



## ***NEWSLETTER – October 2010***

**It is amazing how many people do not understand how easily we can lose our right to be free by small changes in our attitudes towards our laws. With the current trends of “administrative positions” doing things for “our” good, it worries me that the way of life we have know may be etching away from us.**

*Of all tyrannies, a tyranny exercised for the good of its victims may be the most oppressive. It may be better to live under robber barons than under omnipotent moral busybodies. The robber baron's cruelty may sometimes sleep, his cupidity may at some point be satiated; but those who torment us for our own good will torment us without end, for they do so with the approval of their consciences. -*  
**aniC.S. Lewis**

**"All might be free if they valued freedom, and defended it as they should."  
Samuel Adams**

**Have had some qualms about getting into the fray of all the opinions and interpretations of the cases decided this year which might affect your right to carry.**

**The *Heller* opinion was well written and took a very affirmative stance as to the rights of a person own a gun and to defend himself. I am sure time will tell whether the statements re-iterated by the Court will help the cause of freedom or limit it further in some ways. It definitely states that a person has the right to firearms to defend himself and persons in authority cannot “ban” firearms to people to defend themselves in their” homes.” I personally believe it says more than that but there are a lot of people who don’t.**

**The *Chicago MacDonald* case states the same opinions. A person has the right to own firearms to defend himself in his home. However both include (and possibly had to as a lot of other laws might have been**

adversely affected if not stated) a statement that the governing bodies have certain right to put laws in place on owning and carrying a firearm “to protect the society”. This will probably bring some good interpretation as to the right of a governing body to total ban anyone from the access to a firearm but will also bring some bad administrative regulations which attempt to ban firearms and especially handguns from the public in certain situations which are being considered as special situations where it must “control” the populace for their safety.

The *Austin Texas federal case* on a man who sold a personal gun for cash to a buyer with a legal Texas driver’s license” and then handed it over to a foreign buyer at the gun show and then was convicted for selling a weapon without a license and to an improper person presents some problems. I hate to see a precedent like this left in place. Even though I seldom sell a personal gun at a gun show, it is something I might get caught up in as how am I to tell if he is an illegal or not, whether it is his cash or someone else’s, – or according to the things going on in Arizona, do I even have the right to ask.

However, according to the Texas State Rifle Association, the incident was not so cut and dried. The group of several Latin persons, dressed in cowboy attire and speaking Spanish, evidently came to the table several times and the seller may have known (had an inkling at least) that the person who had the driver’s license was not the person who had the cash money to purchase the gun and therefore knew or should have known that he was not selling the gun to the person with the money. Further the seller was a regular at gun shows in this area dealing in guns and gun items and did not have an FFL.

The really bad part of the situation was that the gun show people lost their right to have their shows in that location as they had agreed that no personal sales would be made on the premises of the show “without a background check” and this sale was completed without a background check.

As the TSRA report says, the BATF is a federal agency and mirrors the trends for the administration in office. There is nothing unusual as to prosecuting a dealer and letting the buyer of “a straw” purchase go. Most illegal purchasers are never prosecuted even though they may have been the cause of the loss of innocent victims.

**There is a new case in Georgia which is being brought against the FBI and US Attorney General as a young man who was convicted of a “misdemeanor” assault in the state of New Jersey several years ago when he was in the navy and paid a \$100 fine has been denied the right to purchase a gun. Just a heads up as doesn’t make any sense to me but NRA attorneys are involved and helping with the case so hopefully it will bring about a good decision.**

**Folks your handgun license is a “concealed handgun license”. We have been alerted to at least 3 and possibly 5 charges that have been brought against concealed carry licensees in Austin, San Marcos, and New Braunfels for “intimidation, provocative carry, unlawful carry and use of a weapon against a minor” just for letting it be known that they are carrying. You say that couldn’t happen to me but listen up.**

**Well from the information we have –**

- **One was cut off in traffic by a person who followed them off the interstate and when the driver of the other vehicle approached him he said (because he feared the man was going to harm him) “Sir, I am a concealed handgun carrier and I have my gun with me.” They both went their way and the other driver filed on him for intimidating him with a firearm.”**
- **One was taking a walk in a park when some youngsters started harassing him and he says he never touched or insinuated he had a gun, but one of the youngsters knew that he had one and reported the incident to the police. Now he is defending himself for threatening a minor with a weapon.**
- **And of course most of us have seen the Austin problem on Mopac where the matter will come down to “were they playing” or did the driver fear for his life from the actions of the other driver who admitted he was “just playing with him in traffic.”**

**No one should know how or what you carry and if you ever insinuate that you have a problem and/or have a gun with you, you be on the phone with 911 or at least the first one to call 911 and report the incident.**

**Now to end on a positive point. DPS CHL Division has really done a wonderful job trying to stream line the application process. They still have some glitches but are working to make it as easy as they can to apply for your license and renew every 5 years. Just be sure that you find the correct type of category – no exceptions, veteran, military, or senior citizen to apply through so that you are charged the correct price.**

**After May 1, renewal students do not have to have photographs or fingerprints completed. With the on line application process this can be a very easy process.**

**If you think you are a third time renewal and should not have to take the class and range classification. When you sign up on line, go back in and look at the License Status section and it will tell you if you need a chl-100. If it says “No chl-100 necessary” then you do not need to take the class and range qualification this time around. The check list may still say chl-100 with an exception that after a third renewal you only have to have one every 10 years. Be sure to make a copy of your check list and mail it in to DPS to the address on the receipt.**

**If you are required to have a chl-100, then set up a class which will be half the time of the normal class and the qualification on the range. When you pass the range, complete the update, and pass the 50 question test, a chl-100 will be issued. Mail a copy of the receipt with the Bar Code, you chl-100 and any other documentation listed on the receipt check list to DPS at the address on the bottom of the receipt.**

**For those of you signing up online, if you will bring your check list/the receipt with the Bar Code to class, we can be sure that we get whatever documentation that you need to complete your package.**

**We are still doing the photographs and fingerprints during class at this time. It appears that we will have to stop doing that in February as DPS has notified us that as of March 1, 2011, they will no longer accept hand rolled fingerprints. It will make the classes less broken and we will be able to lower our prices, but know it will mean some hardship on those who live a distance from a digital fingerprint service but hopefully they will continue to open offices in out-lying areas so as to accommodate those at a distance.**

Then we come to November voting. The TSRA and NRA have web sites set up and have the results of a survey that was done on the different candidates. [www.tsrapac.com](http://www.tsrapac.com) and Just be sure to keep up on what is truth and what is innuendo so that you vote for those people who should take your opinions to the legislature this year. It will be interesting to see what the outcome is. Lots of promises being made and claims being promoted.

We have lot of people in office here in Texas who have brought our right of defense and to carry concealed a long way and I am sure will continue to do so if you let them continue. My main concern in this election is that we may, in our concern to get all those who we believe have let us down in government, get a group of well meaning people in office with no knowledge of power to accomplish anything.

We are now doing a Basic Handgun Class in one month and then a Personal Protection in the Home in the next month. So every other month you will have an opportunity to go a little further with your training and learn ways to further your capabilities and confidence. The classes will be posted on our web site. The first next Basic is October 30 and the next Personal Protection in the Home is November 20.

The Legislature will convene in January and already bills are being proposed on both sides of the concealed carry arguments. Keep posted with someone who can give you good information to keep you current. I am hopeful that Texas will have a Legislature who has learned lessons from the last session and will set out to get the things Texas is interested in on the agenda and completed.

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