

# Gun Lawyer Transcript - Episode 150

## SUMMARY KEYWORDS

safe, gun, warrant, liberty, cmp, good, gummy bear, issued, code, folks, gun rights, new jersey, firearms, call, government, subpoena, shoot, ballistic gel, probable cause, certificate

## SPEAKERS

Evan Nappen, Speaker 3

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

Hi, I'm Evan Nappen, and welcome to Gun Lawyer, the number one gun rights podcast in the world. It's not just me saying it. Feedspot rated the top 20 gun rights podcasts, and we, I'm proud to say, are numero uno. Now, you may have been following a story in the news. I know I have, and I want to talk to you about this because it's kind of interesting to me. It has to do with Liberty gun safes. Liberty is quite a large, maybe even one of the largest, manufacturers of gun safes in the United States. It's a known brand, and they make a quality safe. I mean, they really make a nice product. ([www.libertysafe.com](http://www.libertysafe.com))

### **Evan Nappen** 01:06

But recently, there's been an incredible controversy with Liberty Safe. Because what happened was the FBI, it appears, was apparently dealing with a criminal investigation, prosecution, etc. of Nathan Hughes, who was raided by the Feds over the January 6 brouhaha. Now, I'm not going to get into the issue of January 6 or J6 and whether it's insurrection, oh, my God, or whether it's protest, or whether it's something that the left is just abusing and using and turning into political propaganda or whether there was an actual threat to our country. I don't know. We can all have our opinion about that. But regardless of whether this is a wonderful example of the weaponization of our agencies in the deep state and trying to shut down First Amendment rights, protesting political matters, it appears that Mr. Hughes ended up in a situation in which the FBI had a warrant to seize the contents of his gun safe. The rub comes in where, apparently, the federal law enforcement contacted the manufacturer, which is Liberty Gun Safe, and were able to get the passcode to get into his safe. Now, the aftermath of this has been pretty significant. Because a lot of folks are concerned that Liberty Gun Safe would just turn over the code to the federal law enforcement officials. A lot of people thought they were secure in their gun safe code but are now learning that may not be the case. This is not a surprise to me at all, considering how many cases I've dealt with where safes have been raided by law enforcement. I'll tell you some interesting stories about that in a moment.

### **Evan Nappen** 03:56

But here, in this case, it's a little vague. It's not clear whether Liberty had the code to his safe on file and provided it, which they do keep codes to their safes on file. My understanding from Liberty is that 4,000 requests, just last year alone, from people that acquire a used safe or inherited a safe from someone who's deceased or forgot their combination. They called Liberty to get their combination and by providing certain documentation, they will provide that code so that the person can get into their safe.

The other thing, though, that is not clear is that Liberty uses electronic locks, as well as the old manual lock. I've always been a big fan of the manual lock, just being suspicious about anything electronic. Now I understand that electronic locks are top security, and that the military uses them. I get all that, and they're highly rated. But apparently, there's talk that there may be a backdoor code that can gain entry into electronic locks. I can't confirm whether that's true or not. But, nonetheless, that's something to think about if you have an electronic lock. That there may, in fact, be a way to hack past anything that's electronic, or even a backdoor code to get into electronic. Or is it simply that Liberty had the code on file for the serial number of that safe, which they apparently do, in fact, keep that information? Whatever the deal was, they turned it over to the FBI because the FBI said they had a warrant.

**Evan Nappen** 05:49

People are upset that Liberty did this, but I am actually not that upset. Although I think they could have done one thing more, which apparently, they're now going to do. Instead of just turning it over because there's a warrant, if the owner of the safe requested them to do it, which maybe is a possibility, or if there's a situation where the warrant is authorizing the entry into the safe, and an individual doesn't want their safe destroyed by the Government, then getting the combination is a good way of not having your well \$5, \$10 \$15,000 gun safe ruined. The bottom line is that a search warrant means that the Government through the court has found probable cause for this search and that search is going to take place. You have got to recognize that. It's going to take place.

**Evan Nappen** 07:08

Now, to blame Liberty for what's going on with this J6 prosecution for this warrant to seize, a search and seize warrant. None of that is Liberty's fault. They're hit by law enforcement requesting this. Now it is true, and some folks say that they could have said, well, we're not going to give you anything unless you subpoena our records. They could have done that. In fact, my understanding is that's what they're going to do in the future. But, assuming there's a warrant, then I think the subpoena is going to be probably about as difficult to get as getting a sandwich from the deli at Wawa. But, okay, if you want to demand they go through that and get a subpoena. I guess that's fair enough. Maybe it'll protect everybody to ensure that it actually is legit. I don't know. Not necessarily a huge problem.

**Evan Nappen** 08:10

But you have got to remember that there is no gun safe out there that is going to keep out the Government. If the Government has the right that they glean from a search warrant, they're going into your safe, whether you decide to cooperate or not. If you don't give them the code and if, for whatever reason your gun safe company doesn't exist anymore, or won't provide it or they don't have it, whatever reason that is, the Government is still going in. Most likely, it means that your safe is going to get drilled open by a locksmith, or your safe is going to get cut open by a locksmith. Literally cut with one of those very special cutting saws. Or they may, in fact, well, they're going to get in. They're going to get into your safe. It may even be so extreme as the following. You may recall this very scene from Butch Cassidy and the Sundance Kid when they approach the railroad car that has good old Mr. Woodcock in there with HR's safe. Mr. Producer, could you roll the clip.

**Speaker 3** 09:56

Woodcock, what you have to go and do something like that for? Well, Butch, you blew the last one so easy, I just had to do something. Give me that and get some more. A lot more. Well, that ought to do it. (Loud bang and horse neighing.) (Train sounds). Think you used enough dynamite there, Butch?

**Evan Nappen 10:32**

Yeah, I guess Butch did use enough dynamite in that scene. Like I said, no matter what, the Government is going to get into your safe. If you don't want your safe ruined and have that investment destroyed, then your best bet is to face what is inevitable, at least as far as them getting into the safe and taking whatever they're authorized to take. Because you see the remedy in our system for that will occur later in court. That's where you bring the Motion to Suppress, the motion that challenges the Fourth Amendment procedures and whether your rights were violated or not in the issuance of a warrant or in the search and seizure. That's what gets determined, because it's your right, as a defendant, you're right under the Fourth Amendment to be secure in our persons and papers.

**Evan Nappen 11:35**

If there wasn't sufficient probable cause or if there are other issues surrounding this, then maybe, in fact, it was an unlawful search and seizure. And if there's evidence that is obtained from it, it would be suppressed. Anything gleaned from that search could be further suppressed under the fruit of the poisonous tree. These are all possibilities. Also, for example, in New Jersey, the Motion to Suppress under the rule is both a Motion to Suppress and a Motion for Return of Property. In other words, baked right into New Jersey's motion challenging the legality under the Fourth Amendment search and seizure, a very part of it is for the return of the property that is seized. So, stopping the seizure is not how it works in our society. You don't preempt the seizure. The seizure takes place, and then you fight its legitimacy.

**Evan Nappen 12:43**

The reason it's that way is because, in this case, a warrant has been issued and the warrant means they met the concept, at least in theory, met the provision under the Fourth Amendment of obtaining probable cause. Because remember, originally, our Founders were very frustrated with what the British called the General Warrant where they could just search because they wanted to search. They didn't need probable cause. If they wanted to search your barn or search your house, they did it, and they could. Well, we put restrictions on that. Our Founding Fathers said no, that's not going to happen anymore. Now, does that mean there can't be searchers? No, but it means that if there's going to be a search, there has to be probable cause, and it's got to be based on oath or affirmation. They've got to articulate the reasons. This is a level of protection in terms of us having security in our persons and our property, etc. And that's how our system was designed so that we did not live under what is a General Warrant. The Nazis, by the way, also had something similar to the General Warrant. They had warrant discs. Little discs. They almost looked like little key ring tabs. All they had to do was show their warrant disc, and they searched whatever they wanted, wherever they wanted. There was no probable cause required. You didn't have any rights.

**Evan Nappen 14:09**

But in America, we have these rights. But the way these rights come into play is by dealing with them in the court system and challenging that warrant. So, you're not going to stop this inevitable seizure, but

the validity of what is seized and its ability to be used as evidence is a legal question. And, of course, you getting your property returned, which will take a fight. But you then are entitled to get that property that was seized returned unless it is in fact evidentiary in some crime, or if you are for some reason, a prohibited person or become one and can't have it returned, if it's firearms. These are all issues that will get hashed out later.

**Evan Nappen 14:56**

Now, with all that being said, it doesn't mean that you want to leave it so that your safe can easily be penetrated by criminals, whether it's street criminals or Government criminals. I mean, I get that. There is no reason why you can't take measures to make your safe stronger. So, one of the basic things right here is if Liberty Safes' actions concern you, just from the standpoint of bad guys breaking into your safe, well, number one is changing your combination on your safe. Most of the Libertys have Sargent and Greenleaf combination locks, usually, and those SGs are good quality locks. You can change your combination. If it's a manual lock, there's a little key that goes in the back, once you have the safe unlocked. The best is just calling a locksmith. They'll charge you about 300 bucks, maybe less, and they'll change the code to what you want. So, it doesn't matter what the factory has on their lists, at least for manual locks. There's no backdoor code that I'm aware of that opens a manual lock. With electronic locks, it may even be easier to change your code. Usually, they allow the user to do that themselves. But again, you may have that backdoor issue. So, that's something you want to be aware of.

**Evan Nappen 16:19**

But, folks, I've had cases where they couldn't get in the safe because they didn't have the code or the combo or they didn't have a search warrant to go in the safe itself, but they wanted to secure it. I've had cases where the law enforcement authorities have taken the entire safe. I'm saying it was a Browning/Prosteel, like 1200 pounds. They took it out of the garage, brought it to the PD, and held it there. Yeah. So, even extraction of your entire safe if you're not going to cooperate can happen. Now what a lot of folks do and what's highly suggested is make sure you bolt your safe to the floor. You want to bolt your safe to the floor for safety reasons, if nothing else, because the heavy doors can cause the safe to tip forward. Just about all the manufacturers of the high-quality safes will tell you that you need to bolt it to the floor, so that the safe does not tip on you or somebody else causing a lot of potential damage and destruction. But it also helps secure the safe from theft. I know of cases, particularly one out west, where they went to a gun store, and they wrapped cable around the safe and put the cable around the back of a pickup truck on the toolbar set up. They literally yanked the safe out of the gun store and drove down the road dragging the gun safe to a secure location where they could then take their time and open it. Again, bolting your safe to the floor is good to stop the theft of your entire safe and from having it not tip over on you. So, you can take that measure, and you can change your lock.

**Evan Nappen 18:17**

Apparently, Liberty, in response to this whole controversy, has now made it clear that they are only going to release any code information upon a subpoena, which I guess is a good improvement. At least it's one other factor of authentication and maybe protection. The other thing is they're going to make it so that anybody can opt out of them storing your safe code and any, I guess, backdoor code if any such thing exists. Again, not confirmed on that part. But this way, Liberty will expunge and erase your code

so that even if they are subpoenaed to turn over data, they can't turn over data they don't have. If you're afraid from a theft perspective that someone might hack into their system and glean codes, I guess anything's possible, right? You may not want Liberty to keep your code on file. But if you're a forgetful person or feel that this is something that you want to have as a backup to protect yourself, then maybe you want Liberty to keep it in their secure database as they have done for years. This is a personal choice and that's how it should be.

**Evan Nappen 19:37**

Now, the other thing that you may want to consider is something that I like as an added deterrent to theft. If you would like to get a free one of these signs, I will be happy to make that available to you. All you have to do is go to [EvanNappen.com](http://EvanNappen.com) and Go to the Subscriber Portal. So, if you bought my book and you are a subscriber because you scanned the QR code on the front of the book, then you already get updates, and you can access all the updates and all the information I put in this subscriber code. It's 100% free. Even if you're not a subscriber yet, you can actually join the Subscriber Portal by going to [EvanNappen.com](http://EvanNappen.com). If you go to [EvanNappen.com](http://EvanNappen.com), you'll see the Subscriber Portal, and you can just subscribe right there. When you go in there, you can get your free gun safe sign. You can print it out, and you can hang this sign on your gun safe. What the sign says is: "Warning. Keep away all heat, sparks, flame, shock, concussion. Safe contains gunpowder/explosives." That's a good warning to have on your gun safe. And look, if you're a black powder shooter and you keep a pound of black powder in your gun safe, well, then you're keeping explosives in your gun safe. I mean, if you have gunpowder, because you have ammunition in there, then you have ammunition in there. And it's not really good to have any kind of ammunition or explosives that could face heat, sparks, flame, shock or concussion. By putting that warning there, it should give pause for thought to any thief that may be tempted to try to break into your gun safe, not knowing exactly what's in there and what dangers may alert should such a thing be attempted. This sign may have a good effect as a deterrent from a thief wanting to get into your safe. So, I'm making that sign available for free. You can hang it on your safe. Even if it's just a big old bluff, so what, if it stops someone from breaking into your safe that shouldn't be breaking into your safe. It's another security measure. Just go to [EvanNappen.com](http://EvanNappen.com) and subscribe to the Subscriber Portal, which is free. Download and print your free safe sign and hang it proudly on your safe.

**Evan Nappen 22:21**

While you're at [EvanNappen.com](http://EvanNappen.com), if you don't have a copy of my book, that's when you should buy one. It is over 500 pages long, and it answers over 120 topics in detail discussion in a question-and-answer format. Everything you need to know about New Jersey gun law. By being in that Subscriber Portal, you're going to get updates and alerts and all kinds of good stuff, like fun signs to hang on your safe. So, I would highly recommend picking up a copy of New Jersey Gun Law, the 25th Anniversary Edition. You will find that at [EvanNappen.com](http://EvanNappen.com). Right there, conveniently on this thing we call the internet. When I get back, I have some more very important information to tell you about New Jersey carry licenses.

**Speaker 3 23:21**

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 bestselling 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](http://EvanNappen.com) or follow the link on the Gun Lawyer resource page. Evan Nappen - America's Gun Lawyer.

**Speaker 3 24:35**

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**Evan Nappen 24:50**

Hey, folks, I've got some interesting news here about WeShoot, and this is kind of cool. WeShoot is really excited about it. A new cool thing they are doing at the wonderful WeShoot range in Lakewood, New Jersey. They have what they're calling "Blast a Bear", "Blast a Bear. Now, you're probably saying what's "Blast a Bear"? Are we shooting bears? What are we blasting at bears? Well, I'll tell you what they have. Ready for this? They have a 15-inch tall, 12-pound, ballistic gel, gummy bear. That's right. They are providing this 12-pound, ballistic gel, gummy bear and on October 11th, they're hosting a special event. You will be able to take aim at this specifically crafted, ballistic gel, gummy bear that has been designed exclusively for WeShoot. Now, that sounds pretty fun, don't you think? Shoot a gummy bear, a giant gummy bear. Kids aged 10 and up can join the fun, accompanied by their parent or legal guardian.

**Evan Nappen 26:11**

It's a fantastic, unconventional way, completely unconventional actually, to introduce your youngsters, friends, or even your significant other to the world of shooting. And guess what? The best part is it only costs \$99.99 per couple, and if you want to add anybody else, it's only \$25 each. This covers your entry to the range and shooting, a ballistic gel, gummy bear to shoot, access to the shooting range for two, a firearm rental, plus eye and ear protection. The only thing not included is ammo. You can feel free to bring your own pistols or rifles. Can't do shotguns, though. They're not allowed at this event. And the cherry on top is you get to take home the gummy bear, making everybody who knows you green within envy. You get to show that blasted gummy bear. So, check out their promos. Go to [weshootusa.com](http://weshootusa.com). It's a great place. They do all kinds of fun stuff. This is a great fun event to go and blast a bear. Pretty cool. I'd like to do that myself.

**Evan Nappen 27:31**

Now the question becomes just off to the side, what caliber is the best to shoot a gel gummy bear? I once heard someone debating about what's better, .45 or 9mm. You know that classic debate that everybody's had. Right? What's better? Nine-millimeter or .45? I once heard someone say well, look, they did tests on all the ballistic gelatin and 9mm performed better in ballistic gelatin than .45. To which, the other person said without too much hesitation, well, I'll tell you what, when the Jello monsters from outer space attack, we should all shoot them with 9mm. That was an interesting reply, I thought. But I'll

tell you what? What do you do when a ballistic gel gummy bear attacks? That's your choice. Go to [weshootusa.com](http://weshootusa.com) and sign up to have some fun on October 11.

**Evan Nappen 28:26**

I don't want to forget to mention our great Association of New Jersey Rifle & Pistol Clubs, our state Association. The stalwart, number one defender of gun rights in the state of New Jersey. They are there in the trenches fighting for you and me. They're the guys and gals that are in the legislature battling. They have a paid lobbyist. They're in the courts litigating, fighting these outrageous Murphy laws and outrageous gun laws, and they are making progress. The Association is there defending you. They have a great newsletter, and they send out email alerts. You need to be a member of the Association. Go to [anjrpc.org](http://anjrpc.org), [anjrpc.org](http://anjrpc.org). Join them and be part of the solution, folks. We need you. This is how we're going to win. We're going to protect our rights. Organization and unity. We've got a great group that lets us do it. So, take advantage and join [anjrpc.org](http://anjrpc.org).

**Evan Nappen 29:36**

Now here's an interesting letter, and I want to advise folks about it because it raises a very important question. This is from Steve, and Steve says regarding the PTC qualification date. I have a PTC issued in January. If I miss the October 1 due date for the re-qualification, does my PTC just await the qualification to become legal again? He wants to know, what's the impact of that? Well, I'm going to tell you what the impact is. The impact of that is something you all better be very much aware of, because it could be extremely devastating for you if you are not aware of it. Let me tell you.

**Evan Nappen 30:40**

It's really simple. Noncompliance, meaning if you do not get your recertification certificate done and in, when I say in, I mean turned in to your issuing authority. If your license or carry permit was issued by your Chief, give it (the certificate) to the Chief. If it was issued by a judge, give it to the judge. As a matter of fact, if it was issued by a judge, give it to the judge and to the Chief because you did apply originally to the Chief if you have one of the old permits. If you fail to comply? It's a crime of the fourth degree. That's right, a crime of the fourth degree. In New Jersey, we don't call them felonies. We call them crimes. I don't know why. Maybe just to confuse everybody, which wouldn't surprise me. But it's basically a felony level offence, and you're facing 18 months in State Prison, a year and a half in State Prison, folks, and a \$10,000 fine, if you fail to certify by October 1, 2023, if you already have a permit that's been issued, and you have not gotten the new requirements.

**Evan Nappen 31:50**

Now, if you want to know the countdown, you can go to [EvanNappen.com](http://EvanNappen.com). When you go there to get your free sign and buy my book, you will also see the carry permit requalification countdown clock. It's there, and it's counting it down to the second for you to get this done. Make sure you get it done. What does getting it done mean? The bottom line is that you get that certificate, that certificate of the qualifications being met. You can find the certificate on the State Police website. Go to Firearms Information - Firearm Forms, and you'll find this certificate right there. You can print it, and you need your instructor to sign that you've completed a course that was substantially similar to what they're requiring now or that you retok a new course and met the new requirements. You better move on it, folks. Times a tickin.

**Evan Nappen 32:19**

But here's something actually a little bit of good news that I want to share, something a little fun. I've always been a fan of the DCM (Division of Civilian Marksmanship) way back when it was called the DC, and now it's called the CMP, which is the Civilian Marksmanship Program. Through that program, shooting sports and accuracy with firearms and such, has been the mission of the CMP as initiated by the Government itself. The CMP, as many of you may know, sells surplus U.S. military firearms and other things to the public at very good deals. For years and years and years, you could buy M1 Garands, you still can get a Garand rifle from the CMP, the best deal on Garand rifles you can buy anywhere. They are, of course, high quality, and they're Government guns, really cool.

**Evan Nappen 32:58**

If you want to know how much longer long you have, go look at EvanNappen.com and see the clock. You don't want to end up jammed up. You're looking at a liability for a fourth-degree crime where you are looking at a year and a half in prison and a \$10,000 fine for your omission. Your failure to do what you were supposed to do. Some of you may say, well, if you look at the statute, it just says, you shall do this. It doesn't say what happens when you fail. Where does that come in? That comes from the other part of New Jersey law where it says failure to follow the licensing law of 58-4 is a crime of the fourth degree. So, the penalty provision is found elsewhere. But the penalty provision incorporates your having to follow the pistol permit law and your failure to follow that law is criminal. So, folks, beware. This is going to come down, and a lot of unsuspecting people are suddenly going to find themselves where, if they're lucky, just getting a permit revoked and not criminally prosecuted. So, move on this, and get that certificate. Make sure that you do not miss this deadline if you are a permit to carry holder who must recertify.

**Evan Nappen 34:28**

Now if you've gotten your carry permit after the new requirements, then you're good. You don't need to do a recertification because you qualified with the new requirements. But if you did anything prior to those new requirements being promulgated, then you must, you must, get that done. I can't emphasize it enough. I'm just shaking my head knowing that there's going to be all kinds of folks that are going to see revocations and possibly worse. You say, how it will go down? Well, anyone who thinks that you don't know about it or ignore it, most likely the AG the Attorney General, is going to send out notices to the issuing authorities to all your permit holders, if they submitted or not. If they haven't, they'll move to revoke or worse. You'll see. They are looking for every excuse to disenfranchise us of our gun rights. Well, this is going to be another one of those excuses for them. So, be careful. You've been warned.

**Evan Nappen 36:31**

I got my Garand from the DCM a long time ago. I'm not going to tell you how long ago, but I'll tell you the price. It was \$93 at the time. Then I was able to also get a beautiful M1-D Garand sniper, a Winchester sniper from the DCM. I hit the lottery on that way back. They literally had a lottery where if you got picked, you're able to buy, right from the DCM, a sniper rifle, M1-D. Well, guess what? One of the cool things they've been running, and I've mentioned it before, is their 1911A1 program, where you can buy a bona fide Government 1911A1, directly from the CMP. It is a guaranteed Government 1911. They're very reasonably priced. As a matter of fact, when you buy one from them, it is virtually worth



double as soon as you get it. And they're great guns. Most of them come out of the Anniston arsenal. They've been stored by the Government, and the CMP is selling them.

**Evan Nappen 37:35**

Well, they ran round one, round two, and round three of the CMP 1911 sales. As I told folks about it before, you were allowed to buy one of those .45s. Get your paperwork in, and if they pull your number, you're given the opportunity to purchase a bona fide 1911A1 right from the CMP. Well, good news folks. They have opened up round four. And here's the really spectacular thing. They've opened up round four, and if you had already gotten a 1911 from them, as long as it wasn't this year that you got it, you can buy a second CMP 1911A1 from the Government at a bargain deal. And they are great guns.

**Evan Nappen 38:25**

So, if you already got one, you can get another. I know I'm going to take advantage of that. Because you can't beat it for the money. You just can't. So, if you're interested in that, go to the CMP ([theCMP.org](http://theCMP.org)) and look at the 1911 program, and get yourself a CMP 1911. If you already got one, you can now get another. The only thing better than one .45 from the CMP is two .45s from the CMP. This is Evan Nappen reminding you that gun laws don't protect honest citizens from criminals. They protect criminals from honest citizens.

**Speaker 3 39:13**

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