

CALIFORNIA FIRING LINE

OFFICIAL MAGAZINE OF THE CALIFORNIA FIREARMS ASSOCIATION

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WAKE UP, 2A FUDDS, THEY'RE AFTER YOUR "WABBIT" GUNS TOO!

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HOW TO SPOT DECEPTIVE NUMBERS

LEGISLATIVE, LITIGATION,
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ON THE COVER: Plaintiff Virginia Duncan celebrates winning (so far) in the CRPA's *Duncan v. Becerra* case. The 2A lawsuit challenges California laws banning the sale or possession of magazines that hold over 10 rounds. On August 14, 2020, the Ninth Circuit appeals court affirmed the initial winning trial court decision that struck down the laws and led to "Freedom Week" in March 2019. The state is fighting the historic win; CRPA is fighting back. (JACOB RAMIREZ)

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PRESIDENT'S MESSAGE

CANCEL CULTURE RUN AMOK

BY CHUCK MICHEL
CRPA PRESIDENT
& GENERAL COUNSEL

Our cover story from **Issue 1049, September/October 2020, explores the battle between the "cancel culture" and the "gun culture."**

It's a battle between both First and Second Amendment rights and freedoms and an extreme politically correct view of the world that rejects history, tradition and capitalism and censors thoughtful critics and anyone who dares to disagree with shame and fear, and if that's not enough with rioting, looting and violence.

Sadly, that cancel culture attitude is being approved and adopted by pandering, power hungry, big government politicians on a whole lot of traditions and issues. But attacking the political views of those who choose to own a gun for sport or self-defense is near the top of the cancel culture's hit list.

Exemplifying the cancel cultural abuse, in August, gun-owner-hating Attorneys General Letitia James (New York) and Karl Racine (District of Columbia) simultaneously attacked the NRA with coordinated lawsuits seeking to *dissolve the NRA*—not just seek action against individuals at the NRA that the AGs accuse of wrongdo-

ing mind you; they want to give the NRA itself *the death penalty*.

It's an obvious attempt to remove NRA's influence and advocacy on behalf of its members from the political playing field. The CRPA condemns the obvious political timing of efforts to silence the NRA, just ahead of the crucial November elections. Even the ultra-liberal ACLU saw through and criticized this gambit and defended the NRA!

SAVING 2A LAWSUITS AND PROGRAMS

I know there are a lot of mixed feelings about the NRA right now. However you feel, keep in mind that the CRPA is a totally separate and independent non-profit corporation, controlled by its own separate, independent, sharp-eyed and frugal Board of Directors and a Finance Committee with its own scrupulous oversight and expenditure review procedures, conflicts of interest disclosures and straight-laced and transparent financial practices.

Even though the CRPA and NRA are separate entities, they have worked together for decades to fund and promote critical pro-2A lawsuits and programs. But now, as NRA fights for its very survival, NRA has eliminated almost all funding for pro-2A lawsuits and programs in California. These



lawsuits and programs are critical to holding onto and taking back our freedoms. In response, the CRPA has stepped up to save a dozen Second Amendment lawsuits in California, as well as multiple California shooting, conservation and safety programs.

We are talking about lawsuits that are delivering results, like the recent and glorious Ninth Circuit victory in *Duncan v. Becerra*, which held that the laws banning the possession or sale of 10-plus-round magazines violate the Second Amendment and are unconstitutional. We are fighting to hold on to that win and also the winning ruling from the *Rhode v. Becerra* case, challenging the laws restricting ammunition purchases. There are a dozen other active pro-Second Amendment lawsuits in play as well.

The CRPA also runs many important programs that protect our rights and engage experienced and new gun owners (over 1 million of them in California alone) in the cause for our freedoms. The CRPA is working hard to bring those new gun owners into the gun owners' rights movement.

(CONTINUED ON PAGE 9)

MEMBERS' VOICES

Firefighters Unite

My sincere thanks to Retired Deputy Matt Silvey for his excellent letter to Governor Newsom.

As an active firefighter in Southern California, I can report that feelings and opinions in the firehouse are exactly what Deputy Silvey has reported. I work in the San Gabriel Valley and have friends in many of the local departments. As a whole, the rank and file firefighters that I know do NOT support Governor Newsom or any of the Democratic leadership in Sacramento.

Individually, we are members of local labor organizations, as part of collective bargaining efforts with our agencies. Unfortunately, the larger union bodies take a chunk of our dues and support politicians that the members won't even vote for.

I'm looking forward to retirement when the only bargaining groups that represent me are the CRPA and the NRA.

—David Riggs, Claremont, CA

Rank and file police and first responders have always supported the 2A and CRPA. Particularly now, as these heroes are attacked, disrespected and "defunded," many of the unions are also seeing how they have been used by politicians and are pushing back. We stand by to help them as they help CRPA.

Online Version?

Are there any plans to cease printing and go exclusively online or give the option? Candidly, given the demographics in CA, I keep my hobby quiet to a great extent, but my mailman obviously knows what magazines I get. Also, might it be cheaper/quicker turnaround if an e-version were available?

—James Manning (Member # 117516, I believe ... Senior Life Member)

We are working on it, but to be honest just getting the print edition produced and distributed is quite a task. Right now though, the magazine is available on the CRPA.org website; although there is a delay.

No Handgun Roster

It's time to get rid of the handgun roster and micro-stamping. The list severely restricts CA residents'

ownership choices. As guns and optics continue to evolve, only the criminals will have modern firearms.

—George

We agree, of course. This roster statute is one of the most damaging to 2A rights. It is on our short list of lawsuits we want to file to challenge under the 2A in court.

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We want CRPA members' voices to be heard! If you have something you would like to bring to the attention of our California Firing Line Executive Editor, please email CFL@chipotlepublishing.com and be sure to specify that it is for Members' Voices (Letters to the Editor). We look forward to hearing from you!

(PRESIDENT'S MESSAGE, CONT.)

You can help leverage our message by taking a new gun owner to the range!

SAVING THE NRA

All of us at the CRPA salute and support the NRA's employees, members and mission. We wish the NRA success in the lawsuits against New York, D.C., and all the others. We all need a revitalized NRA that can continue to help us fight for the right to choose to own a gun and not remain vulnerable to more opportunistic anti-gun-owner political attacks in the future.

We have faith that day will come. One way to help is to elect the right folks to the NRA Board of Directors. NRA members will get a ballot in the January issue of the NRA's magazine.

Two candidates who I support are Kim Rhode and Joel Friedman. Both have fought on the front lines for California gun owners' rights for years.

Kim is an American Double Trap and Skeet Shooter and Olympic gold medalist. In fact, she is the most successful female shooter at the Olympics as the only triple Olympic Champion and the only woman to have won two Olympic gold medals for Double Trap. She won a gold medal in Skeet Shooting at the 2012 Summer Olympics, equaling the world record of 99 out of 100 clays. Her list of accomplishments is too long to list here and grows so fast I can't keep up!

Lately Kim has a whole new reason to be recognized, as the lead plaintiff in the lawsuit *Rhode v. California*, which challenges the law banning mail order ammunition purchases and requiring background checks to buy ammo. We won in the trial court where

the law was declared an unconstitutional Second Amendment violation and are now in the Ninth Circuit.

Kim has served as an honorary CRPA board member for years. She is a current NRA board member and has been very generous giving her time to support the CRPA and advocate for California gun owners' interests at NRA meetings.

Joel Friedman is also an NRA and CRPA board member and has been working overtime lately to make sure that the CRPA's and California's interests are served by the NRA as it struggles with limited resources and internal turmoil. You can read more about Joel at Joel4NRA.com. Joel serves on NRA's clubs and associations, grassroots, finance, bylaws and ethics committees. He also serves on the executive board of the NRA and he is a trustee of the NRA Foundation. Joel is in a unique position to objectively review the allegations leveled at NRA employees and officers and to make necessary changes. He has already pushed through multiple changes to the NRA and CRPA bylaws to protect against abuses.

Both of these candidates are not beholden to any individual NRA or CRPA employee or officer and are aware of their legal and fiduciary obligations to the CRPA and NRA corporations and members. I appreciate all the guidance and oversight that I get in my role as CRPA president from each of them.

There may be other Californians on the NRA ballot who deserve support, but they aren't on the CRPA board and I don't know about them personally.

The CRPA will continue to fight for your rights in California, as it has for 145 years. Stay on the CRPA team!

— Chuck

STATEMENT OF CRPA'S FINANCIAL PRACTICES

No other pro-2A association is more scrupulous about avoiding financial improprieties than CRPA and its sister, The CRPA Foundation. Donations and membership dues are closely monitored, budgeted, and reinvested into fighting for the rights of California gun owners. The CRPA has a Finance Committee that oversees bookkeeping and expenses, a fully informed Board of Directors, and accountants that scrutinize bookkeeping and expenses. CRPA also has a conflict of interest disclosure and review policy, a vendor fraud prevention policy, an expenses review and limitation policy and review process, and multiple other safeguards in place to make sure every donation is spent wisely and frugally. CRPA's volunteer President, Chuck Michel, is paid nothing for his many hours of work because he believes in the cause and donates all of that time. Any legal work for the CRPA or CRPA Foundation is done at significantly reduced, hourly, non-profit rates.

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IT'S HYPER- TECHNICAL

A PRACTICAL GUIDE TO UNDERSTANDING *DUNCAN V. BECERRA*

BY BRUCE E. KRELL, PhD

Years ago Chuck Michel warned me that *firearms laws are hyper-technical*. I then spent a decade as an expert in the criminal and civil courts, often having to explain the practical interpretation of these hyper-technical laws to attorneys, judges and juries. I'll try to use that experience to give you a practical guide to the recent 81-page ruling in the case *Duncan v. Becerra*.

THE ISSUE

"A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." On its face, this simple sentence does not appear hyper-technical; the complexity is in interpreting the phrase "shall not be infringed." Federal, state and local laws must not "infringe" on the Second Amendment rights of a citizen.

Webster's dictionary tells us that "infringement" occurs when a law "limits, violates, or undermines a

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32310 runs afoul
of the Second
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law.” So, does California Penal Code 32310, which bans “large-capacity magazines” (LCMs), limit, violate or undermine the right of a citizen to keep and bear arms?

THE NINTH CIRCUIT RULING

A three-judge panel from the Ninth Circuit Court of Appeals ruled that California Penal Code 32310 undermines the right to keep and bear arms.

“California Penal Code Section 32310 runs afoul of the Second Amendment” (p. 10). “California’s law imposes a substantial burden on the right to self-defense” (p. 9). “The ban makes it illegal ... to own magazines that come standard in GLOCK, Berettas, and other handguns that are staples of self-defense.”

These acknowledgements, especially that the magazines are standard, are a welcome recognition for gun owners who know they are true. It’s a substantial win, but the ruling is just the beginning of the battle.

AMICUS PARTICIPATION SHOWS IMPORTANCE OF THIS CASE

This case was recognized as extremely important to the future of gun owners’ rights, as demonstrated by the number and range of *amici curiae* briefs filed. An *amicus curiae* or “friend of the court” brief can be filed by any entity that has an interest in the case and that feels qualified to contribute information to help the judges decide the case. A lot of *amicus* briefs were filed on both sides of the issue in the *Duncan* case. Briefs in support of removing the standard-capacity magazine ban were filed by the NRA, GOA, CA GOA, NSSF and dozens of others. Briefs in support of maintaining the standard-capacity magazine ban were filed by Brady, some physicians’ or-

ganizations, various state Attorneys General, District Attorneys from San Francisco and LA County and dozens of others.

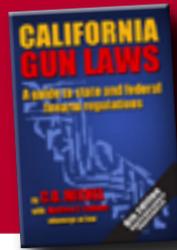
STANDARDS OF JUDICIAL REVIEW

When courts review challenges to laws, any one of several “standard of review” tests may apply, depending on the situation. Each standard imposes a restriction on the government’s ability to restrict a right.

But some standards have a lot more teeth than others. Below is a simplification of the various standards.

A “rational basis” standard asks whether the law is justified to serve a legitimate government purpose such as safety or health. A challenger must prove that the law does not serve a legitimate purpose.

The “intermediate scrutiny” standard asks whether the law furthers an important government interest by



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- Imposing additional civil penalties on firearm dealers who breach prohibitions or requirements subjecting their license to forfeiture
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The complexity is in interpreting the phrase ‘shall not be infringed.’

means that are substantially related to that interest. The government must justify its infringement on protected conduct.

The “strict scrutiny” standard requires that the challenged law serves a compelling governmental interest and uses the least restrictive approach (narrowly tailored).

The *Duncan* ruling applied strict scrutiny as the appropriate standard of review.

The California Attorney General claimed, “The state interests advanced here are protecting citizens from gun violence, protecting law enforcement from gun violence, protecting public safety and preventing crime. These interests are compelling” (p. 57). So the panel of judges agreed that public safety is a compelling governmental interest but then held: “However, CPC section 32310 is not narrowly tailored to achieve the compelling state interests ... It is not

the least restrictive means of achieving those interests” (p. 57).

Adopting strict scrutiny as the standard of review is the big win. It signals that the court may be ready to make the government truly justify its infringements or overturn laws regarding firearms that are too restrictive. Many earlier cases allowed California lawmakers to pass very restrictive laws because the lesser standard of intermediate scrutiny was applied.

HISTORICAL CONTEXT

Protection of gun ownership rights under the Second Amendment has been an arduous legal process that has been ongoing for many years. In *Heller* (2008), the Supreme Court declared that the Second Amendment protects an individual right to keep and bear arms. The Supreme Court incorporated the Second Amendment to the states through the due

process clause of the Fourteenth Amendment in *McDonald* (2010). Now, a three-judge panel of the Ninth Circuit Court of Appeals clearly declared that the right to keep and bear arms declared in the Second Amendment is a fundamental right (p.15) subject to strict scrutiny (p.18). If the *Duncan* decision holds up, these three elements combined form a strong protective legal foundation for the Second Amendment.

THE GOOD

This ruling is clear and straightforward, unlike many Appeals Court and Supreme Court rulings. As part of the ruling, a precise and clear legal framework was provided for challenging laws that violate the Second Amendment.

Embedded in the ruling are statements that exhibit a clear understanding of the Second Amendment, self-defense, gun ownership and firearms.

“Half of all magazines in America hold more than 10 rounds.” (p. 12) “Without a magazine, many weapons would be useless, including ‘quintessential’ self-defense weapons like the handgun.” (p. 20) “Firearm magazines are protected arms under the Second Amendment” (p. 20).

“For people living in sparsely populated rural counties, law enforcement may be far, far away ...” (p. 50). “Some people, especially in communities of color, do not trust law enforcement and are less likely ... to call 911 even during emergencies” (p. 51). “In high crime areas, during incidence of mass chaos and arrest, law enforcement may be unable to protect people, leaving them solely responsible for their own safety” (p. 51).

Perhaps the most critical statement made by the panel majority

is the assessment of the claim by the California Attorney General regarding the effectiveness of the standard-capacity magazine ban in preventing mass shootings: “In 14 of the 17 mass shootings in California, assailants brought multiple weapons ... Only three of these incidents involved LCMs. For each, the assailant illegally smuggled LCMs, and California Penal Code section 32310 would have had little effect on the outcomes” (p. 65).

THE BAD

The three-judge panel consisted of two judges from the Ninth Circuit Court of Appeals and one judge from the lower Southern District Court. District Court Judge Barbara Lynn issued a dissenting opinion. Judge Lynn disagreed with the level of scrutiny applied. Lynn observed that this opinion conflicts with precedents in every other federal judicial circuit that considered laws that ban standard-capacity magazines.

One of the conditions under which the Supreme Court most often takes cases is that Circuit Courts of Appeal from different circuits disagree on an issue. So, these conflicting rulings across circuit courts may lead to consideration by the Supreme Court.

THE UGLY

Southern District Judge Roger Benitez issued the summary judgement enjoining California from enforcing the ban on standard-capacity magazines. Attorney General Becerra requested a stay on the summary judgement, pending an appeal. Judge Benitez issued the stay. Becerra appealed the summary judgement to the U.S. 5th Circuit Court of Appeals.

While the three-judge panel de-

This case was recognized as extremely important to the future of gun owners' rights.

clared the ban on standard-capacity magazines unconstitutional, the panel did not eliminate the stay order. Perhaps the panel did this out of expediency, knowing that Becerra would appeal the confirmation of the summary judgement. With this stay order intact, the acquisition or purchase of standard-capacity magazines remains banned until the issue is resolved with a higher appeal (discussed below). Possession of the magazines is not prohibited.

This kind of legal maneuvering is why many people are cynical about the law. A judge issued a summary judgement, then refused to enforce the judgement. A three-judge panel declared the law unconstitutional and confirmed the summary judgement, then again failed to take the legal step to enforce the judgement. This dithering is ugly. Let normal citizens buy standard-capacity magazines while the appeals process plays out!

APPLICATIONS TO ASSAULT WEAPONS

In its ruling this panel clearly identified the evaluation criteria and process by which a state law can be evaluated to determine if the law infringes upon the Second Amendment: “A law that takes away a substantial portion of arms commonly used by citizens for self-defense imposes a substantial burden on the Second Amendment” (p. 42). “A law that bans possession of a commonly used arm for self-defense—with no meaningful exception for law-abiding citizens—likely imposes a substantial burden on the Second Amendment” (p. 43). “Any limitation of a fundamental right exercised at home ... by its nature, severely restricts individual liberty” (p. 44).

After a handgun, the AR-15 platform is the second most popular firearm for self-defense, both outdoors and in the home. A legal framework was provided in the ruling that hope-

fully will be adapted to challenge so-called “assault weapon” bans and other ill-conceived gun control laws.

CAN I BUY LARGE-CAPACITY MAGS NOW?

No! For now the California Attorney General still considers the ban in effect, despite this ruling. A statement was issued by the California Bureau of Firearms: “The appellate

ruling does not lift the stay that California Attorney General Xavier Becerra secured at the commencement of the appeal. The stay remains in place until the appellate process is final.”

That last statement signals what will now happen. This ruling came from a three-judge panel. Becerra now has an extensive array of appeals. The first appeal will be to ask to have the ruling re-heard *en banc*.

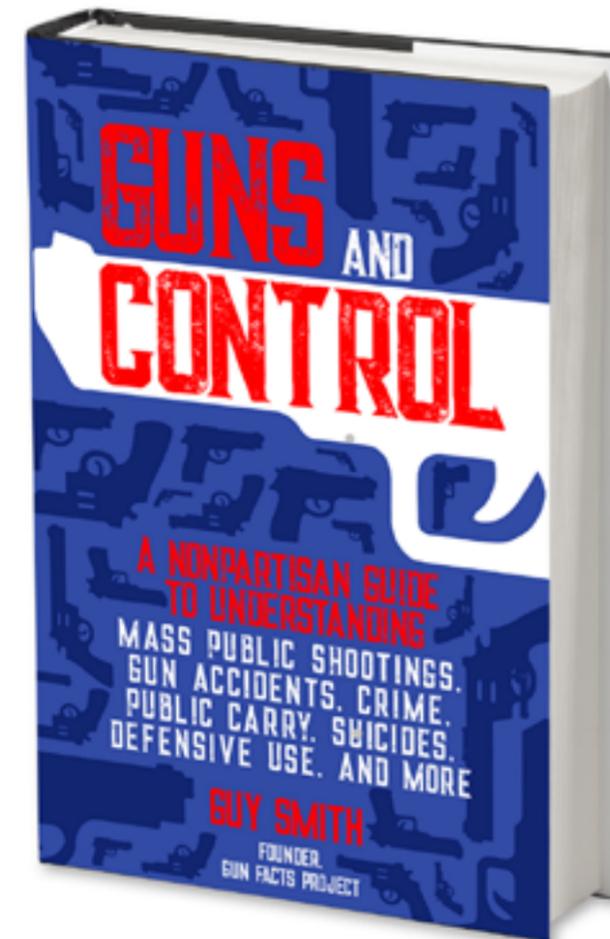
This appeal would be to all of the judges sitting on Ninth Circuit Court of Appeals. The losing party can then apply for a *writ of certiorari* from the U.S. Supreme Court. If the Supreme Court denies the writ, then the *en banc* ruling remains intact. If the Supreme Court issues the writ, then another level of the appeals process would start. The *en banc* appeal, the application for a writ and the Supreme Court appeal all take time. Motions, responses, supporting documents, *amici curiae* briefs, verbal arguments (if any) and generation of final decisions all take time to generate and consider. During this time, the stay issued by the district court is likely to remain in place, insuring that standard-capacity magazines cannot be purchased but can be owned in California.

The ultimate outcome is likely to depend on who won the presidential election. Several of the older, more liberal Supreme Court judges are likely to retire relatively soon. Replacement justices could have a significant impact on any ultimate ruling regarding the constitutionality of the California ban on standard-capacity magazines. **CRPA**

Bruce E. Krell, PhD, is a forensic scientist with a decade of experience in real cases. His specialties include shooting reconstruction, firearms toolmarks, firearms operations and interpretation of hyper-technical gun laws. He



is a former licensed gun dealer and gunsmith. Dr. Krell has served on about 200 cases and testified in 26 trials. He has published a book that provides a forensic analysis of the Michael Brown incident titled, Ferguson, MO: What Really Happened, available on Amazon. For 20 years, he taught firearms classes, including 1,000-yard shooting. For several years, Dr. Krell was a civilian instructor at the School of Infantry-West at Camp Pendleton. He is on the Board of Directors of Angeles Shooting Ranges in the San Fernando Valley in the Los Angeles area.



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DUNCAN V. BECERRA WIN— STATE SEEKS EN BANC REVIEW OF WINNING DECISION INVALIDATING MAGAZINE BAN

BY TIFFANY D. CHEVRONT

On August 28, 2020, we received the much anticipated update to the ruling in the *Duncan v. Becerra* case, challenging California laws banning the sale or possession of magazines that can hold over 10 rounds. We knew the state would not let the sound constitutional analysis of the Ninth Circuit rest and that they would continue to challenge it through an *en banc* review request (michellawyers.com/wp-content/uploads/2020/08/2020-08-28-Petition-for-Rehearing-En-Banc.pdf).

The state knows that this case has nothing to do with safety and everything to do with political agenda. The CA legislators can't afford to get a bad ruling for gun control right before the election! You see, they understand that this case has impacts in Democrat political bastions across the country, but our cause is more important than pushing politics; our cause is protecting the very rights that we hold dear.

CRPA has been fighting against the laws banning the sale or possession of these standard-capacity magazines since we filed this case back in 2017! CRPA is a named plaintiff and bears a

CRPA is prepared to do what it takes to protect your basic and fundamental rights.

majority of the costs in this case.

We initially won through a great ruling (michellawyers.com/wp-content/uploads/2019/03/Duncan-2019-03-29-Order-Granting-Plaintiffs-MSJ.pdf) by the United States District Court in San Diego, but the state quickly appealed and Judge Benitez was forced to stay his ruling to allow the purchase of magazines holding more than 10 rounds of ammunition until the appeal was made to the Ninth Circuit.

We continued to fight these useless infringements on our right to self-defense because California's attempt to prohibit law-abiding citizens from manufacturing, obtaining, selling, transferring or even possessing standard-issue magazines for firearms that are typically possessed for self-defense violates the Constitution—plain and simple. We have **two courts that agree!**

We will continue to fight for your rights through the full *en banc* review

(a review by all judges and not just a panel of three judges) in the Ninth Circuit and beyond if necessary. CRPA is prepared to do what it takes to protect your basic and fundamental rights. Only through your continued support in helping us fight these unjust laws can we continue to defend the Second Amendment and hold the line for lawful gun owners in our state. We need your help in this next step. We know these are crazy times, but this is exactly the time that we cannot afford to give up the right to protect ourselves and our families. Please give to support this case today!

Donate to the Litigation Victory Fund to support wins like this! See californiariflepistol.z2systems.com/np/clients/californiariflepistol/donation.jsp?campaign=173&&test=true. **CRPA**

Tiffany D. Chevront leads the local ordinance project for Michel & Associates, P.C. With over 19 years' experience in the non-profit and regulatory fields, she practices civil rights litigation and corporate governance law (five of those years working specifically in Second Amendment and CA policy). Tiffany has written and provided testimony on issues at the local, state and federal levels of government.



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TWILIGHT OF THE FUDDS

THE DEMONIZATION OF MILITARY ARMS

BY DAN GIFFORD

Based on a specious reading of federal law, "FUDDs" claim the Second Amendment only protects sporting arms, not arms suitable for defense of self or the Republic. Will the recent riots jolt FUDDery into its sunset fade?

WHO ARE THE FUDDs?

You know the FUDDs by what they say.

"You don't need 30 bullets to kill a deer."

"What do you need a gun like that for, anyway?"

"What are you, paranoid?"

Yes, they're the guys who consider most any form of government Second Amendment infringement as reasonable. That means they are the guys who would accept Democrat presidential candidate Elizabeth Warren's expressed plan to alter the right to keep and bear arms into a heavily regulated privilege at the whim of government bureaucratic control whether that control hap-

pens to be registration of all guns and their owners, banned civilian ownership of certain guns, laws that make it near impossible to buy a gun or anything in between.

For a great many, that acceptance would include the outright taking of all guns by the likes of would-be Biden confiscation czar Beto O'Rourke. Public figure FUDDs include actor Ed Asner, who said on an NBC news show I appeared on with him during the 1990s that he owns guns, but only sporting shotguns and that all were registered as all guns should be. He dismissed the very notion that registration records would ever be used for confiscation.

CNBC morning anchor Joe Kernan is another FUDD. After an argument with co-anchor Andrew Ross Sorkin, in which Sorkin said he's scared of guns, Kernan revealed that it took



8 or 9 months of hellish bureaucracy for him to be approved to buy a pistol in New York City and that he thought that was reasonable.

Whether that would be reasonable to Elmer Fudd, the namesake character of the FUDD aspersion, we can't know. All we do know is that Elmer's never been seen carrying anything but a "sporting" shotgun or rifle while hunting Bugs Bunny and that he has apparently accepted its "woke" culture confiscation of said scattergun and its replacement with a Grimm

Reaper scythe without complaint.

In my recollection, the idea there was no right to own military arms started with the intentional misrepresentation of a 1958 measure to amend the Mutual Security Act of 1954 (1954 Act). The reason for its passage was that from 1955 through 1958, the impact of military surplus rifles and handguns on the sale of domestically produced small arms was so great that manufacturers had to lay off one third of their workers.

Those imported military rifles were cheap arms from mainly WWII and Korea that Americans then sporterized for hunting instead of buying more expensive new American-made rifles. So the 1954 Act was modified to exclude "importation of only arms or ammunition originally manufactured for military purposes" to save the domestic gun industry, not because of any public safety or redefinition of Second intent as implied by the later inclusion of "sporting purposes" in the 1968 Gun Control act.

That original modification measure was proposed by then Massachusetts U.S. Senator John. F. Kennedy as recorded in the April 28, 1958, Congressional Record:

The effect of the proposed amendment to the law would be to exclude from importation only arms or ammunition originally manufactured

In the world of communist-inspired, national liberation wars of the time, Uncle Sam's fear was that surplus arms would fall into insurgent hands.

for military purposes. Ammunition and guns imported into the United States have helped spoil the domestic market and the market for imported guns which were originally manufactured for game purposes. So I think the bill is in the interest of a great many jobbers, and at least 125,000 retailers located in all 48 states, and of particular importance to 5 arms manufacturers in Massachusetts, including Savage Arms, Harrington & Richardson, Nobel Manufacturing Co., Smith & Wesson and Iver Johnson Arms and Cycle Works.

Kennedy's proposal was the culmination of much industry testimony asking Congress to do something to save what was then considered an industry essential to national security. Just how dire that situation was regarded to be is evident in the 1958 testimony to the House Foreign Affairs Committee by E.C. Hadley, President of the Sporting Arms and Ammunition Manufacturers Institute:

There are four sources of the industry's problem. First, the importation of American-made rifles declared surplus by our allies abroad; second, the importation of surplus used and new foreign-made military surplus rifles; third, the importation of foreign-made surplus commercial arms; fourth, the sale of surplus military firearms by the U.S. Government within the United States.

But the U.S. government had its own view: R.L. O'Connor, Administrator of the Bureau of Security and Consular Affairs of the Department of State: "I am frank to say that when there are questions of surplus arms cropping up abroad, which another area is bidding for, it may very often be the better part of valor and indeed the best part of our foreign relations to have them imported into this country rather than float

Although Kennedy's measure had nothing whatsoever to do with crime control, the fact that it banned military arms by name left the door open for later political rhetoricians to misrepresent its intent for their own anti-Second Amendment goals.

around."

In the world of communist-inspired, national liberation wars of the time, Uncle Sam's fear was that surplus arms would fall into insurgent hands, be used to destabilize governments and jeopardize world peace. That made Kennedy's proposal a solution for both sides. Although Kennedy's measure had nothing whatsoever to do with crime control, the fact that it banned military arms by name left the door open for later political rhetoricians to misrepresent its intent for their own anti-Second Amendment goals when that movement started after JFK's 1963 murder.

The fact Lee Harvey Oswald had killed Kennedy with a surplus Italian military rifle was simply a gift for logically deficient, emotional arguments about "weapons of war" in civilian

hands and the later hypocrisy of those who brought it to new levels.

There had been no shun or demonization of military arms as a "weapons of war" separate category of guns during past times. Many FUDDs who now do so owned and still own treasured Krags, 1903 Springfields, M1 Carbines, Garands and 1911 Colts. All are weapons of war. All were designed to kill people. But like communist ideology in which all are equal while some are more equal than others, politics and the pejorative labeling all know well have made some more weapons of war than others.

That evolved after several mass shootings by crazies with AR- and AK-type rifles. Once again, anti-Second activists and their media enablers screamed for Congress to do something about those weapons of war that

could fire 30 shots without reloading. Did those same screamers care about the early identification of crazies who say or indicate they think it's cool to murder others? Not so much. The fault lay with the instrument they used.

So now we have the illogic FUDDery of some actual weapons of war that use 30-round magazines like the M1 Carbine and others that can be quickly reloaded with a clip being okay for FUDD-culture ownership while the same gun in a black plastic stock with

vertical grips is an item beyond the pale of Second Amendment protection. That dichotomy was made possible by convolutions of Aristotelian logic and classic hypocrisy, mainly by Democrats, during past years.

Mitchell Locin of the *Chicago Tribune*, May 3, 1994, wrote:

It was hard to tell on Monday which means more to Lloyd Bentsen, his collection of guns or his scars from gunshot wounds. As the top pitchman for the Clinton administration's proposed

ban on assault weapons, the treasury secretary has talked plenty about both, often holding up his favorite new prop, a deadly Street Sweeper, which can rapidly fire 12 shotgun shells. ... Bentsen asked, 'Can you imagine that in a duck blind? ... That's to kill people.'

What Bentsen didn't say, which was revealed later, was that he hunted with an M1 Carbine that was also designed to kill people. His response, as I recall, was that the M1 Carbine wasn't an assault rifle. It was pretty much the same wording used by Florida Democrat Governor Lawton Chiles when his stray from the Democrat script angered Arizona Democrat U.S. Senator Dennis DeConcini enough to take a public swipe at Chiles:

"We must do something about these high-capacity guns which have no legitimate sporting purpose. But you did not mention that you knew at least one hunter who used one." That one hunter was Chiles. Then, as now, Democrats are expected to toe the company line, kinks and all.

FINAL THOUGHTS

My concern about FUDDery is that it's not in its twilight but something akin to the dawn of the attack of the FUDDs. Democrat Illinois Congressman Bill Foster knows his FUDDs and has said many times the Second Amendment could be eliminated simply by changing the meaning of its words via pop culture and academic usage.

He also knows FUDDs would likely take that lying down. **CRPA**

Dan Gifford is a national Emmy-winning, Oscar-nominated film producer and former reporter for CNN, *The MacNeil Lehrer News Hour* and ABC News.




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► An array of Byrna HD non-lethal, self-defense weapons. (BYRNA.COM)

IS THIS GUN LEGAL?

THE BYRNA HD NON-LETHAL, SELF-DEFENSE TOOL

BY MATT D. CUBEIRO

With increasingly complex regulations concerning firearms in states like California, manufacturers are constantly innovating alternative non-firearm, self-defense tools.

Their benefits are readily apparent to those who prefer an alternative to a firearm. What's more, such devices are usually significantly easier to obtain and typically do not require a special permit to carry on one's person in public spaces. There are, however, other provisions of the law—*particularly in California*—to consider.

Enter the Byrna HD (Home Defense), a CO₂-powered, hand-held personal security device that fires a .68-caliber projectile filled with a combination of pepper spray, tear gas and synthetic pepper spray.¹ On its face, the appearance of the Byrna HD is very similar to that of a typical semiautomatic handgun, but because the device expels the projectile by the

It is now illegal in California to acquire, sell or manufacture any 'imitation firearm.'

force of compressed air, it is not a "firearm" within the meaning of state or federal law.²

Does this mean the Byrna HD is legal to obtain and possess in California? For the reasons discussed below, the answer is, unfortunately, no.

Following the tragic death of a young teen who was shot and killed by police who mistook his plastic airsoft gun for a real firearm, California's "imitation firearm" restrictions

1. byrna.com/collections/byrna-hd.

2. Cal. Pen. Code §16520 (requires the projectile to be expelled "by the force of an explosion or other form of combustion" in order for a device to be labeled a "firearm" under California law).



WHAT IS THE CRPA?

The California Rifle & Pistol Association (CRPA), founded in 1875, is a nonprofit membership and donor-supported organization with tens of thousands of members throughout California. We need you!

CRPA's membership is comprised of a diverse cross-section of the general public including believers in the right to choose to own a gun to defend yourself and your family, competitive and recreational shooters, hunters, conservationists, gun safety experts, youth, women, police, prosecutors and defense attorneys, judges, firearm history and technology experts, coaches and trainers, families and loving parents.

CRPA works tirelessly and relentlessly to defend the civil and constitutional rights of individuals to choose to responsibly own and use firearms. Every dollar that CRPA receives from its members and donors stays and works in California to support your hunting and Second Amendment rights and the fight back against politicians, elitists and bureaucrats who would deprive individuals of those rights.

Through its Sacramento and local legal and political advocates, CRPA works in the state capital, in regulatory agencies and in city halls throughout California to promote laws that protect these rights and to oppose laws that infringe on these rights.

Through its legal team, CRPA fights in the courts to challenge unconstitutional and illegal gun bans and ill-conceived gun control laws and provides guidance to California gun owners regarding their legal rights and responsibilities.

CRPA works to preserve the traditional and historic role of the individual citizen to hunt and to conserve and preserve California's natural resources.

CRPA promotes the recreational shooting sports and hosts hundreds of "fun shoots" annually.

CRPA provides safety, education and skills training and makes gun safety information available.

CRPA organizes and sanctions competitive shooting matches for both adult and junior shooters, including Olympic training programs and state championships. CRPA sanctions state championship matches in many shooting disciplines. CRPA is proud to state that many CRPA competitors are among the best in the world.

were amended in 2014 to restrict the types of non-firearms that may lawfully be acquired.³ As a result of these changes, it is now illegal in California to acquire, sell or manufacture any "imitation firearm" which includes, but is not limited to, any "device that is so substantially similar in coloration and overall appearance to an existing firearm as to lead a reasonable person to perceive that the device is a firearm."⁴ The Byrna HD appears to fit that description.

There are, however, exceptions to this restriction. One such exception is for any device where the entire exterior surface is white, bright red, bright orange, bright yellow, bright green, bright blue, bright pink or bright purple (or any combination thereof), or where the device is made of translucent material which permits unmistakable observation of the device's complete contents.⁵ Put simply, the device must not be colored like that of a typical firearm.

As applied to the Byrna HD, there are seven different color options currently available. It is immediately clear the black, gray, desert tan and green options do not satisfy the above exception. As for the remaining options, the entire exterior surface is not an appropriate color (all color options have several black features). For this reason, none of the current Byrna HD models appears to satisfy the exception to California's "imitation firearm" restriction.

This is not to say that the makers of the Byrna HD couldn't correct the problem by offering a model that is appropriately colored.⁶ But the analysis wouldn't end here, for California's "tear gas" restrictions would also need to be consid-

ered because the Byrna HD's projectile contains tear gas.

Without analyzing these restrictions in excessive detail, readers should be aware that California allows individuals to purchase, possess or use tear gas or any tear gas weapon if used solely for self-defense purposes, subject to specific requirements.⁷ Among these requirements, no person may purchase, possess or use any tear gas weapon that expels a projectile or expels tear gas by any method other than aerosol spray, or that contains more than 2.5 ounces net weight of aerosol spray.⁸ Because the Byrna HD expels a .68-caliber projectile that is partially filled with

tear gas (and not by an aerosol spray method), the use and possession of such a projectile in California is prohibited.

As a result, the Byrna HD in its current form is generally illegal under California law.⁹

Assuming a future model of the Byrna HD conforms to California law, there are still additional issues to consider. Like all states, California criminalizes assault and battery unless acting in self-defense.¹⁰ This generally means that the use of the Byrna HD against an assailant will require the user to reasonably believe he or she was in imminent danger of suffering bodily injury, reasonably believe that the imme-

diately use of force was necessary to defend against that danger, and use no more force than reasonably necessary.¹¹ Even if the use was justified, California law does not shield the user from potential civil liability.

CRPA

Matt D. Cubeiro is co-author of California Gun Laws and heads Michel & Associates' Firearm Law Regulatory Compliance and Legislative Affairs Division. Mr. Cubeiro regularly advises countless clients on state and federal firearm laws, including manufacturers, wholesalers, associations and individuals. Mr. Cubeiro also regularly appears as a commentator on radio and television programs while also teaching classes and webinars on federal, state and local firearm laws.



7. Cal. Pen. Code §22810.

8. Cal. Pen. Code §22810(e). Other requirements include prohibitions for persons convicted of a felony, persons addicted to any narcotic drug and minors. Cal. Pen. Code §22810(a-d).

9. There are kinetic and inert projectiles available that would resolve the tear gas issue and, when coupled with an appropriately colored device, would resolve the above issues.

10. Cal. Pen. Code §§240, 242; CALCRIM 3470 (Right to Self-Defense or Defense of Another (Non-Homicide)).

11. CALCRIM 3470. California residents should also be aware that local ordinances may further restrict such devices. See, e.g., Los Angeles Municipal Code §55.04 (generally prohibiting tear gas weapons absent a special permit).

3. See Senate Bill No. 199 (2013-2014), available online at leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=2013201405B199.

4. Cal. Pen. Code §20165, §16700.

5. Cal. Pen. Code §16700(b)(5).

6. At the time of this article's publication, the manufacturer currently maintains a "California Compliant" section of its website that lists the Byrna HD in all available colors. Be warned that the manufacturer appears to be unaware of California's "imitation firearm" restriction, and for this reason California residents must refrain from ordering any variants of the Byrna HD at this time.

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RESTRICTIVE GUN LAWS **DON'T** REDUCE HOMICIDE RATES IN EUROPE

BY KONSTADINOS T. MOROS

A common refrain you will hear from the anti-gun side is what can perhaps best be referred to as “the

appeal to Europe.” The argument goes something like this: The United States has a higher homicide rate than Europe because most of Europe heavily restricts firearms. If you have ever had an extended debate with someone who opposes our Second Amendment rights, then you have heard some form of this argument before and probably more than once. But is there any actual merit to the argument?

To begin with, we know that current homicide rates (a slightly different metric than murder, but homicide data makes for the simplest international comparisons) are indeed higher in the U.S. than they are in Western European nations. According to the United Nations Office on Drugs and Crime (UNODC), the U.S. has an intentional homicide rate of 5.3 per 100,000. The United Kingdom is at 1.2 per 100,000, France is at 1.3 per 100,000, and Germany comes in at 1.0

per 100,000. Different sources will give you slightly varied information, but in all sources, you will generally see the U.S. reports homicide rates roughly 4 to 5 times higher than major Western European countries.

It cannot be disputed that these countries have lower homicide rates than the U.S. does. But that fact does nothing to tell us *why* those rates are lower. That is a question this brief article cannot hope to answer, as it would require massive sociological research. However, we can use the available data to examine one commonly cited explanation: restrictive gun laws.

We'll use the UK, France and Germany for comparison, as they are considered the “big three” of Western Europe. Furthermore, we will compare by overall intentional homicide rates, and not by specifically firearm homicide rates. The reason for this is simple: If gun restrictions work to lower homicide rates, then they should lower overall homicide rates. When “gun homicides” drop but overall homicide rates do not, that tells us the only thing gun restrictions accomplished was turning shooting homicides into homicides by

Sadly, the people of the UK gave up their firearm rights for less than nothing.

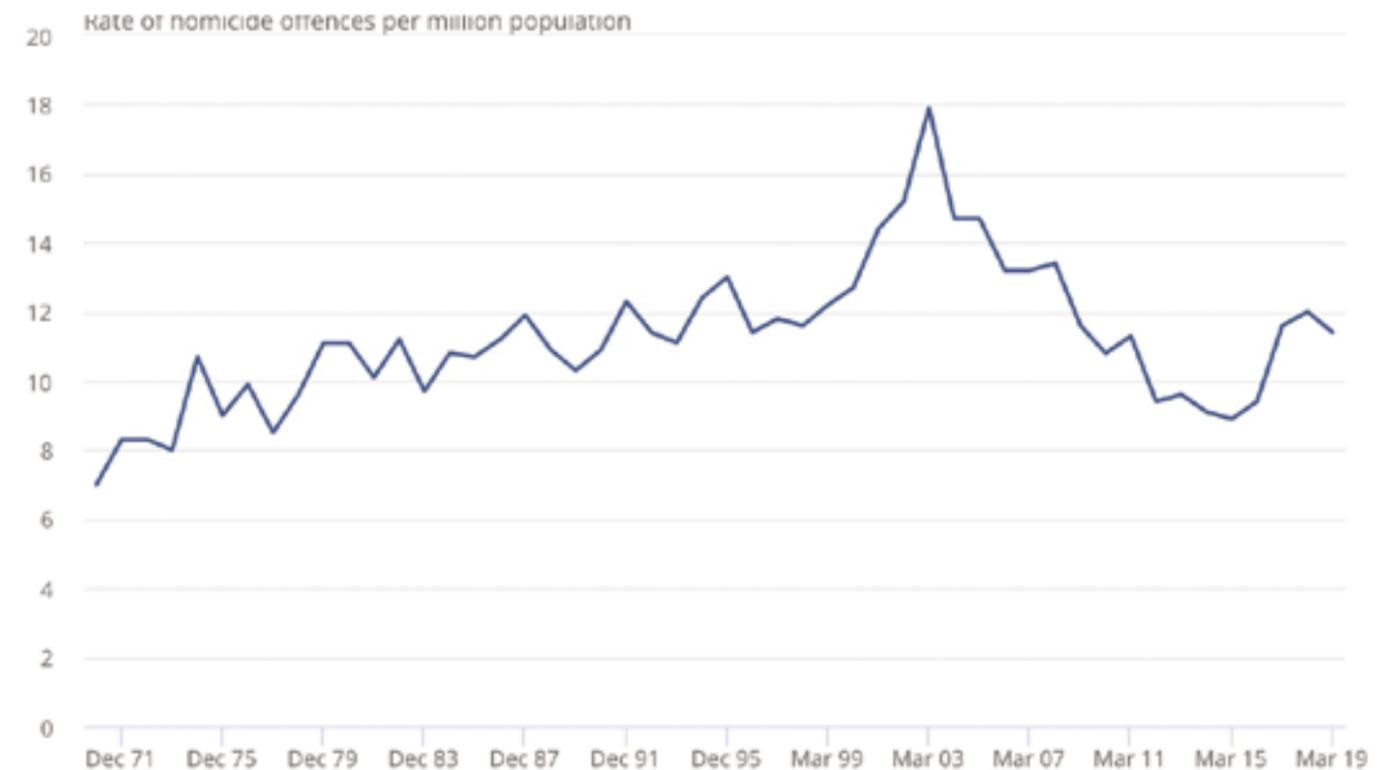
other means, such as stabbings. Such a meaningless “achievement” cannot be the basis of limiting rights.

ENGLAND AND WALES

While data for the UK as a whole is hard to come by given its political and administrative divisions, data for England and Wales specifically is available.

Figure 1: Homicide rates have decreased, following three consecutive years of increases

Homicide rate, England and Wales, year ending December 1970 to year ending March 2019



Source: UK Office for National Statistics: Homicide in England and Wales: year ending March 2019. The chart is measured in homicide rate per million population; <https://bit.ly/3ftKmsy>.

The UK has passed several gun laws in recent decades, gradually clamping down on firearms ownership. In 1988, semiautomatic and pump-action rifles became prohibited, unless they fired .22 rimfire ammunition. In 1997, all handguns were banned as well, with extremely limited exceptions.

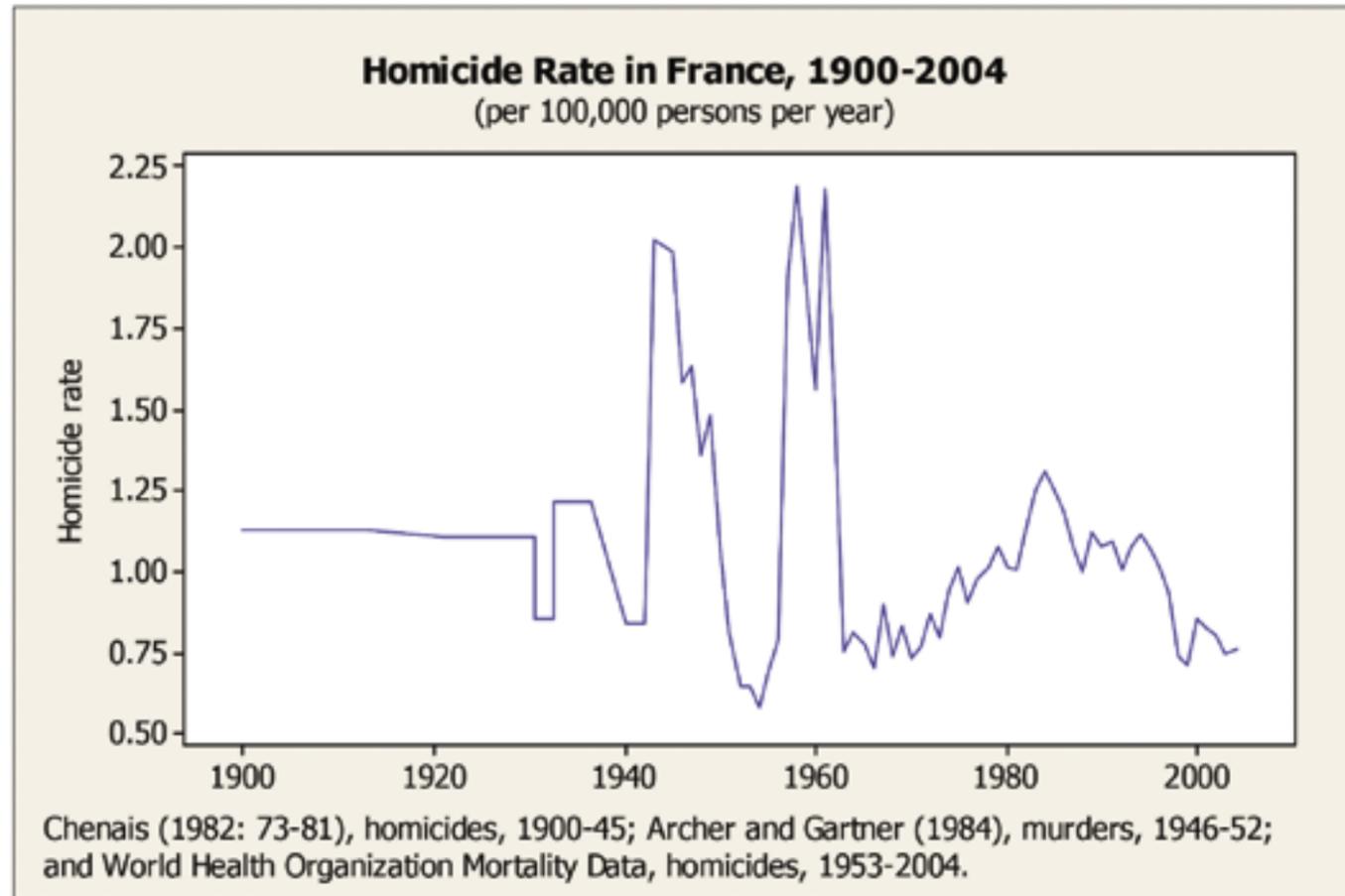
One would expect that if laws that restricted a citizen's ability to own firearms really did lower homicide rates, then homicide in England and Wales should have collapsed following such drastic reforms. Sadly, the people of

the UK gave up their firearm rights for less than nothing, because homicide actually *rose* following both the 1988 and 1997 restrictions (see Figure 1).

As Figure 1 shows, while there was a slight rise in homicide after 1988, the most dramatic rise in homicide came after the 1997 handgun ban, and homicide would peak in 2003 before falling back down to about where it was in earlier decades. The UK disarmed its law-abiding citizens, and all it accomplished was creating a multiyear surge in homicide.

FRANCE

French restrictions on firearms kicked off in 1935 when Prime Minister Pierre Laval, a future Nazi collaborator during the occupation, decreed the registration of firearms and firearm owners. Today, while not quite as restrictive as the UK, France is still no friend to the natural right to bear arms. In order to own a semiautomatic rifle with a capacity of more than three rounds, or a handgun, you must be affiliated with a shooting range, have attended at least three shooting sessions with an



Source: Supplement to Randolph Roth's *American Homicide* (Belknap Press of Harvard University Press, 2009); cjrc.osu.edu/sites/cjrc.osu.edu/files/AHSV-European-Homicides.pdf.

instructor and obtained approval from your doctor. Even all of that just gives you a 5-year authorization which must be renewed. Semiautomatic rifles have been restricted since a 1939 decree, with even .22LR rifles being restricted the same way since 1956. Pistols have been restricted identically since the early 1980s.

France's laws did not stop either the Charlie Hebdo shooting or the Bataclan terrorist attack, and they certainly did not stop the 2016 terrorist truck attack in Nice, France, which killed 86 people and injured 458 others. But did the laws at least lower the overall homicide rate? Once again, the answer is a resounding "no" (see Homicide Rate in France chart).

In the Homicide Rate in France chart, we see how the 1930s restrictions left France greatly exposed during the turbulent years of Nazi occupation, when the homicide rate more than doubled, which it did again in the late 1950s. After the pistol restrictions of 1983, once again homicide rose, before finally falling back down to the same level it was in the 1960s and 1970s. While the chart ends in 2004, according to the UNODC, homicide in France has now once again risen to 1.3 per 100,000 as of 2017. This is slightly higher than the rate it was at when Laval instituted his first draconian restrictions all those years ago, demonstrating that nearly a century of gun control has not made

France any safer.

France's gun laws have left French citizens dangerously exposed to the ISIS terror attacks of recent years, while gaining them nothing of value in terms of reduced homicide.

GERMANY

Germany had one of the darkest chapters of gun control in history when in 1938, one day after the infamous Kristallnacht, Hitler's regime enforced their "Regulations Against Jews' Possession of Weapons," which prohibited Jews from owning firearms and other weapons. Yet modern Germany did not learn from this disarmament and the subsequent slaughter of defenseless

Jews that the disarmament helped enable, as firearms continue to be heavily restricted. While initially West Germany liberalized after WWII and once again allowed private ownership of firearms beginning in 1956, various restrictions were reimplemented beginning in the 1970s through to today, including new restrictions in 2002, 2008 and 2009.

Finding data for Germany proved somewhat challenging, as the tumult of the Second World War and the subsequent Cold War limited data availability.

Additionally, the country was divided into two for several decades, further complicating any comparison. All that said, it is easy enough to see from the limited data that is available that there has been no great variance in German homicide rates over the years. According to the UNODC, as of 2017, Germany's homicide rate is 1.0 per 100,000. However, it was at a very similar level 40 years ago too, before much of the country's gun control was implemented. According to a report by the World

Health Organization, the German homicide rate was 1.2 per 100,000 in 1977, and it generally fluctuated up and down between 0.9 and 1.5 per 100,000 over the ensuing decades. Yet again, ever-increasing gun restrictions did not seem to make any notable impact on homicide rates.

CONCLUSION

As more and more gun control was implemented in the UK, France and Germany, citizens gradually lost their rights but did not receive lower homicide rates in return for that forced sacrifice. One can even see the opposite example in Europe: Switzerland, a country that is perhaps the most pro-gun in the world after the U.S., has a homicide rate at .54 per 100,000 according to the UNODC, one of the lowest homicide rates in the world and lower than any of the three countries this article examined.

Whatever the actual reasons may be for the heightened homicide rate in the U.S. compared to Europe, the data suggests that the difference is not correlated with our supposed "failure" to restrict the right to bear arms the same way most of Europe does. The next time someone argues that European countries have low homicide rates because of their gun laws, you should inform them that those countries had the same low homicide rates before those gun laws as well. **CRPA**

Konstadinos T. Moros
practices general civil litigation with Michel & Associates. He received his bachelor's degree in political science from the University of California, San Diego in 2011. In 2014, he earned his



Juris Doctorate from California Western School of Law and has been practicing law since 2015. He is an activist and advocate for maximizing our constitutional and natural rights, especially the right to keep and bear arms.

FIREARMS AND SUICIDE PREVENTION

Firearms retailers and range owners are in a unique position to help prevent suicide given their ongoing contact with the firearms-owning community. Suicide prevention training for those who influence a specific community can reduce the suicide risk for that community. Learn more at afsp.org/firearms.




ON TO

VICTORY

BROWNELLS DONATES \$50K TO HELP CRPA'S ONGOING COURT FIGHT FOR STANDARD MAGAZINES

BY CRPA STAFF

Iowa gun seller Brownells, one of the largest suppliers of firearm accessories, gun parts, reloading and shooting supplies and gunsmithing tools, is donating \$50,000 to the California Rifle & Pistol Association (CRPA) to help fund its fight in restoring freedom and the ability to purchase standard-capacity magazines through the winning *Duncan v. Becerra* case.

SOME HISTORY

The CRPA filed the case in 2017 and has continually led the fight through the courts, with the assistance of the NRA. CRPA is a named plaintiff and now bears the majority of the costs in this case.

In its arguments to the courts, CRPA demonstrated how prohibiting law-abiding citizens from manufacturing, obtaining, selling, transferring or even possessing standard-issue magazines for firearms violates the Constitution and takes away a critical self-defense tool.

CRPA's first court win in *Duncan v. Becerra* prompted "Freedom Week," where hundreds of thousands of California citizens were able to lawfully purchase standard-capacity magazines from March 29 to April 5, 2019, for the first

time in decades. Millions of magazines were sold. Talk about pent up demand!

On August 14, 2020, CRPA received a winning ruling from a three-judge panel of the Ninth Circuit Court of Appeals. The panel upheld a prior trial court decision invalidating California's ban on standard-capacity magazines. The three-judge appellate panel found that a ban on magazines that have a capacity of over 10 rounds violates Californians' Second Amendment rights.

Not surprisingly, on August 28, 2020, the California Attorney General's office petitioned for an *en banc* rehearing of the case before a panel of 11 Ninth Circuit judges in an effort to overturn the three-judge panel's ruling. So the fight

for California gun owners' constitutionally guaranteed rights goes on.

ENTER BROWNELLS

To help CRPA keep this win, Brownells has contributed \$50,000 to CRPA's efforts. In fact, Brownells has been a partner of CRPA for over a year.

According to Rick Travis, CRPA Foundation Director of Development, "Brownells started our partnership with a \$10,000 donation during 'Freedom Week' in April of 2019 in direct support of our first win in the *Duncan v. Becerra* case. They were joined by Palmetto State Armory who also donated \$10,000."

"The California Rifle & Pistol Association Foundation is proud of the partnership with Brownells and all of our supporters to fight for the rights of all Americans to exercise their Second Amendment rights," Travis continued.

"The CRPA depends on donations from corporations and individuals to support the fight to restore the Second Amendment in California and across the United States. Even with the generous rates our attorneys give us, the cost of each of these cases can run into seven figures as they go higher up on appeal. We are fighting against the limitless resources of government attorneys. Partners such as Brownells give us a fighting chance against billionaires, such as Bloomberg and his trove of anti-Second Amendment organizations."

All donations to CRPA and the CRPA Foundation go directly to litigation, legislative efforts and CRPA programs. Donors can always be assured that CRPA follows best financial practices, undergoes routine expense reviews, and no funds leave CRPA to support any other organization. Brownells' generous

donation will be used 100% in the court fights to restore the Second Amendment in California.

HOPE FOR THE FUTURE

If the rulings against California's standard-capacity magazine ban are upheld, they could serve as precedent in similar decisions against other similar bans enacted by anti-gun politicians in other states.

TO DONATE

CRPA's Litigation Victory Fund is set up to direct donations directly to the battle in the courts. CRPA's legal team literally works around the clock to handle multiple cases to secure your rights as a gun owner in California, and we cannot stop now. Companies may donate to CRPA's Litigation Victory Fund via its website, crpa.org. **CRPA**

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"ASSAULT WEAPON" DEADLINES

Reprinted with permission. Edited from original article published on June 27, 2020, on gunfacts.info.

"Assault weapons must be banned because they

are vastly more deadly!" (It is equally believable that this was said by "Everytown for Gun Safety," MSNBC or the crazy homeless person on the corner ... it is getting hard to tell the difference.)

Are assault weapons inherently more dangerous than any other type of gun? I know ardent gunnies will go into deep discourse about the relative energy transfer potentials of sundry ammo types and rifle configurations. But thanks to the Gun Facts' Mass Public Shooting database, we can make a quicker review.

NOTE 1: *Assault weapon* is a

legislative term, not a technical one. There are a plethora of assault weapons laws that cover everything from handguns to hunting rifles to Lord Knows What. So we use the 1994 Federal Assault Weapons bill definition since it is the only one that covered all of the United States.

NOTE 2: It is necessary to look at the data both with and excluding the infamous Las Vegas country music massacre, which was the most carefully planned "cattle pen scenario" event ever.

What we see from the data is odd but explainable.

Rifles: The death rate for assault weapons (excluding Las Vegas) is marginally higher than for rifles in general (and maybe someday we'll isolate out assault weapons and rifles that are not assault weapons—for now they overlap). The general lethality of a rifle round is barely

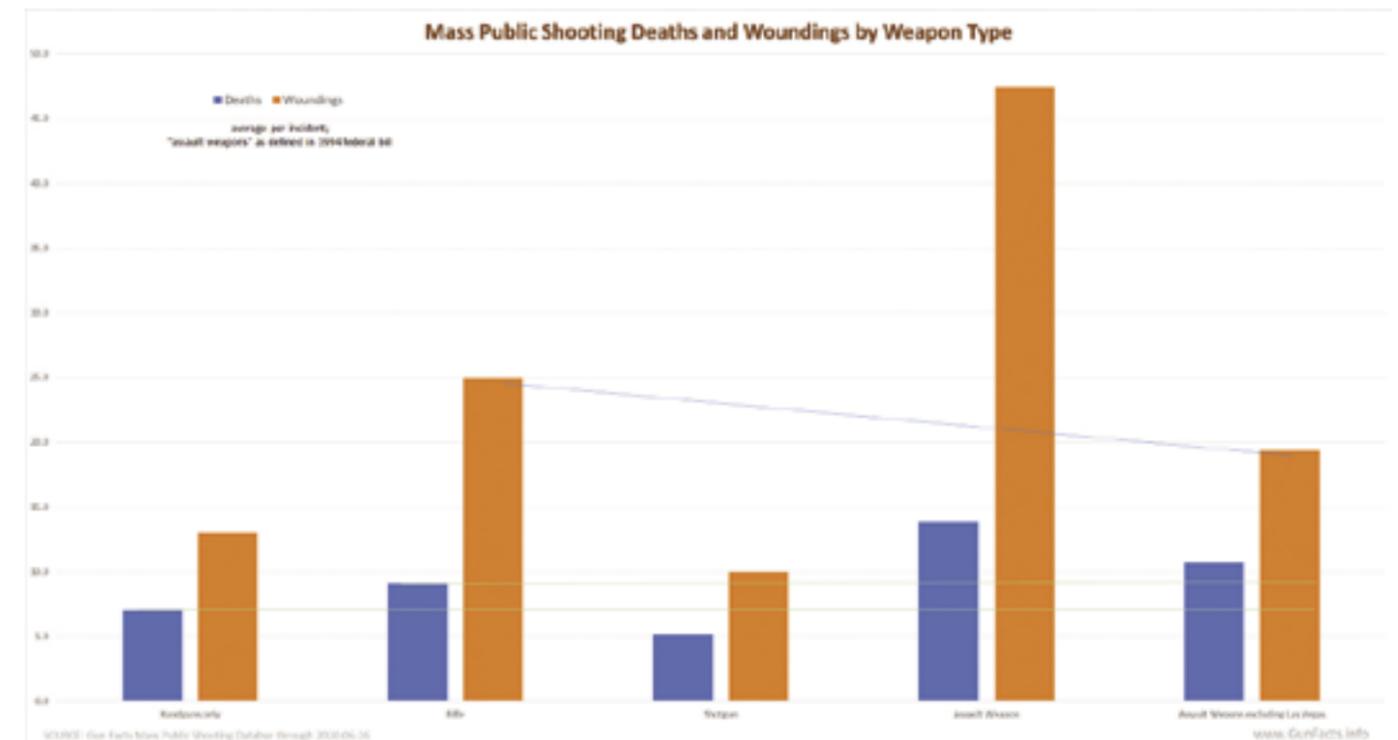
changed depending on the type of rifle from which it is fired (to which the gunnies say, "Well, duh!"): Rifles, 9.1 deaths per incident, assault weapons, 10.7.

Handguns: Though handguns are used in 58% of all mass public shootings (MPSs), both the number of people killed or wounded is lower than for rifles (1:1.3 killed, 1:1.9 wounded) and assault weapons (1:1.5, 1:1.5). The anomaly here is the greater number of wounding for rifles than for assault weapons (1.9 vs. 1.5).

THE INCOMPLETE CONCLUSION

Ignoring the overlap between the "rifle" and "assault weapons" categories, we can make one additional observation, and it involves planning.

Criminology and psychology literature show that MPSs are being more and more carefully planned



and that the "cattle pen scenario" is well understood by mass murderers looking for the infamy of "breaking the record." That leads to an interesting table.

As you can see, the average body count for handguns outside of a cattle pen scenario is marginally higher than for rifles. This is understandable since it is easier to target, track and kill fleeing victims with a handgun.

Also we see that for cattle pens, the number killed is nearly identical for rifles (which overlap with assault weapons) and handguns. Taken in irrational isolation, one would conclude that rifles are not more deadly in MPSs.

But when we combine advance planning, a chosen cattle pen and an assault weapon, the body count doubles. The question then becomes whether shooters selected the weap-

The average body count for handguns outside of a cattle pen scenario is marginally higher than for rifles.

on type based on planning. We know that was the case in Las Vegas. Here is the give-away: The body count is higher for cattle pen scenarios for all types of firearms (handguns 2.1:1, rifles 2.2:1) but much higher for assault weapons (5.3:1).

Here is the proof point that shows why. For both handguns and rifles, there are seven cattle pen scenarios for every 10 non-cattle pens, a ratio of 0.7:1. For assault weapons, the ratio is nearly 1:1. This indicates that those who plan (and you have to plan for cattle pens) often select assault weapons for the event. Given the light added death rate with assault weapons over rifles (and, again, some overlap) then the increase in the assault weapon death rate is not from the firearm used, but from the planning and location selected. **CRPA**

AMERICA AND GUNS: HOW TO SPOT POOR OR DECEPTIVE POLLING

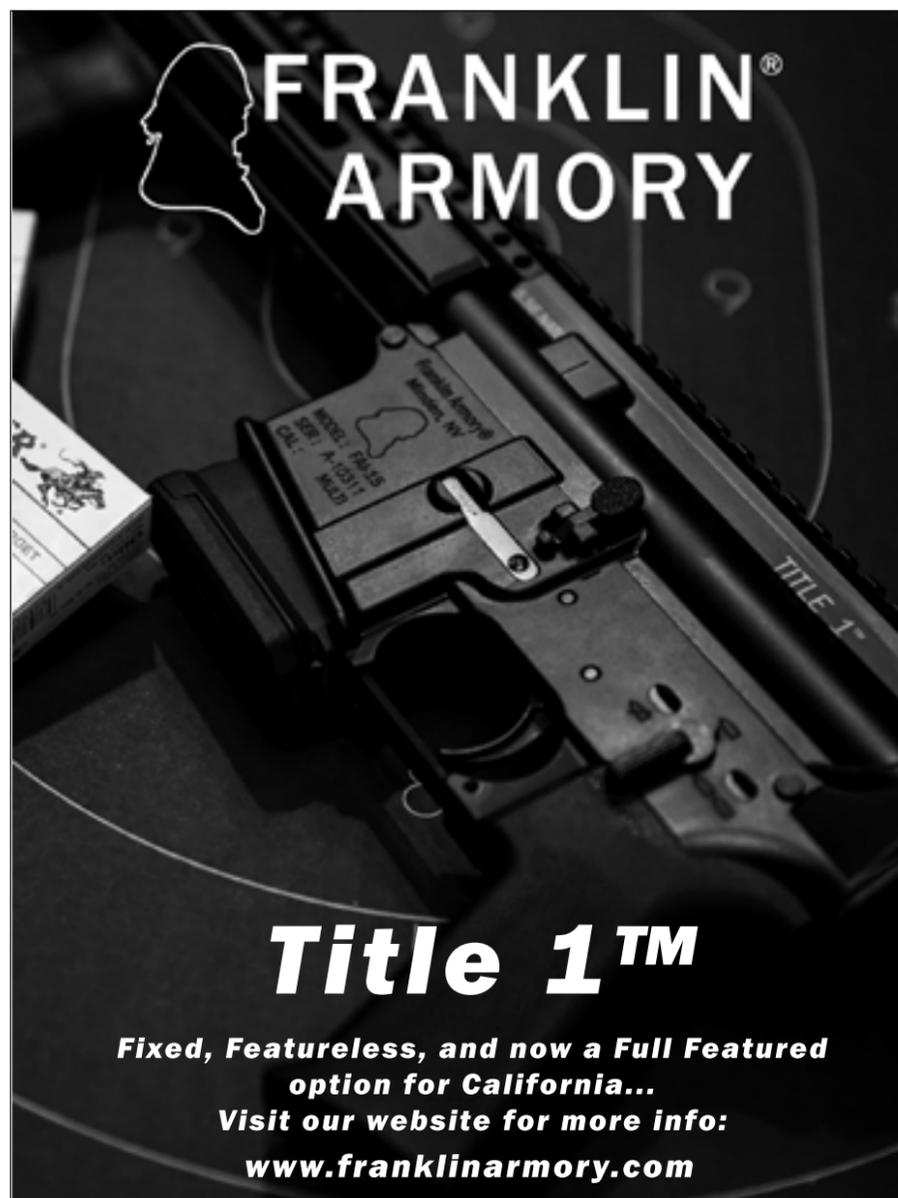
BY CARL BUSSJAEGER

Reprinted with permission. Edited from original article published on November 6, 2019, on thetruthaboutguns.com.

Did you ever wonder why polls consistently report finding that 90+% of Americans want universal background checks, preemptively-prove-your-innocence prior restraint on rights and other such nonsensical infringements ... and they rarely pass when put to a referendum? Even when they do pass, actual voting results never come within 30 points of the claim.

Blame poor polling technique. Or good technique, if your goal is to invent support for things you know don't actually have popular support. To find this you have to go beyond news stories about a poll's results and look at the poll itself.

Most often, questionable polling results are attributed to asking the wrong (or right) question. You certainly see that in virtually every poll on gun control proposals.



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We saw an excellent example of this when the *Texas Tribune* declared that a recent poll showed overwhelming support for *ex parte* "red flag" confiscation laws. The problem is that the poll never actually asked *anything* about that.

Q30. Do you support or oppose allowing courts to require a person determined to be a risk to themselves or others to temporarily surrender guns in their possession?

The courts, of course, can do that now under current laws on the books in every state. The question fails to mention the defining characteristics of new "red flag" orders: *ex parte* and an absence of probable cause.

Polls ask one question, present the results as something else.

Another area subject to abuse is the respondent selection methodology or who you're including in the poll results. Ideally, you want a random sample

statistically likely to represent the overall population, and the sample should be large enough to do the job.

Most pollsters now avoid one of the selection traps: calling listed land-lines. That once-useful, pre-cell phone technique now tends to select an older sample of respondents. The preferred method is random-digit dialing; you'll get both young and old, rich and poor ... a group more likely to represent the population as a whole.

Once you have someone on the phone, there are multiple techniques used to pick one respondent out of a household.

GOOD: The Kish method: Asks for the adult with the most recent birthday.

GOOD: The Troidahl-Carter method: Birthdate-based, but alternates things like male/female.

BAD: Self-selection: This is why online polls need to be taken with a huge grain of salt. Respondents decide to participate based on having a specific interest in the subject. There is no randomization.

BAD: Quinnipiac: Noted for blowing political predictions, polls a mere 15 "regions," heavily biased toward blue/purple states. And they not only survey the entire state of New York as a "region," they also poll New York City as its own separate region. Most of the country is left unrepresented. I view Quinnipiac polls only for their entertainment value; although they may be useful for Democrat-specific surveys like primary candidate preferences.

HORRIBLE: "For the landline sample, interviewers requested to speak with the youngest male member of the household who is at least 18 years of age; if there was no male in the household, interviewers requested the youngest female." This technique is becoming very common; anecdotally, I've been told by people who all the



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C.D. "Chuck" Michel
Michel & Associates, Attorneys at Law
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telephone survey calls they get now ask for the youngest person—usually the youngest female, and male if no female is available.

That automatically biases the responses, as younger voters tend to be more liberal. And, sadly, in my experience, that is also the demographic least likely to understand existing firearms law. Young, ignorant socialists; what could possibly go wrong?

Perhaps a poll doesn't disclose its methodology, or it appears reasonable. It helps to spot-check claims, like the 90% background check approval that is never reached in real voting.

A Pew survey claimed to have found that 30% of adults possessed firearms. Of that group, 19% supposedly claimed to be National Rifle Association members.

The problem is that worked out to

over 14 million "NRA members," a number more than twice as high as even the NRA has ever claimed. (Pew's survey was presented as proving that gun owners, and NRA members specifically, support more gun control laws.)

A recent McLaughlin & Associates survey purported to find that Donald Trump has 43 million Twitter followers. Between the @realDonaldTrump and @POTUS addresses, Trump has 93.3 million followers. Perhaps he does only have 43 million U.S. voter followers, but I'm dubious that more than half of his followers are non-voters or foreigners following another nation's head of state.

When all else fails, another clue about a poll is accountability. The University of New Hampshire (UNH) (commonly referred to as the University of North Massachusetts, for

its liberal leaning) published a survey purporting to show that 94% of New Hampshire residents wanted universal background checks. The poll question did specifically ask about that, but ...

The result struck many people as highly unlikely for the state's then-demographics. No one could find anyone who admitted to participating in the survey, pro- or con-background checks. When asked for the raw polling data, UNH refused to release it.

Nonetheless, the state's Democrats pushed for background checks. They failed. In the next election, annoyed voters turned the Executive Council, State Senate and State House over to the Republicans.

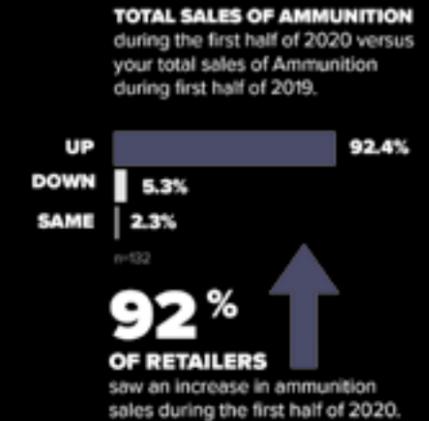
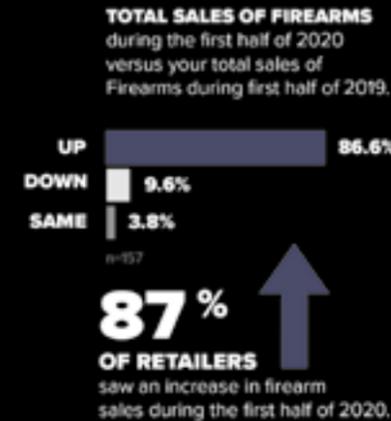
If a pollster won't show you his work, don't trust his polls. If he will, make sure it really is what he claimed. **CRPA**

NSSF FIREARM RETAILER SURVEY

FIREARM & AMMUNITION SALES

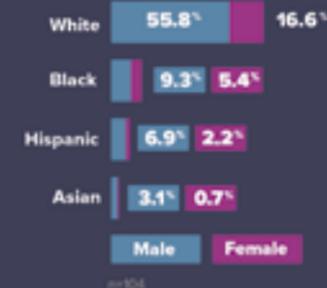


DURING 1ST HALF 2020
Online Survey Fielded July 2020
to NSSF Retailer Members



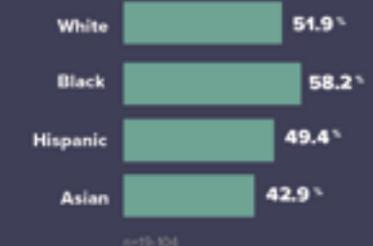
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2A DAY

SOLANO COUNTY SHERIFF'S OFFICE PARTNERS WITH CRPA

In case you are no longer subscribed to the NBA, there are some Trailblazers you may want to watch.

On Wednesday, August 5, Sheriff Thomas Ferrara and the Solano County Sheriff's Office CCW Unit held a 2A Day in which they hosted the California Rifle and Pistol Association (CRPA), Gun Owners of California (GOC) and the U.S. Concealed Carry Association (USCCA). The event dubbed "2A Day" offered an outdoor avenue for Solano County citizens to pick up their CCWs and gain knowledge about the programs that these organizations are involved in and advocate for at



BY KEVIN SMALL
CRPA
ADVOCACY
AND
OUTREACH
MANAGER

the state level while still being able to socially distance under the guidelines California has for COVID-19. CRPA had been working with the sheriff's department for several months to try

and make this event possible, and the moment that an opportunity arose, the sheriff booked it.

CRPA has, and will continue, to work with many within the Second Amendment community. The combination of CRPA, GOC, USCCA and the Solano County Sheriff's Office didn't just feel right, it felt familial. CRPA and GOC have worked together on many occasions, most notably in the California Capitol fighting against erroneous anti-Second Amendment



► **Solano County Deputy Sheriff** Le'Ron Cummings, CRPA Bay Area Chapter Co-Chair and Volunteer Jack Marshall, Solano County Sheriff Thomas Ferrara, Solano County Deputy Sheriff Joe Pinder, CRPA Staff Kevin Small and CRPA Staff Lyn Collins. (LE'RON CUMMINGS)

legislation that our elected officials continue to pour out, as well as offering California citizens a path to reliable information and advocacy for their Second Amendment rights.

Throughout the course of the event several hundred people were driving down to their local sheriff's office in Fairfield—some to pick up their CCW permits and others to just gather some information. Having been to many gun shows that CRPA has participated in as a vendor myself, I observed that those who attended this event were engaged at a very high level. These people wanted to know who these organizations were and how they participate in their local communities; nearly all of them left with a smile on their faces. It is clear that the sheriff's department in Sola-

no County has a keen interest in the safety of its citizens.

Deputy Joe Pinder, who was the recipient of CRPA's 2019 Outstanding Law Enforcement Officer Award stated, "As for me, as always, it's great to work with our friends at the CRPA, GOC and USCCA. We do what we can to keep our permit holders informed on the current firearm challenges. We look forward to working with these fine groups in the future." The story certainly does not end there.

Solano will also be the next host of the CCW Sheriffs' conference in 2021 where sheriffs from all over the state will have an opportunity to discuss policy and have training provided to their staff on best practices for CCW issuance in the state. Advocating for the issuance of CCWs is certainly doing right by the citizens in Solano County, as we have seen the issuance of CCWs in other counties by the tens of thousands while watching crime rates drop accordingly and offering individuals not just peace of mind, but the confidence in the ability to train and defend themselves when need be. Creating and implementing a program to become a force multiplier in this effort is what is taking the Solano County Sheriff's Office above and beyond. "I am glad to be able to partner with CRPA in the educational component to the public, it is much needed," stated Sheriff Ferrara.

We sincerely thank Sheriff Thomas Ferrara and his CCW Unit led by Joe Pinder for the work that they have done, as well as the work we know that they will keep doing for the firearms community throughout the state, and look forward to working with them in the future. **CRPA**



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LEGISLATIVE REPORT

CRIPPLING CALIFORNIA BUSINESSES AND CITIZENS' RIGHTS

As of August 31, the 2020 session is a wrap.

If I ever thought California politics could not get worse and could not possibly silence us even more, boy, was I wrong! Rather than going into detail on the bad bills we killed this year, I will give a brief review of the bills still alive and on the governor's desk. Additionally, I'll focus on the injustices of this session and how your liberal politicians imploded and shot themselves in the foot in the final hours of the session! As always for a complete list of the bills we faced in the 2020 session you can refer to our website: crpa.org/programs/legislative-advocacy.

Our veto letters on Assembly Bill (AB) 2362, AB 2847 and Senate Bill (SB) 914 have been filed with the governor's office. Remember, not ONE of these bills are COVID-, fire- or economic-related. In fact, they



BY ROY GRIFFITH
CRPA
LEGISLATIVE
LIAISON

Regardless of our political differences, these are state employees and we are constituents; the deck was seriously stacked against us!

are just the opposite. They will only further cripple California businesses and further restrict the constitutional rights of California's citizens. As a recap on these bills, AB 2362 will give the California Department of Justice (CA-DOJ) the authority to fine our law-abiding firearms dealers between \$1,000 and \$3,000 for simple paperwork violations! That's right Sacramento; kick our small mom-and-pop businesses while they

are down and struggling to stay alive! The legislators claim in testimony on the matter that this is to keep guns out of the hands of criminals! Yet, they can't produce one example where an FFL directly transferred a firearm to a criminal, while at the same time they continue rolling back penalties on criminals who knowingly use firearms in the commission of a crime!

AB 2847 goes after our ever dwin-

ding “safe gun” roster in California. As you are aware, no new “safe” handguns can make our list and be sold in California unless they are microstamped. AB 2847 will make it “easier” (only in the twisted minds of our politicians who have no clue of the manufacturing process and actual feasibility of microstamping) for manufacturers to bring firearms to the California market by requiring the microstamping in only one location on the firearm. But here is the rub, for every microstamped firearm brought to market, the CA-DOJ removes the three “oldest,” time-tested and proven firearms from the list! Do the math! How quickly will our list of less than 800 handguns dwindle to a few firearms that may or may not even fit your choice or needs?

Lastly, there is Senator Portantino’s twisted mess of SB 914, which was introduced to explain and clarify what a valid hunting license is. This bill was written by one of the Capital’s infamous ghost writers to fix “loopholes” in firearm sales and transfers! I was in law enforcement for over 30 years, by no means an expert, but I have read a few firearms regulations in my day. I don’t have a clue what it really does with transfers! However, I don’t feel bad; the Senator and his staff cannot begin to explain the bill! They were just the Trojan Horse for the CA-DOJ and their needs! I have never needed a piece of legislation to tell me if a hunting license was valid or not! The issue and expiration dates printed clearly on the license were always enough for me! Additionally, SB 914 raises the cost of eligibility checks on certain ammunition purchases and precursor firearms parts. We have known for years that the CA-DOJ has been allowed to overcharge “fees” for Dealer Record of Sale (DROS)

Giving CA-DOJ more access to firearm fees is like giving Nancy Pelosi unlimited access to your bank accounts to spend on high-end ice cream!

transactions. These DROS fees accumulated into large surpluses that the CA-DOJ then unlawfully used on activities unrelated to DROS. Giving CA-DOJ more access to firearm fees is like giving Nancy Pelosi unlimited access to your bank accounts to spend on high-end ice cream! If you are bored and need a little light reading, give SB 914 a look and explain it to me ([leginfo.legislature](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB914).

[ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB914](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB914))!

Looking back at January and February, this year looked like just another year with a gauntlet of anti-Second Amendment bills. Then came COVID and a series of shutdowns and access restrictions at the Capital. Your representatives were asked to greatly restrict their bill packages and limit legislation to COVID-related, emer-

gency- and/or recovery-related bills. Many heeded this request and cut their bill package from 20 bills to one or two, some did not. Some, like Senator Stern, just draped a big COVID bow on their otherwise doomed legislation. Let’s focus on just one example of how bad politicians in California can be. Senator Henry Stern, a rich white California Senator from Southern California with no formal training in wildlife management or ecosystems, told African nations how to manage their wildlife populations! Does any of that sound a bit wrong in 2020? I am talking about SB 1175, Senator Stern’s attempt to ban Californians from lawfully hunting in Africa and returning to California with their federally approved and inspected harvest. He introduced the exact same bill we defeated in 2018 (SB 1487) with a veto from Governor Brown who recognized the legislation was “unlawful and unenforceable.” Knowing that and that this bill would result in hundreds of thousands of dollars in court fees and lawsuits, Senator Stern moved forward with the bill!

Two words could describe his behavior and testimony on the matter: *blind arrogance!* If you hunt and believe in the North American Model of Wildlife Management and you ever just want to scream at your computer screen, bring up some of the archive testimony in support of this measure, and you will see just how threatened hunting in California is! If passed, this bill would have changed the future of hunting in California and the role of the traditional game warden as we know them forever!

The extremely good news is that united CRPA, California Waterfowl Association, Lynch & Associates representing Safari Club International, Gaines & Associates representing

the California Deer Association and National Wild Turkey Federation and many others defeated this very bad legislation with good old fashioned full court press lobbying! CRPA twisted every ear that would listen and rolled back the COVID curtain exposing Senator Stern for exactly what he is—an arrogant guy who feels his values are more important than those who do not see things his way! We even brought my little brother, retired Warden Jerry Karnow, who spent some time in the building in years past, out of retirement to call in some of his old chips! We were able to delay the bill until the final minutes thanks to the tenacity of three of our finest, Senators Brian Jones, Shannon Grove and Melisa Melendez. The clock struck midnight on the Senate floor, and the bill was dead! If you ever want to see what a snowflake looks like when it melts, have a view of the Senate floor archives on August 31, 2020, moments after midnight when Senator Stern takes the microphone!

In 2020, we faced a broken machine. Our ability to testify against these bad bills was limited to 2 minutes at best on a phone call! Two minutes to make a case against legislation that would greatly restrict the rights of all Californians and potentially put some out of business! We had to file two formal complaints because our access to testify was denied! Countless emails and phone calls into democratic offices ignored! Regardless of our political differences, these are state employees and we are constituents; the deck was seriously stacked against us! They used the “COVID Curtain” for all it’s worth. Pre-COVID, I had a remedy. I enjoyed using an ignored email or phone call. I just plopped myself down in the members’ office, made

myself at home and stayed until I was seen. This tactic was just not an option in 2020!

Sorry for a longer than normal update. It’s obvious the 2020 session has me pretty pissed off! In summary, our veto letters on AB 2362, AB 2847 and SB 914 have been filed with the governor’s office. Remember, not ONE of these bills are COVID-, fire- or economic-related. In fact, they are just the opposite. They will only further cripple California businesses and further restrict the constitutional rights of California’s citizens. Our fight is far from over! I have many friends and family joining the mass exodus from California. Ladies and gentlemen, that is not the answer. We must draw the line in the sand and hold that line! I was born here, and I will be put to rest here (unless I get my way and am eaten by a Grizzly bear)! This state is worth fighting for! Join me in that fight! Our first step is the reelection of President Donald J. Trump!

Yes, this was the ugliest year yet that I have seen in respect to the wide range of bad bills attempted: legislation going after hunting bans, ranges, FFLs, the Second Amendment, roll back of penalties on criminals and the further crippling of our brave peace officers to keep you safe on our streets and in your homes! It is critical now more than ever that we change who occupies this Capital! You MUST get out to vote and get involved in your communities throughout this beautiful state! It is worth fighting for. If nothing else, for the sake of the rest of the nation, we must send a message to Sacramento! Thank you for being a CRPA member and being part of this fight! Together we CAN make a difference!

CRPA

LITIGATION REPORT

THERE IS MUCH TO CELEBRATE, FOR NOW

BY ALEX FRANK

Californian Second Amendment supporters have much to celebrate these days, thanks to recent and significant developments in the CRPA- and NRA-supported cases *Duncan v. Becerra* and *Rhode v. Becerra*.

As CRPA members and supporters are surely aware, *Duncan* is the large-capacity magazine case that led to “Freedom Week” in late March 2019 that brought hundreds of thousands of previously illegal magazines into the state in one short week. As expected, however, immediately upon the win that Judge Roger Benitez delivered back in 2019, the state of California appealed to the Ninth Circuit to have that decision reversed.

In early April 2020, the Ninth Circuit held oral argument via videoconference due to the ongoing pandemic. Thanks to the excellent brief submitted by CRPA’s lawyers in the case, oral argument presented by the *Duncan* (and CRPA) plaintiffs’ counsel at the April hearing and, in part, thankfully because we drew a Ninth Circuit panel with two judges actually loyal to the Constitution and to the mandates of the Supreme Court’s *Heller* (2008) and *McDonald* (2010) cases, the Ninth Circuit affirmed the historic, groundbreaking win on August 14, 2020. The opinion was authored by Judge Kenneth K. Lee, a recent Trump appointee.

Upon publication of the opinion and the ensuing media coverage, there was widespread confusion about the immediate impact of the affirmance. Contrary to many peoples’ expectations, the affirmance did not trigger

Upon publication of the opinion and the ensuing media coverage, there was widespread confusion about the immediate impact of the affirmance.

another freedom week. It merely validated the reasoning and outcome of the decision which initially triggered it. So nothing is final—yet.

In line with most observers’ expectations, the Attorney General petitioned for an *en banc* rehearing of the case before an 11-judge panel of Ninth Circuit judges on August 28, 2020. This is effectively an attempt to overturn the April 14 ruling. In the past, important CRPA-supported Second Amendment victories at the three-judge Ninth Circuit level (like *Peruta v. San Diego County*)

have been reversed by characteristically anti-gun *en banc* panels of Ninth Circuit judges. But with the composition of the Ninth Circuit now far more conservative-leaning due to President Trump’s appointments, the prospect of an *en banc* reversal of the three-judge panel win is not a foregone conclusion. Let’s hope we get a lucky draw.

In addition to *Duncan*, the CRPA-supported case *Rhode v. Becerra* is also before the Ninth Circuit. *Rhode* is a challenge to California’s highly restrictive ammunition background check and im-

portation laws. In April 2020, plaintiffs obtained a brief preliminary injunction thanks to another stellar legal analysis from Judge Roger Benitez. The state appealed, and the matter is now fully briefed and pending before the Ninth Circuit. Oral argument will likely be heard in the final quarter of 2020, while the underlying “merits” resolution of the matter proceeds in the lower court.

See the Litigation Report for brief updates on other Second Amendment-related cases in California and throughout the nation. **CRPA**

CALIFORNIA AND 9TH CIRCUIT LITIGATION MATTERS

This report provides an overview of just some of the efforts being taken to protect the rights of California gun owners. Although litigation plays an extremely important role in the fight for the right to keep and bear arms, there are many other tremendous and equally important endeavors throughout California and across the nation.

Protecting the Second Amendment requires an enormous amount of resources and involvement in all levels of California’s government, including all 58 counties, all 482 municipalities and all state and local agencies tasked with enforcing the myriad of complex and ever-expanding gun laws.

The digital version of this report, complete with links to relevant documents and additional information, can be found on NRA-ILA’s California web page at standandfightcalifornia.com and CRPA’s web page at crpa.org.

ISSUE	CASE NAME	CASE STATUS	WHAT’S NEXT
CHALLENGE TO CALIFORNIA’S AMMUNITION SALES RESTRICTIONS	<i>Rhode v. Becerra</i>	The case was filed on April 26, 2018, in response to Proposition 63 and Senate Bill 1235’s restrictions regarding the sale and transfer of ammunition in California. The lawsuit challenges these restrictions as a violation of the Second Amendment, Commerce Clause and Equal Protection Clause of the U.S. Constitution, as well as a violation of the Firearm Owner’s Protection Act.	On April 23, 2020, the Honorable Roger Benitez granted plaintiffs’ request for a preliminary injunction. Consequently, the state was instantly legally barred from enforcing the ammunition laws at issue in this case. On April 24, 2020, Judge Benitez then denied the state’s request to stay his injunction. However, the state applied to the 9th Circuit later that day for a stay, which it granted, reinstating the status quo pending appeal of preliminary injunction. Oral argument before the 9th Circuit will likely be heard in the final quarter of 2020.
CHALLENGE TO CALIFORNIA’S “ASSAULT WEAPON” RESTRICTIONS	<i>Rupp v. Becerra</i>	The case was filed on April 24, 2017, in response to SB 880 and AB 1135. It challenges California’s entire “assault weapon” ban as violating the Second Amendment and due process and takings clauses of the U.S. Constitution. Plaintiffs filed a preliminary injunction motion to prevent the State from requiring individuals to provide the date they acquired their firearms and the name and address of the person from whom they acquired them, as a condition of registration, but that motion was denied on May 9, 2018.	On July 22, 2019, the court granted the state’s motion for summary judgment, ending the case in the state’s favor. Plaintiffs appealed to the 9th Circuit on August 27, 2019. Plaintiffs filed their opening appeal brief on January 27, 2020. The state filed its brief May 26, 2020. Oral argument is scheduled for October 8, 2020, in Pasadena.

ISSUE	CASE NAME	CASE STATUS	WHAT'S NEXT
CHALLENGE TO DOJ'S RECENTLY ENACTED "ASSAULT WEAPON" REGISTRATION REGULATIONS	<i>Villanueva v. Becerra</i>	The case was filed on September 8, 2017, in response to California DOJ adopting regulations concerning newly classified "assault weapons" under SB 880 and AB 1135. It challenges the regulations under California's Administrative Procedure Act because they were enacted without legislative authority and without any input from members of the public.	On May 30, 2018, the court issued an order upholding the regulations as valid. Plaintiffs appealed and filed their opening brief in California's 5th District Court of Appeal in late March 2019. Parties have submitted their appeal briefs and are waiting for the court to schedule oral argument.
CHALLENGE TO CALIFORNIA'S BAN ON STANDARD-CAPACITY MAGAZINES	<i>Duncan v. Becerra</i>	The case was filed in response to SB 1446 and Prop 63. It challenges California's ban on the acquisition and possession of magazines over 10 rounds. On June 29, the district court granted plaintiffs' motion for a preliminary injunction, halting enforcement of the newly enacted possession ban while the case is litigated. The state immediately appealed the injunction order. In July 2018, the 9th Circuit upheld the issuance of the injunction.	The federal district court, where Judge Benitez presides, granted plaintiffs' summary judgment motion, which permanently enjoined Penal Code Sec. 32310 on March 29, 2019. This legalized the acquisition of standard-capacity magazines. However, the court entered a stay of the injunction, effective 5:00 p.m. on April 5, 2019. On August 14, 2020, the 9th Circuit affirmed plaintiffs' win. On August 28, 2020, the state filed a petition for <i>en banc</i> review.
CHALLENGE TO CA AND LOS ANGELES FIREARM CARRY RESTRICTIONS THAT PROHIBIT BOTH OPEN AND CONCEALED CARRY	<i>Flanagan v. Becerra</i> (Formerly <i>Flanagan v. Harris</i>)	The case was filed on August 17, 2016, as a direct response to <i>Peruta</i> . It seeks to force the court to decide whether it is willing to uphold a complete prohibition on the right of law-abiding citizens to carry a firearm for self-defense. The parties filed cross-motions for summary judgment. In May 2018, the court issued a decision granting defendant's motion for summary judgment.	The 9th Cir. rejected the State's petition to have the case heard initially by an 11-judge <i>en banc</i> panel along with the <i>Young v. Hawaii</i> lawsuit. However, instead of allowing the case to proceed, the 9th Cir. stayed the case on July 30, 2019, pending the outcome of <i>Young v. Hawaii</i> . Now that the stay in <i>Young</i> is lifted, this case will likely remain stayed unless something unusual occurs.
CHALLENGES DOJ'S USE OF DROS SURPLUS TO FUND APPS AS AN ILLEGAL TAX	<i>Gentry v. Becerra</i> (Formerly <i>Gentry v. Harris</i>)	Plaintiffs filed an amended complaint alleging that the DROS fee is an invalid tax. On August 9, 2017, the district court issued a ruling granting plaintiffs' request to prohibit DOJ from using DROS fees to fund unrelated law enforcement efforts and requiring DOJ to perform its statutorily required review of the current \$19 fee to determine whether it is "no more than necessary to fund" DOJ's costs for processing DROS transactions.	Trial was held in January of 2019. The court recently entered an order that will be incorporated into a forthcoming final judgment upholding the DROS fee as a legitimate regulatory fee. Plaintiffs argue that the court's finding contradicts established law regarding regulatory fees. Plaintiffs appealed on June 4, 2019, and submitted their appeal brief on February 7, 2020.
VAGUENESS CHALLENGE TO (AB 962'S "HANDGUN AMMUNITION" SALES REGISTRATION REQUIREMENT AND MAIL ORDER BAN	<i>Parker v. California</i>	In December 2016, because of Prop 63, the California Supreme Court dismissed its review of a Court of Appeal opinion affirming the trial court's order striking down AB 962. The Court of Appeal's decision is now the final opinion, and plaintiffs are seeking their attorneys' fees against the state.	After the trial court partially granted the plaintiffs' motion for attorneys' fees for work in the trial court, parties negotiated an agreement regarding a total fee award. In September 2019, plaintiffs received \$433,860.20 from the state.

ISSUE	CASE NAME	CASE STATUS	WHAT'S NEXT
CHALLENGE TO VENTURA COUNTY'S ACTIONS PREVENTING PEOPLE FROM BUYING GUNS AND AMMUNITION DURING THE COVID-19 SITUATION, AND TO FORCED CLOSURES OF FIREARM AND AMMUNITION RETAILERS AND SHOOTING RANGES UNDER THREAT OF PROSECUTION	<i>McDougall v. County of Ventura</i>	Plaintiffs filed this case and a motion for preliminary injunction on April 14, 2020. Plaintiffs moved for a temporary restraining order on April 24, 2020. The court denied the motion. Plaintiffs filed again, but the court denied again.	Plaintiffs' original motion for preliminary injunction was set to be heard on May 19, 2020, but withdrawn on May 18 due to Ventura County's change of policy allowing gun stores to conduct business. The defendants' motion to dismiss is set for September 22, 2020.
CHALLENGE TO LOS ANGELES COUNTY'S ACTIONS PREVENTING PEOPLE FROM BUYING GUNS AND AMMUNITION DURING THE COVID-19 SITUATION, AND TO FORCED CLOSURES OF FIREARM AND AMMUNITION RETAILERS AND SHOOTING RANGES UNDER THREAT OF PROSECUTION	<i>Brandy v. Villanueva</i>	Plaintiffs filed their complaint on March 27, 2020, and their request for both a temporary restraining order and preliminary injunction on March 30, 2020. On April 6, 2020, the court denied plaintiffs' temporary restraining order.	The federal court in Los Angeles denied plaintiffs' preliminary injunction motion on April 6, 2020. On July 8, 2020, plaintiffs dismissed the City of Los Angeles and Mayor Garcetti from the suit.
CHALLENGE TO SANTA CLARA'S (AND OTHER BAY AREA COUNTIES) ACTIONS PREVENTING PEOPLE FROM BUYING GUNS AND AMMUNITION DURING THE COVID-19 SITUATION, AND TO FORCED CLOSURES OF FIREARM AND AMMUNITION RETAILERS AND SHOOTING RANGES UNDER THREAT OF PROSECUTION	<i>Altman v. County of Santa Clara</i>	Plaintiffs filed their complaint on March 31, 2020, and a motion for temporary restraining order/preliminary injunction on April 10, 2020. The court denied the temporary restraining order and did not rule on the preliminary injunction.	Plaintiffs' preliminary injunction was denied on June 3, 2020. By the time the court ruled on the motion, the only county remaining in the suit was Alameda County because the others permitted firearms stores to open as "essential businesses." Defendants' motion to dismiss was set to be heard in August 2020, but the court vacated it.

ISSUE	CASE NAME	CASE STATUS	WHAT'S NEXT
DOES THE CITY OF MORGAN HILL'S 48- HOUR LOSS/ THEFT REPORTING ORDINANCE FAIL DUE TO PROPOSITION 63 PREEMPTION?	<i>CRPA v. City of Morgan Hill</i>	The trial court granted Morgan Hill's motion for summary judgment and denied plaintiffs' motion for summary judgment on July 30, 2020.	Plaintiffs will appeal to the California Court of Appeals.
DOES HAWAII'S PERMIT SCHEME FOR GENERAL OPEN CARRY PROHIBITION VIOLATE THE SECOND AMENDMENT?	<i>Young v. Hawaii</i>	This case was on track for an <i>en banc</i> hearing but was stayed pending the outcome of <i>NYSRPA v. City of New York</i> , the gun case that the Supreme Court held moot in June 2020. Shortly after that outcome, the 9th Circuit rescheduled the <i>en banc</i> hearing for September 24, 2020.	The 9th Circuit will hold an <i>en banc</i> rehearing and likely issue its ruling in the first half of 2021.
DOES CALIFORNIA'S FIREARM RIGHTS RESTORATION REGIME VIOLATE THE SECOND AMENDMENT?	<i>Linton v. Becerra</i>	Plaintiffs filed their motion for summary judgment in June 2020.	The court will set a hearing and rule on plaintiffs' motion for summary judgment.
CHALLENGE TO UNDER 21 FIREARM PROHIBITION	<i>Jones v. Becerra</i>	There have been no significant case developments yet. Plaintiffs filed a motion for preliminary injunction which the court has not ruled on as of September 2020.	The court will rule on plaintiff's MPI while the case is adjudicated further on the merits.
CHALLENGE TO A CALIFORNIA ASSAULT WEAPONS STATUTE THAT PROHIBITS USING A LARGE-CAPACITY MAGAZINE IN A RIFLE CONFIGURED WITH A "FIXED MAGAZINE"	<i>Miller v. Becerra</i>	The state's motion to dismiss and plaintiff's motion for preliminary injunction are still pending before Federal Judge Roger Benitez as of September 2020.	The court will eventually rule on the pending motions.
CHALLENGE TO WASHINGTON STATE'S UNDER 21 BAN	<i>Mitchell v. Atkins</i>	The district court denied plaintiffs' motion for summary judgment and granted the state's motion for summary judgment on August 31, 2020.	It is unclear whether plaintiffs will appeal at this time.
CHALLENGE TO FEDERAL BAN ON FELON POSSESSION OF FIREARMS	<i>U.S. v. Torres</i>	After losing in the 9th Circuit, plaintiff petitioned for certiorari in the U.S. Supreme Court on August 27, 2020.	The Court will either deny or grant the petition at an undetermined date. It will likely be pending for a while, per court custom.

CALIFORNIA AND 9TH CIR. AMICUS OR CONSULTING SUPPORT

NRA and CRPA also provide consulting advice and prepare amicus curiae or "friend of the court" briefs in firearm- and Second Amendment-related cases.

ISSUE	CASE NAME	CASE STATUS	WHAT'S NEXT
CHALLENGE TO SAN JOSE'S REFUSAL TO RETURN SEIZED FIREARMS	<i>Rodriguez v. City of San Jose</i>	Following the City of San Jose's refusal to return firearms seized by law enforcement, a lawsuit was filed alleging violations of the Second, Fourth, Fifth and Fourteenth Amendments. In September 2017, a federal district court upheld the City's refusal as constitutional. Plaintiff has appealed, with CRPA filing an important amicus brief on March 6, 2018.	Petitioners filed their certiorari petition with the Supreme Court on February 21, 2020. As of late August 2020, it is the only case with potential Second Amendment implications pending on the Court's docket.

NATIONAL CASES WITH CALIFORNIA INTEREST

NRA and CRPA also litigate and assist in critical Second Amendment cases across the country that could set precedent for future challenges to California gun laws.

ISSUE	CASE NAME	CASE STATUS	WHAT'S NEXT
DOES NEW JERSEY'S RESTRICTION ON LARGE-CAPACITY MAGAZINES VIOLATE THE SECOND AMENDMENT?	<i>Association of New Jersey Rifle & Pistol Clubs, Inc. v. Attorney General of New Jersey</i>	On September 1, 2020, the 3rd Circuit Court of Appeals affirmed the ruling against plaintiffs, holding that large-capacity magazines are not protected under the Second Amendment.	On September 15, 2020, plaintiffs requested an <i>en banc</i> rehearing.
DOES A NEBRASKA LAW WHICH DEPRIVES PEOPLE OF SECOND AMENDMENT RIGHTS WITHOUT A JURY TRIAL VIOLATE THE SECOND AMENDMENT?	<i>Zoie H. v. Nebraska</i>	In June 2020, plaintiffs petitioned for certiorari in the U.S. Supreme Court.	The case is distributed for conference as of September 29, 2020, which means the Court should be evaluating whether to take the case.



Alex Frank is a civil rights litigator at Michel & Associates, P.C., where he focuses on the Second Amendment and related constitutional issues.

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WHY THE *DUNCAN* CASE DECISION MATTERS SO MUCH

BY TIFFANY D. CHEUVRONT

In 2000, the state of California passed a bill that prohibited the buying and selling of all magazines that hold over 10 rounds. If you possessed those magazines already, you were grandfathered in and got to keep them. But in 2016, elected officials decided that was not enough. Then Governor-elect Newsom was a champion of Proposition 63, which, among other things, would ban all magazines capable of holding over 10 rounds in the state and would force gun owners to get rid of those types of

Never in my history as an American have I been happier that the Second Amendment exists and that I can protect my family.

magazines that they had in their possession. The case *Duncan v. Becerra* was quickly filed and began the arduous journey of working its way through the courts.

In April 2020 gun owners in California were thrilled to learn that a federal court judge, Judge Benítez of the Southern District, handed down a brilliant opinion related to the unconstitutional restrictions on people owning and possessing firearms. Many gun owners flocked to online retailers and their neighborhood gun stores to purchase magazines that are very common in other parts of the country—magazines that hold more than 10 rounds. They called this “Freedom Week” because for one glorious week, California could not hinder those gun owners’ rights to exercise their freedoms.

Fast forward from “Freedom Week” and the *Duncan* case ends up in the Ninth Circuit on appeal. The state loses again, and the most liberal court in the land (which has recently undergone quite a change thanks to President Trump) rules in favor of the gun owners, stating that the California law prohibiting magazines over 10 rounds was unconstitutional. Now we wait to see if California will again try to challenge the sound judgment and constitutional analysis of the courts.

All of these things are great news for gun owners in California who have long fought the unconstitutional actions of politicians who just do not care if they pass legislation that infringes on your rights. They know that it will take years to fight it out in court, and in the meantime, they can make it ever more difficult to exercise your rights in the state. But while these things are being decided in a court of law, many lawful citizens are unable to adequately defend themselves because of the antics

Now we wait to see if California will again try to challenge the sound judgment and constitutional analysis of the courts.

VOLUNTEER PLAINTIFFS NEEDED FOR PRO-2A LAWSUITS.

STAND UP FOR YOUR RIGHTS!

CRPA’s lawyers are looking for volunteer plaintiffs to be part of our planned future lawsuits challenging California’s unconstitutional gun laws.

There is no obligation, all responses are kept strictly confidential, and there are no fees or costs for folks who volunteer.



HELP US HELP YOU!

Email potentialplaintiffs@michellawyers.com for more information.

of California politicians and the gun control movement.

Just this morning as I am looking at the news, I see the following headlines: “The Country Is Literally Out of Ammunition,” “Intruder Shot, Critically Wounded While Breaking into Fort Worth Home,” “Homeowner in Logan, Penn. Defended His Property When Two Robbers Forced Their Way into His Home,” and “Elderly Woman Bloodied, Hospitalized After Home Invasion.” Which one of those elected officials is going to be there to keep me safe when I must defend myself or my family? Will Attorney General Becerra be there? Will Governor Newsom be there to fight off these people when criminals decide to threaten my family? What about the local officials who keep trying to defund the police and pass more gun control laws that we all know do not keep us safe from anything. No, those people will not be there—you know who will? Me.

As the gun control groups scream about the horror of people exercising their Second Amendment rights during the pandemic, to me it is an issue that is much simpler, and I think that it is where many gun owners are right now. The real question is whether I can defend myself and my family during these times of unrest? When politicians are encouraging roving gangs of thugs and making allowances for the looting, destruction and terror they are causing, where does that leave the common citizen? I think we all can agree that peaceful protestors are part of the fabric of America, but burning and looting neighborhoods is completely different. Never in my history as an American have I been happier that the Second Amendment exists and that I can protect my family.

The *Duncan* case enhances that ability to protect oneself and others by not placing the kind of limits on law-abiding citizens that could prove

deadly. There are an estimated 9 million gun owners in California now. It is high time that the elected officials stop bending to the whims of gun control groups that support their campaigns and start representing all the people of their state. Nine million is a big voice for lawful gun owners who are responsible and just want to exercise their rights. The *Duncan* case is the perfect example of how government over-reach impacts negatively on the citizens. I look forward to the courts making the right decision based on strong constitutional analysis. It is time that gun owners are no longer treated like second-class citizens just because they exercise a fundamental right. It is time that jurisprudence reached the common citizen and puts an end to politicians’ attempts to strip our rights, and it is time that law-abiding gun owners can adequately protect themselves and others especially during times such as these. **CRPA**

LOCAL ADVOCACY REPORT

BY TIFFANY D. CHEVRONT

The **Local Advocacy Project** actively monitors all of California’s 58 counties and 482 municipalities to support or oppose any proposed ordinance, law or policy likely to impact Second Amendment rights. Local efforts include developing and working with a network of professionals, citizens, local government officials and law enforcement professionals to effectively oppose local threats to California gun owners. These efforts also serve as the foundation for litigation efforts against municipalities that enact anti-gun-owner legislation.

JURISDICTION & ISSUE	DESCRIPTION	LOP RESPONSE	STATUS
WINNING! DEL MAR FAIRGROUNDS MORATORIUM ON GUN SHOWS	For months the Del Mar gun show has been under siege from groups seeking to end the show. On September 11, 2018, the Del Mar Fair Board of Directors voted to institute an up to 1-year moratorium on gun shows beginning in 2019 while they “study the safety” of the gun show.	Additional legislation has been introduced at the state level that would prevent gun shows from occurring at the Del Mar Fairgrounds. CRPA is currently a named plaintiff in a federal lawsuit against the fairgrounds in an effort to protect your right to come together with others in the gun culture and hold lawful and safe events on public property. More information on the lawsuit can be found at michellawyers.com/b-l-productions-inc-et-al-v-22nd-district-agricultural-association-et-al	For now, the federal courts have ordered that the gun shows may continue at the Del Mar Fairgrounds while the litigation progresses; the next gun shows will be in 2020. The Fair Board settled rather than get a final ruling against them. Because of its blatant discrimination against gun owners and the gun culture, the fairgrounds had to pay our attorney fees, costs and damages.

JURISDICTION & ISSUE	DESCRIPTION	LOP RESPONSE	STATUS
CITY OF SAN JOSE	The Mayor for the City of San Jose wants to push mandatory insurance for all gun owners in the City as a way of paying for criminal violence that occurs in his City.	CRPA sent a letter previously on this same issue when the Mayor tried to make this a priority for the City.	The City is now waiting for research being done by the County on the feasibility of the issue. CRPA is monitoring the issue.
CRPA COALITION WORK	The CRPA has been working with other groups across the state for years to influence and advance pro-2A work in the state. We believe in leveraging our combined strength to get things done.	Coalitions are built from other non-profit groups with similar missions coming together. We work with local chapter leaders, elected officials and legislative teams to push support and protection of the Second Amendment.	Watch for joint letters from coalition groups to fight harmful legislation in the state and for work with other groups during this election cycle. To sign up for the Range Coalition, send an email to Ranges@crpa.org
COW PALACE GUN SHOWS DALY CITY	The California Legislature passed a bill in 2018 that would ban gun shows at the Cow Palace state venue as part of the concerted effort by opposition groups. This bill was vetoed by then Governor Brown. The pending legislation to stop gun shows and dismantle the Cow Palace authority was dropped; however, this came with the condition that the Cow Palace Board would stop holding gun shows in the future.	CRPA drafted a prelitigation letter to the Board of the Cow Palace to inform them of pending legal action should they persist with denying gun shows access to state property. The Board has reopened its discussion regarding banning gun shows and is currently discussing the matter in committee. Please watch for further calls to action.	The Board voted in November to re-consider its stance against gun shows given the possible constitutional violations that have been outlined by the federal courts on this subject. CRPA will continue to monitor the situation. As of July 2020, we are still waiting on a report from the Cow Palace Board as to what they plan to do with gun shows. COVID-19 has delayed holding meetings on these issues.
STATEWIDE PUBLIC RECORD REQUESTS	CRPA regularly seeks and obtains public records in connection with any anti-gun efforts in California. Such efforts include proposed anti-gun ordinances, gun buyback programs and other anti-gun regulatory enforcement issues.	Responses to these requests often yield valuable results, such as which members of a local government entity are working with anti-gun groups, sources of funding and other important information.	Ongoing. CRPA attorneys monitor and review thousands of pages of public records requests each month.
WINNING! CITY OF LOS ANGELES BLACKLIST	The City Council passed an ordinance that would require all current and potential contractors to disclose under affidavit their affiliation with the NRA.	NRA and CRPA submitted letters and warned the City attorney of the legal ramifications of blatantly attacking the freedom to associate and speak against government. The City passed the ordinance by calling NRA members "white supremacists" who "peddle in violence." There was no comment from other Council members regarding the outright falsehood of these statements.	HUGE WIN FOR GUN OWNERS—The federal court awarded the NRA an injunction which prevented the City from enforcing this unconstitutional law. The City of Los Angeles entered into settlement and has agreed to remove the ordinance as it is non-enforceable.



Tiffany D. Chevront leads the local ordinance project for Michel & Associates, P.C. With over 19 years' experience in the non-profit and regulatory fields, she practices civil rights litigation and corporate governance law (five of those years working specifically in Second Amendment and CA policy). Tiffany has written and provided testimony on issues at the local, state and federal levels of government.

CRPA PROGRAMS UPDATE

LAW ENFORCEMENT PROGRAM

CRPA maintains relationships with county sheriffs and local law enforcement across the state. We work with law enforcement to provide training on new firearm laws and provide publications to the men and women who serve our communities. We are honored to have many of the sheriffs and law enforcement (both active and retired) serving on our Law Enforcement Program Support Committee where we identify areas of policy on which we can jointly work together.

TRAINING PROGRAM

The CRPA Training and Education Program gets more people pulling triggers by teaching them the basics of being a responsible gun owner all the way up to advanced courses and range safety officer courses. CRPA believes that all gun owners can benefit from the trainings offered from the young and new gun owners to the more experienced. Make sure to check out CRPA.org for more information on all the upcoming trainings.

OUTREACH AND ADVOCACY PROGRAM

Chapters are a way for CRPA to bring influence to the local level of engagement. Our chapters work to educate, volunteer and attend local meetings to speak to Second Amendment issues in their own communities. Volunteers are the life-blood of CRPA. Volunteers are all across the state and assist in educating the public, working gun shows, sharing memberships with others and generally are an amazing group of people giving back to the Second Amendment every day.

The Business Affiliates Program engages pro-2A businesses and turns them into Second Amendment Action Centers where their customers can learn more about engaging in the fight to protect their constitutional rights in California. Businesses have the opportunity to offer "round up" programs to customers, membership in the CRPA to join in the fight and conduct fundraisers and open houses with CRPA on-site. If you are a business and are interested in more information, please call the CRPA at 714-992-2772.

The Local Advocacy Program works to track anti-gun legislative action across the state at the local level. We find that many of the anti-gun politicians try to make a name for themselves at the local level through passing bad and unconstitutional legislation which imposes arbitrary laws on law-abiding citizens. CRPA tracks these issues, attends meetings, submits letters of opposition and even challenges many of these local issues in court.

RANGE SHIELD PROGRAM

The CRPA Range Shield Program is a way that CRPA works every day to preserve and protect the many shooting ranges we have across the state. We work with range-certified experts and our legal team to be preemptive in helping range owners recognize compliance and environmental issues that may become a problem for them in the future. We work with those ranges to help them get into compliance and hopefully prevent more ranges from being forced to close their door. The more ranges that are out there, the more places for gun owners, new and old, to get out and enjoy their sport or take in more training.

SHOOTING PROGRAM

CRPA is the sanctioning organization for state championships in the state of California. Each year we work with multiple disciplines, numerous ranges and members to bring state championship matches to areas across the state. Many of these participants are good enough to make it to the national championships at Camp Perry—a time-honored tradition for competitive shooting. Visit CRPA.org for more information on all of the shooting sports programs.

HUNTING AND CONSERVATION PROGRAM

CRPA is the premier group in California leading the way in developing hunting policies with industry partners through a coalition of organizations that are concerned about management of the environment through healthy hunting policies. CRPA works at the state level to protect the right to hunt, protect the openness of public lands and promote hunting to the next generation through our youth hunt camps and pheasant shoots.

WOMEN AND YOUTH PROGRAMS

CRPA is empowering the next generation of women and youth who are educated, understand firearm safety, participate in the shooting sports and hunting and want to share their love of the shooting sports with their family and friends. One hundred years ago, women and youth as young as 9 years old knew how to handle firearms and provide for their families. This program is a tip of the hat to our heritage and a vision of the future as CRPA works with women and youth to bring back this love of shooting.

Visit crpa.org for full list of programs.

SPOTLIGHT ON

ELIJAH HORTON

REVISITING A DEDICATED VOLUNTEER

Elijah Horton cannot recall the age he was when he first shot a gun.

He does however remember the experience. Elijah was only a juvenile when his father introduced him to his gun. He recalls his father taught him basic safety first, then set up a target and loaded one round. Although a memorable experience, Elijah did not develop an interest in firearms that day. Elijah shared that he was more of an indoor kid at that time. "I think I even missed the target," Elijah said. He does credit his finger discipline to hearing his father say, "Keep your finger off of the trigger."



BY
CHRISTINA
PICO
VOLUNTEER
COORDINATOR



► **Elijah Horton and partner Katie Martinez** at the Toadstools in Utah. (KATIE MARTINEZ)

CRPA to ask if he could volunteer.

In February 2019, Elijah volunteered at his first gun show with CRPA in Southern California. Elijah recalls his mindset was to make a difference and get more people involved. Elijah was motivated to get people to join the CRPA. Today, Elijah's motivation remains, and he is certainly no longer an indoor kind of person. He has been a volunteer at the membership booths since 2019, typically in Southern California at the Ontario, San Bernardino and Costa Mesa Gun Shows. You may also find Elijah at the Crawfish Boil each year or at Mike Raahauge's Shooting Range in Corona, CA. Elijah remains involved

by sharing CRPA social media posts and by making calls to California State Assembly members and the California State Legislature.

Does anyone in your life play a role in supporting your involvement in providing inspiration?

EH: Well, my mother and father have played a role in my character, which is hard work, and try to treat others with love and respect, regardless of who they are or where they come from. I also would like to thank my partner for continuing to give me perspective on the world and the political and social outcomes in this country, especially as it relates to gun rights.

In your opinion, what is the most important work that the CRPA does?

EH: Education and litigation. Education can create better voter turnout for the 2nd Amendment when it comes to voting. Litigation, moreover, initiates lawsuits and lobbying to attempt to convince our politicians to vote in favor of the 2nd Amendment and potentially to overturn draconian and abusive legislation that harms civil liberties.

What do you wish other people knew about the CRPA?

EH: We are doing a lot of work, we are the fighters getting it done, we lobby, we educate, and we are the only ones that hyper-focus exclusively in California by fighting for your civil rights as it pertains to your right to keep and bear arms. We have won a case that has brought us the original "Freedom Week," we have kept gun shows open, we have even won a case that temporarily reversed the ammunition restrictions. Virtually every single unconstitutional gun law that was passed by our wonderful California government has a lawsuit attached to it because of the CRPA.

How would you respond to someone who disagrees with you?

EH: I try to be patient, I try to be kind, and I always try to listen to what the opposing side is saying. If we are doing these three things, we will have a better time educating the public on the 2nd Amendment. Also, I always strive to refrain from using fallacies such as personal insults. As soon as you insult someone, you have already lost them.

Do you have an anecdote about this cause/organization that really moved you?

EH: The organization's persistence on fighting for gun rights, regardless of the odds, as I find it very moving. **CRPA**



► **Elijah Horton** inside a small cave in Utah. (KATIE MARTINEZ)



► **Elijah Horton** assisting in a small group trash cleanup near Rubidoux, CA. (KATIE MARTINEZ)

VOLUNTEER REGISTRATION FORM

First Name	Middle Initial
Last Name	
Street Address	
City, County, State, Zip Code	
Cell Phone	
Email Address	

Check your areas of interest. This is not an exclusive list. You can always change your mind.

- Staff gun show & trade show info booths
- Help with fundraisers
- Work on political campaigns or elections
- Voter registration drives
- Assist with youth/women's events / RSO
- Assist with training events / RSO
- Assist with hunting events
- Be a CRPA membership recruiter (earn \$)
- Liaison with local authorities and council members
- Teach firearm safety and proficiency classes
- Monitor/promote social media
- Promote CRPA/RKBA messaging/PR campaigns
- I am down for whatever to help the cause
- Other:

THANK YOU!

Return to the **California Rifle & Pistol Association**
Attn: Volunteers Program
 271 E. Imperial Highway, Suite #620, Fullerton, CA 92835
 Phone: (800) 305-2772 | Email: volunteer@crpa.org

VOLUNTEERS ARE OUR MOST POWERFUL WEAPON!

CRPA is looking for men and women to join the fight for our rights as a CRPA volunteer or grassroots activist. You can feel good about being part of the solution, meet new friends, learn about guns and politics and get free CRPA swag! For more information, fill out and send in the volunteer form (page 56), email us at volunteers@crpa.org or call (714) 992-2772.

Because of CRPA's tremendous growth, and with the support of our members and like-minded organizations, CRPA is expanding its involvement in local campaigns and elections and sponsoring and participating in more events. CRPA has made a substantial investment in grassroots/volunteer coordinating, local election messaging technologies and added staff to manage volunteers and events.

CRPA Chapters and affiliated groups maintain their independence, but work with CRPA and get access to: (1) real-time legislative information from our legislative advocates in the Capital; (2) CRPA/NRA campaign finance and PAC lawyers; (3) CRPA/NRA firearms lawyers who answer questions, fight for local FFLs and ranges in your area, oppose local gun control ordinances and file lawsuits; and (4) regular communication among coalition partners and other local groups to learn from each other and build a stronger network of activists. CRPA needs volunteers to work as Chapter Leaders; Government Liaisons (i.e., candidate development and local issues and ordinances coverage); Retail/Ranges Liaisons; Volunteers and Events Liaisons; and CCW Liaisons, among other things.

CRPA invites individuals as well as local 2A groups, clubs, ranges and FFLs to be a part of the effort in your county. Join us! **Volunteer for CRPA!**



► Rifle Instructor Course attendees. (JACOB RAMIREZ)

EVENTS & TRAINING

EVENTS

NOVEMBER

October 30- November 1
BIG RENO SHOW
 Reno, NV

November 7-8
CODE OF THE WEST TURLOCK GUN SHOW
 Turlock, CA

November 7-8
GUN TRADER CHICO GUN SHOW
 Chico, CA
chicogunshow.com

November 7-8
BUCK STOP PLACERVILLE GUN SHOW
 Placerville, CA

November 7-8
CALIFORNIA POWER SPORTS EXPO
 Pomona, CA

November 14-15
LANCASTER GUN SHOW
 Lancaster, CA

November 21-22
MOUNTAIN AIRE LODI GUN EXPO
 Lodi, CA

LOCATION KEY

- NORTHERN CALIFORNIA
- CENTRAL CALIFORNIA
- SOUTHERN CALIFORNIA
- OUT OF STATE

November 21-22
BAKERSFIELD GUN SHOW
 Bakersfield, CA

November 28-29
GUN TRADER YUBA CITY GUN SHOW
 Yuba City, CA



► An attendee practices his instruction skills. (JACOB RAMIREZ)

CRPA TRAINING COURSES

- Basic Rifle
- Basic Pistol
- Basic Shotgun
- Home Firearms Safety
- Basic Range Safety Officer
- Personal Protection in the Home
- Personal Protection outside the Home
- Metallic Cartridge Reloading
- Hunters Education Traditional Course
- Hunters Education Follow-up Course
- Wild Game Cooking
- Wild Game Field Dressing
- First Aid/AED/CPR
- Wilderness First Aid
- Archery
- Basic Backpacking
- Leave No Trace
- Emergency Preparedness
- Photography
- Basic Map and Compass
- Trauma/ First Aid

TRAINING

- November 7**
BASIC RIFLE
Fullerton, CA
- November 14**
BASIC SHOTGUN
Fullerton, CA
- November 21**
BASIC PISTOL
Fullerton, CA
- December 5**
BASIC RANGE SAFETY OFFICER
Fullerton, CA
- December 12**
BASIC RIFLE
Fullerton, CA
- December 19**
BASIC PISTOL
Fullerton, CA



ALL TRAINING CAN BE FOUND AT CRPA.ORG/TRAINING-AND-EDUCATION

► An attendee at the Rifle Instructor Course receives instruction. (JACOB RAMIREZ)

November 28-29
CROSSROADS COSTA MESA GUN SHOW
Costa Mesa, CA

ALL EVENTS CAN BE FOUND AT CRPA.ORG/EVENTS

DECEMBER

December 5-6
CODE OF THE WEST VALLEJO GUN SHOW
Vallejo, CA

December 12-13
CROSSROADS DEL MAR GUN SHOW
Del Mar, CA

December 12-13
PASO ROBLES GUN SHOW
Paso Robles, CA

December 5-6
FRESNO GUN SHOW
Fresno, CA

December 19-20
CODE OF THE WEST ROSEVILLE GUN SHOW
Roseville, CA

December 12-13
CROSSROADS OF THE WEST RENO GUN SHOW
Reno, NV

December 19-20
GUN TRADER COLUSA GUN SHOW
Colusa, CA

KEEP CA HUNTING ALIVE!

- GET YOUR HUNTING LICENSE
- TAKE HUNTERS EDUCATION COURSES
- PRESERVE YOUR RIGHT TO KEEP AND BEAR ARMS

CRPA works to preserve the traditional and historic role of the individual citizen to hunt, conserve, and preserve California's resources. In addition, CRPA works relentlessly in California to defend your constitutional right to keep and bear arms.

Become a member today to help promote and support the fight for the second Amendment and hunting conservation.



VISIT CRPA!

Memberships, Courses, License, & More

www.crpa.org • (714) 992-2772
271 E Imperial Hwy, Suite 620, Fullerton, CA 92835



FROM THE RANGE DESK

CRPA'S QUARANTINE PISTOL CHALLENGE

Good day all! This little write-up is going to discuss a bit about a new challenge cooked up by two of your staff members here at the CRPA office. A few weeks back, Jerry and I were discussing all the new firearm owners here in our state and across the country and how we might encourage them to gain experience utilizing their new acquisitions in a safe manner.



BY ERIC JOHNSON
CRPA
COMPETITIVE
SHOOTING
SPORTS
SPECIALIST

During our discussions, we developed three basic thoughts. How do we get new shooters to a range in a safe environment and under the supervision of a range safety officer (RSO)? How can we encourage the experienced shooters to get back to the range where they might knock off the rust? And how can we support range owners, operators and employees who have, like everyone, suffered from the COVID-19 shutdown?

Our answer to all three questions—a Breakout Pistol Challenge, a **non-competitive event!**

Well, after a bit more brainstorming, we wanted an all-inclusive type of opportunity for all levels of



► Naomi Moss shows off her target at the CRPA Breakout Pistol Challenge. (NAOMI MOSS)

We considered what rules we'd need in a challenge: All that were needed were a supervised range, a target, a firearm and time at the range pulling the trigger.



► The medals provided to winners of the Breakout Pistol Challenge. (ERIC JOHNSON)



► Thor Benzing was able to test out his newly acquired RIA 1911 during the Breakout Pistol Challenge. (THOR BENZING)

experience, so we came up with the idea of a mail-in challenge. But how could we differentiate all the levels of experience, types of firearms, calibers, sights and all the other variables? We couldn't, so we decided to include all makes, models, calibers and sights into the challenge. It did not make sense to list separate divisions; we desired only to get all target shooters to the range.

Sounds good, but how do we administer the challenge without rules? We considered what rules we'd need in a challenge: All that were needed were a supervised range, a target, a firearm and time at the range pulling the trigger. Another question popped up: How many targets does the target shooter get? Our answer—who cares? Give as many targets as the participant wants to print and shoot. We just wanted the best target the participant could pro-

vide mailed into us.

So how do we get participants to send in their target? The answer: a commemorative patch and a medal based on score, if they were one of the best.

The discussion considered the financial end: What is the cost? We thought about it and came up with a \$20.00 entry fee. Perfect! Next problem: Where can they enter the challenge? Simple—they can go online at **CRPA.org** and enter the on-line store, register for the challenge, pay and follow the link to access the PDF target, print the target and off they went to the range. The limited edition patch would be sent to the all participants while we waited for the return of their best targets. No matter what, the participants would receive the limited-edition patch.

The last part of the challenge was the return of the best target for scoring. Why would participants return the targets? Answer: the chance to receive a medal, and not just any medal, but a California Rifle and Pistol Association medal. All we ask is that the range be listed on the target along with the participant's name and a signature by the Range

WINNERS OF CRPA'S BREAKOUT PISTOL CHALLENGE ANNOUNCED!

In a first of a series of challenges, CRPA encouraged members to break out of their quarantine and support their local California ranges! New gun owners and seasoned members competed together, learned new skills and had a fun day at the range.

Here are the results:

GOLD AWARD(S)

Alex M. (Phelan)
Sue B. (Oceanside)
Daniel M. (Jurupa Valley)
Naomi M. (Bakersfield)

SILVER AWARD(S)

Marnie W. (Laguna Niguel)
Peter W. (Bonita)
Rebecca W. (Bonita)
Jon N. (Sacramento)
Jonathan W. (Apple Valley)

BRONZE AWARD(S)

Mike G. (Escondido)
Thor B. (Sacramento)

A big thanks to all who got out there and had fun at your local ranges! More challenges are coming!

Safety Officer.

At the conclusion of our discussion, we then asked ourselves about other challenges, and based off the first test run, now have added additional challenges on the **CRPA.org** online store; just go to the store and sign-up. Each challenge has a limited-edition patch.

The challenges will be occurring

monthly, are a great beginning for new shooters as well as experienced shooters and could be an incentive to get the whole family out to have some fun together. Yes, I know we have all been locked up with family, but how about putting the challenge out to a few of your friends and neighbors and having a bit of fun?



CRPA works with and supports the Civilian Marksmanship Program (CMP), a national organization created by federal law that provides citizens around the country with firearm training and learning opportunities, similar to the operations of CRPA.

The CMP's highest priority is serving youth through gun safety education and marksmanship events that encourage personal growth and life skill development. CRPA whole-heartedly joins in and supports these efforts.

CMP has also developed excellent match procedures at competitive and recreational shooting events that are being incorporated into CRPA's own event and match management processes. Individuals can keep informed about CMP affiliated matches by visiting the CMP's Competition Tracker page at <http://ct.thecmp.org>.

The CMP also sells select vintage military rifles to qualified U.S. citizens at a great price, along with competitive equipment and memorabilia! You can learn more about getting started on your own marksmanship journey through the CMP at <http://thecmp.org/get-started/>.

Visit us online at www.TheCMP.org

SAYING "THANK YOU" DURING A PANDEMIC

HOW A LOCAL CRPA CHAPTER MADE A DIFFERENCE

BY ROBERT M. LEE, JR.

Last October 2019, the Folsom/North Sacramento Chapter of the California Rifle & Pistol Association (CRPA) opened its doors with the first meeting at the Folsom Veterans of Foreign Wars (VFW) meeting hall. We had a modest

turnout of interested future members. However, as I was later told, most of the attendees were there to see if CRPA had come up with anything new that would be of interest to them. Several questions were asked about what we expected to accomplish that

could not be done by the state level organization of CRPA or by the National Rifle Association (NRA) for that matter. Many were skeptical because for years they had been sending money to the NRA and CRPA for legal action, but they had never been asked to personally get involved in the fight.

We told them by joining a local CRPA Chapter we could decide how to get involved in the community and fight locally for our Second Amendment rights. A major goal of our Chapter Charter would be (and is) to raise the awareness of responsible gun ownership in Folsom and support the community. We were off to a good start, and membership attendance slowly grew from 26 attendees in October to over 100

attendees (coming to different meetings) by February 2020. Chapter Officers were elected; a Charter and Bylaws were written and approved. A budget was established, and a bank account opened. Action Committees were being discussed and organized. The future of this Chapter looked bright with lots of potential—then COVID-19 hit the state with a vengeance.

Like every other organization or club in America, we found ourselves learning how to use telephone conferencing and video conferencing systems called Zoom and GoToMeeting. Even with inviting interesting "guest speakers," we learned over 6 long months that Chapters are filled with action-thirsty people. Interest in a great concept of local Chapters and local action was starting to decline. Attendance in the monthly Chapter video meetings was dropping.

After watching protests all over the country (peaceful and violent), it occurred to me peaceful protesters in California were not being arrested or detained. I quickly researched California's COVID-19 rules on public protest and found political or civic movements were allowed if you were peaceful, practiced social distancing and wore a face mask.

I called the Folsom police public affairs officer and told her the Folsom/North Sacramento Chapter of the CRPA wanted to conduct a "Thank You Folsom Police Rally" (a civic movement) in front of the Folsom Police Department (FPD) on August 20. She told me the police had no objections but to check with the city permit office. I called the City of Folsom permits office and found no permit was required if no bullhorns were to be used and no loud music disrupted the peace. Additionally, we were directed to remain on the sidewalks and not block access to the sidewalks or streets. Social distancing and face masks were expected to be used. Flags, banners and signs were okay with the

The rules of the rally were simple: This was a 'thank the police' civic movement and support rally.

city. That was it.

I called Chairperson Tim McMahon of the South Sacramento CRPA Chapter to join us, and he quickly agreed. I called our CRPA Advocacy and Outreach Manager Kevin Small at CRPA headquarters and told him what we planned to do. He immediately gave me his support but asked for a day or two (before I notified the Chapter membership about the rally) so he could get some of the details worked out and make sure the safety of CRPA volunteers was considered. There are always considerations of counter rally elements causing mayhem.

Three days before the planning event, all coordination requirements were completed, and an electronic message went out to hundreds of CRPA members in the Sacramento region informing them of the rally. I am not sure what I would have done had a couple hundred members showed up. I was not prepared for that level of a turnout because we were experiencing a massive heat wave reaching into the 90s each night with smoke-filled air.

The rules of the rally were simple: This was a "thank the police" civic movement and support rally. No political clothing or signs; wear a face mask; and maintain 6 feet apart on the sidewalk. Do not block access to the sidewalk or surrounding streets. Bring flags (American and police) and signs thanking the police.



▶ (SHUTTERSTOCK)

Over 55 members of the Folsom/ North Sacramento and the South Sacramento Chapters showed up and waved "Thank you FPD" signs, American flags and blue police flags for 45 minutes (which was just enough time). Between 7:00–7:45 p.m. hundreds of cars drove past the Folsom Police Department flashing their lights and honking their horns in support of the FPD and our "Thank You" rally. Of course, we received a few sour looks, a couple of thumbs down, but overall, the support from the community was overwhelmingly positive.

During the course of the rally, Commander Jason Browning (Commander of the FPD Administration Bureau) and Officer John Triplett (2018 FPOA Officer of the Year) came out and spoke to the group thanking them for their support to the Department. Commander Browning was kind enough to give me and Tim McMahon Folsom Police "Challenge Coins" as a thank you for our efforts.

The rally ended peacefully at 7:50 p.m. when the group slowly rolled up our flags and left the area the same way we found it—clean and no trash on the ground.

As we left the area, my wife, Julie Lee stated: "This was a great idea to get out and do something positive for the police and community." Of course, I strongly agreed. **CRPA**

Robert M. Lee, Jr., is Chairperson of the Folsom/North Sacramento Chapter of the California Rifle and Pistol Association and a CRPA volunteer. He retired from the U.S. Federal Senior Executive Service in 2015 as the Deputy Director of Intelligence, Security and Emergency Response for the U.S. Department of Transportation in Washington, D.C., and has been a resident of Folsom since 2017. He is a retired LtCol of the U.S. Army (22 years worldwide active service), Vietnam Combat Veteran and Life member of both the NRA and CRPA who earned MA and BS degrees in management and business administration.



GOLDEN RULES OF GUN SAFETY

1. **ALWAYS** treat all guns as if they are loaded.
2. **ALWAYS** keep the gun pointed in a safe direction.
3. **ALWAYS** keep your finger off the trigger until you are ready to shoot.
4. **ALWAYS** keep the gun unloaded until ready to use.
5. **ALWAYS** know your target, its surroundings, and beyond.
6. **ALWAYS** know how to properly operate your gun.
7. **ALWAYS** be sure the gun is safe to operate.
8. **ALWAYS** use only the correct ammunition for your gun.
9. **ALWAYS** wear eye and ear protection.
10. **NEVER** use alcohol or over-the-counter, prescription, or other drugs before or while participating in shooting sports.



For more information and training, please contact the California Rifle & Pistol Association: (800) 305-2772 | **CRPA.org**

COVID-19 VS. CRPA STAFF

CRPA REVAMPS A RANGE AMIDST THE VIRUS

While the office may have been closed, your non-essential CRPA staff was out volunteering at a youth camp. How is this possible? Well, with the camp closed, not a child in sight and with the camp



BY ERIC JOHNSON
CRPA COMPETITIVE SHOOTING SPORTS SPECIALIST



► **CRPA Board Member Rick Rogers** constructing tilt-up target stands. In the background, Eric and Zach Johnson discuss side berm re-establishment. Others involved but not pictured are CRPA Staff Member Daryl Docdocil (finance) and CRPA Videographer Jacob Ramirez. (JACOB RAMIREZ)

staff furloughed, the CRPA staff were provided the optimum time for range maintenance and other things. Your CRPA staff took it upon themselves, with guidance from the camp leadership, to donate the use of equipment, equipment operation, fuel and host of other materials to

revamp an existing target range. We even had a CRPA member at large join in the fray.

You might be thinking, “How was the work completed?” Your CRPA staff coordinated with each other and limited their exposure to one another. Much more than social dis-



► **CRPA Range Specialist Eric Johnson**, tractor operator, and CRPA Warehouse Specialist Zach Johnson. (JACOB RAMIREZ)



► **CRPA Training Coordinator Jerry Clark** and CRPA Board Member Rick Rogers. (JACOB RAMIREZ)

tancing, they would coordinate work on separate days and times, limiting exposure, and/or they would work in different areas completely separate for one another. But your staff was not the only ones participating—we even had a CRPA board member on

the target range donating time, materials, reconstructing target stands and improving camper participant flow through the staging area to the ready line off the range. Our members have a wide range of professional skills from engineer-

ing, accounting, general construction, specialized equipment operation and environmental protection knowledge—other skill sets are more than welcome at youth target ranges. If you have the desire to help in any capacity, please reach out to local youth groups in your area and assist where and when you can. Consider developing a small team of individuals such as family members and neighbors, or tap into your business relationships and investigate their interests. You might be pleasantly surprised with their responses and interest to help. On the flip side, you will also learn other points of view. Don't be disheartened if the agency turns your offer for help down; there are lots of groups and other opportunities out there.

All our best,
Your CRPA Staff and Board members **CRPA**

THE CRPA VEHICLE DONATION PROGRAM

Donate your car, truck, RV or Boat to the CRPA Foundation to support our ongoing commitment to inform and educate all Californians and California gun owners of their constitutional rights. We'll make it easy for you to donate with your free scheduled pick-up, and you may even qualify for a tax deduction! Visit us online at crpa-foundation.careasy.org/home.html.

WE ACCEPT ALL TYPES OF VEHICLES:



HOW IT WORKS

- 1** Call us at **833-200-CRPA** or **833-200-2772**.
- 2** We will tow your vehicle at no cost to you!
- 3** Get a tax deductible receipt and help our cause.

DOGS UNDER ATTACK

THE FIGHT TO SAVE THE OLDEST RELATIONSHIP IN HISTORY

There is an almost decade-old fight to destroy the use of dogs not just in the act of hunting but to literally destroy the millennial-old bonds between us and them.

This attack is being led by the Humane Society of the United States (HSUS), People for the Ethical Treatment of Animals (PETA) and a whole cast of other anti-hunting, anti-dog non-profits. Their attack is based on a maligned view of the human-dog relationship and is cloaked in a lie that purports dog safety. This should sound painfully familiar to law-abiding citizens who see their gun

rights eroded to the gun grabbers' lie of "gun safety."

THE HUMAN-DOG RELATIONSHIP

To set the record straight, we need to look at the human-dog relationship based on science and not emotional dogma, then explore the actual attack and note the fallacies and finish with how you can preserve the oldest friendship.



BY RICK TRAVIS
DIRECTOR OF DEVELOPMENT

The oldest relationship between humans and any other species according to science is that of the human and domesticated dog. The reigning theory is that friendlier versions of wolves who scavenged near human trash piles made the first move



► CRPA Hunt mascot Rocky assisting the author at a youth hunt. (KEITH DURFLINGER)

to become our friends, according to a *National Geographic* article published on March 3, 2013. Since then, there have been countless articles, documentaries and even the 2018 "Alpha" movie that attempts to portray one version of that first contact.

It is important to note that somewhere between 15,000 and 40,000 years ago, Gray wolves and dogs diverged from a now extinct species of wolves. The result of this is that wolves and the domesticated dog share 99% DNA, and all the differences from a Chihuahua to Malamute to a German

Shorthaired Pointer to a Labrador Retriever are found in that remaining 1% of DNA. That incredible diversity according to the Smithsonian Institute on August 15, 2018, is due to "survival of the friendliest" versus "survival of the fittest."

Humans saw aggressive wolves as a fellow apex predator and thus competition. The "friendly" theory suggests that wolves self-domesticated themselves. They did this by learning to read human facial and hand gestures. This skill is largely responsible for all the variations we see today. Dogs learned

to adapt and evolve to our needs. In the case of my hunting lab, he does provide the family with game meat but make no mistake he eats more in a year than he provides in a season of hunting. Dogs have learned to get the better deal.

HSUS PROPOSALS

In 2012, California Senate Bill (SB) 1221 was introduced to end the use of hounds for hunting bears. Many sporting dog enthusiasts did not get involved in defending houndsmen as they did not see it as their cause. Many argued

at the time that HSUS would be back to go after other dogs in the field. Since the passage of SB 1221 in California, we have witnessed several attempts at the California Fish and Game Commission and within the California Legislature to remove dogs from the field. All of this is to bring an end to hunting once and for all by the anti-hunting crowd and is part of a larger rewilding effort by those same groups.

The current set of HSUS proposals being moved nationwide from the Carolinas to California involves the use of the word *pain*. Pain for humans varies

from person to person. I served as a medic for decades and can tell you that for almost every injury, I have asked humans to give me different ratings on the 1–10 scale. My point is pain is subjective without direct scientific testing that is still limited in its objectiveness. HSUS argues that a dog feels pain exactly like we humans do. They define pain as anything that causes an emotional or physical state ranging from mild discomfort to excruciating. The use of choke chains, leashes, e-collars, cages, pens or any other method that would influence a dog's behavior could lead to prosecution of the dog owner (for the record there are a series of attempts to remove your ability to possess any animal as a pet).

The comparison of pain when it's convenient is a hallmark of the failed logic and science behind HSUS and other anti-hunting groups. When humans train in gyms, academia, sports, military and other endeavors, they experience a level of pain and/or stress. That experience in the vast majority of situations leads to a better outcome for the individual as well as the group.

HSUS is not just introducing this one bill nationwide but a series of bills that will make it cumbersome and economically infeasible to own a dog. One bill proposal goes on to define that most dog houses, blankets and other housing are uncomfortable to a dog, and that's why they circle their beds. The scientific fact is, dogs do this instinctually to position themselves to ward off an attack in the wild. HSUS claims in the public they have researched the perfect housing, but it is not based on science. Their proposal for your dog shelter and compliance is nothing short of egregious.

No one likes or approves of puppy mills, and many laws have been enacted to rid us of the practice. The fact is that HSUS cannot continue to fundraise



► Rocky retrieving a bumper at the trial where he earned his dock diving championship.

of a problem that is largely solved, so they now are attempting to make anyone who has a litter of puppies into a commercial breeder. Their legislation calls anyone who transfers four or more puppies a commercial breeder. If my lab has a litter, I cannot tell her not to have more than three pups (for the record the average litter for a lab is 7 to 8 puppies). The craziness continues with proposals in several states to give

your neighbor the right to call for an attorney to represent your dog if they feel the dog is not happy. The end goals are to change the culture of the human–dog relationship by legislating it out of existence. This should not be a surprise to gun owners who are witnessing the same tactic on our culture.

TAKE A STAND

The time has come for all of us to stand as one against the anti-hunting and anti-dog ownership community. This fight will be brutal during this decade as we move to preserve our oldest friendship and traditions. The California Rifle and Pistol Association has local chapters statewide where you can become involved in this fight by contacting us at contact@crpa.org. We need your sporting clubs and dog clubs to reach out and contact us to build a coalition to stop HSUS in California. The CRPA will fight this at every level from the Fish and Game Commission to the courtroom. **CRPA**

CRPA IS PROUD TO BE A LEADING MEMBER OF THE CALIFORNIA HUNTING & CONSERVATION COALITION

California Hunting and Conservation Coalition (Coalition) members include all the major hunting and natural resource conservation groups in California. Coalition members are united to ensure a strong future for wildlife conservation by protecting and expanding hunting and fishing opportunities throughout California and supporting wildlife management decisions based on the North American Model of Wildlife Conservation. The Coalition works to make sure these decisions are based on the best available science and sound management strategies.



The Coalition's primary goal is to ensure that wildlife populations thrive in perpetuity and that our traditional hunting and fishing heritage will be guaranteed for all Californians, for generations to come.

Coalition efforts are badly needed in these times of great challenges to our hunting heritage but also in times of great opportunities.

R3 AND THE FUTURE OF HUNTING AND EVERYTHING



► A young hunter with her dog enjoying a day of pheasant hunting. (KEITH DURFLINGER)

The 2020–2021 hunting season is in full swing, and the impact of the COVID-19 pandemic is being felt nationwide and especially here in California. The direct

results are much greater than the current firearms and ammunition shortages, fire damage and closed areas combined. Every conservation and hunting organization from the national level (Rocky Mountain Elk Foundation, Mule Deer Foundation, Pheasants Forever, etc.) to your state groups (California Waterfowl



BY RICK TRAVIS
DIRECTOR OF DEVELOPMENT

Association, California Deer Association, etc.) to regional and local clubs have felt the decline in terms of donations and members.

Humans like to interact in face-to-face settings, which have been pretty much off the table for most of the year, and there's no return to normalcy in sight at the writing of this article. Therefore, the R3 Model (Recruit, Retain and Reactivate) is vital now more than ever to the future of our beloved groups and the sport. For the non-hunter, this article serves as a template for shooting sports clubs and programs, youth shooting programs, women's programs and so on. We need to turn the table and go from a negative attitude and see the positive opportunity.

Each of us knows that prior to the

R3 provides us with the template to help each of our activities thrive now and into the future.

HUNTERS' CODE OF ETHICS

- Follow the rules of firearm and hunting safety. Insist that fellow hunters do the same.

- Respect the environment and wildlife. Study the ecosystem. Tread lightly. Leave no trash behind.

- Do not waste game or fish. Make full use of any animal taken. Take only what you will use, even if it is under the legal limit.

- Use only fair and humane methods of taking wildlife. Develop your hunting and shooting skills as necessary to ensure clean, sportsmanlike kills.

- Know your fitness, skill and equipment limitations. Hunt within those limits.

- Obey all hunting regulations. Hunt with the appropriate license and tags only in allowed areas during designated times and seasons. Obey bag and possession limits. Use only legal hunting methods and equipment. Report game law violations immediately.

- Ask landowner for permission to hunt and respect the land. Close any gates you open. Say thank you.

- Be considerate of non-hunters'

sensibilities. Strive to leave them with positive images of hunting and hunters.

- Don't flaunt your kill. Be as discreet as possible. Treat game carcasses in an inoffensive manner, particularly during transport.

- Generally conduct yourself in a sportsmanlike manner. Hunt according to "fair chase." Require the same of your hunting partners.

- Support NAM wildlife conservation programs and urge policymakers to support strong NAM-based conservation initiatives.

- Teach others the skills, techniques, rules and ethics of hunting. Pass these ethical hunting practices along to younger hunters.

THE CORE PRINCIPLES OF NAM

Proper ecological stewardship and natural resource management through hunting, trapping and strategic depredation efforts are critical components of maintaining ecological balance. Hunters and anglers provide the vast majority of funding for natural resource conservation efforts through license fees and federal excise taxes paid.

The traditional science-based and experience-proven North American Model (NAM) of Wildlife Conservation approach to natural resource management has been used to successfully maintain balanced population levels of diverse wildlife species for many decades. Consistent with NAM, hunters and anglers obey conservation regulations, adopt safe practices and adhere to a code of ethics.

Animal rights extremist groups that oppose hunting (see humanewatch.org and huntfortruth.org) advocate abandoning the NAM in favor of an unbalanced and unscientific approach to species management that would deliberately make hunting unsustainable. These groups promote a model that would encourage predator species populations to explode. These unchecked predator populations would decimate game species and endanger suburban neighborhoods.

Through education, mentorship and example, CRPA supports and promotes the NAM. CRPA opposes the ongoing duplicitous efforts of animal rights extremist groups and fights the unscientific and unbalanced approach they advocate at the Capital, the California Fish and Game Commission and in the courtrooms!

- Wildlife belongs to the people and is held in the public trust. It is managed in trust for the people by government agencies.

- It is illegal to sell the meat of any wild animal in North America.

- Laws developed by people and enforced by government agencies ensure the proper use and conservation of wildlife resources.

- Every law-abiding citizen has the right and privilege to hunt and fish and should have the opportunity.

- Humans can legally kill certain wildlife for legitimate purposes under strict guidelines for food and fur, in self-defense or property protection. Laws are in place to restrict casual killing, killing for commercial purposes, wasting of game and mistreating wildlife.

- Because wildlife and fish freely migrate across boundaries between states, provinces and countries, they are considered an international resource.

- The best science available will be used as a basis for informed decision-making on wildlife management.

onset of the pandemic, we all discussed the needs within our own programs to reexamine and update approaches, materials and delivery of those programs. Now is the time to do so with your eyes set on some new realities coming out of this shutdown.

Reality #1: Our numbers and demographics have increased on two different levels. California as well as the rest of the nation has seen an amazing growth of first-time firearms owners. Dealers report statewide that the majority (over 80%) are moderate and from both political parties. Women are the largest segment in most areas.

The Hunter Education Program released a report showing that 11- to 15-year-olds made up the largest age group taking traditional hunter education. The report also showed that

In the case of youth programs, many will see 2 years of student enrollment lost to the respective sports.

across the board, the under-35 group was overtaking the 36-55 age group's "crown" by a significant margin. This means every program is ripe for recruiting new members that are much younger and more diverse, which is good news.

Reality #2: When the green light is given to resume normalcy, it will not be normal for a few years. Many programs suffered the permanent loss of staff, and in the case of youth programs, many will see 2 years of student enrollment lost to the respective sports. This directly translates into training up instructors, range safety officers, coaches, support staff and families.

Retention and Reactivation come into play here. The focus is on retaining and encouraging the elements you have on hand as we move out of the

shutdown. This component needs to be joined at the hip with those who have left the program or who are nearby to be reactivated. We live in a time where we need to value those who came before us and have them pass on their experience and wisdom to all of us. None of us is master, and all of us are students.

Reality #3: This process starts right now! Start taking small steps by using new technologies to meet, communicate and pass on information. Take advantage of activities that support getting the new individuals and the experienced individuals together. Youth pheasant hunts are just one of many fine examples that the California Rifle & Pistol Association is using. The California Waterfowl Association, California Deer Association and regional groups are all providing these opportunities while maintaining safety as we move out of this pandemic.

Using the pheasant hunt as the example, you can take a new shooter—say a 14-year-old female—and her parent(s) to this event. She will be teamed up with a dog handler, a guide and other hunters with varying levels of experience. There are several embedded opportunities to expand R3



► **Hunters of all ages** enjoy pheasant hunting. (KEITH DURFLINGER)

in this very traditional setting and as a result expand opportunities for others.

The dog handler is always vital to these activities and is always in short supply. Your group could bring potential sporting dog owners out to watch the activity and talk to the handlers, before, during breaks and afterward. This simple process will build up our

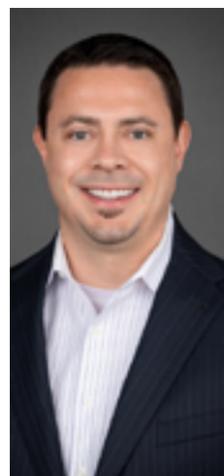
resources of these valued partners and build our coalitions to preserve our activity.

Many of our ranks are looking for ways to give back at all ages. Pair these folks up with the instructors, guides, safety personnel and wardens. This simple format will foster a new generation of professionals at all ages to expand opportunities for all of us.

DO YOUR PART

Financially, all of us have experienced a hit. This is very true of anyone putting on hunts. Instead of leaving the state to go hunt, try spending part of your money here in California to keep these programs going. If we don't do this the owners will be forced to sell off their facilities, and I guarantee you that the majority of buyers will change the use of the property into something that does not benefit the activity.

Our forebearers were flat out tougher than we are today. They faced harder times with far less technological advantages by finding opportunities to not just survive but thrive. R3 provides us with the template to help each of our activities thrive now and into the future, so let's come together and get to work! **CRPA**



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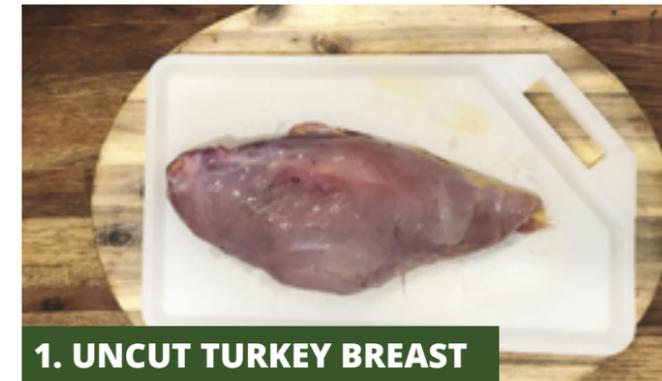
► Successful turkey hunters Amy Cooper and Joseph Pascual (in front) with “helpers” Nick Villa and Roy Griffith (in back). (NICK VILLA)

ROY'S DECONSTRUCTED WILD TURKEY BREAST KEBAB

In an earlier edition of the *California Firing Line*, I promised to share my wild turkey breast kebab recipe with you. As I previously shared, I always skin my wild turkeys. There are a number of reasons: too much work to pluck, zero fat on the skin anyway, and I often use the hide to make or supplement decoys.



BY ROY GRIFFITH
CRPA
LEGISLATIVE
LIAISON



1. UNCUT TURKEY BREAST



2. CUBED TURKEY BREAST MEAT



3. MARINATED TURKEY MEAT



4. BACON PLACED IN GRILLING CAGE



5. MEAT AND VEGGIES IN CAGE



6. ROASTING OVER OAK COALS

INGREDIENTS LIST

- One half (½) wild turkey breast (can substitute any choice wild game cuts)
- One (1) medium onion; ½ chopped, ½ sliced
- One (1) cup fresh sliced mushrooms
- Six (6) sliced medium tomatoes
- Six (6) cloves of garlic chopped
- One (1) package / ten (10) slices of thick cut bacon
- One half (½) cup red wine vinegar
- One half (½) cup extra virgin olive oil
- One (1) cup tomato puree
- One (1) teaspoon sea salt
- One (1) teaspoon fresh ground pepper

DIRECTIONS

Once the bird is skinned, remove the breast meat from the bone with a filet knife or other fine blade, scalpel-type knife. The two individual breasts should be rinsed, one can be frozen separately for a later meal. Depending on the size of your turkey, one breast is enough, and with vegetables and a side of rice, the meal

will easily feed four adults.

Cut breast meat into 1.5- to 2-inch cubes. The easiest way to do this is by first cutting the breast lengthwise into strips, then by cutting it into cubes cross grain. Put the cubes in a large glass bowl, add olive oil, red wine vinegar, chopped onions, garlic, tomato puree and seasoning. Mix well and place in the fridge. I like to do this

the morning I plan on making this for dinner. It's best if it has at least 4 hours to marinate.

I call this recipe "deconstructed kebabs" because I used to make traditional kebabs and take the time to wrap each cube of meat with bacon. THAT'S WAY TOO MUCH WORK! If you have not already, use a grilling cage, and you will never go back to traditional kebab skewers! When you're ready to prep for the grill, place a layer of evenly spaced bacon in bottom of the grilling cage (see photo 4). Then, place a layer of evenly spaced sliced onion, mushrooms and tomatoes. Next, place evenly spaced cubes of turkey meat on this bed you created. It's okay if the cubes touch each other but avoid overlapping and stacking meat. Last, reverse the process described above. Cover turkey with tomatoes, mushrooms, onions and layer of bacon strips. Place and secure the top of the cage, and it's ready for the grill. I cook over oak coals, covered and turning about every 5 minutes. Avoid flair ups, this is a challenge with raw bacon but turning it constantly helps and keeps much of



► **Finished** wild turkey kebabs ready to serve. (ROY GRIFFITH)

the bacon juice inside the cage to do its magic. If you have avoided flair ups, when the bacon is done, your turkey should be done! For me this is usually 25 to 30 minutes.

Remove from the fire and let rest about 10 minutes. I like to serve the kebabs on a bed of rice and with a side of grilled vegetables. Enjoy! **CRPA**

CRPA MEMBERSHIP LEVELS & BENEFITS

ALL NEW CRPA members of every level receive these benefits:

- Subscription to CRPA's *California Firing Line* magazine
- CRPA membership card with Know Your Rights notice
- CRPA decal or sticker
- Legislative & litigation updates and information bulletins
- Exclusive access to timely and informative webinars, podcasts and other resources

Upgraded members receive additional benefits as listed below. To sign up for membership, please visit crpa.org.

■ **1-Year General Membership:** \$35 / Year

■ **5-Year General Membership:** \$150 (\$5 savings a year on annual membership)

■ **2A Sustaining Membership:** \$17.91 / month

CRPA LIFE MEMBERSHIPS*

- Life Member Hat
- Life Member Velcro Patch
- CRPA Life Member Decal or Sticker
- Pocket Constitution
- CRPA Challenge Coin
- A copy of the current year edition of *California Gun Laws: A Guide to State and Federal Firearm Regulations* by CRPA's President and General Counsel Chuck Michel

***Active military and veterans get a 10% discount on all Annual, 5-Year, & Life Memberships. Use Code USVET at checkout.**

■ **Life Member:** \$500 one-time payment, or 4 quarterly payments of \$135

■ **Senior Life Member (65 and older):** \$275 one-time payment, or four \$75 / quarterly payments

ENHANCED LIFE MEMBERSHIPS

CRPA's Enhanced Life Members are 2A supporters, hunters and shooters committed to the CRPA's mission and success. In addition to ALL the above-listed member benefits, CRPA Enhanced Life Members also receive:

■ **Defender Life Member:** \$1000 upgrade for CRPA Life Members

- CRPA Defender Life Member Hat
- CRPA Defender Life Member Lapel Pin
- CRPA Custom-Engraved Defender Life Member Buck Knife
- Annually updated copy of *California Gun Laws: A Guide to State and Federal Firearm Regulations* by CRPA's President and General Counsel Chuck Michel
- Defender Life Member Certificate
- Invitations to Exclusive VIP Events, Briefings and Tours
- Personal Recognition from CRPA President

■ **Activist Life Member (Silver/Patron):** \$1500 upgrade for CRPA Defender Life Members

- Activist Life Member Embroidered Patch
- Activist Life Member Outerwear / Jacket
- Activist Life Member Hat
- Activist Life Member Lapel Pin
- CRPA Custom-Engraved Activist Life Member Buck Knife
- Annually updated copy of *California Gun Laws: A Guide to State and Federal Firearm Regulations* by CRPA's President and General Counsel Chuck Michel
- Activist Life Member Certificate
- Invitations to Exclusive VIP Events, Briefings and Tours
- Personal Recognition from CRPA President

■ **Patriot Life Member (Gold/Benefactor):** \$1500 upgrade for CRPA Activist Life Members

- 9mm SIG SAUER P226 MK25 (For first 50 members)
- CRPA Patriot Life Member Hat
- CRPA Patriot Life Member Lapel Pin
- CRPA Custom-Engraved Patriot Life Member Buck Knife
- Annually updated copy of *California Gun Laws: A Guide to State and Federal Firearm Regulations* by CRPA's President and General Counsel Chuck Michel
- CRPA Patriot Life Member Challenge Coin
- Special Patriot Life Member Recognition Wall Plaque
- Patriot Life Member Certificate
- Invitations to Exclusive VIP Events, Briefings and Tours
- Personal Recognition from CRPA President
- Custom logo jacket

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<input type="checkbox"/> 5-Year Member	\$150
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<input type="checkbox"/> Patriot Life Member	\$1500 + Activist

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**25% of CRPA membership dues are used for lobbying and political activities.*

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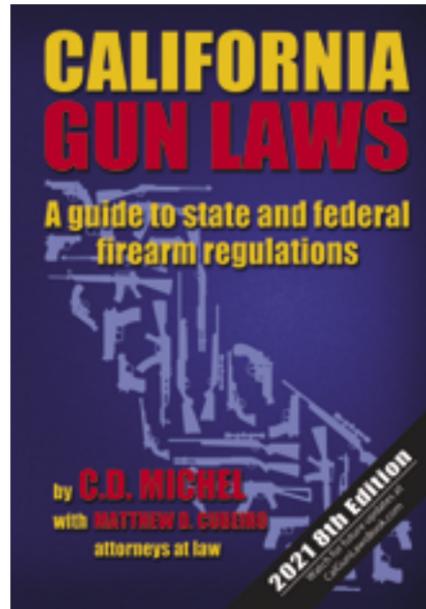
UPCOMING 8TH EDITION

OF CALIFORNIA GUN LAWS: A GUIDE TO STATE AND FEDERAL FIREARM REGULATIONS

BY C.D. MICHEL & MATTHEW D. CUBEIRO

California Gun Laws: A Guide to State and Federal Firearm Regulations is said to be the bible and definitive source for information on the subject. This tremendous resource is jam-packed with thousands of hours of legal research, all of which has been transcribed into a format that is easy to read and comprehend. Chock-full of legal and practical insights drawn from decades of experience, this book is a must-have for any California gun owner.

The upcoming 2021 8th Edition will answer all of your questions regarding current state and federal firearm laws, including who can legally possess a firearm, where and when you can possess it, how to acquire a firearm in California,



which firearms are prohibited and how to lawfully carry a firearm in public.

The 8th Edition will also cover new and important legislative and regulatory changes to state and federal firearm laws following the release of the 7th Edition. Such changes include **Senate Bill No. 118**, which classifies certain firearms not otherwise meeting the legal definition of a rifle, pistol or shotgun as

“assault weapons,” and DOJ’s “emergency” Dealer Record of Sale (DROS) fee regulations establishing a \$31.19 fee for all firearm transactions in California. Other bills signed by the governor will also be addressed, including:

■ **Assembly Bill No. 2847**, which modifies California’s microstamping requirements for handguns to be listed on California’s roster of handguns certified for sale in the state and adds a provision deleting handguns from the existing roster as newer handguns equipped with microstamping are added.

■ **Assembly Bill No. 2699**, which adds several state law enforcement agencies to the list of those exempt from California’s roster requirement, while also placing additional requirements on certain officers who acquire handguns pursuant to these exceptions.

■ **Assembly Bill No. 2362**, which imposes civil penalties in addition to existing criminal penalties on California-licensed firearm dealers who breach any prohibition or requirement, subjecting their license to forfeiture.

And more! **CRPA**

GUNS AND CONTROL

A NONPARTISAN GUIDE TO UNDERSTANDING MASS PUBLIC SHOOTINGS, GUN ACCIDENTS, CRIME, PUBLIC CARRY, SUICIDES, DEFENSIVE USE, AND MORE

BY GUY SMITH

Non-aligned voters are often baffled by gun control. This book is designed to be a guide to thoughtful discussion: It arms readers with facts and observations behind the conflicting arguments, leaves emotional rhetoric to the pundits and focuses on the thorny perspectives underlying the debate.

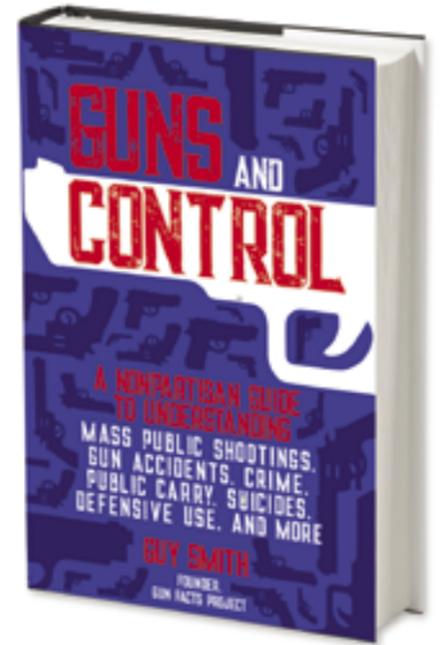
This book is for them, so they can sort out fact from fiction, political spin from reality. It is also for Second Amendment supporters so they can bone-up for debates.

Guns and Control grants high-level perspectives—for example, that mass public shootings are a global phenomenon, occurring in nearly all developed nations—and explores details to understand the causes, and thus the possible and impossible cures, of gun-violence-related problems. Was the push for de-institutionalization in mental health management a contrib-

uting factor to the rise in mass public shootings? *Guns and Control* will help readers find answers to such questions. What the public lacks is a clear, unbiased, broad perspective on the realities of guns, explained in simple, straightforward and entertaining ways. *Guns and Control* will demystify these misunderstood aspects of who uses and misuses guns.

Guy Smith is internationally known as a gun control policy analyst. He is the founder and chief researcher at the Gun Facts Project. In 20 years as a policy analyst, Smith has contributed to public understanding of the realities of guns and their control through both secondary and primary research, occasionally breaking new ground on key topics (he personally conducted work mapping issues of mental health, psychotropic prescription medications and mass public shootings).

“The science and empirical data con-



cerning guns and violence are both rich and complex. Smith, as is his way, has made this complex topic easy to grasp and demystified where problems with guns do and don’t exist. He elucidates rather than obfuscates this issue with clarity and eloquence.” — Dr. Miguel A. Faria, Associate Editor-in-Chief, Surgical Neurology International; Former Injury Research Grant Review Committee of the Centers for Disease Control and Prevention **CRPA**

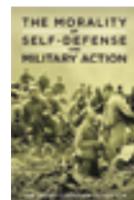
ALBRECHT ON GUNS: Ready To Protect When Carrying Concealed



BY STEVE ALBRECHT

In this third volume from tactical expert Steve Albrecht’s book series, *Albrecht on Guns*, Steve helps those who live the concealed carry lifestyle to protect themselves and their families at home and in the streets.

THE MORALITY OF SELF-DEFENSE AND MILITARY ACTION: The Judeo-Christian Tradition



BY DAVID B. KOPEL

Shedding new light on a controversial and intriguing issue, this book reshapes the self-defense debate. Kopel takes a multidisciplinary approach, engaging with leading writers on both sides of the issue.

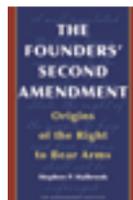
FIRST THEY CAME FOR THE GUN OWNERS: The Campaign to Disarm You and Take Your Freedoms



BY MARK W. SMITH

Bestselling author and attorney Mark W. Smith exposes the all-encompassing nature of the anti-gun lobby’s attack on the right to keep and bear arms that empowers government to control other important aspects of our lives.

THE FOUNDERS’ SECOND AMENDMENT: Origins Of The Right To Bear Arms



BY STEPHEN P. HALBROOK

Cited in the landmark *Heller* and *McDonald* Supreme Court rulings, *The Founders’ Second Amendment: Origins of the Right to Bear Arms* is the authoritative book on the Founders’ own statements on the Second Amendment.

GUN CONTROL MYTHS: How Politicians, The Media, And Botched “Studies” Have Twisted The Facts On Gun Control



BY JOHN R. LOTT, JR.

From myths about mass public shootings to suicides to gun ownership rates and crime to gun-free zones, Lott addresses the claims frequently heard in the media and what is wrong with those claims.

FIRST FREEDOM: A Ride Through America’s Enduring Legacy With The Gun



BY DAVID HARSANYI

From one of America’s smartest political writers comes a “captivating and comprehensive journey” (#1 *New York Times* bestselling author David Limbaugh) of the United States’ unique and enduring relationship with guns.

AMERICA, GUNS, AND FREEDOM

BY MIGUEL A. FARIA, JR., M.D.



America, Guns, and Freedom

outlines why the Second Amendment and armed self-defense are still needed in modern society, while debunking arguments that the U.S. should follow the path of European social democracies by enforcing draconian gun control.

LIVE FREE OR DIE: America (And The World) On The Brink



BY SEAN HANNITY

In *Live Free or Die*, Sean demonstrates why now is an “All Hands on Deck” moment to save the Republic. His solution is simple: if all you can do is vote, then vote.

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