

# mentary

## THE 'TAGGER SHOOTING'

# The Real Victims Are the Gun Owners of L.A.

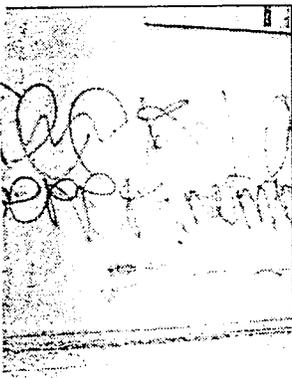


William Masters' prosecution for violating the city's impossible concealed-weapons laws was a travesty.

By **CHUCK MICHEL**

**W**illiam Masters has been called a vigilante, a racist and a hero. He is none of those. Nor is he a poster child for the self-defense or firearms rights movement. What defines him, because of the decision he made to carry a gun one fateful evening in January, is that Masters was not a victim. Despite Los Angeles' impossible concealed-weapons laws, he refused to be.

Masters shot two "tagging crew" members, killing one, when they tried to rob him last January. Masters told police that during a late-night walk near his home, he caught the taggers spray-painting graffiti at a freeway underpass.



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He wrote down their license plate number to turn in to the police. The vandals demanded he turn it over and threatened him with an eight-inch screwdriver. He handed over the piece of paper, then turned and attempted to walk away. They threatened him further, demanded his wallet and followed him. Masters turned and fired. The district attorney's office and the LAPD investigated, ruling that Masters acted in self-

defense. But the city attorney's office filed misdemeanor weapons charges.

"Mr. Masters, no one is above the law," Van Nuys Municipal Court Judge Lloyd Nash said from the bench Nov. 8 as he sentenced Masters to three years of probation and 30 days' community service for carrying a concealed and loaded firearm in public without a permit. Nash's statement is ironic, considering that Los Angeles, like most other cities and counties in this state, broke the law by refusing to issue concealed-weapons permits in the first place.

Despite the protests of amateur sleuths who second-guessed the homicide investigators at the district attorney's office and the Los Angeles Police Department, Masters used his gun defensively. In

that respect, according to a 1992 Los Angeles Times survey, he is just like roughly 140,000 other L.A. County residents who have defended themselves with a gun (unlike Masters, most people never have to actually pull the trigger). An estimated total of a quarter-million frightened Southern Californians carry concealed or loaded guns for protection without permits.

William Masters is just a man. He's not used to center stage. He has difficulty expressing his emotions. He hasn't been taught politically correct public speaking. He's afraid of rampant crime, as we all are. And he doesn't have much patience for a city that, years ago when he tried to comply with the law and apply for a concealed-weapons permit, would not even give him an application.

What Nash said was correct, of course. No one is above the law. But what if our government itself ignores the judge's admonition? Specifically, the City of Los Angeles decided 20-odd years ago that it would not issue any concealed-weapon permits. This, despite state law that in effect requires the city to establish criteria and issue some permits and despite Article 1, Section I of the California Constitution. That section says that the rights to "defend life and liberty" and of "acquiring, possessing, and protecting property" are inalienable. Nonetheless, absolutely no permits were issued for 18 long years, regardless of an applicant's need or qualifications.

Los Angeles Police Chief Willie Williams requested a permit in 1992, since he was not licensed as a peace officer in the state. Even he didn't qualify. When he got a permit anyway, other frustrated concealed-weapon applicants had the opening they were waiting for. They sued and in March got a written judgment in which the city expressly admits that it broke state law by not issuing any permits over the years. Some have since been issued, but there is strong resistance to the terms of the judgment.

During the years that Los Angeles illegally refused to issue concealed-weapons permits, there were people who desperately needed and deserved them. Think of the thousands of abused women fleeing violent, stalking mates. Some of those women ended up murdered. Could it have been different?

Los Angeles has been the most egregious city in denying permits, but most cities and counties in this state have unfair and sometimes corrupt policies that rarely grant concealed weapons permits to anyone but friends of government (for instance assistant district attorneys and judges), cronies and political contributors.

If fair, legitimate criteria were established, we could expect people to respect and abide by them. But how can a government expect people to respect and obey politically corrupted and unfair laws, particularly in the context of an increasingly violent culture and overwhelmed police departments? How can we justify punishing people who possess a defensive weapon without a license that a city illegally makes it impossible to get? In that sense, Masters was a victim after all.

*Chuck Michel is William Masters' attorney. He is a former prosecutor and served as staff counsel to the Christopher Commission's investigation of the LAPD.*