



INLAND EMPIRE OUTLOOK

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DECISION 2022

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We begin this issue of the *Inland Empire Outlook* with an overview of the Rose Institute of State and Local Government's Video Voter Guide to the 2022 California ballot measures. We present here a compact guide to the seven measures, but have on our website a 2-3 minute video and detailed background paper on each ballot proposition. Rose Institute students researched and produced the videos and backgrounders.

In addition to the seven statewide ballot measures, voters in San Bernardino County will find an additional - unusual - measure on their ballot this November. The measure asks: "Do the people of San Bernardino County want San Bernardino County elected representatives to study and advocate for all options to obtain the County's fair share of state funding, up to and including secession from the State of California?" Our second article examines the impetus behind this measure and the interesting history of attempts to break up California.

Our third article looks at the effects of Covid-19 school closures. Schools across the country, but not everywhere, closed their doors and began remote instruction as the pandemic unfolded in the spring of 2020. Many stayed closed the following September. Indeed,

many schools in California did not bring students back in person until the spring of 2021. California, more than any other state, delayed school reopening even as Covid-19 cases declined. Substantial data now show that students suffered significant learning loss, with poor and minority children losing more than their peers.

Our final article examines changes to the law governing the issuance of permits to carry a concealed weapon. The Supreme Court recently struck down a New York statute that required applicants for such permits to prove that "proper cause exists" for them to carry a concealed weapon, requiring applicants to show a special need for self-protection that is distinguishable from that of the general public. Like the New York law, California statutes also require concealed carry applicants to show "good cause." The good cause requirement is now unconstitutional and dropping it from the application for permits may change the landscape for concealed carry in California.

We hope you find this edition of *Inland Empire Outlook* a useful guide. For information on many other Rose Institute research projects, please visit our website, www.RoseInstitute.org.

2022 VIDEO VOTER

A GUIDE TO CALIFORNIA'S BALLOT MEASURES



California voters will face seven ballot propositions this November. The Rose Institute of State and Local Government's Video Voter: A Guide to California's Ballot Measures is designed to help voters make informed decisions on each of these measures. The non-partisan project explains each ballot measure with an educational video and a written backgrounder. Both make clear what a yes or no vote means, present the main arguments from both proponents and opponents, and identify main supporters and opponents. The Video Voter Guide is available at www.RoseInstitute.org.

In California, measures can be placed on the ballot by referral from the legislature or by the submission of petition signatures. Proposition 1, establishing a right under the California constitution to choose to have an abortion, was put on the ballot by the legislature. The remaining six measures before California voters in 2022 were put on the ballot by petition signatures. The number of signatures required is based on the number of votes cast in the most recent gubernatorial election and varies depending on whether the measure is a statute, constitutional amendment, or referendum. For ballot measures classified as initiative statutes or referenda, organizers must obtain signatures equivalent to 5% of the votes cast in the most recent gubernatorial election; for constitutional amendments they need 8%. The number of signatures required this year is 623,212 for a statute or referendum and 997,139 for a constitutional amendment.

Propositions 26 and 27 contain both constitutional amendments and statutory provisions. Prop 26 would allow in-person sports gambling at horse race tracks and tribal casinos, as well as additional gambling games such as craps and roulette at tribal casinos. Prop 27 would allow on-line sports betting.

Propositions 28, 29, and 30 are initiative statutes. Prop 28 would provide additional funding for arts and music education in public schools. Prop 29 would require on-site licensed medical professionals at kidney dialysis clinics. Prop 30 would increase the tax on personal income over \$2 million and use the money to subsidize electric vehicles and fund wildfire prevention.

Finally, there is one referendum on the ballot. Proposition 30 asks voters to approve or reject a law enacted in

2020 that would prohibit the retail sale of certain flavored tobacco products.

Marshall Bessey, a senior at Claremont McKenna College, led a team of nine undergraduate students to research and produce the seven videos. The students also wrote the backgrounders analyzing each proposition. Ken Miller, director of the Rose Institute and a member of the Government Department at CMC, directed the project, assisted by Rose alums Nicolas Heodron '06 and Jessica Jin '16.

Watch the videos and read the backgrounders at www.RoseInstitute.org.


Prop	Description	Key Supporters	Key Opponents
1	Amends the California Constitution to expressly prohibit the state from interfering with an individual's right to use contraceptives or to have an abortion.	<ul style="list-style-type: none"> • Governor Gavin Newsom • California Democratic Party • Planned Parenthood Affiliates of California • California Medical Association 	<ul style="list-style-type: none"> • California Republican Party • Right to Life League • California Catholic Conference • California Family Council
26	Allows in-person sports gambling at horse race tracks and tribal casinos, as well as additional gambling games such as craps and roulette at tribal casinos.	<ul style="list-style-type: none"> • Numerous CA Tribes • California Nations Indian Gaming Association • San Diego Police Officers Association • California branch of the NAACP 	<ul style="list-style-type: none"> • Cardrooms operating in California • AFSCME California labor union • Black and Hispanic California Chamber of Commerce • Los Angeles County Business Federation
27	Legalizes online sports gambling in California.	<ul style="list-style-type: none"> • Several major on-line gambling companies • Bay Area Community Services • Mayors of Sacramento, Long Beach, Oakland, and Fresno • Middletown Rancheria Pomo Indians 	<ul style="list-style-type: none"> • Numerous CA Tribes • California Democratic Party • California Republican Party • California Teachers Association
28	Requires California to add 1% to the state's total public school spending on arts and music education	<ul style="list-style-type: none"> • California Teachers Association • California Music Educators Association • Former LAUSD Superintendent Austin Beutner 	<ul style="list-style-type: none"> • San Jose Mercury News Editorial Board 

Photo 174129507 @ Tomasz Smigla | Dreamstime.com

Prop	Description	Key Supporters	Key Opponents
29	Requires dialysis clinics to maintain at least one qualified health care worker on site while patients are being treated.	<ul style="list-style-type: none"> Service Employees International Union - United Healthcare Workers West California Democratic Party 	<ul style="list-style-type: none"> DaVita Fresenius Medical Care California Medical Association California Chamber of Commerce
30	Increases taxes on personal income over \$2M to fund programs to reduce greenhouse gas emissions.	<ul style="list-style-type: none"> Lyft California Democratic Party California State Association of Electrical Workers California Environmental Voters 	<ul style="list-style-type: none"> Governor Gavin Newsom California Republican Party California Teachers Association California Chamber of Commerce
31	Referendum to approve or reject 2020 law prohibiting retail sale of certain flavored tobacco products.	<ul style="list-style-type: none"> California Democratic Party Governor Gavin Newsom Tobacco-Free Kids Action Fund American Lung Association 	<ul style="list-style-type: none"> ITG Brands Philip Morris USA R.J. Reynolds Tobacco Company National Association of Tobacco Outlets



Student project manager Marshall Bessey '23



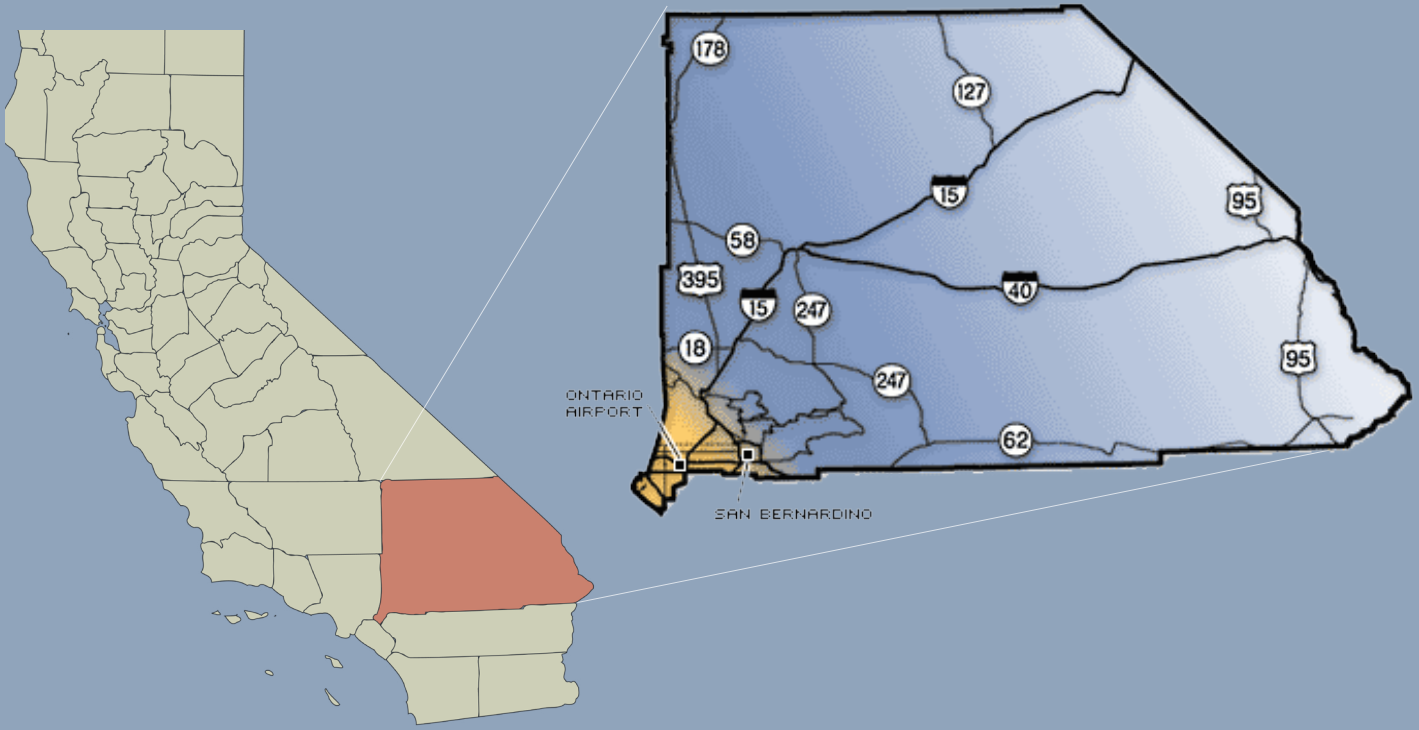
Photo source: American Association for Respiratory Care



Student researcher Helen Bovington '24



Photo source: Modern Healthcare



Maps sources: MapSof.net; SBCounty.gov

SAN BERNARDINO COUNTY SECESSION MEASURE

by Pieter van Wingerden '24

Graphics by Marionette Moore

California State University, San Bernardino may have to rename itself Empire State University if the San Bernardino County's Board of Supervisors gets its way. On August 3, County Supervisors voted 4-0 to put a measure on the November ballot called the "Fair Share Initiative." The measure asks: "Do the people of San Bernardino County want San Bernardino County elected representatives to study and advocate for all options to obtain the County's fair share of state funding, up to and including secession from the State of California?"

In a July board meeting, Jeff Burum, a prominent real estate developer, first proposed the secession idea. The goal of the measure is to foster discussions about state and federal resource allocation, with secession as the last-resort option. The initiative "is a constructive way for the people of America's geographically largest county to be heard, not only by their local leaders, but by everyone in California and the nation," wrote Curt Hagman and Dawn Rowe, the chair and vice chair of the San Bernardino County Board of Supervisors.

According to many local leaders, the state legislature is ignoring the county's needs. Supervisors Hagman and Rowe, for example, note the county has experienced a 13% spike in violent crime as the state has pursued alternatives to incarceration, and an increase in illegal marijuana farms since the legislature downgraded illegal cannabis cultivation to a misdemeanor. They also point out that San Bernardino County ranks in the bottom third of California's 58 counties for per capita revenue from the state and federal governments despite having the fifth largest population of any county in the state.

San Bernardino County Sheriff Shannon Dicus supports the measure, citing California's prison realignment in 2011 as a particular problem. Realignment sought to address overpopulation in state prisons by transferring responsibility for low-level prisoners from the state to counties. Dicus stated in the *Los Angeles Times* that "in realignment for state prisons, this county has spent approximately \$40 million just trying to build the infrastructure and take on what was a state responsibility that was pushed down on us locally."



The SB County Board of Supervisors. Photo by Watchara Phomicinda, The Press Enterprise/SCNG, accessed 10/19/2022.

Other local leaders support further inquiry into the county's relationship with the state. "People pay high taxes and they do not believe their taxes are coming back to their neighborhoods to address the issues they care about," Supervisor Janice Rutherford said. "And there is nothing crazy about being angry about those things." Similarly, Fontana Mayor Acquanetta Warren said, "We cannot continue to beg and crawl and (grovel) ... to get resources for our county. We have millions of citizens that have needs."

As reported in the *Press Enterprise*, Supervisor Hagman asked his counterparts at a board meeting, "Do you want to spend our taxpayer dollars to do a study of what we are, or are not, getting, as a county, and then fight for that, in a way we haven't done before?"

Not all local officials support the secession measure. State Senator Connie Leyva and Assemblymembers Eloise Gomez Reyes and Freddie Rodriguez sent a letter to the county board on August 8, 2022 strongly criticizing the effort to put the secession measure on the November ballot. "[W]e are shocked with the reasoning behind this initiative, concerned about the cost to taxpayers to essentially ask local officials to do their jobs, and disappointed in the narrative being created regarding our community," they wrote. These state representatives disputed that San Bernardino County is getting shortchanged, arguing that they were responsible for bringing \$65 million in directly allocated budget funds to the Inland Empire in 2022.

In the event voters approve the measure, any further secession efforts would face high hurdles, including approval by the state legislature and by the U.S. Congress. If secession cleared those obstacles, the county would become the 51st state and the first to separate from an existing state since West Virginia left Virginia in 1863. Some say the new state should be named "Empire."

At its core, the measure is about a study and about effective engagement with state decision-makers. Exploring secession would be a last resort.

Source: Supervisors Hagman and Rowe

Secession in California

Since California became a state in 1850, there have been many failed attempts at secession. The first secession effort to reach Congress came in 1859. That year, California State Assemblyman Andrés Pico, a former Mexican military leader who represented Southern California in the legislature, introduced a bill that would split California into two. Under the proposal, the state's

five southernmost counties would be reconstituted as the Territory of Colorado. Pico took issue with the over-taxation and underrepresentation of Southern Californians. Governor John B. Weller even signed the proposal, sending it to Congress, but the effort fizzled out after the start of the Civil War.

PROCLAMATION OF INDEPENDENCE

You are now entering Jefferson, the 49th State of the Union.

Jefferson is now in patriotic rebellion against the States of California and Oregon.

This State has seceded from California and Oregon this Thursday, November 27, 1941.

Patriotic Jeffersonians intend to secede each Thursday until further notice.

For the next hundred miles as you drive along Highway 99, you are travelling parallel to the greatest copper belt in the Far West, seventy-five miles west of here.

The United States government needs this vital mineral. But gross neglect by California and Oregon deprives us of necessary roads to bring out the copper ore.

If you don't believe this, drive down the Klamath River highway and see for yourself. Take your chains, shovel and dynamite.

Until California and Oregon build a road into the copper country, Jefferson, as a defense-minded State, will be forced to rebel each Thursday and act as a separate State.

(Please carry this proclamation with you and pass them out on your way.)

**State of Jefferson Citizens Committee
Temporary State Capitol, Yreka**

The "Proclamation of Independence" in handbill form, distributed to travelers along Highway 99.

Source: W.N. Davis, Jr. "State of Jefferson," *California Historical Society Quarterly*, June 1952.

In 1941, Northern California's Del Norte, Siskiyou, and Modoc Counties and Southern Oregon's Curry, Josephine, Jackson, and Klamath Counties, led by California State Senator Randolph Collier, joined forces and proposed the "State of Jefferson." The goal? Securing adequate federal and state funding for infrastructure projects. As W. N. Davis Jr. noted in the *California Historical Society Quarterly*, this secession effort gained only a moment of publicity, which was soon quashed by the Japanese attack on Pearl Harbor. The so-called "governor" of Jefferson, Judge John Childs, nevertheless described the movement as successful. "The State of Jefferson was originated for the sole purpose of calling the attention of the proper authorities ... to the fact we have immense deposits of strategic and necessary defense minerals and

that we need roads to develop these," he said. "We have accomplished that purpose."

In 1965, State Senator Richard J. Dolwig introduced legislation dividing California into two states. He proposed the Tehachapi Mountains as the dividing line that would create a 51-county State of North California and a 7-county State of South California. Although 25 of the 40 state senators co-sponsored Dolwig's legislation and one bill passed the Senate 27-11, the California Assembly's Interstate Cooperation Committee killed the legislation. The proposal, however, garnered enough attention for the *Los Angeles Times* to pen an editorial. Secession opens the door to "the potential for economic chaos resulting from such a whimsical creation of two smaller Californias where one mighty state now exists," the piece said.

The 21st century has also seen several notable attempts at secession. In 2013, venture capitalist Tim Draper spent more than \$5 million on the "Six Californias" plan, an initiative measure that sought to split California into six new states: Jefferson, North California, Central California, Silicon Valley, West California, and South California. The measure stated that "vast parts of our state are poorly served by a representative government dominated by a large number of elected representatives from a small part of our state, both geographically and economically." The proposal ought to allow each new state to govern itself according to its various needs. By July, supporters gathered more than 1.3 million signatures for the initiative, which appeared to be enough to qualify it for the ballot. But the measure failed to qualify when one-third of the signatures were deemed invalid.



Source: <https://slate.com/technology/2014/07/six-californias-tim-draper-s-terrible-plan-to-fix-california-s-diversity-problem.html>

Draper did not stop there, however, launching the Cal 3 initiative in 2017. This new measure again argued that California's sheer size made it difficult to govern, but this time proposed to divide the state into three parts: Northern California, California, and Southern California. Unlike the Six Californias initiative, which sought to amend the California Constitution, the Cal 3 proposal was an initiative statute, requiring only 365,880 signatures to reach the ballot (five percent of the votes cast in the 2014 governor's race). By April 2018, Draper collected more than 600,000 signatures, more than meeting the qualification requirement. But the California Supreme Court, in a unanimous decision, removed the measure from the ballot after an environmental group filed a lawsuit stating the initiative would significantly modify the framework of California governance. In response to the court's decision, Draper said, "The political environment for radical change is right now — such change is sweeping the globe. I understand that change is hard, change is scary, but change is evolution and this government is not evolving."

Most recently, Yes California, a political action committee popularly known as CalExit, launched an effort to place California secession on the 2018 ballot. In particular, CalExit pushed to remove "inseparable" from the language in the state constitution that reads, "California is an inseparable part of the United States of America." Some reports, however, suggested that the movement was supported online by bots and fake accounts linked to the Russian government. In fact, Louis Marinelli, CalExit's co-founder, previously attended secession movement conferences funded by the Kremlin and later moved to Siberia. Partly due to these controversies, the campaign eventually withdrew the measure.

Secession Process and Legal Challenges

The examples above demonstrate the complexities associated with the secession process. In its analysis of the Cal 3 proposal, for instance, the California Legislative Analyst's Office highlighted several legal challenges the proposal could face, including the claim that voter approval of the initiative would not satisfy the federal constitutional requirement that the state legislature approve the plan. Section 3 of Article IV of the U.S. Constitution states that "Consent of the Legislatures of the States concerned as well as of the Congress" is required for the establishment of new states. Section 3 was construed to require consent of the Virginia Legislature and Congress when West Virginia became a state in 1863. The Legislative Analyst concluded that the West Virginia precedent remains. Backers of the Cal 3 proposal contended that a vote of the people would provide the necessary legislative consent. However, the California Supreme Court ruled that

only a vote by the legislature, not by the people directly, would satisfy the U.S. Constitution's legislative consent requirement.

More broadly, the United States Constitution offers no process for states wanting to secede from the United States of America. In *Texas v. White*, the U.S. Supreme Court stated that secession was possible only through "revolution or through consent of the States." And in 2006, Justice Scalia said, "If there was any constitutional issue resolved by the Civil War, it is that there is no right to secede." Thus, for California to secede from the Union, the U.S. Constitution would need to be amended. Such an amendment would require an arduous two-step process. First, the amendment would need to be proposed either

New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

Source: United States Constitution, Article IV, Section 3.

by a two-thirds vote of both houses of Congress or by a constitutional convention requested by two-thirds of the states, and, second, it would need to be ratified by three-fourths of the states (i.e., 38 states).

The path to secession—both from the union and from a state—is difficult, but not impossible. In San Bernardino County's case, the proposed split is most analogous to the Virginia-West Virginia split in 1863, whereby West Virginia left the state, but not the nation.

The question remains: what makes secession so appealing? Professor Glenn Reynolds of the University of Tennessee College of Law writes, "feeling ignored, put-upon, and mistreated, secessionists want to take their fate into their own hands." In California's case, areas outside the state's largest cities, such as inland regions and the far northern counties, often feel relegated to second tier status. As Supervisors Hagman and Rowe write, "Policies adopted at the state level often appear to reflect

the priorities and needs of the state's major urban centers more than those of San Bernardino County and the rest of California." After all, California's various geographical and political divides create pockets of political cultures. And California is not alone. Professor Reynolds notes that Oregon, Washington, New York, and Illinois have seen secession movements rooted in the idea that "laws based on one worldview do not often sit well with people who entertain the other." Finally, support for secession is not limited to one political party. A Brookings study cites a 2021 poll that found 41% of Biden supporters and 52% of Trump voters were at least somewhat in agreement with

the idea "that it's time to split the country, favoring blue/red states seceding from the union."

San Bernardino County is unlikely to secede from California. Secession fever, however, brings attention to the issues raised by the proponents, such as resource allocation. As Rancho Cucamonga Mayor L. Dennis Michael says, "The state continues to adopt legislation that continues to make it more difficult for local governments to do what they do best, which is to control at a local level." ♦

DRAFT Comparison of County capture of Federal and State Revenue (per capita)
Released by San Bernardino County, Fall 2022

Total Rank	Row Labels	Federal	State	Grand Total
1	Alpine	\$ 2,904.24	\$ 7431.81	\$ 10,336.05
2	Sierra	1,178.78	4,016.99	5,195.78
3	Trinity	892.00	2,253.20	3,145.19
4	Modoc	1,080.58	2,004.34	3,084.92
5	Mariposa	518.75	2,082.40	2,601.16
6	Del Norte	636.90	1,351.32	1,988.21
7	Plumas	336.51	1,638.44	1,974.95
8	Glenn	507.28	1,434.16	1,941.44
9	Inyo	434.63	1,488.16	1,922.78
10	Lassen	402.27	1,517.34	1,919.61
11	Mono	479.37	1,429.96	1,909.33
12	Mondocino	639.37	1,092.86	1,732.23
13	Colusa	198.41	1,500.14	1,698.55
14	Siskiyou	529.94	1,093.19	1,623.13
15	Lake	360.63	1,229.22	1,589.86
16	Tuolumne	497.88	1,084.80	1,582.69
17	Yuba	470.34	1,057.00	1,527.34
18	Butte	478.47	1,025.84	1,504.31
19	Imperial	358.70	1,121.91	1,480.61
20	Shasta	476.86	905.33	1,382.19
21	Kings	365.42	982.54	1,347.96
22	Tehama	357.05	982.14	1,339.19
23	Sutter	322.99	982.14	1,305.13
24	Fresno	493.22	760.82	1,254.03
25	Merced	423.56	812.68	1,236.24
26	Stanislaus	383.54	825.17	1,208.71
27	Calaveras	329.22	861.66	1,190.89
28	Los Angeles	464.50	723.89	1,188.39

Total Rank	Row Labels	Federal	State	Grand Total
29	Sacramento	\$ 420.45	766.73	1,187.18
30	Napa	264.59	916.72	1,181.31
31	Monterey	390.20	735.57	1,125.77
32	Tulare	276.81	842.12	1,118.94
33	Marin	308.23	797.56	1,105.79
34	Santa Cruz	338.88	763.74	1,102.62
35	Santa Clara	373.36	708.39	1,081.75
36	San Bernardino	346.48	724.84	1,071.32
37	Madera	338.64	723.18	1,061.81
38	Kern	369.47	686.40	1,055.87
39	Nevada	373.79	674.59	1,048.37
40	Yolo	248.85	748.58	997.43
41	San Luis Obispo	239.14	749.17	988.31
42	San Joaquin	276.30	711.17	987.47
43	Amador	176.16	810.79	986.95
44	San Benito	350.11	623.12	973.23
45	Sonoma	265.41	690.45	955.86
46	El Dorado	362.94	586.56	949.50
47	Alameda	298.59	637.80	936.39
48	Riverside	361.26	533.46	894.71
49	Contra Costa	303.26	576.03	879.29
50	San Diego	307.88	557.61	865.49
51	Solano	194.45	665.20	859.64
52	Santa Barbara	251.61	555.63	807.24
53	Ventura	278.84	512.75	791.59
54	Placer	281.94	493.22	775.16
55	Orange	254.30	513.63	767.93
56	San Mateo	199.18	554.56	753.74

Source: <https://www.scribd.com/document/598623837/California-county-revenue-per-capita-comparison>, posted by Beau Yarbrough, Southern California News Group.

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PHOTO CREDIT: Kontakt5956 | Dreamstime

COVID-19, SCHOOL CLOSURE AND LEARNING LOSS

by Daniela Corona '23

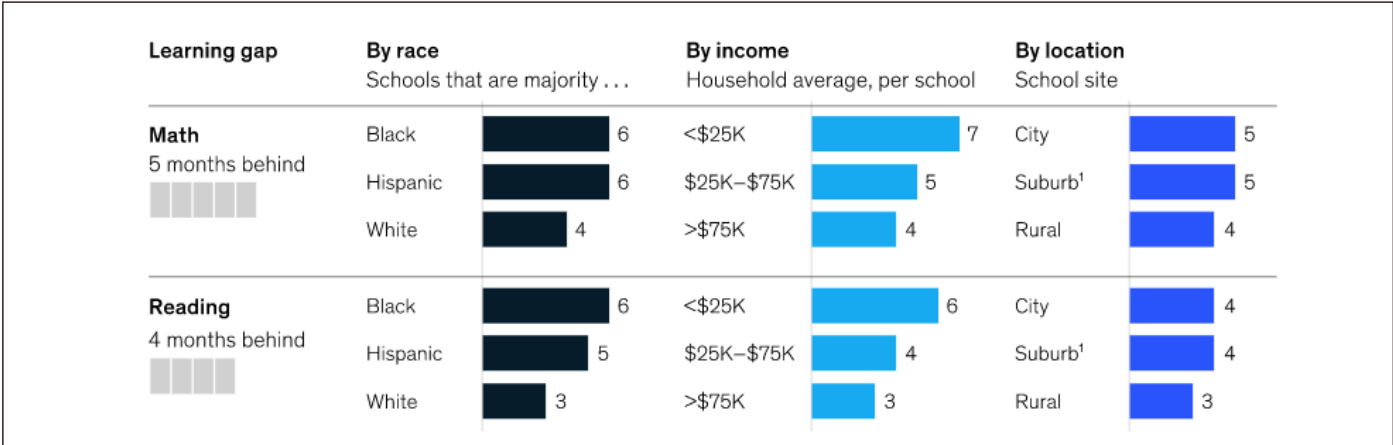
On March 13, 2020, President Donald Trump declared the coronavirus a national emergency. In the days that followed, schools across the country shut their doors and sent students home for what they initially believed would be a couple of weeks. Schools took a variety of approaches to tackle learning amidst the pandemic. Whether that was remote learning, hybrid classes, outdoor or restricted in-person classes, students across the country experienced learning loss as a result of the pandemic. Learning loss affected students from K-12 to higher education and had a disproportionate effect on historically disadvantaged groups. Some of the effects of learning loss also appear to have lasting effects on absenteeism and on the future outcomes of a generation of students.

The pandemic appears to have widened the achievement gap across student groups. According to a McKinsey & Company study, elementary school students are roughly four months behind in reading and five months behind in math. The same study also found that Black and Hispanic students are an additional one to two months behind in both subjects when compared to White students. These trends are also reflected when compar-

ing lower income and high-income students. Additionally, underserved families continued to struggle with illness, death, economic woes and other stressors associated with the pandemic. These groups have historically been lagging behind their student counterparts and the research shows that the pandemic exacerbated these effects.

Remote learning contributed to learning loss caused by the pandemic. A study by the World Bank, using data from nineteen countries, shows that the longer schools were closed the greater the learning loss students experienced. Wealthier students who do not belong to historically disadvantaged groups are more likely to have access to strong, reliable Wi-Fi connections, adequate technology to take classes, and a quiet work environment. Thus, while all groups experienced some learning loss from remote learning, remote learning had a greater impact on disadvantaged groups. A Harvard study also found that wealthier schools may have had a smoother transition to remote learning. Wealthier schools were also more likely to have the resources to equip their teachers for more effective remote teaching.

Cumulative months of unfinished learning due to the pandemic by type of school, grades 1 through 6

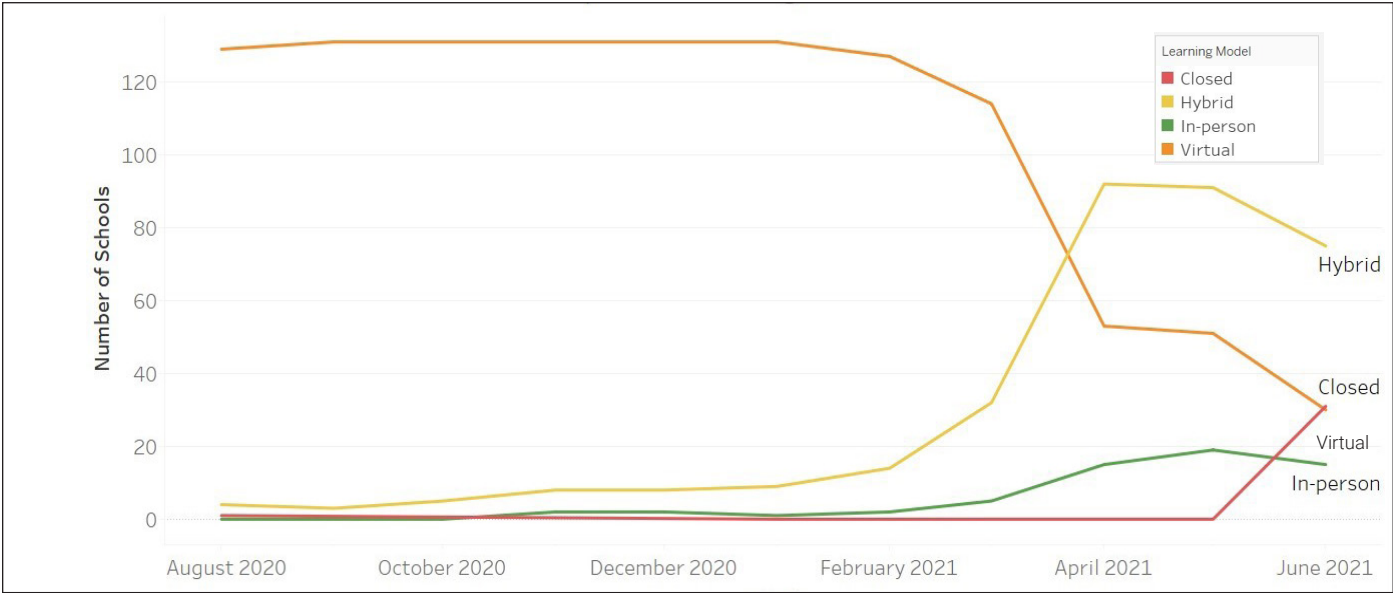


Source: Dorn, Hanock, Srakatsannis, Viruleg, COVID-19 and education: The lingering effects of unfinished learning, McKinsey & Company, July 27, 2021.

School reopenings varied depending on the state. California and several other coastal states tended to remain virtual for longer than other states. The American Enterprise Institute (AEI) tracked which states were the most aggressive or cautious in terms of school reopenings. They based their measure on the number of COVID-19 cases per week per 100,000 people compared to the school district operational status. The AEI ranked California as the most cautious state. This meant that California, more than any other state, delayed school reopenings even as COVID-19 cases declined. California was followed by Arizona and Illinois. Conversely, the three most aggressive states were Alaska, Wyoming, and Louisiana. This finding suggests that school districts in California may be at risk for the most severe learning loss.

Within California, school reopenings began in Northern California and in rural areas. Most school districts did not transition to hybrid or in-person classes until about March 2021. In the Inland Empire specifically, the majority of school districts remained virtual until April 2021. At the start of the 2020-21 school year, about 97 percent of school districts in the Inland Empire were operating virtually (Image 1). In April of 2021, the percentage of school districts operating virtually dropped from 85 percent in March to about 40 percent in April (Image 1). By April, most school districts shifted to a hybrid model, increasing from 24 percent in March to 70 percent. This meant that most school districts in the Inland Empire did not return to either hybrid or in-person instruction for more than a year after the start of the pandemic. By June only about 22 percent of school districts remained virtual (Image 1).

Image 1. School Districts in the Inland Empire - learning model



Source: COVID-19 School Data Hub, California, June 2021.



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Learning Loss in the Inland Empire

High school completion rates and post high school metrics did not change significantly during and after the start of the pandemic. School districts in the Inland Empire saw no differences in the percentages of students meeting University of California or California State University requirements (Table 1).

School districts in all three counties saw slight dips in high school graduation rates in 2019-20 (Table 2). San Bernardino county saw the greatest drop in average graduation rates, going from 85.88% in 2018-19 school year to 80.7% the following school year.

Certain counties in the Southern California saw slight declines in standardized test scores. California administers the California Assessment of Student Performance and Progress (CAASPP) test in math and English/language arts to various grade levels, including high school students in 11th grade. The assessments rank scores according to four levels: standard exceeded (4), standard met (3), standard nearly met (2), standard not met (1). California did not administer tests for 2019-20 be-

Table 1. Percentage of student meeting UC or USC requirements

County	2017-2018	2018-2019	2019-2020	2020-2021
Los Angeles	52.41%	52.62%	52.38%	55.53%
Riverside	38.23%	41.63%	42.45%	42.09%
San Bernardino	31.37%	32.22%	33.40%	33.93%

Source: DataQuest, California Department of Education, 2021.

Table 2. Average High School Graduation rates

County	2017-2018	2018-2019	2019-2020	2020-2021
Los Angeles	90.68%	91.35%	89.55%	90.68%
Riverside	83.69%	85.31%	82.81%	84.56%
San Bernardino	85.09%	85.88%	80.70%	85.38%

Source: DataQuest, California Department of Education, 2021.

cause of the COVID-19 pandemic. For English/Language Arts, Riverside saw several percentage point declines in level four and three while the other two counties saw little differences between 2018-19 and 2020-21 (Table 3). For math, none of the three counties saw any significant difference between the two school years (Table 4).

These findings suggest that the pandemic had minimal immediate impact on high school standardized test scores. This outcome can be attributed to the fact that the material covered in the standardized tests tend to be taught in the first two years of high school.

The Inland Empire saw overall increases in chronic absenteeism with greater rates in Riverside and San Bernardino Counties. The California Department of Education defines chronic absenteeism as a student missing 10 percent or more of their total instructional days. The majority of school districts in San Bernardino and Riverside counties saw drastic increases in chronic absenteeism from 2018-19 to 2020-21 (Image 2).

The California Department of Education stated that the chronic absenteeism rates for the 2019-20 school year are not valid or reliable because of COVID-19; therefore, they are not used in this paper. Two San Bernardino school districts, Chaffey Joint Union and Oro Grande, had the greatest increases in chronic absenteeism at 33.4% and 33.6% respectively (Image 2). Overall, Riverside County had a 6.23% increase in chronic absenteeism, San Bernardino had a 5.67% increase (Table 5).

According to the McKinsey report, the historic links between increased chronic absenteeism and dropout rates suggest that an estimated additional 617,000 to 1.2 million 8th to 12th graders could drop out of school in the upcoming years. This suggests that chronic absenteeism is likely to have lasting effects on the school districts in the Inland Empire.

School districts in the region have not put federal funding to use to combat learning loss. The Elementary and Secondary School Emergency Relief fund distributed new federal money to schools, with at least 20% of the

Table 3. English/Language Arts Scores for 11th Grade

	Avg. Standard Exceeded: Level 4			Avg. Standard Met: Level 3			Avg. Standard Nearly Met: Level 2			Avg. Standard Not Met: Level 1		
County	2019	2021	Change	2019	2021	Change	2019	2021	Change	2019	2021	Change
Los Angeles	26.26%	26.97%	0.71%	30.19%	30.42%	0.23%	22.04%	22.08%	0.04%	21.51%	20.54%	-0.97%
Riverside	23.36%	21.18%	-2.18%	30.74%	28.97%	-1.77%	22.76%	24.88%	2.12%	23.14%	24.97%	1.83%
San Bernardino	21.38%	23.95%	2.57%	30.47%	30.61%	0.14%	23.86%	24.21%	0.35%	24.29%	21.23%	-3.06%

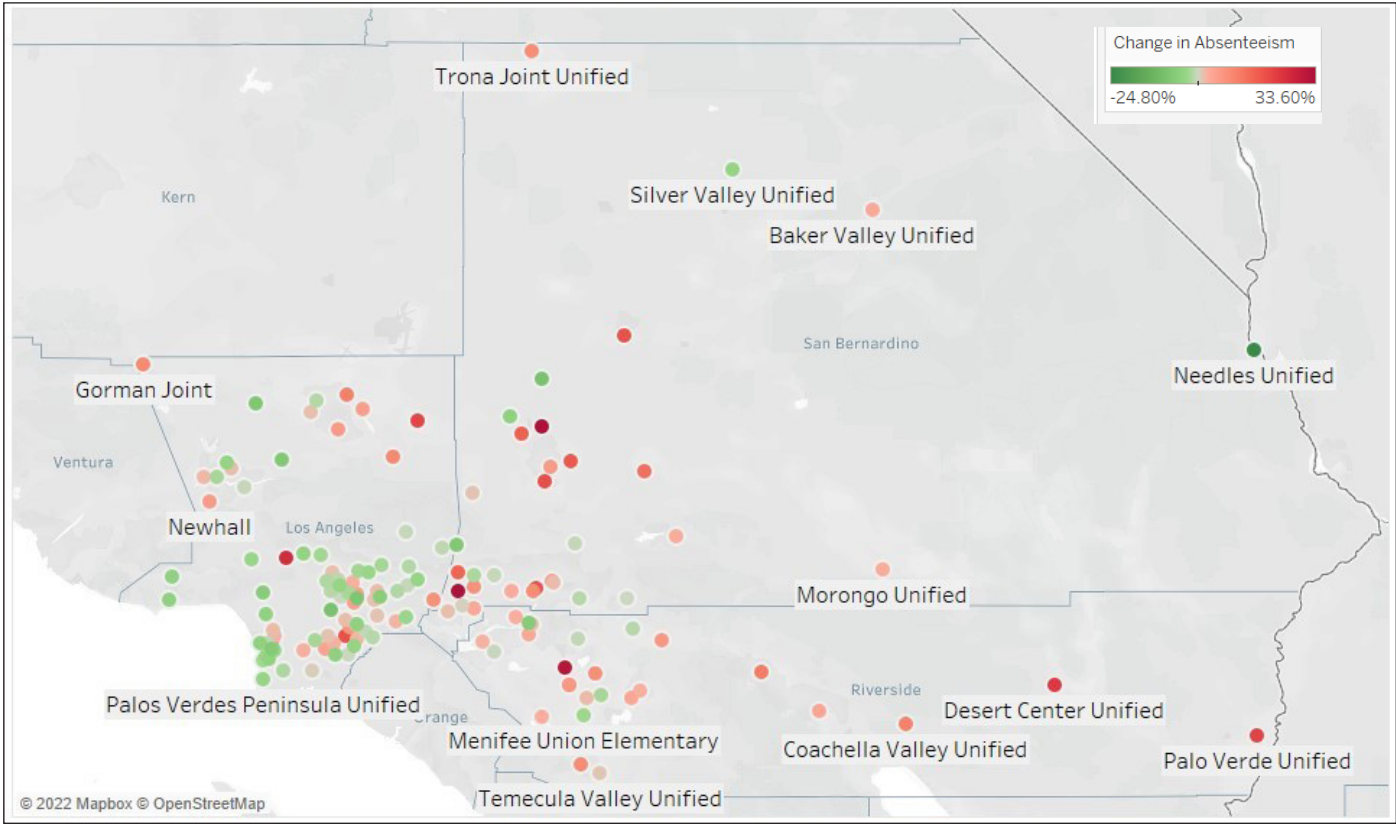
Source: California School Dashboard, California Department of Education, 2021.

Table 4. Math Scores for 11th Grade

	Avg. Standard Exceeded: Level 4			Avg. Standard Met: Level 3			Avg. Standard Nearly Met: Level 2			Avg. Standard Not Met: Level 1		
County	2019	2021	Change	2019	2021	Change	2019	2021	Change	2019	2021	Change
Los Angeles	13.10%	13.11%	0.01%	18.09%	19.03%	0.94%	22.57%	25.88%	3.31%	46.24%	41.98%	-4.26%
Riverside	9.03%	6.90%	-2.13%	17.62%	16.75%	-0.87%	23.51%	27.60%	4.09%	49.84%	48.75%	-1.09%
San Bernardino	8.76%	10.04%	1.28%	16.81%	18.51%	1.70%	22.78%	25.38%	2.60%	51.65%	46.07%	-5.58%

Source: California School Dashboard, California Department of Education, 2021.

Image 2. Changes in Absenteeism by School District



Data Source: DataQuest, California Department of Education, 2021.
Map: Daniela Corona '23

funding was specifically set aside to combat learning loss. Yet, as of August 2022, many school districts in the Inland Empire have not yet spent any of these funds (Image 3).

Only ten school districts in the Inland Empire have used 50% or more of their learning loss allocation. So far, San Bernardino school districts spent the most with 14.18% of the learning loss allocation fund spent, followed by Riverside and Los Angeles County with 11% and 10.29% respectively (Table 6).

The Inland Empire in particular faces increased staffing shortages and changes in administrative positions that may explain why school districts have delayed implementation of initiatives to combat learning loss. ESSER III Funds will be available only until September 30th, 2024. Thus, school districts will need to make use of the funds soon.

Several school districts did take action to combat learning loss sooner. Montebello Unified School District is one of two school districts that have used all of their

Table 5. Changes in Absenteeism by County

County	Change
Los Angeles	0.48%
Riverside	6.23%
San Bernardino	5.67%

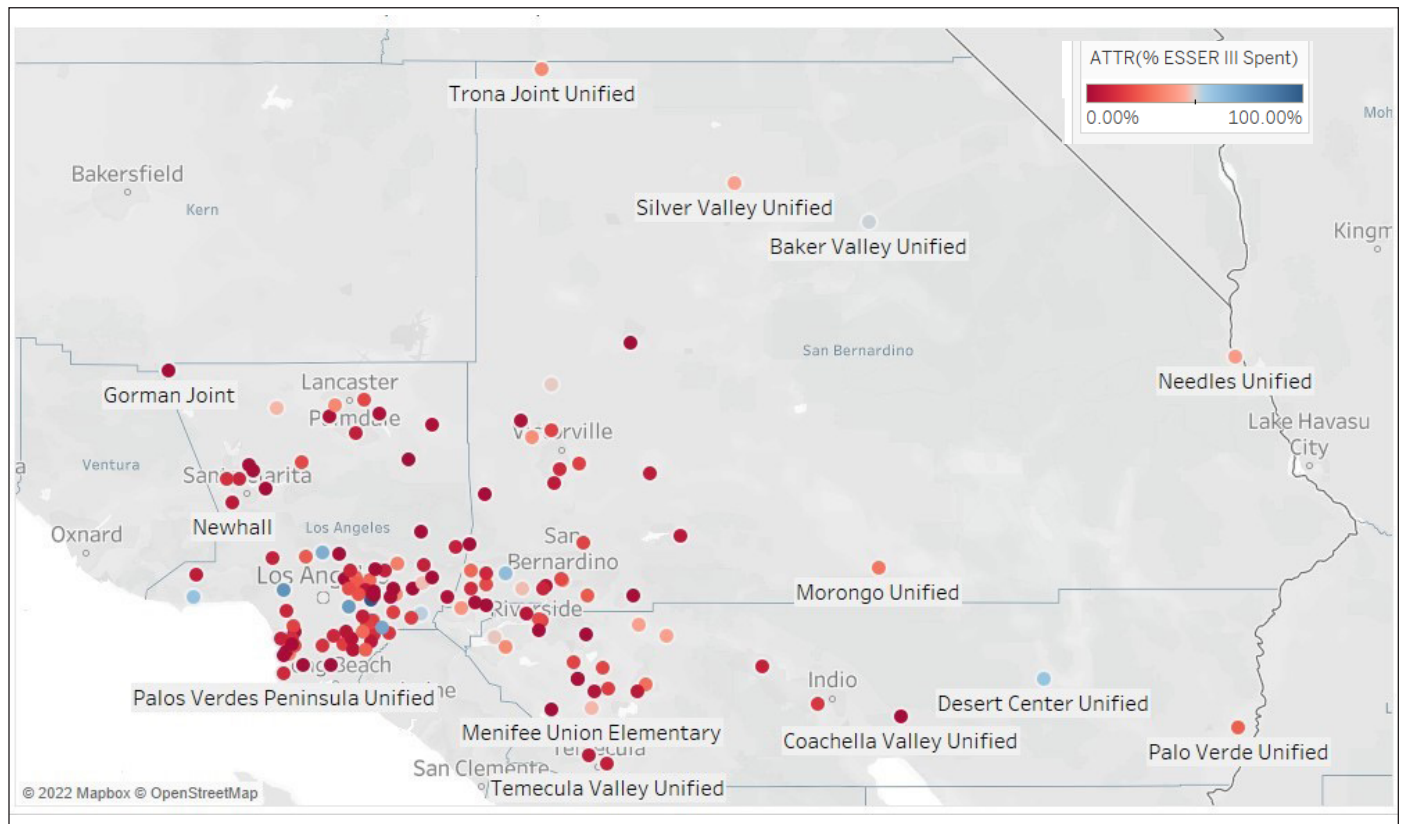
Data Source: DataQuest, California Department of Education, 2021.

Table 6. Percent of ESSER III Funds Spent

County	Avg. % of ESSER III Spent	Avg. % of Learning Loss Fund Spent
Los Angeles	18.23%	10.29%
Riverside	19.33%	11.07%
San Bernardino	21.83%	14.18%

Source: CA ESSER III Allocation & Funds Spent, Edumomics Lab at Georgetown, August 8, 2022.

Image 3. School District ESSER Percent Spent



Data Source: CA ESSER III Allocation & Funds Spent, Edunomics Lab at Georgetown, August 8, 2022.
Map: Daniela Corona '23

learning loss allocation. Montebello school district spent a significant chunk of its ESSER allocation to improve classroom safety and prepare for a safe return to school, such as installing air purifiers, fixing air conditioning, and purchasing other protective safety equipment. The school district spent more than half a million dollars to implement online assessments to track and assess learning loss. Montebello Unified spent the rest of its learning loss allocation on homeless and foster student liaisons and on summer school.

The COVID-19 effects on high school student learning loss do not appear to be as severe as the learning loss experienced by younger students. Reports on el-

elementary and middle school children show drastic drops on national assessments and delays in meeting developmental milestones. High school students in the Inland Empire show little change on national assessments and in graduation or college requirement completion. However, recent reports find that increases in chronic absenteeism and increases in the achievement gap between lower income and minority students and their peers will contribute to declines in college enrollment and overall lifetime earnings. Therefore, learning loss experienced in younger students and high school students as a result of the pandemic is likely to exacerbate existing inequities among students and impact future success of students. ♦

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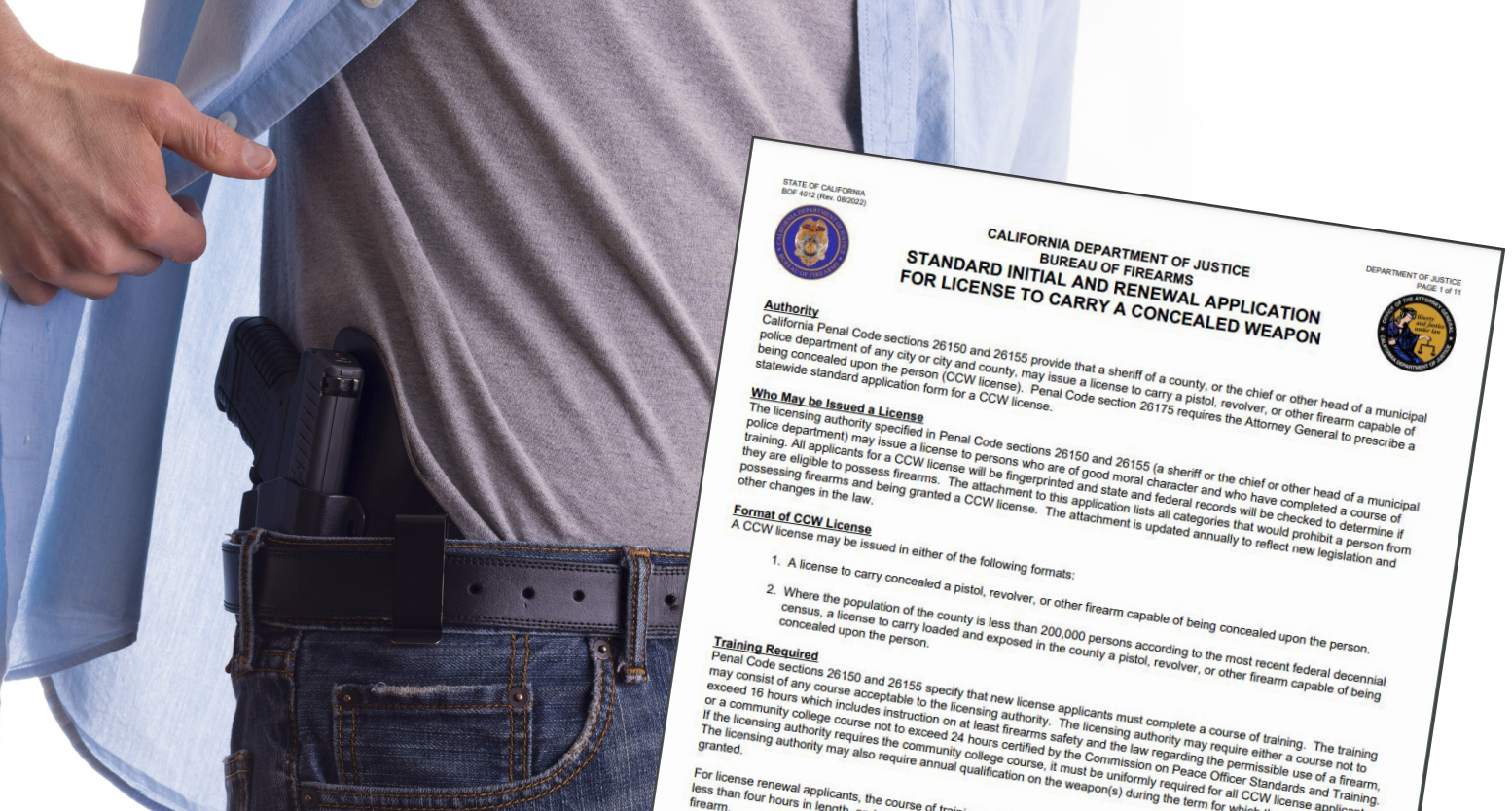


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NEW RULES FOR CONCEALED CARRY

by Desmond Mantle '23

One of the summer's most notable headlines was the Supreme Court's decision in *New York State Rifle and Pistol Association v. Bruen*. The *Bruen* plaintiffs challenged a New York law that required applicants for a license to have and carry a concealed pistol or revolver to prove that "proper cause exists" for doing so. Applicants could satisfy the "proper cause" requirement only by showing a "special need for self-protection distinguishable from that of the general community." The Court, in a 6-3 decision, held that New York's proper-cause requirement violates the Fourteenth Amendment by preventing law-abiding citizens with ordinary self-defense needs from exercising their Second Amendment right to keep and bear arms in public for self-defense.

In reaching its decision the Court rejected the framework that the Courts of Appeals have developed (and lower courts use widely) to analyze Second Amendment challenges. That framework had two parts. First, the court examined the challenged law to determine if it burdened the Second Amendment's original scope. If so, then the court would evaluate the challenger's interest in

exercising his Second Amendment right against the government's interest in regulating it. The Supreme Court in *Bruen* expressly rejected that two-part approach "as having one step too many." Instead, courts must "assess whether modern firearms and regulations are consistent with the Second Amendment's text and historical understanding."

The Court then proceeded to analyze the New York law under this standard, noting first that the plain text of the Second Amendment protects the plaintiffs' proposed conduct, that is, to carry handguns publicly for self-defense. The respondents, Kevin P. Bruen, in his official capacity of Superintendent of the New York State Police and others, had the burden of showing that New York's proper-cause requirement is consistent with the historical tradition of firearm regulation in this country. After an extensive review of the Anglo-American history of public carry, the Court concluded that the respondents did not meet their burden to identify an American tradition justifying New York's proper-cause requirement.

Legal observers have noted the potential ramifications of the Court's rejection of the two-part test for review for challenges to firearms regulations. Writing in *Scotusblog.com*, Joseph Greenlee points out that the two-part test has been in use for 12 years and has resulted in upholding nearly every regulation challenged. *Bruen* makes clear that courts are not to engage in any interest-balancing inquiry. The more straightforward test made explicit in *Bruen* may result in more successful challenges to gun control laws.

Another interesting angle of *Bruen* is that various friends of the court pointed out that the impact of the "proper cause" denials in New York fell disproportionately on the Black population. One group filing an amicus brief was a coalition of public defenders and Black legal aid attorneys who argued that New York's restrictive laws "have branded our clients as 'criminals' and 'violent felons' for life. They have done all of this only because our clients exercised a constitutional right." Another amicus, the National African American Gun Association, posed a rhetorical question: "Would Rev. King have been able to get a carry license under New York's discretionary 'proper cause' law?" Following *Bruen*, the Legal Aid Society wrote that it "may be an affirmative step toward ending arbitrary licensing standards that have inhibited lawful Black and Brown gun ownership in New York."

Like New York, California is one of six states that required applicants for concealed carry permits to show a good cause for issuance of the license. The statutes authorized local law enforcement officials – sheriffs and chiefs of police – to issue licenses to carry a concealed pistol, revolver, or other firearm upon fulfilling four requirements (in addition to passing a background check):

- " (1) The applicant is of good moral character.
- (2) Good cause exists for issuance of the license.
- (3) The applicant is a resident of the county or a city within the county, or the applicant's principal place of employment or business is in the county or a city within the county and the applicant spends a substantial period of time in that place of employment or business.
- (4) The applicant has completed a [firearms safety] course of training..."

Source: California Department of Justice, Office of the Attorney General, Legal Alert, August 17, 2022

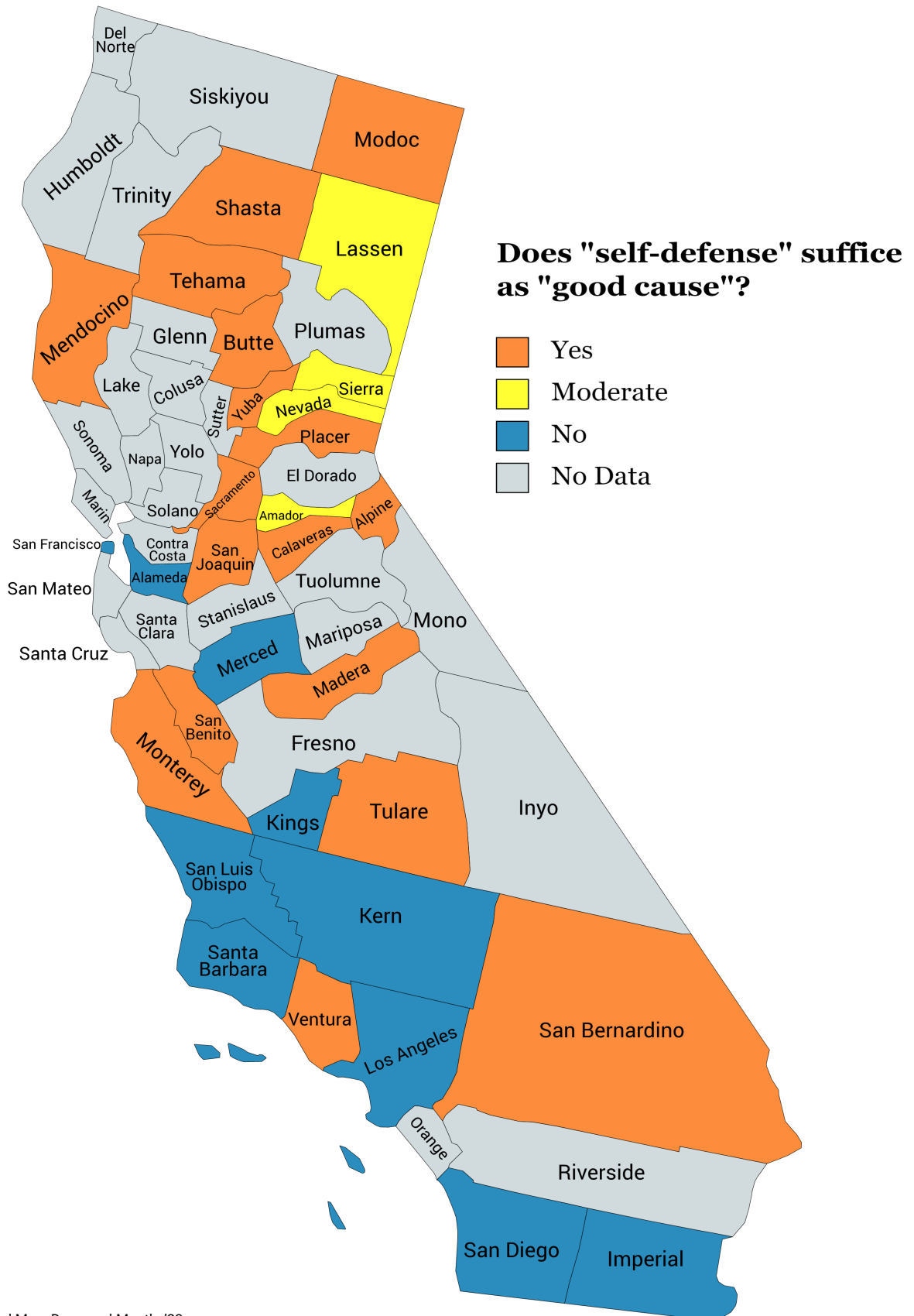
Like the New York law struck down in *Bruen*, California statutes gave the government officials who issue permits the discretion to determine for each applicant if good cause exists. That is, the official had discretion to decide whether the applicant really needed the permit. This is precisely the issue that the Supreme Court struck down in *Bruen*. The California Attorney General noted that "[t]he Court also highlighted other states with 'analogues' to the 'proper cause' requirement, including California, and made clear that California's similar 'good cause' requirement is unconstitutional." The AG emphasized that California's public-carry licensing regime remains constitutional because *Bruen* only impacts the "good cause" requirement. The other elements remain in force.

The exercise of other constitutional rights does not require individuals to demonstrate to government officers some special need. The Second Amendment right to carry arms in public for self-defense is no different. New York's proper-cause requirement violates the Fourteenth Amendment by preventing law-abiding citizens with ordinary self-defense needs from exercising their right to keep and bear arms in public.

New York State Rifle & Pistol Assn., Inc. v. Bruen

Guidance from the California Attorney General also tries to make clear that under *Bruen*, "good moral character" and "good cause" are not one and the same. "As to California's 'good moral character' requirement in particular, licensing authorities have developed objective and definite standards to avoid such unfettered discretion." However, because such a determination rests with an individual officer just as the "good cause" standard did, it may be subject to further litigation

Until the *Bruen* decision, California sheriffs, and occasionally city police departments, were responsible for determining if applicants for concealed carry licenses had "good cause." Some sheriffs became well known for *de facto* "shall-issue" policies under which applicants could simply list "self-defense" or "personal protection" as



Data and Map: Desmond Mantle '23

their "good cause" and expect to be issued a permit.

This author researched in 2020-21 how California's 58 counties interpreted the good cause standard, by asking if a simple statement of "self-defense" was sufficient to constitute good cause. Twenty-eight counties responded, with 14 accepting a simple statement of self-defense as good cause, 10 saying such a statement would not be sufficient, and four articulating an intermediate standard. Counties varied widely in their permissiveness even within jurisdictions requiring more than a simple statement of "self-defense" to fulfill the "good cause" requirement. California's coastal counties demonstrated this variation. For example, the sheriff of Sonoma County issued permits to, on average, 73% of applicants in 2019 and 2020. The combined City and County of San Francisco, on the other hand, denied the sole application it received in 2019 and issued a permit to only one of the six applicants it had in 2020.

Bruen has rendered California's good cause requirement unconstitutional; it can no longer be used as a discretionary hurdle in the application for a concealed carry permit. Interest in obtaining permits has skyrocketed since *Bruen*. The *Los Angeles Times* reported on June 30, 2022, that the Los Angeles County Sheriff had issued 3,145 permits to date; in mid-2020 there were 155 active permits. The *San Francisco Examiner* reported that the San Francisco Sheriff's Department received 45 concealed carry permit applications in the weeks following the *Bruen* decision. The department typically gets just two applications each year.

Citing this massive influx, the Los Angeles Sheriff's Department, formerly the sole issuing agency in the county, has elected to devolve issuance responsibilities to cities with independent police departments and only issue to residents of unincorporated areas and contract cities in which LASD provides policing services. Cities with their own police departments have been slow to respond. The Los Angeles Police Department has posted information about obtaining a permit, the City of Pasadena's new issuance policy goes into effect on November 1, and the Claremont Police Department's web page refers only to its 2016 agreement with LASD for the sheriff's issuance services.

San Bernardino County has not devolved its issuance

SUPREME COURT OF THE UNITED STATES

No. 20–843

NEW YORK STATE RIFLE & PISTOL ASSOCIATION,
INC., ET AL., PETITIONERS *v.* KEVIN P. BRUEN, IN
HIS OFFICIAL CAPACITY AS SUPERINTENDENT
OF NEW YORK STATE POLICE, ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE SECOND CIRCUIT

[June 23, 2022]

JUSTICE THOMAS delivered the opinion of the Court.

In *District of Columbia v. Heller*, 554 U. S. 570 (2008), and *McDonald v. Chicago*, 561 U. S. 742 (2010), we recognized that the Second and Fourteenth Amendments protect the right of an ordinary, law-abiding citizen to possess a handgun in the home for self-defense. In this case, petitioners and respondents agree that ordinary, law-abiding citizens have a similar right to carry handguns publicly for their self-defense. We too agree, and now hold, consistent with *Heller* and *McDonald*, that the Second and Fourteenth Amendments protect an individual's right to carry a handgun for self-defense outside the home.

ance process to cities. The sheriff's webpage notes the *Bruen* decision and states that the department has removed mention of "good cause" from its forms, though the county had been known before the decision for issuing permits more liberally than its western neighbor. The Riverside County Sheriff's Department has simply crossed off the good cause element from the list of license requirements on its website.

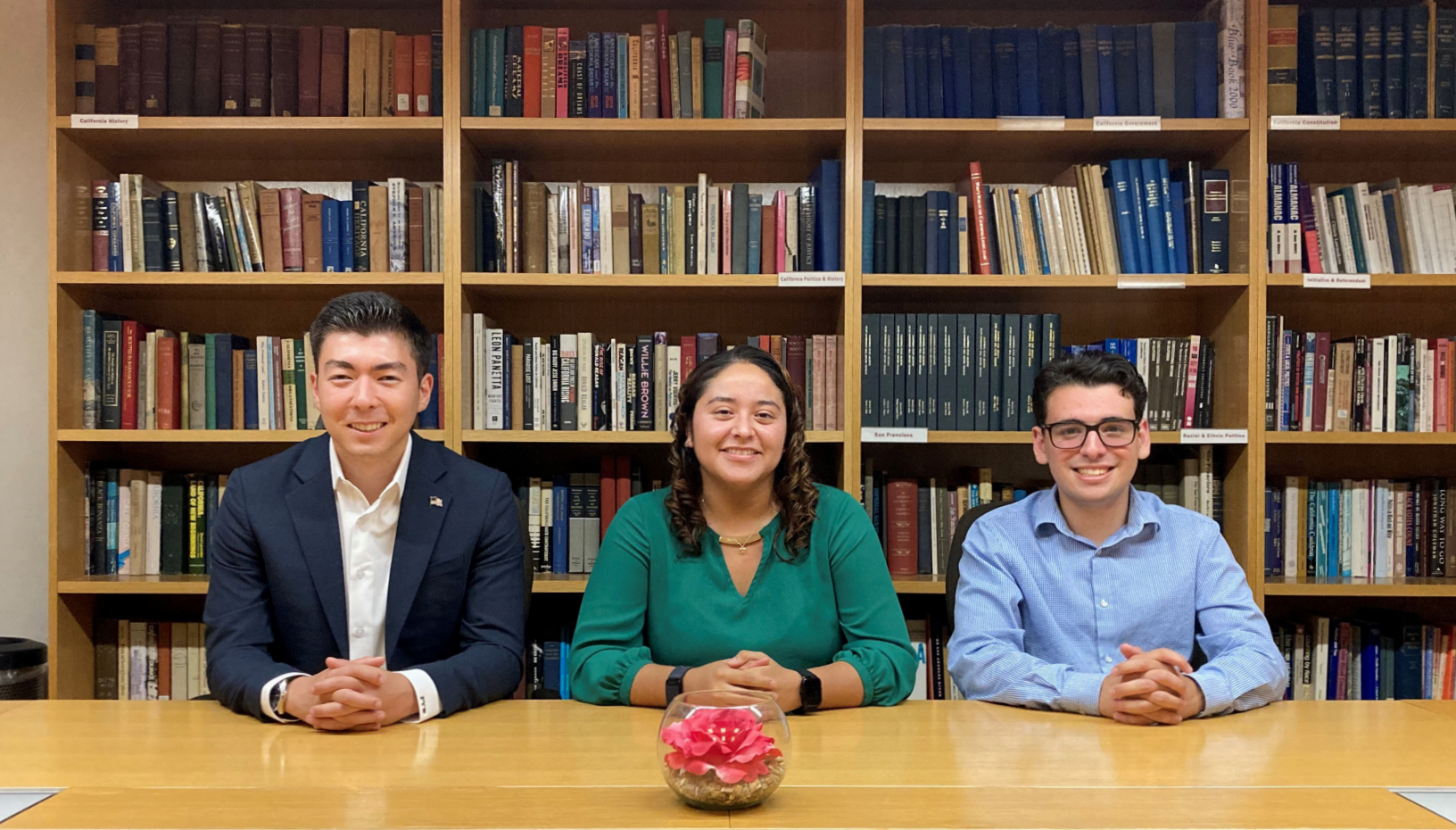
In response to *Bruen* and the large increase in applications for concealed carry permits that followed, the California legislature tried to pass a bill that would have placed new requirements on concealed carry applicants. The bill was drafted by Attorney General Rob Bonta and introduced by Senator Anthony Portantino (D-Glendale). Among other things, it would have required applicants to receive a psychological assessment, take at least 16 hours of safety training and provide three letters of ref-

erence attesting to the applicant's moral fitness. The bill also had an expansive list of statutory gun-free zones. CalMatters reported that the California State Sheriffs' Association opposed the bill, citing the extra administrative costs they would incur, noting the possibility that their offices could be open to legal liability, and "bemoaning the fact that the policy would turn much of the state into a gun-free zone."

The bill's supporters added an urgency clause onto the bill so that it would take effect as soon as it was signed into law by the governor, rather than on January 1. Including the urgency clause meant that the bill needed a two-thirds majority to pass. It failed in the Assembly by one vote, with three Democrats and the lone Independent joining all the Republicans to vote against it. ♦

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Authors, from left, Pieter van Wingerden '24, Daniela Corona '23, and Desmond Mantle '23.

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EDITORIAL STAFF

Kenneth P. Miller, JD, PhD
Director

Bipasa Nadon, JD
Assistant Director

Marionette Moore
Administrative Assistant

STUDENT STAFF CONTRIBUTORS

Daniela Corona '23
Desmond Mantle '23
Pieter van Wingerden '24

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