

THE Gun Owners

30 YEARS OF NO COMPROMISE – 1975-2005

GOA Pressing to End UN Threat to Gun Ownership

by Larry Pratt

“The UN [is the] Handmaiden of Terrorism.”

That is the unvarnished opinion of Jed Babbin, the former undersecretary of Defense in George H.W. Bush’s administration.

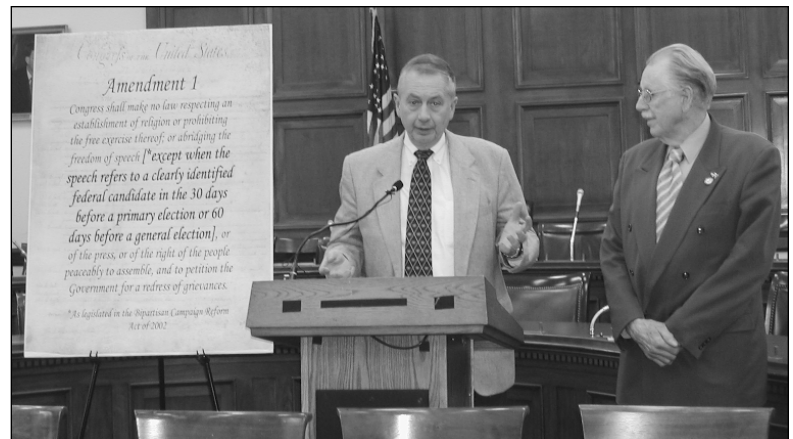
Babbin is also the author of *Inside the Asylum: Why the United Nations and Old Europe are Worse Than You Think*.

In his book, Babbin exposes the United Nation’s support for, and protection of, Palestinian terrorists — and describes how the world body has refused to classify any group of thugs as terrorists. This refusal to identify terrorists comes despite provisions in the Geneva Accords which give clear and usable definitions of terrorism.

A fatal flaw of the U.N., Babbin argues, is that

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GOA Pushing Bartlett Bill



In February, GOA’s Larry Pratt testified on Capitol Hill in support of legislation that was introduced by Rep. Roscoe Bartlett (right). The Bartlett bill would exempt organizations like Gun Owners of America from the draconian restrictions on free speech that were signed into law by President Bush in 2002. Should H.R. 689 become law, GOA would no longer be restricted from using TV or radio to criticize public officials in the days leading up to an election.

Montana Legislators Tell Feds to “Take a Hike”

by Erich Pratt

Residents in Big Sky Country aren’t going to take it anymore.

They’re tired of Washington pushing them around, stripping away their constitutionally protected freedoms.

So Montana legislators took steps in February to exempt the state from various federal laws, ranging from gun restrictions to National ID card requirements.

Rep. Roger Koopman (R) authored the gun bill in the House to exempt all guns and ammunition — that are manufactured in Montana — from federal regulations, as long as such firearms and ammo remain in the state.

HB 366 would mean that guns could be manufactured in Montana without serial numbers, sold without a background check and possessed without any government tracking whatsoever.

Koopman’s idea was extremely popular in the House, and it was easily approved by a vote of 73-24.

While there was scattered applause on the House floor after the bill passed, the bill was not without its detractors. Rep. Tim Dowell (D) criticized the bill, saying it will aid the criminally minded.

Terrorists “can come to Montana, they can buy one of these weapons, go on a reign of terror, and there would be no way to track them down,” he said.

It seems that Rep. Dowell is unfamiliar with the advent of fake IDs, which already allow terrorists to illegally buy firearms from gun dealers in every state.

Not to mention the fact that terrorists have done quite a bit of damage already by simply using box cutters on planes.

Vetoing the National ID card in Montana

The Montana House also passed legislation that would exempt the state from National ID card requirements that are currently being debated in the U.S. Congress. (See Ron Paul’s speech against the National ID card on page 6.)

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- **John Lott speaks out against another media campaign demonizing firearms (page 3)**
- **Rep. Paul blasts Trojan Horse bill that endangers gun rights (page 6)**

GOA Pressing to End UN Threat to Gun Ownership

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every thugocracy in the world is admitted and given a vote. Not surprisingly, they do not have the best interests of the United States at heart.

The United Nations has frequently tried to keep the U.S. from acting in its own interests and the interests of freedom around the world.

And more recently, the U.N. has pursued the enactment of global restrictions on firearms — especially the guns owned by private citizens in this country.

For this and other reasons, Gun Owners of America has long sought the passage of Rep. Ron Paul's legislation which would get the United States out of the U.N.

Paul's bill has not yet been introduced this Congress, but he has been promised it would bear the same number it did last year — HR 1146.

In effect, Paul has forced several votes on his bill by offering the language of his legislation as amendments to other bills.

Congress has looked unfavorably at HR 1146 in the past, and yet support for his bill has steadily grown nonetheless. Now, with the increasing number of scandals and reports of abuse surrounding the United Nations, Paul may find an even more receptive audience this year.

U.N. officials ignore brutality by dictators

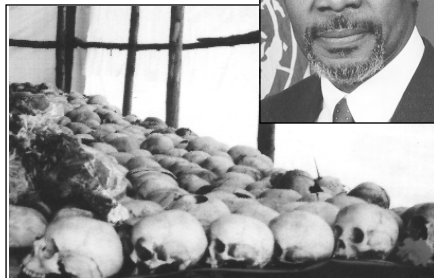
As the Congress debates whether to get our country out of the United Nations, one should consider the truly gruesome record of the U.N. in recent years.

The Islamist government of Sudan has been conducting jihad for years against non-Muslims in the south of the country and is responsible for the murder of approximately 2,000,000 people.

Although an uneasy truce has been declared for now, the U.N. never confronted the killers in the capital city of Khartoum and has been reticent in admitting that genocide has been committed.

Rather, the government of Sudan — with its bloody hands — has been welcomed in the U.N. as part of the Commission on Human Rights. The Com-

Current U.N. chief, Kofi Annan (inset), presided over the butchering of hundreds of thousands of Rwandans in 1994, when he was head of U.N. peacekeeping operations. After facilitating the Rwandan government's collection of weapons, U.N. peacekeepers stood by, as ordered to by Annan, and watched while nearly one million Tutsis were executed.



mission also includes the genocidal government of Communist China and other "defenders" of human rights such as Cuba, Saudi Arabia and Zimbabwe.

U.N. tolerance of genocide is not limited to the Sudan. While serving as Assistant Secretary General for Peacekeeping Affairs, Kofi Annan issued a direct order to the U.N. force in Rwanda, commanding them to "stand down."

The U.N. "peacekeepers" had previously facilitated the Rwandan government's collection of guns and machetes owned by the Tutsi population of the country. The U.N. troops then stood by, as ordered to by Annan, and watched while nearly 1,000,000 people were shot, burned and hacked to death.

"Oil for Food" and other scandals

U.N. peacekeepers have come to be welcomed the same as Attila the Hun. Michelle Malkin recently authored a column dealing with the criminality of the U.N. "peacekeepers."

As Malkin put it, "Kofi Annan must have the world's thickest set of industrial-quality earplugs. How else can he block out the cries of Congolese girls raped by United Nations 'peacekeepers' sent to protect the innocents from harm?"

A nice choice is offered the victims of the world's thugocracies: Do you prefer to be slaughtered by your own government, or raped and pillaged by U.N. forces?

What seems to be important to the U.N. is money — as much as they can

get their sticky fingers on. The Oil for Food program is a huge and growing scandal. Upwards of \$21 billion was stolen from the Iraqi people while Saddam Hussein built palaces and U.N. officials made the Mafia look like choir boys.

Benon Sevan, former head of the U.N.'s \$64 billion humanitarian program, has been suspended with pay for his role in the oil theft. Even Kofi Annan and his son are now fending off charges that they too were swimming in the \$21 billion pool of stolen oil.

Hamstringing investigators of U.N. fraud

Secretary General Kofi Annan appointed former Federal Reserve Chairman, Paul Volcker, to head the Oil for Food investigation. But Volcker and other investigators were never given the power to subpoena a single document.

Not that Volcker would have been likely to complain about the restrictions on his investigative powers in view of his directorship of the U.N. Association of the United States of America. He is also a paid adviser to billionaire Paul Desmarais, Sr., whose Power Corp. of Canada received \$1.75 billion of Iraqi oil under the Oil for Food scam.

The U.N. is a cartel of non-representative regimes. Most members of the U.N. have imposed gun control on their populations. Not surprisingly, disarmament of individual citizens has been a continuing objective of the U.N. bureaucracy and many of the member regimes for years.

A U.N. tax on guns?

While the United Nations has been out in front pushing global gun control, a back door effort to control guns has been suggested by French President Jacques Chirac. He wants the U.N. to place a tax on guns — your guns.

This proposal was publicly discussed by Chirac and Brazilian President Luis Inacio Lula da Silva in 2003. Not only would a tax discourage gun ownership, it would also require knowing who is making, selling and possessing guns for the tax to be collected.

In June of this year, there is another U.N. gun control meeting that will take place — known as the "Open-ended Working Group on Tracing Illicit Small Arms and Light Weapons." That is

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Media Launches War on the 50 Caliber – “Terrorism” used as an excuse for latest CBS campaign

by John R. Lott, Jr.

Who could oppose laws preventing terrorists from getting guns? Obviously no one. But it would be nice if laws accomplished something more than simply making it more difficult for Americans to own guns.

Ironically the day before CBS finally released its report on the *60 Minutes* Memogate scandal, *60 Minutes* was again stirring up fears about how terrorists would use 50-caliber rifles to attack Americans.

Last year it was the semi-automatic assault-weapons ban before it expired. Sen. Charles E. Schumer (D., N.Y.) claimed the ban was “the most effective measure against terrorism that we have.”

Of course, nothing happened when the law expired last year. There was nothing unique about the guns that are banned under the law.

Though the phrase “assault weapon” conjures up images of the rapid-fire machine guns used by the military, in fact the weapons covered by the ban function the same as any semiautomatic hunting rifle; they fire the exact same bullets with the exact same rapidity and produce the exact same damage as hunting rifles.

Back in the mid-1980s it was the hysteria over “plastic guns” when the Austrian company Glock began exporting pistols to the United States. Labeled as “terrorist specials” by the press, fear spread that their plastic frame and grip would make them invisible to metal detectors.

Glocks are now common and there are good reasons they are one of the favorite pistols of American police officers. The “plastic gun” ban did not ban anything since it is not possible to actually build a working plastic gun.

Now it is the 50-caliber rifles’ turn, especially with California outlawing the sale of these guns since the beginning of the year. For years gun-control groups have tried to ban 50-caliber rifles because of fears that criminals could use them. Such bans have not



GOA's Erich Pratt (left) with author John Lott

been passed because these guns were simply not suited for crime.

Fifty-caliber rifles are big, heavy guns, weighing at least 30 pounds and using a 29-inch barrel. They are also relatively expensive. Models that hold one bullet at a time run nearly \$3,000. Semi-automatic versions cost around \$7,000. Wealthy target shooters and big-game hunters, not criminals, purchase them.

The bottom line is that only one person in the U.S. has been killed with such a gun, and even that one alleged case is debated.

The link to terrorism supposedly provides a new possible reason to ban 50-caliber rifles. But the decision to demonize these particular guns and not say .475-caliber hunting rifles is completely arbitrary. The difference in width of these bullets is a trivial .025 inches.

What's next? Banning .45-caliber pistols? Indeed the whole strategy is to gradually reduce the type of guns that people can own.

Sniper Central, a site for both military snipers and law-enforcement sharpshooters, claims that “For military extreme long-range anti-personnel purposes, the .338 Lapua is king. Even the .50BMG falls short. (Due to accuracy problems with current ammo).”

The .338 Lapua round simply has what is called a better bullet coefficient,

it produces less drag as it travels through the air.

With a 50-caliber rifle it is possible for an extremely skilled and lucky marksman to hit a target at 1,800 meters (versus 1,500 meters plus for the .338 Lapua), though most marksmen say that the effective range for any of these guns is around 1,000 meters.

The worst abuse that *60 Minutes* focused on was the Branch Davidians in Waco in 1993 having a 50-caliber gun. Yet, no one was harmed with the gun, and the Davidians surely had many other weapons. *60 Minutes* also tried to scare people with incendiary and explosive ammunition, but the ammunition discussed is already illegal.

Fighting terrorism is a noble cause, but the laws we pass must have some real link to solving the problem. Absent that, many will think that *60 Minutes* and gun-control groups are simply using terrorism as an excuse to promote [more gun control]. Making it difficult for law-abiding Americans to own guns should not be the only accomplishment of new laws. ■

— John Lott, a resident scholar at the American Enterprise Institute, is the author of *The Bias Against Guns and More Guns, Less Crime*. This article first appeared on *National Review's* online webpage in January.

Montana Legislators

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Rep. Diane Rice (R) is the author of HB 304, a bill that specifically prohibits Montana from adopting rules that would follow federal standards for state-issued drivers' licenses.

Federal standards, Rice said, amount to a National ID card. She and other critics fear such standards will enable federal officials to require that radio identifier chips be inserted into drivers' licenses, thus allowing U.S. citizens to be tracked.

Rice's bill fared quite well, as it passed the House with a 96-1 vote.

Ironically, her bill passed overwhelmingly, even though Montana citizens could face serious reprisals if the state refuses to comply with the proposed National ID requirements at the federal level.

If any state refuses to comply with these federal standards, then citizens in that state will not be able to use their driver's licenses as a form of ID when boarding an airplane or jumping on a train.

"To the average citizen, that means you are not going to get on an airplane," said Dean Roberts of Montana's motor vehicle division.

Regardless, legislators in the state are serious about doing their part to stop the continuing encroachments from Washington. As this newsletter goes to press, both Montana bills are pending in the Senate.

Montana's rich history in vetoing illegitimate federal mandates

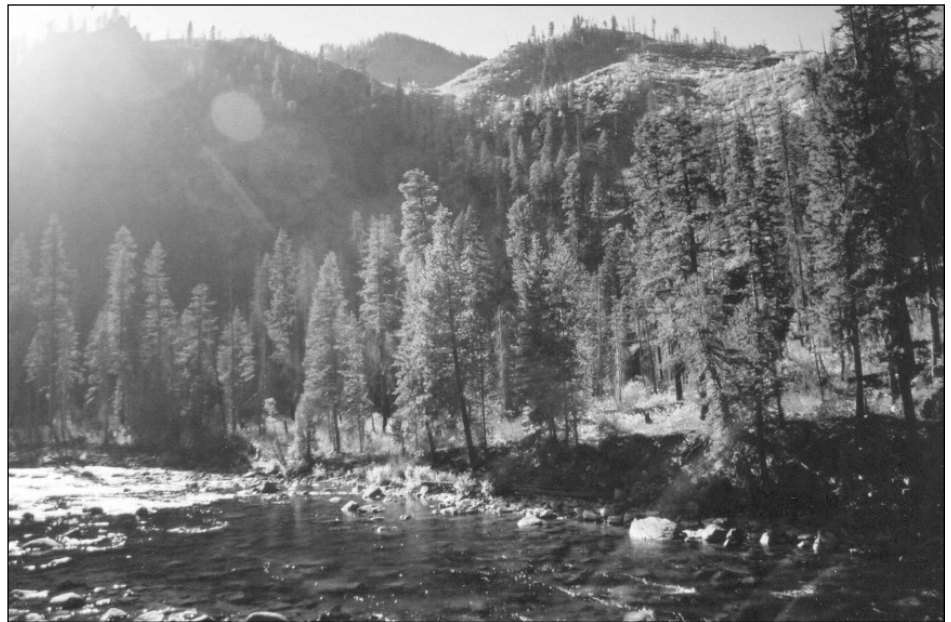
This is not the first time that Montana officials have interposed themselves to shield their people from out-of-control officials in Washington, DC.

Gun owners will probably remember that several sheriffs, including Montana Sheriff Jay Printz, refused to run Brady background checks on gun buyers after the law was enacted in 1994.

The sheriffs argued the federal government had no constitutional authority to impose such a requirement, and they steadfastly stuck to their guns.

When Printz and several of these other sheriffs were sued in court, Gun Owners Foundation came to their

A Breath of Fresh Air in Big Sky Country



Will legislation exempting Montana from federal gun laws encourage gun makers to flock to the state?

defense and submitted an *amicus* brief in support of their "civil disobedience."

The U.S. Supreme Court delivered its verdict in 1997 in favor of the sheriffs,

subject to the income tax," Dowell sarcastically asked.

Putting aside the fact that many folks in Montana would probably welcome

such an idea, there is tremendous historical and constitutional precedent for recent actions taken in the Treasure State.

So much so, that if the Founding Fathers were alive today, Montana would certainly rank high on their list of states.

Historical precedent for vetoing unconstitutional laws

What Montana is doing today is certainly no different than what Virginia and Kentucky did in 1798, when a firestorm developed after the passage of the Alien and Sedition Acts.

Taken together, these laws allowed President John Adams to deport certain immigrants and to punish newspaper writers who criticized his administration.

Political foes saw the legislation as a raw power grab where Congress was giving the President the illegitimate



Rep. Roger Koopman (left) introduced legislation to free Montana citizens from federal gun regulations. While several members of the House applauded his bill after it passed, Rep. Tim Dowell (right) was not amused.



ruling that federal officials could not force the sheriffs to do their bidding.

Repeal the federal income tax?

Despite this record of success in Montana, Rep. Dowell is openly questioning whether a state should exempt itself from federal law.

"Maybe we should say we aren't

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Montana Legislators

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means to punish his political enemies.

The response from opponents was quick and precise. Virginia and Kentucky issued formal protests, challenging Congress to repeal the legislation. But that was not all.

James Madison (writing for Virginia) and Thomas Jefferson (writing for Kentucky) both said that states were also duty-bound to cancel unconstitutional laws within their borders.

"Where powers are assumed [by the federal government] which have not been delegated, a nullification of the act is the rightful remedy," Jefferson said. "Every state has a natural right . . . to nullify of their own authority all assumptions of power by others within their limits."

Madison did not mince words either while penning the Virginia Resolutions of 1798. He said that when faced with harmful encroachments by the federal government, the states "are in duty bound, to interpose, for arresting the progress of evil."

Even "liberals" like Hamilton were strong advocates of states' rights

While Madison and Jefferson were the most prominent opponents of the Alien and Sedition Acts, one should understand that their views were not just the rantings of two renegades.

Even Alexander Hamilton, who is labeled by historians as being one of the most aggressive supporters of a central government, could not ignore the power that states wield.

"It may safely be received as an axiom in our political system," Hamilton wrote in *Federalist* 28, "that the State governments will, in all possible contingencies, afford complete security against invasions of the public liberty by the national authority."

Of course, the positions taken by Virginia and Kentucky were not without controversy. But in the end, the majority of America sided with these two states when they "fired" many of the

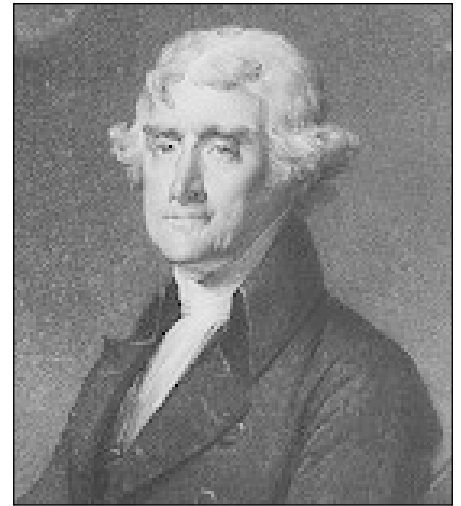
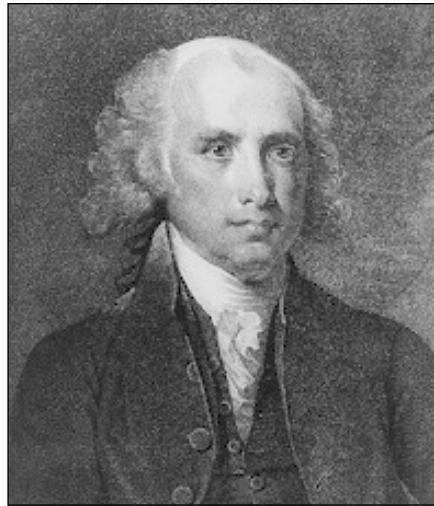
national leaders who had supported the Alien and Sedition Acts.

During the election of 1800, angry voters went to the polls in droves, and not only defeated President John Adams, but sent most of his Party packing as well.

That election was the end of the Federalist Party.

It's been more than 200 years since Madison and Jefferson penned their stinging rebukes against excessive federal power. But in Big Sky Country, Montana legislators have remembered their history quite well.

Madison and Jefferson would be proud. ■



James Madison (left) and Thomas Jefferson argued that the states could veto unconstitutional federal laws within the borders of their own states.

GOA Pressing to End UN Threat to Gun Ownership

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U.N. jargon for "the gun control committee."

Following a previous meeting, former Rep. Bob Barr, who had been on the U.S. delegation, warned that, "If we were to allow in any way, shape or form the U.N. to begin the process of registering and regulating firearms — ultimately their goal of doing away with personal firearms — we would have dealt a blow to our sovereignty."

Career diplomat John Bolton, Under Secretary of State for Arms Control and International Security, aggressively defended the individual right to keep and bear arms protected by the Second



Ron Paul (right) and GOA Executive Director Larry Pratt

Amendment during previous U.N. gun control meetings.

Hopefully this country will be as

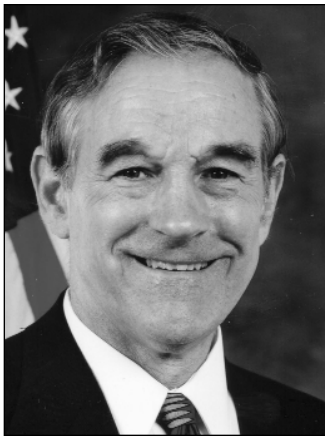
well represented in 2005. The U.S. needs to continue sending clear and consistent signals that we are a sovereign nation with no interest in gun control. Ultimately, the U.S. needs to leave the United Nations so that it can work with other nations without the interference of the U.N. ■

Larry Pratt interviewed Jed Babbitt for his *Live Fire* program last year. This interview can be heard at www.soundwaves2000.com/livefire/

Rep. Paul Blasts National ID Card Bill as Dangerous to Gun Rights

On February 9, 2005, the House of Representatives passed HR 418, the so-called "REAL ID Act." Rep. Ron Paul (R-TX) described this bill as a Trojan Horse that, while purporting to control immigration, actually does more to control the lives of average citizens.

What follows is Rep. Paul's speech on the floor of the House.



Rep. Ron Paul (R-TX)

Mr. Speaker:

I rise in strong opposition to HR 418, the REAL ID Act. This bill purports to make us safer from terrorists who may sneak into the United States, and from other illegal immigrants. While I agree that these issues are of vital importance, this bill will do very little to make us more secure. It will not address our real vulnerabilities.

It will, however, make us much less free. In reality, this bill is a Trojan Horse. It pretends to offer desperately needed border control in order to stampede Americans into sacrificing what is uniquely American: our constitutionally protected liberty.

What is wrong with this bill?

The REAL ID Act establishes a national ID card by mandating that states include certain minimum identification standards on driver's licenses. It contains no limits on the government's power to impose additional standards. Indeed, it gives authority to the Secretary of Homeland Security to unilaterally add requirements as he sees fit.

Supporters claim it is not a national ID because it is voluntary. However, any state that opts out will automatically make non-persons out of its citizens. The citizens of that state will be unable to have any dealings with the federal government because their ID will not be accepted.

They will not be able to fly or to take a train. In essence, in the eyes of the federal government they will cease to exist. It is absurd to call this voluntary.

Republican Party talking points on

this bill, which claim that this is not a national ID card, nevertheless endorse the idea that "the federal government should set standards for the issuance of birth certificates and sources of identification such as driver's licenses."

So they admit that they want a national ID but at the same time pretend that this is not a national ID.

This bill establishes a massive, centrally-coordinated database of highly personal information about American citizens: at a minimum their name, date of birth, place of residence, Social Security number, and physical and possibly other characteristics.

What is even more disturbing is that, by mandating that states participate in the "Drivers License Agreement," this bill creates a massive database of sensitive information on American citizens that will be shared with Canada and Mexico!

Gun information not excluded

This bill could have a chilling effect on the exercise of our constitutionally guaranteed rights. It re-defines "terrorism" in broad new terms that could well include members of firearms rights and anti-abortion groups, or other such groups as determined by whoever is in power at the time.

There are no prohibitions against including such information in the database as information about a person's exercise of First Amendment rights or about a person's appearance on a registry of firearms owners.

This legislation gives authority to the Secretary of Homeland Security to expand required information on driver's licenses, potentially including such biometric information as retina scans, finger prints, DNA information, and even Radio Frequency Identification (RFID) radio tracking technology.

Including such technology as RFID

would mean that the federal government, as well as the governments of Canada and Mexico, would know where Americans are at all time of the day and night.

There are no limits on what happens to the database of sensitive information on Americans once it leaves the United States for Canada and Mexico — or perhaps other countries.

Who is to stop a corrupt foreign government official from selling or giving this information to human traffickers or even terrorists? Will this uncertainty make us feel safer?

What will all of this mean for us? When this new program is implemented, every time we are required to show our driver's license we will, in fact, be showing a national identification card.

We will be handing over a card that includes our personal and likely biometric information, information which is connected to a national and international database.

National ID bill does little to control illegal immigration

H.R. 418 does nothing to solve the growing threat to national security posed by people who are already in the U.S. illegally. Instead, H.R. 418 states what we already know: that certain people here illegally are "deportable." But it does nothing to mandate deportation.

Although Congress funded an additional 2,000 border guards last year, the administration has announced that it will only ask for an additional 210 guards. Why are we not pursuing these avenues as a way of safeguarding our country? Why are we punishing Americans by taking away their freedoms instead of making life more difficult for those who would enter our country illegally?

H.R. 418 does what legislation restricting firearm ownership does. It punishes law-abiding citizens. Criminals will ignore it. H.R. 418 offers us a false sense of greater security at the cost of taking a gigantic step toward making America a police state.

I urge my colleagues to vote "NO" on the REAL ID Act of 2005. ■

Prosecuting the Victim

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a fist fight — a fist fight conducted by a group of young men who may all have been on drugs, but only Cloud had been tested.

Evidently older men should disregard the danger to themselves and their womenfolk and be sporting enough to duke it out with assailants a third of their age.

For the offense of inappropriate force — according to the judge's expert opinion about firearms — Hosack was sentenced to 30 days in jail, three years probation, loss of his right to own a gun, assessed \$20,000 in restitution to Cloud and fined \$5,000.

At sentencing the judge opined that Wyatt, an ex-longshoreman, should be ashamed of himself to have allowed a smaller man (Andrade) beat him up. Would the judge have had the same opinion about a taller woman raped by a shorter man?

Happily, Hosack is retired, because he is likely to lose his medical license

which would have cost him his job. The legal expenses have wiped out his meager savings (remember, he bore four sets of costly college tuitions). Hosack faces retirement broke, unable to practice his profession — and a lawsuit from Cloud who has subsequently been arrested since the assault.

Judge Mickelson's decision was wildly unjust, and the personal harm to Dr. Hosack has been devastating. All of this because the Judge had a prejudice against self defense with a gun, and a willingness to believe assailants who invaded another's property and who attacked older people with no provocation. Incredibly, these assailants were untested for drugs even though there was plenty of reason to do so.

Coos County District Attorney, Paul Burgett, is just as politically correct. In other cases, he chose not to prosecute two police officers for shooting a man with one arm in a sling and another man for brandishing a marking pen. The D.A. believed the cops' lethal action was justifiable, but Hosack's non-lethal action was felonious.

Double standard anyone? ■

Those wishing to communicate with Judge Richard Mickelson and District Attorney Paul Burgett can do so as follows:

Judge Richard K. Mickelson
Curry County Courthouse
PO Box H
Gold Beach, OR 97444

District Attorney Paul Burgett
250 North Baxter Street
Coquille, OR 97423
541-396-3121

For those wishing to defray the costs of Dr. Hosack's appeal, tax-deductible donations may be sent to Gun Owners Foundation at 8001 Forbes Place, Springfield, VA 22151.

Please be sure to write "Dr. Hosack" in the memo line if sending a check.

Breaking the Law in the Name of the Law

You've seen him on TV.

You heard him referred to as "The Judge."

He's Andrew P. Napolitano, the Senior Judicial Analyst for Fox News Channel.

Those who have seen the Judge know that he minces no words when it comes to taking on abuses of government power.

Nor does he disappoint his audience in his recent book.

Judge Napolitano has authored *Constitutional Chaos: What Happens When the Government Breaks Its Own Laws*, a book which should be in every gun owner's arsenal.

In the book, he reveals how our constitutional liberties are being trampled upon by politicians, bureaucrats, judges, prosecutors and cops — all in the name of the law!

Waco was "an illegal weapons case," he says, that was "concocted" by the Clinton administration. And then-Attorney General Janet Reno was guilty of "blatant lies, cover-ups and misrepresentations."

Regarding Reno's claim

that David Koresh set the building ablaze at Waco, Napolitano says that, "While not in magnitude,

certainly in substance, this theory ranks alongside the denials of the Holocaust."

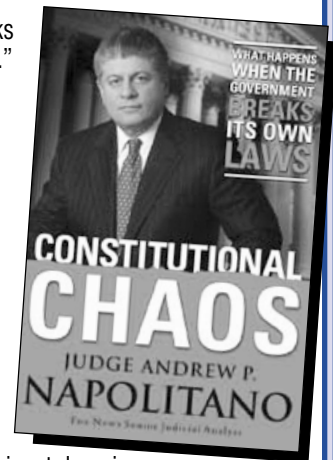
What should be done after Waco? The Judge rules on this question and issues his verdict:

We'll never ultimately know whether Janet Reno is guilty of murdering those eighty-six innocent civilians, but there is certainly sufficient evidence to warrant an indictment against her and to have a jury hear the evidence against her.

Napolitano takes on such outrages as: government land grabs through eminent domain, prosecutorial abuses by federal authorities, federal efforts to gag free speech, excesses in the war on terror, and much more.

And yes, he even has an entire chapter devoted to the Second Amendment where he exposes the enemies of freedom.

This book is a must buy!



You can hear Larry Pratt interviewing the Judge at <http://www.soundwaves2000.com/livefire/index.asp?how=1> on the Internet.

You can order Judge Napolitano's book on the GOA website for \$26.99, plus shipping and handling. Go to www.gunowners.com/bookst.htm and order a copy of *Constitutional Chaos* today!



Prosecuting the Victim

by Larry Pratt

Bill and Kathy Hosack had no premonition on a February morning in 2004 that their entire world would come crashing down upon them.

Hosack had been coroner of Coos County, Oregon, until his retirement in 2004, and a pathologist in a local hospital. He had put four children through college

and graduate school on his salary.

Out of the blue, a day in the country turned into a nightmare of violence.

Hosack's rural property was invaded by four angry young men. Hosack's sister (Candace Upchurch), his nephew (Sam Upchurch), and his friend (Don Wyatt) had inadvertently splashed the four as they drove up the mountain dirt road.

The four assailants went looking for a fight and tracked down Upchurch and Wyatt on the edge of Hosack's property. Josh Andrade, 19, attacked Wyatt, 54, and began beating him — breaking several bones. Not surprisingly, Andrade has a record of prior assaults.

Hosack, 63 at the time, came upon the scene in response to the ruckus, but he was unable to disengage Andrade orally. Andrade was pummeling Wyatt and trying to drown him.

At this point, Hosack took out his .45 pistol and fired two warning shots. Andrade was probably on drugs because, rather than backing off, he charged Hosack.

Hosack did not shoot the assailant, but instead, struck him with the butt of the gun. Actually, Andrade may have struck Hosack's gun as he charged, causing a round to discharge and hit Justus Cloud, 22, who was standing nearby.

Cloud has a record of several prior convictions and was wanted at the time of the attack for failure to appear in court on a drug charge.

Wyatt commented that had it not been for Hosack's intervention, he would have been dead.

Cloud tested positive for several drugs, but Andrade, strangely, was never tested — even though Andrade was in violation of probation on drug charges at the time of his assault. Andrade was found to be drunk when his blood was tested. In addition to the beating from Andrade, Wyatt saw another of the assailants coming at him with a knife.

Wyatt called in a 911 report, fearing that the four assailants would make good on their threat to return — not

what one would expect of a group where one of their number had been shot. Anger sustained by drugs may well have been responsible for the threats.

While this initial threat was over, Wyatt, unfortunately, did not report that one of the assailants had been shot.

After over an hour, Hosack, his nerves quite rattled, drove his wife and mother home to Coos Bay. They passed a police car on the way down the mountain, but had no way to know that the cops were interviewing the assailants and forming an initial impression that the assailants were the victims — an opinion the authorities never changed.

Hosack, reacting as do many victims of assault, drank some alcohol after returning home. He was still rattled when a state trooper came to his door and interviewed him. It was then that Hosack said that he had been drinking — without qualifying that he had not been drinking before the attack. (Is it OK to drink as long as one knows that there will be no attack?)

Hosack's behavior is quite typical of victims suffering post-traumatic stress. Amazingly, the police wanted to test Dr. Hosack's blood alcohol, but never tested two of the four assailants. Since the authorities already "knew" that the senior citizens were the assailants, they only looked for evidence to convict the victims.

Anti-self defense Judge Richard Mickelson heard the case and found Hosack guilty of recklessly shooting Cloud. Mickelson said that Hosack had had time to "safe" the .45 during the attack. He based that opinion on the assailant's testimony and on the judge's own assumptions as to where the spent casings were located.

Hosack had fired two rounds in the air, then had accidentally discharged a third round after hitting his attacker on the head. Naturally, the casings were in two different areas. The judge assumed that some period of time had passed during which Hosack had moved and would have had time to put the .45 on safety.

One has to wonder at the degree of expertise Judge Mickelson has with guns since he referred to the .45 as a semi-automatic revolver. Revolvers, of course, do not discharge spent casings. Semi-auto pistols eject casings all over the place, even when the gun is fired at the same target at a range. This is especially true if two rounds are fired in the air followed right away by an accidental discharge which has the gun in another position.

Mickelson then concluded that Hosack had taken a gun to

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THE
Gun Owners

Sen. H.L. Richardson (Ret.)
Founder and Chairman

Larry Pratt
Executive Director

GUN OWNERS OF AMERICA
8001 Forbes Place, Suite 102
Springfield, Virginia 22151

Erich Pratt
Director of Communications

John Velleco
Director of Federal Affairs

703-321-8585
Web Site:
<http://www.gunowners.org>

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