

Gun Lawyer -- Episode 54 Transcript

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SPEAKERS

Evan Nappen, Speaker 3

Evan Nappen 00:18

Hello, I am Evan Nappen, and this is Gun Lawyer. I am sure you have seen a lot of headlines about Alec Baldwin and the accident that occurred in the making of the movie, Rust. This raises some very important things for us, little ole us gun owners and our movie stars. Things that we need to learn when these kinds of things happen. More and more information has come out about what actually did happen, and you start to see a lot of the spin that the media has put on it. I want to cut through that and really look to the best of what I have been able to glean from sources what happened there. Apparently, what happened was, he was shooting a scene. He is Baldwin, who as many of you know, is an absolute anti-gun zealot nut. He has gone around bashing the NRA, bashing gun owners, and being a total flaming anti-gunner. This adds all the more irony to the hypocrisy that is Hollywood and guns. Here this guy who for years and years has been screaming from the anti-gun playbook of we need more gun safety laws, which is what they couch anti-gun rights laws in.

Evan Nappen 02:04

Well, if this guy spent less time screaming for more "gun safety laws" and actually learned bona fide real gun safety, maybe this could have been avoided. So, we are looking at this and everyone, of course, feels very sorry for the person who was killed and for the person who was wounded. That is always sad and tragic, and nothing here is meant to go against their sadness and problems. But I do want to look at what happened because we need to look at these things and learn from them if nothing else. Baldwin was filming this scene, supposedly, and he is trying to do a cross draw. It is a western, and I have not been able to identify the gun, but I am assuming it is an 1873 SAA (Single Action Army), a classic cowboy gun. He wants to do a cross draw.

Evan Nappen 03:08

Now, here is the deal. This gun is not a "prop gun" that they are calling it. Or a movie gun. No, it was an actual gun. So, it is a gun that is a period gun. Okay? It is not a blank gun. It is not a soft air gun. It is a real effing gun. Okay? That is fine in a way, because if you want to be realistic and have a realistic gun, then a real gun is about as realistic as it gets. But if you are going to do this with a real gun, you have got to be extra careful. Because you know what? It is a gun. So, don't be thinking of it as a movie prop. Don't be thinking of it as some blank gun. No, it is a firearm, and you better handle that firearm safely. The way you would handle any firearm safely; the way you should handle any firearm safely.

Evan Nappen 04:09

So, he is going to do this cross draw, and they are going to film it and were trying to get the right angle. But apparently the church was creating a shadow. So, he had to move in a certain direction and do his cross draw and fire. Somewhere in the process of him doing that, it fired an actual round. It is not clear whether that round killed and hit another person or whether a couple shots were fired, and one killed her and one wounded the other. But the bottom line is, it was live ammo, and I say live ammo, not the way Hollywood calls, live ammo blanks or whatever. It was live ammo meaning genuine cartridges with real bullets on top of cases with powder and primer, that fire and eject a projectile. That is what that gun was loaded with.

Evan Nappen 05:10

Now, how did this happen? How did this allegedly end up loaded? Well, apparently earlier in the day, some crew members were target shooting, target practicing, with the actual real gun. In a way you can understand the lore of it. I mean, here is a period handgun. Wouldn't it be fun to try shooting the period handgun? Look, shooting historic handguns is great fun. It is awesome to live history and feel and shoot. But how do you do it? Safely and at a range, and you follow the protocols. But look, folks, this was not a target shooting expedition. This was a movie making set. The fact that there was any live, actual real ammo on a movie set should never happen. Period. There should never be live ammo. Even if they are going to film a scene where he is going to practice and shoot bottles. They don't really shoot the bottles in the movie. They put a little explosive charge, a special effects guy, and the gun fires a blank. It looks like he hit the bottle, right? That is how they do it. They do not actually shoot actual ammo. At least that would be pretty risky to be doing that. They should not have live, real bullets anywhere on the scene.

Evan Nappen 06:34

Yet here it was. Apparently, he is handed the gun, and the person said it is a cold gun, meaning to him it is a safe gun and has no ammunition. He accepts this person's word for it. On one hand, you can understand that this is supposed to be professionals dealing with professionals. If the guy is telling me, it is a cold gun, and you believe them, why shouldn't you. But you know what? That actually is not how it works with firearms. If I am handed a firearm by anyone, I do not care if I am at a gun shop where no guns are loaded. If the gun dealer hands me a gun to look at, guess what I do? I check the action; every time I check the action. Look, if I told you here is a gun, and I said to you, don't worry, it's unloaded. Now put it to your head and pull the trigger. Are you going to do that? Or do you think that you are going to check and make sure it is unloaded? What do you think? Even with that, you should not be pointing any gun at your head which is a whole dumb thing to do anyway. But the fact is, what do truly trained gun people do when it comes to gun safety? They check the action, every time. End of story. Every time you are handed a gun. If I am handed a gun, it is automatic. I am opening that action and checking. Second nature. Not even a question.

Evan Nappen 08:04

One question that comes up is did he even know how to check a Single Action Army? Did he know? I read reports that veteran actors who are handed guns and told they are unloaded, or cold guns, or no problem. Guess what the veteran actors do? They check their gun even though they have been assured. Just like you would do if you were in a gun shop or with a friend at the target range. You

always check the action. These are true gun people that know gun safety. You always check the gun. You always make sure that you know whether that gun is hot or cold. Whether that gun is empty or loaded. You want to know because guess what? It is your responsibility. When you pull that trigger, you can't call that bullet back, and you better know whether your gun is loaded or unloaded. So, the number one thing we need to take away from this, as gun owners that want to be safe, is always check your gun. Always check the action. Never trust.

Evan Nappen 09:09

I have had many cases where there has been ADs, Accidental Discharges. Do you know how those happen? Every one of those accidental discharges occurred with an unloaded gun. Isn't that amazing? Because that's what the person believed. The gun was unloaded, but it wasn't. So, treat every gun as if it is loaded. When a gun is handed to you, you check the action. But apparently, that was not the protocol. If I was the great God of Hollywood gun safety protocols, I would say everybody who was handed a gun, in any chain of it being handed, every individual must check the gun and know that is unloaded. Or if not, what it is loaded with. Because they have checked it, opened it, extracted whatever cartridges, whether it's blank cartridges, or whatever is in there, looked at them and confirmed to themselves exactly what it is. Now, I know, hindsight is 20/20. I get it. But this is not about hindsight. This is about protocols that obviously were not in place during the filming of this movie. It seems that live ammunition was on a movie set and it should not have happened. Somehow a gun was loaded on a cart of guns that are used by actors, and it never should have happened. Somebody grabbed a gun off that cart and obviously did not check it. They assumed that it was unloaded, and then conveyed that assumption, without having verified themselves, to another person, maybe two. It was Baldwin, who was the last one to have it, and did he check his gun to confirm? No, we didn't. All those mistakes in a row. If any one of those people, or any one of those policies been followed, or at least somebody checked that gun before, this could have been avoided. And all that is there, and it is so simple. Why is it so simple? Check your gun. Okay, that's number one. Now, this checking of firearms should be a practice that you do for the rest of your life. All the time, every time.

Evan Nappen 11:24

Obviously, they are going to be looking now at major safety changes in Hollywood plainly, and it is as well they should. But I have a suggestion for Hollywood, being that we are talking about Hollywood and guns. Did you ever notice how, before a movie or before even certain TV shows, they give you all kinds of warnings? They will warn you about nudity, sexual content, even violence. Warn you about violent content or unlawful drug use or even smoking. Smoking, they warn you about smoking in this movie. They will even warn you about cultural inappropriate things from days gone by. Do you know what I want them to warn about? I want to see a warning on every movie or TV show. If the following appears in the movie, they need to warn you that this movie contains unsafe and/or unlawful use of firearms. Could you imagine every movie that has the unsafe or unlawful use of firearms has to warn you in advance on that? Do you know how many times a day, every movie and every show, you would see this over and over and over. This contains unsafe or unlawful use of firearms over and over. So much so, that maybe America will wake up to exactly what Hollywood conditions us to. It conditions us to unlawful and unsafe use of firearms because it runs through all the shows and all the entertainment. It is so rare for a show involving firearms, not to show the unlawful or unsafe use of firearms. So, they

have conditioned not only us but themselves to be unsafe with firearms. And here you see it come out. You see it come out in the very thing that causes death and injury, and it is outrageous.

Evan Nappen 13:41

There have been other gun accidents on movie sets. There was one you may recall in 1984 where the actor, Jon-Erik Hexum, accidentally shot himself in the head while he was playing Russian roulette, which is dumb in and of itself. But he was playing with a gun that had blanks. It was blanks; literally blanks in a real gun. He had loaded like three empty cartridge shells and two gunpowder blanks, just blanks. He did the foolish Russian roulette and put a gun to his head and fired a blank at his head. He was so stupid about firearms that he did not realize that even a blank gun with that concentration of propellant gases, can kill you. In fact, it fractured his skull, and he died from it. Blanks themselves can be dangerous.

Evan Nappen 14:53

I remember my dad saying that he was in basic training, and they were in the woods getting ready to do their maneuvers. They were training, and the sergeant took the M1 Garand. He said, everyone watch this, as he took a blank with the M1 Garand, and he put it next to the tree and pulled the trigger. Three feet of bark blew off the tree to send the message that blanks themselves are dangerous and to be careful with the blank. A message that Mr. Hexum, unfortunately, learned the hard way. You may recall there was another accident in Hollywood regarding Brandon Lee, the son of Bruce Lee. He was killed with a "movie gun". When we come back, I want to tell you how that actually happened because it's very interesting, and it relates directly to other concerns about gun safety that you and I have to be concerned about.

Speaker 3 15:57

For over 30 years, Attorney Evan Nappen has seen with rotten law due 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 17:12

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Evan Nappen 17:27

Hey, all right. I want to tell you the story about Brandon Lee and, of course, I am a big fan of Bruce Lee as well. It was really quite tragic. Before I tell you that I just want to thank you for listening to Gun

Lawyer, and I appreciate you very much. It gives me the voice and the ability to reach out to you. Social media and big tech algorithm me, shadow ban me, and put me in virtual jail and not able to speak. This makes sure we can get the word out, despite their attempts to do this. So, please subscribe to Gun Lawyer and tell your friends. It's important. The other thing I really love is getting questions from my friends out there, and you can send them to Ask Evan at www.gun.lawyer. You will find the email address right there, and you can send questions. I love to talk about them on the air. As a matter of fact, we are going to talk about one of them very shortly; some interesting questions that folks have sent.

Evan Nappen 18:30

Let me tell you about Brandon Lee. It is a particularly sad thing because Brandon was shot by a firearm on the set in the making of the movie, *The Crow*. What happened with that is really interesting. It was not a case where live, actual real bullet got accidentally put in the .44 Magnum revolver. No, that was not what happened. They were apparently first using some dummy rounds in filming the scene, and the dummy rounds looked like actual cartridges that have a bullet head and shell casing, but they contain absolutely no powder at all. For the moviemaking purposes, you can see the dummy round in the revolver, and it sticks out. You can see it through the cylinder; so, it makes it very realistic. But a dummy round is never supposed to fire at all or make any kind of action that any kind of live cartridge would do. Apparently, the dummy rounds used here had no powder in them, but they had an actual bullet, an actual projectile and a cartridge case with no powder. But for some reason, whoever made these dummy rounds, put in actual primers. So, what happened was the gun had been fired with a dummy round. In the shooting world, it is known as a squib load, a squib load.

Evan Nappen 20:22

A squib load is an underpowered round, an underpowered load. If you are shooting at a range and you are firing, it's going bang, bang, bang, and then you hear pfffh. Not a real bang, but a low, kind of popping sound. What was that? Immediately unload your gun and check the barrel for an obstruction. Because if you fire another round after a squib load is fired, the bullet without enough power behind it, the bullet will lodge in the barrel, and the next full power round you fire, that bullet will hit the other bullet, and there will be a barrel obstruction. That is how guns blow up in your hand and in your face. If you have ever seen guns that are blown up from a barrel obstruction, it can blow and send pieces of metal all over the place like a shrapnel out of a hand grenade. It is dangerous and can even be deadly. So, a squib load is something you need to be aware of when you are firing even for pleasure at a target range. Sometimes the barrels don't blow, and you end up stacking. You can see these cutaways of barrels where there are 10 rounds jammed in the barrel. The whole barrels is stuffed with lead bullets, and luckily it did not blow up in the person's face. So, that is what squib loads are.

Evan Nappen 21:57

So, what happened with Brandon Lee is that the dummy round, fired like a squib. The primer had just enough powder to push the bullet projectile into the barrel. But then, instead of firing a live, actual bullet, which, of course, you would not do on a movie set, and the gun blowing up or being jammed up. What was put behind it was now a blank cartridge. A blank for making noise and for the filming of the movie. But what is a blank? A blank is gunpowder with no projectile, to make noise only. When that blank fired behind the squib, a lodged bullet in the barrel, it fired the bullet the rest of the way out of the

barrel, killing Brandon Lee. If it had been an actual, live round, it would have probably just blown up the gun in the shooters hand or just jammed beyond belief. But instead, it had that combination of a squib with a blank and that is how he died.

Evan Nappen 23:17

Even though they are Hollywood accidents, there are lessons here to be learned, so that you yourself will be safe when target shooting, enjoying the shooting sports or hunting. If you ever get a squib load, do not put another cartridge in. Always check your gun. Every time anyone hands you a gun, check it and see if it's loaded, unloaded, or what the condition is. Assume every gun is loaded until you confirm otherwise. So, these are important things that come out of this. Of course, I am sure we will learn more information about the Baldwin case and liabilities here and whether there's even going to be criminal charges. It is going to be interesting. But there is another factor here as well, whether the armor was properly trained. The armorer was a young woman that apparently was not that experienced, even though her father is a renowned movie armor. But I do not think she had the background herself. She even questioned whether she was ready for this. It is things like that unfortunately all go into this perfect storm of a tragic accident. We will learn more as time goes on, and I am sure we'll talk about it.

Evan Nappen 24:43

Well, I did receive some interesting questions, and here is what I want to read you. It's from James, regarding nullification. He said, Evan, if the Supreme Court rules broadly in favor of concealed carry or if a national reciprocity bill becomes law, could New Jersey nullify those actions? Of course, it is not just limited to New Jersey. But could any anti- gun state nullify those actions? Really what we have here is two separate questions. One question is about the action of the United States Supreme Court. If they rule in favor of concealed carry, I guess we mean what if they find that the carry law being challenged in the New York State case is found unconstitutional, and the Supreme Court finds that firearms possession outside the home is constitutionally protected, protected by the Second Amendment? If they find that, does that mean that New Jersey could somehow nullify that? The answer would be no. The constitutional principle, the constitutional finding, depending on how the court rules, of course, but that would make it so that laws that are unconstitutional are unconstitutional. Individuals seeking relief could in worst case, go to federal court, even over the offending law.

Evan Nappen 26:15

New Jersey could pass all the laws at once saying it's not going to follow it, but the Constitution will still be supreme. They really would have a tough time. The only way to nullify would be to get the Supreme Court to somehow reverse its decision in another case, or to get a constitutional amendment, or repeal of the Second Amendment nationally, in order to "nullify". Let me just tell you, folks, right now, when the Supreme Court does go our way, and does, in fact, invalidate gun laws as unconstitutional, and actually apply the Second Amendment the way you and I know it needs to be applied, I can just about assure you that the next movement of the anti-gunners will be a concerted effort to repeal the Second Amendment. You can bet we are going to have a battle over their desire to repeal our God given, fundamental right, natural right to keep and bear arms in defensive of ourselves, our families and those that we love. So, you will see that as an upcoming battle. If the Supreme Court does finally put real teeth and power behind our Second Amendment rights, they will be enforced. The only real way to stop that then will be by either packing the court and getting reversals, which the Supreme Court normally

doesn't like to do because of the value of precedent, or a movement for repeal of the Second Amendment. I think the latter is a real possibility, folks. So, brace yourselves. It won't be over, even when we get these victories. It is just going to be a new battle and a new war, fighting to keep our rights as we are engaged in this new frontal assault.

Evan Nappen 28:25

Now, the other part of the question is what if a national reciprocity bill becomes law? Well, national reciprocity would be a bill that would be passed by the federal government. If the federal government passes national reciprocity, they will declare this law to be pre-emptive. A pre-emptive federal law means that it preempts state laws. Under the Supremacy Clause of the U.S. Constitution, the federal law can be the supreme law of the land. If it is declared to be pre-emptive, then state law no longer has any effect. The federal law controls the subject. So, New Jersey would not be able to nullify a reciprocity bill if it was based in preemption. Exactly the opposite. The preemption law of reciprocity nullifies New Jersey's laws, because it is a federal law and empowered under the federal Constitution as supreme law of the land.

Evan Nappen 29:35

With the federal government stating specifically that it is designed to preempt state and local laws notwithstanding. It would be a difficult, difficult thing. They would have to get the federal government to repeal the reciprocity law because preemption is a very important federal power. In our gun laws we already have laws that are preemptive. We have laws like LEOSA (Law Enforcement Officer Safety Act) that allows carry by retired inactive law enforcement. We have the armored car preemption for carry; so armored car personnel can carry their guns across state lines. We have national preemption law for transport of firearms under Title 18 926A of the Firearm Owners Protection Act. This allows you to transport your firearms interstate; through states that even prohibit your gun or restrict it, as long as you follow the law of Title 18 926A. Why? Because it is a federal pre-emptive law of state laws.

Evan Nappen 30:47

When you transport out of your home state, in order to fall under the federal law and to get the protection of the preemption that it affords, you have to be going from one place where you legally can possess and carry the firearm to another place where you legally can possess and carry the firearm. Just to be extra safe and be solidly under the law, your gun should be in a separate locked container and unloaded. So, the gun is in a separate container. It's unloaded and it's locked with the ammunition separate. Keep it as far away from the passenger compartment as you can, whether you have a trunk or the back of your SUV. You have maximized your coverage under Title 18. If you end up in a state that prohibits your possession because you do not have it's impossible to get license or the gun itself, they intrinsically have declared as a problem, then you would be able to argue the preemption there. It is a defense that you can assert to stop the enforcement of the federal law on you, and I have used it successfully in New Jersey to save individuals who have been transporting a firearm through New Jersey in conformance with Title 18 926A. So, it is an important preemption.

Evan Nappen 32:08

As much as New Jersey hates it and as much as they love to nullify it, they are not able to because it comes under that Constitutional protection. I want to thank James for great questions. I love talking

about this and explaining things to folks. You are incredibly important to me. I want you to know and have this knowledge so you can protect yourself and understand what the lamestream media does not want to tell you about guns. Till next time. Just remember that gun laws do not protect honest citizens from criminals. They protect criminals from honest citizens.

Speaker 3 32:56

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Speaker 3 33:17

Let's go Brandon. Pandemic ain't real they just planned it. Hey, hey, let's go Brandon. You ask questions. They stop banning. Hey, hey, let's go Brandon. Let's go Brandon.