

Gun Lawyer -- Episode 99 Transcript

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SPEAKERS

Evan Nappen, Speaker 3

Evan Nappen 00:00

Hi, I'm Evan Nappen, and welcome to Gun Lawyer. Do you know what it's like to be a Gun Lawyer? Well, I've been practicing gun law, focused my entire practice on gun law for 35 years, mainly New Jersey gun law. Of course, New Jersey is one of the craziest states to practice gun law because there's no shortage of insanity in a state like New Jersey with its wacky gun laws. As a gun lawyer, I've found it very rewarding because the calling is to defend the Second Amendment, defend our right to keep and bear arms, and defend law-abiding citizens that simply want to exercise their rights and their freedom. It's amazing how much resistance there is from the Government. Those in the Government with agendas that are contrary to freedom and our rights.

Evan Nappen 01:29

Those are the fights that I've always enjoyed the most. Fighting for all our Constitutional rights. Fighting for freedom. Fighting for due process. These fights can be very rewarding because you can actually, at times, I know this may be shocking, you can actually see the system work. You can actually see it work. The ability to save people from these draconian and horrible gun laws that turn law-abiding citizens not just into criminals but can ruin their lives. I mean bona fide ruin their lives with simple, silly crap. We're talking about New Jersey. A state where possession of a slingshot is a felony level offense. If you are charged with a gun law violation, and it's any of these simple, unlawful possession of a handgun, possession of a so-called, dreaded assault firearm. Now, these made-up terms for these, made up definitions that have no impact on crime, but it affects law-abiding citizens who are looking at serious, minimum mandatory jail time. Crazy treatment through the system. Your entire life and career, your freedom, your family, your hopes and dreams get destroyed by New Jersey, and you become what I call a victim of gun laws, particularly New Jersey gun laws. It's really a career dedicated to defending folks from being victimized by gun laws that absolutely violate the Constitution and Second Amendment. Fighting to save individuals on an individual level one by one, while challenging the laws themselves.

Evan Nappen 03:44

It's a way to make the things that you studied in law school, when you studied Constitutional rights, when you studied how to make these motions, and how to operate in our adversarial system, so that you can help good people get saved. Because the folks that I represent are law-abiding criminals. That's a joke, but it's true. In other words, they are not people who have done something that is evil in

itself, what they call a malum in se. Instead, they violated a malum prohibitum. Something that's been made illegal because a bunch of politicians decided that they didn't like this particular item and the people who own it. So that they can go after the anti-constituency that they have. To turn those people into felons so they lose their voting ability and lose their rights. To disenfranchise individuals from their gun rights for the entire country. Because if you are convicted of possession of a slingshot and even if you pay a \$10 fine, you are now a convicted felon. Well, you're now prohibited anywhere in the United States as a convicted felon under federal law from possessing any firearms or ammunition. So, that's the game.

Evan Nappen 05:23

In the meantime, they can lock you away in state prison for years and just destroy your life. They are able to express their hatred for you and me in this way and take it out on us. That's where you see law after law passed in New Jersey, despite the Proclamations from the Supreme Court about it being an individual right, and needs to be respected and needs to have the right looked at broadly, for the individual in the same way that we would look at speech, freedom of speech, or freedom of exercise of religion, or even our other due process rights. But that's not how it goes in New Jersey, particularly. It's a constant wave in the opposite direction that you fight as a gun lawyer. It's a really good fight. It's an important fight, and it's one that I enjoy.

Evan Nappen 06:28

But I have to tell you now lately, it's been enormous in growth in this fight. Because of all the anti-gun laws that Murphy has passed. Two huge packages of more anti-gun laws that create insanity. Banning things that were never banned before and creating criminals out of thin air. Creating things where individuals are facing being put into the gun owner gulag, as we've discussed. All these kinds of things, and it's nuts. Because real criminals, well, we don't have to worry about them. You know, they get along, do their thing. But gun owners, well, that's a different story. Gun owners, we're going to make them pay, and this is what happened.

Evan Nappen 07:19

So, if you have ever thought about wanting to join in this fight, to practice in this area, to defend law-abiding citizens and to defend the Second Amendment, the right to keep and bear arms, and to fight so people aren't incarcerated, turned into felons, disenfranchised of the rights, fight to get their guns back that had been seized by the biggest gun thief in America, the State of New Jersey. If you're interested in fighting for that, fighting so they can maintain their rights and keep their license and carry so they no longer have to be a victim but can be a defender. If you think you might have a passion to practice law, in this area, because you believe in your heart deeply in the Second Amendment. Well, I got something to tell you. I'm looking for you. Because I'm looking to hire at Evan F Nappen Attorney at Law PC, my law firm. We need to hire more attorneys and paralegals.

Evan Nappen 08:38

I'm looking for good people that want to work defending the Second Amendment, particularly attorneys and/or paralegals. If you're interested, if you have a passion for this, if you'd like to join the fight for our rights and fight in the most challenging arena, there is for this subject, we're talking New Jersey here, get a hold of me. Get in contact with me. Go to my website at EvanNappen.com. You'll see I have an

ad up there for hiring. You can just go through the contact there. You could call my office with the phone number right there. You could send an email. You could go even through the website for Gun Lawyer or it can send a message. Get a hold of me. I want to talk to you because we need people now to fight the fight.

Evan Nappen 09:41

This fight is on, and it's on for both negative and positive. It's on because of all the anti-gun laws that they're looking to enforce on good people. But it's also on because our right to carry is finally something that can happen, and there's bumps along the way here so that we can get it done right. But finally, victims, no more, we can be defenders, and we can help good people get their licenses. So, it's a really great positive on that. If you're interested, please get a hold of me. I'm looking for folks. If you know somebody that might be interested, tell them I would really like to speak with them and try to get more folks on board here. Because New Jersey is just begging for more. More folks practicing in this area, and I'll be the one able to train you and help you. And you know, 35 years of experience here, and you too can be a Gun Lawyer. So, get in touch. When we come back, I have a very interesting letter from a listener, and I will tell you all about it.

Speaker 3 11:03

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 or follow the link on the Gun Lawyer resource page. Evan Nappen - America's Gun Lawyer.

Speaker 3 12:17

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

Evan Nappen 12:23

Welcome back to Gun Lawyer, and I want to thank all my listeners for being great listeners. I get so much wonderful feedback, and it makes me so happy. I know that we're helping people, educating people, and making so folks are less likely to become victims of gun laws. So, tell your friends as well and please subscribe. It makes a big difference in getting the word out and the message out.

Evan Nappen 12:58

I've got a letter here from a person who writes, regarding post Bruen and rescinding AWBs. I'm sure he means Assault Weapon Bans. Hi, Evan, I still have my signed 2000 edition of your orange NJ law Bible. While some of the content is now dated, your book is still pride of place on my office bookshelf. If you're

looking to get a copy of the latest edition, you can go to the website at EvanNappen.com. You can order the current edition, and we have updates online for free if you want to update your older editions. Following the New York Bruen ruling, the AWB of Highland Park, Illinois, is again being challenged in the recently filed the NAGR v. Highland Park. In this post-Bruen environment, how likely do you feel this case will succeed? Do you feel this could be the start of other local and statewide assault weapon ban being rescinded? Thanks again for everything you do.

Evan Nappen 14:14

Now, I'll tell you the answer is yes. As a matter of fact, right after Bruen, the Supreme Court (GVRd, Grant, Vacate and Remand) one of the pending cases requesting the review by the Supreme Court. This was the challenge to the Maryland so-called assault weapon ban. So, already it's in play in Maryland where they have to, they being the court below, needs to revise their opinion in conformance with the Bruen decision. Now there is an assault weapon ban challenge, at least one, if not more, going on in New Jersey. There are plenty of challenges throughout the country, and I think Bruen has absolutely opened the door for these challenges. First by the GVR of Maryland. When you look at the standard of review that Bruen puts out, the most important aspect of the case, not just that carry is permitted and that you can't deny carry based on some arbitrary requirement of need, where you have to go begging and convincing some Government officer before you can exercise your Constitutional right, that's been shut down.

Evan Nappen 15:42

But what's more important is Bruen laid out the test for determining Constitutionality, and it is a test based on history texts and tradition of the Second Amendment. The burden is placed on the Government to have to prove that there have been limits on firearms that are so-called assault firearms or assault weapons through the history of the Second Amendment. I mean, going way back. Back to like 1791, or even 1860s with the 14th Amendment. If they can't show that there's been this tradition, and this limit, the limit placed on the Second Amendment having to do with semi-automatic firearms, and it's not going to fly. The state is not going to be able to meet their burden of proof to uphold the Constitutionality of these assault weapons, assault firearm bans, which is essentially cutting away the pejorative term of assault weapon or assault firearm. What we're really talking about is a semi-automatic rifle or shotgun. It's a modern sporting arm. A semi-automatic rifle or shotgun is, in essence, what they're trying to ban by putting the scary "assault weapon", or "assault firearm" moniker on it. And yet, has there ever been historically, a semi-automatic ban that goes way, way back? Remember, the Bruen case invalidated New York's Sullivan Act, which was passed in 1911. That isn't enough history of the limiting rights through, even going back to 1911. So, have there been any, whether it's repeating firearm prohibitions, even just repeating firearm prohibitions? Of course, the answer is absolutely not. It's the opposite.

Evan Nappen 18:00

Repeating firearms helped build America when you think about it. And what were lever action Winchesters? Granted, they are not semi-auto, but they're repeaters with magazines that fed ammunition. There were semi-autos that preceded them. There are semi-autos and repeating firearms going way back. If you look at the classic Mauser Broomhandle, for example, what's that known as? It's known as the C96. In other words, 1896 for the Mauser Broomhandle, a semi-automatic pistol. Now, of

course, there wasn't any regulation, specifically on the Broomhandle. It was not anything prohibited. And of course, the broom handle itself is interesting, because the design of it apparently looks so cool that they decided to slightly Hollywood enhance it, and that pistol is the basis for Hans Solo's blaster from Star Wars. Yep. A pistol designed in 1896.

Evan Nappen 19:15

The thing is they're not going to be able to show. They're not going to be able to show it. As a matter of fact, have there ever been attempts to ban semi-automatic firearms in the history, and there has been. A lot of folks don't realize it, but the 1934 Machine Gun Act, the 1934 National Firearms Act banning machine guns and sawed-off shotguns and suppressors, all that right? Well, that law originally had a ban on semi-automatic rifles and magazines over 12 rounds, and they were cut away. They were removed from the bill. So, not only wasn't there a ban, but there was also an attempted ban that was rejected in 1934.

Evan Nappen 20:12

So, how are you going to show that this is something that traditionally has been banned? How's the Government going to do that? I don't see it. I don't see it at all. I am pretty confident they're not going to be able to do it. When they fail to make that showing, then the law is unconstitutional and will be voided. We will see that happening. As we speak, there are hundreds and hundreds of gun challenges going forward, raising the Second Amendment. Raising it at the lowest level in actual cases and controversies. People who were just charged with gun offenses, and the lawyers are raising Constitutional issues. Not just lawsuits brought civilly to challenge it with that being their intent, but just individuals raising it. You are going to see challenge after challenge, case after case, an absolute wave of challenges all under the Second Amendment. We are going to see law after law fall in jurisdiction after jurisdiction. I absolutely believe that the Bruen world will have a major impact.

Evan Nappen 21:30

Look, one of the cases that was GVRd was New Jersey's magazine ban. That's actually one of the Supreme Court cases sent back for the court to rule in accordance with the U.S. Supreme Court opinion. Listen, folks, the New Jersey magazine ban is on its deathbed. That's the best way to describe it. It's on its deathbed. And so many other of these infringements that we've been putting up with for all these years, infringement after infringement, is going to fall. Even these new ones that Murphy has shoved down our throat and the Democrat legislature has passed. They're not going to be upheld. They're going to fall. It is a new day, a new dawn here. I am confident that the laws are finally going to go. Infringement after infringement.

Evan Nappen 22:37

These are exciting times, and there's a lot of positives. So, don't lose hope. Even though there's so many things you hear in the news that make you want to scream and pull your hair out. Just hang in there. America is gaining its freedom. It will gain its freedoms back and its liberty back. I'm confident in that. Don't lose the faith. Our Founding Fathers knew what they were doing when they set us up with this wonderful blessing of a Constitution, and we will succeed. Till then, this is Evan Nappen reminding you that gun laws don't protect honest citizens from criminals. They protect criminals from honest citizens.

Speaker 3 23:24

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