

# Gun Lawyer -- Episode 47 Transcript

## SUMMARY KEYWORDS

firearm, nra, history, gun, firearms, guns, gun laws, law, lawyer, painful, fight, m1 carbine, collection, ibm, world war, supported, effect, act, permit, gun control

## SPEAKERS

Evan Nappen, Speaker 3

### **Evan Nappen** 00:20

I am Evan Nappen and welcome to Gun Lawyer. I have been watching the news and started thinking about one of the stories getting attention, the removal of the Robert E. Lee statue in Virginia. The big monument is Robert E. Lee, sitting on Traveler, his horse. A crowd was there cheering the removal of that statue, and it got me thinking about the real ramifications there and how we are currently viewing history. We could debate all day long about the Civil War and the effects of it; why the men who fought for the South were motivated or not, but that's not what I was thinking about.

### **Evan Nappen** 01:25

Robert E. Lee is part of our American history. To some, it might be a very painful history, and to others, it is someone that they admire. It has nothing to do with slavery. They admire his generalship, his wisdom on the battlefield, and the rest of his career prior to the Civil War. He faithfully served his country as well. So, there is a lot to it. But the bottom line is that it is our history. This is an attempt at removing our history and that is really a dangerous thing. It is a dangerous thing because, as the old saying goes, if we do not know history, you are doomed to repeat it.

### **Evan Nappen** 02:25

Plus, painful history is important to help shape our country. It also helps shape you as the individual. I was thinking about an old Star Trek episode where a fellow gets on board the Enterprise and is able to remove people's pain and make them all happy. Even Spock gets happy. This guy maybe a hustler or maybe he is a religious figure. It does not really matter. He can remove pain. So, they go to Captain Kirk and say, this guy can get rid of your pain. Let him do it. Kirk says, I want my pain. I need my pain. That's what made me what I am. There is something really important there. The pain made us as a country who we are. We cannot just remove it, and have it not have the effect that it had in shaping us and making us who we are and letting us learn from it. So, I looked at the removal of the Robert E. Lee statue and the other attacks that are taking place on our history. I started thinking about the painful history when it comes even to firearms. There is painful history about our political situation, and how we got here.

04:01

Now, let me just preface this by saying that I am a proud NRA member, a benefactor member, and have helped do many things for NRA. I am not anti-NRA at all. But what I'm going to tell you is, in effect, a painful history of things that occurred early on in the NRA. Like the removal of the Robert E. Lee statue, removing this painful history is not a good idea. We need to know and understand it. It is generally not known out there, but by recognizing it, we can look at the mistakes that were made, and mistakes were made. I am not talking about the modern situation now with the attack by the New York State Attorney General and all the politics going on here. Questions about whether Wayne LaPierre should stay in leadership or not. None of that. I am not going to get into that, and it is not about that. I want to look at the actual history of the NRA when it comes to gun control and gun laws.

**Evan Nappen 05:17**

You may be surprised to know that back in the 1920s and into the 30s, NRA was a proponent of gun control, and actually aggressively pursued the enactment of gun control laws. Laws that to this day, we are fighting. Laws to this day that the NRA is now fighting and has been fighting for many years to repeal and get rid of. But we need to know and understand what mistakes NRA made, and it was really done out of those folks being naive. If you want to read more about this, there is a really interesting article, believe it or not, in The Atlantic, which is a magazine that is generally considered, you know, left wing, liberal without a doubt. But they had an article called The Secret History of Guns by Adam Winkler in the September 2011 issue. (<https://www.theatlantic.com/magazine/archive/2011/09/the-secret-history-of-guns/308608/> )

**Evan Nappen 06:26**

It is a very interesting article to read. As much as I do not care for the politics of The Atlantic, and there, of course, is an agenda behind everything they do, this article does have many things in it that are factually true and surprising about guns and the history of guns. The fact that is put out by a liberal, left-wing magazine, and there is an agenda to it, does not mean that the history there is necessarily untrue or that we should reject it, want to close our eyes to it, and remove the statue. No, no, not a good idea. Instead, we should embrace it, understand it, and learn from it.

**Evan Nappen 07:14**

So, let me tell you that in the 1920s, NRA was actually a champion of enacting gun control. Because at that time, it had come over from England where there was gun control being pushed, and it came across the pond. It was after World War One, and there was this kind of a naive concept that gun laws could maybe work and go at crime and other concerns. The President of the NRA at the time was Karl T. Frederick. Karl Frederick was a Princeton and Harvard educated lawyer. He was known as the best shot in America because he won three gold medals in handgun shooting at the 1920 Summer Olympics. So, he was a good shooter, obviously, a skilled shooter, and he was President of the NRA at the time. He was made a special consultant to the National Conference of Commissioners on uniform state laws.

**Evan Nappen 08:41**

In this role and during his NRA presidency, Frederick drafted what was called the Uniform Firearm Act. The Uniform Firearm Act was model legislation that was pushed in the States at the time throughout America with the NRA and Frederick pushing these uniform firearm laws because they wanted to see

gun laws in all the states. It is shocking even say it, but what did these gun laws, these model firearm laws, what did they promote? Back in the 20s? I will tell you what they did. Number one, they required anyone that wanted to carry a concealed handgun in public must have a permit from the local police. Advocating permits. When what we had prior to that was constitutional carry. We had constitutional carry, and the NRA under Frederick pushed to not have constitutional carry and in fact have permits.

**Evan Nappen 09:56**

The standard in the Uniform Firearm Act was you had to be a suitable person and have a proper reason for carrying a firearm. Gee, have we seen any of this before? Of course, we have. New Hampshire's pistol permit law required suitable person, and do you know who backed suitable person in the 20s? The Ku Klux Klan, that's who, because that is how you could discriminate and not have those "unsuitable persons" get gun licenses and carry. This is historically true and painful. But here they were pushing suitable person and proper reason. Of course, in New Jersey proper reason became "justifiable need"; the bar and the trick to denying citizens their gun rights completely.

**Evan Nappen 10:54**

What else did the model uniform firearm laws supported by NRA say? Well, they required gun dealers to report to law enforcement, the sale of handguns. In essence, what was it? A firearm registration scheme. Handgun registration. Reporting the sale. Think about this reporting the sale. Oh, my, what is the New Jersey pistol purchase permit say? Oh, it's a purchase permit, and guess what it does? It reports the sale. Gee, I wonder where the roots for that came from? You guessed it, the Uniform Firearm Act. Finally, guess what else NRA supported in this Act? A two-day waiting period. That's right, a waiting period. So, here we are - waiting periods, permits required to carry, handgun registration, and reporting the sale. It was naively pushed and promoted throughout America during the 20s and 30s. So much so, it was cited in the Article that the Virginia Law Review article from 1932 reporting about the Uniform Firearm Act and its success, basically that the license to carry concealed weapon were in effect in practically every jurisdiction.

**Evan Nappen 12:31**

Since then, what have we had to do? Fight to turn back the clock. Fight to get our rights back. Mistakes were made. Again, I love the NRA. This is not NRA bashing. It is not about that. But it is a painful history that you need to know. It is why we are here, what we are doing, what mistakes are made, and what we are trying to fight to correct. And that is exactly what it was. It did not end there, by the way. Because also in the 30s came the infamous 1934 machine gun act. The 1934 National Firearms Act (NFA), and NRA supported that, too. They supported it because they looked at it from a national scope. They did not have to worry too much about pushing states to pass gun laws if they could get a national gun law in effect. This was a radical idea, actually, because where would the federal government have even the powers to enact a federal gun law. The only way they could come up with is taxation. That is why if you ever wondered why ATF was part of Treasury, and why you have to pay a \$200 tax, because this law was enacted, utilizing at the time the federal government's power of taxation.

**Evan Nappen 13:51**

I have read the original 1934 committee hearings, and you may be surprised to know what the original 1934 Firearms Act proposed to ban. It proposed to ban all handguns. It banned fully automatic firearms

and all semi-automatic firearms. It had a magazine ban in it of 12 rounds. That's right. That is the original NFA. Then what happened was there was through the committee hearings and NRA did fight to remove portions of this, we ended up with what we have today. They got rid of the handgun ban, and they kept semi-autos, etc. In the end, the National Firearms Act was supported by the NRA, and in it was not only machine guns and sawed-off shotguns, but also short barrel rifles, and silencers. What are our battles today on? Oh my God, we are still dealing with trying to get suppressors off the list for hearing protection, and we are battling that. We are trying now to stop the pistol brace ban from taking effect. What is that pistol brace ban? How is it going to work? Oh my gosh, they are going to put it into the 1934 Short Barrel Rifle category, originally supported by NRA. Now of course, it is vigorously opposed. Again, it is history that is painful, but you need to know it. That is its origins. That is where it came from.

**Evan Nappen 15:42**

I read in the American Rifleman in 1934 after this passed. The original riflemen after the 1934 Act passed, NRA proclaimed that they have solved the gun control problem for America. They have solved the gun problem for America by this wonderful new gun law. Of course, it laid the framework and the foundation for more and more gun laws federally. Including the 1968 Gun Control Act, which by the way, was also supported by the NRA and gun manufacturers that wanted to stop the import of cheap firearms and surplus stuff. Oh, yeah, that is right. Painful history, but true.

**Evan Nappen 16:37**

So, here we are now, and we are focused on not just getting our firearm freedom but regaining our firearm freedom based on mistakes that were made by, we'll even say, well-intentioned individuals. That is the battle. Not knowing it is foolish, and not recognizing painful history is stupid. I want you to know these things and keep them in mind as we fight our fight for freedom, liberty, and our Second Amendment rights. When we come back, I am going to talk more about history, and I love history of guns specifically.

**Speaker 3 17:26**

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](http://EvanNappen.com) or follow the link on the Gun Lawyer resource page. Evan Nappen, America's Gun Lawyer.

**Speaker 3 18:40**

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**Evan Nappen 18:56**

Okay, let's get into something I really, really love. And that is history, particularly history of firearms. But before we talk about historic guns and great guns, I want you to be aware of the importance of supporting Gun Lawyer. Please subscribe, and please have your friends subscribe. It is vital for us to keep this ability to communicate open. As you can see, a lot of the things that I bring up on Gun Lawyer are the first time that it actually gets into the public ether at all. I am very proud to say that many times the things we talk about on the show end up being picked up by many other advocates and others that get the message out and that is the point of it. It really lights up our network and, and I am proud of that very much so. It makes a huge difference in battling the suppression that they are doing to us routinely, trying to suppress us. This is a way of combating and that's why I do it.

**Evan Nappen 20:20**

When it comes to history of firearms, this is the fun stuff. I love the practice of gun law. I love keeping law-abiding citizens law abiding and defending what I call law-abiding criminals when the ridiculous gun laws try to turn great folks into felons. But the other thing is I am part of and have a love of firearms, as I'm sure most of you listening do. It is a passion, and I have to strictly limit myself. I am interested only in a very limited area; it has to shoot or cut for me to like it. That's it - super narrow. If it shoots or cuts, I like it, and what I really like is the history. There are different aspects of history of firearms. Now, one aspect of the history of firearms is firearm specific. One specific type of firearm is where you can establish its pedigree, and you can show the provenance of its ownership. Of course, guns like that are really cool because they were owned and utilized by a famous person. And that's really neat. Then on the other side is the history of the firearm itself, that model, that type, that firearm and its role as a firearm of its design in history. The role that the firearm played just generally.

**Evan Nappen 22:06**

Let's talk first about the provenance-type firearm. The firearm that has an owner behind it that at some point in the past was famous. Just recently, a gun collection that was owned by a Texas A&M professor netted about \$12 million. Not bad for a college professor to accumulate a \$12 million gun collection. Now what makes this gun collection so amazing is the guns that this fellow had collected over 50 years. It is the collection of Jim and Theresa Earle. Jim Earle was an engineering professor at A&M and was named Legend of Aggieland in 2000. You know, a cool guy. One of the guns in the collection was the gun that was actually used to kill Billy the Kid. The actual gun that shot Billy the Kid. That gun went for over \$6 million by itself. I believe that is a record for the highest priced firearm ever sold. So, that is pretty cool.

**23:50**

If you owned the gun that killed Billy the Kid, you would probably say, well, it is hard to have anything else that could even come close. But actually, his collection is pretty outstanding, although that is the most outstanding and amazing piece in his collection. Earle also had the shotgun used by Billy the Kid to kill the deputy when he made his escape in New Mexico. Remember that scene where he shoots Bob. He blows Bob away, and he makes that great escape with the shotgun. Well, that shotgun went for just a hair under a million dollars - like \$970,000 for that shotgun. Then there was a revolver in this collection that was used by John Selman to shoot John Wesley Hardin at the Acme Saloon in El Paso.

Another amazingly provenanced gun. John Wesley Hardin was quite the Pistolero. Many consider him to actually be the best. This gun went for about \$858,000 for the gun that shot John Wesley Hardin. The gun that John Wesley Hardin used in that same shootout went for \$625,000. So, you have got both guns on the shootout, Selman's and Hardin's. This was an amazing collection. It is just mind boggling. Also, part of it was Wild Bill Hickok's Springfield rifle that went for slightly under half a million - \$475,000. A revolver once owned by Bat Masterson sold for \$375,000.

25:51

Holy cow, what an amazing collection of provenanced firearms. Just an amazing history there, and guns like that are just fascinating. They really are, and the exploits that may have occurred with them. We can talk about whether that was good or bad, but it is still history. It is amazing that these firearms have been able to remain, not only physically here in modern day, but also that we know that they are the actual guns with the proofs and the pedigrees that demonstrate that these are the very firearms, makes it incredibly interesting.

**Evan Nappen** 26:44

When I got my start, I was a law clerk at Benson and Kates, the first firearm law firm in America. One of the things that the firm did was assist Christie's Arms and Armor. I had the pleasure of going there to look at the firearms, the books and legal issues and whatever at Christie's. I was like, Oh, my God, a kid in a candy store. Just to see this stuff. One of the things that was there at the time was Winston Churchill's Broomhandle Mauser from the Boer wars with documented provenance, and I got to hold it in my hand. Winston Churchill's Broomhandle. It was history that you hold in your hand. Just awesome, great stuff. This is the kind of thing that is really exciting and fun.

**Evan Nappen** 27:41

But you know, the history of guns is not just provenance guns that can be traced to its original owners or owners that became infamous, but also the gun themselves. There are historic firearms that when you shoot them, you are living history. You are shooting and experiencing the history. So, let's jump forward to World War Two. If you have a M1 Garand rifle or if you have ever fired a M1 Garand, then you are shooting you what Patton called the greatest battle rifle ever devised. You know that feeling of knowing Hey, this is what our soldiers used in World War Two and experience the firing of it. You are living that history and feeling that history, just from having that firearm and using it. Same with M1 Carbines and all the great guns not just of World War Two. I am just talking about World War Two guns, but great, historic firearms all throughout.

28:54

Then not only in the use of the firearm is it such a pleasure and such a thrill to just hold that history in your hands. But there is collectability and history to understanding the firearms themselves. For example, let's take the M1 Carbine. We know the wonderful history of the M1 Carbine. It was used in World War Two, Korea and even in Vietnam. The M1 Carbine of World War Two was made by a number of different makers. Of course, Winchester was one of them, but one of the other makers, because remember we had to convert our manufacturing into guns, at the time was IBM. They made 1000s of them. That's right - IBM, the computer company - International Business Machine. So, you can actually get a Carbine firearm made by IBM. I do not think you are going to find it at Best Buy in the

computer aisle. But there it is, and you are going to say, wow, here is a gun made by IBM to help win the war in World War Two. It was not just IBM that made M1 Carbines. There was also Rock-Ola, the jukebox company. The words "rock and roll" apparently comes from Rock-Ola. The word Rock-Ola and their music jukebox existed even before rock and roll. So, it became associated. Here you have a jukebox company making Carbines. If you acquire a Rock-Ola M1 Carbine, think about just how fascinating that is. These businesses that never made anything to do with guns, converted to make firearms to win the war. So, there is that aspect of the history that exists and is really a pleasure.

31:10

There are so many firearms out there that have historical significance in either their use or people that used models like it and made them famous. Just getting out there to the range or just holding them in your hands and knowing and feeling that history is the opposite of the painful history. It is the pleasurable part of history. So, look, when it comes to history, we have to know the painful history. We have to appreciate that as well as the pleasurable part of history and the embracing of all our history. That is really the key. Firearms have always been a part of American history. It goes hand-in-hand, and it is that appreciation that I wanted to share with you today. This is Evan Nappen reminding you that gun laws do not protect honest citizens from criminals. They protect criminals from honest citizens.

32:21

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