

Gun Lawyer -- Episode 70 Transcript

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SPEAKERS

Evan Nappen, Speaker 3

Evan Nappen 00:19

I'm Evan Nappen and welcome to Gun Lawyer. I want to do a little Valentine's Day wrap up here. Some interesting things happened over Valentine's Day and all affecting or regarding firearms. They are just absolutely of worth note here, and it's important for us to discuss it because it shows how these holidays can impact our gun rights.

Evan Nappen 00:44

Let's take a look at what ATF did on Valentine's Day. The ATF decided that they are going to do a Valentine's Day promotion. Yeah. Can you imagine that? A Valentine's Day promotion by the ATF? Well, what could that be? Well, I'll tell you about this promotion. Here is exactly what it said in a tweet from ATF headquarters. This is verified, and I am not making this up. This is not the Onion or the Babylon B. This is actually what ATF put out in a tweet. "Valentine's Day can still be fun even if you broke up. Do you have information about a former (or current) partner involved in illegal gun activity? Let us know, and we will make sure it's a Valentine's Day to remember.! Call 1-888-ATF-TIPS or email ATFTips@atf.gov."

Evan Nappen 01:39

Isn't that wonderful? Look at what our agency here, the ATF, is putting out to the folks to make sure you rat out your spouse, or if you're just full scorn over your ex, here's a way to extract vengeance. The ATF is there to just help you out. Now keep in mind, folks, you're not given immunity from this. Nowhere does it say immunity. If you start calling and the government gets involved in your life, it is amazing how suddenly you're dragged into it, too. Because if you have the information, then the question is how did you have the information? And maybe your ex-spouse isn't going to be really happy with your doing this? Things can go both ways, and who knows what. All in the name of, I'm sorry, what is that? Oh, enforcing unconstitutional laws, and going against gun rights, Second Amendment rights. This is pretty nasty stuff.

Evan Nappen 02:48

When you see agencies asking individuals to turn in their current or former spouses or partners, it really just kind of rubs Americans the wrong way. Because we have seen in history, these type of requests and demands made by various groups and agencies to turn in your parents, turn in your loved ones, turn in those that you know. What countries have practiced this in the past? Really pushing to get family

and relatives and children to turn in their parents, their loved ones, and their relatives. I seem to remember, this was a mainstay of certain countries and governments during World War II, and other countries that promote communism and current countries that are extreme dictatorships. Everybody is distrustful of everybody, and it's the government pushing this same agenda as the ATF. Although isn't it nice how they couch it in Valentine's Day revenge? Isn't that professional and wonderful? I mean, look at what a great job. Maybe Valentine's Day should be turn in your loved ones day, period. Maybe it should be promoted that way. Why should it stop with the ATF? FBI. Everybody.

Evan Nappen 04:32

Of course, it wouldn't matter for immigration. They just ignore that. Don't worry about that. All the groups turn them in. Turn them in to every local police department or state police. Valentine's Day should be a national turn in your loved ones day! I mean, come on. Any illegal activity, report it. Great idea isn't it. This is what the government, through this agency, is doing. That's their push for Valentine's Day. This is outrageous, and it makes you wonder just how far and extreme this administration is willing to go. We have things coming around the corner here, folks. They're going to promulgate some pretty bad regulations, and it's going to turn millions of people into criminals, if they don't abide and conform to these regulations. Not even laws passed by the legislature, not even through a Democrat process, but promulgated by agencies with a political agenda from the top. They want to encourage you to rat them out, man, rat them out. There is a lot of risk in this. A lot of risk for everybody. Keep in mind, some people don't appreciate rats, right? They don't appreciate when that happens to them. Then there are other ramifications. The government, are you going to trust them? The government that asked you to do this, are you going to trust that you are not going to be pulled into this thing and sucked into this, too.? You really got to be naive to believe that, and I've seen it.

Evan Nappen 06:16

I have seen it in cases where spouses, who didn't need encouragement from the ATF, thought it would be great to do this. And next thing you know, they are pulled into it. I cannot tell you how many cases where there has been an allegation of domestic violence, which I am not in favor of domestic violence. No one should be abusing anybody. I get it. But when the government comes in on that claim, even though it was maybe a little exaggerated, or hyped up, or to get the other spouse's attention, and just wanted to scare him. These are all the things I have heard in actual practice. Next thing you know that person is arrested, guns are seized, all these allegations come down. Do you realize half the time the person, who is calling my office to save them, is the person who called the police in the first place? They cannot believe what it is doing to their family. They can't believe what's going on, and they are in shock. When they thought, ah, the government is their friend; they'll help, they're here to help. Yeah, right. They learn some hard lessons, quick.

Evan Nappen 07:26

But of course, this is a lot bigger, and the response it has got has been nothing short of hilarious, really. I am going to quote some responses here that are just hilarious. The former Vice President, sorry, the former Libertarian Party VP candidate whose name is Spike Cohen tweeted in response to this. "Hi, yes, I'd like to report someone who set an entire compound full of children and their parents on fire, and shot anyone who escaped. Then they went and trafficked guns to Mexican cartels, who used those guns to kill innocent Americans and Mexicans. They should be disbanded." Hmm, interesting, and he

wasn't the only one. Because this is just causing, and rightfully so, a lot of folks to scratch their head and say in disbelief that an agency would do this.

Evan Nappen 08:31

Here is one from the Blaze contributor Jessica O'Donnell. She tweeted "looks like the ATF is going full ATF today" Full ATF - I guess that's right from Tropic Thunder with a little variation, but it fits. It surely fits. Then there's another one here, and this one is great. This is political activist Beth Bauman, and she says, "Oh, look. The ATF is giving us a PERFECT example of what's wrong with red flag laws. Nothing says Happy Valentine's Day like having an ex SWATed just because you can't stand them." Part of the problem with a red flag is a swatting where individuals that are completely innocent, have caused no problem, nothing, and they get the agency to come down on them. It has been dangerous to people. People have been shot and killed when there was absolutely no basis for what they were told.

Evan Nappen 09:44

The ramifications can be life and death. And that's something else that gets sent out by these agencies and by these red flag laws. It has caused tremendous harm and death to individuals. The well-intentioned, however well-intentioned, and really, it's just another mechanism to seize guns. Even if you want to give it the benefit of the doubt and say somehow it was well intentioned, well, it's not panning out. It is not panning out at all. It's the opposite. It is harming people, invading their privacy, taking their property, and putting a lot of people at risk, both law enforcement and individuals. I see that in my practice. I see it happening. So, this is amazing.

Evan Nappen 10:33

We see this agency engaging in this behavior, and it seems that it's a pattern. Why am I not surprised that this would be something ATF would do? Here's a good one from Joel M. Petlin. He says, "If you don't really like the #Valentine's Day Hallmark card, candy, jewelry or floral bouquet from your boyfriend, why not punish him with the gift of a no-knock search warrant of his home, courtesy of the US government." Then he puts "Call 1-800-ARREST-MY-BOYFRIEND. ATF agents are standing by." The truth is that they really deserve this. How can they be that foolish, stupid, to even get this approved to be said? It is just outrageous, and it does not build confidence in our agencies. It shows just how low they'll go, how politicized and how disgusting they are.

Evan Nappen 11:52

Do you think having Americans turn on one another is really great policy? Look, if you want to get the bad guys, get the bad guys. But to put this out there and to do this, in this way, is disgusting, and really cannot be condoned. But you know what, in today's day, it's fine. No one's going to do anything about it. It's going to be, you know, good they are just trying to stop illegal gun activity. And of course, as long as you're trying to do that, everything's good. It doesn't matter. Everything's good. As long as we have that moral stand we can take, sure, that is what operates on it.

Evan Nappen 12:38

I'll tell you what. There are a number of interesting things. Biden didn't let Valentine's Day go without comment, and he gave a Valentine to gun owners. This is an article by Dave Workman (Liberty Park Press). He put this out in his article, "Gun Control Plea" and we want to give him credit. He said, "Joe

Biden's 'Valentine' to American gun owners . . . " And what did Biden do? Well, he called for universal background checks, a ban on assault weapons and high-capacity magazines, and repeal of the Lawful Commerce in Arms Act. Now you see this is Biden doing this in response to the atrocities that have been committed with firearms, even though they're so few, but it doesn't matter. They don't want any tragedy to go without maximizing political benefit from it. Based on the incident at the Stoneman facility (Marjorie Stoneman Douglas High School in Parkland, Florida), this is what Biden has to say. So, look what he is asking for, universal background checks. Well, that's UBC and that translates to nothing less than universal gun registration, which we've talked about on the show that they are working toward.

Evan Nappen 14:00

They are putting the registration machine in place now, as we are speaking, so they have fully computerized ability to do online registration for NFA. Then that's going to grow to the pistol brace ruling coming down and then be ready to do 10 million pistol brace registration. Get the system all customized and rocking and rolling. Then they'll be ready for national registration by computer. The system will be in place and that all ties into UBC. That is what Universal Background Check is about. End private sales so that everything can be tracked. Then the so-called assault weapon and high capacity. Well, you know, high capacity to you is standard capacity to me. That's just some arbitrary number to make people into felons, which we've seen happen in a number of states, including New Jersey. Of course, the assault weapon is simply modern sporting arms that they put this pejorative term on. They use it to create sweeping bans that violate our right to keep and bear arms.

Evan Nappen 15:07

Then of course, get rid of the Protection of Lawful Commerce Act; that's what protects manufacturers and dealers from being litigated out of existence for acts by third parties. Someone commits a crime with a gun, and then sues the gun maker that had nothing to do with that crime. You may as well sue Ford or Chevy because the bank robbers used it as a getaway car. It's not anything at fault by the manufacturer or dealer, but using the tort system, the trial lawyers abuse through the civil system to break and destroy the industry, and therefore, go at our Second Amendment rights through the tort system. That's what that's about. These are all Valentine's Day efforts. How sweet, how nice by ATF and Biden.

Evan Nappen 16:10

There's one thing I want to mention and that is actually a good thing in which I can truly say Happy Valentine's Day and that is Happy Valentine's Day to the 1911 handgun. That's right. John Browning's famous 1911 was patented, February 17, of 1910. I bet a lot of you out there have some variation of a 1911. And that's a gun I can send a Valentine to and say Happy Valentine's Day and happy birthday to that patent of February 17, 1910. It shows you what a timeless design it is, to still see modern manufacturers making, people owning and shooting the famous 1911 and all its variations.

Speaker 3 17:19

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 18:34

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Evan Nappen 18:40

I want to thank all my listeners for being listeners and making sure that you subscribe and have your friends subscribe. This is our voice. This is the way to get the word out about these things that the lamestream media do not want us to know. I want you to know because we have got to know so we can protect ourselves and be aware of these attacks on our rights and our precious Second Amendment. It is a never-ending fight.

Evan Nappen 19:21

So, this is an article I recently saw in an NRA magazine (Shooting Illustrated.com), and it talked about, "How Important is Bullet Construction?" (By Richard Mann) In the article, it says during a recent trial, the prosecution questioned the defendant about the ammunition loaded in his AR-15. This produced a comment from the defendant where he stated a bullet is a bullet. As the NRA article and others point out, that is not really the case. I understand what the gentleman means by saying a bullet is a bullet. But there is a difference in bullets as far as juries are concerned and as far as prosecutors may try to make hay out of it.

Evan Nappen 20:20

As far as the actual performance of the bullet, and this is something you want to think about when you think about the ammunition that you're using for self-defense, because if you're using certain ammunition for self-defense, and it has, for example, certain names that indicate more of a killing round, more of a death-producing round, or if it is ammunition that has an infamous association, you know, back when Black Talon was the scary ammunition. They quit making Black Talon, but you can buy ammunition today that performs and is virtually indistinguishable from Black Talon, with one exception. It's not called Black Talon, and why is that? Because these names can matter.

Evan Nappen 21:25

Especially if there are 12 people sitting in judgment that do not have a lot of knowledge about guns, and you are going to be dependent on them understanding that your actions were justified. That you weren't looking to kill somebody, and you weren't out there trying to cause this problem. In fact, you were simply defending yourself and defending your loved ones. Everything that went into that action is going to be scrutinized. They are going to look and see what ammunition you were using. Some folks will say,

well, that's why I don't want to use hollow nose or hollow point because the state can try to claim that it is made to kill and made to do super damage.

Evan Nappen 22:17

In reality with hollow nose, we can get an expert to make it clear that the purpose is a more likelihood to stop the danger. It's not about killing; it's about stopping. It is more likely to stop the threat than that is why we would want to choose something that gives more of an energy transfer to the target to stop the threat. That's where expert testimony can be very important to demonstrate the purpose behind the choice of the round. Additionally, there's other advantages to hollow point or hollow nose, particularly a fear of over penetration. Shooting some fully jacketed, high penetration round in your home can go through walls and hit innocent bystanders or even out on the street on your carry gun is not a good idea. You want to stop the threat, and you don't want innocents to be endangered. Therefore, this type of ammunition can be very good.

Evan Nappen 23:35

There's a lot of specialty ammo out there, and there's a lot of strange things that are very interesting, you know, that seem to have different effects on targets. But if it's something too bizarre, too out of the ordinary, then the state will try to make hay out of it. I have seen them try to do that with not only the type of ammunition, but also the name of the ammunition, the name on the gun, even things that you may have put on your gun, names or engravings of things that you chose for your gun. For example, the Glock plates that slide in the back that have different things on them. If you put a death skull on the back that's going to be in front of the jury with that death skull. This is the kind of thing.

Evan Nappen 24:30

This was best illustrated by my tort's professor in law school. He had a trained German Shepherd that a client paid him with. It was a \$10,000 trained German Shepherd, hand signal, German command, and the dog was incredible. But what did my torts Professor name this dog? He named the dog Bambi. That's right. Bambi. Because if he was ever sued, he wanted the papers to read about the guy being bit by Bambi and the whole bit. Names make a difference. So, instead of calling it some really mean, macho, vicious name, Bambi worked. I mean, it's not a bad idea. If you are dead set to have some defense gun that you're going to use that maybe you want to call it Hello Kitty, something like that, if you have got to put some name on it. Because if it's a death Slayer 2000, it's not going to play well to the jury. Whether you have these guns or not, the one that's going to become a primary self-defense gun, you have got to be very careful about the type of firearm, its name and what it is.

Evan Nappen 25:54

If you are going to defend your home with a .44 Magnum, which is a great gun, a great revolver, I love the .44 Magnum, but if you use it, get ready, the prosecutor is going to make out like you think you're Dirty Harry. Okay, it's going to happen. They are going to start to sell it to the jury that you were Trigger Happy, Dirty Harry, neanderthal, blah, blah, blah, and you had this dream or vision that you were some Clint Eastwood-type guy. This is what you're up against, and it's a shame, but it's true. They'll stoop to these levels without any doubt. I have experienced and seen them attempt it on various things. We will try to stop it as being prejudicial. We will try to stop it from being used in this way. But this is how it goes. A fact is a fact.

Evan Nappen 26:50

Now I have had other cases where it's the opposite. We had one case involving a Lady Smith, and I emphasized that it was called that. I didn't call it the pistol. I didn't call it the gun. I called it the Lady Smith. Because it was a gun marketed to women, and this was a woman that was using the firearm, it played well. So, that's a good thing. You have got to think this through. It can cut both ways. Think about the gun that is your primary defense gun, home or carry, and look at these other factors and just think, if an uneducated gun jury has to look at this, what do you want them to see? What do you want them to hear and know?

Evan Nappen 27:49

This is also true even in states like for example, in New Jersey, you can have an unregistered handgun. Registration only occurs in New Jersey on the acquisition of a handgun. You can still possess handguns that weren't acquired in New Jersey, and they do not have to be registered. It can be guns you acquired in another jurisdiction and brought into New Jersey. It can be guns that you inherited. It can be guns that you acquired before the law even took effect. Those are all unregistered guns. And that's perfectly legal, and not a problem. But what I recommend to folks is if they are going to have a primary self-defense gun, that it be a gun that is registered and papered on a purchase permit to New Jersey. Even though it has no legal significance whatsoever. In other words, you can have it with that or without it. It's legal in your home because exemptions allow you to possess in your home. But the fact that you had "a registered gun" that is what can come in the case. Again, it shows that you are a person who had a registered handgun, and it was registered to you and that you had a permit for the handgun. Does any of that legally mean anything? No. But a jury hearing that puts you in a certain category in their mind. Knowing you are registered and had the permit, etcetera.

Evan Nappen 29:29

These are things you need to think about when it comes down to what you're using to defend yourself and how you're using it. Names are important. This type of paperwork even though I'm not a fan of registration but given certain states where like New Jersey where it's out there, but it's this hybrid where you can have it or not have it. You want to seriously think about your primary self-defense gun as having it for these reasons. Be careful what ammunition you are using. You only want to use ammunition that's legal, of course, and you want to be aware of its name and its performance, and what it's designed to do and how to do it. This all can become factors and things you might never normally think about. You're just thinking, hey, I was in a life-or-death situation, and I defended myself. Yeah, but once it starts being picked apart, bit by bit, every little thing, and all that is examined and looked at, you want to make sure that that pile of things ends up on your side. Not on the side of those trying to turn you into a criminal over your lawful use of force. These are things that we have to think about as law-abiding gun owners. We want to make sure that we have everything for us in our favor that we can and not allow anything that can be twisted and abused and used against us, simply because we're legally, legally, exercising our rights.

Evan Nappen 31:21

This is Evan Nappen saying L2AL and reminding you that gun laws don't protect honest citizens from criminals. They protect criminals from honest citizens.

Speaker 3 31:35

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