

Gun Lawyer -- Episode 33 Transcript

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SPEAKERS

Evan Nappen, Speaker 3

Evan Nappen 00:21

I'm Evan Nappen, and welcome to Gun Lawyer. I don't know how many of you are on Facebook, but I bet a lot of you are. Facebook is problematic, to say the least when it comes to talking about our issues, and it's hardly a great bastion of free speech, that's for sure. I can't tell you how many times I've been put in Facebook Jail, good grief, and not for doing anything but making political speech. But you see political speech is not part of their so called "Community Standard", even though it is part of the First Amendment, but who cares about that, right? So, this is what we deal with. Facebook is very harsh in how they regulate, cut people off, silence people, and ban them and all these things for what essentially becomes political speech that they do not like.

Evan Nappen 01:15

The argument goes, "Well, they are a private company. They can do what they want." Maybe they can; maybe they can't. The thing that is really annoying to me, and it directly affects gun owners, is that Facebook allows these video advertisements to appear in your feed once they know that you like to look at gun stuff. The limited gun stuff they allow even to go on there. They allow video advertisements to buy products from Communist China. The Chicoms are selling items that are illegal and prohibited under the National Firearms Act. It is outrageous.

Evan Nappen 02:11

Individuals purchase such items, not realizing they are illegal, and when it comes in from China, it gets intercepted by Customs and Homeland Security. They do a "controlled delivery", and then search and arrest you for possessing this unlawful item that Facebook allows to be regularly advertised on it. Imagine if Facebook let the Chinese Communists run video ads to order an energy supplement from China that happens to be cocaine. It is an energy supplement, and it will come right to your door. Think that is okay for Facebook to have those kinds of sales online? Of course not.

Evan Nappen 03:07

Well look, Facebook has a video ad for an auto sear for a Glock. We are talking about a drop-in, replace the backplate, push button, auto sear. Any person can switch out their backplate and drop this auto sear in, and it turns your Glock from semi auto to full auto. It makes your Glock 17 into a Glock 18. Just that piece alone is prohibited as a Machine Gun under the National Firearms Act. Yet, every single time I am scrolling through the newsfeed, there is the ad to sell this backplate that even says Glock on

it. They are even putting Glock's logo on it and selling this piece like it is legit. It is complete contraband, folks. Complete contraband. If these things are ordered and shipped, they are going to be tracked, and you are getting busted. You need to know that you cannot order these. As a matter of fact, one of their gambits, the Chicoms are selling this thing to go on Soft Air Glocks, but amazingly, it fits real Glocks. I mean, good grief. It's absurd.

Evan Nappen 04:38

What are some real cases that have occurred from this? Well, there have been a number of people. I have a case right now, the Moran case, where my client ordered solvent traps. Sorry. That's the other Gambit. This case is about fuel filters. Fuel filters are alleged to be silencers, and Homeland Security did a controlled delivery. Guess how they were bought? From the Chicoms via a Facebook ad that is constantly being shown. So, Facebook is aiding and abetting the Chicoms by taking their money and putting these ads into their platform that set up otherwise law-abiding Americans to be raided and arrested for the unlawful sale of goods by China.

Evan Nappen 05:40

In the Moran case that we are fighting now, he then got charged with counts by the State and with Homeland Security all involved in this. He is not the only one. Recently, there was such a case out of West Seneca, New York. In that case, John Andrews bought the same thing that my client, Moran, purchased. And guess what? There was a controlled delivery, and they raided and charged him with "ghost guns", the silencer and all this stuff. But Andrews' gun accessory was a solvent trap as opposed to the fuel filter Gambit. The solvent trap is how they set him up and went after him.

Evan Nappen 06:43

What I really find interesting in this case is what the Court said. The Court knocked out all his charges because of the search being bad. What the court found was a problem with the warrant. The West Seneca Police Detective who got the warrant to go after Andrews' home, got information from the Federal agencies. In his application for the warrant, he told the justice that issued the warrant, that Andrews was getting a silencer shipped to him. But that's not true. It was a solvent trap that was being shipped to him. But this choice of words as the court found, and I'll quote, "The choice of words used by the police in the application were persuasive and wrong." This is the judge in that case. In his decision, he wrote, "As a result, the Court must find there was a reckless disregard for the true nature of the item and must suppress the items recovered through the search warrant." So, luckily for Mr. Andrews, the Court did the right thing and suppressed the search as illegal.

Evan Nappen 08:00

But it does not stop these law-abiding gun owners from being dragged through the mud and from having to defend themselves in the criminal courts. It is not just Moran and Andrews facing this and having to deal with criminal charges. There is another one, Frederick Oehler, out of New York. A search warrant was issued for him in February 2021. They conducted a search after receiving a tip from U.S. Customs and Border Protection that the defendant had allegedly purchased an illegal firearm silencer from China. Again, the Chinese are selling illegal National Firearm Act (NFA) prohibited items to Americans, and Americans are becoming the subject of criminal prosecution because of it. The worst thing about it is that these ads regularly and freely appear on Facebook.

Evan Nappen 09:10

Facebook, a group that will come in and cut you off at the knees for anything that they feel violates their so-called community standards that nobody knows exactly what that means. Yet, they allow these paid advertisements which is in fact facilitating criminal action. Think about it. It's outrageous. This needs to be stopped. Facebook should not accept advertisements from the Chicoms for illegal NFA-prohibited items. Listen, I've seen solvent traps that are allegedly silencers like these cases. Fuel filters just like this that allegedly bring in these cases. Even worse, that Glock auto sear thing is straight out illegal. It is as if China is shipping you a machine gun. Is Facebook cool with that? Can the Chinese advertise full auto AKs? Order them up, and we'll ship them right to you in America. I don't think so. Well, that is what that Glock auto sear is, same thing under the law.

Evan Nappen 10:33

I've seen SBR (Short Barrel Rifle) stocks. Now let me be clear, not pistol braces, but an actual fold up stocks that go in a Glock. If you put that into your slot in the back of your grip on a Glock, you have just SBRed your Glock. You have just created an NFA prohibited item if you actually use it as demonstrated. This is outrageous. They are putting this stuff out and allowing these ads, and good people are suffering. Thinking they are okay. How can this be a problem if it is freely advertised like this? Believing that it is a solvent trap, or it is a fuel filter. Not realizing that if you put this device on you suddenly make an item that is regulated under the National Firearms Act. Outrageous conduct.

Evan Nappen 11:38

Do you see anywhere in the lamestream media mentioning this? Complaining about this. Do you see Homeland Security while they are busy raiding law-abiding citizens that fell for this crap? Do you see them raiding Facebook? Do you see them raiding Zuck for doing this with his company? No, you do not see any of that. And who knows? Maybe they are in bed with the Feds, too. Maybe this is all an operation with the Feds? Who knows? I don't know. How come Facebook is doing this? Is this just one big setup by the Feds to allow Chicom contraband to come into the country? So, they can bust Americans left and right with this garbage? I would like to know, because it is outrageous.

Evan Nappen 12:23

But let me tell you most importantly, I do not want to see any of my listeners get into trouble. Do not buy anything that is in any way weapon related from the Chicoms. It's that simple. Lots of times they will hide it. Oh, this company is USA based. What does that mean? It is still being shipped from China to you. Okay, no, no good. Unless you want to get on the radar of the Feds and get set up for a "controlled delivery", I highly recommend avoiding anything that has to do with firearms coming from China. It is bad news. They are playing all kinds of games, and it is completely unacceptable. So, beware. When you are on Facebook, be extra careful because they don't care one bit about your personal liberty and not becoming a criminal unintentionally. When we come back, we are going to talk about a great unanimous decision by the U.S. Supreme Court. I cannot wait to tell you about it.

Evan Nappen 13:44

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.

Speaker 3 14:59

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Evan Nappen 15:14

Hey, folks, I want to mention about my good friend, Mitch Rosen. Mitch makes great holsters. My favorite holsters in the world are Mitch Rosen's. I have one on right now. And man, wait till you try a Mitch Rosen holster. Look, he is not paying me to say this. I am just telling you this because it is a great product that I want you to know about. It is true. His holsters are really fantastic. They hold the gun without a keeper strap. You can draw it out, put it back so easy yet it holds it so firm. It is almost like magic. Old West gunfighters would have loved Mitch Rosen in those days. When you get one of his holsters, make sure you get the belt with it because that makes a full rig, and it really supports it. It is just great. So, check out Mitch Rosen Extraordinary Gunleather at MitchRosen.com

Evan Nappen 16:10

I would also like to tell you to please keep fellow gun owners from becoming law-abiding criminals. Tell them to listen to Gun Lawyer and visit our website at Gun.Lawyer (www.Gun.Lawyer). I own a dot lawyer as opposed to a dot com. Go to Gun.Lawyer., and I would really love for you to take a look at our Inner Circle. It is on our website, sign up for the Inner Circle. You are going to get the inside from me. I'll be giving you tips, tricks, insights, and fun. Sign up. It's free. Go to Gun.Lawyer and join our Inner Circle.

Evan Nappen 16:46

Remember this whole exercise here, everything we are doing with Gun Lawyer radio and the Inner Circle is to help me communicate with you. So that I can let you know what is going on. Big tech, you know, they do not care about our gun rights. As a matter of fact, they are against us. They are setting us up with raids from Homeland Security and doing all kinds of things you need to know about. They are not letting us express it and get the word out. So, this is how we get around that with this kind of alternative communication. It's important. They do not like us, and they are trying to shut us down. So, the Inner Circle at Gun.Lawyer radio is a way to stay in contact and avoid their efforts. Please subscribe to the podcast. It helps me get it out there and helps promote the podcast. It is important. Subscribe and tell your friends to subscribe. Help me get the word out. I'm depending on you.

Evan Nappen 17:42

Now, one of the exciting cases that just was decided by the U.S. Supreme Court is *Caniglia vs. Strom, et al.* This case is really, really outstanding. It was a unanimous decision. All nine Supreme Court judges agreeing with this. I mean, it's almost shocking to think that. All agreeing that the seizure of a handgun from an individual in his home because of claims that he was mentally having a problem (sort of like red flag, but this was not officially red flag) coming in and taking his gun. He sued over these actions because there was no warrant. There was no warrant to take his gun.

Evan Nappen 18:39

What the State, what the Government claimed, oh, well, we can do that. It is under our Community Caretaking Exemption. We do not need a warrant for Community Caretaking. They are abusing and attempting to exploit an exemption that exists for the Fourth Amendment. But the Supreme Court ruled, quite clearly and without any ambiguity, that the Community Caretaking standard in this type of case, does not apply. You need a warrant. When you are invading somebody's home, as compared to an automobile, by the way, when you are talking about a home, we believe in America that our home is our castle. We believe that we need to be secure in our personal property and effects. Nothing is more sacred than our home and the privacy and protection in our home. You cannot seize guns based on the Community Caretaking standard. It was a 9 to 0 decision and a win, and that is really heartening.

Evan Nappen 20:05

I will tell you what, folks, there is a couple of things this case stands for, and it is really interesting. Number one, this case was a unanimous decision but not based on the Second Amendment. We all love the Second Amendment. Not only do we love the Second Amendment, but we love all the Amendments. I love every right that I can get my hands on, frankly. I love them all. The rights in the Constitution include the Fourth Amendment. *Caniglia vs. Strom, et. al* was a Fourth Amendment case. This is a case that completely depended upon, ruled upon, and essentially gave a gun owner a win on Fourth amendment, not Second Amendment. The right to be secure against searches and seizures and that a warrant is required under the Fourth Amendment. That is what gave the win here.

Evan Nappen 21:11

Why do we have the Fourth Amendment at all? How did this come about? Why did our Founding Fathers feel that we needed to have this type of guarantee and requirement that there be a warrant? As many of the Amendments, the guarantees of our rights, that are in the Bill of Rights or guarantees of our rights, were placed there because of the lousy experience with the British occupiers. What the British did during the Revolution is they would just search and seize at will. There was no warrant requirement for the British to search your home, to tear it up, to look for anything they wanted. There was no privacy. If they wanted to search, they did. They had "General Warrants", general search, no big deal.

Evan Nappen 22:10

Do you know who also had "General Warrants" to search anytime they wanted? The Nazis did. A matter of fact, I actually have a sample of one of these warrants. It is a little metal disk. It looks like something you might see on the end of a key ring. It is a warrant disk. All the Nazi Officer, SS, or Gestapo had to do was come to your door and show you that disk. He could search anywhere, invade

your privacy, of which you had none, search your house, tear it apart, looking for anything and everything at their discretion.

Evan Nappen 22:55

It is that kind of action that the Fourth Amendment stands to stop. In no way am I saying that the officers involved in the Caniglia case were acting like Nazis, in no way. There was this Community Caretaking idea. It was this concept that they thought they were operating under. But guess what? It does not cut the mustard, folks. It does not cut it when we have an Amendment that mandates a warrant, and we are talking about the protection in our home. It is so refreshing to see that right enforced and given power so that you can assert your Fourth Amendment right.

Evan Nappen 23:49

In fact, there was an interesting concurring opinion in this Caniglia case by Justice Samuel Alito. He was a Jersey boy, by the way, which is kind of funny. I like that a lot. But Justice Alito said, and I'll read you from it. "This case also implicates another body of law that petitioner glossed over: the so-called "red flag" laws that some States are now enacting. These laws enable the police to seize guns pursuant to a court order to prevent their use for suicide or infliction of harm on innocent persons. They typically specify the standard that must be met and the procedures that must be followed before firearms may be seized. Provisions of red flag laws may be challenged under the Fourth Amendment, and those cases may come before us. Our decision today does not address those issues."

Evan Nappen 24:59

Talk about an invitation from the Supreme Court. Well, there it is, folks, right there. He is saying that these red flag laws probably have a lot of problems, and we are probably going to be reviewing them. If any of you out there are subjected to red flag, here is a little hint. Yeah. So, that is a nice thing to read. A nice thing to see that the seizures that New Jersey particularly does on a routine basis many times without any statutory authority whatsoever without even a claim, "Oh, safekeeping. We are doing it for safekeeping." What the hell is safekeeping? Yet, that is what they write. I have seen it. "We seized the guns for safekeeping." No warrant. No law about it.

Evan Nappen 25:56

When you look at New Jersey's duty to warn law, where if any doctor or nurse or whoever hears you say anything like, "I could kill that guy." Or "man, I am so depressed I could kill myself." Even though you are just talking hyperbolic, and you are not really gonna kill anybody. But whoa, you said that, and they think you have a gun. They are required to report you, and guess what? The Police will come and seize your guns, and guess how they do it? Without a warrant. Oh my, just like Caniglia vs. Strom. Yeah, just like that. The entire New Jersey duty to warn law is now absolutely in tremendous jeopardy, and well, it should be.

Evan Nappen 26:44

Remember when these things get taken, well, if you happen to have one of those intrinsically evil magazines that happens to hold over 10 rounds, or something like that, oh, guess what you are getting criminally charged. Or if you possess a slingshot in New Jersey, well, you are going to get charged with

a Felony Level offense 18 months in State Prison. How did they get there? Well, a nurse reported that you said you were mad, and you could kill this guy. Oh, great. No warrant, even.

Evan Nappen 27:18

Well, guess what? Now anything seized pursuant to these things are going to be subject to really powerful suppression motions. We are using them right now in our practice because this is what takes place. This abuse is not what they present it to be because there are other implications. The other implications are to turn law-abiding citizens into criminals and to take away their gun rights. Everything that we have talked about in this show shows exactly that. That is what they are about. Destroy the law-abiding gun owner, get their guns, set them up, take away their rights and nail them. And that, my friends, is not at all what our system was supposed to be. So, at least we are finally seeing some pushback by the Supreme Court and with credit, a nine zero case. Both sides saying this cannot fly anymore. So, good. Let's see it continue with this great trend. It is important to our liberty.

Evan Nappen 27:32

This is Evan Nappen, reminding you that gun laws do not protect honest citizens from criminals. They protect criminals from honest citizens.

Speaker 3 28:37

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