

and Stephen Breyer peeled off swing-vote Anthony Kennedy to form a five vote majority to overturn the funding restriction. The majority's "reasoning" was that litigation conducted by government-funded lawyers is an important form of "speech" because "courts depend [on LSC lawsuits] for the proper performance of their duties and responsibilities." Therefore, "[r]estricting LSC attorneys in advising their clients and in presenting arguments and analyses to the courts distorts the legal system ...." Virtually conceding the parasitic, collusive relationship between activist judges and activist lawyers, the majority noted that "[a]n informed, independent judiciary presumes an informed, independent bar .... The restriction imposed by the statute here threatens severe impairment of the judicial function." In other words, courts can't do their job without platoons of lawyers feeding at the public trough. Think about it. It is perfectly constitutional for Congress to regulate what a government-funded doctor can or cannot say to a patient, but it is

patently unconstitutional for Congress to regulate the litigation activities of a government-funded lawyer. Only a lawyer could make this distinction with a straight face. Alas, judges *are* lawyers.

**A**NTONIN SCALIA's dissenting opinion, joined by William Rehnquist, Sandra Day O'Connor, and Clarence Thomas, was appropriately scornful, pointing out that subsidies do not restrict speech and that *Rust v. Sullivan* was directly on point. Even worse, the majority re-wrote the statute when it struck down the 1996 restriction but not the LSC appropriation statute in its entirety, treating the offensive portion of the law as "severable" from the rest. Because Congress enacted the funding restriction as an integral part of the overall LSC program, the dissenting opinion pointed out that severing the funding restriction "lets the program go forward under a version of the statute Congress never enacted." In closing, Scalia noted that the ma-

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

By SAM PAREDES

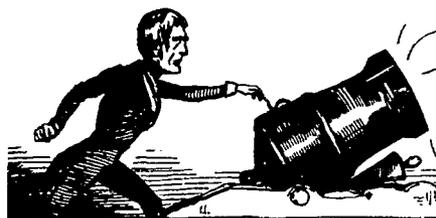
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**F**ighting anti-gunners trying to end home-based dealers, license and register law-abiding gun owners, ban various guns, and generally chip away at the Second Amendment can drive a sane man crazy. Diversions are a must.

I recently had the opportunity to hunt turkey with our new Gun Owners of California lobbyist, Jim Garcia, who also happens to run Garcia Hunting Preserve. Jim and I met at the gate to his property at 6 in the morning as the sun was peeking over the horizon. We snuck to a spot Jim thought would let us call in the toms as they came down from their roost. We could hear them gobbling but they ended up going the other direction. An appointment later that morning at the capital forced us, sadly, to call it a day.

*Sam Paredes is executive director of Gun Owners of California.*

But we tried again at 5:30 next morning, this time starting on the *other* side of the creek. Camouflaged head to toe, we chose a spot giving the best chance to see them at first light. Jim, an expert caller, elicited an immediate response from the birds still in their roost. About an hour or so later we spotted three toms strutting around a bunch of the hens a couple hundred yards away. For several hours we tried to entice the toms in our direction, but they obviously had plenty to keep their attention where they were. Jim knew sooner or later the hens would tire of the toms and begin to move



away. That would be our chance.

It took several hours of calling, spotting, stalking, and skulking to sneak up on these great old birds, which nearly became our national symbol. They played tricks on us, but finally curiosity killed the big old tom. Keeping our eyes on three toms, we lost sight of the oldest and biggest of the group. Suddenly the old tom with a 10-inch beard came over the top of the dike hiding us and the rest was something out of a cartoon. I saw the old guy 5 yards away from the corner of my eye. His eyes seemed to grow big as saucers. Just about then he watched his life flash before his eyes. What a rush!

Living life as our forefathers did, enjoying the outdoors, putting food on the table by out-smarting one of God's great creatures — life is good. OPR

## LEGISLATIVE FILE

Pasadena state Senator Jack Scott is back with another attempt to make Californians who own guns feel like criminals. Scott's SB 52 would require, as part of a gun owners' licensing procedure, that your thumbprint be taken when you buy a gun. And once you have your government-granted license, Scott's law would require you to keep the Department of Justice apprised of your current address — the sort of Big Brother scrutiny of your movements California applies to convicted sex offenders.

One supposes the day will arrive when this social pathology called leftism comes up with something new, but it never happens. Throughout history and throughout the world, whenever any of these Jack Scott-type social misfits comes to power they exhibit the standard impulse to demonize and then criminalize the sin of resisting, or even just disagreeing with, their political program. Two objectives are served:

First, the normal relationship of government to governed is transformed from one of servant (the state) employed for specific, limited purposes by its master or sovereign (the people) into a perverse relationship of tyrant to slave with the tyrant specifying what the slave may and may not do (this sick notion is precisely what the Founders rejected in writing that our

Creator endows each of us with *inalienable* rights) and,

Second, an "enemy" class is created in the public mind whose existence justifies draconian, demeaning state measures to suppress it (*i.e.*, pinning pink letters or stars on Jews, say, and forcing them to wear them in public).

Lesson one is to understand that this sort of legislation has nothing whatever to do with guns or safety or anything but power. Les-



son two is to understand that what Sen. Scott needs most is adult supervision. The last time he introduced such a bill, his office reportedly shut off his phones after logging some 15,000 calls from ordinary Californians trying desperately to remind him that this is America, not China. This time, on April 4, Scott sent a memo to his legislative colleagues apologizing in advance for the flood of calls they should expect in opposition to his small exercise in paranoid despotism. Let us hope Californians will appropriately justify that apology once more.

Representing the polar-opposite in public service spirit to Jack Scott's is the California Neighborhood Initiative, a package of bills introduced by Sen. Ray Haynes and other Republicans "to maximize marketplace principles," as a Haynes' news release puts it, so as to "allow California's entrepreneurial spirit to bring sustaining economic growth" to the state's poor neighborhoods. "Our experience," Haynes said, "has reaffirmed our core belief that the citizens living in their neighborhoods are the best qualified to address their needs."

Yes, the same people Scott wants thumb-printed and tracked by the state, Haynes believes know best how to solve their own problems. His bill creates 25 "Community Renewal Communities" of local leaders to consider how best to free their neighborhoods to grow and prosper. The full package also includes AB 1508 (Runner and Leslie) prohibiting government funding discrimination against faith-based community groups that treat substance abuse; SB 846 (Ackerman), AB 1134 (Bates), SB 981 (Haynes), and AB 1591 (Leslie) creating tax credits to encourage, respectively, donation of professional services to nonprofit groups aiding the poor, commercial revitalization, land development for affordable housing, and low-income community investment.

Power to the people! And may Jack Scott slip on a banana peel (metaphorically speaking, of course).

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