

ity” of bodily injury claims alleged in routine auto collisions, and, ineluctably, a spiraling escalation of insurance premiums, especially for automobile and homeowners’ coverage. Things became so bad that the incidence of such bodily injury claims in California (expressed as a ratio to property damage claims) was the highest in the nation — twice the national average. In Los Angeles — where, perhaps coincidentally, about half of California’s lawyers practice — the incidence of such bodily injury claims approached 100 percent of all property damage claims — *i.e.*, personal injury claims were made in nearly every parking lot fender bender.

THE PRINCIPAL beneficiaries of *Royal Globe*, besides the purported “victims” asserting marginal or inflated accident claims, were personal injury lawyers who extorted exorbitant settlements from insurers, often without even filing a lawsuit. In the halcyon *Royal Globe* days, winning a hefty contingency fee was like shooting fish in a barrel.

The farcical *Royal Globe* shakedown routine came to

an abrupt end in 1988, following the purge of the Rose Bird regime. Deukmejian-appointed Chief Justice Malcolm Lucas wrote a decision overturning *Royal Globe*. In that decision, entitled *Moradi-Shalal v. Firemen’s Fund Insurance Companies*, Lucas recounted the main points from what he characterized as Frank Richardson’s “prophetic” dissent in *Royal Globe*: the refusal of other states to follow *Royal Globe*, the considerable scholarly criticism of the third party “bad faith” lawsuit, and “the undesirable social and economic effects of the decision (*i.e.*, multiple litigation, unwarranted bad faith claims, coercive settlements, excessive jury awards, and escalating insurance, legal and other ‘transaction’ costs).” In all respects, *Royal Globe* was a disaster. Lucas called it “irrefutable” that the Bird Court had made up the “bad faith” cause of action out of whole cloth. While Lucas did not say so directly, the unmistakable message of *Moradi-Shalal* was that the *Bird Court* had been guilty of bad faith in *Royal Globe*.

Moradi-Shalal restored much-needed balance to the civil justice system. Insurers regained the ability to de-

WHAT YOU HAVEN'T BEEN TOLD ABOUT GUN CONTROL

By WILLIAM E. SARACINO

The media finally found a shooting rampage by a deranged gun owner that is unworthy of attention.

You will remember that last September a fellow walked into a Fort Worth Baptist church and started shooting, killing five and wounding a score of others. The media at first announced that this would “reignite the gun control debate in America.” Then suddenly the sounds of silence. No follow-up reports. No calls for renewed gun control or hate crime legislation.

It turns out that the attendees at this Baptist Church are very conservative evangelicals. It also turns out that the gunman was spouting anti-

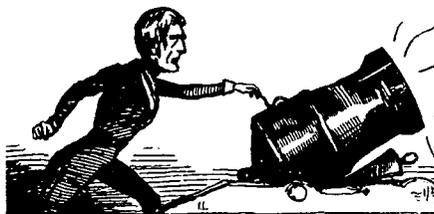
William E. Saracino is political director of Gunowners of California.

Christian curses as he entered the church sanctuary and opened fire. Police subsequently found anti-religious and specifically anti-Christian literature in the gunman’s home. When these facts became evident the media instantly fell silent. You see for our media and our liberals, shooting Christians — let alone conservative ones — is not a hate crime.

President Clinton will not bite his lower lip during a eulogy. Congresswoman Maxine Waters will not insist that hate crime laws be ex-

panded to cover conservative denominations. The ACLU will not be leading any candle light vigils. CBS will do no “in-depth” reports about how anti-Christian and anti-religious venom spewed into our society from so many quarters has “contributed to the atmosphere of hate” that motivated this crazed gunman.

But we must not forget this double standard, nor let it go un-noted. As President John Adams said; “We have no government armed with power capable of contending with human passions unbridled by morality and religion. Our constitution was made only for a moral and religious people. It is wholly inadequate to the governing of any other.” ☐



CORRESPONDENCE

(Continued from page 2)

my idea for this year's hot, new political one-liner. He sighs. Holier Than Thou went out with button shoes, and talking about "lack of backbone" sounds "jingoistic" and, "most importantly," "rings hollow." He should do fine in San Francisco.

What Horowitz Did Not Say

David Horowitz did not say that George Bush's breaking of his word to the American people was morally sound; he said that trading a tax increase for the appropriations necessary for the Gulf War was morally sound. Yet because the ends do not justify the means, John Kurzweil condemns the combined acts as immoral. A little leavening leavens the whole batch.

It could be argued that countering David Bonior's "plainly phony charges" against Newt Gingrich for teaching a college course with the fact that Bonior did the very same thing would have illustrated the hypocrisy of the left and the phoniness of Bonior's charge. But since stating that fact is so much like leveling the initial charge, Kurzweil would condemn it as a lie.

Kurzweil states categorically that lying is always wrong, and implies that there is absolutely no situation wherein it is acceptable. I have heard pacifists make the same argument for the commandment, "thou shalt not kill," but this is the first time I have heard it applied to "thou shalt not bear false witness." Just as a pacifist should be given only non-lethal duties in time of war, Kurzweil should therefore never be given security clearance.

However, Kurzweil should be careful about his own writing. His hypocritical conversation with Horowitz is reminiscent of the fictional observer in the Ronald Reagan biography "Dutch." By his own strict definition of what is a lie, Kurzweil himself lies by reporting a conversation that never happened.

While Kurzweil disdains Horowitz's example of allegedly necessary lying, Kurzweil's first saintly example is that of a lie. While St. Lawrence counted the Church's treasure in souls saved, he knew full well that Valerian was asking for its material possessions. By the letter of the law, St. Lawrence's willful misunderstanding



of Valerian's definition of the word "treasure" was just as much a lie as was Ollie North's lie to Rep. Ron "Red" Dellum [sic], or Bill Clinton's willful misunderstand of the definition of the word "is." Therefore, it could be argued that St. Lawrence lied to save for the Church the material possessions necessary for its time of hiding. But by the spirit of the law, St. Lawrence told the complete truth, because Valerian's definition of treasure was the real lie.

We are in a culture war with the left, which Kurzweil correctly identifies as one of opposing faiths. Sun Tsu said that the art of war is deception. We must counter lies with Truth, not strain at gnats of the law about who lied and why, for enemy gets their power from the law [sic]. However, we must communicate Truth as cleverly as St. Lawrence did, in terms the undecided can see clearly but that the enemy can neither understand nor refute.

Norman Hines
Ridgecrest

John Kurzweil responds:

Mr. Hines marshals a legion of factual errors to defend a general proposition that is, in any case, untenable. First, as to the errors:

1) Mr. Horowitz wrote that "the act that caused George Bush to lose the 1992 election — making a deal with the Democrats that resulted in a tax hike was morally sound." He called this a paradox, nowhere arguing that the act could be justified by splitting it in two. That is Mr. Hines' invention, and a handy one it is. It could be used to rationalize any immoral act. *Neville Chamberlain did not say abandoning Czechoslovakia to Hitler was morally sound; he said that winning peace in our time was morally sound.* It is Mr. Hines' fantasy that I have combined what never was, and could not be, separated.

2) My objection was to Mr. Horowitz's advice that Republicans "respond in kind" to Bonior by filing "plainly phony charges." Mr. Hines' second paragraph condemns me for what I never did.

3) Mr. Hines has "never heard" anyone say lying is always wrong. But St. Augustine, according to the great scholar of the early Church John Henry Newman, was "the doctor of the great and common view that all untruths are lies, and that there can be *no* just cause of untruth." The Book of Proverbs, 12:22, informs us that "lips that lie are abhorrent to Yahweh." Of that admonition and many others like it in Scripture, the great contemporary American catechist Father John A. Hardon writes: "Throughout the ancient Covenant, all lying was severely condemned." In the middle ages, the Catechism of the Council of Trent similarly laid down an absolute prohibition on lying, adding the essential reason lying is always wrong; that, intrinsically, it reflects lack of faith in God: "The pastor

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fend frivolous auto accident lawsuits (many of which *are* frivolous). Juries proved surprisingly unsympathetic to contrived lawsuits seeking excessive damages for “whiplash” and other subjective injuries, by returning a high percentage of defense verdicts, *i.e.*, ruling against the plaintiffs. The “whiplash mills” and their stable of quack doctors were flummoxed. What had been, under *Royal Globe*, a cornucopia of riches for personal injury lawyers became, instead, a well-deserved dead-end.

PERSONAL INJURY lawsuits, especially those relating to auto accidents, declined precipitously, as did insurance rates. Price wars erupted as insurers bid against each other to cut premiums. To the plaintiffs’ bar, this utopian situation was intolerable. Few contingent fee plaintiffs’ lawyers operate in the high-stakes realm of mega-millionaire pirate Bill Lerach. Many more are sole practitioners depending upon flaws in the system and a high volume of weak cases to extract undeserved windfalls. To parasites in need of a receptive host, *Royal Globe* was a godsend, and *Moradi-Shalal* was Armageddon.

The so-called Consumers Attorneys of California (formerly known as the California Trial Lawyers Association), ever willing to favor their own interests over those of California’s consumers, made reinstatement of *Royal Globe* their top legislative priority. The Democrat landslide of 1998 provided the opportunity. In 1999, the lopsidedly Democrat Legislature — elected with the benefit of plenty of trial lawyer money — passed two trial lawyer-sponsored bills: S.B. 1237, carried by Senator Martha Escutia, and A.B. 1309, carried by Assemblyman Jack Scott, signed as a package deal by Govern-

or Gray Davis over the vociferous but unavailing opposition of the insurance industry. Together, the bills would negate *Moradi-Shalal* and largely reinstate *Royal Globe*. To avert the horrors this would create, a coalition of consumer, taxpayer, business, and senior groups led by the insurance industry qualified two referenda for the March 2000 ballot. These ballot measures also had the effect of postponing the effective date of the Democrat legislation from the usual January 1 until after the primary. The referenda campaign gathered nearly 1.5 million signatures in less than three weeks. A “no” on Proposition 30 would repeal S.B. 1237; “no” on 31 would repeal A.B. 1309. Insurers reportedly plan to spend up to \$50 million to defeat Propositions 30 and 31, which, as referenda, cleverly capitalize on the undecided voters’ preference for a “no” vote. (In a referendum, unlike an initiative, the objective is to secure a majority of “no” votes.) The plaintiffs’ bar will spend whatever it takes to preserve their legislative victory.

The voters should be able to understand this: “yes” on Propositions 30 and 31 will increase the average driver’s auto insurance bill by \$300 a year, with commensurate increases for businesses, local governments, and homeowners — a total of \$1.5 billion a year in increased insurance premiums and higher prices for goods and services. A great deal is at stake, more than just money. Symbolically, the Proposition 30 and 31 campaign is a showdown over who controls the political process in California — the personal injury lawyers or the average citizen. The Democrats in Sacramento have sold their souls to the special interests and the voters have the opportunity to send a powerful message: 1986 was not a fluke.

CPA

THE WORKING PRESS

Picking Staples from the *Times*’ Hide

The Times habitually misses meaty stories in its huge and dynamic circulation area. Self-flagellation over an ad deal is not one of them.

T I M W . F E R G U S O N

THE STAPLES Center scandal that shivered the timbers of the *Los Angeles Times* was investigated in a report as anti-climactic as anything from a congressional committee. It was issued by Pulitzer-winner David Shaw of the

Times’ staff and shepherded into the paper by half a dozen untouchable editors in clean-room suits.

It was boring. Very, very boring and 14 pages long. The

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