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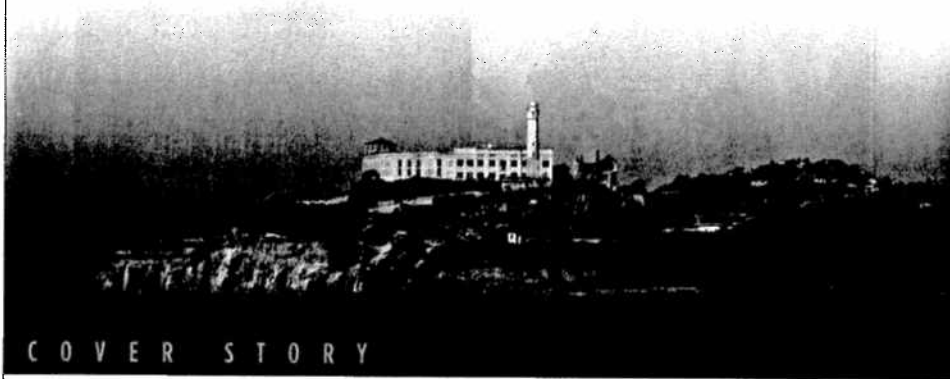
As Goes California, So Goes The Nation?

How a California
group shreds gun
owners' rights,
**and how
you might be
paying for it.**

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The latest anti-gun efforts in the Golden State give all Americans a glimpse at the coming gun-ban agenda in their states—**and an organization which should be observed with a wary eye.**

by C.D. MICHEL

California has long been the breeding ground for developing strategies to advance the coordinated anti-gun, anti-self-defense political climate in the country. There are of course other “battleground” states in the fight for gun rights, but lots of crazy notions about guns and self-defense take root in California.

In fact, when it comes to efforts to limit the Right to Keep and Bear Arms, California is unique in multiple respects. The tragic 1989 Stockton schoolyard shooting led politicians seeking a scapegoat to pass an ill-conceived “assault weapon” law banning many semi-automatics in California. That flawed law was then used as a model for semi-auto bans in other states.

California’s left-coast urban political inclinations foster a “progressive” mentality. Its two U.S. senators, Dianne Feinstein and Barbara Boxer, are among the most rabid anti-self-defense politicians in Washington, and they lead many federal efforts to export California’s anti-self-defense philosophy to the nation. Also, rampant urban gang violence problems cause politicians to look for ineffective laws to pass just so

they can disingenuously claim they are doing something about crime.

But California’s most unique contribution to anti-Second Amendment efforts, and one that is currently growing, is a San Francisco lawyers’ group benignly labeled the Legal Community Against Violence (LCAV). Since its founding, the misleadingly named LCAV has become the *de facto* law firm for the gun-ban lobby nationally.

And if you are a consumer of legal services, you may be unknowingly subsidizing their efforts at orchestrating national anti-gun strategies and tactics.

Along with the work of its staff attorneys, LCAV solicits lawyers through the *pro bono* programs at big San Francisco and national law firms to develop novel approaches to over-regulating guns and gun owners,

LOS ANGELES: The local bar passed a resolution **banning private possession of handguns and semi-autos.**

This suggests that consumers of legal services should choose their law firms with caution, lest they wind up **unwittingly helping to foot the legal bill for lawyers working to limit or eliminate Second Amendment rights.**

and to come up with creative legal arguments to advance the gun-ban agenda they share with the leaders of the civilian disarmament campaign. In the years since its founding in 1993, LCAV has gone from advocating the circumvention of state preemption laws so “progressive” California cities could pass gun bans; to developing theories to foist liability on the firearm industry for the criminal misuse of their products; to drafting local, state and federal model laws that they now push throughout the country; to being involved in practically every piece of Second Amendment or gun-related litigation in the nation.

San Francisco’s government has always been anti-gun owner, with Los Angeles a close second. Law firms in those cities have to be in tune with local politics, particularly if they want lucrative municipal legal work. Local bar associations in both cities even passed resolutions in 1974 and the early ’90s calling for a complete ban on the private possession of handguns and all semi-automatic rifles. San Francisco went so far as to pass laws in 1982 and again in the past decade banning the civilian possession of handguns entirely. Only lawsuits by the NRA and other gun-rights groups stopped the laws from taking effect.

Most recently, LCAV has again been soliciting free help from young lawyers at those big firms, this time recruiting them to come up with legal arguments to support their latest initiatives. LCAV’s recent solicitation for free assistance from those firms not only provides a glimpse at the latest strategies of the gun-ban lobby—it also gives insight on how LCAV advances the gun-ban agenda with the help of *pro bono* assistance from big firm lawyers.

Anti-gun politicians and groups like LCAV often tap into California’s “progressive-minded” law firms for *free* legal advice and services that work to the detriment of gun owners and businesses alike. In California, many of the urban law firms are deeply entrenched in “progressive” politics. These law firms have collectively provided millions of dollars worth of free legal work to promote anti-gun legislation in Sacramento and locally;

to develop model legislation that can be exported throughout the country; to litigate against the gun industry and the NRA; and to get anti-gun politicians elected. This suggests that consumers of legal services should choose their law firms with caution, lest they wind up unwittingly helping to foot the legal bill for lawyers working to limit or eliminate Second Amendment rights.

LCAV's emergence stems primarily from the tragic and infamous 1993 rampage by Gian Luigi Ferri at the 101 California Street law office in San Francisco. Eight law firm employees and visitors were killed and six injured in that criminal assault by a deranged gunman who killed himself as police closed in. The shootings galvanized the progressive segment of the San Francisco legal community, which responded by banding together to further their gun prohibition goals.

First, they filed a lawsuit (*Merrill v. Navegar, et al.*) on behalf of Ferri's victims, seeking to advance bizarre legal arguments to expand the legal liability of firearm manufacturers and distributors for the criminal misuse of their products by deranged madmen. Fortunately, in 2001 the California Supreme Court overturned a Court of Appeal opinion ruling that a gun manufacturer could be held liable for the criminal misuse of its lawful product.

Nonetheless, this suit served as a petri dish for legal theories later used in lawsuits filed against gun makers and distributors by municipalities across the country. Most of these lawsuits were ultimately dismissed, but not before the industry was forced to spend hundreds of millions of dollars to defend itself. Although these suits prompted the 2005 passage of the NRA-sponsored Protection of Lawful Commerce in Arms Act (PLCAA), some of these suits still linger. Most recently, the United States Supreme Court declined to hear a challenge to the constitutionality of the PLCAA, so after 15 years at least this aspect of the legal nightmare may finally be ending.

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Second, the law firms created LCAV (www.lcav.org). When first started, LCAV sought and received millions of dollars in funding from the California Wellness Foundation (www.cwf.org), a nonprofit with billions in assets spun off from profits made by Health Net when that company went private. CWF pumped roughly \$50 million into anti-self defense efforts by various gun-control advocacy groups in California, including a \$9 million media campaign designed to vilify firearms and people who own them. In fact, the CWF campaigns were instrumental in starting the national trend of mischaracterizing the issue of firearm violence as a health issue and guns as a “disease,” and in driving the misleading “polls” that legislators use to justify their anti-gun proposals. The CWF campaigns were also instrumental in crafting an insipid, non-threatening message adopted by anti-gun politicians who pay lip service to the Second Amendment while spinning the gun-ban lobby’s agenda as a “reasonable” and “common-sense” platform that will “save children’s lives.”

Armed with CWF and other special interest funding, LCAV lawyers teamed up in office space they initially shared with what was then Handgun Control, Inc. (now called the Brady Campaign) and started their “Local Ordinance Project,” a campaign to get California cities to pass local ordinances restricting gun rights—with an eye toward passing the measures at the state and national level. Misusing federal firearm trace data to justify its efforts, in 1996 LCAV published and distributed to local California officials thousands of “how-to” manuals on drafting local gun control ordinances.

The centerpiece of its inaugural campaign was a drastically overbroad ordinance supposedly banning affordable self-defense handguns, incorrectly called “Saturday Night Specials.” Putting gun dealers out of business and banning gun shows were also high on LCAV’s list.

LCAV’s legal proposals grew to include bans on the possession of “assault weapons” (where that term is

defined broadly enough to cover most sporting rifles) and “sniper rifles,” bans on magazines that hold more than 10 rounds, one-gun-per-month restrictions, ammo sale registration bureaucracies, “trigger lock” laws that prohibit many guns from being sold because no trigger lock exists that fits the gun, “safe” storage laws that would make criminals of those who keep a gun ready to use for self-defense, ultra-restrictive zoning laws that effectively put gun dealers out of business, oppressive gun and ammo taxes and bans on “ultra-compact” handguns that are commonly used for concealed carry.

As LCAV evolved, it has solidified its ties with anti-gun groups, and has become a regular recipient of funding from the Joyce Foundation. It has expanded its efforts nationally and is now active in lobbying state and local officials and in litigating to expand gun regulations across the country.

In an effort to influence Second Amendment scholarship in anticipation of the 2008 *District of Columbia v. Heller* case, LCAV launched the national “Second Amendment Education Project,” starting with full-page ads in the national media misleading the public about the legal community’s interpretation of the meaning of the Second Amendment.

LCAV’s website has ominously bragged, “LCAV is currently developing a strategic plan to respond to requests for legal and technical assistance from cities and counties outside of California. Local leaders in many states are interested in preventing violence through the use of local ordinances. We intend to offer assistance to communities in other states in the near future by coordinating *pro bono* legal assistance that will facilitate the development, drafting and defense of legally sound violence prevention strategies.”

A recently discovered LCAV document even provides a partial “wish list” of agenda items sought by gun-ban groups. For example, LCAV seeks a free lawyer to develop a legal argument allowing local governments to ban categories of persons from possessing firearms beyond state and federal prohibited classes. That way,

LCAV can encourage local governments to adopt much more strict prohibitions on those who may own guns. If cities were allowed to do this, practically any “category” of person could be prohibited from owning a gun. For now, the proposal seeks to ban persons with misdemeanor or lesser offenses from merely carrying a concealed firearm or possessing a so-called “assault weapon.” But why would they stop there?

Also alarming is LCAV’s desire to develop a legal argument that local governments can ban gun shows on city or county-owned property if there is no history of gun shows on that property, and that a city or county can completely ban, or at least drastically hyper-regulate, *all* gun shows even on *private* property.

The NRA and its state association, the California Rifle and Pistol Association (CRPA), have been fighting LCAV’s efforts since the group was founded. Through their joint California Legal Action Project (LAP), the NRA and the CRPA Foundation litigate to advance the rights of firearm owners in California, fight against ill-conceived gun control laws and ordinances and educate state and local officials about the programs at their disposal that are effective in reducing accidents and violence without infringing on the rights of law-abiding gun owners.

Individuals and business owners should be vigilant in ensuring their legal services dollars aren’t being used to subsidize LCAV’s efforts through their law firms’ *pro bono* assistance to LCAV. Choose your lawyers carefully! And count your lucky stars if you are blessed to live in a state that appreciates how guns save lives through deterrence and defense.

But don’t think LCAV and other gun control advocates in California aren’t exporting their philosophies to your city. They are. Get behind NRA’s California efforts while you can still point to the West Coast and say, “It couldn’t happen here.”

Otherwise, it will. ☹

C.D. “Chuck” Michel, of Michel & Associates, P.C. (www.michelandassociates.com), is the lead attorney for the National Rifle Association (NRA) and the California Rifle and Pistol Association (CRPA) in the Golden State.