

## LEGISLATIVE FILE

### Ray Haynes' Nosey Awards

**T**he Nosey Awards: given to the year's top ten most intrusive, and least rational, exercises in lawmaking.

**T**en (AB 732): Representing Berkeley and Oakland, and drawing on all the rich hog farming experience that must give her, Loni Hancock says protecting pregnant sows according to American Veterinary Medical Association rules isn't good enough. She would criminalize farmers who provide their pigs anything less than the finest private labor and delivery rooms.

**N**ine (AB 210): Having banned tobacco smoking from job-sites, restaurants, and bars, Joe Nation now wants to prohibit smoking tobacco in your apartment or condo (if smoke could be detected by a sensitive neighbor). And don't try going outside for a smoke break: he wants to ban outdoor smoke that could go in someone's window. He's specific about *tobacco* smoke, ignoring marijuana. Probably just coincidence that he represents Marin County.

**E**ight (SB 868): On a public works project? Joe Dunn wants unions to have information about your work hours and pay. SB 1 prevented business from disclosing this information, but this law *requires* government to hand it to unions.

**S**even (SB 1009): Spend much on E-bay this year? How many books did you buy from Amazon? Purchase any cigarettes from out-of-state Indian reservations? Dede Alpert wants government to know.

**S**ix (AB 45): Joe Simitian's bill would require the use of hands-free devices on cell phones while driving. Good for manufacturers of hands-free devices, but a questionable imposition on drivers.



Adding other dangers of inattentive driving: eating, reading, shaving, applying make-up, etc., was rejected.

**F**ive (AB 202): Ellen Corbett's bill seems to require pet shops to sell birds by the pound, or at least to mark their weight on sales receipts. It also requires that birds be weaned before they're sold by a pet store. Bringing state power to bear on pet shops earns this bill a Nosey.

**F**our (AB 1555): Ever had a day at the beach ruined by fog or cold wind? By teenagers playing loud

radios or load-mouthed drunks two blankets away? Many people have. How about by loud boats? Evidently a problem for someone, because George Nakano wants to ban sales of loud, ocean-going boats and prevent operation of loud boats within a mile of the coast.

**T**hree (AB 1657): Wilma Chan would prohibit manufacturers from professionally packaging alcoholic jello shots and selling them in liquor stores. On the floor, one Assemblymember asked, "What if I accidentally bought these alcoholic jello shots and brought them home to my children and gave them to the kids?" The answer is you'd be an idiot.

**T**wo (AB 858): Jackie Goldberg's ban on "racially derogatory or discriminatory school or athletic team names, mascots, or nicknames" is sensitive, but, seemingly, only about Indians, ignoring white guys in dopey hats like the Vikings or Minutemen.

**N**umber One (SB 677): After having failed last year to pass a soda tax, the obsessed Senator Deborah Ortiz is back harping on the evils of soda in schools. Nos-ing into what ought to be the jurisdiction of locally elected school board members and parents, SB 677 will further restrict the time, place, and manner in which our children will be allowed to purchase certain drinks on campus.

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to government facilities solely because of their unfashionable views. This First Amendment ban on “viewpoint discrimination” by government was enunciated perhaps most clearly in the 1995 case of *Rosenberger v. Rector and Visitors of the University of Virginia*. There, the Supreme Court invalidated a public university’s denial of subsidies to a student journal that expressed religious viewpoints, at the same time as subsidies were allowed for journals with nonreligious viewpoints. “Government offends the First Amendment when it imposes financial burdens ... based on the content of [one’s] expression,” wrote Justice Anthony Kennedy for the majority.

SUBSEQUENT RULINGS from the Supreme Court and various lower courts have played variations on that theme, striking down access restrictions to public programs or property when they were aimed exclusively at religious groups or other organizations with messages that made bureaucrats uncomfortable. Opponents of these rulings

try to play on the fiscal conservative’s aversion to public subsidies, by complaining that they establish a “right” to a government hand-out of some kind. But that turns the issue on its head. The “right” these rulings establish is a right to be free of adverse government discrimination based on one’s views.

When government decides to provide a subsidy on a broad basis, or to open property to the public, there is a “right” not to be denied participation solely because of your beliefs. For instance, it’s not permissible to charge Democrats more than Republicans, or Jews more than gentiles, to use a municipal swimming pool. By the same token, the Boy Scouts can’t be excluded from public facilities — or made to pay more, or denied participation in generally available bidding programs — because they don’t march in philosophical lockstep with elite opinion about sex and the cosmos.

Judge Jones isn’t the only jurist who doesn’t get it. Recently the U.S. Second Circuit Court of Appeal upheld the state of Connecticut’s decision to drop the

## WHAT YOU HAVEN’T BEEN TOLD ABOUT GUN CONTROL

By SAM PAREDES

Good-bye Gray Davis; don’t let the door hit you on your way out. Your backside should still be sore from the rump-kicking you took from the voters. The 2003 Recall Election is one time when we’re happy to throw out the baby with the bath water.

Davis’s departure opens a brave new world in California, with a governor, Arnold Schwarzenegger, who has committed to being a governor of *all* Californians. Well, now he has a chance. Millions of California gun owners have been disrespected, disdained, treated as moral lepers — shown, that is, all the usual compassion the left shows anyone who won’t toe the line — by Gray Davis for five long years. If a governor represents the people, gun owners have had *no* governor for those five years.

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Governor Schwarzenegger can be everyone’s governor, and gain the support of a significant, active part of the electorate, merely by saying “enough already.” We have gun bans, gun regulations, safety certificates, mandatory training, one handgun a month, waiting periods, safe handgun tests, gun locks, gun safes, mandatory safety devices on semi-auto handguns ... it’s enough!

As a matter of fact, the Center for Disease Control reports that it’s a lot too much. After studying many of the nation’s “gun control laws,” the CDC concluded that *none* of them have *any* impact on crime and

criminal use of guns. What? Say that again, you say? N-O-N-E of those studied have A-N-Y effect on crime. They only slam law-abiding citizens attempting to exercise their rights.

This news won’t dampen enthusiasm for more controls among Democrat legislators who’ve never been noticeably overwrought about violent crime in any event. Power to push people around is the tonic that makes their pulses race.

But for normal people, the utter failure of gun laws to serve their primary stated purpose ought to be reason enough to reject more of them. Add their destructive impact on our rights, and the case should be closed. Please, Gov. Schwarzenegger, take note of the CDC report. Veto any new anti-gun laws brought to your desk. Be governor to California’s gun owners along with the rest of Californians.

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