

Legislative Report Continued . . .

last year, AB 362 addresses 5 different issues, all having to do with ammunition. You remember that ammunition is the newest target of the anti's!

AB 362 revives the issue of retailers having ammunition available to purchasers and calls for it to be out of sight. Last year we fought this same idea in AB 996 (Ridley-Thomas - D). It was a legislative roller-coaster ride of defeats and revivals, throughout the year, with the finale being that AB 996 was VETOed by the Governor.

Mail order delivery of ammunition is also back in de Leon's AB 362. Perhaps you remember the intense fight GOC waged over this issue in 2006 with AB 2714 (Torrice - D)? This year's AB 362 is the same language as AB 2714, cleaned up and structured better, but carrying the same harassments for sellers and carriers as last year. The Governor VETOed this idea last year, too. The Governor was absolutely correct when he stated in his veto message, "...this bill could inadvertently subject legitimate retailers to criminal penalties for actions that they have no control over. As a result, this bill could be counter productive by providing a negligible benefit to public safety while concurrently discouraging legitimate business."

Additionally and most importantly, de Leon's AB 362 calls for ammunition

vendors to register with the state, and then for the DOJ to keep a Registry of registered vendors. Also, background checks are mandated for employee's of the registered vendor.

GOC has registered its opposition to these bills. It is not too early in the process for you too, to register your opposition to these bills. We will keep you apprised of what happens and what is said as the session unfolds this year.

Support for RFID Legislation to Protect Individual's Privacy and Security!

Gun Owners of California strongly supports efforts to curb and control the use of radio frequency identification (RFID) technology in government-issued identity cards and documents. In light of our concerns about this technology, we support SB 28, SB 29, SB 30 and SB 31. RFID-enabled human identification systems pose clear privacy and information security risks that threaten individual privacy and public safety. These systems can be easily compromised, which exposes device holders to identity theft, surveillance, stalking and tracking, and other serious harm. Further, the very nature of RFID, which is a contactless technology, means that when the system has been breached, the device holder won't

know it and therefore won't know to take steps to protect him or herself. Such risks are serious enough when they are associated with private sector products, over which consumers have some (albeit limited) control. They are far more significant when incorporated in government-issued identity documents that citizens are compelled to carry. Unlike a cell phone or key fob, which may also use RFID technology, citizens don't have a choice over the technology in their driver's license or student ID card. And they generally don't have a meaningful choice to not carry these documents.

It's not right for government to compel its citizens to carry RFID-enabled identification documents that compromise personal security and public safety. Yet, as it now stands, government can do just that. SB 28, SB 29, SB 30 and SB 31 would curb and control the use of RFID in government-issued, human identification documents, and prevent government from forcing citizens to carry unprotected RFID-enabled devices.

It is not a stretch to imagine what type of data can be included on these chips including firearm ownership information. Also, if this technology finds a foothold in government ID's, the next step could be to require that these tiny chips be required on all firearms sold to the public.

There are many more bills we are working on, and we will introduce you to them in the coming days. Stay tuned...



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Virginia Tech- 33 dead, Many injured—Who's to Blame?

By Tim Macy Vice Chairman of Gun Owners of California and Gun Owners of America

Here we are in April with 33 people dead, and many injured on the Virginia Tech college campus and the entire nation grieving.

Our prayers go out to all those affected by this horrible event perpetrated by Cho Seung-Hui.

From here on you will see this event examined from every possible angle. The mental stability, attitude, and position in society of the shooter will be analyzed. Ultimately it will be the two guns he carried who are the criminals—not the person illegally using the guns.

Unfortunately for the victims and families on the Virginia Tech campus, it was a "gun free zone" under the policies of the college administration. No honest citizen, professor or student, was allowed to carry any weapon, even if they had a concealed carry permit for the state.

Two of the college professors were killed when they blocked the doors to their classrooms to protect students—but many other students were not so lucky in other classrooms. How many lives could have been saved had these professors had the means to protect themselves and their students from this lone gunman?

Gun Owners of California and Gun Owners of America will go out of our way in the coming weeks and months to point out every time and situation where an honest citizen stops a criminal from killing innocent victims the way Cho Seung-Hui has done.

It's only been a matter of months since an off-duty law enforcement official in Salt Lake City used his legally carried firearm to stop the slaughter of innocent people in a local mall. This is just one of literally thousands of instances of law-abiding citizens saving lives BECAUSE THEY WERE LEGALLY ARMED AND READY TO DEFEND.

These laws, promoted by the liberal bed-wetters in the media and passed by anti-gunners in government that disarm law-abiding citizens, will kill again and again until Americans stand up and demand our freedom guaranteed by the Constitution.

Lead Ammo Ban Proposed to Save the California Condor

By Sam Paredes Executive Director

A multi-front war is being waged by radical anti-hunters to ban the use of lead ammunition when hunting big game and other mammals. Of course, their true goal is to stop all hunting by any means possible. To achieve their objective they have launched multiple attacks under the guise of saving the California Condor.

First, the extreme environmentalists, led by the Center for Biodiversity has filed a lawsuit against the State of California to ban the use of lead ammunition in the portion of California where the Condor ranges (approximately 1/4th of the State).

Also, Assemblyman Pedro Nava (D-Santa Barbara) has introduced AB 821 to ban the use of lead ammunition in the condor range via statute instead of court ruling. GOC members will remember that we defeated Nava twice last session through the legislative process.

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TO: SENATOR H. L. RICHARDSON, (ret.)

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Legislative Report: GOC Takes Stand Against Anti-gun Bills!

Lead Ammo Ban Continued . . .

On Tuesday April 10th, 2007, AB 821 passed out of the Assembly Committee on Water, Parks and Wildlife on a vote of 7 to 5. During the hearing, GOC Executive Director Sam Paredes gave explicit testimony and showed committee members examples of expanded non-lead bullets and explained how they posed a much greater danger to condors if consumed like lead bullets. Paredes pointed out that this is a case where very smart people have now ventured into areas they know nothing about. The condor researchers have not dedicated any time to studying the consequences of requiring non-lead ammo. Unfortunately, it's a case of "Fire, Aim, Ready" instead of the other way around.

AB 821 now goes to the Appropriations Committee because the bill has a provision for the Department of Fish and Game (DFG) to provide a coupon to hunters for free or discounted non-lead ammunition to hunt in the Condor range. There is one catch though; this can only happen if the DFG has the surplus money to offer the program. This is a clear indication of the Assemblyman Nava's sincerity because everyone knows that DFG is perpetually under-funded. In other words, it will never happen!

Next, the Department of Fish and Game prematurely released an Environmental Impact Report where they did not directly endorse the banning of lead ammunition but they naively released information which shows that the alternative to lead ammunition is twice as deadly on condors as lead. The facts are that since 1984 only one Condor death can be attributed to lead poisoning but two deaths have occurred due to copper poisoning. The problem is, as you well know; copper ammo is the only "non-lead" ammunition alternative available to big game hunters. If this EIR had been allowed to stand, it is almost certain that a Federal Judge would have banned ALL hunting in the condor range because there is no safe alternative available.

And finally, the Fish and Game Commission will be taking public testimony in their April meeting regarding this issue. Presently, there are only four commissioners and one vacancy due to the death of the Commission Chairman. Our concern is that two of the commissioners have expressed support for the lead ammo ban (Commission President Richard Rogers and Judd Hanna), only one is opposed (Jim Kellogg) and one has not indicated her position (Commission Vice President Cindy Gustafson). No action will be taken at the April meeting but the Commission might take action at its meeting in May.

GOC members should call, write or email the commission to voice your opposition to this effort at:
California Fish and Game Commission, 1416 Ninth Street, Sacramento, California 95814 -- (916) 653-4899.
E-mail: fgc@fgc.ca.gov

GOC has met with the Governor's high level staff and the Department of Fish and Game legislative personnel to encourage them to stand strong against the anti-hunters because their efforts on behalf of the Condor are based on no clear proof, only inconclusive evidence and consensus (that means talking amongst themselves).

Our consensus is that this is a well orchestrated attempt to ban hunting in a significant part of the state under the guise of saving the California Condor. If they succeed you can bet the rest of the State will follow. Check our website www.gunownersca.com for regular updates on this very important issue.

Legislative Report

By Gwen Friesen GOC Staff Writer

GOC and the pro-gun forces defeated all of the anti-gun bills in 2006, but as expected, all of them have been re-introduced with new authors and new numbers. They will be progressing through the same anti-gun legislature and some of them will make it to the Governor's desk just like last year.

Have your gun stolen? Or the frame or receiver? Or did you lose it or someone else lost it instead? You are the one accountable and in jeopardy should Assemblyman Lloyd Levine's (D) bill pass the legislature. According to AB 334, you have to report the theft or loss within 5 days or YOU will be charged. This is not a new idea. This same measure was tried in the 2005 – 2006 legislative session and it did pass. It was authored by Senator Alan Lowenthal (D) and known as SB 59. We wrote about it last year and GOC members opposed it by writing and calling their legislators. Due to the common sense opposition by GOC and others, The Governor VETOed it.

Additionally, and most importantly, AB 334 carries the same language of SB 59 that allows local governments to pass ordinances that differ or are stricter than state law. The actual most lethal portion of the bill is the portion that says, "nothing in this section shall be construed to preempt an existing ordinance or to prevent a local government from enacting an ordinance that imposes reporting requirements that are more strict than those specified..." What an encouragement to cities with anti-gun councils and mindset to ignore existing law and write their own that circumvents the other.

Un-daunted by the Governor's words, Assemblyman Levine is authoring the same language in AB 334, this year. He is ignoring the Governors admonishment in his 2006 VETO message that the bill would "create compliance and enforcement problems" and also "that would erode the states ability to be effective."

On Tuesday, March 27th, GOC Lobbyist and Executive Director, Sam Paredes, testified against AB 334 in the Assembly Committee on Public Safety. Assemblyman Levine pointed out that he is working with the Governor's office and law enforcement to

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Washington Report

By GOC Staff Writer

DC Court Upholds 2nd Amendment as Individual Right

On Friday March 9, 2007, a three judge panel of the United States Court of Appeals for the District of Columbia held that the Second Amendment was an individual right in agreement with the opinion of the 5th Circuit Court of Appeals in the *Emmerson v U.S.* case. This is a huge development that brings us one step closer to finally getting a definitive ruling on the Second Amendment from the U.S. Supreme Court.

The case in question is a challenge on the constitutionality of the D.C. gun ban. The next step is for the ruling to be heard by the D.C. Court en banc, meaning the whole bench. If the whole court agrees with the three judge panel, we will have a situation where two Circuit Courts interpret the Second Amendment as an individual right and one (the 9th) that interprets it as a so-called "collective right".

Here are some of the comments heard around the country:

Second Amendment Showdown

Texas Solicitor General Ted Cruz, *Wall Street Journal*, 3/14/07

Last week's decision, striking down the District of Columbia's ban on guns as unconstitutional under the Second Amendment, flowed directly from the text, history and original understanding of the Constitution. The U.S. Court of Appeals for the D.C. Circuit's decision rejected the Ninth Circuit's "collective rights" theory and embraced instead the Fifth Circuit's holding that the Second Amendment protects individual rights. In so doing, the D.C. Circuit took a major step forward in protecting the rights of gun owners throughout the country.

Ruling respects Constitution

By Bob Barr, *Atlanta Journal Constitution*

Published on: 03/14/07

Every once in a while — a long while — a

federal court decision comes along that is so lucid and solid it deserves kudos. Thus it is with the decision rendered late last week by the U. S. Court of Appeals for the District of Columbia, throwing out the 30-year-old Washington, D. C., ban on private ownership of firearms.

While the 2-1 decision directly affects only the District of Columbia, the opinion will likely be widely cited in other jurisdictions. Even though the District of Columbia government has indicated it will appeal the decision to the full Court of Appeals panel, this case may well become the vehicle through which the Supreme Court will, after more than two-and-a-quarter centuries, squarely address the question of whether and to what extent the Second Amendment to the Constitution protects an individual right to keep and bear arms.

Lawyer Who Wiped Out D.C. Ban Says It's About Liberties, Not Guns

By Paul Duggan *Washington Post Staff Writer Sunday, March 18, 2007*

Meet the lawyer who conceived the lawsuit that gutted the District's tough gun-control statute this month. Meet the lawyer who recruited a group of strangers to sue the city and bankrolled their successful litigation out of his own pocket.

Meet Robert A. Levy, staunch defender of the Second Amendment, a wealthy former entrepreneur who said he has never owned a firearm and probably never will.

"I don't actually want a gun," Levy said by phone last week from his residence, a \$1.7 million condominium in a Gulf Coast high-rise. "I mean, maybe I'd want a gun if I was living on Capitol Hill. Or in Anacostia somewhere. But I live in Naples, Florida, in a gated community. I don't feel real threatened down here.

State of the Second Amendment: Does It Apply in the District of Columbia?

Howard J. Bashman *Special to Law.com 03-19-2007*

Recently, the majority on a divided three-judge panel of the U.S. Court of Appeals for the D.C. Circuit issued the first-ever federal appellate court ruling that invalidated a gun control law based on the so-called "individual right" interpretation of the Second Amendment to the U.S. Constitution.

Because other federal appellate courts have rejected the "individual right" understanding in favor of a so-called "collective right" view essentially limiting the Second Amendment's protections to organized militias, many commentators have remarked that U.S. Supreme Court review of the D.C. Circuit's ruling is almost certain to occur.

But even if the Supreme Court agrees to hear the case, there remains a potentially significant obstacle that may prevent the justices from using the case to resolve whether the "individual right" or "collective right" view of the Second Amendment is proper. The obstacle, which is the central focus of D.C. Circuit Judge Karen LeCraft Henderson's dissenting opinion, is that the Second Amendment may not apply to the District of Columbia.

(Editor's Note: We will continue to follow this case to keep you informed.)

Legislative Report Continued . . .

meet the Governor's veto message concerns but the bill language did not reflect that statement. Levine also accused Paredes of not having any understanding of how inner-city criminals and gang members skirt the law in order to obtain firearms. Paredes informed the Assemblyman and the committee that he grew up in East Los Angeles and knows full well how criminals work. Although the bill passed out of the committee, it is notable to point out that one Democrat member, Assemblywoman Fiona Ma voted against the bill because Levine had not fully addressed his future changes.

Assemblyman Kevin de Leon (D) has a multi-faceted bill that seeks to address several issues. With a number of replays from

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