

PRIVATE GUN POSSESSION STILL BANNED

Oct. 4, 2005

Alan Korwin, Author, Gun Laws of America

Gun-Free School Zones Remain Intact

Federal law makes it a crime to possess a firearm off your property and within 1,000 feet of a school, with a few narrow exceptions. When all gun-free zones were recently plotted for schools in two major cities (Phoenix and Cleveland), using computer mapping, it became apparent that **virtually all public travel with firearms is now a violation of law.**

Sandra Froman, president of the National Rifle Association, Chuck Cunningham, the NRA's federal-law guru, leading politicians, and many others have asked me, somewhat skeptically, "Aren't there exceptions that basically make the law OK?" The short answer is no.

Six narrow exceptions are defined in the law, so for the record, here they are (the Gun Free School Zones Law is posted for review, including the changes enacted by Congress in 1996, after the Supreme Court declared the law unconstitutional in the 1995 *Lopez* case).

FEDERAL "GUN-FREE SCHOOL ZONES" CLEVELAND 2005 Travel thru any dot = 5 years in prison 18 USC §922(q)



Six Exceptions:

1. **On private property that isn't part of the school grounds.**

In other words -- you're safe in your home until you step or drive off your property.

2. **By a person duly licensed to possess firearms.**

In other words -- the 1% of the public that have obtained a proper CCW government gun license are exempt; the other 99% of the public are subject to arrest and five years in prison. The idea that a government license exempts you from arrest for the exercise of a right is, well, you pick an adjective.

3. Unloaded and in a locked container or a locked firearms rack on a motor vehicle.

In other words -- if your gun is loaded, or isn't locked up and unusable, you are subject to arrest and five years in prison. This "decommissioning" exemption, a favorite tool of anti-rights advocates, is particularly odious -- as long as a gun is locked up, unloaded and worthless, you're legal, but as soon as the gun is usable, you're subject to immediate arrest. This is how the Washington D.C. gun ban works. No exception for self defense or any other sort of actually bearing arms is allowed. It represents a nearly total abrogation of rights.

4. In a program approved by the school.

In other words -- since schools generally require expulsion for gun possession, and generally forbid mere pictures of guns, and even speech about guns, this exception is virtually meaningless.

5. By a person under contract with the school.

In other words -- private guards or others specifically hired by the school to possess firearms, are exempt.

6. Unloaded, with the school's expressed permission, to cross school grounds to gain access to private or public hunting lands.

In other words -- virtually not at all.

In other words -- Travel with any operable firearm is banned in virtually every populated place in America, with exceptions so narrow they apply to almost no one.

The portion of this law that bans guns in public must be repealed. This can easily be done while leaving the gun ban at schools intact (that's a whole 'nother issue).

I was taken aback to find authorities, lobbyists, and even gun-rights advocates trying to squirm out of accepting that this law is as bad as it is. Only one legislator has stepped up to the plate so far to offer to fix this travesty, and no action has been taken or even described yet. The anti-rights crowd, through a round-about route, has won their ultimate goal -- gun possession is virtually banned by federal law.

As a surprising consequence, this actually demonstrates how it is not only a senseless approach, but there is no crime-fighting component in such a ban. Your representatives, both in and out of government, seem to figure it's OK and we can just ignore the problem.

Among the excuses I have been given:

A. "We would never use this law against regular people."

That seems to advocate selective enforcement of the law, and is grounds for removal from office.

B. "We would only use this law against criminals."

That seems to be grounds for arrest and removal from office.

C. "We do not have the resources to enforce this law."

That seems to be grounds to have never passed the law in the first place, and to repeal it immediately.

D. "We have far more important things to do than expend political capital repealing a worthless law."

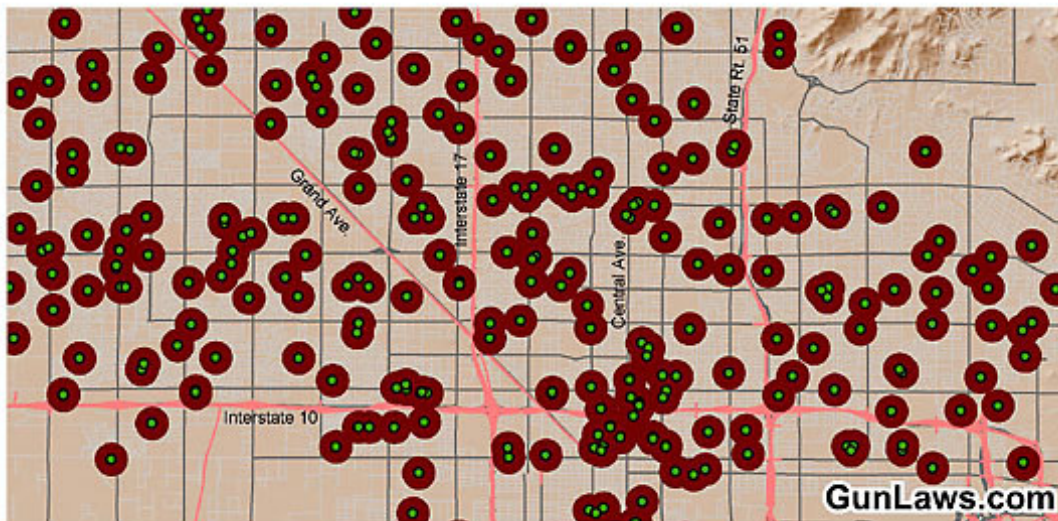
Removal from office and heads on pikes.

E. **"We demand strict enforcement of all federal gun laws."**

A frequent request from your members of Congress and the National Rifle Association.
My apologies if I wasn't more clear in my earlier message.

FEDERAL "GUN-FREE SCHOOL ZONES" PHOENIX 2005

Travel thru any dot = 5 years in prison 18 USC §922(q)



This law must die.

Any act of legal self-defense against a mortal threat or felony assault is a five-year federal crime if it occurs in the ubiquitous gun-free zones. Bearing arms while traveling is a five-year federal offense under most circumstances, for most citizens. If any law needed fixing, this is it. The time is now.

After six years of Republican control of both houses and the Oval Office, we have not seen ANY pro-rights legislation for individuals. The time is now. Ask your legislators to support the simple-language repeal of the Gun Free School Zones 1,000-foot gun ban. **Guns remain banned on school property** under this common-sense plan.

In addition to repeal of this gross infringement, I asked people at the recent Gun Rights Policy Conference to suggest laws (and repeals) that might help restore balance on the gun-rights issue. I will circulate their suggestions shortly, and I welcome any suggestions you may have.

And finally, at the risk of being (accurately) labeled a red-blooded free-market capitalist, we have a new full-color 16-page catalog coming out soon, packed with amazing new books and DVDs, free to anyone who sends us a mailing address.

Alan Korwin, Author
Gun Laws of America
<http://www.gunlaws.com>