



## GUN OWNERS of California

### THE COURTS

By Sam Paredes, GOC Executive Director

#### Rhode v Becerra

It's no secret that in California we face nearly insurmountable challenges to our 2nd Amendment rights coming from a legislature that is grotesquely skewed to the radical anti-gun left. To them, facts mean nothing, proof is an annoyance, and the U.S. Constitution is an inconvenience.

We must face the reality that it will take an extreme focus in many elections to overturn the supermajority grip that the leftist loonies have on the legislature. Make no mistake about it, we will engage in as many elections as it takes to achieve our goals, but it will take time, patience, money, and a lot of hard work.

So, are we lost to southpaw tyranny in the Golden State forever? Absolutely not!

Besides GOC's efforts in the legislature and the elections, there is one more very important arena of battle and that is, of course, the courts.

Thanks to the appointments made by President Donald Trump to the United States Supreme Court, appellate courts and district courts throughout the country, we have a growing opportunity to find relief in the judicial system.

First, we await hopeful news from pro-constitution Federal District Judge Roger T. Benitez of San Diego. He's the

hero of "freedom week" in California, who declared that the state's magazine laws were unconstitutional and then stayed his own ruling but in so doing, gave Californians one week to stock up on more than one million magazines. This negated the opportunity for the 9th Circuit Court of Appeals to issue its own stay that could have forced gun owners to turn in or destroy their magazines that held more than 10 rounds.

He is also the judge who is hearing Rhode v Becerra, the case challenging California's ammunition laws and regulations. After his first meeting with attorneys from both sides, he took their comments under advisement and asked for more information before he issues his decision regarding the request for a stay of the law and regulations.

If Judge Benitez is waiting for the California Department of Justice to come back to him with the solutions they have implemented to resolve severe problems in their background check system for ammunition buyers, he will be waiting for a long time. After observing the roll-out and implementation of the process and system the DOJ had two years to develop and deploy, it is apparent that it is a system that is nearly impossible to fix. It utilizes multiple databases that are apparently incompatible which results in DOJ blaming the applicant for any inaccuracies or deficiencies. What's more, it requires the applicant to fix the inconsistencies or errors in the internal records that are maintained by the DOJ. Something as simple as the spelling of the word road as "Rd" on a driver's license checked against a copy of the last Dealer Record of Sales entry maintained by the DOJ that spells it as "Road"

will trigger a rejection of a validation for the privilege of buying ammo.

We are hopeful that Judge Benitez will find that the ammunition laws are an overwhelming violation of 2nd Amendment rights. If he does issue an injunction, ammo purchasing laws will revert to those in place before the passage of Proposition 63 and the "Gunmageddon" bills of 2016. That means no ammo background checks, mail-order would be legal as would the importation from out of state. We are on pins and needles...

#### WHY THIS IS IMPORTANT TO CALIFORNIA: New York State Rifle and Pistol Association v City of New York

The Supreme Court of the United States has set this case to hear arguments on December 2, 2019.

This case may rank as equal in importance with both Heller v. Washington D.C., where the Supreme Court held that the 2nd Amendment is an individual right, and, McDonald v. Chicago, where the court held that the right to keep arms in the home could not be infringed by state and local governments as well as the federal government.

This case deals with the constitutionality of the laws in the City of New York that prohibited law abiding and permit holding gun owners to travel anywhere other than seven city approved gun ranges within the city. Currently, the means of transporting firearms is

OVER PLEASE...

## THE COURTS...CONT.

severely restricted, and guns cannot be taken anywhere other than the approved ranges nor does it permit stops for gas, fast food, or anything. It is prohibited for gun owners to take their guns outside of the city for hunting or competition purposes or for any other reason.

The New York State Rifle and Pistol Association (NYSRPA) filed a lawsuit in the Federal District Court who upheld the laws as written and then appealed the case to the 2nd Court of Appeals who also upheld the City of New York's laws as constitutional. NYSRPA then appealed to the Supreme Court of the US (SCOTUS), who accepted the case for review. This shocked the anti-gun world to its core.

And with good reason: with the addition of Justices Gorsuch and Kavanaugh to the bench, we have a solid majority of justices who believe that, as Justice Scalia wrote in *Heller*, judges should refrain from using judicial balancing tests to decide 2nd Amendment cases, and that the only standard of review is the text, history and tradition of the meaning of the words at the founding. In other words, what did "shall not be infringed" mean to our founding fathers when they wrote the Bill of Rights? We believe their intent is abundantly clear and so do the anti-2nd Amendment leaders throughout the country. That is why they, the anti-gun zealots, are having aneurysms over the fact that the Supreme court has accepted this case. They are afraid that this will give the court an opportunity to issue another landmark decision restoring and protecting the meaning of the 2nd Amendment.

The anti-gun crowd has gone so far as to convince both the City and State of New York to change their laws twice in

order to try to moot the case before the Supreme Court and so far, the court has seen through their shenanigans. The funny thing is that even though the City of New York notified the court that they had changed their laws and therefore the complaints of the plaintiffs were now moot, they continued defend in their submissions to the court that their previous restrictions were constitutional. Then why change the laws?

Gun Owners of California has teamed up with the California Rifle and Pistol Association and filed a strongly worded amicus curiae (friend of the court brief) reminding the court that lower courts have either grossly misinterpreted *Heller* and *McDonald*, or they have, with malice aforethought, totally ignored the direction of the Supreme Court.

We will have a report on this very important case in our next copy of California Gun Owners newsletter.

## LEGISLATIVE WRAP UP

**With the election of Gavin Newsom as Governor, the Legislature has been particularly emboldened in 2019, introducing scads of awful bills to weaken the 2nd Amendment in California. And it hasn't been pretty.**

**GOC has spent a lot of time at the Capitol this year, pounding the halls and speaking with legislators. We made the case to our friends as to why they must stand up and defend our rights. We also made our case to those who oppose the Constitution, presenting legislators and staff with cold, hard and truthful data that penalizing the law abiding will never have the desired outcome of stopping gun violence.**

**At the end of the day – when the gavel signalled the close of the first year of the two year session, the follow-**

**ing bills unfortunately made it to the Governor's desk:**

**AB 879 / Gipson [D]**

Requires the sale of firearm precursor parts to be conducted by or processed through a licensed firearm precursor part vendor. Requires a person or business to have a valid firearm precursor part vendor license to sell more than one firearm precursor part in any 30 day period. Makes a violation of this prohibition a misdemeanor. Requires that a licensed firearm dealer or licensed ammunition vendor automatically be deemed a licensed firearm precursor part vendor.

**AB 893 / Gloria [D]**

Prohibits the sale of firearms and ammunition at Del Mar Fairgrounds property located in the 22nd District Agricultural Association, and would thereby make a violation of that prohibition a misdemeanor.

**AB 1297 / McCarty [D]**

Relates to local law enforcement agency issuing an applicant license to carry a concealed firearm. Requires rather than authorize, the local licensing authority to charge the fee and would require the fee to be in an amount equal to the reasonable costs for processing the application, issuing the license, and enforcing the license, as specified.

**AB 1669 / Bonta [D]**

Amends the Safety For All Act. Reduces the DROS fee to \$1 with unlimited annual increases, AND imposes a new \$34 fee that DOJ can use for anything they want within the firearms bureau.

**AJR 4 / Aguiar Curry [D]**

Urges Congress to swiftly enact House Resolution 8, the Bipartisan Background Checks Act, to require background checks for all firearm sales.

**AJR 5 / Jones Sawyer [D]**

Urges the federal government to use California as an example for firearm

safety and for stronger firearm laws to protect all citizens.

**SB 61 / Portantino [D]**

Prohibits more than one application to purchase any firearm within any 30 day period.

**SB 136 / Wiener [D]**

Deletes the provision which imposes, for non violent felonies, an additional one year term for each prior separate prison term or county jail felony term.

**SB 172 / Portantino [D]**

Authorizes the temporary transfer of a firearm for safekeeping to prevent it from being used to attempt suicide. Prohibits a person who is 18 years of age or older and who is the owner, lessee, renter, or other legal occupant of a residence, while outside of that residence, from keeping in that residence a handgun that the person owns or a firearm that has been loaned to the person unless it is stored in one of certain specified ways.

**SB 376 / Portantino [D]**

Redefines "infrequent" in provisions relating to firearms transfers to mean less than six firearm transactions per calendar year, regardless of the type of firearm within regulations controlling transfers of firearms.

## THE TRUTH ABOUT AR'S AND HOW THE MEDIA TRIES TO FOOL YOU

We are not sure if there has ever been a firearm that has been more misunderstood, misnamed and maligned by dishonest politicians and media than the AR-15. *It stands for assault rifle!* **WRONG.** *It's a military gun designed to take out as many people as possible!* **WRONG.** *With one pull of the trigger!* **WRONG.** And since facts don't work with those who lean left, some talking heads have gone so far to bring some junior high ridicule into the picture, by

claiming men who own an AR is somehow needing to "compensate" for other stuff. That's what happens when one is unable to engage in a debate like an adult. It's just plain stupid.

We're all about the facts here at GOC and always emphasize the need to be **armed and informed.** Thus, courtesy of the National Shooting Sports Foundation, we want to share some honest details about the AR 15. Each one of these points should be engraved into our collective brains because standing on the firm ground of truth is always better than defending a lie – which is what the anti-gun crowd does every day of the week and twice on Sundays.

- Modern sporting rifles are among the **most popular** firearms being sold today.
- **The "AR" in "AR-15" rifle stands for ArmaLite rifle, after the company that developed it in the 1950s.** "AR" does NOT stand for "assault rifle" or "automatic rifle."
- AR-15-style rifles are NOT "assault weapons" or "assault rifles." An assault rifle is fully automatic, a machine gun. Automatic firearms have been severely restricted from civilian ownership since 1934.
- If someone calls an AR-15-style rifle an "assault weapon," then they've been duped by an agenda. The only real way to define what is an "assault weapon" is politically, as in how any given law chooses to define the term—this is why the states that have banned this category of semiautomatic firearms have done so with very different definitions.
- AR-15-style rifles can look like military rifles, such as the M-16, but by law they function like other semiautomatic civilian sporting firearms, **as they fire only one round with each pull**

**of the trigger.**

- Versions of modern sporting rifles are legal to own in most states, provided the purchaser passes the mandatory FBI background check required for all retail firearm purchasers.
- Since America's founding, civilian sporting rifles have evolved along with military firearms. The modern sporting rifle simply follows that pattern.
- **These rifles' accuracy, reliability, ruggedness and versatility serve target shooters and hunters well.** They are true all-weather firearms.
- Modern sporting rifles are chambered in .22 LR, .223 (5.56 x 45mm), 6.8 SPC, .308, .450 Bushmaster and in many other calibers. Upper receivers for pistol calibers such as 9 mm, .40, and .45 are available. There are even .410 shotgun versions.
- These rifles are used for many different types of hunting, from varmint to big game. And they're used for target shooting and in competitions.
- AR-15-style rifles are no more powerful than other hunting rifles of the same caliber and in most cases are chambered in calibers less powerful than common big-game hunting cartridges like the .30-06 Springfield and .300 Win. Mag.
- The AR-15 platform is modular. Owners like being able to affix different "uppers" (the barrel and chamber) to the "lower" (the grip, stock).
- They have been commercially sold to the American public since the 1960s.
- **They are commonly-owned, with more than 16 million modern sporting rifles owned by civilians by 2018.**

And, last, but certainly not least, **they are a lot of fun to shoot.**

**BECOME A PATRIOT MEMBER**

**GOC PATRIOTS are members who have chosen to support GOC in the fight to defend the Second Amendment, by giving monthly.**

With ALL contributions and membership donations made to GOC:

- 100% Funds stay in California to defend the Constitution
- 100% Funds received are used for educating Californians, lobbying at the Capitol, participating in court cases, & electing Constitutional legislators
- 100% GOC's commitment to protecting & preserving your right to keep and bear arms

Giving monthly doesn't have to break the bank. For less than the cost of half a box of ammo, you can help restore the Second Amendment!

**GUN OWNERS**  
*of California*

**WHY WE NEED YOUR MONTHLY SUPPORT**

**General Overhead**

- Office Rent
- Cost of Business
- GOC is committed to keeping costs at a minimum

**Costs of Defense**

- Legal costs for participating in court cases
- Lobbying at the Capitol
- Participating in Pro-Gun Coalitions
- Recruiting & supporting pro-gun candidates

**Costs of Growth**

- Fundraising: events & raffles
- Education
- Speaking Engagements
- Internet Alerts & Social Media
- Direct Mail



**52 GUNS IN 52 WEEKS**

**TICKETS FOR THE 2020 RAFFLE ARE ON SALE NOW!**

Get your tickets early for our annual 52 Gun Raffle! Tickets sell fast!

\$50 each (only 1,500 tickets sold!)

Stand with GOC and help defend the Second Amendment by purchasing a ticket in our biggest fundraiser of the year! We give away **1 gun, EVERY WEEK for 52 WEEKS!**

Drawing begins on January 4, 2020. For official rules, go to [www.gunownersca.com/news/2020-52-gun-affle](http://www.gunownersca.com/news/2020-52-gun-affle)

**GUN OWNERS**  
*of California*

**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.

\$100    \$75    \$50    \$35    Other \$ \_\_\_\_\_

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*Gun Owners of California*  
*Membership Benefits*

- Regular newsletters informing members of pending legislation and issues affecting gun rights.
- Information alerts through our website, email.
- Voting records of all California Legislators.
- Access to all Legislators through our website.

[www.gunownersca.com](http://www.gunownersca.com)

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