

Gun Lawyer -- Episode 108 Transcript

SUMMARY KEYWORDS

repugnant, welfare fraud, law, rights, case, firearm, gun laws, tradition, range, uphold, court, prohibit, disarming, people, anti, second amendment, gun, violent felon, oregon, lawyer

SPEAKERS

Evan Nappen, Speaker 3

Evan Nappen 00:20

I'm Evan Nappen, and welcome to Gun Lawyer. So, this case came down in the Third Circuit. The case is Bryan David Range versus the Attorney General United States. (Case No. 21-2835) This was a Third Circuit Court of Appeals case, which includes in its jurisdiction New Jersey and Eastern District of Pennsylvania. Now, this case involves a very interesting set of facts, and it's something that touched upon things that we've talked about in the past. We've talked about in the past how there is genuine institutionalized racism in the gun laws. That's the racism that the left never wants to discuss. But frankly, when you prohibit felons from having firearms, by the very nature of doing that, you're discriminating against blacks that I think it's at least five to one, if not six to one, to whites, at a ratio of felons in America. With Hispanics, it's two to one.

Evan Nappen 01:41

So, when you prohibit in these categories like this you are disproportionately removing and disenfranchising the right to keep and bear arms from individuals. Now I know many of you will say, well look, violent felons, as such, they should not have the right to keep and bear arms. I don't care about how it breaks down racially at all, or any of that. And I can understand that view. What about non-violent felons? Felons that have not been convicted of anything dangerous or violent. Should they still be precluded from enjoying and exercising their Second Amendment rights? We have on the books this ability to get Relief From Disabilities. The ability to get your rights restored. But that hasn't been funded, as we've discussed in the past, since 1992, thanks to Charles Schumer and the Democrats. By not funding it, individuals cannot get their rights restored. So, if you're in this disproportionate ratio of minorities, you cannot get your rights restored. Even though you're a good person and it was a nonviolent offense, you're still screwed out of your Second Amendment rights. Well, that's pretty good, institutionalized racism.

Evan Nappen 03:01

We see today that the tradition of institutionalized racism is alive and well. The case here that I'm going to tell you about furthers that proposition in a manner that is kind of unbelievable, but true. So, let me tell you about this Range case, right from the case. First of all, the legal action itself was a challenge. I know that the Firearms Policy Coalition had quite a role in this, and I give them credit for fighting the fight and trying to right these wrongs. So, good for them. Unfortunately, the case, at this time, at this

moment wasn't successful. That doesn't mean there isn't more fight to be had. It's important, even with it not being successful, that it shows what we're dealing with in these courts.

Evan Nappen 03:57

Let me tell you about the Appellant here in the case of Bryan Range. The court says in the beginning of the case that (Appellant Bryan) Range falls into a category, having pleaded guilty to the felony-equivalent charge of welfare fraud. That's right. He ended up convicted of welfare fraud, pled guilty to it, a non-violent offense. The court, essentially in this case, finds that the people constitutionally entitled to bear arms are, law-abiding, responsible people, a category that properly excludes those who have demonstrated disregard for the rule of law through the commission of felony and felony-equivalent offenses. Additionally, they concluded that even if Range falls within "the people," the Government has met its burden (to demonstrate) that its a prohibition is consistent with historical tradition.

Evan Nappen 05:01

Wait until I tell you about the historical tradition that upholds the prohibition on Mr. Range, non-violent, felony offense remaining a disqualifier, a disenfranchisement of a constitutional right, which is the equivalent, remember, of Freedom of Speech, and Freedom of Religion. The Court in its decision, and I'm cutting through a lot, makes it clear where it says that the Second Amendment does not protect "unvirtuous citizens". Through the opinion, they say ". . . that the Second Amendment extends only to people considered 'virtuous citizens,' and therefore hold that there is a longstanding tradition of disarming citizens who are not law-abiding." This is acceptable, and in this case, fine and dandy. What is the analysis that took place here? It is based on the Bruen decision, and in the Bruen decision, you have to find that the firearm regulation that you're challenging is consistent with the nation's historical tradition. (New York State Rifle & Pistol Ass'n, Inc. v. Bruen, 142 S. Ct. 2111 (2022)) The court may conclude that the individual's conduct falls outside the Second Amendment's unqualified command. They have to look at the historical tradition, what Bruen discusses, text, history, and tradition. So, here in the Third Circuit, that's what the judges did.

Evan Nappen 06:48

Here is some of the precedent and historical tradition that the Court felt was relevant in upholding these types of statutes. Now I'll read you from actually Page 27, 2. Colonial America. Remember this is showing history and tradition of why modern gun laws that are equivalent or similar, should be upheld because of past gun laws that upheld similar things, and they have to show that this is within the scope of what was done. Therefore, the court says, "The earliest firearm legislation in colonial America prohibited Native Americans, Black people, and indentured servants from owning firearms." This is a historical precedent that the court is utilizing, folks. Blatant racism, of racist early gun laws, is the wonderful historical basis that we can now continue this fine American tradition in prohibiting Mr. Range from having firearms. Think about it. He was convicted of welfare fraud, nonviolent welfare fraud. Now, I think you know that the percentage of the folks who are getting welfare are minorities, two or three times that of whites. I mean, that's a fact of who receives it. Hispanics and blacks, etc. And who's committing the welfare fraud? Those getting welfare that they think are being fraudulent, which, of course, takes us right back to that old ratio. I mean, we're dealing welfare fraud.

Evan Nappen 08:52

It reminds me of the famous quote from Anatole France where he said, "The law, in its majestic equality, forbids rich and poor alike to sleep under bridges, to beg in the streets, and to steal their bread." See how fair the law is? Both rich and poor are prohibited equally under these statutes. Just like welfare fraud will absolutely be prosecuted on rich white people that engage in it, just as well as any minorities or anyone else. So, isn't that a comfort? Since in Colonial America, the Court believes that a historical tradition and precedent is something that needs to be mentioned in the case here that "Native Americans, Blacks and indentured servants" which would be primarily what? Irish, Irish Catholics specifically. Don't worry, they go after Catholics in this opinion, too.

Evan Nappen 09:59

Now, of course, the Court does footnote it. They footnote it, and they said, "The status-based regulations of this period are repugnant (not to mention unconstitutional), and we categorically reject the notion that distinctions based on race, class, and religion correlate with disrespect for the law or dangerousness." Wow, nice. Except they still cite it. They still put it forward as history. They still put it forward as a tradition. They still put it forward as a justification for stopping this man from getting his gun rights back. So, as repugnant as I agree that it is, it apparently isn't repugnant enough to not utilize it in jamming a person from getting his rights back. Think about that. Oh, don't worry. The Court says, "We cite these statutes only to demonstrate legislatures had the power and discretion to use status as a basis for disarmament, and to show that status-based bans did not historically distinguish between violent and non-violent members of disarmed groups."

Evan Nappen 11:15

Well, isn't that a comfort? In other words, we're happy to use it to continue the tradition of banning individuals. We're happy to take this repugnant racism, blatant racism, and say, hey, it still shows that the Government has the power to do this because they did it in the past, however wrong and repugnant it is. Therefore, we can do it now, no matter how wrong and repugnant it is. I mean, that is unbelievable, but there it is, in the opinion. They continue by saying that, ". . . colonial history furnishes numerous examples in which full-fledged members of the political community as it then existed -- i.e., free, Christian, white men -- were disarmed due to conduct evincing inadequate faithfulness to the sovereign and its laws." So again, more repugnant, and they even mentioned it again as being repugnant. Here's the example from the Court, "Likewise, Catholics in the American colonies (as in Britain) were subject to disarmament without demonstrating a proclivity for violence."

Evan Nappen 12:33

Again, using that as a basis to say, we have a history and a tradition that makes current gun laws, like a non-violent felon on a welfare fraud conviction, have a lifetime ban of the Second Amendment. Well, I mean, heck, we prohibited Catholics in the past. So, why not? Why don't we keep prohibiting others now? It's okay. Look, they give the history pretty clear. "In 1689," this is right from the case, "Parliament enacted a status-based restriction forbidding Catholics who refused to take an oath renouncing their faith from owning firearms, except as necessary for self-defense." Even then, they couldn't stop them from defending themselves, even though they wanted to prohibit Catholics, even Parliament in 1689, as much as they want to hate Catholics, didn't stop them from self-defense, but Mr. Range is barred from

self-defense. You know, we ignore that part, but then even with this repugnancy flowing everywhere, the Court is utilizing it to continue this ban. It is astonishing. It really is.

Evan Nappen 13:59

But then again, it shows that there's no extreme that the Court will not go to somehow try to uphold unconstitutional laws. Even if it means relying upon blatant racism, anti-religious, anti-black, anti-Native American history of repugnant nature without a doubt. But look, the end goal here, folks, is limiting the Second Amendment and upholding the Government's right to do that. Isn't that special? They cite Rev War right here, too. They talk about that. "3. Revolutionary War Revolutionary-era history furnishes other examples of legislatures disarming non-violent individuals because their actions evinced an unwillingness to comply with the legal norms of the nascent social compact." Footnote 19. What does the Court say in Footnote 19? "Again, we cite the repugnant, status-based regulations of an earlier period -- disarming individuals on the basis of political affiliation or non-affiliation -- merely to demonstrate the Nation's tradition of imposing categorical, status-based bans on firearm possession."

Evan Nappen 15:25

Again, imagine disarming based on your political beliefs, as a tradition, which they found and agree is absolutely repugnant. They will utilize today as a justification on the history of it. Insanity. Yet, the ultimate goal. It's always how they look at this. The ultimate goal is achieved, which is upholding a law that any reasonable person would say that a non-violent person who has a non-violent conviction for a financial crime, that was something that individuals that are needy, of welfare, and they take advantage, and they commit a wrongdoing, and they pay the price. He (Mr. Range) did his probation. I'm sure he did his restitution as required. All that. All this time has gone by. Nothing dangerous about it. But no, he loses his Constitutional right to keep and bear arms, which is equivalent to Freedom of Speech and Freedom of Religion.

Evan Nappen 16:40

What if we said and passed a law that said, non-violent felon, anyone convicted of a felony similar to this, no longer has Freedom of Speech? Are we good with that? Or no longer can practice the religion of their choice. Are we good with that? Because if you're not good with that, you shouldn't be good with this. Because they are the same rights. Equivalent. And that is stated by Justice Thomas. The Second Amendment is not a second class right. And yet here, it's still being treated as such. And worse, they're utilizing precedent, repugnant doesn't even begin to express it. Disgusting and revolting. To even cite it and try to use it to achieve these ends is beyond belief. Really, it just shows how much they hate us. How much they hate your right to keep and bear arms. If they're willing to reduce themselves to that precedent as justification, and how does the Court conclude?

Evan Nappen 18:00

"V. Conclusion We have conducted a historical review as required by Bruen and we conclude that Range, by illicitly taking welfare money through fraudulent misrepresentation of his income, has demonstrated a rejection of the interests of the state and of the community. He has committed an offense evincing disrespect for the rule of law. As such, his disarmament under 18 U.S.C. 922(g)(1) is consistent with the Nation's history and tradition of firearm regulation." And that is the Range case. Just think about that for a little bit as to where we are with the state of our laws, our judiciary, and our

Constitutional right to keep and bear arms. As to what we are facing in our battle for our rights. When we come back, I have an interesting letter that dovetails right into this.

Speaker 3 19:19

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 20:33

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Evan Nappen 20:50

Happy to be back telling you what's out there, knocking down the myths, and presenting the truths. You are not going to see the lamestream media explaining the Range case and its repugnant racist holdings to you. I don't think you're going to hear that anywhere else. But you need to know it. Because when you actually read this stuff, you just can't believe it. But there it is. So, I want to thank all of you for being loyal listeners to Gun Lawyer and giving me a chance here to spread the word and let people know about this. Because knowledge is the key and you just got to know what we're dealing with. And hence, I got a letter here from George. And George says, Regarding Oregon downgrading the 2nd Amendment to a privilege. It would seem that Oregon has voted Measure 114 into law, which appears to downgrade the 2nd Amendment from a Constitutionally guaranteed right into a privilege. Can a state simply vote one of the Bill of Rights away within that state's borders? How does the 10th amendment address, if at all? Regards, George.

Evan Nappen 22:05

So, George is asking about the Oregon vote, whereby the slimmest of margin, they voted to have this new and incredibly intrusive gun law, especially for Oregon, be enacted. Mandating training and permits and a whole wish list of anti-gun things to further burden our Second Amendment rights. I don't blame George for questioning it. And you see, the thing is, that was voted ever so slightly by the majority of people in Oregon. So, there you have what we call the tyranny of the majority take place. In effect, has slightly more for the winners that like to eviscerate and cut away their own rights, which again, is another shocking thing. Let's put ourselves in chains. Let's take away our own rights. And you know, who thinks that way? Well, apparently folks in Oregon do because they're so weaned on the anti-gun propaganda, that they are willing to give away their rights.

Evan Nappen 23:22

But does that still mean that the Second Amendment doesn't have any impact? Of course, it does. And I'm sure that this new law will be challenged, challenged under Bruen. But you see some of the hurdles that we're up against, because we're dealing with courts that will stoop to any level. Even relying upon repugnant racist laws to uphold gun laws that exist. They're trying in every fashion to figure out ways to somehow keep these anti-rights laws on the books. This is the battle that we face. But it doesn't mean we give up. We are winning many different other cases where the right decisions are being made. Ultimately, these cases, I'm sure, will reach the Supreme Court of the United States again. I truly hope that the Range case makes it to the Supreme Court and that Justice Thomas gets to opine on the Third Circuit's repugnant citations and its reliance on what they know and even state is unconstitutional to uphold this type of prohibition.

Evan Nappen 24:44

There is no magic button that you push so that the challenges aren't needed. The antis aren't giving up simply because we now have a new weapon, a new tool, to fight for our rights. Just the opposite. They're piling everything they can to still try and take it down. To still cause as much trouble and as much problems as they can for our Second Amendment rights. To still try to turn law-abiding citizens into criminals at every turn, and to still make sure that you keep minorities and others down with every technique and tactic you can. So, they cannot have guns as well. It's an entire repression and an oppression being done by the left, and you see its effectiveness. If they can get away with this in Oregon by having a referendum. If they can get a bunch of their folks who they give big dollars to, to vote horrendous laws that need challenge, and just essentially attempt to bury our great fighters out there fighting for our rights, challenging these cases at every level. This is their tactic. Wear us down.

Evan Nappen 26:16

Create and ignore what the Constitution really stands for. Keep trying to take away the people's guns, the people's rights, their ability to protect themselves, the ability to defend themselves, their ability to be independent, and the ability to defend their families. All these things mean you cannot not look around and see what's going on in our society. Just open your eyes, and you see what's going on. Do you feel safer now? Of course, you don't. And yet, even though you don't feel safer, what's their answer? Make you less safe. Take away your guns, take away your ability and the means to defend yourself, make it harder, not easier. You would think that if they were truly responsive to the public, if these anti-gun propagandists were not given the media mouthpiece that they have, people would not in any way want to limit their ability to exercise their rights and have these freedoms. This is what you see.

Evan Nappen 27:26

Of course, you wonder as well. I mean, we all wonder today about the legitimacy of our elections. Unfortunately, it's in question. It absolutely is in question. You tell me if you're confident in our system of elections. Are you confident in our election system? You tell me you have confidence in it. Really? I tell you what, questions are out there, that's for sure. The questions are there. These are challenging times. But we cannot lose hope. We have to keep fighting. We have to never give up. It's that eternal vigilance thing, and it's for real. So, this is what we do, and that is what Gun Lawyer is here for, too. It's part of the fight for our rights. It's part of the information factor. I'm sure those of you that listen today had no idea about what I just told you. You wouldn't have known if you weren't listening to this show.

So, I'm glad to have that opportunity to highlight this for you. We'll be talking about many, many other things as we always do, and this is the way we beat the suppression of information. It means there's still hope that we can win because they haven't shut us all down yet. So, that's the way to go. Keep the faith. This is Evan Nappen reminding you that gun laws don't protect honest citizens from criminal. They protect criminals from honest citizens.

Speaker 3 29:01

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