

From: [Paul Velte](#)

To: [PT List](#)

Sent: Friday, January 22, 2010 10:47 AM

Subject: Austin Gunshow Update

[Peaceable Texans For Firearm Rights](#)

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Dear Peaceable Texan:

As many of you know, I am an Attorney of two decades experience practicing law in Austin, Texas. I have been investigating the events surrounding the gun show of last weekend, January 15/16, 2010, where the Austin Police Department (APD) and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) used intimidation tactics to pressure the landlord of the property to cancel future shows at the **North Austin Event Center** facility, on North Lamar Boulevard, formerly known as the Crocket Center.

The following is what I have learned from my review of the law and speaking to the promoter and an individual that had his private collection confiscated Saturday.

On Tuesday, January 19, 2010, APD attempted to deflect public attention by implying that multiple arrests at the location gave the city grounds to prosecute the landlords for nuisance. ([See the story](#) as it ran in the Austin American-Statesman newspaper.) I am attaching a copy of the nuisance statutes to this email and as anyone who can read can see--they clearly do not apply here. But what is really ridiculous about such a claim is that if arrests alone constitute grounds for nuisance, then every shopping mall and HEB grocery store in the state would be nuisances since arrests for shoplifting occur at these and other locations constantly.

The Crocket Center is owned by Wal-Mart and leased to HEB, who in turn subleases to another entity which in turn leases it one weekend a month to the gun show promoter.

The individual who was hassled and had his half dozen firearms seized Saturday was a private citizen there to sell his collection. According to him, APD and/or ATF had a man approach him and offer to buy a gun; the man displayed a Texas Driver's License to prove he was over 21. The sale was made and later APD officers roughly grabbed the shirt of the seller and marched him outside and accused him of selling to an illegal alien. This apparently is the latest tactic to entrap the unwary citizen in the ATF's snare. As if anyone could possibly know the immigration or citizenship status of anyone else. Yet ATF seized all his firearms and told him the matter was "under investigation." This, ladies and gentlemen, is the 'possible illegal gun sale' referred to as the reason for HEB to pull the plug on future shows in the Statesman article.

The tyranny of these laws and the APD/ATF "stings" are self evident. The government allows literally millions of foreigners to enter our country and then uses them to set American citizens up for jail / prison time. We should all be asking: who was this illegal

alien, and where is he now? Why is he free with a driver license in our state and why is he not being deported? I would venture a guess that since Austin is a "sanctuary city" the police did not detain this man or turn him over to immigration authorities; indeed, they probably rewarded him in some fashion to get his cooperation. THIS IS INTOLERABLE. We the people, peaceful citizens are being used and abused at every turn. Our government is using foreigners to set us up, steal our property, lock us up, and end the venerable cultural events we know as "gun shows." I want to suggest that perhaps the better tactic to prevent sales to aliens is to REMOVE THEM FROM THE COUNTRY.

In my opinion the appropriate place to apply public pressure is with HEB, since they have the right to continue to allow gun shows at this location. They have no liability under the nuisance law, and they have teams of lawyers who can figure that out. I am sure they can read. A general boycott of HEB is called for if they assist the government in shutting down a gun show.

The TSRA has refused to get involved. NRA is also, as usual, silent. Once they see the grassroots taking action though, I expect NRA and/or TSRA will step in to take credit for leading them.

Word has it--I have not confirmed this--that today (1/22/2010) at 3:00 p.m. at [Red's Indoor Range](#) on Hwy 290 the NRA is presenting Gov. Perry with an award of some kind and endorsement in his bid for re-election. Some are planning to be there to politely bring this matter to his attention--and the NRA's--because if they are going to pretend to be pro-gun rights they need to actually DO SOMETHING to defend them.

Sincerely,

Paul Velte

<http://www.io.com/~velte/>

Texas Statutes

CIVIL PRACTICE AND REMEDIES CODE

TITLE 6. MISCELLANEOUS PROVISIONS

CHAPTER 125. COMMON AND PUBLIC NUISANCES

§ [125.001 CIV. PRAC. & REM. Definitions](#)

§ [125.002 CIV. PRAC. & REM. Suit to Abate Common Nuisance; Bond](#)

§ [125.003 CIV. PRAC. & REM. Suit on Bond](#)

§ [125.004 CIV. PRAC. & REM. Evidence](#)

§ [125.0015 CIV. PRAC. & REM. Common Nuisance](#)

CHAPTER 125. COMMON AND PUBLIC NUISANCES

§ [128.001 CIV. PRAC. & REM. Limitation on Right to Bring Suit or Recover Damages](#)

NEWS RELEASE

January 25, 2010

For Immediate Release

Contact:

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Libertarian Party of Texas

Libertarians Support Gun Rights at Austin Police HQ

AUSTIN, TEXAS - January 25th, 2010 -- Libertarians and other pro-Second Amendment activists will gather Monday at 5:00 PM in front of Austin Police Department (APD) Headquarters in response to recent actions by local and federal law enforcement agents that have led to the shutdown of Austin's longest running gun show.

"The Austin Police Department has made the wrong decision to work together with the BATF to intimidate law-abiding citizens who seek to protect themselves by owning firearms, and trading them openly," said Libertarian Party of Texas Executive Director Robert Butler. "We're here to defend the citizens of Austin from this federal tyranny, and to discourage local governments everywhere from cooperating with this federal abuse of power. Gun shows provide an open, honest, and legal method for regular folks who are not salesmen or store owners to buy and sell firearms, collectibles, and accessories."

"I, HEB, my sub-lessee, APD and ATF all met on January 14th," said Darwin Boedeker, proprietor of Texas Gun Shows, which held the gun show once a month at the North Austin Event Center (formerly Crockett Center). "Based on incidents which happened during the tenancy of a previous gun show proprietor, the BATF agent 'recommended' that we implement various procedural changes far beyond the requirements of state and federal law. We did this, but ultimately HEB got spooked and shut us down," he continued. "At no time have I or any of my vendors been charged with any crime."

Federal law -- specifically the Firearm Owners Protection Act -- allows citizens to sell guns to each other. If they aren't professional gun dealers, the sellers don't have to be licensed. What is called a "loophole" by gun-control advocates was targeted by federal legislation in the 2009 Congressional session -- none of which got out of committee.

"It is legal for gun owners to sell their guns without going through federally licensed dealers," said attorney Jerri Lynn Ward of the Ladies of Liberty Alliance. "Gun shows are as legal as flea markets. The nuisance abatement laws being cited as justification in this case are designed to target crack houses and no-tell motels -- not legitimate business venues," she continued.

The gun show shutdown comes on the heels of other confrontations between local libertarian and conservative activists and various federal agencies.

"There's a recurring theme here in Austin. Time and again we are forced to defend ourselves from invasive intrusions by the feds," said John Bush, Executive Director of Texans for Accountable Government (TAG). "We have the FCC interfering with our right to broadcast locally, NHTSA pushing our police chief to train his officers as phlebotomists, and DHS commandeering our local resources to fight the Global War on Terror. This recent ATF intimidation against legal, private gun sales is just one more intrusion by a top-down government," he concluded.

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About the Libertarian Party of Texas

The Libertarian Party of Texas supports more freedom and less government. We are fiscally conservative and socially tolerant.

We seek to restore the great American free enterprise system that made us the strongest, most powerful economy in the world: lower taxes, free markets, free trade, less regulation, and less red tape for businesses big and small.

We respect your right to live your life the way you see fit, and expect you to take responsibility for the consequences.

Find out more at: <http://lptexas.org/>

Libertarian Party of Texas

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