

Gun Lawyer -- Episode 179 Transcript

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SPEAKERS

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Evan Nappen 00:00

Hi. I'm Evan Nappen, and welcome to Gun Lawyer. So, you know, this show focuses on, of course, firearms, weapons, the Second Amendment, and all that kind of great stuff. I really am blessed to have a job that I enjoy and do what I'm interested in doing. I'm able to help a lot of people all the time with these subjects. In so doing, things are brought to my attention that I never knew about. When I didn't know about it, I'm pretty confident that my listeners probably don't know about it either. I'm never amazed, and I never cease to be amazed at the things that end up coming my way. I have this opportunity through Gun Lawyer to tell you about it. Here's the latest and greatest. Did you know that if you are denied a firearm purchase, that Joe Biden says you are not eligible for Global Entry? That's right. A firearm denial has the collateral consequence of barring you from the Global Entry Program.

Evan Nappen 01:41

Now the Global Entry Program is administered by the U.S. Customs and Border Protection, and it is kind of a companion program of TSA Precheck. What it does is it allows you to travel with much more ease when traveling globally. I had a person call me who had applied to purchase a firearm and got denied NICS, and we're challenging the basis for the NICS denial. But that's not the point. They were denied NICS, and now we're going to do the standard fight to straighten out the NICS denial. But three days later, this person gets a letter that they're barred from their application for the Global Entry Program. Let me tell you about the Global Entry Program, and this is incredibly significant. In New Jersey, getting denied for a gun license is substantially more risky and more prevalent than under even the Federal law because New Jersey's law has so many of these subjective criteria. Many of their bases for gun denial go well beyond the Federal law.

Evan Nappen 03:19

So, let's take a look here at the Global Entry Program. (<https://www.cbp.gov/travel/trusted-traveler-programs/global-entry>) You can actually go to the website for U.S. Customs and Border Protection and go right to their eligibility for global entry. (<https://www.cbp.gov/travel/trusted-traveler-programs/global-entry/eligibility>) It says are you eligible? Then it lists countries that are eligible. Of course, U.S. citizens and U.S. lawful permanent residents of the following countries are eligible for Global Entry membership, and they have a list of all the countries. Canadians are eligible (through membership in the NEXUS program). If someone is under 18, they have to have a parent's or legal guardian's consent. Then it has reasons for ineligibility to be part of this program. It says you may not be eligible for participation for the

Global Entry Program, if you, and it says four requirements below. The first one is false or incomplete information on the application or second, have been convicted of a criminal offense or have pending criminal charges or outstanding warrants, including, by the way, DWI, which in New Jersey is only a traffic offence. But even a pending DWI will bar you from this program. Third, if you've been found in violation of any customs, immigration or agricultural regulations or laws in any country. If you're a farmer and you violate an agriculture law, you're barred. Fourth, it says anyone who's the subject of an ongoing investigation by any federal, state or local law enforcement agency. It doesn't say "criminal" investigation. What if you're being investigated on a National Firearms Act application or a Federal Firearms License? I don't know. Then the next one says, have been denied for the purchase of a firearm. Denied for purchase of a firearm.

Evan Nappen 05:40

Here this person was denied a purchase in NICS, and three days later, somehow U.S. Customs learns of a NICS denial. Where's the conduit that's communicating that information? NICS denials are supposed to be about guns? How did that other agency even learn of a firearm purchase denial? I don't know. You know, in New Jersey, anything they can do to screw gun owners they're going to do. I expect to see more and more individuals that have faced any type of denial for purchase of a firearm, no matter how unreasonable, or wrong, or incorrect or illegal, that denial was or unconstitutional for that matter. You're now going to be subjected to a collateral consequence and additional penalty that affects you as a person and your reputation beyond guns barring you from the Global Entry Program. This particular person was extremely upset because it's part of their career to travel, and it's part of their job to make sure they can travel efficiently. Here they're being denied the program.

Evan Nappen 07:10

This is an outrage that has been placed on gun owners. And like I was saying before, it's so easy in Jersey, because we have the absurd disqualifier of so-called Public Safety, Health and Welfare, based on character or temperament. That second part based on character and temperament was only recently added, by the way. That's so subjective criteria. It's so broad. I call it the all-inclusive weasel clause. It just takes an anti-gun chief as issuing authority to try to make out that you are somehow that threat, and lots of times what they look at is your social media posts. They'll try to make a claim that you're somehow a danger to public health, safety and welfare. New Jersey even has separate denial criteria involving posts and social media and such that people make. Of course, you know, they're going to slant that on your political views. You get that denial, and now it has further consequences than even denying your Second Amendment rights.

Evan Nappen 08:30

If you get a denial in Jersey, one of the new denial criteria, which we've talked about before, is having a voluntary mental health commitment. If you've had a voluntary mental health commitment, not just an involuntary, which is a federal per se disqualifier, but New Jersey makes voluntary and involuntary both a per se disqualify. You're getting denied a gun purchase. And you're looking now at being barred from the global travel via the Global Entry Program from that denial. It is above and beyond anything Federal, even though that's a Federal law, but the Federal law doesn't care about the reason the state denied you a gun. It doesn't. They don't care how unreasonable the state licensing law is. If you're denied, you're denied, and they're going to stop you.

Evan Nappen 09:28

New Jersey now, of course, does the NICS via the state because they're a POC, a Point Of Contact. When a gun purchase is done in Jersey, the dealer has to contact the State Police. So, they're going to be aware of any state disqualifiers including on the mental health aspect, both voluntary and involuntary commitments. Many times, folks have that disqualifier, of which the only cure is getting a mental health expungement. That's it. That's the only way you can get rid of that disqualifier is by getting a mental health expungement, and a mental health expungement is somewhat involved to even get. It's also somewhat costly. It's a significant legal expense to do it. Our office does these. We've done hundreds of them, but it takes a good chunk of time to get them done. You have to get a doctor's report as part of the litigation to get a mental health expungement. And that's the only way to clear your rights.

Evan Nappen 10:40

Now, once you get a mental health expungement that's accepted by both the Federal and state governments as relieving you of the per se disqualifier. But remember, New Jersey even goes further than mental health commitments for denials. New Jersey asks have you ever been treated or observed by any doctor, psychiatrist, any mental or physical condition? If you answer yes to that, you can get denied, and then you have to prove that you're safe for handling firearms. Plus, New Jersey has a slew of other criteria used for denial, including those that are not found in any other state. For example, anyone who's had guns seized pursuant to domestic violence and even though the restraining order was dismissed, if those guns were not returned to you, you are a prohibited person to get a license. That is correct. It doesn't matter that all it was some crappy, top break shotgun that you couldn't even get 20 bucks for at a gun buyback. You just said, hey, I don't care, they can keep it. If you do that, you've now not only lost your gun rights in New Jersey, and your ability to get a license, but also you are denied a gun purchase in the future and didn't even realize it.

Evan Nappen 12:01

Now you're barred from the Federal Global Entry Program because of New Jersey's unreasonable gun laws. This is crazy stuff. And it's getting worse and worse. If you get a gun denial, you can't ignore it. You have to fight it. You have to fight it for your reputation. In the same way that you would avoid a criminal conviction for that very reason. Gun denials have collateral consequences. It can stop you. We are aware even that if you apply to work at the casino, they ask if you ever had a gun denied. Other employers now ask. This is stuff that's been databased. Be aware that a gun denial goes beyond guns. It's your reputation. Not just your gun rights. Now we see its extension to a federal travel program no less. And who knows what other agencies are going to sneak in gun denials as a basis to deny whatever other federal program you may be seeking to enjoy, and you will be stopped because of it. So, this is a serious problem. I don't know anybody else who's ever talked about a Global Entry Program denial simply because a gun purchase has been denied. Yet, you can see it for yourself on their website, and I now have a genuine client dramatically affected by that very thing. So beware, be very aware.

Evan Nappen 13:49

Now, of course, we have our state Association, the Association of New Jersey Rifle & Pistol Clubs. It is 24/7 guarding us and fighting for gun rights in the most difficult of environments known as New Jersey.

They are making tremendous headway and have had a number of successes fighting in this challenging state. You need to be a member of the state Association. They are the premier gun rights group in New Jersey. I'm not saying don't belong to other gun rights groups, but you have to belong to the Association. ANJRPC, the Association of New Jersey Rifle & Pistol Clubs (anjrpc.org.) When you become a member of the umbrella organization of gun clubs, known as the Association of New Jersey Rifle & Pistol Clubs, you'll get email alerts as to shenanigans taking place in Trenton.

Evan Nappen 14:50

You'll be updated on all the litigation. They're the ones in Federal court, as we speak, challenging the so-called assault firearm ban, which we call the modern sporting rifle ban, and the standard capacity magazine ban, which is, of course, what the law calls a large capacity magazine ban, any magazine over 10 rounds. They're fighting the Carry Killer bill that Governor Murphy placed upon us in his hissy fit since carry permits had to become a true "shall issue". Since they have to issue permits now, their gambit is to make them useless when you have them. The Association is battling that for us in the Federal courts and making great progress. They even made great progress in the initial stages as well. That's why, thanks to the state Association, we can carry in our car with a carry permit, a concealed loaded handgun. It was banned under Murphy's Carry Killer bill. Even with a carry permit, you couldn't carry in your own vehicle. We called that the Carjacker Protection Law and that was knocked out by the Association. It is still knocked out even on appeal. So, things like that. They're a very effective group, and more members make them even more effective. So, please join anjrpc.org. Go to the website and join today.

Evan Nappen 16:22

By the way, speaking about so-called assault weapons or assault firearms, you know, I really get sick of hearing that term. Unfortunately, in New Jersey, they've enshrined the term "assault firearm" into the law. It's actually in the law as a term, assault firearm. It is a legal term, and you can be charged with possession of an assault firearm. It's that horrible five-part, insane definition that virtually no one except me can even understand. It is really bad. Yet, that term is recognized as a political term, even though New Jersey has made it the name of the banned items in its law. What I'm talking about here, by the way, is the AP Stylebook. The Associated Press puts out what's called a style book so that writers, particularly reporters and those in the news media, even those in the Imperial Media, you know, the one run by the Government in the background. (<https://apstylebook.com/>)

Evan Nappen 17:43

They put out this style guide, and their style guide talks about semi-automatic rifle, assault rifle, and assault weapon. Of course, New Jersey uses the term assault firearm but would fit right in. Listen to what the AP Style Book has to say. They said that the preferred term for a rifle that fires one bullet each time the trigger is pulled, and automatically reloads for a subsequent shot, is a semi-automatic rifle. An automatic rifle continuously fires rounds if the trigger is depressed and until the ammunition is exhausted. Avoid assault rifle and assault weapon, which are highly politicized terms that generally refer to all AR- or AK-style rifles designed for the civilian market, but convey little meaning about the actual functions of the weapon. More detail is in the Stylebook's weapons entry. Isn't that amazing? The AP, which themselves are not necessarily conservative, even they put in their Stylebook that it's a politicized term and that should be avoided. Yet the media ignores that and constantly uses the

propaganda term of assault rifle, assault weapon, and even assault firearm, which is a political term that New Jersey turned into a legal term, even though it is a politicized term. They knew it, and they got that name, that pejorative name, in the law. The media needs to be neutral and be real journalists. I know that's asking for the moon. Imagine that and here the AP Stylebook lays out that very point.

Evan Nappen 19:59

Hey, speaking of some great places to shoot, I want to tell you about WeShoot. WeShoot is an indoor gun range in Lakewood, and they are a fantastic range. They are such great people, and they're friends with everybody. They have a magnificent range, and they are second to none in terms of training. They also have great events. They'll just bend over backwards to make you happy. So many people have reported back to me that they've listened and gone to WeShoot and tell me that I'm not kidding about that. And I'm not. It's a great range. It is right in Lakewood, easily accessible off the Parkway. And you know, we need our ranges so badly. They're a resource for the Second Amendment. WeShoot stands firm on your rights and the Second Amendment. That's where I got my certification for CCARE so I could get my carry. My brother and my son, got theirs, too. It's a great place. You can get your firearm needs met. Please check them out at weshootusa.com. That's their website. Go to the range there, you will not be disappointed. You'll see exactly what I'm talking about.

Evan Nappen 21:30

So, now is when I shamelessly promote my book, which is New Jersey Gun Law. New Jersey Gun Law is the Bible of New Jersey gun laws. It's my labor of love, folks. Hundreds and hundreds and hundreds of man hours to write it. It's the 25th Anniversary Edition, and it is your guidebook to New Jersey's insane matrix of gun laws. It's laid out in 120 topics, all in a question and answer format so it's easy to understand. That's how I wrote it so it would be user friendly. It will help you avoid becoming a victim of New Jersey gun laws. You don't want to become a victim of New Jersey gun laws because then you get known as a law-abiding criminal. That's what New Jersey creates - law-abiding criminals. So, get a copy of my book. You'll be glad you did. Everyone that has it loves it. Sounding a little bit like Donald Trump there. But, really, it's true. They all love it. On the front cover is a QR code that you scan. When you scan the QR code, you'll get all the updates for free. You'll also get access to the archives for free. It is a free subscription to updates and the archive, and that keeps your book current. So, if you want to get a copy, get it today, go to EvanNappen.com. My name, EvanNappen.com. On the website, you'll see the big orange book there. Just click it and get yourself a copy. You'll be glad you did.

Evan Nappen 23:01

Here's something interesting that came my way, and I want to talk to you about this. It's a new term. Because, you know, the antis love to invent new scary terms. Right? They create these pejoratives. These scary words to scare the public. So, their scary word before and still is, "ghost guns". Ooh, scary ghosts. Ghost guns. Well, now there's a new kid on the block, and do you know what they're calling it? "Zombie guns". I'm not kidding. Zombie guns. Yep. Zombie guns are actually different than ghost guns. Can you believe it? Ghost guns, zombie guns, soon we'll have haunted house guns and every monster ever created gun. You know, there's just no end to their naming of types of guns and issues. But what are zombie guns? Well, of course, Democrats are always craving brains because they don't have any. So, it makes sense that they talk about zombie guns, doesn't it?

Evan Nappen 24:09

Well, let me tell you what a zombie gun is. Zombie guns are a loophole. Oh, my God. Not another gun loophole. Yes, a loophole, and this loophole is attempting to be closed by a Democrat, of course. Those stalwart defenders of our rights. Yeah, always looking to take them away. U.S. Representative Maxwell Frost (representing Florida's 10th District) is trying to do something to close this dreaded loophole. And what does he say? By the way, I want to give credit. This was brought to my attention by an article by Mark Chestnut in The Truth About Guns, which is an excellent read source should you want to check out the truth about guns. (<https://www.thetruthaboutguns.com/zombie-guns-yet-another-dangerous-loophole/>) What Frost says is, "The Zombie Gun Loophole is a problematic way that guns can end up in the hands of those responsible for gun violence." That's a quote from Rep. Frost. Don't you love it? They always throw the gun violence thing in there. See, it's not criminal violence, folks. That's bad - criminal. No, it's gun violence. As we've talked about in the past, gun violence can be good or bad. But this is gun violence.

Evan Nappen 25:33

So, how does this loophole work? Well, he's claiming we have to destroy zombie guns. Okay, but what's a freakin zombie gun? You still haven't told us. Well, here's what it is. Ready? A zombie gun is this, according to Frost. It's a gun that should not be living. I'm not making this language up. This is what he said. A gun that should not be living. It should not be able to operate. It shouldn't be in use. And it shouldn't be able to harm or claim another life. Drumroll, please. But it does. Oh, my. How does this work? What is he talking about? He still isn't clear. He says, closing the loophole that has allowed. Right? "Closing the loophole that has allowed gun destruction companies to collect taxpayer dollars for only destroying one part of the gun and not the whole thing is undoubtedly contributing to the gun violence we are seeing in our communities today. I refuse to see another life taken or another family devastated because of gun violence. We need to destroy zombie guns now."

Evan Nappen 26:53

So, what he wants is a Federal law that says any guns that have been seized, forfeited, taken that are crime guns or guns where people lost their rights and had them forfeited, that these gun destruction companies that are paid to destroy the guns, but they're not fully destroying the guns. They are only destroying the frames. Then they're selling the gun parts, and those gun parts can be made into evil 'zombie guns'. Oh, my. That's what they're trying to stop and that's what zombie guns are. The new word, the new catchphrase, the new media sensation is going to be pushed upon us is 'zombie guns'. I'm sure we'll see subliminal propaganda in a movie about how this guy, this evil doer, built a zombie gun. And I'm sure we'll see it on various TV series - zombie guns. They'll push this propaganda on us. That's how they roll. You know it's going to happen.

Evan Nappen 28:10

But I was thinking about these so-called 'zombie guns', and do you know what's funny, folks? I think this is actually, weirdly, not necessarily a bad thing for us. Now, let me explain why. I can't stand with this guy, Frost, and all his crap about gun violence, all the key catch phrases and all the propaganda. But let's cut through this for a minute. Think about what's going on here. These are guns that have been seized from people in America, and they were destined for destruction. Now, I am not saying by any means that guns seized, that it's all great due process, and a wonderful job by the Government,

only taking guns out of bad guys' hands. But guns that are seized and ordered to be destroyed, if there is a due process there and they were crime guns or guns that got lawfully forfeited, then utter and complete destruction of them, as opposed to just a frame, is actually, weirdly, a good thing. And I'll tell you why.

Evan Nappen 29:36

Not because of so-called gun violence. Not at all because of that. It has nothing whatsoever to do with so-called gun violence, nothing. But the reason it actually might be good is because if gun parts are not destroyed and instead put out into the market so that individuals can build new guns from the gun parts at a cheaper cost, it actually hurts the gun industry. So, ironically, what Frost is doing, by having complete and utter destruction of every gun taken by the Government will stop not only the sale of the gun, but the gun parts and actually enhance the economics of the gun manufacturing industry and the gun selling industry, the gun commerce industry in America by not allowing the cheaper stuff to remain and cause less sales and manufacture of new guns. It's just simple economics, folks.

Evan Nappen 30:58

So, they're actually, maybe unbeknownst to them, helping the gun industry and wait, there's another thing I don't think they've considered. When the Government has to destroy guns, they have to pay to have them destroyed. If these lovely gun destruction companies are getting paid to do it and they're able to profit by selling all the other gun parts except the frame, now they're curtailed from that profitable enterprise of selling gun parts. Now, they have to charge more to the Government to destroy guns and that becomes a greater financial burden to the Government, thereby indirectly discouraging gun seizures and forfeitures by making it more and more expensive to do this. I am all for making it more expensive and more costly for the Government to have to destroy guns. I'm all for helping our firearm commerce, industry and retail dealers to make and sell more guns. Representative Frost, you may and might, in fact, be inadvertently helping the gun industry and the Second Amendment and actually having the opposite effect of what your bullshit propaganda is claiming to do. And if that is, in fact, true, then I love it.

Evan Nappen 32:50

Look, it's not surprising how many things Democrats do that have the opposite effect of what they are trying to do. Like gun control itself, which, of course, just protects criminals and creates victims instead of defenders. Look at the ban on plastic bags in New Jersey. If you go to New Jersey, and I don't know if you realize folks that don't live in New Jersey, if you go to New Jersey, and you go to a convenience store. If you have a handful of all these items to purchase, you do not get a bag. You somehow have to manage all that stuff out to the car without a bag because they do not allow plastic bags in Jersey. They're banned. So, what they do instead is they will sell a plastic bag that is 15 times thicker than the freebies they used to give. And they say, hey, you can reuse these bags. Considering they run 25 to 35 cents to buy this thicker bag, people just say, oh, I need a damn bag, and they buy the thicker bag. But they don't reuse it. They throw it away anyway. And guess what's happened in Jersey because of this wonderful ban that the Democrats put forward on plastic bags? Three times the amount of plastic is now being used in New Jersey because of the ban on plastic bags to try to stop the use of plastic. Another Democrat plan that backfired and had the exact opposite effect. Like I said, zombie guns are because Democrats need brains and that's what zombies need. No wonder they're calling them zombie

guns. They're zombies. They actually don't have any brains when they do these things. So, maybe here their brainless actions might actually have, again, a reverse effect. Hey, time will tell, and we will see.

Evan Nappen 34:54

Hey, what about this week's GOFU, the Gun Owner Fuck Up of the week, in which you get to learn, very cheaply, an expensive lesson that an actual client, or in fact, many clients have learned. And now you get to know this, so you don't commit the same GOFU. This GOFU is really simple, folks. If you, like many gun owners, are someone who is concerned with the economic conditions that we're facing, if you have some little bit of prepping going on, and you believe in investing, and maybe you have precious metals, you know, precious metals. I often joke and say precious metals: gold, silver, and lead. But I'm just talking here about the gold and silver part. If you have a lot of coins, bullion, etc., if you have that kind of thing going, let me give you a GOFU tip. Do not store your precious metals, coins, and other valuables with your guns in your gun safe.

Evan Nappen 36:12

Now, you may say, hey, here's a great gun safe. It's secure. It's great. Yeah, I get that. But the problem is, when the police come to take your guns, I cannot tell you how many times that they have taken the gold, the silver, the bullion, and the jewelry, and even a watch collection of clients because they were stored in the gun safe. They took everything in the safe. Then I'm like, why did you take the man's coins and bullion and collector coins? And watches and jewelry? Why? Oh, well, maybe it was used illegally in a crime or maybe somehow, it's subject to forfeiture because we can link it to unlawful gain. Or who knows whatever insane theory they come up with, but they take it. They take it all. I've just had case after case of that. So, you need to be aware. Do not store your precious metals, jewelry, or other collectibles with your guns, because if your guns ever get seized, those things will be taken.

Evan Nappen 37:17

Unlike firearms, which are serial numbered, and if you followed my advice in the past, you have a list of your guns and many guns, as the police are aware, have been registered and can be traced to individuals, even with gun seizures taking place, often guns still disappear. Yet they're guns with serial numbers. But let me tell you what happens when your bullion and silver and jewelry get taken? Well, don't be surprised when what you thought you had, you suddenly don't have anymore. I have had a number of clients that are involved in major lawsuits, suing over disappearing gold, silver and bullion, and coins and other things that happened to have disappeared when the guns were being taken. It's not infrequent. It's sad to say, and I know so many great cops are out there that really try to do a good job and are honest, and I know that. The problem is that there are others who are not. So, don't create a temptation. Don't create a temptation. You know, I can resist anything except temptation. That's just an old joke, but don't commit that GOFU. This is real. It has happened to real clients, and I don't want to see it happen to you. This is Evan Nappen reminding you that gun laws don't protect honest citizens from criminals. They protect criminals from honest citizens.

Speaker 3 38:53

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