

# Gun Lawyer -- Episode 91 Transcript

## SUMMARY KEYWORDS

firearm, rabbit, squirrels, gun, democrats, big, gun laws, lawyer, law, carry, cannon, evan, benjamin, rights, kinds, restricted, kid, called, ban, woods

## SPEAKERS

Evan Nappen, Speaker 3

### **Evan Nappen** 00:19

I'm Evan Nappen, and welcome to Gun Lawyer. We're being hit with all kinds of gun laws that are attempted to be passed. It's kind of surprising on one hand, because here we have this great Supreme Court decision that really lays out the scope and power in the force that is the Second Amendment and the right to keep and bear arms. The response from essentially the Democrats, of course, is, who cares? Let's push harder to pass more anti-gun laws that are absolutely unconstitutional, but let's get them passed. That attitude is just a child having a temper tantrum. That's what they're doing.

### **Evan Nappen** 01:21

So, we start with New York where the Governor jams through all these other restrictions on carry. And it's funny because lo and behold, lawsuits have begun. They just went to federal court, and the State says we need an extension, so we can reply over why our laws are so good and righteous that we passed. And the judge said, sorry, no extension, and it's like, wow, not going to do it. You have to stay within the timeframe because this judge is going to decide it, before the law takes effect. And I'm pretty impressed because, obviously, that Judge got the message. He got the message from the Supreme Court. You know, he read the memo. And it's not going to be tolerated like it used to be. The courts know it, and they don't really want to be that judge that gets overturned.

### **Evan Nappen** 02:29

One of the things judges have going for them is their egos, and they don't like being overturned. They don't want to be told they're wrong. They don't want that. When it's blatant and plain as day, they're not going to be that one out there. Just being foolishly stubborn and set in the old ways. No, this is a new day. It's a new day and a new dawn. And it's going to be a wakeup call to the anti-gunners. But for the moment, they're just going to continue in their ways of being angry little children, and the lawsuits are piling up. I just saw that California is not enforcing their magazine ban. A directive went out, at least in a major city, no more enforcement of it because they know on the GVR (Grant, Vacate, Remand) of their magazine ban and it's not going to cut it. It's going to be unconstitutional.

### **Evan Nappen** 03:34

For that matter, so is Jersey's. Jersey is still enforcing their mag ban law. But they're on their deathbed with these gun laws. Remember, the assault weapon ban of Maryland is on the chopping block. It was sent back into GVR (Grant, Vacate, Remand) as well. Yet here we have the very issue, the assault

weapon, so-called, contrived, made up nonsense, distinguishing upon a firearm that is untrue. Even the style guide for the writers now says you can't call them assault weapons. You have to call them semi-automatic rifles. Even the propaganda-driven media is being forced into calling them what they are, and its simply semi-automatic rifles. The GBR (Grant, Vacate, Remand) challenge is on the ban, of course, the pejorative use of the term assault weapon, and it's not going to be upheld. Down as dominos. We'll see, I'm confident, Jersey's law goes down and all the other places that have it.

**Evan Nappen 05:02**

Yet, that doesn't stop the Democrats in the Congress of the United States federal Government from pushing, and what will probably be passage of, a federal assault weapon ban. That's right. The House is pushing an assault weapon ban. This is after the last one that was passed in 1994, and it went 10 years. Then it was automatically sunset in 2004. Part of that law was to study its effect. Now this is the Government's own study that said it didn't have any effect on crime. It had no effect. It was ineffective. But why should that stop Democrats from passing a gun law? Of course, it won't. Just because the Supreme Court has basically said the assault firearm bans are unconstitutional. But why should that stop the Democrats from passing an assault weapon ban? None of this. It doesn't matter.

**Evan Nappen 06:18**

What does this tell you? This tells you that it's not about stopping crime. It's not about any claim of making us safer. That's all B.S. It's about an agenda, folks. It's about an agenda that they have to promote, regardless of any of the facts that counter their lies, and it's an agenda of civilian disarmament. It's an agenda of disenfranchisement of individual Second Amendment rights. That's their agenda. Everything they do. When it comes to what we know and love, our Second Amendment rights, our right to keep and bear arms, everything Democrats do is to end that right, is to take it away, to the limit it, as Judge Thomas said, in the opinion. That's what you see them do at all different angles.

**Evan Nappen 07:27**

The other federal bill that they're pushing right now in Congress with the Democrats tied in to, or in conjunction with, the assault weapon ban, is ending the Protection of Lawful Commerce in Arms Act. Ending the protection that gun dealers, gun makers, etc., and the firearm industry has from frivolous litigation that is designed to sue the gun industry into nonexistence. That protection is there federally to stop that nonsense by the trial lawyers and company, and there are the Democrats with a bill to repeal it and make it open season. If they can use and abuse the civil system to go at our right to keep and bear arms and go at guns, so be it, and the prices will skyrocket. It'll become more difficult, and people will get disenfranchised, etc. All part of their agenda.

**Evan Nappen 08:37**

Even though we've made tremendous progress with the Supreme Court decision, and this progress is there, you're going to see more and more cases hammering away and knocking out the gun laws, it doesn't stop the Democrats from trying to take away our rights. Now, of course, there are a few Rhino Republicans in the mix. Not a lot, but they are there. But it's primarily the Democrats. There are a couple of Democrats that still believe in the Constitution, believe it or not, and are not going to trample on the Second Amendment, a few. But the majority of all this attack on our Second Amendment rights, the whole agenda and narrative, is pushed by Democrats. Now that doesn't mean that Republican

rhinos don't get played as suckers. Oh, they surely do. We just saw that happen in the Senate when they passed the Senate gun control package. Now what are these rhino Republicans saying? Hey, well it could have been worse. We didn't ban assault weapons. We didn't. We only harmed some of your rights, but we didn't harm all your rights. Isn't that great of us? We only gave away the store and gave away some of your rights and got nothing in return, by the way. Zero in return to the pro-gun side.

**Evan Nappen 10:18**

These rhinos, like Cornyn of Texas, who spearheaded this, somehow think that he did good by us. That somehow, we're supposed to thank him. Thank him. You know, this is the whole administration approach. Yeah, they wanted to empty our bucket of rights, and they only took a quarter of the bucket. Wasn't that nice of them? They didn't take the whole bucket. It's like now the gas prices went down a little bit. It is still over \$4 a gallon. But Biden's taking victory laps. Oh, I reduced gas prices. Yeah. You reduced it and it's still sky high. What are you talking about? You know, not as high as they were. Oh, good. Such a good job. You know, it's still double. Well, this is like their attitude. It's an attitude to our rights, too. We could have taken more of your rights, but we didn't. Aren't you glad? You could thank us. No, don't take any of our rights. It's simple. Expand our rights, give us more rights back. Judge Thomas gave us rights back. Be a Judge Thomas. Get us our rights back. Gain a freedom. Gain these liberties. No, they sit there and legislate our liberties and freedoms away. And then think that somehow that's doing good, that somehow, we're all happy and appreciative of that? Hell no. Yet here we are.

**Evan Nappen 12:07**

Now, if you look locally at many of the things going on, you do see some states that apparently have accepted the ruling and are not acting like angry little toddlers the way New York is. Believe it or not, so far, New Jersey is one of the good ones that is saying, hey, our carry license system stays the way it is, but no more justifiable need. They didn't go crazy yet. Maybe they're going to have all kinds of restrictions and take the New York approach of all that. It hasn't happened yet. Now, we are running into a lot of issues, of course, because the bureaucracy itself, in dealing with it, we're getting all kinds of varied reports. Some towns are requesting excess information, like they want a resume from someone applying. They want all these added things and that's not going to fly. There has been delays. Some places say they were not taking any applications until there's more guidance. I mean, just refusing. We are getting reports of challenges to what is the correct training or meets the grade or doesn't. There are all these issues happening.

**Evan Nappen 13:34**

Individuals that had carry licenses for armored car and were getting renewed. They're like, hey, we don't want it restricted for security guards. We don't want it restricted. Why should it be? We have a right to carry in public. Make it a full general carry. The courts are requiring a complete re application. Even though they were being granted the limited license for their profession, and there's nothing different in the application. Oh, no, if you want to go non restricted, you have to apply all over again. Really why? So, we're seeing these kinds of bureaucratic issues come up, and they're going to get dealt with. As the dust settles, it'll get easier, I'm sure. But at least there wasn't a retaliatory action by New Jersey. The same with carry in Maryland. Same with carry in other states. You do see some of the states are just following what the court said.

**Evan Nappen 14:42**

Look, if you're from a total liberal state that hates guns, hate this Court and hate all that, but you know what, if you don't respect the Court decision now, when your issue comes up later, and the Court goes your way you want the other side to follow it. This is our system. We have a system where the Court has the power to do judicial review for constitutionality, and they have done so. That's part of our check and balances to the government, and to thumb your nose at it, is wrong. Even if you don't like the outcome, it's wrong. If we are going to be a Constitutional government, then we need to follow the Constitution and what it means. Our Court is designed to put out that very instruction which sometimes isn't crystal clear. It needs to be stated and that's what they do. That's how our branches of government operate. So, it's definitely interesting times. I have some cool letters and some other stories to tell you, particularly some more stupid kid stuff when we come back.

**Speaker 3 16:11**

For over 30 years, Attorney Evan Nappen has seen what rotten laws do to good people. That's why he's dedicated his life to fighting for the rights of America's gun owners. A fearsome courtroom litigator fighting for rights, justice, and freedom. An unrelenting gun rights spokesman tearing away at anti-gun propaganda to expose the truth. Author of six best-selling books on gun rights, including Nappen on Gun Law, a bright orange gun law Bible that sits atop the desk of virtually every lawyer, police chief, firearms dealer, and savvy gun owner. That's what made Evan Nappen America's Gun Lawyer. Gun laws are designed to make you a criminal. Don't become the innocent victim of a vicious anti-gun legal system. This is the guy you want on your side. Keep his name and number in your wallet and hope you never have to use it. But if you live, work, or travel with a firearm, that deck is already stacked against you. You can find him on the web at [EvanNappen.com](http://EvanNappen.com) or follow the link on the Gun Lawyer resource page. Evan Nappen - America's Gun Lawyer.

**Speaker 3 17:25**

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**Evan Nappen 17:42**

Hey, we're back. Thanks for being a Gun Lawyer listener. I really appreciate your time and the time we get to spend together. To have good conversations and get the word out about these things. Hopefully get a lot of folks thinking about the stuff we talk about here. We're going to be continuing in our fight for liberty together. So, please make sure you subscribe to Gun Lawyer and ask your friends to subscribe. You can get Gun Lawyer podcasts wherever you get your favorite podcasts we are there. Just give a listen. It's free.

**Evan Nappen 18:21**

We were talking last time about stupid kid stuff. I've gotten some interesting responses, and I'm putting together more of a package to talk about all the other stupid kid stuff that others have sent in. Somebody actually told me a fun one, and it made me go, oh, boy. He had a slingshot, and his buddies got a box of cartridges, you know, just ammo. A box of ammo. They would shoot the ammo with the slingshot at rocks. When the ammo hit the rocks, it would explode. It made a bang and pop when they'd

shoot it. Oh boy, that qualifies as stupid kid stuff right there. I give it that, and these are the kinds of things we did.

**Evan Nappen 19:17**

When I was young, a long time ago, my father had a garden. The entire backyard was a garden. It was pretty incredible, and he grew tremendous amounts of vegetables that we all ate. We were not a farm by the way. We were suburbia USA. They were in a suburb, but he just turned the whole backyard into this garden. He grew magnificent green beans and zucchinis and all kinds of stuff back there and he loved it. But you see, back there, we had problems with some animals. We had squirrels. We had an abundance of squirrels. I don't know where they all came from, but it was full of oak trees. We had lots of squirrels that would attack the garden. So, my dad said to me, as a kid said, look, Evan, if you could help take care of some of these squirrels, I'd really appreciate it. And I'm like, that's cool. Because I had a Benjamin .22 caliber air rifle, one of those pump-up Benjamins, and it's pretty strong. I would pump that Benjamin up with 10 pumps, and it had almost kind of like a hair trigger, which was nice. It was very accurate. It was just fantastic. I'm just saying it's given me a nice shot that was just dead on with the Benjamin.

**Evan Nappen 20:58**

So, what I used to do is I'd come home from school, I looked forward to it. Come home from school and the little radio on in my room and open window over my bed. I could lean right out there, and I had a perfect spot to view the entire backyard garden for critters. When the squirrels would come in, I would dispatch them with one round to the head with the Benjamin. I was taking squirrel after squirrel after squirrel, day after day, and it was enjoyable. Basically, you know, squirrel hunting out my window, and I figured that I was doing my father a favor. I guess I was. Then what we did was you could take the squirrel tails, you cut off the tails, and you could sell them to Mepps Lore Company, which we did. I sent them in, and they paid like 25 cents a tail. I don't know if they still buy squirrel tails, but they did in those days. They made lures out of them - bucktails. Remember, the tail of a squirrel is a buck as well as on a deer. The hair on the tail of a squirrel is hollow for the oxygen, just like on a deer. So, it floats really nice in the water for lure making with different hairs. You could send them in and get 25 cents. I'm popping squirrels with the air gun, get out my back window on a pretty regular basis. Now, there was a house right across the way from me, and there was another one to the side and to the right. But I was always firing downward into the garden from the window. I wasn't stupid. But that's what I did. Although it was stupid kid stuff when you get right down to it because I could have gotten in a lot of trouble looking back. Of course, I didn't know this, doing that very thing. But who knew?

**Evan Nappen 22:50**

Well, one of the things I got as a kid as well at the flea market, I got a thing called a carbide cannon. I don't know if you have ever heard of a carbide cannon, but it looks like a cat. And it's a toy. But it's kind of an advanced toy because it uses this stuff called Bangsite. Bangsite is the same stuff that would go in a miner's headlamps. You added water to this stuff, and it created a settling gas and that's what their flame was from. And what we found was that if you put this stuff in, added the water, and then a sparker. You push the sparker down, and the cannon made a really loud bang. They were called Bang cannons. Some of you may have played with them as kids or had known about them. It was a lot of fun

because you're making a pretty loud bang with a little bit of flash and a flame. It wasn't as dangerous as it sounds because the flame didn't create a lot of pressure when it made the bang.

**Evan Nappen 24:05**

As a matter of fact, the original bang cannons were made of glass, believe it or not. They are very collectible. The very first ones you could do this with were made of glass as long as the glass wouldn't shatter. So, there's a lot of pressure from these, but they made a nice bang, almost a firecracker-like bang. I had this cannon out in the front yard with a bunch of my friends. Everyone from the neighborhood was over, and we are all playing with this thing. One of the folks there was this girl who lived behind me. Her name was Kim. We were all playing around, and every kid took a shot at making it go bang. It was really fun and just cool days as a kid, right? Well, a number of years later, I mean a number of years later, I forgot where I was, but I ran into Kim. We were just catching up on a few things, and she said, boy, I remember that cannon you had. Oh, yeah, remember that cannon? That thing was fun. She said you loved that cannon. And I said, well, I really did. It was fun. Yeah, but you'd come home every day after school, and you would shoot that cannon out your back window of your home. And I'm thinking to myself, no, I didn't. I took it out once. Oh, what I realized is that the Benjamin had that big round black that looks like the muzzle, but it's where the pump is when you look at the front of the Benjamin. On the top, there's just a little tube that the pellet came out. But if you're looking at a distance, you see a big round muzzle that almost looks like a shotgun muzzle, but it's not. It's the pumping mechanism. So, the whole time that I'm shooting squirrels, she was looking out a window and seeing me shoot that and thinking, oh, I'm just blasting my cannon because it did make kind of a crack when it had 10 pumps in a Benjamin. She just thought I was shooting my cannon out that window. She never bothered to look down and see the squirrels piling up, I guess, whatever. But there you go. True story, kid stuff. You know that was an experience.

**Evan Nappen 26:24**

In the same way we had rabbit issues, and they were harder to get, more elusive. But one of the days I was at the flea market with my dad, I picked up one of those Havahart Traps. It was very cheap. The guy was selling the big box, catch them live, Havahart. This was a really large one they sell. I mean a really big one, and it was cheap. My dad says let's see if we can catch some of them rabbits with this and try to get rid of them. Okay. So, I was into this. It sounded cool. Let's try to set a trap and see if we could do. So, we set this really big trap. It was taller than the usual ones you see. It was pretty damn large. I guess it was like raccoon size. Basically, it was so big. I set it and put like apples in it and stuff.

**Evan Nappen 27:18**

Sure enough like the next day or so, the lids are down. I caught something. Oh, I can't wait. Let's see what's in it. I come up to it, and I couldn't believe it. It's like the world's largest rabbit that I'd ever seen. The rabbit in there was so big. He was hunched over from the top of the trap. It was giant. It was like Harvey the giant rabbit. I could not believe it. It was not some little Cottontail. This thing was freaking enormous. So, I told my dad that I caught a rabbit. The rabbit that was tearing up the garden, and he's so big. It's insane. My dad's like what? Sure enough. This thing was big as a medium-sized dog. We were just astounded by how big this rabbit was. I said, Dad, what are we going to do with this rabbit? This giant rabbit?

**Evan Nappen 28:19**

My father wasn't as much of a hunter killer as I was, I guess. He said, look, put him in the vehicle, and we'll drive him far away and we'll let him go. Ok, as long as we get rid of him from the garden here. So, we put him in the back of the old station wagon. My dad drives and drives and crosses Route 35, and he drives, and he drives. Finally, we see this patch of woods, and he pulls over. He's like, you know what? This is a perfect spot. Let's let the rabbit loose here in the woods, in the middle of nowhere here off the highway. I'm like okay. We open it up, right? Well, we had discovered what this rabbit was, by the way. It was known as a Belgian Hare. A Belgian Hare. We looked it up, and there it was. A giant rabbit. Basically, somebody's pet escaped, I guess, from somewhere. But these things are enormous, Belgian Hares. Anyway, we opened this trap, and we let the rabbit go. Hop, hop, hop. This giant Belgian Hare hops into the woods. So, all right, we throw the trap back in the station wagon, and we drive off. We made a quick right down the road and made another right. We're just going to turn around. As soon as we make the right, we saw that the woods were not woods. It was about a grand total of maybe eight to 10 feet of woods. Then the entire other side opened into a farmer's field of farmlands. Could you imagine the farmer seeing us releasing the biggest frickin rabbit you've ever seen? It looked like radiation. You know, like the Hulk of rabbits. Releasing this onto his farm, he would have shot us. But there you go. So, that was some fun times with Dad. Let me tell you. Fun stuff.

**Evan Nappen 30:30**

Hey, I got a letter here from Harsimran. He says hello. If you have a magazine that is labeled as a 10-round mag, but the 11th round can be forced into it, is that an illegal mag? The answer is yes. It doesn't matter what the mag says. If it holds over 10 rounds in the mag, then it is arguably a large capacity magazine. Now, the good news is that this law should soon, fairly soon, be declared unconstitutional officially and be dead. But look, you need to be compliant. You don't want to end up with a problem because having a mag over 10 rounds is a Fourth-Degree crime in Jersey. You're looking at 18 months in state prison as a max sentence, if you have a mag that holds 11 rounds instead of 10. So, be careful of that.

**Evan Nappen 31:24**

I got another letter here from David who said, hi, Evan, love your podcasts. I learn so much from them. With the advent of CCW permits, I'm hoping you can talk about the current law requires in terms of places where firearms are not allowed. Also, is it illegal to leave the firearm locked and loaded in the vehicle if you're going into a restricted area. Well, here's the deal. New Jersey is interesting. Because it was always there for the elites, they did not pass a lot of regulation that restricted once you had a carry if you had an unrestricted, where you could go and what you could do. So, for example, New Jersey does not distinguish between open carry and concealed carry. The carry license in Jersey is a possession license. Part of the charges you're charged with unlawfully possessing without a carry license, but there's nothing that says about having to have it concealed or not concealed.

**Evan Nappen 32:26**

As far as sensitive places, there's no sensitive places other than what you would normally expect. School zones etc. are a sensitive place. But in New Jersey, we don't have the situation that New York attempted to pass by just creating endless places of restriction and problem. There really isn't. Federal buildings are restricted and like I said educational facilities. You do have to be mindful of individual

places that don't want guns, because you can become a trespasser if you have guns there. But for the most part, they didn't do a lot of heavy laws on where you can carry and all that because of the known impossibility of getting the carry license and that law worked to just prosecute anybody and everybody that had a handgun that was in any way outside the exemptions for possession, those narrow exemptions. The handful, you know, 600 of the elites that had it, well, they're the elites anyway, so it doesn't matter.

**Evan Nappen** 33:47

Now it's a different story. I'm sure we'll see more restrictions proposed and that things are going to be evolving as they are. I'm sure we'll see administrative actions on other places and problems where you can't carry. As far as locking in a vehicle, you want to lock it and secure it in a lockbox. The reason I say that is you don't want to have your gun accessible to being stolen. It's not illegal to leave it locked in your vehicle, but there can be that stolen firearm issue that Jersey has. If you have one of the lock boxes that are cabled, a metal cable, and it's cabled to the bottom of your seat. Then you lock the gun in the box, and it's secured with that metal cable to the vehicle box. That's pretty damn responsible, leaving it in your car that way. And I'd suggest if you have to, that's what you do, but it's the same as your possession in your vehicle. You're still possessing it, and if you have a carry permit, then you're able to possess it and that means you can possess it in your vehicle. You can lock it in your vehicle, but this stolen gun issue is something any responsible gun owner wants to be careful about. You need to take the precautions and the devices to protect you from being a victim of theft and ending up with a whole big problem over your ability to safely handle and store firearms, or the advent of these lock boxes and cable. There are other boxes that you can even bolt to the floor of your car. Make sure you cover it as well. Cover it. Conceal it. Not just have it in the lockbox, but it's covered and concealed so that such boxes or locking devices can't be seen from outside. Now use common sense here and protect your goods as you would anything else of value that you might store in your car. All right, this is Evan Nappen reminding you that gun laws don't protect honest citizens from criminals. They protect criminals from honest citizens.

**Speaker 3** 36:03

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