



CAL-ERT 06/30/08 --- 4:00 PM

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CALIFORNIA LITIGATION UPDATE

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This information is accurate at the time this CAL-ERT was written and originally distributed. The [NRA Members' Councils of California](#) will keep you informed as the legislative and/or litigation situation changes in California.

NRA Coalition's California Plan

The incorporation lawsuits are not the extent of the NRA's plan nationally, nor is the SF suit all that is planned in California. We have a full "dream sheet" of litigation we want to bring, using both the Heller ruling and the Fiscal preemption ruling (Prop H).

NRA is leading and working with like minded civil rights groups including CRPA, CCRKBA, SAF (represented by Alan Gura), GOC, PP and reps from calguns. Hopefully we can hold all the groups together for the long haul. Factionalism is counterproductive. At this stage everyone seems to recognize that overreaching too soon could result in bad precedent not just for California, but nationally.

Some examples of what is coming down the road:

Oakland has already been served with a pre-litigation demand to repeal its "ultra compact handgun" ban. SF's UCH and .50 caliber handgun bans are also in our sights.

A renewed challenge to all or part of the semi-auto ban is also in the works. CRPA has already has significant funding set aside for this effort. TMLLP is coordinating with Calguns on a semi-auto licensing suit, which may include other elements. We can work together on this effort, but we need to time it carefully. This case is probably not the forum to litigate the incorporation issue. Consider how clean the SF ban on guns in public housing challenge is -- the SF gun ban is broader than the ban that SCOTUS struck down in Heller. That allows the lawyers on our side to focus the court on the threshold incorporation issue. Until we get that issue resolved, state and local governments are not restricted by the Heller ruling.

I am also in contact with some of the lawyers and groups advancing CCW litigation. This is also a licensing issue, not as clean as challenging a flat out ban.

There are a lot more possibilities. Lawyers are still studying the Heller decision and considering its implications. Ultimately though, any case challenging a state of local law in California will have to get a hearing before the Ninth Circuit, or perhaps SCOTUS, on the incorporation issue. Hopefully, everyone in the self-defense civil rights community can appreciate the need to get incorporation resolved as quickly and simply as possible before moving to phase two.

I support the fledgling calguns foundation, and encourage you to support it too. You should also know, however, that because of the depth of the legal challenges pending, any California donor making a donation to NRA-ILA, the NRA Civil Rights Defense Fund (501(c)(3)), CRPA, or CRPA Foundation (501(c)(3)) can count on that money (and then some) being spent in California. Checks made out to those entities can be sent c/o TMLLP for processing to ensure this if you desire. (And yes - you get a free magnet. Come to think of it, I will restock my "Don't Get Screwed by California Gun Laws" screwdriver giveaway and throw one of those in too.)

Although Heller does not go as far as I would have liked, and we were one vote away from re-education camps, we are now looking forward to better days my friends.

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Continue to monitor the latest legislative updates at: <http://NRAMembersCouncils.com/legs.shtml>

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This CAL-ERT can be found on the Internet at: <http://www.CALNRA.com/calerts/calert063008.shtml>

CAL-ERTs are provided as a free service to all gun owners and Pro-2nd Amendment organizations by the [NRA Members' Councils of California](#). Please work together with the NRA and help once again defeat the misguided efforts of the anti-gun fringe groups by cross-posting this CAL-ERT via the Internet, newsletters/publications and hand-outs. The CALifornia-alERT system is operated by NRA staff and volunteers operating within the [NRA Members' Councils Program](#).

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