

Gun Lawyer -- Episode 36 Transcript

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SPEAKERS

Evan Nappen, Speaker 3

Evan Nappen 00:21

I'm Evan Nappen and welcome to Gun Lawyer. Today I want to talk to you about the absolute stupidity of gun buybacks, so called buybacks. Even calling them buybacks is an absurdity because it is not like the government owned them prior. You bought them from a dealer or from a friend. The government never sold them to you, and now they want to "buy them back". Think about that. A gun buyback. Isn't that great? Imagine someone has a vehicle and you say, "I want to do a buyback". They say, "Well, you never owned this." "Yeah, but I want to do a buyback." You know that it is unbelievable. Just last weekend I ran into some friends, and they told me something that I found absolutely hilarious with gun buybacks. It was in a New England state, and they were running a gun buyback. Not New Hampshire. By the way, New Hampshire actually prohibits the government from running a gun buyback.

Evan Nappen 01:48

But in other New England states (I am sure you can imagine where) they do not prohibit gun buybacks. My friend shows me this huge stack of gift cards from a food store, and I'm like, "What the heck?" What are you doing with them? A stack of food store gift cards; four or five inches thick. He says they held a buyback, and they paid for even BB guns and air pistols at the buyback. I said, "Are you kidding?" Here is the sweetest thing about it. He has \$3,000 to \$4,000 in these food store cards, which is just amazing, and he got them for BB guns and air guns that he bought from police auctions in that state. The police get these lots of air guns and BB guns, bicycles and everything else to sell. There is a giant crate of air guns and BB guns, and they are all busted, screwed up and in a mess. He buys them for a buck a piece or something ridiculous, and they are paying \$30 to \$50 bucks per BB gun or air gun. Literally, the guns that he bought at the police auction. For once a gun buyback is a bona fide buyback. Yes. That is a buyback. I agree. Finally, we actually hit truth in buybacks. I think that is just the best thing going. Just wonderful that they dispose of these BB guns and air guns at police auctions, and they then buy them back. It is incredible, just incredible. Anytime you hear about gun buybacks, the normal thing to say is, "How can they call it a buyback when they didn't own it in the first place." But there are wonderful exceptions to that. Wonderful exceptions.

Evan Nappen 04:16

When you look at a gun buyback program, the other thing that I am amazed by is they say, "Turn your guns in. No questions asked." No questions asked. I see that and I go no questions asked. What it says

to me is, "Hey, if you are a criminal and you have a crime gun, a gun used in any kind of crime, the government will dispose of it for you. The government will destroy the evidence for you. They take it with no questions asked. Isn't that great of them? Running an evidence destruction program with no questions asked. Boy, that's just super-duper, and that is what they do. Yes, bring your evidentiary guns that were used in crimes, murders and all kinds of mayhem. No problem. We will dispose of them for you, and we will even pay you for them. They will pay you to dispose of crime guns. They should call it crime gun amnesty because the so-called buyback is used in this magnificent way of screwing cases where real criminals could be prosecuted.

Evan Nappen 05:45

This is the other amazing thing when they do this, and I always get a kick out of it. A lot of gun owners will take full advantage of so-called buybacks. They will take all their junk guns that you could not even get 10 bucks for it. They are busted and crappy. Not even wall hangers. They take these clunkers, and they get \$100 per handgun which is a piece of crap. Real rifles, they pay \$100. You can see the folks that do it. They bring these crap guns that no dealer would ever buy, and they could not get rid of. They walk away with hundreds, if not thousands of dollars. One of the guys did that and got the money. Then he went to the gun store and bought a brand-new AR with the money from the gun buyback, which is just sweet. It just warms my heart when I see that. It is just great.

Evan Nappen 07:01

I have seen other guys do this. They bring slam bang shotguns. They took some pipe and put it together. For five or six bucks worth of materials and old scrap, and it is a slam bang shotgun. Then they go and trade it in for all this money or goods or gift cards. It is just absolute garbage, and they buy it. I look at that and go wow, that is another great way for gun owners to make a buck and just the stupidity of the system. It is unbelievable what the government does. All these gun guys that take full advantage of the stupidity of the system and it is perfectly legal. They are the ones putting it out there. Why not?

Evan Nappen 07:57

On the sad side of it though, somebody who does not know anything about firearms. Maybe a widow who inherited some guns, and they do not know what they have. You will occasionally see some wonderful, antique, historical, firearm that is worth a heck of a lot of money, and it is being turned in because the person turning it in is just ignorant. They could have gone to any dealer, and they could have sold it. The estate could have gotten the money. They surrender it, and the value and history and everything about that rare or super collectible gun gets lost.

Evan Nappen 08:52

They love to do the dog and pony show after the gun buybacks. "Taking these guns off the streets." Like you are walking down the streets, and there are guns lying in the street. I would actually like that, but it has not happened yet. But they get the guns off the streets. It is so ridiculous. They will say that we brought in 130 guns. We do a great community service. Yeah, out of 300 to 400 million guns in the US. You did a hell of a job there. What a great community service you got going there with these gun buybacks and no questions asked. Super-duper job, man, just so impressed.

Evan Nappen 09:40

Except for the sad ones where the people unknowingly give up valuable firearms, which is why when they have gun buybacks, gun guys will stake them out. They try to buy the guns before the person turns them in. In some states you can do that. I have seen them do that too, and actually get people some real money other than the buyback. The buyback prices are usually high for junk, and they are unbeatable because you are getting insanely great value. But if it is a piece that is over that value by a lot, and many guns can be, then the person is really losing out. Everybody is losing out because great guns are being turned in to be destroyed, and that is always something sad to see.

Evan Nappen 10:35

So, if you have guns and you do not want to have it, gun ownership is not for everybody. I get it. It is a choice, and it is a responsibility. But that is why we have gun dealers. You go to the dealer and sell them your guns. You will get the money and someone that can appreciate the firearm, will be able to purchase it legally and lawfully in that way. If you go to the gun buyback, it is just lost and destroyed under this fantasy, this lie that somehow by doing this, it is in some weird, bizarre way going to do something about crime. Come on, who you kidding? Do you think criminals really are turning them in. Unless it is a crime gun already, they have no interest in getting rid of it. So, you are not getting guns out of the neighborhood. It is not working. It has been proven over and over again.

Evan Nappen 11:36

I always laugh about the hype and the propaganda. They are so proud of the program, and it is idiotically hilarious with their claims about what a great job and back patting that they are doing to one another. Then you see the churches and community organizations all pitching in for this wonderful effort. Well, I tell you what. When we come back, I want to tell you about some interesting cases that I have had regarding gun buybacks, and just how amazing it is when these so-called gun buybacks actually come to the aid of law-abiding citizens who are being prosecuted.

Evan Nappen 12:42

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, 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 13:53

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Evan Nappen 14:12

One of the things I want to talk to you about is making sure that you're protected and that your friends and other gun owners stay informed and protected. In order to do that, I am asking you to help me out here. Make sure you subscribe to the podcast and help spread the word because this is how I am able to communicate with you. Big tech and other forces are trying to stop me from getting the word out. Just recently on Facebook, for example, I received a notice about something that I posted nine (9) years ago. What kind of insanity is that? These platforms really have a monopoly that we need to break. One of the ways of doing that is by using other media like this podcast. Another way of reaching out is by joining my Inner Circle so I can keep you informed of things that are coming up. Problems, loopholes, and things that directly will affect your rights and us as gun owners. So, please subscribe and make sure you tell your friends. I really am counting on you to tell them to listen to the podcast. We can keep Gun Lawyer there as a voice.

Evan Nappen 15:51

The other thing I like to do is point out things that I personally like and use. One of those things is Mitch Rosen Extraordinary Gunleather. My EDC rig was made by Mitch Rosen, and I love it. You have to experience holsters made by Mitch Rosen. They are astounding. It holds the firearm without a keeper strap; yet it holds it so secure. The leather is worked and fitted individually to each gun. And man, it is nice. So, check out Mitch Rosen Extraordinary Gunleather. (www.MitchRosen.com) He is a friend, but I do not get paid to plug him. I am just telling you because I love the product, and I would like to get the word out about products that I really enjoy.

Evan Nappen 16:44

We were talking about the absurdity of gun buybacks. And, boy, they sure are. I have seen more and more issues come from so-called gun buybacks. As we talked about earlier, the "no questions asked policy" is awesome for anyone that wants to dispose of evidence of a crime. But sometimes you have to beware. If you are going to participate in a gun buyback, make sure that they have announced that there are no questions asked. I have also seen gun buybacks that are actually traps. When you surrender a gun, you are going to get followed up on and possibly arrested. Yes, they have done that. You better check the fine print before you participate in any of these gun buybacks, if you so desire, because you cannot trust the government with what they are doing with these.

Evan Nappen 17:48

The other thing that I find astounding is how the government just flat out breaks the law with gun buybacks, particularly when you see a gun buyback being held in New Jersey. Do you know for a while, I offered a \$5,000 reward for anyone who could show me what law, what statute authorizes a gun buyback to take place in New Jersey? Show me what law authorizes that because the fact is, there is none. There is none. Let me be clear about this. The only way you acquire firearms lawfully in New Jersey is either with the proper pistol purchase permit and/or firearms ID card with the paperwork and/or if you are a licensed dealer. That's it. When you see a quote gun buyback being held at a church, there is no church exemption for buying guns. There is no exemption that allows you to even go to the church with a gun. Because when you are transporting your gun to the church, there is no exemption in New Jersey that allows you to bring a handgun to the church unless you have a carry permit for that handgun.

Evan Nappen 19:11

Even if they are exempting you, the only thing they are exempting you for is possession. So, if you get arrested on the way there, you are unlawfully transporting it, and you are not within any exemption that allows it. They do not mention these little facts. Bottom line is there is no statute that authorizes a gun buyback, no less exempting a place such as church for it. In New Jersey, the only way you can get rid of a gun under state law is if you are going to take it to a dealer or you are going to move it with the proper paperwork and licensing to a family member under the narrow exemptions where it does not require a dealer, but you still have to do the paperwork. The only other ability to get rid of a gun is called Voluntary Surrender. Voluntary Surrender.

Evan Nappen 20:07

New Jersey has a provision where if you give written notice to the police with the date, time and what you are going to surrender, then you can go to the police and surrender that firearm, magazine, or whatever contraband firearm related in that regard. You are given immunity for your possession by statute, and it is only for possession of that item. That is the only statutory provision that exists. When they hold these huge buybacks, open to the public, no questions asked, it is not following Voluntary Surrender. That is not how the law works, not one bit, and there is no other law that justifies it. Because they are running it, who is going to prosecute them? No one. When the County Prosecutor or the Attorney General runs these programs, they can do what they want. The law does not apply to them. It only applies to us, you know that. That is why they will blatantly violate the law because they are above it and that is how they operate.

Evan Nappen 21:17

They are above it to push a political agenda, a narrative that somehow doing "buybacks of guns", which they did not own in the first place, is doing a public service, which itself is laughable and a joke, as we have already discussed. This is what you see. No one has stepped up to my challenge, for a good reason. There is no law that allows it. Other states that have different laws, they may be legal in those states. States like New Hampshire, for example, even prohibit a gun buyback from even taking place. They recognize just how stupid and wrong it is to spend taxpayer money, or to have churches donate money, or even for nonprofits to utilize any kind of money, or to get donations of whatever it is, food or these other companies that want to jump on the anti-gun narrative, politically correct bandwagon and do these things. So, this is how it works, and you have got to be careful.

Evan Nappen 22:24

Even with all this being said, I had a very interesting case out of Jersey, and it was actually an NRA-funded case. It is the Nonio case, and in this case, the client was having some issues at home. In New Jersey, of course, if there is any allegation of domestic violence, whether true or not, and of course, it can be anything as low as harassment, which boils down to, doing something with purpose to annoy, a domestic violence complaint can be filed against you. I am sure that none of you have ever annoyed your spouse, right? Because if you ever annoyed your spouse, well, that is harassment, and you can have a domestic violence complaint filed against you. This is how easy it is for that to get done.

Evan Nappen 23:13

Built into every one of those domestic violence complaints is a gun seizure order warrant. It is a preprinted form, and it is about as regulated as ordering a sandwich from the deli. You just plug in exactly what you want, and you get it. Easy - hit that deli ticket, boom, or go to Wawa and plug in your sandwich order. This is about the scrutiny that is applied to these things. Anyway, this fellow had, in fact, realized that there could be issues, and he did not want to have any problems. So, he thought it might be a good idea to turn his guns into the police in advance, believe it or not, just for them to be held because he did not like where things were going. Well, sure enough, an order comes down, and it is a typical DV deal, and they wanted him to surrender his guns. My client says "Well, I already turned them in. I do not have guns here. You've got them all."

Evan Nappen 24:13

So, what do they do? They run the list because in New Jersey there is a registration list on handguns and whether or not you have a Firearm ID Card, which is for long arms. But the handgun registration only shows acquisition. It is not a possession registration. There is no unregistering of guns in New Jersey, but when you buy a handgun, the purchase is actually registered. Very few people seem to understand that it is not a possession registration. It is a purchase registration. Because of that purchase registration list, the police said "Hey, you've got all these guns listed that you did not turn in; 13 or 14 guns here that have pistol purchase permits, but they are unaccounted for."

Evan Nappen 25:04

Well, there is no un-registration in Jersey. You can buy a gun on a pistol purchase permit from a dealer, and five minutes later walk to a dealer on the other side of town, decide you want to trade it in, and you can. There is no un-registration of it. So, for folks in Jersey, every pistol that you ever acquired and then later you got rid of, they are still there on the list. The authorities can look at it and say, "Hey, we think you still have these." Which, of course, is ridiculous. But the reason it got so bad for this particular fellow is they said, "Look, these are guns that you have not turned in. So, we are holding you in Contempt of the Order for failure to surrender the guns" (that you no longer have.) He was held in county jail for about 90 days or so. Until he called me in a catch 22 situation. They said, "We will be happy to let you go if you turn in the guns". But I do not have the guns to turn in. "Well, then you are going to wait in jail on the Contempt Charge."

Evan Nappen 26:14

So, he is stuck in that hell right there. Isn't that incredible? On a system that is not required to have any type of possession registration. Yet they are using it as that to the point of putting someone behind bars. Once I got a hold of this case, I immediately went forward to the Court to get his release. Not only is the database that they were relying on utterly and completely flawed because it does not mean in any way there is a continued possession, but also, they found no other guns when they searched the house to find guns. They are not there. He had already surrendered whatever was his. But I also knew we had to get this guy out.

Evan Nappen 27:08

Sometimes with the courts, you have to just go the extra step, even beyond the law, for the court to see what the deal is. So, I contacted the dealers who to the best of our client's knowledge, he had turned these 14 guns or so in. Luckily, the dealers were very cooperative. They went through their records and

were able to show when they had acquired them. I was able to get all of the guns accounted for as to his disposition, which by the way, is not required and should not be required. But I still wanted to do it because like we had to get him out. Even though the law is absolutely on his side, I was able to pretty quickly get to the dealers who cooperated with us and were really great to get this information to me.

Evan Nappen 28:04

When I went to court, I pointed out all of this to the judge. All the guns were accounted for except one. My client has been locked up for this. It is absolutely wrong. The only one we could not get was this one. Of course, what happens? The prosecutor says, "Well, what about that last one? What about that one?" I said very simply, the last one, he turned in to your county gun buyback, where there are no questions asked, and no receipts given. So, if you want that gun accounted for, you can look at whatever you took in. Of course, there is a great use of a gun buyback right there. We got him out, and he was happy that we were able to do it. But that shows you just how absurd gun buybacks are, but sometimes they might come in handy for issues such as this. The registration system is so utterly flawed, and it can come back and bite you, so beware. This is Evan Nappen reminding you that gun laws do not protect honest citizens from criminals. They protect criminals from honest citizens.

Speaker 3 29:23

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