

Second Amendment Case continued . . .

enacted in great part specifically to protect the gun rights of freed slaves. After the Civil War, many states passed laws to disarm black former slaves, such as Mississippi's post-war law: No freedman "shall keep or carry fire-arms of any kind, or any ammunition."

Proponents of the Fourteenth Amendment argued that the amendment was necessary, in part, to stop the disarming of the freedmen -- lest they be little better off than before emancipation.

One hundred years later, in the 1960s, the Deacons for Defense armed themselves and often successfully defended themselves in areas where civil rights were still not adequately protected and blacks were targets of violence.

If the right to keep and bear arms is found not to be a "fundamental" right, people in places like Chicago and New York City will find themselves on a 21st century plantation, treated more like "subjects" than "citizens."

GOC Reacts continued . . .

Presently, County Sheriffs can issue permits to allow for *conceal carry* statewide and *open carrying* of loaded firearms in unincorporated portions of the state. This bill limits the open carry permits to the county in which it was issued.

Although Governor Schwarzenegger vetoed SB 41 (More signature when buying firearms) and SB 585 (Gun Show Ban at the Cow Palace), he has proven to be the most anti-Second Amendment Governor to ever serve in California buy signing AB 962.

Shoot for Purpose*Aiming for Awareness*

On Sunday, October 18th, Shoot for Purpose, held their annual All Women's Amateur Sporting Clays Shoot at the Red Bank Ale & Quail Club in Red Bluff, CA.

Shoot for Purpose - Aiming for Awareness, is a collective group of women who are committed to making a difference in the lives of others. Their primary focus is to Women's Health Issues in the north state and to support the amateur sport of Women's Sporting Clays.

GOC was happy to support this event where dozens of women, beginners, intermediates and accomplished shooters could get together to learn more about Sporting Clays and to support the purchase of an EKG machine for St. Elizabeth Hospital and Women's Heart Health Center risk assessment program.

What could be cooler than a bunch of enthusiastic gals shooting guns for fun and purpose? It was an amazing event with a BBQ, auction and raffle. They even raffled off a donated custom Chopper valued at \$30,000!

Members of Shoot for Purpose have been very supportive of GOC and we look forward to working with Anne Owens and the rest of her team on future events.

For more information about Shoot for Purpose, go to their website www.shootforpurpose.com or email them at aim4awareness@shootforpurpose.com.

We Moved!*By Gwen Friesen - GOC Staff Writer*

Gun Owners of California has relocated to Folsom, California. The charming and seemingly slow-paced vintage Fair Oaks Village off of Sunrise and Winding Way is now in our past.

In the midst of September, GOC moved box, bag and baggage to a new location, located in the fast-paced, newly built, modern, suburban, City of Folsom. The move was demanded by an ever growing need for more storage space.

Seeing our need for more space, GOC member Jim Carlsen offered to us a brand new building with more floor and office space and gave us such a great deal on the price that we could not refuse the generous offer. Because of his positive gesture GOC is able to continue in the great work we do.

Our new location at 1831 Iron Point Road, Suite 120, Folsom, CA 95630 is very pleasant. In addition to a greater amount of square footage, the building is new and state of the art. Our new phone numbers are (916) 984-1400 and (916) 984-1402 FAX.



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GOC Reacts to Governor's Signature of Ammunition Registration Bill*By Sam Paredes - Executive Director*

On Thursday morning, at 10:25 a.m., Governor Arnold Schwarzenegger had a ceremonial signing of AB 962 in front of a backdrop of law enforcement officials and Assemblyman Kevin de Leon, author of the legislation. Some of those supporting the Governor's action were Los Angeles Police Chief William Bratton, Los Angeles County Sheriff Lee Baca, representatives of the City of Long Beach, City of Oxnard, and the biggest cheerleader of them all, newly elected and NRA endorsed Los Angeles City Attorney Carmen A. Trutanich. Trutanich announced that the signing of AB 962 would *rock the world!*

All had long speeches talking about how this was a new day for crime fighting and how this will prevent criminals from buying ammunition from local retailers. Assemblyman de Leon stated that he has never said that AB 962 was the "panacea" to end gang violence and crime. **He did disclose that AB 962 is just the first step towards creating a statewide database of ammunition purchasers and that in the upcoming year or the following he will introduce the next step. That is the secret. The anti-gun leaders in the legislature and law enforcement want background checks and a database on all ammunition purchasers. No doubt a waiting period is also in their thinking.**

After touting the fact that he owned many guns and lots of ammunition, the Governor stated that he is a supporter of the Second Amendment and did not see how signing a registration book and giving a thumbprint would infringe on a gun owner's rights. A reporter asked him, when was the last time he personally purchased any ammunition? He sheepishly admitted that he hadn't in the past 10 years. Talk about being out of touch.

As the only member of the pro-Second Amendment community present at the press

conference, Gun Owners of California Executive Director Sam Paredes issued the following statements immediately following the Governor's press event to the assembled members of the Los Angeles media:

"This bill does nothing more than implement a failed federal policy that was dumped in 1986 by Congress because it proved to be completely ineffective as a crime-fighting tool, according to the Bureau of Alcohol, Tobacco and Firearms."

As signed on October 11 by Governor Schwarzenegger, AB 962 requires ammunition dealers to log all ammunition purchases, obtain a thumbprint of the purchaser, make all handgun ammunition unavailable to purchasers without assistance from the vendor, and bans purchases by mail-order.

The registration information is required to be kept at the vendor's place of business and must be made available for inspection by law enforcement, even though there is no requirement for the information to be transmitted to any state or local agency, thus necessitating a law enforcement officer to physically visit the vendor and examine the registrations.

"How the officer will recognize a prohibited person is a mystery. Will they profile registrants based on what's listed on a piece of paper -- their name, address, or even worse - their nationality? Will they investigate individuals who buy large quantities of ammo? This is backwards and invasive," says Paredes.

This bill requires all transactions to be conducted "face to face", which creates a virtual ban on mail order purchases of any "bullet, cartridge, magazine, clip, speed

loader, autoloader, or projectiles capable of being fired from a firearm with a deadly consequence." However, state law cannot regulate the U.S. Postal Service, nor can it prevent the shipment of any of the above-listed items into California. (The U.S. Postal Service does not ship loaded ammunition.)

California stands to lose millions of dollars in sales tax revenue, as evidenced by a similar law regulating spray paint. When canned spray paint was put in locked cases, the industry saw a drop of between 25% and 34% in sales. That translates to a loss of approximately \$3,000,000 a year in sales tax revenues to the state.

One issue the Governor and the author fail to mention is that anyone who acquires handgun ammunition, either from within California or any other state, or reloads their own, can give it away to anybody they want and they would not be in violation of AB 962. Criminals included.

The Governor vetoed this bill once before -- why is he now trying to curry favor with anti-Second Amendment Democrats? AB 962 creates a liberal feel-good log-book that will do nothing to solve crime.

Given the cozy relationship that the Governor is publicly displaying with radically liberal Democrat legislators like Assemblyman Kevin de Leon, insiders at the Capitol and the press are suggesting that he is willing to wheel and deal, giving in on bad legislation like AB 962, in order to gain support for his solutions to the California water crisis.

The Governor also signed into law another anti-gun bill, AB 1363 authored by Assemblyman (now Senator via a special election) Mike Davis (D -- Los Angeles).

*Continued on page 4 . . .***TO: SENATOR H. L. RICHARDSON, (ret.)**

YES! I want Gun Owners of California, Inc. to continue fighting for our 2nd Amendment rights. I understand the minimum donation of \$35.00 entitles me to full membership benefits.

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GOC Legislative Update By Gwen Friesen - GOC Staff Writer

AB 962

Author: Assemblyman Kevin de Leon (D – Los Angeles)

Title: Ammunition Registry

Status: Signed into law by Governor

GOC Position: **OPPOSE**

Summary: Hiding ammunition in the back of the store or under the counter, fingerprinting the purchaser of handgun ammunition, forbidding mail order sales and demanding face to face ammunition purchasing is what this bill does, among other things.

SB 41

Author: Senator Alan Lowenthal (D - Long Beach)

Title: Firearms - Harassment of gun owners

Status: Vetoed by the Governor!

GOC Position: **OPPOSE**

Summary: More paperwork is the purpose of this bill. Already harassed, gun owners would be further burdened, along with the retailers and vendors as they make more and more records available to the DOJ, all in the name of protecting the citizen. There is no useful law enforcement purpose for this bill, as GOC has declared all along.

SB 585

Author: Senator Mark Leno (D – San Francisco)

Title: Cow Palace Gun Show Ban

Status: Vetoed by the Governor!

GOC Position: **OPPOSE**

Summary: Banning gun shows at the San Francisco Cow Palace has been on the minds of the leftist leaning Democrat controlled legislature since Jackie Speier was in office in 2004. Blaming gun shows for the crime rate in certain parts of San Francisco is so, so liberal in thinking. It's like blaming sidewalks when your shoes have a hole in the sole, or the sun when you get a sunburn.

SB 250

Author: Senator Dean Florez (D - Shafter)

Title: Dogs and Cats: spaying and neutering

Status: Vetoed by the Governor!

GOC Position: **OPPOSE**

Summary: Nobody can own, or keep, or harbor an unsterilized dog, nor a cat if the cat is allowed its freedom to roam. Mandatory sterilization. It applies to hunting dogs, is why we are concerned and took a stand of strong opposition.

SB 697

Author: Senator Mark DeSaulnier (D – Concord)

Title: Firearms: Smart guns

Status: Two year bill

GOC Position: **OPPOSE**

Summary: Technology for guns to recognize owners is not yet developed.

SB 746

Author: Senator Mark DeSaulnier (D – Concord)

Title: Gun Safety Board

Status: Two year bill

GOC Position: **OPPOSE**

Summary: Bill would create another layer of anti-gun bureaucracy.

SB 776

Author: Senator Loni Hancock (D – Berkeley)

Title: Large Capacity Magazine Registration

Status: Two year bill

GOC Position: **OPPOSE**

Summary: Bill demands large-capacity magazines be registered with the DOJ.

SB 1363

Author: Senator Mike Davis (D – Los Angeles)

Title: Concealed Firearm Licenses

Status: Signed into law by Governor

GOC Position: **OPPOSE**

Summary: Limits Sheriffs permits for Loaded Open Carry to the county in which they were issued.

AB 357

Author: Assemblyman Steve Knight

(R – Lancaster)

Title: Firearms: CCW Freedoms

Status: Two year bill

GOC Position: **SUPPORT**

Summary: Converts California into a “shall issue” state rather than a “may issue” as it is now.

AB 1167

Author: Assemblyman Jim Nielsen (R – Biggs)

Title: Firearms: CCW: reciprocity

Status: Two year bill

GOC Position: **SUPPORT**

Summary: CCW permits from other states would be honored in California and the DOJ would enter into reciprocity agreements with other states.

AB 1423

Author: Assemblyman Tom Berryhill (R – Modesto)

Title: Commercial Hunting Clubs

Status: Signed into law by Governor

GOC Position: **SUPPORT**

Summary: Commercial Hunting Club exemptions from certain requirements for licensing.

AB 532

Author: Assemblyman Ted Lieu (D - Torrance)

Title: Search Warrants - Firearms

Status: Signed into law by Governor

GOC Position: **WATCH**

Summary: Having to do with mental condition and domestic violence, this bill authorizes issuance of a search warrant when the property to be seized is a firearm.

AB 708

Author: Assemblyman Jared Huffman

(D – San Rafael)

Title: Fish and Wildlife: Poaching

Status: Signed into law by Governor

GOC Position: **WATCH**

Summary: Establishes fines for illegally taking of critters for profit or personal gain. Sets penalties and penance.

AB 789

Author: Assemblyman Kevin de Leon

(D – Los Angeles)

Title: Search warrants

Status: Signed into law by Governor

GOC Position: **WATCH**

Summary: A search warrant will be issued when a firearm is to be seized from someone who is prohibited.

AB 1129

Author: Assemblyman Curt Hagman

(R – Diamond Bar)

Title: Concealed Firearms

Status: Signed into law by Governor

GOC Position: **WATCH**

Summary: New law allows temporary withdrawal of CCW Permit from a police officer who has compromised public safety.

Micro-stamping Ammunition

Beginning on January 1, 2010, Semi-automatic ammunition for handguns must be etched with “a microscopic array of characters that identify the make, model and serial number of the pistol”, as Penal Code 12126(b)(7) reads. The law further requires the States Attorney General to certify that the technology for this ammunition imprint is available by more than one manufacturer.

So far, there is one manufacturer who has a patent on this technology. Just one, and they are not sharing the information. Therefore, the law exists but the means to implement it does not, making the effect as though there is no law.

What Happened to the Ninth Circuit Court of Appeals Ruling on the Nordyke Case Granting Incorporation of Heller to the States?

By Sam Paredes - Executive Director

On January 15th, 2009, expert Second Amendment attorneys Don Kilmer and Don Kates for Russ and Sallie Nordyke, owners of TS Trade Shows, argued before a three judge panel of the Ninth Circuit Court of Appeals to overturn the County of Alameda's ban on gun shows at the County fair grounds. They also argued that the Heller v. Washington DC ruling by the Supreme Court of the U.S. (SCOTUS) should apply to state and local governments as well as the Federal government, a legal issue called incorporation.

On April 20th, 2009, the three judge panel consisting of Arthur L. Alarcón, Diarmuid F. O'Scannlain, and Ronald M. Gould, Circuit Judges, issued the following opinion by Judge O'Scannlain and a concurrence by Judge Gould.

“...we AFFIRM the district court's grant of summary judgment to the County on the Nordykes' First Amendment and equal protection claims and, although we conclude that the Second Amendment is indeed incorporated against the states, we AFFIRM the district court's refusal to grant the Nordykes leave to amend their complaint to add a Second Amendment claim in this case.”

Bottom-line, the court held that “yes,” counties and cities could ban gun shows at their facilities under certain circumstances on one hand, but on the other hand the Right to Keep and Bear Arms was a right that could not be infringed upon by state and local governments. This confused ruling helps us to understand why the Ninth Circuit is the most overturned Appellate Court in the country.

This was now the law for the states constituting the Ninth Circuit which include AK, AZ, CA, Guam, HI, ID, Northern Mariana Islands, MT, NV, OR and WA. This was true until an unnamed justice on the bench asked for an en-banc hearing of the case. Now, mind you, neither the plaintiffs nor the defendants asked for the hearing before the whole court, it was one of the justices who asked for it.

On September 24th, 2009, the 11 judge panel heard the case once more. Very soon after the hearing, Chief Justice Alex Kozinski vacated the ruling of the three judge panel and announced that the Ninth Circuit Court would leave the issue of incorporation up to SCOTUS after it agreed to hear the case known as McDonald v. City of Chicago. To put it bluntly, they punted!

Another Second Amendment Case Heads to the Supreme Court

By John Velleco - Gun Owners of America

(September 30, 2009) -- The U.S. Supreme Court agreed to hear a challenge to the City of Chicago's ban on handguns, a case that will test the reach of the Second Amendment.

In last year's historic *Heller* decision, the U.S. Supreme Court ruled that: “The Second protects an individual right to possess a firearm unconnected with service in a militia.”

That ruling shattered years of anti-gun revisionist history and misinformation that claimed the Second Amendment protected a “collective” right of the states to maintain something like the National Guard.

Heller, though, was limited in scope only to Washington, D.C., a federal enclave. The Court did not address the issue of whether states or localities can prohibit the right to keep and bear arms, or if the Second Amendment was “incorporated” to the states through the Fourteenth Amendment.

The Court will consider this question in the case of *McDonald v. City of Chicago*, a suit filed immediately after the *Heller* decision. A lower court and the Seventh Circuit Court of Appeals both ruled in favor of the city, leading the appeal to the Supreme Court.

The spotlight is sure to focus brightly on new U.S. Supreme Court Justice Sonia Sotomayor. In a Second Circuit case, Judge Sotomayor ruled that the Second Amendment did not apply to the states.

When questioned during her confirmation hearings, Sotomayor argued that she was only following U.S. Supreme Court precedent, to which she was bound. Well, now that she is on the Supreme Court, her hands are no longer tied.

Will she now rule that the Second Amendment should not, like many other rights in the Bill of Rights, be incorporated to the states through the Privileges or Immunities Clause or the Due Process Clause of the Fourteenth Amendment?

Also during her confirmation hearings in the Senate Judiciary Committee, Judge Sotomayor was asked a straightforward question by Sen. Tom Coburn of Oklahoma.

“Do you believe,” the Senator asked, “that I personally have a right to self-defense?”

This did not seem to be a particularly difficult question. Sen. Coburn didn't even ask about defending himself with a firearm. He only asked if Americans have a basic right to self-protection.

Her answer? “That's sort of an abstract question.”

In fact, it's hard to imagine a less abstract question. The right to keep and bear arms is afforded special protection in the Constitution precisely because it is a fundamental right.

It is a right that predates the Constitution because the Founders wrote the Bill of Rights not to create new rights, but to protect old ones -- our “unalienable” rights -- among them life, liberty and the pursuit of happiness.

John Dickison, a delegate to the Constitutional Convention from Pennsylvania, explained an unalienable right this way: it is something “Which God gave to you and which no inferior power has a right to take away.”

And so, if our right to life is a natural right, then the right to self-protection necessarily follows from it. And self-protection, be it protection from individual criminals or a criminal government, was, to the Founders, synonymous with the right to bear arms.

Interestingly, the Fourteenth Amendment was

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