

Oakland, California: ZEN AND THE ART OF CCW ABUSE

by Jim March

December 11, 2001

"I see the world in very fluid, contradictory, emerging, interconnected terms, and with that kind of circuitry I just don't feel the need to say what is going to happen or will not happen." -- Jerry Brown, when he was Governor of California

"We are not disorganized. We just have a kind of organization that transcends understanding." -- Jacques Barzaghi, campaign aide to Jerry Brown (quoted in '92)

"If Jerry Brown is the answer, it must be a damned peculiar question." -- Senator Lloyd Bentson, on Brown's 1992 Presidential campaign

KeepAndBearArms.com -- In our [Marin report](#) of 11/26/01, we showed you a good random selection of "normal" CCW (mal)practices -- the sort of thing seen all over the state of California.

Oakland is anything but normal.

For those new to the issue, a "Carry Concealed Weapons" (CCW) permit allows the carry of a loaded, concealed defensive firearm without fear that you are going to have your life ruined by law enforcement authorities if "caught" exercising your Constitutional and human rights. The requirements include training, a detailed background check with fingerprints and getting the personal approval of your PD Chief or Sheriff. The [Marin report](#), first of the series, has more details on the way CCW law works in California and includes the first round of evidence exposing their corruption and violations of federal and state law.

Abuses of the CCW application process have been legendary, in California and elsewhere. In the early '60s, for example, when Mississippi had the same system, Dr. Martin Luther King Jr. was denied by his Sheriff after his home was firebombed.

Our goal is to take the evidence of abuse out of the realm of "legend" and into public exposure as cold hard fact.

As you read this report, keep in mind the phrasing of the opening sentence of California's CCW laws:

12050. (a) (1) (A) The sheriff of a county, upon proof that the person applying is of **good moral character**, that good cause exists for the issuance, and that the person applying satisfies any one of the conditions...[emphasis added]

Oakland is a city of about 400,000 right across the bay from San Francisco, and only one of them apparently has "good moral character" -- but his character has been called into question publicly and repeatedly. Read on...

Section 1 - Methodology

Jim March filed his usual PRAR [[linked here](#)] with Oakland not knowing what to expect.

What came back was interesting: one permitholder total, no denials, no applicants pending.

Mr. Jacques Barzaghi had scored CCW on June 28th of 2000, scheduled to expire in two years (which is normal) unless renewed for longer.

There were no claimed agreements with other agencies such as the Alameda County Sheriff.

They included Mr. Barzaghi's letter stating "good cause":

CITY OF OAKLAND



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Office of the Mayor
Jerry Brown
Mayor

(510) 238-3141
FAX: (510) 238-4731
TDD: (510) 839-6451

July 6, 1999

Richard Word
Chief of Police
455 7th Street, 8th Floor
Oakland, CA 94607

Dear Chief Word:

My name is Jacques Barzaghi, Senior Advisor to the Mayor. I am requesting a permit to carry a conceal weapon (CCW).

For the next four years I hold the position of Senior Advisor to Jerry Brown. This entails driving and being with Mayor Brown at all times, including all public appearances and meetings. Mayor Brown attends community meetings throughout the City of Oakland, often late into the evening. Furthermore, I also live at the same residence as the Mayor with my family.

While Mayor Brown was serving as Governor of California I had a permit to carry a concealed weapon.

Your consideration in this matter is greatly appreciated.

Sincerely,



Jacques Barzaghi
Mayor Senior Advisor

Section 2 - Some Pigs Are More Equal Than Others (with apologies to George Orwell)

OK, fine, so the only permitholder in the whole city is a crony of Mayor (and former Governor, and Presidential aspirant) Jerry "Moonbeam" Brown.

On 12/4/01 a Public Records Act Request (PRAR) was filed with a Lt. Walsh of the Oakland PD administrative unit -- consisting of "name all Oakland PD CCW permitholders". The response confirmed that Barzaghi was still the one and only permitholder, despite everything that had happened...we'll get to that.

So can anyone else score?

Jim March had a volunteer Oakland resident we'll call "K" try and find out. He walked in, and that same Lt. Walsh told him he didn't need the application forms -- instead he should write to the Chief and plead his "good cause" case in a personal letter.

"K" did so, and received the following back:

May 29, 2001

Mr. K
(Name and address of this
permit applicant deleted for
privacy...)

Dear Mr. K :

I received your letter dated May 25, 2001 regarding a permit to carry a concealed weapon (CCW). It appears that there was some mis-communication between Sergeant Walsh and yourself. A letter is not a sufficient application for a CCW.

Please allow me to inform you as to my personal thoughts regarding CCW's. I am very reluctant to issue CCW's as a method of crime control or crime response. In my term as Chief of Police, I have only issued one CCW, and that was early in my tenure as Chief. Since then I have decided that there will have to be significantly exigent circumstances before I issue a CCW again. California law allows the issuance of CCW's to lie purely within the discretion of the law enforcement executive.

After reading your letter, I do not feel that your situation warrants a CCW. California law allows you to have a weapon in your home (provided you qualify for ownership of a weapon in general). I would discourage you from applying for a CCW with me. Instead, know that the Oakland Police Department Community Services Section offers residents classes and security survey's to help deal with potentially dangerous situations without resorting to firearms. They can be reached at 238-3066.

As a last resort, the law allows for the Sheriff of the County to also issue CCW's to County residents. You are allowed to contact Sheriff Plummer and apply for a CCW with his agency.

Thank you for your letter, and I wish you a safe time in the city of Oakland.

Sincerely,



Richard L. Word
Chief of Police

Section 3 - Only One Guy Has "Good Character"?

So our Mr. Barzaghi must be a true paragon of virtue to be the ONLY person in a city of 400,000ish to be judged worthy of the privilege of self defense, right?

Errr...not exactly.

Early in 2000, the City investigated allegations of sexual harassment by Mr. Barzaghi -- they found the complaints had merit and were part of a long pattern.

To quote the SF Chronicle of Dec. 8, 2000:

Sex Charges Against Jerry Brown Aide Could Cost Mayor

"It's not going to end his career as mayor, but it could definitely impact his future on the national landscape -- and believe me, that's where he's been looking these days."

That's how one East Bay politico in the know summed up the dilemma facing Oakland Mayor Jerry Brown -- now that sexual harassment allegations have been leveled at his longtime friend, housemate, alter ego, gun-packing bodyguard and de facto chief of staff Jacques Barzaghi.

As reported by The Chronicle's Chip Johnson yesterday, the flamboyant and often mysterious Barzaghi stands accused of putting the moves on an Oakland trade representative while they were with the mayor in Mexico last week for the inaugural festivities of Mexican President Vicente Fox.

(One allegation is that the 61-year-old Barzaghi tried to nibble her ear.)

Neither Brown nor Barzaghi, who was hospitalized for chest pains yesterday, was talking.

It's as if a sonic boom hit this hall. But like a sonic boom -- most insiders say they felt it coming.

"I know of at least four other women that have either been subjected to provocative comments or propositions from him," one source alleged.

"It's a total pattern with the guy," said one former staff member. "I can't think of a person in that office who doesn't feel they were harassed at some point. . . . I've seen aides burst into tears (because) he's always trying to get under their skin."

<http://www.sfgate.com/cgi-bin/article.cgi?file=/chronicle/archive/2000/12/08/MNW111077.DTL>

(Go to the URL above for the rest: it's completely off-scale funny!)

In an interview dated Sept. of 2001, Oakland City Attorney John Russo was interviewed for the Alameda County Bar Assn. Newsletter and was asked about the Barzaghi case and the "Riders" police corruption/abuse scandal:

Q: As soon as you came to office, the Jacques Barzaghi case (Mayor Brown's Special Assistant accused of sexual harassment) and the Riders (Oakland Police Officers accused of abusing their powers and falsely planting evidence against defendants) case exploded on the front pages. In light of these developments, do you have a changed view of the city attorney's office being handled with the risk management philosophy that you espoused and have these high-profile cases bogged down your ability to move your agenda forward?

A (Russo): Wow! Yeah, it was pretty bracing to have those cases come up as soon as I took office. Those cases actually validate the emphasis my campaign placed upon the importance of risk management. These cases have not impeded the implementation of a risk management philosophy; rather, they have made the need for its implementation more obvious to everyone at city hall. Since I took office, we have placed dedicated departmental counsel in the police department and in the public works agency, our two largest liability generators. These two attorneys are responsible for practicing preventative law and assisting the appropriate department heads with avoiding legal liability.

As for the cases you mentioned, they are being handled very professionally by a combination of in-house and outside counsel. We got an excellent result in the Barzaghi case (a settlement with the plaintiff for \$50,000) and we believe we are well positioned in the Riders case to not only save the taxpayers money but to insure that our otherwise excellent police department does not find itself in such embarrassing circumstances again.

http://www.acbanet.org/acbalaw/september_2001.htm

So the city paid \$50,000 for this guy's misconduct, and the city attorney clearly feels lucky that it wasn't worse.

And yet...there's just this ONE person in the whole town with the "good character" to pack?

Ohhh no. HELL no. There's no profanity in the world strong enough to deal with this.

If gun owners were as dangerous as Oakland officials regularly portray us in their twisted politically-motivated propaganda, it would be downright lethal to insult us to this degree.

Final CCW Notes

We could go into detail on Oakland's policies, how the \$1million liability insurance policy requirement is illegal per Penal Code 12054(d), which bans any extra-cost requirements above and beyond the state requirements, or the medical exam banned on the same basis.

We could discuss how they're requiring people fill out TWO sets of application forms if you're lucky enough to get them. State law says they can't require any paperwork other than the state form.

We could probably spend 10 pages on dissecting the "policy manual", but who cares? Per Chief Word, nobody else except for this one saintly anointed gent is ever going to score regardless of any other fact or law we could list.

Did we mention that most of Oakland is a high-crime war zone? No...y'all probably figured that out already, with the top cop this screwed up.

Miscellaneous Weirdness

Oakland is one of the state's hot-beds of gun control, generating "new ideas" such as a ban on "pocket rockets". If a gun won't fit sideways through a cardboard square 4" by 6", it's banned for sale. Actually, We're not sure they successfully passed that one, because they ran the only gun dealer in town out of business by taxing everything in the store 3% -- and they were doing more business in fishing gear and the like than guns, so the "pocket rocket" sales ban would have been purely symbolic, as nobody sells guns in Oakland anymore.

Jerry Brown is a political ally of State Senator Don Perata, the gun-grabbin' lunatic with his own CCW permit issued out of the Alameda County Sheriff's Office. (We'll get to those twits in a separate report.)

Brown as Governor was a frequent devotee at the San Francisco Zen Center, which has been linked to a number of sex scandals and general fraud -- some of the latest is here:

<http://www.rickross.com/reference/ananda1.html>, but that's just the tip of the iceberg.

Barzaghi came from the same scene and is apparently covered with Zen and mystical Tibetan tattoos. (See: <http://www.loper.org/~george/interests/tatoos/tatoos.html>.)

A left-wing granola-sucking health-food co-op in NYC did a glowing profile on Barzaghi that has to be seen to be believed for it's depth of muddle-headedness. (See: http://www.foodcoop.com/bios/jacques_barzaghi.html.)

The "JerryWatch" page has two separate Barzaghi-related items including juicy details on the weird shared-housing arrangement. (See: <http://www.jerrywatch.org/Pages/scoop.html>.)

Finally, a comedy documentary was made on the 1992 Presidential race and apparently our boy Barzaghi was the #1 freak in the resulting circus: <http://www.blockbuster.com/bb/movie/details/0,6861,VID-V+++17003,00.html> -- we are desperately searching for a copy.

We couldn't make this up if we tried.

(For those interested in the "Riders" scandal, search www.google.com and enter the search terms "oakland police riders scandal" without the quotes. You'll get a pile of reports. When the top brass of a department hates the citizenry he serves with the passion Chief Word has demonstrated above, it's not shocking to find the same attitude repeated down the ranks.)

CONTACTING OAKLAND OFFICIALS

Oakland Police Department: webcop@oaklandpolice.com

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Council Member Nancy Nadel: nnadel@oaklandnet.com

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Council Member Larry Reid: lreid@oaklandnet.com

Council Member Henry Chang: cityochang@aol.com

City Auditor Roland Smith: resmith@oaklandnet.com

City Manager Robert C. Bobb: citymanager@oaklandnet.com

City Attorney John Russo: jrusso@oaklandcityattorney.org (Bonus humor: his website at <http://www.oaklandcityattorney.org/> has a "notable cases" section that's currently empty. We're not holding our breaths expecting THIS clusterintercourse to appear there.)

NEXT STEPS

1) I'm going to be at the next Oakland City Council meeting on Dec. 11th (Tuesday) at 7:00pm to speak and pass out 30 copies of this report! Anyone who wants to observe is warmly welcome (by us) to do so, although what welcome the city will have will be an open question :).

2) We are raising funds to continue trumping many other counties in California -- one by one -- until Attorney General John Ashcroft takes notice and takes action. [Please click here](#) and then [here](#) to see more about how you can pitch in.