Assault Weapons in California: A Case Study in Issue Management and the Media

California State Senate

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ASSAULT WEAPONS IN CALIFORNIA: A CASE STUDY IN ISSUE MANAGEMENT AND THE MEDIA

Public Information and Media Relations Seminar
December 10-12, 1989
Chicago, Illinois
Sponsored by the National Conference of State Legislatures

Presented by
Robert Forsyth
Media Director for Senate President Pro-tem David Roberti
California State Senate
ASSAULT WEAPONS IN CALIFORNIA: A CASE STUDY IN ISSUE MANAGEMENT AND THE MEDIA

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By Robert Forsyth
Media Director for
Senate President Pro-tem David Roberti
California State Senate

NCSL Seminar Dec. 10-12, 1989 Chicago, Ill.
California is a media-intensive state, particularly in terms of television coverage of news events and issues. For the consumer, print media tends to provide second-day information, which is somewhat more reflective, more analytic, more complete.

The presumption here is that people tend to be more influenced to action by what they see and hear on television than by what they read in the print media, including targeted mailings. A second presumption is that reporters and editors in all media tend to influence each other (or can be influenced by outside forces) in what might be termed "pack journalism."

"Pack journalism" is considered with good reason to be generally a pejorative term, but it should be noted that there are indeed images so correct for the issue or for the event that few in the media will avoid them.

For television news directors and producers -- ever conscious of constraints of air time and the need for visual effects -- decisions for imagery come from within or from without. "Within" decisions come from the news sense and creativity of the director or producer who selects images that are logical and that succinctly and dramatically tell the story. "Without" images meet the same tests, but come from other sources, including
the minds of publicists. This, of course, is known as management of the news.

You are about to analyze a brief video tape that is a sample of the extensive television coverage of the Roberti-Roos Assault Weapons Control Act of 1989. Our discussion will center on the images utilized by television to tell the story of the legislation. For example, television reporters on their own went to gun shops to film racks of assault weapons to illustrate their stories, but it was the Roberti office that organized a police demonstration of the fire-power of assault weapons in which watermelons and cinder blocks were the targets. Another example: Television reporters were perfectly content to position Roberti behind his desk for one-on-one interviews, but Roberti's office arranged that such interviews be conducted away from the barrier desk.

Another important consideration: That the imagery not run counter to the persona of Roberti himself. Thus Roberti refused the opportunity (offered by a radio station) to maneuver a large steam roller over a cache of assault weapons (too contrived and he might fall off). Similarly, he refused to fire an assault weapon for the cameras.

Now for the video tape.....
We believe that the Fax technology must be used sparingly, but under deadline pressure, the Fax can be our best friend.

We noticed that in the development and progress of the Roberti-Roos Act, several news organizations -- including those in Sacramento bureaus -- requested information, some of it lengthy, sent to them via the Fax machine.

In the following two examples, we used the Fax machine to request editorial support of our positions. The first example involved Governor George Deukmejian, the second example involved Assembly Speaker Willie Brown, Jr.
Governor asks delay on gun ban passage

By STEVE LAWRENCE
The Associated Press

SACRAMENTO — Gov. Deukmejian, in a surprising, last-minute move, delayed a final vote on a bill to restrict assault weapons. But he denied yesterday that his action indicated he had abandoned support for such legislation.

"My position is the same," the Republican governor said in a one-page statement. "I am receptive to legislation banning military assault weapons provided that bill does not create uncertainty or confusion and does not ban guns used by sportsmen."

He said he wanted time to review the bill and suggest amendments, "where appropriate."

The Senate yesterday did approve a bill by Assemblyman Mike Roos, D-Los Angeles, that is almost identical to Roberti's. The 26-11 vote sent the proposal back to the Assembly for action on Senate amendments.

Roos and Roberti said Roos' bill, AB357, could be sent to a two-house conference committee and one-page statement. "I am receptive to legislation banning military assault weapons provided that bill does not create uncertainty or confusion and does not ban guns used by sportsmen."

But Roberti said he got a telephone call Wednesday night from the governor, who asked for a delay in the vote. "The governor bill, to make it do what we set out to do. (But) I am not in a watering-down posture."

Roberti said he expected to hear from the governor early next week. The two lawmakers do not want to run the risk of sending the Roberti bill to conference and face another vote on their primary bill in the Assembly, which approved Roberti's bill and an earlier version of the Roos bill by bare majorities.

In a letter to Roberti, Deukmejian said he had been under the impression that Roberti planned to send his own bill to a conference committee for further work before seeking a final vote.

Deukmejian made his request after he met with a group of current and former Republican legislators who oppose the Roberti bill. One of those lawmakers, Sen. John Doolittle, R-Roseville, said he left the meeting "encouraged."

But Doolittle said he thought Deukmejian would eventually sign some sort of bill restricting access to assault weapons. "I only say that because that's what he has said," Doolittle added.

Roberti said he hoped Deukmejian was "not wavering" in his support of assault weapon legislation, but he urged people who support the bill to contact the governor's office.

The Roberti and Roos bills would, with a few exceptions, ban the sale of more than 50 models of military-style assault weapons, including a few pistols and shotguns. It would allow people who legally owned the firearms before June 1, 1989, to keep them if they registered them with the state.

The measures also include prison sentences for illegal use of the weapons.
April 21, 1989

TO: EDITORIAL WRITERS
FROM: Robert Forsyth
Press Secretary

RE: Governor Deukmejian and Assault Weapons Legislation


WE ARE FRANKLY SURPRISED AT THIS 11th-HOUR REQUEST, BUT WE AGREE TO IT. SAID SENATOR ROBERTI: "THE GOVERNOR BEING AN IMPORTANT PART OF THE LEGISLATIVE PROCESS, I DEFER TO HIM. BUT WE ARE NOT IN A CONCESSION MOOD."

SENATOR ROBERTI INTENDS THAT HE AND HIS AIDES MEET WITH THE GOVERNOR AND HIS AIDES AS QUICKLY AS POSSIBLE.

IF YOU HAVE ANY QUESTIONS, PLEASE TELEPHONE ME AT (916) 445-8390.
Get On With the Gun Bill

When Gov. George Deukmejian asked the state Senate to delay passage of a carefully drawn bill outlawing the sale of 55 specified models of semiautomatic rifles, shotguns and pistols, he said the request did not signal a retreat from his previously expressed willingness to sign a law banning military-style assault weapons.

"My position is the same," Deukmejian said. "I am prepared to sign a measure banning these dangerous weapons, but it must be a well-crafted bill." The governor said that while he remained "receptive" to the measure's goals, he required more time to "review its provisions."

Despite the fact that this landmark legislation already had cleared the Assembly and was just hours from passage by the Senate, the bill's author, David A. Roberti (D-Los Angeles), agreed to Deukmejian's request.

However, as result of his review, the governor now says he has reservations about two of the bill's provisions: One of his objections is to language meant to keep gun-makers from selling slightly modified facsimiles of the banned weapons. He also is concerned because, under certain circumstances, people who fail to register assault weapons purchased before the ban goes into effect could be prosecuted for a felony.

Neither of these reservations seems insurmountable. After meticulous scrutiny by both legislative chambers, the measure's facsimile provision purposefully avoids prohibition of any gun with a legitimate sporting purpose. Similarly, the registration requirement allows assault-weapon owners 18 months in which to comply, and gives judges discretion to impose misdemeanor rather than felony penalties on those who do not.

More pointedly, any effort to amend this bill now will force it back into the Assembly, which passed it without a single vote to spare. This time around, the chances of defeat are at least 50-50.

There is no valid reason to subject this vital, common-sensical law to such a risk.
Five good reasons to outlaw assault weapons
Deukmejian, Roberti agree on weapons bill

SACRAMENTO (AP) — Legislation restricting the possession and sale of assault weapons in California was sent to Gov. Deukmejian’s desk today after the Republican governor and Democratic leader of the Senate announced they had reached agreement on the plan.

Under the agreement, Senate President Pro Tem David Roberti’s weapons bill was sent to Deukmejian in the form in which it passed the Assembly last month, and the relatively minor amendments which broke the Deukmejian-Roberti deadlock will be inserted in a separate bill.

A 23-8 Senate vote gave final legislative approval to the weapons bill and sent it to Deukmejian’s desk.

The principal compromise in the follow-up gun bill will reduce penalties in some limited circumstances for possession of restricted weapons.

“The compromise, I think, is reasonable,” Roberti told the Senate. “The governor is concerned that we not entrap otherwise law-abiding citizens.”

Deukmejian confirmed that an agreement has been reached. “I am pleased that we have been able to reach agreement with the authors of this important measure to ban military assault weapons in California,” he said in a statement.

“The result of our efforts have been to clarify provisions of the laws and to provide more certainty regarding which guns are covered.”

It was expected that Deukmejian would delay action on the first part until the follow-up bill is on his desk for his action on both as a package.

The compromise sent Roberti’s
Brown assails gun bill talks

Raps negotiations with Deukmejian

By Katharine Macdonald
EXAMINER SACRAMENTO BUREAU

SACRAMENTO — Assembly Speaker Willie Brown says the Democratic authors of legislation to ban assault weapons have erred by negotiating a compromise with Republican Gov. Deukmejian.

It is, however, as talks continued Tuesday between negotiators for the governor and the legislators, sources said they believed an agreement would soon be reached.

At a Capitol press conference Tuesday, Brown, D-San Francisco, expressed concern that the bills, SB292 and AH377, by Senate President pro tem David Roberti and Assemblyman Mike Roos, both of Los Angeles, would be weakened in a fashion unacceptable to him and other Democrats who have supported the measure.

"That is totally unacceptable to me," Brown said. "I will oppose watering down the bill, period."

Brown also worried aloud that, as the negotiations dragged on, the bills could lose the momentum that had sent them so swiftly through the legislative process. Delays, he said, will erode the memory of the day last January when a drifter named Patrick Purdy killed five children and wounded 29 others and a teacher in a Stockton schoolyard.

'Ads ... reduce courage quotient'

"Ads by the NRA (National Rifle Association) on television tend to reduce, as we get further away from the Stockton shootings, the courage quotient that has infused many members of the Legislature," Brown said.

Many legislators, especially those from conservative districts, are loath to oppose the powerful gun lobby.

Roberti's and Roos' bills were derailed from their fast track almost two weeks ago by a surprise phone call from Deukmejian to Roberti. The governor, who had just met with opponents of the proposed ban, asked that a scheduled Senate vote, virtually certain to put SB292 on his desk, be delayed to give him more time to review the bill.

Since then, Roberti and Roos have met with Deukmejian. The staffs of the three men, along with law enforcement representatives who support the legislation, have also been trying to reach a compromise.

The two bills would prohibit the manufacture, sale, gift or loan of 82 specifically named semiautomatic rifles, pistols and shotguns. Those already in legal possession of the weapons June 1 could keep them but would have to register them with the state Department of Justice.

Governor's reservations

Deukmejian had reservations about two provisions in the bill. One provision contained "facsimile" language, designed to prevent manufacturers from getting around the law by making slight modifications in banned guns and then renaming them; the other provision would make it a felony if legal owners of the guns were to fail to register them.

Roos' press secretary, Lynn Montgomery, said new language drawn up by the office of Attorney General John Van de Kamp, the sponsor of the bills, addressed the governor's concerns and was delivered to Deukmejian's office Tuesday morning. The governor, kept home by a bout with influenza, was expected to review the new language soon.

Montgomery said Deukmejian's concerns regarding the facsimile language centered on the Department of Justice's criteria for adding to the list of forbidden weapons.

Regarding the provision that would make non-registration of a legally owned assault weapon a felony, Montgomery said the bill authors were "probably amenable" to lessening the punishment for first-time offenders.

"Whether or not that is an infraction is something that still has to be discussed," Montgomery said. "We would prefer something other than an infraction — at the very least, a misdemeanor."

Brown, at his press conference, said: "Some of us would not vote to make the possession of an assault rifle an infraction. ... I just think that's no protection at all."

S.F. Examiner
5-3-89
May 5, 1989

TO: EDITORIAL WRITERS
FROM: Robert Forsyth
Press Secretary
RE: Speaker Willie Brown


WE BELIEVE THAT THE BILLS IN THEIR CURRENT FORM REPRESENT THE BEST THAT WILL COME FROM THE CURRENT SESSION. THEY ARE THE PRODUCTS OF BI-PARTISANSHIP AND LENGTHY WORK WITH GOVERNOR DEUKMEJIAN. WE ALSO BELIEVE THAT NOW IS THE TIME TO ADOPT THESE MEASURES.

IF YOU HAVE ANY QUESTIONS, PLEASE TELEPHONE ME AT (916) 445-8390
The compromise worked out between Gov. Deukmejian and sponsors of legislation to restrict ownership of semiautomatic assault weapons in California is a reasonable one and deserves to become law. Unfortunately Assembly Speaker Willie Brown's 11th-hour reservations could block passage of a measure on which opinion is almost evenly divided in the lower house.

Under the agreement worked out Thursday, Sen. David Roberti's bill to ban the future sale and unregistered ownership of assault weapons will be supplemented by a second measure by Assemblyman Mike Roos. The follow-up bill would moderate penalties for first-offense possession violations and set up a sensible procedure by which new facsimile models not specifically named in this legislation could be added to the list of forbidden weapons through action by the attorney general and the courts.

These provisions respond to the governor's concern that law-abiding people who neglect to register such firearms could end up being prosecuted as felons. When an unregistered gun is found in a place where registered weapons are normally allowed — at home, a place of business or at a firing range — a first offense would be a "major infraction" subject to a minimum $350 fine. The same offense could still be treated as a felony in second and subsequent offenses, and any case involving possession of an assault weapon in unauthorized places, like the street or a public park, would be treated as a felony.

Roberti's bill barely got through the Assembly. Thus Brown's objection to amendments that he apparently feels weaken the bill clouds the outlook for any legislation because the two bills are being treated as a package: Deukmejian won't sign the Roberti bill, already passed by both houses of the Legislature, until the follow-up measure containing the safeguards he asked for is also on his desk.

It took a schoolyard slaughter, and months of legislative infighting, to move California this close to controlling the mindless proliferation of weapons for which there's no legitimate need and to setting up a model for other states and, especially, for Congress. Unless the speaker has better reasons than he's given so far for balking, he ought to stop quibbling and embrace the reasonable compromise his colleagues and the governor have fashioned.
Cooperate on guns

Oh come on, governor, just ban the guns already.

The crinkum-crankum of the state's assault weapons bill got both crinkier and cranker last week. Gov. Deukmejian, who has raised questions about the present bill's clarity, will not sign the pending law unless it is accompanied by an amending bill. Now, Speaker Willie Brown says he has reservations, and the fate of the amending bill, and thus of the original bill, is uncertain.

Deukmejian's desire to ease penalties against those who inadvertently violate the law aren't wholly misplaced. But he continues to miss the point regarding facsimiles and duplicates.

The bill now on his desk bans a specific list of weapons, and prohibits manufacturers from producing modified versions of them. Deukmejian thinks that's too vague, and so he forced a compromise that specifies a series of legal maneuvers as the only way the attorney general can expand the list. At the same time, he has described a notification procedure to assure that legitimate gun owners don't accidentally violate a changing law.

How does it serve clarity to force the legal system to pick at nits, and then to force agencies to issue a constant round of updates and clarifications? The gun-owning public would be better served by a broad generic definition of what the state considers illegal and a balanced, independent panel to impose it.

As for Willie Brown, well, maybe he wears nice suits. But that doesn't excuse his evident ambition to become a major player in the gun debate even at the expense of needed legislation. The governor's amendments aren't too smart, but they aren't all that onerous, either. They are, in context, only piffling. If this law is the best that Sacramento's cowardice and sophism will permit, it still is better than nothing. Who is the man in nice suits to stand in their way? He should get out of it.
Brown Relents, Supports Ban on Assault Guns

By CARL INGRAM, Times Staff Writer

SACRAMENTO—Assembly Speaker Willie Brown abandoned his holdout Monday and endorsed an agreement reached with Gov. George Deukmejian to make California the first state to outlaw military-style combat guns.

The Speaker's decision to support the agreement appeared to pave the way for enactment by next week of the ban on semiautomatic weapons that police say are favored by traffickers and other criminals.

Last week, the San Francisco Democrat abruptly put the brakes on the compromise reached with Deukmejian by Senate leader David A. Roberti and Assemblyman Mike Roos, both Los Angeles Democrats. Brown voiced concern that the agreement might weaken penalties for failure to register legally acquired assault firearms.

Change of Viewpoint

But Brown said Monday that he had studied the compromise during the weekend and termed himself "absolutely" satisfied that the penalties, although softened somewhat, were still stiff.

"I'll support the bill," Brown said.

Starting next Jan. 1, the proposal would make it against the law to import, manufacture, sell, lend, trade, advertise for sale and possess without a special permit about 60 military-style semiautomatic rifles, pistols and shotguns.

Current owners of legally acquired firearms that would appear on the banned list—including AK-47s, Uzis and AR-15s—could keep those weapons if they registered them with the state Department of Justice and obtained a permit. They would have until 1991 to do so.

Under the initial proposal, failure to register would be either a misdemeanor or a felony, depending on the discretion of a court judge. However, Deukmejian objected that these criminal penalties were too harsh, particularly upon an otherwise law-abiding gun owner who refused or merely neglected to register the gun.

He demanded that the first offense be punishable as an infraction, such as a traffic ticket. Under the agreement reached by Deukmejian, Roberti and Roos, the proposed misdemeanor or felony penalties for failure to register a legally acquired assault weapon would be made a "major infraction" carrying a mandatory fine of at least $350 for the first offense. For a second violation, the punishment would be a misdemeanor or a felony.

Felony Provision

For those who do not own a lawfully obtained firearm, illegal possession of a banned assault gun would be a felony, punishable by four to eight years in prison.

Deukmejian also opposed a provision of the Roberti-Roos legislation aimed at outlawing facsimile assault weapons not listed in the bill. Subsequently, the two sides negotiated a compromise that would allow a Superior Court judge to outlaw such guns on a case-by-case challenge.

Roberti said that top law enforcement officials and neighborhood organizations—especially those in Los Angeles County, where heavily armed gangs regularly engage in urban warfare—made their support for the compromise known to Brown during the weekend.

Roberti said he believes the infraction penalty for first-time offenders who fail to register their assault guns would be even more effective than facing prosecution on a misdemeanor or felony charge. He noted that many judges probably would be reluctant to impose a criminal punishment for failure to register and probably would levy only a token fine.

Minimum Fine

The compromise, however, would require the judge to impose the minimum fine of $350 and order that the gun be registered.

The Senate already has passed and sent Roberti's bill to Deukmejian, who said he would delay signing it until the bill containing the penalty compromise reaches him. The compromise amendments will be carried by Roos.

Plans call for the compromise to be inserted into the Roos bill in a Senate-Assembly conference committee, whose report then will be subject to approval by both houses. The Senate is expected to approve the new version easily, but the legislation could face a tougher fight in the Assembly, which is more vulnerable to lobbying by the National Rifle Assn.
Perhaps it is dangerous, in a public relations sense, to telegraph your message. For one thing, such telegraphing may inspire a preemptive strike.

The following example illustrates this point.

Senator Rogers, a strong opponent of the Roberti-Roos Act, distributed a news advisory of his upcoming news conference, detailing in his advisory the contents of his conference.

We prepared a response and delivered it outside the Rogers news conference. Although reporters asked Rogers questions, either they did not write stories from the conference, or editors chose not to run the stories. Which was fine with us.
MEMORANDUM TO: CAPITOL PRESS CORPS

FROM: BOB FORSYTH, PRESS SECRETARY, SENATE PRESIDENT PRO TEM ROBERTI

SUBJECT: SENATOR ROGERS NEWS CONFERENCE REGARDING SB 292

DATE: MAY 2, 1989

________________________________________________________________________

SENATOR DON ROGERS HAS A NEWS CONFERENCE SCHEDULED TODAY
(MAY 2) IN WHICH, ACCORDING TO HIS APRIL 25 NEWS RELEASE, HE
WILL STATE "...THE MAJORITY OF LINE OFFICERS ARE VERY MUCH
OPPOSED TO THIS TYPE OF LEGISLATION."

WE SAY SENATOR ROGERS IS INCORRECT.

1). ACCORDING TO THE CALIFORNIA COMMISSION ON PEACE
OFFICER STANDARDS AND TRAINING (POST), THERE ARE 63,467 SWORN
PEACE OFFICERS IN CALIFORNIA. WE DON'T BELIEVE THAT AT LEAST
32,000 PEACE OFFICERS OPPOSE SB 292 OR AB 357.

2). ATTACHED IS A COPY OF A LETTER FROM THE CALIFORNIA
COALITION OF LAW ENFORCEMENT ASSOCIATION --- REPRESENTING OVER
35,000 PEACE OFFICERS IN CALIFORNIA --- IN SUPPORT OF THE BILL.

3). ATTACHED IS A COMPLETE LIST OF SUPPORT OF THE BILL.
April 24, 1989

Richard T. Davis
Office of Governor George Deukmejian
State Capitol
Sacramento, California 95814

Dear Mr. Davis:

Please make Governor Deukmejian aware that the California Coalition of Law Enforcement Association, representing over 35,000 peace officers in California, in special session on April 22nd, voted unanimously to request the Governor sign SB 292.

There are peace officers who oppose this legislation, but we write to assure you that they are in the minority.

We support SB 292 because we believe it will slow the growth of semi-automatic weapon attacks on defenseless people.

We believe such a goal is worth the inconvenience that will be imposed upon those who have purchased these weapons for their personal protection or enjoyment.

Sincerely,

FRANK GRIMES
President

FG:lab
April 13, 1989

ORGANIZATIONAL SUPPORT FOR SB 292

Source:

Attorney General
Sheriff Block, Los Angeles Sheriffs Dept.
Chief Darryl Gates, LAPD
Alameda District Attorney's Office
Oakland Police Department
Sheriff Craig, Sacramento Sheriffs Dept.
California District Attorneys Association
Chief Craig Meacham, West Covina Police Dept.

Support

Law Enforcement:

California Peace Officers' Association
California Police Chiefs Association
Los Angeles County Professional Peace Officers Association
California Organization of Police and Sheriffs
City of Piedmont Police Department
Twin Cities Police Department
City of Coronado Police Department
City of San Buenaventura Police Department
City of National City Police Department
San Diego Police Officers Association
San Diego County Police & Sheriff's Association
Police Chiefs Association of San Mateo County
San Jose Police Officers Association
Mexican American Correctional Association
Latino Peace Officers Asn. - Santa Clara/San Mateo Co. Chapter
City of Campbell Police Department
City of Huntington Beach Police Department
City and County of San Francisco Police Department
Orange County Sheriffs Department, Sheriff Brad Gates
La Ley - Latin Police Officers of Los Angeles
Southern California Association of Law Enforcement (SCALE)
State Park Peace Officers Association
Contra Costa Police Chiefs Association
Los Angeles District Attorney

Citys and Counties:

City of Albany
City of Gardena
City of El Cerrito
City of La Mirada
City of Los Angeles
City of Oakland
City and County of San Francisco
City of Carlsbad
City of Baldwin Park
City of Bell
City of Berkeley
City of Beverly Hills
City of Carson
City of Compton
City of El Segundo
City of Hawaiian Gardens
City of Inglewood
City of Laguna Beach
City of Long Beach
City of Lynwood
City of Marin
City of Montebello
City of Newark
City of Richmond
City of Stockton
City of Sacramento
City of Santa Barbara
City of Pico Rivera
City of Hermosa Beach
City of Lakewood
City of Moorpark
City of San Diego
City of San Jose
City of San Gabriel
City of Poway
City of Petaluma
City of Sunnyvale
City of Tustin
City of San Bernardino
City of West Hollywood
County of Los Angeles
County of Monterey
County of San Diego
County of Santa Clara
County of Santa Cruz
County of Yolo
Alameda County Board of Supervisors
City of Manhattan Beach
City of Newark
League of California Cities*

Educational Organizations:

CA State Department of Education
California Teachers Association
California Federation of Teachers, AFT AFL-CIO
California School Boards Association
California School Employees Association
Association of California School Administrators
California State PTA
UTLA
County Superintendents of Schools
Association of California Urban School Districts
CA Child Development Administrators Association
Mill Valley Teachers Association
Alameda County School Boards Association
Los Angeles Unified School District
Yucaipa Unified Elementary School District
San Joaquin County Office of Education
Bellflower Unified School District
Palos Verdes Peninsula Unified School District
Richmond Unified School District
Garvey Elementary, San Joaquin
Sacramento City Unified School District
Fremont Union High School Board of Trustees
Orange County Department of Education
Contra Costa County Board of Education
Mill Valley Teachers Association
Montair School Parent Teachers Association
Stockton Unified School District
San Bernardino City Unified School District
Vacaville Unified School District

Labor Organizations:
State Building Trades Council
Laborers International Union of North America
Communication Workers of America
CA Conference of Machinists
American Federation of State, County and Municipal Employees
Transport Workers Union of America

Other Organizations:
Lieutenant Governor Leo McCarthy
California Trial Lawyers Association
South Central Organizing Committee
Los Angeles NAACP
Western Society of Criminology
Valley Organized in Community Efforts
United Neighborhood Organization
East Valley Association
Atascadero Democratic Club
Progressive Democratic Club
Westwood Democratic Club
San Diego Chamber of Commerce
Harbor Human Relations Council
Napa County Medical Society
Los Angeles Women's Leadership Network
American Association of University Women
Asian-Pacific Women's Network
Business and Professional Women
Fund for the Feminist Majority
Comision Feminil De Los Angeles
National Council of Jewish Women
National Women's Political Caucus
National Organization for Women
Older Women's League
Women For:
Women Lawyers of Los Angeles
Women of Color, Inc.
YWCA of Los Angeles
National Women's Political Caucus of California
National Women's Political Caucus - San Fernando Valley
Sierra-Cahuenga District 15 - CA Federation of Women's Clubs
The Synod of Northern California & Northern Nevada
California Council of Churches
Lutheran Office of Public Policy
Eastern Region Community Relations Committee of the Jewish
Federation Council of Greater Los Angeles
Los Padres - National Assoc. of Hispanic Priests & Deacons
Karako Bay Films
California Association of Student Councils
New Right Watch
Crime Victims' Legal Clinic
California Center on Victimology
California Academy of Family Physicians
American College of Surgeons
American Academy of Pediatrics - CA District
Center for Injury Prevention
Californians Against Handgun Violence
Cambodian Association of America
Social Concerns Commission, Dioceses of Sacramento
Juvenile Justice and Delinquency Prevention Commission - Riverside Coun
Asian American Federation of Union Members
Women's Political Committee
Santa Rosa Democratic Club
A.A.R.P.
CA Association for Health, Physical Education, Recreation & Dance
Comision Femenil Mexicana, Inc., Nacional
Children's Lobby
Physicians Assistants of California
The Princeton Group
Eastern Publications Los Angeles
Balvedere Publications
Human Relations Commission of Santa Clara
Western Society of Criminology
Hillcrest Congregational Church
Editorials

Los Angeles Times
Sacramento Union
San Diego Union
Los Angeles Herald Examiner
L.A. Daily News
San Francisco Examiner
Oakland Tribune
Long Beach Press-Telegram
Star-News
San Jose Mercury News
Tahoe Daily Tribune
The Daily Recorder
San Diego Union
The San Diego Tribune
The Sacramento Bee
The New York Times
KGO TV

*Supports in concept
APPENDIX I

Statewide and National Media
Background Material on Act

Attached is the overview package the Roberti office distributed to the California media and selected national media. As the bill advanced and accepted amendments, the information was updated.
TO: THE MEDIA

FROM: ROBERT FORSYTH
PRESS SECRETARY

RE: ASSAULT WEAPONS

DATE: FEBRUARY 17, 1989

FOR YOUR INFORMATION, ENCLOSED ARE:

1. Remarks by Senate President Pro Tempore David Roberti regarding his Assault Weapon bill (SB 292).


4. A list of semiautomatic weapons (Attorney General's interpretation) affected and unaffected.


IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT ME.

THANK YOU.
REMARKS BY SENATOR DAVID ROBERTI

Thank you for being here today.

Senate Bill 292, deals with public safety.

The public rightfully demands this legislation, law enforcement demands this legislation and common sense demands this legislation.

We in the legislature must have the courage to stand up to the bully on the block, the National Rifle Association.

First, let me say what this legislation does not do: it does not infringe on the rights of legitimate sportsmen. And it does not absolve us --- all of us --- from seeking additional solutions to gang war violence and deranged killers.

We live in a complex and too-violent society. We must therefore seek a variety of solutions. I believe that this measure is only one of a number of needed solutions.

This measure is the product of republicans and democrats, of conservative and liberals, of those from the urban areas and those from the rural areas. It is a product of reasonable minds.
We do not underestimate the power of the NRA. The NRA has declared war on this measure, which is hardly surprising. Two years ago, the NRA announced that its high priority is to repeal the federal ban on civilian ownership of machine guns. That is nonsense and NRA protection of assault weapons is nonsense.

But I say to the NRA, do not dare underestimate the power of the people.

One of those people is a five-year-old girl from El Cerrito. Last week, this child sent me a letter in which she carefully printed these words:

"Dear Senator Roberti,

Please ban the guns that kill kids."

I am sending that little girl this ban-the assault weapon button and with it goes my pledge that I will do all I can to ban these evil instruments.

I believe we will win because that little girl and millions of other Californians are saying ENOUGH IS ENOUGH.

Thank you.

# # #
Introduced by Senator Roberti
(Principal coauthor: Assembly Member Roos)
(Coauthors: Senators Bill Greene, Montoya, and Torres)
(Coauthor: Assembly Member Johnston)
(Coauthors: Assembly Members Johnston and Klehs)

January 26, 1989

An act to amend Sections 12020.5 and 12022.5 of, and to add Chapter 2.3 (commencing with Section 12275) to Title 2 of Part 4 of, the Penal Code, relating to weapons.

LEGISLATIVE COUNSEL'S DIGEST
Existing law makes it a misdemeanor to advertise certain weapons or devices, as specified.
This bill would add "assault weapon," as defined, to that list, thus creating a state-mandated local program by expanding the scope of an existing crime.
Existing law provides that any person who is convicted of a felony or an attempt to commit a felony, including murder or attempted murder, in which that person discharged a firearm at an occupied motor vehicle which caused great bodily injury or death to another, shall, upon conviction of that felony or attempted felony, receive a full, consecutive sentence enhancement of 5 years in addition to the sentence prescribed for the felony or attempted felony. Existing law also provides that the firearm shall be deemed a nuisance and shall be disposed of by law enforcement officials, as specified.
This bill, in addition, would provide that any person who
personally uses an assault weapon in the commission or attempted commission of a felony shall receive the same sentence enhancement. In addition, the bill would require law enforcement officials to dispose of assault weapons, thus increasing their responsibilities, and imposing a state-mandated local program.

The bill also would include legislative findings and declarations concerning assault weapons and would make it a felony for any person, firm, or corporation, within this state to manufacture or cause to be manufactured, import into the state, keep for sale, or offer or expose for sale, or give, lend, or possess any assault weapon, except as provided by this bill. Furthermore, any person who commits another crime while violating this provision would be subject to an additional, consecutive punishment of one year for violating the provision in addition and consecutive to the punishment, including enhancements, which is prescribed for the other crime. Because the bill would create a new crime, it would impose a state-mandated local program.

The bill also would establish a procedure for the registration of assault weapons by the Department of Justice and issuance of permits for their possession and sale, as specified.

In addition, the bill would establish an Assault Weapons Commission, as specified, within the Department of Justice for the purpose of determining whether particular firearms are legitimate sports or recreational firearms.

The bill would declare that if any provision is held invalid, that invalidity shall not affect other provisions or applications of the bill.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that for certain costs no reimbursement is required by this act for a specified reason. However, the bill would provide that, if the Commission on State Mandates Claims determines that this bill contains other costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be payable
from the State Mandates Claims Fund.


The people of the State of California do enact as follows:

SECTION 1. Section 12020.5 of the Penal Code is amended to read:

12020.5. It shall be unlawful for any person, firm, corporation, or association, in any newspaper, magazine, circular, form letter, or open publication, published, distributed, or circulated in this state, or on any billboard, card, label, or other advertising medium, or by means of any other advertising device, to advertise the sale of any weapon or device whose possession is prohibited by Section 12020 or 12280.

SEC. 2. Section 12022.5 of the Penal Code is amended to read:

12022.5. (a) Except as provided in subdivisions (b) and (c), any person who personally uses a firearm in the commission or attempted commission of a felony shall, upon conviction of such felony or attempted felony, in addition and consecutive to the punishment prescribed for the felony or attempted felony of which he or she has been convicted, be punished by an additional term of imprisonment in the state prison for two years, unless use of a firearm is an element of the offense of which he or she was convicted.

(b) Notwithstanding subdivision (a), any person who is convicted of a felony or an attempt to commit a felony, including murder or attempted murder, in which that person discharged a firearm at an occupied motor vehicle which caused great bodily injury or death to the person of another, or any person who personally uses an assault weapon, as specified in Chapter 2.3 (commencing with Section 12275) of this title, in the commission or attempted commission of a felony, shall, upon conviction of that felony or attempted felony, in addition and consecutive to the sentence prescribed for the felony or attempted felony, be punished by an additional term of
imprisonment in the state prison for five years.

(c) Notwithstanding the enhancement set forth in subdivision (a), any person who personally uses a firearm in the commission or attempted commission of a violation of Section 11351, 11351.5, 11352, 11366.5, 11366.6, 11378, 11378.5, 11379, 11379.5, or 11379.6 of the Health and Safety Code, shall, upon conviction of that offense and in addition and consecutive to the punishment prescribed for the offense of which he or she has been convicted, be punished by an additional term of imprisonment in the state prison for three, four, or five years in the court's discretion. The court shall order the imposition of middle term unless there are circumstances in aggravation or mitigation. The court shall state the reasons for its enhancement choice on the record.

(d) The additional term provided by this section may be imposed in cases of assault with a firearm under paragraph (2) of subdivision (a) of Section 245, or assault with a deadly weapon which is a firearm under Section 245.

(e) When a person is found to have personally used a firearm or an assault weapon in the commission or attempted commission of a felony as provided in this section and the firearm or assault weapon is owned by that person, the court shall order that the firearm be deemed a nuisance and disposed of in the manner provided in Section 12028.

(f) For purposes of imposing an enhancement under Section 1170.1, the enhancements under this section shall count as one, single enhancement.

(g) Notwithstanding any other provision of law, the court may strike the additional punishment for the enhancement provided in subdivision (c) in an unusual case where the interests of justice would best be served, if the court specifies on the record and enters into the minutes the circumstances indicating that the interests of justice would best be served by that disposition.
CHAPTER 2.3. ASSAULT WEAPONS


12275. The Legislature hereby finds and declares that the proliferation and use of assault weapons poses a threat to the health, safety, and security of all citizens of this state. As used in this chapter, "assault weapon" generally means a firearm of such a nature and with such a high rate of fire and capacity for firepower that its function as a legitimate sports and recreational firearm is substantially outweighed by the danger that it will be used to kill and injure human beings. It is, therefore, the intent of the Legislature in enacting this act to place restrictions on the use of these assault weapons and to establish a registration and permit procedure for their lawful sale and possession. It is not, however, the intent of the Legislature to place restrictions on the use of those weapons which are primarily designed and intended for hunting, target practice, or other legitimate sports or recreational activities.

12276. (a) For purposes of this chapter, "assault weapon" includes all of the following:

1. All semiautomatic action, centerfire rifles that accept detachable magazines with a capacity of 20 rounds or more.
2. All semiautomatic shotguns with a barrel of less than 19 inches and a folding stock or a magazine capacity of more than six rounds.
3. All semiautomatic pistols, as defined in Section 12001, that are modifications of rifles described in paragraph (1); that is, having the same make, caliber, and action design but a shorter barrel and no rear stock, or that are semiautomatic weapons originally designed to accept magazines with a capacity of 20 rounds or more.
4. Any firearm which may be readily restored to an operable assault weapon.
5. Any part, or combination of parts, designed or intended to convert a firearm into an assault weapon, or...
any combination of parts from which an assault weapon may be readily assembled if those parts are in the possession or under the control of the same person.

(b) As used in this chapter, "shotgun" means a weapon, whether it is intended to be fired from the shoulder, that is designed or redesigned, made or remade, to fire a fixed shotgun shell.

As used in this chapter, "rifle" means a weapon, whether it is intended to be fired from the shoulder, that is designed or redesigned, made or remade, to fire a fixed cartridge and is not a "pistol," as defined in Section 12001.

As used in this chapter, "semiautomatic" means a weapon which fires a single projectile for each single pull of the trigger and which employs a magazine.

(c) As used in this chapter, "assault weapon" does not include any of the following:

(1) All weapons that do not use fixed ammunition, all weapons that were in production prior to 1898, all manually operated bolt-action weapons, all lever-action weapons, all slide-action weapons, all single-shot weapons, all multiple-barrel weapons, all revolving-cylinder weapons, all semiautomatic weapons with a fixed magazine capacity of 10 rounds or less, all semiautomatic weapons that use exclusively Mannlicher-style clips, all semiautomatic weapons in production prior to 1954, and all rimfire weapons that employ a tubular magazine.

(2) Any short-barreled shotgun, as defined in paragraph (1) of subdivision (c) of Section 12020.

(3) Any short-barreled rifle, as defined in paragraph (2) of subdivision (c) of Section 12020.

(4) Any antique or relic firearm, movie prop, or other weapon, as specified in paragraphs (1), (5), (7), (8), (9), (10), (11), (12), and (13) of subdivision (b) of Section 12020, and subject to all the limitations and requirements of those paragraphs.

(5) Any firearm that uses .22 caliber rimfire ammunition.

(6) Any firearm that is declared to be a legitimate sports or recreational firearm by the Assault Weapons
Commission pursuant to Section 12295.

(7) Any assault weapon which has been modified either to render it permanently inoperable or to permanently make it a device no longer defined as an assault weapon.

(d) Except as specifically stated in this section, the provisions of this section are independent of, and supplemental to, any other provisions of law, and nothing shall prevent a device defined as an "assault weapon" in this section from also being regulated under other provisions of law.

Article 2. Unlawful Activities

Any person, firm, or corporation, who within this state manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any assault weapon, except as provided by this chapter, is guilty of a felony, and upon conviction shall be punished by imprisonment in the state prison, or in the county jail, not exceeding one year. Notwithstanding Section 654 or any other provision of law, any person who commits another crime while violating this section may receive an additional, consecutive punishment of one year for violating this section in addition and consecutive to the punishment, including enhancements, which is prescribed for the other crime.

Article 3. Registration and Permits

(a) Any individual who lawfully possesses an assault weapon, as defined in Section 12276, prior to October 1, 1989, shall register the firearm by January 1, 1991, with the Department of Justice pursuant to such procedures as the department may establish. The registration shall contain a description of the firearm that uniquely identifies it, including all identification marks, the full name, address, date of birth, and fingerprints of the owner, and such other information as the department
may deem appropriate. Any change of address of the
owner must be registered with the department within 90
days of the change. The department may charge a fee for
registration not to exceed the actual processing costs of
the department. After the department establishes fees
sufficient to reimburse the department for processing
costs, fees charged shall increase at a rate not to exceed
the legislatively approved annual cost-of-living
adjustment for the department’s budget.

(b) No assault weapon possessed pursuant to this
section may be sold or transferred on or after January 1,
1990, to anyone within this state other than to a licensed
gun dealer as defined in subdivision (b) of Section 12290.
Any individual who obtains title to an assault weapon
registered under this section by bequest or intestate
succession must, within 90 days, either render the
weapon inoperable in accordance with paragraph (7) of
subdivision (c) of Section 12276, sell the weapon to a
licensed gun dealer, obtain a permit from the
Department of Justice in the same manner as specified in
Article 3 (commencing with Section 12230) of this title,
or remove the weapon from this state.

(c) A person who has registered an assault weapon
acquired prior to October 1, 1989, under this section may
possess it only under the following conditions:
(1) At that person’s residence, place of business, or
other property owned by that person, or on property
owned by another with the owner’s express permission.
(2) While on the premises of a target range of a public
or private club or organization organized for the purpose
of practicing shooting at targets.
(3) While on a target range which holds a regulatory
or business license for the purpose of practicing shooting
at that target range.
(4) While on the premises of a shooting club which is
licensed pursuant to the Fish and Game Code.
(5) While attending any exhibition, display, or
educational project which is about firearms and which is
sponsored by, conducted under the auspices of, or
approved by a law enforcement agency or a nationally or
state recognized entity that fosters proficiency in, or promotes education about, firearms.

(6) While transporting the assault weapon between any of the places mentioned in this subdivision, if the assault weapon is transported as required by Section 12026.1.

(d) No person under the age of 18 years and no person described in Section 12021 or 12021.1 of this code or Section 8100 or 8103 of the Welfare and Institutions Code may register or possess an assault weapon.

12286. Any individual who acquires or wishes to acquire any assault weapon in existence on or after October 1, 1989, must first obtain a permit from the Department of Justice in the same manner as specified in Article 3 (commencing with Section 12230) of this title.

Article 4. Licensed Gun Dealers

12290. (a) Any licensed gun dealer, as defined in subdivision (b), who lawfully possesses an assault weapon pursuant to Section 12285, in addition to the uses allowed in Section 12285, may transport the weapon between dealers or out of the state, display it at any gun show licensed by a state or local governmental entity, or sell it to a resident outside the state. Any transporting allowed by this section must be done as required by Section 12026.1.

(b) The term “licensed gun dealer,” as used in this article means a person who has a federal firearms license, any business license required by a state or local governmental entity, and a seller’s permit issued by the Board of Equalization.

Article 5. Assault Weapons Commission

12295. (a) There is hereby created the Assault Weapons Commission within the Department of Justice which shall consist of nine members, appointed as follows: the Director of the Division of Law Enforcement within the Department of Justice, who shall be the
presiding officer; the Director of the Department of Fish
and Game; a district attorney of a county or city and
county with a population over 500,000, who shall be
appointed by the Governor; a sheriff of a county or city
and county with a population over 500,000, who shall be
appointed by the Governor; a chief of police of a city or
city and county with a population under 250,000, who
shall be appointed by the Governor; a sheriff of a county
or city and county with a population over 500,000, who
shall be appointed by the Senate Rules Committee; a
chief of police of a city or city and county with a
population over 250,000, who shall be appointed by the
Speaker of the Assembly; a member of a broad-based
organization representing hunters or others who use
firearms for sports and recreational purposes, who shall
be appointed by the Senate Rules Committee; and a
member of a broad-based peace officer labor
organization, who shall be appointed by the Speaker of
the Assembly.

The Director of the Department of Fish and Game and
the Director of the Division of Law Enforcement within
the Department of Justice shall serve as ex officio
members. Each of the other members shall serve
two-year terms, except that for the initial term after
enactment of this section the district attorney, the sheriff
of a county or city and county with a population under
500,000, the member of a broad-based organization
representing hunters or others who use firearms for
sports or recreational purposes, and the member of a
broad-based peace officer labor organization shall serve
for one year.

Members of the commission shall be entitled to a
reasonable per diem and reimbursement for other
expenses necessary to the fulfillment of their duties, and
staff and administrative support as shall be deemed
appropriate by the Director of the Division of Law
Enforcement. The commission shall meet from time to
time as is necessary to perform its duties.

(b) The commission, as soon as is practical, shall adopt
rules and regulations establishing procedures for
determining whether particular firearms are legitimate sports or recreational firearms. The adoption of the rules and regulations shall be exempt from the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, but shall provide for reasonable prior notice and hearing before the commission may declare any firearm to be a legitimate sports or recreational firearm. The rules and regulations shall provide for the speedy resolution of petitions filed pursuant to subdivision (d). Copies of the rules and regulations shall be made available to the public.

(c) In determining whether a firearm is a legitimate sports or recreational firearm, the commission shall consider the findings and intent set forth in Section 12275. The commission shall specifically consider the usefulness and actual use of the firearm for hunting, target practice, or other sports or recreational activities, as well as the firearm’s history of and potential for use in criminal activity.

In general, a shorter length than that of widely accepted hunting or other recreational firearms, the use of a folding stock, an original design for military use, a greater rate of fire or firing capacity than reasonably necessary for legitimate sports or recreational activities, or a uniquely and particularly lethal nature, are factors indicating that a firearm is not a legitimate sports or recreational firearm.

(d) Any licensed gun dealer, as defined in Section 12290, or any manufacturer of any firearm which is described in subdivision (a) of Section 12276 may petition the commission to have that firearm declared to be a legitimate sports or recreational firearm under the procedures established under this section. The commission may impose a fee for each petition not to exceed the actual cost of investigating and processing the petition.

(e) The commission shall notify the Legislature within seven days of any finding made under this section. No decision by the commission under this section shall
become effective for 90 days.

SEC. 4. If any provision of this act or the application thereof to any person or circumstances is held invalid, that invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for those costs which may be incurred by a local agency or school district because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

However, notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars ($1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.
* In 1987, 357 homicides in Los Angeles County were gang related. In 1988, there were 450 gang related homicides. Gangs have shot to death an average of one person every single day in 1987 and 1988.

* More than half of the victims of the LA shootings were innocent and not related to any gang activity.

* During the 14 year Chicago prohibition there were a total of 703 gang murders. All of these homicides were gang related. 1987 and 1988 Los Angeles gang related homicides exceed the prohibition period gang wars.

* The vast majority of semi-automatic assault weapons used in crimes are purchased across the counter according to law enforcement agencies. The Oakland Police Department estimates that 80% of the assault weapons confiscated by them are purchased legally.

* An Assembly Office of Research study done this year which surveyed 200 law enforcement agencies in the state found that 83% of the respondents reported an increase in the type and frequency and use of assault weapons. 63% reported a significant increase.

* Alameda County Chief Deputy DA Richard Iglehart claims that one particular store in San Leandro is arming the drug wars erupting in Oakland. Iglehart cites a study linking 70% of the weapons used in drug related crimes to this store.

* The NRA, which opposes a ban on assault weapons, claims to have 2.7 million members nationally and operates with a budget of over $71 million.
LEGISLATIVE FACT SHEET ON SB 292
SENATOR DAVID ROBERTI

* Current Law - To purchase an assault weapon in California you must show identification that you are 18 years or older. In addition, you must sign a form which requires you to indicate whether you are a felon, a drug addict or a person with mental illness. This form is a federal form and not checked for accuracy. After paying the price of your purchase, you may leave the store. In effect, there is a cash and carry policy in California.

* SB 292 - The major provisions of the assault weapons bill are:

1. It is a felony to possess, sell or manufacture an "assault weapon", as defined, and adds a five-year enhancement for use of an assault weapon in the commission of a crime.

2. Define "assault weapon" through generic language, with a companion generic definition of those firearms which are not assault weapons that are categorized as legitimate hunting and sports weapons.

3. Create an Assault Weapons Commission to exempt specific weapons found to be legitimate sports or recreational firearms.

4. Any individual who lawfully possessed an assault weapon prior to October 1, 1989, may retain the gun by registering it with the Department of Justice. This will be similar to the current check of those purchasing concealable firearms. Registration is limited to both the specific individual and the specific gun. The owner may not thereafter transfer it to anyone within California other than to a licensed gun dealer.

5. Any individual wishing to acquire any assault weapon after October 1, 1989, must obtain a permit from the Department of Justice under the existing provisions regulating machine guns. This is a much more thorough screening, limited to individuals who can demonstrate justification.

6. The new Assault Weapons Commission will be located within the Department of Justice for administrative purposes. It is composed of nine members: the Director of the Department of Justice's Division of Law Enforcement, the Director of the Department of Fish and Game Commission, a sheriff of a county over 500,000 appointed by the Senate, a chief of police from a city over 250,000 appointed by the Assembly, a representative of a sports club appointed by the Senate, a district attorney from a county over 500,000 appointed by the Governor, a sheriff of a county under 500,000 appointed by the Governor, a chief of police of a city under 250,000 appointed by the Governor, and a representative of a peace officer labor organization appointed by the Speaker.
WEAPONS REGULATED

Rifles: AK 47
    Auto Ordnance Model 27A-1
    Beretta Model AR 70
    Daewood K1 and K2
    FN-FAL and FN-FNC
    Galil
    Heckler & Koch Models 91, 93, 94
    Ruger Mini-14 & Mini-30
    Springfield M1A
    Springfield/Beretta BM 59
    Steyer Aug
    Uzi Carabines
    Valmet Hunter and Model 78

Shotguns: Benelli Police/Military Model
    S.P.A.S.12
    Street Sweeper
    Mossberg 500 Bullpup

Handguns: Ingram (MACS)
    Intratec
    Uzi

**Please Note: This list reflects the Attorney General's interpretation of the semiautomatic weapons described in SB 292.

WEAPONS NOT REGULATED

Rifles: Winchester M 70
    Remington M 700
    Weatherby MK V
    Savage M 110
    Ruger M 77
    Mossberg M 1500
    Winchester M 94
    Remington M 6
    Marlin M 336
    Ruger No 1
    M1 Garand and Carbine
    Ruger 10-22
    Simonov Type 56

Shotguns: Browning Auto 5
    Remington 1100
    Remington 11-87
    Ithaca M 37

Handguns: Glock 19
    Colt 45 ACP
    Browning High Power
Senate pro Tem David Roberti

In control of the Legislature’s quiet side

By Rebecca LaVally

On election night in November, a square-built, Italian-blooded lawmaker named David Roberti paced the floor of his Hollywood district office monitoring state Senate returns and uncharacteristically shunning proffered snack food.

The Senate president pro tempore was glued to reports of votes trickling in from a swing district straddling the line between Orange and Los Angeles counties — conservative-leaning, blue-collar territory where freshman Democrat Cecil Green was threatened with imminent retirement. Roberti had poured hundreds of thousands of dollars into saving this former mayor of Norwalk from the GOP. He didn’t depart the small band of close friends and staff milling about his office until finally convinced of victory around 4:30 in the morning.

During the long night, a team from the local newspaper — the Burbank Leader — dropped by for an interview and to snap his picture for the next day’s front page.

Four hundred miles to the north, Assembly Speaker Willie Brown was holding forth in his ornate Capitol office, serving catered food, soft drinks and liquor to an entourage of 100 or so who trooped by throughout the night — including perhaps a dozen print and television reporters, cameras in tow.

The election-night contrast between the brash Brown and the retiring Roberti is typical of the differences in personal style that characterize their leadership. Each assumed control of his house in late 1980 — Brown with flash and dash to mark the surprise culmination of a prolonged speakership battle; Roberti seeming to just step in one day to depose low-key James Mills of San Diego.

Mills, accused by Roberti of failing to protect Senate Democrats targeted by the GOP, groused that Roberti would “sell his mother if it would advance him politically” and

Rebecca LaVally is Sacramento bureau chief for United Press International.
called him "a man with no conscience"—before conceding to him in a letter from San Diego. At the time, some had difficulty imagining what kind of leader Roberti would be or how long he would last. He was a USC-educated lawyer elected to the Assembly in 1966, to the Senate in 1971, had been Senate Democratic caucus chairman and majority leader, but had never chaired a standing committee in the upper house. He was a riveting and fiery orator when moved to debate but could disappear into the Capitol halls, stoop-shouldered, hugging the walls.

Even today he can seem introverted, inattentive to detail, even indecisive. But those who sit in the 40-member Senate, both Democrat and Republican, say the secret of his longevity in the richly-appointed Senate leader's office is his willingness to cater to members' needs. Influential colleagues say the job probably is his as long as he wants it.

Because the Senate president pro temp must share power with the other four members of the Rules Committee, the holder of that job has never been considered as important as the Assembly speaker. But that may be changing. Indeed, it may be the calm that Roberti maintains in the Senate that will make him, this term, a more powerful political figure than ever. With the Assembly balkanized into all-but-unmanageable factions, there is a better chance that new state policy initiatives will come from the state Senate.

Roberti insists that Willie Brown is "still the most powerful person over there," And Brown himself bristles at the idea that he may be being eclipsed by his Senate counterpart. "I'm still the most powerful legislator," he asserts.

Such debates aside, Roberti's approach seems to satisfy the independent spirits in the Senate.

"He doesn't go for the Willie Brown flamboyance...but Roberti is very thoughtful. He gives a lot of consideration to problems of individual members and he's always there to help," says Democratic Senator Alfred Alquist of San Jose, Roberti's seatmate on the Senate floor and chairman of the powerful Budget and Fiscal Review Committee.

"He's a great help in analyzing various political issues and offering recommendations without ever imposing any obligations on the (Democratic) caucus to follow a certain line," Alquist added. "When David makes a presentation to the caucus, you can be sure he has analyzed it thoroughly, given a great deal of thought to it, gotten various opinions in addition to his own."

Republicans, even conservatives, seem to have little trouble getting along with Roberti, a liberal who doesn't mind describing himself with the "I" word. Then again, he began his political career as leader of the Young Republican Club in the late 1950s at Loyola University, where he first cultivated his debating skills.

"I think David does an excellent job," says Senate Republican Leader Ken Maddy of Fresno. "He follows his caucus, sometimes, I think, against his better judgment. He keeps things together. We've worked well together. We recognize each of us has a partisan role to play; yet, at the same time, we're concerned about how the Senate appears to the general public. Occasionally, we worry about the fact that we're constantly living in the shadow of the Assembly.

"Frankly, I do not think the Assembly is a very strongly admired group from the public's point of view, and we all get swept up with the same broom, of course," says Maddy.

The Senate, which calls itself the "upper house," for years has looked down its nose at the Assembly, even though many senators got their start there. But 1988 was a particularly bad year for passing Senate bills through a lower house paralyzed by power struggles and policy stalemates.
"I think people were very unhappy that the leadership challenges were causing bills to be defeated or creating a logjam that we'd thought we'd gotten a handle on in previous years," says Roberti.

He concedes that not only the Assembly, but the lavish media attention focused on its glib leader, can rub him the wrong way.

Brown is cocky, charismatic, conspicuous; the flashy dresser who steals the show; the fast-talking attorney who boasts of deceiving the press. Roberti, 49, cannot make a suit look good, frequently smiles or laughs in nervous shyness but harbors a mercurial temper which he uses to best advantage in his impassioned speeches. The son of an Italian immigrant, he is a man of causes: a childless foe of abortion, protector of working mothers, defender of animal rights. Last October, it was Roberti who persuaded many of the nation's editorial and feature cartoonists to devote their attention to the plight of the homeless on a single day.

Family is extremely important to Roberti. Before his parents came to live in Roberti's Los Feliz house, not many miles from where he was born, he would give their home phone number to acquaintances because he spent so much time there. While Brown, long estranged from his wife, revels in escorting starlets on his arm, Roberti has been married 20 years to the same woman, once his legislative secretary and still a frequent visitor to his Capitol office.

"He's very caring — caring about people, animals, the environment," June Roberti said of her husband in an interview a few years ago. "He loves children, old people. He doesn't talk a lot but he reads a lot. He likes to garden; he likes to cook. He makes pasta from scratch. He doesn't like to clean up the kitchen afterwards."

She added: "I don't think people really see David as being the kind of person he is, one who really cares about any living thing; it's just the way he is."

Roberti's supporters say his style fits the Senate, that the iron hand that rules the partisan Assembly would never be tolerated in the more independent Senate. So while Brown spent most of 1988 looking over his shoulder for a chorus of Brutuses, Roberti moved smoothly through another year of stewardship. He chairs the Senate Rules Committee, doling out prized committee chairmanships with an eye toward appeasing his conservative Democratic critics. He keeps dissidents in line with his proven willingness to take back what he has given.

Sometimes we all make mistakes of equating leadership with power," says Roberti, who suggests the task of guiding the Senate requires its own definition. "It's the amount of time you want to put into a job; it's your ability to persuade; it's your ability to discern the fights you should engage in and the fights you should avoid; the compromises you should make and the positions you must hold firm to.

"There's a finesse. It's not just exercising the power punches you have, although those are important, too. The Senate, being composed of more settled individuals and older individuals and being a smaller body ... I think responds to that kind of leadership fairly well."

Brown set a record for longevity as speaker in 1988; Roberti would have to serve another nine years as pro temp to do so. Will he stick around? "It depends on what day it is: what mood I'm in," says Roberti, who has given at least passing thought to seeking statewide office.

Some days are more frustrating than others.

"Listen, I'm a human being," says Roberti. "When we work hard, when we've done good work in the Senate to put a measure through and I think I've provided the leadership to..."
do it, and some correspondent thinks there's only one legislator (Brown), it rubs you the wrong way. But that's life in the big city.

"I hope the next year in the state Senate is really a year of major public policy performance. That would serve me well."

Roberti also knows how to lead headline-grabbing fights, however, telling controversial appointees of Republican Governor George Deukmejian, for example. Deukmejian was bitterly slung by the Senate Democratic leader periodically engage in bouts of fence-mending. "In politics, if you hold a grudge ... it eats the person up," says Roberti. "He [Deukmejian] has said some pretty tough things about me, but I may have said some things about him that in a calmer moment I wouldn't have said. He's a very decent person; we just happen to be poles apart politically; therefore we have confrontations. They aren't personal. I've always considered him a good manager."

For all his seeming contradictions, his shyness, his distracted demeanor, his occasional unease, Roberti's Democratic colleagues consider him a good manager, too, in the arena that counts most. "It was hard to get to Jimmy Mills when he was pro tern," says Ruben Ayala of Chino, one of six conservative Democrats who sometimes vote as a bloc against Roberti's liberal colleagues. "You can walk up to Roberti, although it's hard to tell if he's listening to you - he's got so doggone many things on his mind. I tell him to write it down; he does. Roberti's been good to all of us. If he's good to you, that's about all you can expect."

Roberti has been particularly good to one consultant, a mystery figure who has hovered around the pro tern in recent years and engendered whispered complaints from those who perceive the consultant as an unabashed influence peddler. His name is David Commons, who earns $5602 a month on the public payroll. Rotund, bespectacled and 70ish, Commons is a former oil industry lobbyist, former Hollywood director, long-time Roberti family friend and wealthy contributor to political campaigns. During Senate floor sessions, he often is seen patrolling the sidelines, buttonholing various senators.

Commons' name first surfaced back in 1985 when United Press International reported that Roberti had given him an office and Senate floor privileges even though Commons was a paid political consultant for American Medical International. He was described at the time by Capitol insiders as "a felony waiting to happen."

Roberti solved the problem by putting Commons on the state payroll, although his duties remain vague. State Senator Dan Boatwright, a Concord Democrat, referred to him as a "quasi chief of staff" and a plus for the pro tern.

"David Commons is the best facilitator that I've ever met in my life," said Boatwright. "David [Roberti] is very busy and often difficult to get to see on a particular issue. Commons can get a message back on the issue. Frankly, on some of these things, he's been invaluable when Roberti is tied up on other issues."

"He's interesting to talk to," insists Roberti. "I really think it's important to have somebody of his age and viewpoint as an adviser."
APPENDIX II

Letters -- Pro and Con

Attached is a package of letters -- pro and con -- received by the Roberti office regarding the Act. The idea was to provide reporters with the basis for feature stories; the second motive was to remind reporters that the issue was of high interest in the public.
Beginning in the second week of January, our offices in Sacramento and Hollywood/Burbank began tabulating unsolicited letters and postcards regarding Senate Bill 292, Senator Roberti's Assault Weapon Bill.

Attached are:

1. The tabulation as of February 7, 1989. The letters and postcards were tabulated on the basis of Senate Districts, according to the ZIP Codes of the senders' addresses.
2. Some letters --- pro and con --- you might find interesting. I have blanked out the names and specific addresses of senders. If you want the names and addresses, contact me and I will contact the writers and ask their permission.

3. An NRA letter --- "California Sportsmen Under Attack!" --- sent to its members on February 3.
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**TOTALS**

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January 25, 1989

To: Senator David Roberti

Dear Sir:

I see that you are about to get your way. Well, we will try to fight you as usual. I see that you have gotten to Governor Dukmejian. I'll bet your henchman Sherman Block used his friendship with the Governor like he did with the toy gun thing. Well, I would like to remind you that professional paranoids like Sherman Block hate civilians. That includes you. You should think about that.

Your elite have told so many lies about what you claim you want that you have lost sight of the ordinary person. You have associated with the elite so long that you have forgotten the fact that there are ordinary persons. You never deal with such things as the deleterious effect of the Warren vs. the District of Columbia. The police do not have to come or work unless they want to.

You seem to like that!!

I hope that you are proud of your efforts to steal my property under the color of the law.

AB 4545 has verbiage concerning permits for the people who already own so-called "AK-47's". By the way, the weapons portrayed as AK-47's are Chinese made AKM's. Of course, you already know that. It is alright for a full fledged member of the media elite to lie. It is no great wonder that our children get off into crime. Our elite commit as much crime as they want and get away with it. You seem to like that!!

I guess I might like to get away with it if I did not have to pay the price for it. Someday that pool of hypocrisy you live in will drown you. You seem to like that.

You, the elite, can get all the police service they want. We, the ordinary persons cannot get them to come unless they want to. When they get there (when they do decide to come) they let you know that they do not want to do the work unless they have to. You should try 911. They give you the runaround unless it is murder.

You do not have to worry about the lies you tell. The TV media elite will spill their guts to back you up.

You seem to like that!!

Maybe you will win. Maybe you will not. According to the TV elite thousands are buying AKM's. Your publicity is backfiring on you.

I hope that you like that!

Oildale, Calif., 93308
January 28, 1989

Senator D. Roberti
State Capitol

The recent shooting in Stockton was a regrettable, abhorrent act. All of us grieve for those children and their families. We all want a solution to this type of crime.

But passing more laws against the law abiding gun owners won't solve the problem. Five counts of murder and twenty nine counts of attempted murder is already against the law! In the Stockton case, the gun used, was purchased out of state. No law in California would have effected this tragedy.

Our forefathers gave us the constitutional right to keep and bear arms not to protect ourselves from street criminals, but to defend ourselves against tyranny! Every tyrannical government, whether right or left wing, has begun by disarming the public. We must never allow this to happen in our country!

We, the gun owners of the United States, are sixty five million strong. That is almost half of the adult population of the country. We are NOT a small gun crazed group, as some of the liberal press would imply. We have a constitutional right to our weapons and we demand that it be defended and maintained under the law!

More people are killed in the U.S. in a week by drunk drivers, than are killed in a year with guns. Do we hear a cry to ban the automobile? Of course not! But remember, driving is only a privilege - gun ownership is a right!

Only the extremely naive really believe that banning semi-automatic weapons would keep them from criminals. It would only result in the criminal and the police being effectively armed. That would be a big mistake!

Radical, knee-jerk reactions to tragedy is no reason to dilute the constitution. Look at the record; we have a waiting period for handguns, we outlawed "Saturday night" specials and New York city banned handguns altogether. Are gun crimes down? No!

We need to control criminals! Not our guns!

Sincerely,

Arcadia
copies to: Senator  
Assemblyman

Senator David Roberti  
State Capitol  
Sacramento, California 95811

January 23, 1989

Dear Sir:

It looks as though the wild-eyed gun grabbers, more than anxious to find an excuse to press for more gun legislation, now feel they have the "ammunition" they need to violate the Second Amendment to the U.S. Constitution in the name of "anti-crime" and "protection" of the people. I don't think those come anywhere near representing your real motives, Mr. Roberti.

You were heard to say last night during an interview regarding the AK-47 assault rifle, "What do they need them for?" Let me advise you, Mr. Roberti, it isn't just the AK-47 you're interested in banning from ownership. To you that is just the foot in the door. You would ban all weapons with similar action, whether Russian or American made, and in fact, it is my opinion you would ban all weapons of any kind whether automatic, semi-automatic, pump action, double action, bolt action or single shot, and the purpose for owning the weapons, whether personal protection, hunting or target shooting, would make no difference at all, would it, Mr. Roberti?

It doesn't seem to occur to you disarmers that the man who went on a rampage recently in Stockton would have and could have carried out his plans with any of various kinds of weapons. Supposing he had used dynamite, or a double-barreled shotgun, or acid, or a machete or an automobile to wreak havoc on the schoolyard, would you have come screaming out of your office with a new bill to ban whichever of those items may have been used? Then why are you so anxious to pick on guns, Mr. Roberti? When someone's life is saved through the use of a firearm or the presence of a firearm, do you make a public issue of it, Mr. Roberti? Or is the negative stance on gun ownership, regardless of type of action, your chief goal in life?

Need I remind you, sir, that the Second Amendment, which I'm sure you're tired of hearing about, doesn't specify type of action. It simply says, "The Right To Keep And Bear Arms Shall Not Be Infringed." Therefore, any restrictions by any state or federal government and by any city or county government against gun ownership, regardless of type of weapon, is unconstitutional and a violation of the people's rights! Is that clear, Mr. Roberti? And that means that any Mr. Roberti, or Mr. Kennedy, or Mr. Dodd or Mrs. Waters who pretends to be a champion of the innocents while insisting the majority be punished for the crime of the few, is unfit for public office. Get off our backs, and leave the guns alone, Mr. Roberti! You're a long way out of line!

Ps. I don't own an AK-47.
January 19, 1989

Honorable David Roberti
California State Senate
3800 Barham Blvd, # 218
Hollywood CA 90068

RE: Firearms Legislation Generally:

Dear Senator Roberti:

In the view of these undersigned voters, the preservation of existing individual rights as guaranteed under the US Constitution is the foremost issue of these times as said rights are under unconscionable attack by various subversive and anti-american organizations who have gained the favor of media generally by unscrupulous means.

We are absolutely opposed to any further infringements on the God-Given right to Self-Defense and the Constitutionally guaranteed right to possess firearms for that purpose and are therefore opposed to ANY legislation making possession and use of firearms for law-abiding citizens more difficult or restrictive in ANY way, shape or form.

Self-defense is the ONE right which makes all other rights possible as rights, not mere privileges...

We will actively oppose by contribution of time, money, advertising or other means any legislator advocating any further infringement of rights with respect to self-defense and firearms.

We will NEVER cooperate in the administration or enforcement of any additional infringement or restriction on our rights on the ground such infringement or restriction is unrecognizable under God, unconstitutional under the Law, unethical and immoral and unconscionable.

Sincerely,

Berkeley, CA 94706

CC: Area Legislators
    Selected Legislators file
27 January 1989

Senator Roberti
State Capitol
Sacramento, CA 95814

Dear Senator Roberti:

This is to notify you of my opposition to your proposal to restrict ownership and use of so-called assault rifles. I would like to present a few reasons for my opposition:

- Any reasonable definition of "assault rifle" would either be too limiting to be of any value in restricting the firearms you have in mind or would be so broad as to restrict many firearms that are not intended.

- The argument used against these firearms (and others) is that they have no legitimate purpose, that they are only kept to kill people. This is not true. People own those guns because they enjoy the shooting sports or feel a need for more protection than that provided by the police and don't want to keep a handgun. Perhaps they shoot competitively in the service rifle category, which requires a military type firearm. For whatever reason, they have chosen to own one, and that choice should remain theirs. They should not be required to justify the purchase to you or anyone else. There is already too much government intrusion into the life of the common citizen. God forbid that we should come to the point of having to justify our purchases to some bureaucrat. If we allow our rights to slip away on issues like this soon they will be slipping away altogether. Why should I be allowed to prevent you from keeping any item at all just because I don't happen to feel it has a "legitimate" purpose? The answer is that I shouldn't, and you shouldn't either.

- The restrictions which are being considered will in no way stop crime with these weapons, but rather will only create a burden for those law-abiding citizens who will comply with the restrictive provisions. We already have a number of gun control laws which remain unenforced or unenforceable. To think that we will be able to keep any kind of weapon from gangs, drug pushers and mentally incompetent persons by passing another law is ludicrous. We currently have much more stringent laws covering possession and sale of drugs and we can't keep these from the hands of criminals. What makes you think we will be able to control firearms any better?

Sincerely,

Pleasanton, CA 94566
January 24, 1989

Senator David Roberti:

I am taking this opportunity to voice my support and that of my wife's for your current piece of legislation that seeks to limit and/or ban the sale of automatic weapons such as the AK-47 in the State of California.

I was an administrator at last year when a student took a class and teacher hostage using the same type of weapon. I should have written at that time, but failed to do so. The recent killings at Stockton have prompted me to write now however.

I see no need for these types of weapons in the hands of the general population at any time. Their sale should be prohibited entirely. I also believe that all weapons should be registered and there should be a 15 day waiting period for the purchase of any type of weapon by anyone in order to give law enforcement the opportunity to check a person's background.

I am fully aware of the constitutional issues that have been raised by the NRA and its supporters. These issue are not valid in my judgment and should be disregarded. The continuing rise in gang violence, the outgunning of law enforcement by criminals and the plague of the narcotics traffic must be dealt with and the banning of automatic weapons is a step in the right direction.

Sincerely yours,

Calimesa, CA 92320
Senator David Roberti
Sacramento, Ca. 95814

Dear Senator Roberti:

Mrs. and I heartily support your plan to outlaw the sale of automatic weapons, such as those used in the massacre of the school children recently in Stockton.

When I was younger I did a certain amount of hunting, using a shotgun for quail, dove and pheasant, and I think there is a reasonable use of sporting shotguns and possibly deer rifles, however, any other weapons such as hand guns or automatic rifles certainly should be outlawed.

Not only my wife and I but all of my adult children support you in your efforts.

Very truly yours,
Senator David Roberti
State Capitol
Sacramento, Calif 95814

Dear Senator:

I am an avid hunter and in favor of banning the sale of automatic guns. I see no use for them either for hunting or target practice. As my husband and I hunt a lot we are very concerned about the safety factor involved with having no screening period before the sale of guns. I believe it is a feasible way to stop some of the random shootings that occur. I support your efforts to start this process with a ban on automatic weapons.

Sincerely,
Cancel my membership please. I have long supported your goals however in the past few years we have parted company and I can no longer support you.

Why should a group of "sportsmen" object to outlawing a bullet which will go thru a bullet-proof vest?

Why should "sportsmen" object to outlawing the private ownership of military rifles, assult type, which are certainly not sporting types?

Why do you object to a law requiring a two week wait before being able to walk out with a rifle? No check for criminals/insane?

We have parted company.

Very Sincerely

Napa, Ca., 94558

cc:Sen. Roberti
St Cap.
Sacr. Ca

Mailing label att'd
January 24, 1989

Senator David Roberti
State Senate
Sacramento, CA 95814

Dear Senator Roberti:

In the evening news on KNBC TV we observed a report you are introducing a bill in the Senate to outlaw assault weapons. You are to be commended for taking the initiative in this very important matter, and I encourage you to press with all your vigor to accomplish passage of the bill.

In my experience as a sportsman I have enjoyed years of big game hunting. I agree, however, there is no justification for permitting use or ownership of assault weapons for either hunting or target practice.

May you have full success in gaining support in the legislature to prohibit these weapons designed only to kill people.

Sincerely yours,

San Pedro, CA 90732
January 30, 1989

State Capitol
Sacramento, CA 95814

Dear Senator Roberti,

It is time the National Rifle Association realize that we do not attack any legitimate right to own guns, nor the right of "the people" to bear arms. However, the value of the constitutional argument is lost when any mental freak can destroy 5 small children and injure 30 others in less than 5 minutes time.

It is imperative that laws be made to get these guns out of the hands of the deranged and violent. I protest the right of a Patrick Purdy to own a gun, with the tragic results of the encounter in Stockton recently. Is this another case of the legislature abrogating their responsibility to make just laws for the safety and protection of the people of this state? Must we always defer to the NRA? Do we see a need for a ballot initiative?

Guns AND AMMUNITION sales must be banned to those with no discernable need for them. Checks and waiting periods MUST be enforced on all types of weapons and ammunition. Not long ago there a MacDonalds massacre, now we have a massacre on a schoolground.

This current situation is disgraceful.

Sincerely,

Lafayette, Ca 94549

cc: Assemblyman
DEAR NRA MEMBER:  

FEBRUARY 3, 1969

CALIFORNIA SPORTSMEN UNDER ATTACK!

URGENT! ANTI-GUNNERS, SEN. DAVID ROBERTI AND ASSEMBLYMAN MIKE ROOS, ARE TRYING TO RAMROD THROUGH THE CALIFORNIA LEGISLATURE RESTRICTIONS, INCLUDING A BAN, ON SEMI-AUTO RIFLES/SHOTGUNS/PISTOLS BY SUSPENDING THE RULES AND MEETING AS A COMMITTEE OF THE WHOLE ON FEBRUARY 6 OR 7. ANY ANTI-GUN SCHEME COULD BECOME LAW OVERNIGHT.

ROBERTI/ROOS WANT TO CREATE AN UNELECTED, UNCONTROLLED, AND UNIMPEACHABLE COMMISSION TO BE APPOINTED BY ROBERTI AND WILLIE BROWN WITH THE POWER TO BAN ALL SEMI-AUTO HUNTING FIREARMS.

ONLY YOU CAN STOP THE ROBERTI/ROOS ATTACK. TELL YOUR REPRESENTATIVES TO JUST SAY "NO" TO ANY "GUN CONTROL" SCHEMES ON SEMI-AUTO FIREARMS. URGE THEM TO LOOK AT REAL CRIME-FIGHTING SOLUTIONS. REFORM CA'S CRIMINAL JUSTICE SYSTEM WHICH PLEA-BARGAINED PATRICK PURDY'S VIOLENT FELONIES DOWN TO MISDEMEANORS, AND LET THIS PSYCHOTIC-DRIFTER FREE TO COMMIT HIS HEINOUS CRIME.

DON'T BE FOOLLED BY THE "ASSAULT WEAPON" LABEL. THERE IS NO FUNCTIONAL DIFFERENCE BETWEEN SPORTING/SEMI-AUTO FIREARMS COMMONLY USED IN HUNTING OR OTHER RECREATIONAL ACTIVITIES AND THOSE WHICH ARE BEING CALLED "ASSAULT" FIREARMS.

DON'T DELAY! CALL AND WRITE YOUR STATE SENATOR AND ASSEMBLYMAN TODAY. ALSO CALL AND WRITE GOVERNOR GEORGE DEUKMEJIAN, STATE CAPITOL, SACRAMENTO, CA 95814, TEL. (916) 445-2841. ASK YOUR FAMILY AND FELLOW SPORTSMEN TO DO THE SAME. YOU MUST ACT TODAY OR LOSE YOUR RIGHT TO OWN SPORTING/SEMI-AUTO RIFLES, SHOTGUNS AND PISTOLS.

TED A. LATTANZIO, DIRECTOR OF STATE AND LOCAL AFFAIRS DIVISION

YOUR ASSEMBLYMAN IS  

YOUR STATE SENATOR IS
APPENDIX III

Poll of Reporters

Attached is a poll and subsequent magazine article about reporters who covered the Roberti-Roos Act.
I'm preparing to write an article on news coverage of the Roberti-Roos Assault Weapons Control Act of 1989.

I don't have preconceived notions about the news coverage of the assault weapons bills, so I've listed questions that interest me.

Incidentally, I'm doing this on my own time at my expense.

I'd like responses quickly so I can build a timely article.

Thanks. I greatly appreciate it.
(Please circle responses to Questions 1-4)

1. I work for:
   A. Newspaper 141 (48.4%)
   B. Radio 3 (10.3)
   C. Television 8 (27.6)
   D. News Service 41 (13.7)

2. I am based:
   A. In Sacramento 24 (82.7)
   B. Outside Sacramento 5 (17.2)

3. In terms of the total coverage of the assault weapons bills devoted by my news organization, I provided of that:
   A. Less than 50 percent 41 (13.7)
   B. 50 percent or more 25 (86.2)

4. In terms of experience as a reporter:
   A. 1-5 years 1 (3.4)
   B. 5-9 years 8 (27.5)
   C. 10 years or more 20 (68.9)

(For the following questions, please expand on you responses as fully as possible)

5. Were you generally satisfied with your reporting on the assault weapons bills?
   Yes 26 (89.6)
   NO 2 (6.8)
   Other 1 (3.4)
   N/A
6. How do you rate coverage of the bills by other members of the media?
   Good  18 (62)
   Poor  2  (6.8)
   Other 8  (27.5)
   N/A   1  (3.4)

7. Did you see any unfair coverage of the bills? If so, please be specific.
   Yes   3  (10.3)
   No    18 (62)
   Other 4  (13.7)
   N/A   4  (13.7)

8. Were you personally accused of unfair coverage? If so, please be specific.
   Yes   9  (31)
   No    20 (68.9)
   Other
   N/A

9. Did you believe there were times you were being manipulated?
   If so, specifics? If so, what was you attitude about the manipulation?
   Yes  24 (82.7)
   No   3  (10.3)
   Other 2  (6.8)
   N/A

10. Did you have any problems with your editors over your reporting of the bills? If so, what kind?
    Yes  3  (10.3)
    No  24 (82.7)
    Other 1  (3.4)
    N/A  1  (3.4)

11. Were there any angles you now wish you had pursued?
    Yes  20 (68.9)
    No   4  (13.7)
    Other
    N/A   5  (17.2)
12. In your estimation, did any specific news organization do a particularly outstanding job of coverage of the bills?

<p>| | |</p>
<table>
<thead>
<tr>
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<tr>
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<tr>
<td>No</td>
<td>10 (34.4)</td>
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<tr>
<td>Other</td>
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<td>N/A</td>
<td>5 (17.2)</td>
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</table>

13. Did any specific news organization do a particularly poor job?

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<tr>
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<td>3 (10.3)</td>
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<tr>
<td>No</td>
<td>12 (41.3)</td>
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<tr>
<td>Other</td>
<td>2 (6.8)</td>
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<tr>
<td>N/A</td>
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</table>

14. Did you report any factual errors during your coverage?

If so, what were they and what caused the errors?

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<table>
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<td>14 (48.2)</td>
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<tr>
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</table>

15. What was most difficult for you in reporting the story?

Open Question

16. What assisted you in reporting the story?

Open Question
17. In terms of stories you have covered in the last two years, how did this rate in importance of news value?

<table>
<thead>
<tr>
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<tr>
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</table>

Any general comments?

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N ow that it is over, and California is the first state essentially to ban assault weapons, comes the question: Just how well did the press cover this visceral, high-profile legislation. What did they think of their own work?

Well, they thought they did fairly well, according to a mail survey of the reporters assigned to follow what became the Roberti-Roos Assault Weapons Control Act of 1989.

Reporting on development of the Roberti-Roos Act could not have been an easy duty, even for veterans in the Capitol news bureaus. Aside from sorting out the rhetoric during the five-month experience and the volatility of the subject matter, reporters had to navigate their viewers, readers and listeners through some of the more murky legislative waters, including conference committees, non-concerns and trailer bills — the stuff of legislative esoterica that will cross anyone's eyes.

From clippings and video files, 52 newspaper, television, radio and news service reporters who covered the assault-weapons legislation in Sacramento were identified. A survey was sent to each reporter along with a stamped, self-addressed return envelope. Anonymity was offered, but respondents were encouraged to make comments for the record.

Twenty-nine of the 52 recipients responded (56 percent). Of those, most work for newspapers (48 percent) or television (28 percent), nearly all are based in Sacramento (83 percent), and an even higher percent (86) were the principal reporters on the story. They are an experienced crew with 69 percent having 10 years or more in the business.

Not surprisingly, nearly all of the respondents (90 percent) were generally satisfied with their own reporting on the bills. One radio reporter based in Sacramento said, "There were so many legislative moves with the two bills involved, there was ample time, even for the radio medium, to cover all aspects of the issues, and to talk at length with people on both sides of the gun-control debate."

One anonymous respondent put it this way: "Generally, yes. Except I kept finding that on this issue, the more I learned, the more that I needed to learn. The complexity of what appeared to be a simple ban of certain firearms sent ripples into unexpected corners and touched off responses that I had not anticipated."

Ruth Ashton Taylor of KCBS-TV in Los Angeles said she was generally satisfied, and added this note: "The unfortunate tragedies [in Stockton] that gave these bills such high visibility resulted in more [air] time being allotted for assault-weapons stories. That always makes it easier to do a good job."

But one unsatisfied newspaper reporter said, "I didn't do a sell job on the editor, who was bored with the subject after the second story."

However, when reporters were asked to rate coverage of the bills by their colleagues, opinion of the coverage dropped, with only 62 percent of the respondents giving their colleagues good marks. Fewer than half of the respondents (45 percent) wanted to single out a specific news organization for particularly outstanding reporting. Of those praised, the Los Angeles Times, and its Sacramento reporter, Carl Ingram, received the most mention. Rob Gunnison of the San Francisco Chronicle said of Ingram: "He's a textbook case of how to cover a bill — including flying to San Diego to pin down Deukmejian when he was waffling."

Coverage by the San Jose Mercury News (and its Sacramento reporter, Bert Robinson), Los Angeles Heald Examiner, the Sacramento Bee, Copley News Service, the Associated Press, San Francisco's KRON Television and Los Angeles' KABC-TV also was mentioned.

Conversely, few reporters wanted to identify anyone as doing a bad job of reporting, and 41 percent said no such animals existed (another 41 percent did not answer the question).

"Television, per usual, did its customary crummy job explaining the issues, KCRA and Steve Swatt being the exceptions," said one newspaper reporter. Another newspaper reporter said: "L.A. Times was awful slow in picking up on the story, but in the end may have overwritten it in daily stories — a common failing for them."

According to another newspaper reporter, "The Bee was rather uninspired in the early going...."

Not only did the press do a good job, 62 percent said they were fair to both sides as well, while only 10 percent said had reservations about the fairness of press coverage. One anonymous radio reporter based in Sacramento provided a lengthy response: "I can't be specific about this, but I could see how a case could be made that the media was biased in favor of the bills. In reality, however, I believe that bias can be attributed to the overwhelming support from the community, law enforcement and crime victims the two bills got. There was more pro gun-control news to report than there was anti gun-control."

On the matter of unfairness, Jennifer Kerr of the Associated Press believes there was "a general tendency to oversatee [and simplify] the bills as a ban on all possession." A Sacramento-based television reporter said, "It seems many had trouble with defining 'assault weapon.' Also many called the weapon Patrick Purdy used in the Stockton schoolyard an 'automatic.' I was troubled that it appeared 'semi' and 'auto' were often thought of as the same."

Jim Hamblin of KCBS-Radio's Sacramento office said, "Sometimes the emotional editorials bordered on unfair or went beyond. When editors embrace the idea of banning guns, they can also later approve the banning of books or TV shows."

Hamblin responded to another question, saying, yes, he was personally accused of unfair coverage. To that question, 31 percent of the respondents said they were so accused.
Again from Hamblin: "The National Rifle Association believed that the news media did not adequately cover the essential element in the story, that there’s no way to distinguish one rifle from another. I did numerous reports on that exact issue but no officer of the NRA must have been listening."

Deborah Pacyna of Sacramento’s KXTV said that although she was not personally accused of unfairness, "many gun store owners and dealers expressed hostility toward the media in general. It was an 'attack the messenger' attitude mostly."

The San Jose Mercury News’ Robinson said that not only was he personally accused of unfair reporting, "Our newspaper was picketed, in part because of articles I wrote about the NRA and its contributions. We listed contributions to all assemblymen, identified swing votes and mentioned the NRA grade for each.

Fairness may be one thing, accuracy, the essential credential of a reporter, can be something else. Respondents were asked about that. Did they report any factual errors? Some 48 percent of the respondents said "no," but most qualified that response by adding, "not that I know of."

But 10 percent said they did indeed report factual errors. One newspaper reporter said, "At the outset, a couple of my stories did not fully explain the federal laws relating to firearms and illegal use of guns and the gaps between federal and California law. The cause of this incomplete reporting was my ignorance of federal law and BATF [Bureau of Alcohol, Tobacco and Firearms] regulations. There is now some discrepancies about that..."

Tom Marshall of KXTV in Sacramento made an interesting confession of inaccuracy: "I once did a live shot during one early hearing and credited Roberti with Roos' bill and vice versa. Oh well, they all look alike."

But if the media representatives thought they did a good job, it wasn’t because the partisans of the world weren’t trying. A generous response rate — 83 percent — said someone tried to manipulate coverage of the bill. "Roberti and Roos milked this baby for all they could — and then some," said Ron Reach of the Sacramento bureau of the San Diego Tribune.

Many respondents put the manipulation issue into the context of expectations. "No more than usual," said the Chronicle’s Gimmison. "People are always trying to manipulate reporters," agreed Tupper Tupper of the Los Angeles Herald-Examiner’s Sacramento bureau.

Added Rollin Post of San Francisco’s KRON-TV, "Both sides staged their events, had their video tapes, and emotional witnesses..."

KCRA’s Swatt said: "We are always being manipulated, through the use of rallies, press conferences, etc. That’s part of the job of advocates. If we don’t like it, it’s a simple matter to ignore the manipulation."

Although the respondents were experienced reporters who knew their ways through the legislative labyrinth, many said they had some difficulties reporting the bills. Teresa Simons of the Sacramento bureau of United Press International said that, for her, most difficult was "writing balanced stories because the gunners weren’t around as much as legislators."

Here is a sample of other difficulties:

- "Tracking the amendments and compromises."
- "Understanding technical points."
- "Sorting the hype from the facts."
- "Getting through to the NRA at key times."

Respondents also were asked what assisted them in covering the bills:

- "The fact there was so much opposition kept the facts flying."
- "Accessibility of Roos, Roberti and their people. Likewise for Mountjoy."
- "Committee analyses were invaluable. The inundation of NRA releases also helped."

- "Both sides were generous in their distribution of material."
- "My [tape recorder] — a fine piece of recording equipment."

Coverage of the Roberti-Roos Act extended far beyond California. It was news throughout the United States and subject of dozens of out-of-state and in-state editorials and cartoons. It was, it short, heavy weight news for five months a fact not lost on survey respondents since 93 percent thought the assault weapons bills were highly significant in terms of news value.

As satisfied as they were with the coverage, nearly 60 percent also said there were story angles they wished they had pursued. One reporter had wanted to look more closely at how the attitude towards guns in general has changed in the Legislature. Some respondents said they wished they had written more about the internal politics of the NRA. Radio reporter would have liked to have commissioned a poll among police officers and sheriff’s deputies. A news service reporter had wanted to explore gun culture, say a comparison between rural and urban environments.

In his response, Larry Lynch of the Sacramento bureau of the Long Beach Press Telegram reflected and took long-distance view. "I think we have yet put what was and was not accomplished into perspective," said Lynch. "That might be done a year from now."

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