

Gun Lawyer Episode 22 Transcript

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SPEAKERS

Evan Nappen,

Evan Nappen 00:20

I'm Evan Nappen and welcome to Gun Lawyer. Well, today I want to share with you one of the legendary stories of my life. Yes, this story I'm going to tell you is Evan Nappen Legend. Although it's not exactly a law case, it took place when I was going to law school. I lived in New Jersey, down on the shore, and I went to New York Law School, which, surprisingly, was in New York. The way that I would get there is I would take the New Jersey Transit train, which we called the silver snail, and we would take the silver snail to Newark, Penn Station. Now Newark, Penn Station is an old, actually kind of nice architecture, and they are restoring it more now. But it was a 1935 era train station, and it's the main station very, very busy. We take it to Newark, and there, I would grab the Path Train. Now the Path Train was the Port Authority run subway, if you will. The Path Train would run from Newark, New Jersey, making a number of stops, but it would go to amongst other places, the World Trade Center, which of course no longer exists. I would get off underground at the World Trade Center. Then I would walk underground, through the New York subway system, and come up pretty close to where New York Law School was. That's how I would commute to law school in the day. That worked out fine, and, you know, law school is quite a challenge. Anyone that's gone through law school, I'm sure will confirm the challenge that I faced. It's not like really any other educational experience. I call it boot camp for the mind. That's what law school was like.

00:20

Evan Nappen 02:33

The problem was that on Wednesdays, I had every law class. We had a full schedule, but on Wednesday, it was every class. When you are in law school, you have to bring your law books with you. I couldn't leave them in a locker. I had to bring them home to read and study, and then I had to lug them to school. These things were heavy. I mean, they were really heavy, and you have a book bag. It was more of a luggage bag that would hold all the books, and I would have to lug these things onto the train, off the train, walk to the school. It was a really heavy load. Many of the folks, smaller frame men and women that attended law school, couldn't handle it. I didn't blame. They would actually rip the books up into sections. So, they would only have to carry the sections of the book for the classes. They just destroyed them all because it was so heavy to lug the whole books.

Evan Nappen 03:32

So, you're there in law school, and it's very exhausting for the day. You have to be on because law school isn't like regular school. When you're in law school, the teacher could just call on you, out of the blue. Have you ever watched the show Paper Chase? That's what it was like. The teacher just calling on you, and you better know the case, the facts, the law, and be able to answer the questions. You're put on the spot, and you never know when you're going to get picked. So, you have to be ready and on for any time when this is going to happen. It's called the Socratic method, and this is what they do. It's a very interesting experience. Nothing like college, and you have to be on your toes.

Evan Nappen 04:12

After a day of that with all your classes, of all the stress and dealing with this, then you head home. I am pretty tired to be honest. I had a full day of abuse, and I am ready to go home. I'm lugging the book bag, full of books, and it's like, get on the path train and take it back to Newark Penn Station. And I'm in a mood. I'm just tired. I don't really want to talk to anybody. I just want to get home and not be bothered. I've had enough. So, I walk up to the convenience stand there where they sell all kinds of garbage, and I buy a bag of Doritos (you know, real good health food) and a Diet Coke (again, great health food), and a newspaper. Probably a New York Post at the time or some schlocky paper just to try to relax.

Evan Nappen 05:14

I took my goods, and in Penn Station Newark, they have these beautiful, beautiful, they really are, wooden benches from the 30s. Not like stuff made today. They are a double bench, back-to-back. They're made of this gorgeous wood, carved and high backed. When you sit in the seat, it's kind of in the back, it kind of rolls around and a full back of wood comes up all solid. They're kind of somewhat long benches so that more than one person could sit on them. But normally, unless it's crazy busy, you could have one of these benches to yourself. Most people will leave me alone and that's fine. So, I sit down on one of these great 1935 benches at Newark Penn Station, and I put my stuff down. I set it down and grabbed my Diet Coke. I'm cleaning the lid, you know, everything's grungy, right, and we got to do that. I'm just going to take a sip, relax, and wait for the silver snail to finally get there. So, I can grab the train and head on home.

Evan Nappen 06:26

While I'm sitting there, just getting ready to enjoy some peace and Diet Coke, this guy sits down right next to me on the bench, right next to me. I'm like there are other benches. Why does this guy have to sit next to me? But he sits right next to me on the bench. I'm like, okay, just don't start a conversation. Just leave me alone. I can't believe it. So, the guy sits down right next to me. Oy, vey . So, there he is. Next thing he reaches over and grabs my bag of Doritos. He opens it up and starts eating my freakin Doritos. Now let me tell you. I'm in no mood to deal with anybody. No less somebody stealing my bag of Doritos. He puts them back down on the bench between us. And I'm mF and I'm in my mind, you know? And I'm like, you know what. I'm going to show this guy that these are my Doritos, and I'm going to make it clear to him that they are mine. I reach in and take this honkin giant handful of Doritos. I crunch them, chips are flying, as obnoxiously as I could. This giant handful of Doritos, to send a message to this guy, back off, they are mine.

Evan Nappen 07:44

After a moment of silence, this jerk takes some more Doritos out of the bag. I can't believe it. I'm like, I'm not saying nothing. You know what? We'll share our Doritos. I reach in, and I take some more. He takes some more, and we finished the bag. I'm like, I can't believe people today. I'm just flipping out in my mind. But I'm so tired. So, the guy gets up, and he goes away. I'm like, you know, this is ridiculous. What else do I have to put up with. This is just absurd. I'm thinking, you know, just grouching out here. I lift up my newspaper and underneath is my bag of Doritos. Oh boy. At which time, I said oh my god. What? Whoa. I'm thinking to myself, what must this guy be thinking? He sat next to me, and some big obnoxious guy just decided to take chips out of his bag and eat them as obnoxiously as one could eat them. He must have been in a state where I'm not talking to him either. And we share his bag. I'm like, oh man, this just has crazy thoughts running through my head on this. So, folks, let me tell you that is the legendary Bag of Doritos story. And it lives on.

Evan Nappen 09:19

What it taught me was don't assume. Don't assume. It really is true. Even when you absolutely think you know something, many times you don't. It's not what you actually thought. Don't jump to conclusions. So many times, in the practice of law, I see that problems occurred because people jumped to conclusions. I cannot say how many times I see law enforcement jump to conclusions. They end up charging the wrong person. They jump to conclusion that something is unlawful when it's not. Instead of the traditional way of investigation where you gather all the evidence and then decide what the evidence shows you, many times law enforcement immediately get a view that this guy's guilty. They think this guy's got it. Then they try to get whatever they can to prove what their suspicion is. That's not how it's supposed to work. You need to look at all the evidence and don't make assumptions.

Evan Nappen 10:30

As a practicing attorney, I can't make assumptions when I read a charge or police reports. You need to question and make sure with a client. Let me tell you, no one knows the case better than the client. And so, don't make assumptions. This is why it's so important when you have representation that you communicate thoroughly with your attorney and that he understands the reality of this. Many times, if mistakes are made, it's because of bad assumptions and misunderstandings of facts of the circumstances. Once you get those things straightened out, suddenly, it becomes clear as to what the truth is, and it gives you strength in your arguments.

Evan Nappen 11:19

Even in your personal life, don't jump to conclusions. Family members and others do things that might annoy you at first. You're like what, that can't be. But if there's actually a really legitimate reason behind it and if you don't jump to conclusions and find out what's going on, you can, first of all, not make a fool out of yourself. Second, you maintain peace and harmony and get more respect because you didn't jump to conclusions. I've seen this over and over again, even in my personal life.

Evan Nappen 12:00

As a matter of fact, many years ago, there was a family member, a young family member, and I had parked with permission a car that I'd recently acquired. I was able to buy a used '67 Road Runner, an old muscle car. I thought this was great, and I asked my mother-in-law who said I could park it here, no problem. I put one of those locks on the wheel and on the brake. You don't see those sold too much

anymore. It locked the brake and the wheel together with one of those bar locks. Just because the door locks really didn't work on the thing, and you could easily jump one of these if you needed to. So, that's what I did.

Evan Nappen 12:53

I came back one day, and sure enough, the bar is pulled up, tearing the break upward and kind of threw the pin on the brake so it's upward. I'm like, who got in my car and ripped this thing upward? Crap. I'm like what? So, I go in and this family member says, "Well, you know, the kid next door, I saw him around your car. I saw him doing something." This kid next door had kind of a bad reputation, but I didn't know personally whether he did, but he kind of had a bad rap. But you know what? I didn't jump to conclusions. I went over there, and I talked to the parents. I said, "hey, did your son sit in my car? Did he do this? or whatever? And the kid said "No, man. No, not at all. I didn't touch it. I didn't go near it. As a matter of fact, he said where he was for the day and everything. And you know, I believed him. Honestly, I don't think it was him.

Evan Nappen 13:48

So, I went back to the other family member who had ratted this guy out, and I gave him the third degree and guess what he broke? And he said, "Yeah, it was me. I did it." I'm like you what and then trying to pin it on your neighbor no less. So, I was really annoyed with this guy, and I said, "you're coming over now and you're going to apologize to your neighbor for setting him up." And I brought him over there, and I made him apologize for doing what he did and setting up this kid. I'm glad I didn't jump to conclusions. Very glad I didn't do that. He apologized to him, and you know, later, the parents came to me. They thanked me for not blaming their son and not just going by what others said. They really truly appreciated that I got to the truth, got an apology, and actually helped both of these folks out I think in the long run. They learned a lesson from it, and this is a lesson to take away. Don't jump to conclusions. Get all the evidence. Get all the proof here. All the sides. Keep your life well balanced.

Evan Nappen 15:02

When we come back, I'm going to be talking to you about a big threat that is Federal. And it's an active threat. And it's legislative and you're going to need to know so you know what to do to protect yourself.

Evan Nappen 15:19

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, the 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.

Speaker 3 16:34

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Evan Nappen 16:50

Hey, one of the things I want to talk about is on the practical side. I am a huge fan of Mitch Rosen Holsters, and Mitch isn't paying me to say this at all. I'm just telling you that I am so impressed. Have you ever seen a Mitch Rosen holster? It's the best. Lately there's been a big boom in holster makers and trainers and all kinds of stuff, but Mitch has been around since 1991. He calls it extraordinary leather, and it really is extraordinary. I just got my carry rig, and I've had a number of them. He just made me a beautiful, beautiful holsters. What makes it so great is the way the holsters hold the gun. What does that mean? Well, I'll tell you what, the Mitch Rosen holster is fitted to your specific handgun. And the way that it's fitted, it holds the gun without a keeper strap being needed. This way you can easily draw your firearm. Yet when you reholster, it remains open. It doesn't close. It remains open for the re holstering very easily, and it's almost like magic because it's so fit to the gun.

Evan Nappen 18:23

As a matter of fact, when you get a Mitch Rose holster (I just broke my new one in here.), he gives you a great product called leather lightening. It's something he developed, and what you do is you put it on the holster. It can't hurt the holster or the gun, and it helps it break in the leather to fit your gun. It's such perfection, and I just have to say check out Mitch Rosen. Call him if you want to treat yourself to the best. I highly recommend Mitch Rosen, and it is made in Manchester, New Hampshire. All of the materials are American made, and it's all handmade right there in New Hampshire. What a great holster maker, and I've had Mitch Rosen's holsters now for many years.

Evan Nappen 19:10

I had my gun in my Mitch Rosen holster, and we had a huge snowstorm. After the plow guy came through, the snowbank went all the way up to the top of our post for a light in our driveway. That's how high it was. So, I figured well, the light was out and here's a chance to easily get up there and change the bulb. Why not? So, I walk up there, and I fall backwards off the hill. It was great. I wish I was on video; it would go viral. Wonderful. I fall backwards. My glasses, my wallet, my keys - everything on me falls out except the gun in the Mitch Rosen holster. Yet I can instantly access it and take it out. and I was really impressed by that. It was just incredible. So, really, check them out. I'm not kidding, what a great product at Mitch Rosen.com. He does a lot of work for all the top professionals and he also works with companies where he does orders for them and other operators and whole history. They're really fun.

Evan Nappen 20:22

The other thing I want to mention to you is, I'd like you to really take a look at my website, which is Gun.Lawyer. You all know how we have .com . Well, I have a dot lawyer, and its Gun.Lawyer, www.Gun.Lawyer . You can visit my website at Gun.Lawyer. What I would really like you to do is take a look at my Inner Circle. I want you to join my Inner Circle, because when you join that, then I'm going to be able to communicate with you via email. When Big Tech tries to shut us down, which of course you know they're doing, and free speech is going the way of the dinosaur here in the US. They're going

after not just our Second Amendment but also our First Amendment rights. This is a way for us to maintain in contact. So, I can keep you apprised and alert as to what's going on. I'll give you tricks and tips and insights and loopholes. Also, we'll have some fun. So, sign up, it's free. It's absolutely free. Sign up for my Inner Circle. This helps me communicate with you. It is vital that we continue this. You know we're going to see some bad executive orders, and all kinds of nasty things. That's one of the things I want to talk to you about now. So, sign up for the Inner Circle, and please subscribe to the podcast, rate us and help me get the word out. That all helps.

Evan Nappen 21:46

Right now, we have a threat, and I want to talk to you about it. We have a threat in the Federal arena. Now, I'm sure you remember that we talked about H.R. 127 (Sabika Sheikh Firearm Licensing and Registration Act), which is that ridiculous, absurd, draconian, anti-gun bill by Shiela Jackson Lee. It's just an absurdity. That bill is not on any fast track. We'll see. It's still there as a danger, but it's not being fast tracked.

Evan Nappen 22:17

But I'll tell you what is being fast tracked right now. It's going to be voted on in the House very shortly, if not already. It's just zipping through. They are going to have a big battle in the Senate over this bill for Universal Background Checks, what I call UBC. (H.R. 8 - Bipartisan Background Checks Act of 2019).

Evan Nappen 22:39

Now, you may say what is UBC? What is Universal Background Check? In a nutshell, it's two things. It will end virtually all private sales of firearms throughout the entire United States. And what does that mean? It means that UBC is really gun registration in sheep's clothing. Because once there's Universal Background Checks, every transaction has to go through a dealer (FFL). That means a record is made, and therefore, every gun then becomes traceable. Right now, when you buy a gun through a dealer, that's what's needed to make your initial purchase from a dealer, but private sales through the majority of America is still allowed. There's no mandatory registration. But this will create a de facto registration, which is extraordinarily dangerous. Because I'm sure no one doubts when I say they want to take our guns. In the past, they always denied it. "Oh, we don't want your guns. We just want reasonable registration, reasonable legislation, reasonable this . . .". Yeah, of course. It's all a lie, and we see the truth. Just look at Sheila Jackson Lee's bill (H.R. 127) and other proposals and everything these radical gun rights takers want to do.

Evan Nappen 24:07

So, we don't want to fall into that trap, where we allow Universal Background Checks because it will mandate and create a de facto ability for gun registration. It is also a giant pain in the neck for individuals that will want to transfer a gun. This bill would essentially make it illegal for you to let any other person have a firearm. If you just hand a person your gun, you're going to be in a Federal violation for doing that. It will criminalize so many honest citizens. It is bad, bad news. We need to fight UBC.

Evan Nappen 24:56

By the way, background checks have never stopped criminals. That's not what it's about. The background check system, which is why dealers do it, actually creates a protection for dealers so that they don't knowingly sell to a prohibited person. It isn't supposed to be some magic solution to stopping criminals from getting guns because it doesn't do that. It stops criminals and prohibited persons from buying guns from dealers legally, that's what it does. But it is not some magic gun control scheme. If we extend it beyond what its original purpose was, then we face these other threats and also expense.

Evan Nappen 25:43

It always seems the anti's want to put any kind of burden they can add to our guns. Whatever it may be, you know, end private sales, and they have to go through a dealer and all that. Another burden add requirement after requirement, and law after law, and just salami tactic us to death, even given a best-case scenario. That's what they're up to. Unfortunately, I believe that it is much more nefarious than that. But either way, we cannot have and accept UBC - Universal Background Check. We have got to fight this. We have got to stop it. You need to let your legislators know. The bill is H.R. 8, and it was introduced by a Democrat from California, big shock, Mike Thompson. So, H.R. 8. Let your representatives and your senators know that you vigorously oppose this bill.

Evan Nappen 26:40

At the same time, they want to mandate universal background check, there's another bill, a companion to this. They're pushing to eliminate the NICS (National Instant Criminal Background Check System) ability for a firearm to be transferred after three days of delay. Many of the NICS and state POCs that work hand in hand, their Point of Contact with the Federal NICS have been overwhelmed with background checks. The delays are just days and days. It is horrible. So, the Federal law has a failsafe that if your purchase has been delayed for more than three (3) days, then the dealer under law is allowed to make the transfer to you.

Evan Nappen 27:29

Well, the anti's want to extend that in the companion bill to ten (10) days. Ten days to deny you your right to have a firearm because the bureaucracy can't do its job. It's outrageous. Just think about it. When you fill out a 4473, you are swearing to the truth of those answers under a penalty that's criminal, that if you lie, you're looking at 10 years exposure in Federal prison. So, if you tell the truth on that and you have no disqualifiers and they're running a NICS check, why can't they transfer the gun to you? Why do you need to wait an additional 10 days on top of it? Shouldn't there be a presumption that you're filling out a form truthfully, especially with the draconian penalty that you might face if you did not? Absolutely.

Evan Nappen 28:24

So, UBC mandates not only the background check, but also that it goes through a dealer. It would be one thing, maybe even different, if individuals could call up and just do a background check on an individual that wanted to buy a gun. So, let's say I want to make a private sale in a state where I'm allowed to make a private sale. But before I sell it to this person, I'm given the ability for me, personally, in my house, or on my farm, or my ranch, miles and miles away from the nearest gun dealer that I could call in, give the information from a licensed person and just check. They can tell me, he's okay. Here you go and approve it. That would be between him and me and an approval. But that's not how it

works, folks. Oh, no, no, no. It mandates everything goes through a dealer. And what does that mean? That means that a dealer enters the gun into his bound books, which makes a preserved record of it. Then he enters them out in a disposition and that now records it. You have the form as well which will have to be done on every firearm transaction in the United States.

Evan Nappen 29:35

Have you ever watched "Red Dawn", classic movie, John Milius? Great writer, director, producer, etc. One of his really fun movies. Well, I'm sure you remember seeing that he wrote into that, where the Cuban commander orders the invaders, go to the gun store and gather up the 4473s so they can see who has the guns. Now look, I'm not saying we're going to be invaded by Cuba or we've got to worry about that. But what I am saying is, it does make that record. And that record can be accessed by enemies, both foreign and domestic. So, we don't want that record there of every gun. And yet, that's what UBC does. That's exactly what it does. So, that's a danger that we have to avoid. We need to be vigilant and be aware of it and stop the federal gun law by being an activist and contacting your rep and your senators to make sure that we fight this. It is vital to our gun rights.

Evan Nappen 30:43

Well, folks, this is Evan Nappen, reminding you that gun laws don't protect honest citizens from criminals. They protect criminals from honest citizens.

Speaker 3 30:56

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