

# THE Gun Owners

29 YEARS OF NO COMPROMISE – 1975-2004

## GOA Working to Extend Right to Carry Throughout the Nation

by John Velleco

(Washington, D.C.) — A person driving a vehicle 3,361 miles from Port Charlotte to Port Angeles faces a myriad of different traffic laws passing through the various states.

Camera enforcement laws can get a person nabbed for speeding in Colorado, but not in Missouri. Driving through Utah, it's illegal to disable an airbag. In Oregon, embracing another while driving could result in a ticket.

Thankfully for drivers, one thing that does remain constant is the universal validity of the driver's license. Leave Florida with a valid license and it will be recognized in all the other states.

The same applies to husband and wife. Got married in El Paso then moved to Indianapolis? No problem. Indiana recognizes a Texas marriage, as does every other state.

But when it comes to concealed carry permit laws for firearms, it seems that the only certainty is, well, uncertainty.

An individual who jumps through all the hoops to get a Michigan permit, for example, cannot carry in Texas, although Michigan will recognize a Texas permit. A Michi-

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### GOA in the News



GOA Executive Director Larry Pratt appeared on CNN with Paula Zahn to discuss the tragic situation in Illinois, where officials are prosecuting a homeowner for using an "illegal" gun to wound a burglar. See story below.

## Citizen's Self-Defense Act Needed More Than Ever —Anti-gun prosecutors still harassing gun owners

by Erich Pratt

New York. Florida. Illinois. Three states where anti-gun prosecutors have recently harassed people for properly using their firearms in self-defense.

Thankfully, not every jurisdiction in the United States looks so unfavorably upon decent Americans who use guns for protection.

Not every prosecutor naively thinks the police are the only ones who can protect people.

But there are too many horror stories.

A good guy uses his gun in self-defense, and gets victimized twice — first by the thug, then by the legal system.

It happens enough that many gun owners throughout this nation are often fearful of keeping a gun with them.

They are so fearful of getting caught, in fact, that they choose to leave their gun at home, only to later regret that decision when they or a loved one gets victimized, and they are powerless to do anything about it.

### "The stupidest decision of my life"

Such was the lament of Suzanna Gratia-Hupp of Texas, who says she made the worst decision of her life in the early 1990s. Out of fear of getting caught with an "illegal" handgun, she

decided to obey Texas law which at the time prohibited citizens from carrying handguns outside of their homes.

As a result, Suzanna sat helplessly in Luby's cafeteria one day in October, 1991, while George Hennard methodi-

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- **Anti-gun Ninth Circuit to be split into smaller courts? (page 5)**

## Citizens Self-Defense Act Needed

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cally executed 22 people — two of them being Suzanna's parents.

Suzanna is not alone.

Readers of *The Gun Owners* should remember Sandy Javelle.

Although he was licensed to carry a handgun in New Hampshire, he dutifully obeyed Massachusetts' law (and disarmed himself) when he traveled into the state — which he frequently did as part of his job.

That decision cost him his life on December 26, 2000.

When a coworker at the Wakefield, Massachusetts office began shooting fellow employees, Sandy was powerless to stop him.

Had the shooting occurred in the New Hampshire office, chances are good that Sandy — an Army veteran — would have been able to save many lives that day by killing or wounding the gunman.

Instead, Sandy was killed along with six other employees.

### Armed Americans become victims of gun control

Gun bans never stop criminals from getting guns. Such laws only dissuade good people from arming themselves because they don't want to run afoul of the law.

These are the victims of gun control. These are the citizens who go unprotected because they fear being prosecuted for the "crime" of carrying a piece of steel.

Even worse, some individuals have been terrorized by anti-gun officials for firing their guns in self-defense.

Within the past six months, there have been at least three stories which reinforce the foreboding message to law-abiding gun owners: use a gun in self-defense and you might go to jail.

All three of these cases show why the Citizens Self-Defense Act, sponsored by Republican Rep. Joe Wilson of South Carolina, is sorely needed.

The Wilson bill, H.R. 648, currently has 45 cosponsors and, if passed, could very well provide gun owners the silver bullet they need to get around those pernicious gun bans that would otherwise leave innocent men and women defenseless.



**The fear of violating anti-gun laws kept Suzanna Gratia-Hupp from being able to protect her parents, both of whom were murdered at a Texas diner in 1991.**

### Shoot a crook, go to jail in Illinois

This past December, the village of Wilmette, Illinois made national news when officials arrested and prosecuted Hale DeMar for using a handgun in his own home to wound a burglar.

The thief had actually broken into DeMar's home the night before and stolen his SUV.

Perhaps the crook figured that because of the local handgun ban, he would meet no armed resistance in this home. Who knows? Whatever the case, the burglar guessed wrong.

When he returned the following night, DeMar had just finished putting his kids to bed. This time, DeMar was able to shoot the attacker with a handgun.

While most Americans hailed DeMar as a hero, police officials took a very dim view of what he had done.

"The outcome of the matter in this case was very fortunate for the homeowner," said Wilmette Police Chief George Carpenter.

"We much prefer, for the safety of the home, that a resident who finds himself in this situation immediately lock the door of the room he's in and dial 911."

One wonders if the police chief would follow his own advice if faced with that situation in his home.

### Face-off in New York gets gun owner in trouble

A few hundred miles to the east, another gun owner came face to face

with death, and has since had the incredible displeasure of being victimized twice.

Edwin Marte, 35, is a Queens bodega manager who found himself staring down the barrel of a gun one night in March.

He was in the store when Devin Keitt, wearing a stocking mask, confronted him while yelling "Hold up!" several times.

Seeing the gun already drawn on him, Edwin pulled his .38-caliber revolver from behind the counter.

Both men stood there pointing their guns at each other. But Edwin fired first,

sending the gunman fleeing from the store.

Authorities apprehended the thug a block away and took him to the hospital, as he had been struck in the head by Edwin's bullet.

But they also arrested Edwin.



**GOA's John Velleco with Rep. Joe Wilson (R-SC), sponsor of the Citizen Self-Defense Act.**

Even though police acknowledged the store manager had acted in self-defense, they charged him for using an unlicensed gun — charges that would put Edwin in prison for up to a year for merely deciding his life and property were more important than New York's disarmament law.

### Florida cops to citizens: don't shoot, dial 9-1-1

It's easy, of course, to hear about

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## Second Amendment Caucus Formed in Congress

# Reps. Musgrave and Goode Take Lead on Second Amendment Issues

by John Velleco

(Washington) — In April, staunch pro-gun Reps. Marilyn Musgrave (R-CO) and Virgil Goode (R-VA) announced the formation of the Second Amendment Caucus in the U.S. House of Representatives.

The caucus, which includes 38 original members, is dedicated to preserving and defending the Second Amendment in the Congress. In addition, caucus members will work to roll back unconstitutional gun laws already on the books.

“As lawmakers in our nation’s highest legislative body, we must fight to preserve the Constitutional right for individual citizens to keep and bear arms,” said Rep. Musgrave. “While many in our nation’s capital seek to chip away at the right of firearm ownership and possession, the 2nd Amendment Caucus is committed to defending lawful gun owners’ constitutional rights in our nation, without compromise. Their voice will be heard in Congress.”

Rep. Goode, who has been a sponsor of several pro-gun bills in his eight years in Congress, noted that, “In fighting for and protecting our Second Amendment rights, it is important to be vigilant. I

hope that this caucus will further that goal.”

The complete mission statement reads:

*The members of the Congressional Second Amendment Caucus know and understand that the Second Amendment to the Constitution is clearly written to protect the fundamental and individual right to keep and bear arms.*

*Furthermore, we understand that the Second Amendment does not refer to a collective right of federal or state governments. The Second Amendment refers to the individual citizen’s right to keep and bear arms for the purpose of defense, recreation, and collection.*

*We oppose the banning of firearms, their accessories, their manufacture and their importation. Furthermore, we support recognizing the right of lawful citizens to carry a weapon both at home and while traveling the nation.*

*In upholding these principles we have joined the Congressional Second Amendment Caucus. This caucus’ purpose for existence is solely to accomplish the above stated goals and protect*



GOA’s Larry Pratt meets with Rep. Marilyn Musgrave, who is a founder of the Second Amendment Caucus in the Congress.

*the Second Amendment as it is written.*

The complete list of members to the caucus can be found on the web at [http://www.house.gov/musgrave/108th%20Web/2nd\\_amendment\\_caucus\\_member\\_list.htm](http://www.house.gov/musgrave/108th%20Web/2nd_amendment_caucus_member_list.htm).

Gun Owners of America looks forward to working with the new caucus on issues such as: defeating the extension of the Clinton semi-auto ban; protecting gun shows; arming commercial airline pilots; passing concealed carry reciprocity legislation; and, other issues of importance to GOA members. ■



Maryland police chief Charles Moose — who suspected hundreds of innocent gun owners as potential culprits during the DC-area sniper shootings in 2002 — spoke to the anti-gun mummies on Mother’s Day.

## Million-Mom-March Misfires

The 2004 Million-Mom Mothers Day March on Washington, D.C. resulted in roughly 1,500 folks (including all the John Kerry campaign workers taking names and addresses) enduring 90-degree temperatures to listen to a who’s who of the anti-gun crowd.

Rev. Jesse Jackson keynoted an interfaith worship service to begin the day’s activities. His sermon called for gun control, more federal spending and a withdrawal from the war in Iraq. The sermon was sprinkled with his traditional rhymed slogans.

The “non-violent” crowd took turns hitting a figure of President George W. Bush. Many dressed in an assortment of anti-Bush shirts. Other, older, attendees seemed to recall Woodstock, com-

plete with peace symbols.

The organizers expected a maximum of 5,000 attendees, given that a vendor confessed that there were but 10,000 bottles of water available to give to attendees, or two bottles per person.

Nearby, several hundred gun rights supporters also held their own rally, organized by the Second Amendment Sisters.

Among the pro-gun speakers who addressed their gathering were author John Lott; civil rights spokesman Niger Innis of the Congress of Racial Equality; comedienne Julia Gorin, who is also a contributing editor for FoxNews.com; and, 16-year-old Sarah Roush, Miss New Mexico Junior Teen. ■



## **GOA Working to Extend Carry**

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gan permit is reciprocal with Pennsylvania. But one can't drive through Ohio to get there carrying concealed.

A Louisiana permit is good in Tennessee, but don't carry through Mississippi, while the Mississippi permit is good in Oklahoma but don't try to carry through Arkansas to get there, etc., etc.

It is inconceivable that any person could possibly be knowledgeable of all the state laws.

These are not merely theoretical problems, but realities gun owners must deal with on a daily basis. Real people can get into real trouble with the law for inadvertently — and with absolutely no criminal intent — carrying a concealed firearm across the wrong state line.

### **New Hampshire Man Arrested**

In late December 2003, New Hampshire resident Jeffrey L. Jordan was returning home after spending the holidays with family when he was stopped in Ohio for speeding.

Allegedly, a state trooper saw part of a magazine on Mr. Jordan's belt. A subsequent body search revealed a .40-caliber handgun, for which Mr. Jordan has a permit to carry from his home state.

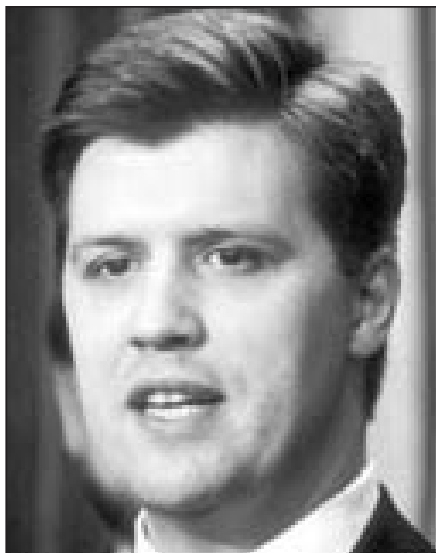
Like sharks smelling blood in the water, the state police obtained a warrant to search the 42-year-old's vehicle.

The local newspaper ominously reported that "troopers searched the vehicle and discovered a locked wooden case containing several swords, a .308-caliber assault type rifle and about 1,000 rounds of assorted ammunition."

Mr. Jordan was arrested, forced to post bail, indicted, and is awaiting trial on felony weapons charges as of this writing.

As if facing jail time is not traumatic enough, Mr. Jordan apparently lost his job with Verizon Communications over the incident.

According to the Verizon "Code of Business Conduct" (on the web at <http://www22.verizon.com/about/careers/codeofconduct.pdf>) the company has a strict policy against firearms:



**GOA is helping Rep. John Hostettler get cosponsors for his legislation providing for reciprocity among the states, thus allowing Americans to carry concealed throughout the country.**

**Weapons** — We must not carry weapons (even with a permit or license) on company property, while conducting company business, in company vehicles, or in personal vehicles when on company property or while conducting company business.

Mr. Jordan faces the possibility of a prison sentence, has lost his job, and generally has had his life turned upside down because the state of Ohio, while recognizing his driver's license, refuses to recognize his concealed carry permit.

### **CCW Reciprocity Bill**

Staunch pro-Second Amendment Rep. John Hostettler (R-IN) introduced a bill last year that would help solve this problem.

H.R. 990, the "Secure Access to Firearms Enhancement (SAFE) Act," would simply allow a person who has a valid permit in one state to carry in any other state, just like driver's and marriage licenses.

Unlike other bills that address the reciprocity issue, the SAFE Act does not establish national standards, thereby leaving states' rights intact.

Furthermore, Rep. Hostettler's bill respects the right of residents of such

states as Vermont and Alaska, which do not require a permit to carry concealed.

This is a vitally important consideration for GOA's lobbying mission.

Ultimately, citizens should not be forced to get a permit to exercise a constitutional right. Criminals do not stand in line to get permits to carry firearms. The only people who do are the law-abiding.

Therefore, permitting systems are not only antithetical to constitutional liberty, but also nonsensical. All they do is harass, inconvenience, and create lists of the citizens who are the least likely to ever commit a crime.

That is why the cornerstone of GOA's state lobbying effort is to push for so-called "Vermont style" carry. Citizens can carry a firearm in Vermont without having to get permission from the government.

Law enforcement resources are then freed up to be used as they are truly needed — to go after real criminals.

H.R. 990 currently has 68 cosponsors. GOA is pushing for hearings in



**Ohio police recognized the New Hampshire drivers license of Jeffrey Jordan (above), but not his out-of-state concealed carry license. Jordan's life has been turned upside down as a result.**

the House Judiciary Committee and a floor vote.

All GOA members should be sure to ask their Representative to cosponsor the bill. ■

# Sen. Ensign and Rep. Renzi Introduce Bill to Split Anti-gun 9th Circuit Court

by John Velleco

Judge Stephen Reinhardt.

If the name does not strike fear into the hearts of gun owners, it should at least get their attention.

Judge Reinhardt sits on the enormous U.S. Ninth Circuit Court of Appeals, the San Francisco-based bastion of crackpot jurisprudence that seems to exist for the sole purpose of stamping out any vestige of the Constitutional Republic envisioned by the Founding Fathers.

Although dominated by ultra-liberals, the Ninth covers the ideologically divergent states of Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon and Washington.

The Court holds jurisdiction over almost 57 million people, roughly 19% of the country's population. Eight of the nine states are in the top 20 in population growth.

The Court is infamous for decisions such as declaring the Pledge of Allegiance unconstitutional, and for striking down Alaska's sex offender registry and California's three-strikes law (whether one agrees with such conclusions or not is another matter entirely).

Of particular interest to gun owners, however, is a decision, penned by Judge Reinhardt, which declares that the Second Amendment applies only to state-run militias, not individuals.

In the 2002 ruling, which challenged a 1999 addition to California's "assault weapons" ban, Reinhardt concluded, "the Second Amendment affords only a collective right to own or possess guns or other firearms."

This decision echoed a 1996 ruling by the same court, which held that an individual had no standing on Second Amendment grounds. [T]he states alone stand in the position to show legal injury when this right is infringed.

While these rulings may please folks in Hollywood and San Francisco, they are far out of accord with the vast majority of people in the "real" West, who believe the Second Amendment to protect an individual right.

The Ninth Circuit (and, to be fair, many other courts) holds in low esteem



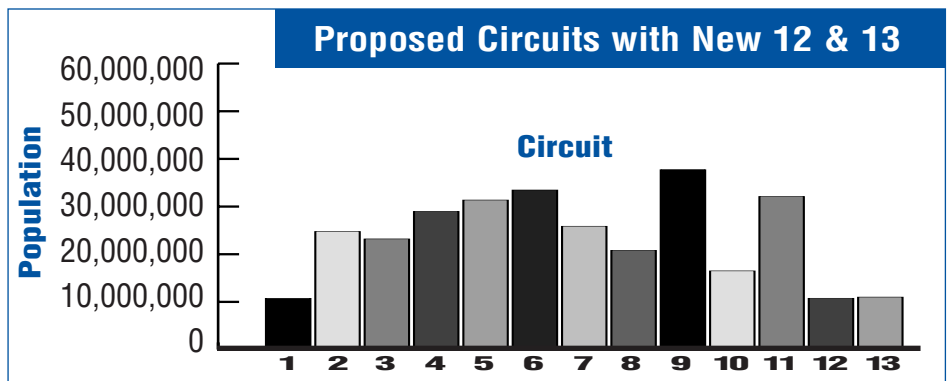
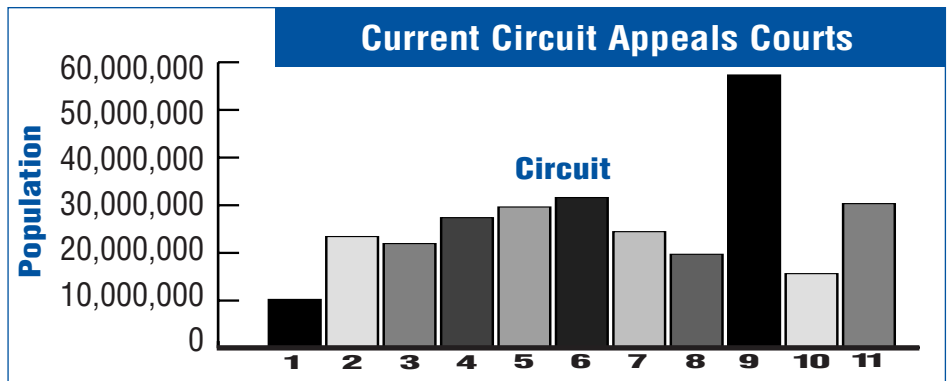
Rep. Rick Renzi (R-AZ)

eral Judiciary; ... working like gravity by night and by day, gaining a little today and a little tomorrow, and advancing its noiseless step like a thief, over the field of jurisdiction, until all shall be usurped."

## Legislation Introduced to Split 9th

In an effort to curtail this renegade court, Senator John Ensign (R-NV) and Representative Rick Renzi (R-AZ) have introduced legislation to split the radical Ninth into three smaller circuits.

In addition to the Court's ideological tilt to the left, the bills' sponsors also point out that the sheer size of the Ninth



the "Separation of Powers" doctrine and, if not brought into check, will ultimately lead to elected bodies being completely subservient to the Judiciary.

Thomas Jefferson could have been referring to the modern day Ninth Circuit Court when he wrote, "... that the germ of dissolution of our federal government is in the constitution of the fed-

Circuit makes it ineffective, inefficient and unwieldy.

"The Ninth Circuit Court, as it currently exists, simply cannot handle its caseload," Sen. Ensign said. "In addition, some of the court's rulings have represented an affront to the views and values of the people of Nevada. In

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# Career Bureaucrats Don't Want Pilots Armed

by John Velleco

(Washington, D.C.) — In a rare display of lobbying by a career bureaucrat, a high-ranking government official has called for the defeat of a measure designed to fix the dismal armed pilots program.

Thomas D. Quinn, Director of the Federal Air Marshal Service (FAMS) wrote in a memo that it would take a “strong, coordinated effort” to defeat the legislation, introduced by Sen. Jim Bunning (R-KY) and Rep. Joe Wilson (R-SC).

Since the passage of legislation to arm commercial airline pilots in 2002, the Transportation Security Administration (TSA), tasked with oversight of the program, has taken many steps to discourage pilots from participating.

“The TSA has been dragging its feet in arming our nation’s commercial airline pilots,” Sen. Bunning said.

“It has been over two and a half years since the attacks of September 11th and only [a few] pilots who are eligible to sign up for the program have been armed. The legislation I introduced will take down the barriers TSA has thrown up, and will help make our skies more secure.”

Rep. Wilson also noted TSA foot-dragging. “Two years ago, Congress sent a clear message by a vote of 310-113 to TSA to arm America’s pilots,” said Congressman Wilson.

“Since that time, less than 1% of the 40,000 pilots that signed up to participate have been trained. This is absolutely unacceptable, and our bill seeks to make the adjustments necessary to secure our skies against future acts of terrorism.”

The Bunning-Wilson legislation, titled the “Cockpit Security Technical Corrections and Improvements Act of 2004,” allows pilots with military and law enforcement backgrounds, and who have had recent firearms training, to be immediately deputized as Federal Flight Deck Officers (FFDO).

The legislation also eliminates an absurd requirement that the firearms be kept in a “lock box” unless the pilot is actually in the cockpit, eliminates redundant screening processes, sets deadlines for training applicants, puts armed pilots on international flights,



**Until the administration gets serious about arming pilots, F-16 fighter jets will remain our number one defense against a hijacked airplane.**

and allows for more training facilities.

While polls show that an overwhelming majority of the American people supports arming pilots, and votes on this issue in the Congress have passed by wide margins, the greatest opposition comes from within the government.

The recent Quinn memo suggests that the delays in implementing the original program have, in fact, been the result of institutional bias within the government to arming pilots, something suspected by many close observers.

“Mr. Quinn’s memo confirms biases against the FFDO program within the Homeland Security Department that have existed since before the program’s inception,” said Captain David Mackett, President of the Airline Pilots Security Alliance.

“For whatever reason, it is clear Mr. Quinn and many of his former colleagues at the TSA are intent on stonewalling implementation of the FFDO program that Congress, profes-

sional pilots and the American public want. It’s completely inconsistent with the mission of a federal official charged with protecting the flying public,” Mackett said.

The Quinn memo takes the unusual step of calling for a concerted effort between various agencies organized under the Department of Homeland Security to defeat the bills.

“It’s one thing to give advice to your superiors about a bill,” said Larry Noble, executive director of the Center for Responsive Politics. “It’s another to call for a lobbying effort.”

“It is extremely disconcerting that the Director of the Federal Air Marshal Service is attempting to garner support within individual agencies of the Homeland Security Department to defeat a bipartisan airline security bill,” added Captain Mackett.

Ironically, while Homeland Security officials are working to thwart the armed pilots program, Secretary Tom Ridge agrees that Americans ought to

be concerned about terrorist attacks this year.

“I think it’s very appropriate that Americans would be concerned that there’s a possibility of an attack between now and the end of the year,” said Ridge in a televised interview. “We’re worried about one every single day. I’m glad most Americans have the notion in their mind that we are the primary target.”

One former FBI Special Agent went so far as to say that 2004 will be remembered as the “Summer of Terror.”

Security experts agree that commercial airlines remain an attractive target to terrorists. Cockpits would be much less attractive, however, if pilots were simply allowed to be an effective and armed last line of defense.

“We trust pilots with our lives to fly jets, surely we can trust them to be armed to protect themselves and their passengers,” said Congressman Wilson. ■



## Citizens Self-Defense Act Needed

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Edwin Marte's ordeal and just write it off as "that's just how New Yorkers do things." (Sorry, those of you who live in the Empire State.)

But this anti-gun way of thinking has even seeped its way into the south, where a 71-year old Florida man was arrested for coming to rescue his 63-year old friend who was getting beat up by a gang of thugs.

Melvin Spaulding's elderly friend was being kicked to the ground by three brutes, who had a history of terrorizing the neighborhood.

After Melvin arrived on the scene, the attack ended and his friend's life was spared.

What made Melvin Spaulding's act of heroism so deplorable, then?

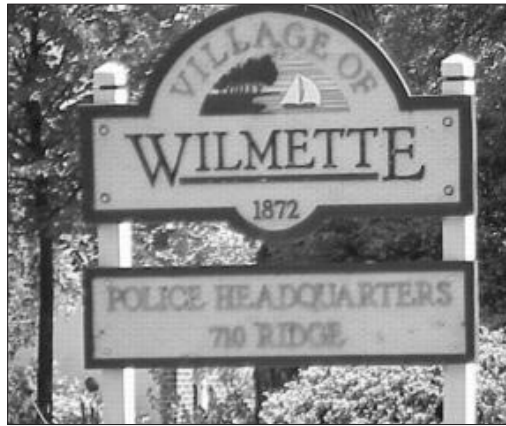
Quite simply, he had a gun and he used it to shoot one of the thugs in the arm.

"I did the right thing," Melvin said. "My friend could have died if I had chosen to wait for the police."

Unfortunately for Melvin, that's not how the police viewed the situation.

### Birds of a feather . . .

Florida is certainly known for having its share of "snow birds" who flock to the Sunshine State to escape the bitter cold north.



The village of Wilmette, Illinois has banned handguns since 1989. One resident violated the ban this past December when he used his handgun to shoot a burglar in his home.

Well, it seems that some of these "snow birds" must also be flocking to the state and taking jobs in police departments.

Just consider what Pinellas County Sheriff's spokesman Tim Goodman had to say about Melvin's use of a gun last November:

"I'm sure [Melvin] was concerned for his friend's safety," he said. But "the use of a weapon to stop a confrontation is not the right way. He would have been better off calling 9-1-1."

Remind you of the police spokesman in Cook County, Illinois?



Pinellas County Sheriff Everett Rice

Melvin Spaulding was arrested and his gun was confiscated, at least initially. But thankfully, authorities in Pinellas County decided not to file charges against him after a huge public outcry ensued.

Similarly, Marte's charges were dropped in New York, but only after he talked to the Grand Jury.

What about our other hero from Illinois?

Hale DeMar is still under the gun and is battling the legal system in his hometown of Wilmette.

## Wilson bill would protect gun owners

It's a travesty that gun owners should have to endure this kind of double victimization.

Wilson's bill would offer tremendous protection for lawful gun owners. Were the bill to become law, it would have a chilling effect upon anti-gun prosecutors.

Rogue district attorneys could be subsequently found *personally liable* for damages and ordered to recompense their law-abiding victims.

This bill is desperately needed. Gun owners should urge their representatives to add their names to the bill, if he or she has not already done so. ■

## 9th Circuit

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terms of the administration of justice, we will be far better off with the splintering of the Ninth Circuit Court."

Rep. Renzi, undoubtedly speaking for many gun owners under the thumb of the Ninth Circuit, said that, "For too long, Arizonans have been held hostage by activist judges out of San Francisco.... The Ninth Circuit Court is out of touch with the traditional western values that still hold true in our communities, and the scales of justice must be balanced."

Rep. Jon Porter (R-NV), an original cosponsor of the House bill, echoed these concerns. "The Ninth Circuit is by far the largest federal judicial circuit

in the nation and something must be done to manage the caseloads," said Congressman Porter.

"For far too long, the Ninth Circuit has not been representative of the region in which it serves. By breaking up the courts into two additional circuits, our appellate court system will become more efficient in administering justice," he said.

The Ensign-Renzi bills will leave California, Hawaii, Guam and the Northern Marianas Islands under the purview of the Ninth Circuit and create a Twelfth Circuit Court encompassing Nevada, Arizona, Idaho and Montana, as well as a Thirteenth Circuit Court containing Alaska, Oregon and Washington.

While California and Hawaii will remain in the new Ninth under this leg-

islation, gun owners from these states benefit as well in that it is a shot across the bow of the Court and, with a much lighter caseload, decisions will come down more quickly. This is important, as the Ninth Circuit has more cases overturned by the Supreme Court than any other Circuit.

In fact, in 1997, Reinhardt and his contemporaries on the Ninth were overruled 96% of the time by the U.S. Supreme Court.

With two new Circuits representing more rural areas, individual rights are more likely to be protected, rather than trampled.

GOA members nationwide are encouraged to contact their Representatives and Senators to urge them to cosponsor these bills. ■



# Lawsuits Beat Working For a Living

by *Larry Pratt*

In a socialist society increasingly suffering from the politics of envy, filing “Hail Mary” lawsuits for outrageous awards is becoming as popular as playing the lottery and voting for a living.

The theory seems to be that if something bad happens to me, somebody should pay me for my suffering, even if they had nothing to do with the loss I suffered. People who live in flood plains and on beachfronts rely on the government sticking its hands in the pockets of taxpayers to bail them out from weather-related losses. This is called insurance, but it confuses real insurance, which is a voluntary pooling of assets to cover individual losses, with government subsidy of reckless behavior.

People who have experienced criminal attacks now seek to have the courts stick their hands in the pockets of somebody — anybody — so that they can be compensated financially. This has been dubbed “deeper pocket jurisprudence.”

This logic is now spreading to the families of practicing criminals. If a criminal’s victim manages to defend himself from a perpetrator’s attack, leaving the assailant dead or wounded, family members are increasingly suing the victim. And the courts are letting the suits proceed! After all, the victim has “deprived” the family of their “breadwinner.”

Lisa Pelland is a case in point.

Pelland was living in the home of a friend in Santa Fe, New Mexico in April of 2002. Late at night, she heard a noise in back of the house. Pelland went outside, armed with a handgun, and challenged the intruder who she found stacking bricks underneath her window. Rather than leave, the man advanced toward her. Pelland told the police that she shouted three times for him to stay away, but he kept coming.

Even when warned by Pelland that she had a gun, the intruder still kept coming. At that point, Pelland, fearing for her life, shot the intruder, Jay Medina. Medina died shortly thereafter.

Medina had allegedly threatened to kill his estranged wife, Dena, and their children. Dena Medina had filed a protective order against her husband just days before his

trespass on the property where Pelland was staying.

In his investigation of the case, Santa Fe police officer T. Trujillo stated that Mrs. Medina had also said her husband was an alcoholic who was addicted to pornography, and she suspected him of being a Peeping Tom — he often left the house at night with a set of binoculars.

The District Attorney in Santa Fe ruled that Pelland had acted in self-defense and that the shooting was a justifiable homicide. No charges were ever filed against Lisa Pelland.

Apparently, Mrs. Medina decided that her sad excuse for a husband was worth more dead than alive, and so has filed a suit for wrongful death against Lisa Pelland and incredibly, against the homeowner, Barbara Lux. Gratitude to the hindmost! Forget that Pelland kept Medina’s husband from carrying out his death threat against his own family — something the police would have been unable to do.

Lisa Pelland is a recent widow without any assets. That did not keep the attorney representing Medina from filing against her anyway. There is nothing but the possibility of the homeowner’s insurance policy to squeeze out by winning the suit. Resources are being expended by the insurance company to defend both the homeowner and Lisa Pelland. At the same time, the insurance company is seeking to deny a defense to both these women in some legalese loophole. If successful, the insurance company could set dangerous precedent. Gun owners could conceivably be sued just for defending themselves with a gun!

Lisa Pelland has had to hire a private attorney, paying him out of her meager resources in an attempt to keep herself defended against this outrageous lawsuit. Since there is no money to be gained from Pelland, she could be dropped from the suit.

Amazingly, even if Pelland is removed from the suit by the court, Barbara Lux could remain a target of the greedy grab for easy money since the insurance policy is in her name. Forget that she had nothing at all to do with the shooting. Talk about deeper pocket jurisprudence! ■

You can do something to say “no” to this kind of malicious litigation by sending a contribution to the Gun Owners Foundation and writing in the memo line: Pelland Defense Fund. Checks can be sent to Gun Owners Foundation (or GOF), 8001 Forbes Place, Springfield, VA 22151. You can also contribute on line at <http://www.gunowners.com/ldfpelland.htm>.

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