with each of these.

Evan Nappen 07:52

They were very concerned about getting their firearms and their weapons back. All this I can understand, because it's a lot of money at stake there. Right? No question. For that reason alone, but even beyond that, as she related to me, her babies need to come home. They're very upset, and they don't like what has happened to them. We need to get them back as soon as possible. I'm like, well, no problem. I'll be happy to help you. It's what I do. I'll be happy to get these back as soon as possible if we can. We'll fight to do it. So, they retain me to do this, and I said, boy, this is an interesting one. But anyway, I call up the county prosecutor, a friend of mine. I deal with them in all kinds of cases, and I figured this is a new one that should be fun, letting him know the facts about this, right?

Evan Nappen 08:50

So, I get Ray on the phone, and I say, hey, Ray, how are things in your evidence room? Like, I'm gonna joke around about what's going on here. Suddenly, the phone goes silent, and Ray goes, why are you asking me that? And I'm like, "Ray, man, what's the matter? What are you saying?" He continues: "Why are you asking me that?" I said, "Hey, relax, man. It's okay." "No, I need to know. You better tell me." And I said, All right. All right." Why, what's the problem? "Well, are people talking about it? Are people saying things about what's going on? Is this just kidding?" I say, No, no, no. I just called you because I was gonna have some chuckles here, because I have this new case. I'll tell you what she said. You know, it's a very valuable collection. Yeah, I know. I know. I said, yeah, this whole collection, you know. She was telling me how she is in touch with the beyond. They've collected all these weapons because she would pick them up, and if they spoke to her, and they had this, they were possessed in whatever way, that's how they would buy them. So, he's like, "Oh my god, Evan, you would not believe what's going on in my evidence room." "No, tell me - what? He goes, "The lights keep going on and off and on and off. We had electricians, but no one can fix it. The shelves have collapsed on their own, making a disaster. The inventory and our computers are going berserk. We can't figure it out. We're trying to save data. It's insane. I have no idea what's going on." "Well, I guess we do know now what's going on.

Evan Nappen 10:37

He says", Oh, my god, what are we gonna do? We got to get these things out of here. We gotta - I can't I can't function with this. And I said, Well, I'll tell you what, Ray, I know this may be a little unusual, but I think we need to bring her in and let her talk to everything." And he's like, "Get her into the evidence room in the county?" I said, Well, yeah, because it's gonna take a while for this case to move. I know you'll expedite it and all, but it's gonna take some time." He said, "Oh my god, how can I get her in? What can I say? We've never had anybody. How can I bring? "Well, look, man, here's the deal." This is like a quarter million dollars in antique weapons, and they need special care, as you can readily tell. They need special care. Why don't you tell your boss that we need to bring the owners in so that they can tell you how the care needs to be made and help you with the care. And just, address it now." "Okay, that might work. Let me try. Let me see if I can get them to come in and get permission so they can explain how to care for all this."

Evan Nappen 11:44

So, he calls me back. "Yeah. Okay. It's set. Here's the date. Bring her down." It was within a day, come on down, and we can tell you how to do it. Okay, great. So, I go down to the county with my clients, and we go in there and I see Ray. He's like, okay, follow me. We go through the buzzer and all this stuff. It's like, Okay, now we're gonna have her go in the evidence room here where we store all this. She can go in and like, okay, so she walks in, and I'm there and Ray's there. She goes in, and she's like zoning out. She's like zoning out. She's putting our hands around and near and all above and doing all this stuff, totally zoned out to all of them. Ray's looking at me, and I'm looking at him, and he's looking at me, and I'm looking at him and she's just doing her thing. I'm like, I have no idea. Then, after about 15 minutes of this, I'm not kidding about 15 minutes of this, it seemed like an hour, she turns around and says, "Okay, they've all agreed to behave themselves, and they won't do anything else. But you have to make it so that they come back as fast as possible." Ray's like, "yeah, no problem. We're gonna extradite this ma'am. We're gonna expedite, don't you worry. She's like, Okay, and she just walked out of there. I'm looking at Ray, and said, "Just get that order done as soon as possible. Let's get it to the

judge. Because that's what we need to do if you want your evidence room back." That is a true story and actually how it went down. So, I guess sometimes if your guns have a little bit of a spiritual in possession by the beyond, it may actually aid in speeding the return of your property. When we come back, I want to tell you about one of the biggest monstrosities of gun control ever proposed.

Speaker 3 13:46

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, the deck is already stacked against you. You can find him on the web at Evan.Nappen.com or follow the link on the Gun Lawyer resource page. Evan Nappen - America's gun lawyer.

Speaker 3 15:01

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Evan Nappen 15:16

Hey, I get great emails from listeners, and I love to read them. If they're ones of interest, I like to go here on the show and talk about them. I have a couple here that I think you may find interesting as well. This one is from Paul - regarding a Firearm Purchase Denial. Paul said "He received a denial for a firearm purchase in Maryland. I challenged and sent expungement compliance file showing my record was expunged from the 1975 incidents." So, this is over 40 years ago. He said he was arrested, went to court for an assault charge, and received one year of probation. The Maryland State Police sent him his HQL license and said his record is clear, and he could legally own a firearm. But then, NICS (National Instant Criminal Background Check System) sent a letter that they don't care about state's rights. They don't recognize the expungement and that he could not purchase the shotgun. Is there anything legally that he can do to get his rights back? Because the incident itself happened 47 years ago, no weapons involved, and I have nothing on my record since.

Evan Nappen 16:20

So, this letter really shows a couple things. Number one, the absurdity of the prohibition of folks with criminal records because there's no time limit. You've got guys like this with one incident where it wasn't even incarceration from 47 years ago. He's being barred from exercising his Second Amendment rights. Here's a guy who went above and beyond and even got an expungement, which is clearing his record. Yet the Feds aren't recognizing it. Now he doesn't say whether he got an expungement in Maryland or if it was from New Jersey, but I'll tell you, a New Jersey expungement clears the record, and it's legally deemed not to have occurred once you have an expungement and more importantly, Federal law. That's what the NICS is based on - Federal law. Federal law expressly

recognizes state expungements as clearing an individual for the "felon in possession prohibition", or felon prohibition, if you will, under Federal law. So, I don't understand why NICS is not recognizing his expungement unless the expungement maybe was done in Maryland or some other jurisdiction where the expungement doesn't fully restore one's civil rights.

Evan Nappen 17:42

It removes the conviction that has a rights restoration, because the feds look at whether you have your Civil Rights restored. Do you have the right to vote, do you have the right to hold public office, do you have the right to serve on a jury and have all these rights been restored, and therefore your Second Amendment right is restored? then they're supposed to recognize it. Unfortunately, without any more information, I can't specifically tell you why NICS would deny him. Also, it could be that they're just dumb asses, which plenty of them are. It could be just a blatant mistake. So, the thing to do is to file the appeal with NICS. They said that they're essentially not recognizing the expungement but send in the appeal and fight it out. Maybe you'll get someone with a brain who may realize that, in fact, they are mistaken and reverse the NICS denial.

Evan Nappen 17:46

Here's another email from a listener. It is regarding a New Jersey pistol permit. See in New Jersey, you need a Pistol Purchase Permit for every handgun you want to purchase or acquire. New Jersey has to have a separate permit per handgun, which is also the form of register. Victor says, "Hey, Evan, huge fan for many years. I love the podcast so far. I listen every Sunday morning before the Gun for Hire radio (which is our friend, Anthony Colandro, who does a great podcast at Gun for Hire radio). I love the style in which you present and how you start out with the episodes with the story. I'm really enjoying the podcast." Thanks, Victor, I'm glad you are.

Evan Nappen 18:41

Meanwhile, examine and see from the attorney who did your expungement in that jurisdiction, what the expungement is supposed to relieve. Make sure it isn't one of the type of rights restorations that are incomplete and still leave you barred. I'll give you an example. In Massachusetts, they don't offer an annulment or expungement or even a waiver of disabilities, but they do offer a "sealing". You say, wow, I can get my record sealed. That's pretty good. But MA only does the sealing for effect on employment. It specifically does not cover gun rights. So, if you think your record has been sealed and you're okay in MA, you're not. Unless it's something like that. But it's definitely worth exploring and fighting. You've got to fight. You can't let the bureaucrats win.

Evan Nappen 20:18

Anyway, here's my question. He says, "Can I get in trouble for not filling in my employer's name on my pistol permit application? I'm not using my firearms for work. So, why does my employer need to be on the application? Last time I was actually harassed by the company I work for as to why I was being investigated for permits. So, trying to avoid the headache." Unfortunately, New Jersey is an example for all the rest of the country of what you never want to have happen in your state. In New Jersey, they are allowed to ask who your employer is. What relevance does that have to your ability to have a gun? None, but it doesn't matter. When you list your employer, the employer is called by the police, as happened to this fellow already, for investigating for permits. Now, your privacy about your firearms and

acquisition doesn't exist. The employer is now thinking, why does this guy have a gun? Maybe the employer doesn't understand guns, and it can have all these ramifications. Look, they know it - the state knows it. Yeah, they want to contact your employer, and they want to cause trouble for you. They want to put yet another barrier between you and your ability to exercise your Second Amendment rights. So, all of these requirements, including the employer requirement, are there to be hurdles to stop you and slow you down. That's all these licensing matters do. Do you think employment information on a gun application has anything whatsoever to do with crime? No, not at all. It has to do with gun owner harassment. That's what it's about. The same when they have mandatory training, all these requirements, waiting period, one gun a month, everything in place - discourage, discourage, discourage.

Evan Nappen 22:23

So, unfortunately, in New Jersey, you do have to list your employer, and you are subject to them contacting and questioning because they always do it because they "have to do a full investigation." Yeah, that's always the excuse - full investigation means hounding your employer about your employment and everything else that goes into that "full investigation". So, it's a New Jersey issue. It's a New Jersey problem. If you don't live in New Jersey, keep this in mind. You don't want this ever to come to your state. New Jersey is a shining example of what you never want to have happen.

Evan Nappen 23:07

That's a lead in, in a minute, to what we're going to talk about because one of the most outrageous monstrosities of a gun bill ever proposed, has been filed Federally, and I'm going to tell you all about it. But what I want to mention to you, and this is important, just like Victor and Paul have been communicating, it's really vital that I'm able to communicate with you, and the podcast is one of the great ways. But also, I really want to you and your friends, my brother and sister gun owners, from becoming law-abiding criminals. That's what I call them. Because they're law-abiding folks where gun laws turn them into criminals. Tell your friends to listen to Gun Lawyer radio. Visit my website at Gun.Lawyer. What would really be great is if you take a look at our Inner Circle on the website at Gun.Lawyer. The Inner Circle is where you sign up, and it's free. It is going to be our private way to communicate. I'll be able to give you the Inner Circle tips, tricks, and insight. We're gonna have some fun as well. So, sign up, it's free, go to Gun.Lawyer and join our Inner Circle so we can maintain this communication. Because, you know, big tech, they hate and they're out to get us. They just shut down the Virginia Defense League on Facebook, without even saying why. They just shut them down. We're seeing this over and over again. Attacks on pro 2A voices through social media and big tech. So, this is one of our ways to insulate and protect ourselves and our ability to know what's going on in these very challenging times that we're in. We're gonna have big issues coming up here. Executive Orders are coming from the White House, and you're going to start seeing Executive Orders on guns, you can bet on it. You're going to need to know what you have 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. So, subscribe to the podcast, join the Inner Circle, and help me get the word out. I'm really depending on you to do that.

Evan Nappen 25:28

So, what is this threat, the newest outrage? It is a bill that's been filed Federally by the infamous Sheila Jackson Lee, a Congresswoman from, if you can believe it, Texas. She must be the biggest

embarrassment to Texans that you have this Congresswoman proposing the most insane, draconian, gun law bill, I've ever read. And that's saying something because I've been at this for over 30 years, and this bill just takes the cake. It probably doesn't have a great chance of success. Although, we may see some version of it, if there's some atrocity committed, some horrible atrocity. Notice, I don't call it a tragedy. The media say, "It was a tragedy." No, it's not a tragedy. It's an atrocity because tragedy implies that we somehow brought this on ourselves. We didn't do that. We didn't make that person a mass killer, a murderer. It is their responsibility. They're the ones that did it - not law-abiding gun owners. So, they're atrocities, and all it takes is some atrocity and lo and behold, the blood dancing begins. Blood dance, wahoo, all over the place. Before the before that blood is dry, there are shouts for more of our gun rights to be taken away. How many times have we've seen that pattern? The bill is now pre*filed, just waiting for whatever they can capitalize on.

Evan Nappen 27:24

Let me give you some highlights about what this bill, HR 127, does? Well, first of all, it carries penalties of up to \$75,000 and 15 years in Federal Prison. It will create a mandatory requirement that every gun owner has an \$800 insurance policy. That doesn't mean you're insured for \$800. It means that the policy is going to cost \$800 and is going to be run by the Feds under this bill. Isn't that nice? I'm sure it'll be just as great as Obamacare, maybe better. So, you'll have your \$800 required insurance policy before you can even own a gun. This bill mandates that every single firearm in the United States be registered. Can you imagine this now, even trying to do this? Just in the month of January, it was a record gun-buying month. According to FBI NICS, there was 4.3 million NICS transactions in one month. With 4.3 million NICS transactions, it could have been more than one gun on those transactions. And that's just one month. Think about how many firearms are in the United States. I've heard estimates anywhere from a low of 300 million, which is ridiculously low, to upwards of a half a billion firearms.

Evan Nappen 29:23

Anyway, the idea is to require registration of every single gun, and there's no grandfathering, no exceptions. The list of the registration must include make and model, the serial number, the owner and, get a load of this, the date acquired, where the firearm is and how it will be stored. That's great. I couldn't tell you when and where every gun I got from whenever I mean, who knows who's reading it. You have every single Come on. Then it's going to have to be in this registration database, and get a load of this, the registration database by law will be public. So, anybody that wants to get a great shopping list, can jump on this public database and find out where every gun in America is kept. You can be subject to theft and home invasion. Hey, what a great thing for America, too.

Evan Nappen 30:39

If you ever watched a movie named "Red Dawn", okay, and I don't mean we're gonna have a Red Dawn, but who knows? There's one great scene in that movie where the invading leader says, "Okay, go find all the 4473 so we know everyone and where their guns are." So, they can round them up. Remember, John Milius, who wrote "Red Dawn" was very much pro-gun, and he was even an NRA Board Member. Top writer, producer, and director. He made great movies, many of our favorites: the original Dirty Harry, Apocalypse Now, Jeremiah Johnson. Even Conan the Barbarian, right? The list goes on.

Evan Nappen 31:29

Well, they don't have to do that now. It will be so easy. Here's a database that lists every gun in America, where it is, and how it's stored. How nice. Talk about going against the absolute basis for the Second Amendment and why our founding fathers put it there. You not only have to do that, but if you lend a gun, you have to identify the person to whom it's going to be loaned and for the time period. By the way, that's all undefined. If you don't provide this information within three months of the bill passing, you are in violation, and you're looking at big time Federal charges. For any newly acquired firearm, you're gonna have to do this. The Attorney General is given all the power to build and maintain the database. Isn't that nice. The content, as I said, is accessible to all members of the public, all federal authorities, all branches of the Armed Forces, and all state and local governments, as defined by BATF.

Evan Nappen 32:43

In order to even get permission, by the way to own any firearm, you're gonna have to be 21 years old, have to get a background check, and get ready for this, folks, you're going to have to go through an unspecified psychological evaluation. Yes, and they're going to have to determine that you're not psychologically unsuited to possess firearms. Imagine that. So, please tell me what psychiatrists are going to be doing this for the millions and millions of people in three months, by the way, that are going to have to get this? They're going to be all set to say, "Yeah, you're good for guns and not worry about the liability if they happen to be wrong about somebody either, right? I'm sure it's gonna be easy. And of course, I'm sure they'll do it pro bono, right? No, you're going to be paying, and that's if you can even get that, but you're gonna need it. Then you are going to have to take an Attorney General approved course in gun use, safety and safe storage. Do you know how many hours of training you're going to need before they let you get a gun? 24 hours of training. That's not just one day of training, that's 24 hours each hour counted. That's days and days of your life to get that done.

Evan Nappen 34:13

Then you're gonna have to have proof of that insurance policy that's going to cost you 800 bucks, at least. If you just want to display, this is actually in the bill, folks, if you want to display an antique firearm, there's a whole bunch of conditions just to display a wall hanger, that old percussion double you hanging over the fireplace. Good grief. The whole psychiatric test gets designed and standards created by the Attorney General, and who we're talking about here is the Biden administration Attorney General. I'm sure they are going to be very pro-gun in their approach, right? Yeah, I can just see it now. I'm sorry, I forgot to mention that at the psychologist's discretion, they can also require all the other members of your household to get evaluated, too. So, you want to exercise your rights, and now your whole family has to be subjected to psychological examination and approval.

Evan Nappen 35:27

If you were ever hospitalized for any mental problems or drugs or alcohol or anything that endangers yourself or others, you're done, you're done. You are denied, again. By the way, your license can easily be suspended or revoked if you in any way, let that insurance policy go. This is all unbelievable, and it shows the contempt, the absolute hatred of us, and disregard of our Second Amendment rights. Also, the license only lasts for five years. It has this bizarre timeframe where it seems like it was issued less

than five years. Then you have to do some kind of crazy renewal, and it looks like you're gonna just be perpetually getting licensed. It's insanity.

Evan Nappen 36:31

On top of that, there's special requirements, of course. There is a so-called assault weapon ban built into it, and magazines over 10 rounds are all going to be banned. They're gonna end up pushing this thing that has no effect, nothing to do whatsoever, with the commission of a crime. This is a law solely focused on law-abiding citizens to be the biggest hindrance, biggest amount of problems, basically, taking New Jersey's ridiculous standards, and making it national and even worse. When I can say that a Federal bill is actually worse than New Jersey's law, I think you get the picture of how bad this is. They're going to repeal the ban on making a central firearms registry, just to avoid this issue and problem. They're gonna just repeal that ban. Oh, by the way, there's just an outright ban of 50 caliber ammo. Banned. Done. Doesn't matter. If you own 50 caliber or greater ammunition, it's just contraband. Prohibited. Done. And, of course, there's going to be exemptions of some sort for what they call, "the proper authorities," but that's not figured out or defined yet. So, there'll be plenty of flexibility for the folks of the elites that they need to give special exemption for, but not you and me. Not the average law-abiding citizen that cherishes the Constitution and their rights. The contempt is just outrageous, and it shows you that somebody who is this willing to walk all over, ignore, and destroy the Second Amendment, you really can't trust them on any other of our rights.

Evan Nappen 38:53

Why is this person is even serving in Congress? It is outrageous, and the constituents there need to know what this is, and how their rights are being affected. To try and make this happen nationally, is a disgrace. Congresswoman Sheila Jackson Lee has been awarded numerous times (you can Google this) as being the meanest congressperson. Believe it or not, the meanest; the worst one to work for; the meanest, most horrible person to work for, and I think her personality is coming out in this bill. Exhibiting the absolute hatred for the Second Amendment and for law-abiding citizens and our rights. This is something that we have to stay vigilant about, and as this progresses, I'll make sure you stay aware of it. But till then, this is Evan Nappen, reminding you that gun laws don't protect honest citizens from criminals. They protect criminals from honest citizens. Hear that Sheila - keep it in mind.

Speaker 3 40:03

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