

Gun Lawyer -- Episode 40 Transcript

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SPEAKERS

Evan Nappen, Speaker 3

Evan Nappen 00:17

I am Evan Nappen, and welcome to Gun Lawyer. Today we are going to talk about two important topics that I know you are going to enjoy. We are going to talk guns. That is what it's all about anyway, right, guns. So, we are going to talk about guns. Before we get to guns, I want to talk to you about this incredible and ridiculous wokeism being applied to the Second Amendment. Let me tell you, in my practice of law, I see systemic racism in the gun laws. I have defended many minorities where the underlying prosecution had the entire taint of racism around it. I get real racism. But I also get it when what is being put out there is pure crap, and we are going to talk about some pure crap that is being put out there in the name of this woke nonsense. Let me just tell you right now, this woke stuff. I am so not woke that my name is Nappen. Okay, that is how not woke I am.

Evan Nappen 01:35

Because "woke" is this thing that is a disruptive force in America. It is there to create division, not unity. It is not in line with what Dr. King talked about. It is really something that is undermining our ability to have an excellent racial relationship. It is very frustrating, and you see it now where everything is racist. Regardless of whether it really isn't racist, we are going to twist it into being racism, and it gets to the point of just being ridiculous. As far as the application of wokeism to our gun rights, probably the most incredible recently that I have seen is this allegation that the Second Amendment is racist. The Constitutional right to keep and bear arms is racist. I took an article from NPR (National Public Radio). So, you know where it is going. But I think it really puts it out there. It is not like there is not enough left-wing media out there. Our government needs to fund even more left-wing media. That is what NPR is all about. So, it is not enough to have CNN and MSNBC and all that. We also have to have government funded leftists' radio.

Evan Nappen 03:14

Nonetheless, the article coming out of NPR says, "Historian Uncovers the Racist Roots of the 2nd Amendment." (<https://www.npr.org/2021/06/02/1002107670/historian-uncovers-the-racist-roots-of-the-2nd-amendment>) The racist roots of the Second Amendment. What are you kidding me? This is insanity. It is just pushing this narrative and this agenda to a level of stupidity never before seen. Now, what is this article about? Well, this article is about this so-called historian, Carol Anderson, who has written a book about this topic called "The Second: Race and Guns in a Fatally Unequal America." She puts forward this hypothesis that this is readily accepted by NPR; apparently, the Second Amendment

is racist. The reason we have the Second Amendment is because Madison, Jefferson, and the founding fathers were absolutely petrified of a slave rebellion taking place in America.

Evan Nappen 07:40

The Second Amendment is not about General Gage seizing the colonists' arms. Oh, no, it is not about that. It is not about how we suffered under the British taking our guns, and how important the militia was to the revolution. How important having the armed citizenry was. No, no, it is about race. Where does this incredible fear of a slave rebellion come from? So, we needed this amendment written by Madison to put down slave rebellions because they were scared to death about what was happening in Haiti. The slave revolution in Haiti scared them so much that we needed a Second Amendment. This is their theory - we needed a Second Amendment so that the Americans could be armed and put down a slave rebellion.

Evan Nappen 07:52

Now granted the slaves had been rebelling for a while in all kinds of respects as slaves are known to do. The earlier slave rebellion, which was brought to Haiti in the 1750s and 60s, was headed by a guy named Francoise Mackandal. Mackandal was a Haitian leader and was described as a Haitian Voodoo priest. He instigated this revolution, and his method of rebellion (which actually did have a lot of effect of killing slave masters) was the use of poison derived from natural plants. He had a pretty intense knowledge of poisons, and he organized a large plot to poison the masters and their water supplies and animals. This did spread terror among slave owners, and it killed hundreds before the secret was tortured out of another slave. Mackandal was captured and killed in 1758. So, poison was the weapon of choice in that early Haitian revolution. What are you going to do? Shoot some poison? Where is the need to have arms to put down a slave rebellion facing massive poisoning? But that revolution didn't even have the effect that the slave revolution in 1791 finally did have and that was in the years after the Constitution.

Evan Nappen 08:19

Well, just doing a smidge of research into this. It is very interesting, but you do not have to take my word for it. Just go to Wiki(pedia) and look at the Haitian Revolution. (https://en.wikipedia.org/wiki/Haitian_Revolution) It was a revolution by self-liberated slaves. When did this revolt begin? August 22, 1791. Wait a minute. When was our Constitution signed? When was that? 17 September 1787. Oh, I'm sorry. Maybe I missed something. You mean that our Constitution was somehow influenced by the Haitian Revolution that did not take place until 4 years after the signing of the Constitution.

Evan Nappen 09:15

Carol Anderson's whole theory is apparently based on this fear of slave rebellion, and that the Second Amendment was created for that purpose. It was there. According to the NPR article, the language of the amendment, Anderson says, was crafted to ensure that slave owners could quickly crush any rebellion or resistance from those whom they had enslaved. She said, the right to bear arms presumably guaranteed to all citizens had been repeatedly denied to black people. Now you know, there is a lot of truth to blacks not being granted their rights as under the Constitution. That is something that I personally am greatly opposed to seeing happen. I want all citizens to have their rights

including the Second Amendment. But the derivation of our rights is not because of some fear of a slave rebellion.

Evan Nappen 10:29

Our rights, the Constitution, and the Bill of Rights came from our founding fathers' experience with the British. I am not just talking about the Second Amendment. What do you think the Fourth Amendment for a guarantee against search and seizure? What do you think that was all about? Well, the British would go around and search anywhere they wanted to search. There was no privacy. The British could just search with blank warrants. They would come in and search the premises. You had no guarantee of rights or privacy, and this pissed the Colonists off. The British tried to control our ability to speak freely, to have a free press, to put out information about the wrongdoings of the British. Again, this pissed the Colonists off. What do you think the third amendment is? Barring quartering of soldiers. Gee, why is that in there? Well, it is because the British quartered soldiers. They took over your property and forced you to care for their soldiers. Guess what it did? Pissed the colonists off.

Evan Nappen 11:45

Go down the Bill of Rights. Why do we have a Sixth Amendment right? Why do we have the right to counsel? Why do we have a right to remain silent? Because these were the things that were the abuses that our founding fathers suffered at the hands of the British. So, they wanted to address these things. That is why we have a Bill of Rights in the Constitution. The question of "what rights does the Bill of Rights give us? I always like to say, "What rights are we given in the Bill of Rights? The answer is none. We are not given any rights. You see those rights are guaranteed. We already have the rights. As our founding fathers knew, those rights were the fundamental natural rights of every human being. The government does not give you those rights. We have those rights. But what it can do is guarantee those rights.

Evan Nappen 12:47

The Bill of Rights was a guarantee of rights which the British had routinely violated these natural fundamental rights that we already had. To claim that the Second Amendment itself is racist, is absurd. It goes against the history of our Constitution, and why we have this guarantee of rights. To claim that it is based on a fear of slave rebellions is absurd and a silly, stupid stretch, in the name of this wokeism movement that we have to reject. We need to have a brotherhood of all Americans. Our objective is to be equal and to see each other as Americans. The unfortunate thing is in our current time, more and more is done to create division. To do the opposite and create a situation. What is the ultimate goal here, a race war? It is disgusting. You have got to treat every person as an individual. Every person has those individual rights, and that is what we have to stand for as Americans, hand in hand. When we get back, we are going to talk about something real fun - guns.

Speaker 3 14:36

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. The 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 15:51

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

Evan Nappen 15:58

I really appreciate your listening to Gun Lawyer and please make sure you subscribe. It is important that you also tell your friends to subscribe. By subscribing to Gun Lawyer, it gives us a voice. The ability to speak about these topics and not get shut down by big tech overlords. They have propaganda that they constantly want to shove down our throat like making silly statements about the Second Amendment having racist roots. These are the kinds of things we can discuss on this show. It is difficult to talk about these things honestly and openly given the restrictions that are placed on us. So, please subscribe, and tell your friends. Check out our website at www.gun.lawyer. It is a dot lawyer not a dot com. You can catch earlier episodes and learn about the show. You can get this podcast anywhere you get your favorite podcasts. So, tune in and thanks for being here.

Evan Nappen 17:15

So, let's talk about guns. I want to talk about guns and the law. Here's the deal. We often talk about this ban or that ban, specific guns or specific attacks. All good stuff, that we need to know to defend yourself. But one of the things I want to talk about today are guns that can actually give you a low profile. Guns that cannot be as out there in terms of the efforts by the anti-gunners to disarm us or to make individuals raise an eyebrow. For many of us that live in states where the anti-gun forces are so extreme, it is important to see if their ability to have firearms that can either: a. not fall under a gun ban or b. not make it something that draws unwanted attention, particularly if you have to use a firearm in self-defense.

Evan Nappen 18:28

So, I love all guns. I love tactical guns and I think they are great. They have their place. They're fun, and they're cool. But if you have a tactical gun that you are using for self-defense in an anti-gun jurisdiction, it can paint a picture, if the prosecutor wishes to put you in a category of having an extreme weapon that the media has propagandized. "Who needs a so-called assault firearm?" "The only purpose is to kill, fire 100 bullets a second" and all this nonsense. But it's over and over and over again. So that individual who do not know guns, they see a black rifle and they are immediately like, "Why does this guy have this? That's one of those killer guns. It just runs around by itself killing hundreds of people." This is the absurdity of it. But you do not want to have that perception in these seriously anti-gun areas. Great semi-autos and tactical guns are prohibited in a multitude of ways, and it is a whole matrix.

Evan Nappen 19:47

Let's step outside of that for a minute. Again, I love all those guns. It is not about not having those guns, but just taking a step back and thinking in terms of where you may be living. If you use something for self-defense and you have to get in front of a jury, what do you want that jury to see or not see? One of the things right off the bat is make sure your gun does not have some name on it like the death Slayer 2000 or something. Because that is going to be constantly reiterated to the jury; the defendant used his Death Slayer 2000 in order to kill the victim even though it was self-defense. We have to stay away from guns with names like that. The prosecutor will jump on those names and hammer the jury.

Evan Nappen 20:42

Beyond names as a problem, are there certain calibers and such that might portray more menace to a jury than others? Part of that might come down to seriously thinking about whether or not you want to use a magnum to defend yourself. Now it is not as bad these days, but it is still a potential. If you are using a .44 Magnum, they are always going to conjure Dirty Harry. "The most powerful handgun in the world." You know the Magnum word. The .357 Magnum is a great round, a great self-defense round. It has been around a long time, but it still has that Magnum name. You might want to consider whether or not you want to defend yourself with a Magnum. Now the interesting thing is, if you choose a firearm that does not have that name but still has the same kind of power, for example, a 10 millimeter is not a Magnum, but it can approach .41 Magnum power. With the 10 millimeter, you can have more rounds than in a revolver that might normally fire .44 Magnum or .41 Magnum etc.

Evan Nappen 22:06

If you look to the caliber, you are actually using, it is a good idea to stick with something, if you can avoid it, that has a name thinking in terms of how a jury that does not know guns is going to feel about your using a "Magnum" in self-defense. Also consider that the jury is not going to understand these things, and the prosecutor is going to jump on any term. Beware of what is on your gun beyond the name of the firearm. There have been issues where individuals have put biblical quotes on their firearm, etc. There were individuals that put the Punisher skull on their firearm. They cerakote it to look really bad ass, and it looks cool. But if that is the gun you end up using, think about that being presented to the jury, and how you are going to look. You have got to consider those things, particularly if you are in a bad, anti-gun majority, jurisdiction.

Evan Nappen 23:19

So, what about self-defense in the home? Well, an ideal firearm for self-defense (and it is not just me; every expert out there) is a shotgun. A 12-gauge shotgun compared to a handgun. no comparison up close. But a 12-gauge shotgun is a hunting gun. It is a hunting gun. If you have a 12-gauge shotgun that has an 18 to 20 inch barrel, it is a deer hunting shotgun. It still has classic wood furniture, but it's our classic "riot gun". It is really the slug shooting deer gun that you can shoot slugs or buckshot out of. Now that firearm is merely a sporting firearm, a hunting firearm, and your reason for grabbing that gun was because of the immediacy of the threat that you faced. You took your hunting shotgun, and you defended yourself and your family with it. You never set out to have your Death Slayer 2000. Instead, you have your Remington hunting shotgun in 12 gauge.

Evan Nappen 24:43

As you should know, 12-gauge is extremely powerful. You can have buckshot loads that are commonly used for deer; hence the term "buckshot", shooting bucks with the shot but very effective, very powerful. The other thing interesting about shotguns, particularly pump shotguns and others, is that they are usually the last gun that gets banned even in bad jurisdictions, even in countries that have heavy duty prohibitions on firearms. The shotgun is recognized for foraging game, for putting meat on the table and for hunting, and they are usually the last guns that get prohibited. Because of that, you can normally find ammunition just about everywhere for a 12-gauge shotgun. Another interesting thing is that if the stuff hits the fan and ammo gets tough and even if you end up finding a box of birdshot, you can still use your gun.

Evan Nappen 25:57

The thing about birdshot is you can turn birdshot into a load for the shotgun that can actually take out large game or be used in a defensive manner against a person. The way that is done is an old poachers' trick. It is called "ringing the load", and you ring a load on a bird shot is where you cut two half circles at the base where the plastic hits the brass. You cut the circles leaving just a little bit of plastic holding it together. When you fire it, it breaks off and the shot stays together as one unit in the shell casing and literally hits the target like a Glaser safety slug on steroids. You can look online for how to do ring loads and such. The reason it was an old poachers' trick is poachers would be out in bird season but really wanting to shoot deer, and the Game Wardens would ask "What's your ammo?", and he showed his bird shot. But in fact, if the loads were ringed, you could shoot larger game like deer with it.

Evan Nappen 27:09

It could also become a survival technique or tactic should ammunition get scarce. So, the 12-gauge is versatile and 12-gauge shotguns are associated with hunting. If you do not have it in a tactical form, you have a hunting shotgun. If that is the gun, we have to have the jury see, well, that is a lot better than so many others. Thinking in terms of hunting guns, a really classic hunting gun is a lever-action rifle. Because the lever-action rifle is really associated with deer hunting. In fact, there are plenty of them in use, like a Winchester 94 and 3030 is about as classic a deer hunting rifle as you can get. Yeah, that is a very powerful gun in its own right and plainly can be used effectively for self-defense and has repeat shot ability. There are all kinds of variations of lever-action rifles in all kinds of calibers. If you want to pump it up, you get it in 4570 lever action, and 4570 is an extremely powerful round. It is quite a one-shot stop deal with a 4570. But it is still a caliber that would not raise anybody's eyebrows over it, and it has no other, you know, Magnum tag on it. It has been around for over 100 years, and it is a repeater. Very powerful, very proven, and very discreet. Again, if you are in this type of jurisdiction, you want to think about these things.

Evan Nappen 28:56

If you are traveling with firearms and you are going into other areas where it is legal for you to have firearms, but you don't want to have something that again is too flamboyant, something that might give you a disadvantage, should you have to use it to defend yourself legally, the lever action is an excellent choice. It repeats. It is not a semi-auto, and it is reliable. It's proven. It's classic, and it has a sporting and hunting connotation to it. Any of these guns particularly with good old, blued steel and wood, just have that classic hunting feel. There are all kinds of modifications out there on these classic

guns. I even have a lever action that is made by Mossberg and has a zombie lever action. It has got all modular furniture and thing looks basically like an AR-15, but it is a lever-action rifle. It is interesting and cool, but not really in line with what we are talking about here. The more classic, the better.

Evan Nappen 30:06

So, what I strongly advise is to think about these things when it comes to the self- defense firearm that you are choosing to use and where you are living, in what jurisdiction. If you can have a revolver instead of a semi-automatic pistol, again revolvers are classic. There are plenty of great revolvers that can be quite reliable and quite effective in defense. These are things to consider. Again, nothing against any gun. I love them all, but I just want you to be the safest you can be. I want you to have the best chance of winning at a trial should you ever have to use force to defend yourself. So, ponder these things as it applies to your own situation. Till next time, this is Evan Nappen reminding you that gun laws do not protect honest citizens from criminals. They protect criminals from honest citizens

Speaker 3 31:10

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