



Considerations About Stopping a Mass Shooting *An Interview with Tom Givens*

Interview by Gila Hayes

In the wake of the terrorist shooting at the Fort Lauderdale airport, a number of Network members came to us with varied questions about stopping a mass shooter. Having the opportunity to speak with Network Advisory Board member and Rangemaster owner/instructor Tom Givens not long after the shootings was providential, and we used that opportunity to ask his guidance on the questions.

eJournal: A question commonly asked by members deals with what to do in a mass shooting incident. Boiled down to its most basic, do I run, do I hide, do I engage the shooter?

Givens: Let's separate the different problems first. First off, I would say that whether you are going to engage or not has an awful lot to do with whether you are alone, with your family and so forth. If I had three or four small children with me, that would alter my decision from being alone or being with an armed partner. That would be my first concern: is it just me, or do I have other people for whom I am responsible? I may not engage voluntarily if I have children or non-combatant dependents with me. If I have children with me, at the first opportunity, I am going to get the hell out.

A lot of times moving away is a viable option. If you do, don't be silly about things that say "Fire Exit Only," or "Employees Only." For years, I went to the National Tactical Invitational, and they would set up problems where you have twenty, thirty people in the room, like in a simulated meeting, and an active shooter would come in and everybody would just kind of sit there because the exit said "Employees Only," or "Do Not Enter," or "Authorized Personnel Only," or something like that. You need to scrub that out of your mind! People are so accustomed to thinking, "Well, I can't go out that door," that people sitting literally four feet from a door failed to bolt through it and escape.



Tom and Lynn Givens, take a break from teaching.

Absent something like that, my opinion is I would engage the guy at the first opportunity, because historically these people stop the instant they are actively engaged by somebody else. That doesn't even having to mean kill them. At the first sign of resistance by anybody with a weapon they tend to either surrender or suicide. I don't care which.

In the Clackamas, OR shopping mall food court, a man had shot several people. A concealed carrier pulled his gun and never even got a round off, because as soon as the guy saw the gun, he ducked around the corner and shot himself. That is a perfect example of engagement without gunfire to solve the problem. The first person who is able to, actively resists.

If you look at a lot of these, when the shooter hears the police enter the building, he shoots himself. Sometimes they suicide when the police start to engage them; sometimes they will when they just hear the police arrive; sometimes when a private citizen pulls a gun. The first active resistance almost always ends the event.

So unless I have some reason not to, my inclination would be to engage just as soon as physically possible. Let him know there is resistance. If for whatever reason—

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maybe there are too many people between us—I couldn't take a shot, I might draw his attention even if just to let him see my gun. My response may or may not include actually shooting, depending entirely on the circumstances.

eJournal: You don't worry about that making you his next target?

Givens: No, the odds are the guy is going to kill himself. About a third will kill themselves immediately, something close to a third are killed by responding police or armed citizens, and the remainder give up, like, "I'm finished now," or are subdued physically. My plan, absent a child being in the way or something of that nature, is to engage the guy in whatever manner I can, and as soon as possible.

One thing, I think you will find interesting, comes from a police academy in Ohio, and Ron Borsch, who just retired recently after over thirty years in law enforcement. He made a very passionate study, a real personal crusade, of learning about active killers. Most people don't know this, but more active shooter events are aborted by citizens than by police. In fact, two thirds are aborted by private citizens, and only one third by police. When private citizens intervene, the average body count is 2.33 victims, but when the police intervene, the average body count is 14.29 victims—because the armed citizen with the gun is already there, but the cop has to come to the scene. In that time, what is the bad guy doing? He is shooting people. Gun free zones accomplish only one thing—they raise the body count!

The press is not going to tell you about the times that a private citizen with a gun stopped a shooter. That conflicts with their narrative so they are not going to tell you that. The fact is, more are aborted by private citizens than by police, by a two to one margin.

eJournal: Not only do those stories not make it into the mainstream news, but we are also discouraged from taking action by officials. As you take action against the shooter, do you have any concerns about being misidentified as part of the problem by law enforcement?

Givens: Yes, absolutely. The first thing you want to do once the threat is over is get that gun put away. Get it out of your hands; have your hands visible. If you hear police radios, if you hear sirens or what not, get the gun out of your hands.

If you don't hear them approach and you hear, "Police! Drop the gun," drop the damned gun! If you don't immediately, you are going to get shot at. They don't want to hear you say anything, and odds are no one will be able to hear anything anyway.

If they tell you to drop the gun, drop the gun. If they tell you to get on the ground, get on the ground. Don't say, "But I have my \$3,000 blaster!" I don't care: drop the gun!

One concern I have is that the current training in law enforcement is as soon as the first officers get to the scene, they are to move toward the sound of gunfire and try to stop the shooter, because as I said earlier the first resistance ends the problem. The primary goal is to stop the killing. Pre-Columbine, the answer was seal the place off and wait for SWAT, but the bad guys were walking around shooting people during that time, including going back to hunt down and shoot victims hiding under furniture. We can't just stand around outside and listen to the gun fire, knowing every one of those shots means a person is being murdered. So now police move directly to the source. Unfortunately, I may be there at the source, too.

Cops coming in to an active shooter event have been told that shots have been fired, people have been shot, and oh, look, there is a guy with a gun. So my gun has got to get back into the holster very quickly, or if I hear a police radio around the corner, or if I'm told to drop it, I will. I can put a foot on it if I need to. But I need to not be standing there pointing a gun at somebody as cops come around the corner.

eJournal: Yes, that danger was of specific concern to members after the Fort Lauderdale airport shooting, when questions started coming up about stopping a terrorist shooting.

Givens: Well, the trouble with that particular environment is that the cops are already there. It's an airport; airport police are already there. They just weren't in the immediate area, but I guarantee that they were somewhere very close. If you are in that environment, it is not a matter of the police being dispatched and driving to where you are, it is a matter of them stepping around a corner. They just weren't right here. They were there within a few steps.

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We both travel a lot, and I rarely see a real visible police presence in the baggage claim area, which I think is really stupid, because you could walk in off the street and take stuff. The airports are always full of airport cops and they are somewhere nearby. They might be just on the other side of that door, or just down the corridor, but they do not have to drive here. It is a matter of taking a few steps and being here. In that particular instance, I think it is really wise to get that gun out of sight quickly.

eJournal: One fear about being shot by police is that it will happen while the armed citizen is distracted giving the shooter orders. Folks imagine engaging in a negotiation of sorts with the shooter.

Givens: If someone is shooting innocents right in front of me, I am not going to discuss it. You are under no legal obligation whatsoever to warn somebody that's shooting children in front of you! You have no legal obligation whatsoever to say, "Drop the gun," "Stop that," or anything else. The first awareness he has of you should be being shot.

As far as giving commands, there was a mall shooting in Tacoma, WA, a guy standing on a balcony shooting people with a MAC90 (AK-47 variant). A concealed carrier in the store who came up within ten or fifteen feet behind him had a perfect opportunity to shoot him in the back of the head to make him stop what he was doing. Instead, he challenged the guy, said, "Drop the gun," and the guy wheeled around and shot him three times with the AK. Well, the CCW guy survived, but he is a paraplegic, in a wheel chair for the rest of his life. One of the AK rounds bisected his spine.

Again, there is no obligation whatsoever to speak to a guy that is mowing down innocent people with an AK47. If he had shot him in the back of the head and said, "Bam, bam, stop that!" he would not have been shot. Challenging the shooter didn't do anything except turn attention to him. I cannot cite the source, but I believe in an interview the CCW guy said, "I couldn't just shoot him without giving him a chance to give up." That's because he watches TV and good guys always give bad guys the chance to give up.

Well, that is not required legally, and to me, it is certainly not required morally. If he is shooting innocent, unarmed people, make him stop! At very close range like this case, your only viable option may be to shoot the actor as quickly and effectively as you can.

eJournal: What is your experience about tachypsychia, tunnel vision, auditory exclusion, and related concerns about not being aware of the police approaching?

Givens: There is no answer to that, because it is just completely individual. It has to do with what prior training and experience you've had. Some people will have one effect but not others; nobody has all of them. You can catalog them all, but they are all possibilities. In the same incident, one person may have a perception of time slowing down to a crawl and the guy standing next to him may say, "Man, everything sped up to the speed of light, it just went by in a flash." They are seeing the same event, but their perception and their recall is entirely different.

I recall very early in my career, a couple of times where I had enough time in my mind to think odd thoughts. For instance, one suspect was pulling a pistol out of his pocket. All I could see was the butt of the pistol, and as I was implementing my draw stroke, I remember as my gun was moving to eye-line thinking, "I really hope that is a pistol in his hand, or I am going to look foolish!" It does not take me very long to present a pistol, but I had time to think that thought. I vividly remember that from over 45 years ago.

Later on, drawing a gun under very similar circumstances, that did not happen, because I had already experienced that. The same person may experience different effects at different times in their career or in their experience.

The odds are, you will not hear the cops, not because of auditory exclusion, but because of fire alarms, screaming people, and that sort of thing. It is going to be general chaos. If you are in the food court at the mall, somebody is probably going to trip some sort of alarm, it will be ringing. I guarantee people will be screaming and running around, furniture getting knocked over, and with the gunfire added to that, don't count on hearing much of anything. That's why I would say, if the guy has either run away or if you have put him down, you want to put your gun away. Get it out of your hands. My preference is to put it back in the holster, so if I need it again, then I can produce it, but I don't want it in my hands when the cops come around the corner.

eJournal: You mentioned training as a factor that can mitigate perceptual distortion somewhat. What about the

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kinds of skills we are working so hard to master on the range like seeking and using cover?

Givens: It depends on where you are. It appears pretty strongly that while concealment won't stop bullets, it may keep people from shooting at you. People shoot at what they see. So if you step behind a rack of clothing and the guy can't see you any more, it is not bullet-proof, but you don't get shot. If I could engage him from where he could not turn his head and see me, that would be gravy, but you're counting on something you can use for cover, and that is going to depend on where you are.

[Givens gestures to public walkway in front of public seating area we occupy] If we were to be standing down there, we would have nothing to move behind, but if we were sitting right here, there is something to move behind. The only thing separating these two worlds is this one-foot wide shelf.

eJournal: I've read accounts of very serious students of tactics who engaged a shooter with gunfire, and only after the first few rounds realized that they were right out in the open.

Givens: If the shooter had just shot a child, they may have needed to engage immediately from whatever ground was available.

eJournal: What level of training do you see as necessary in light of these possibilities?

Givens: The typical guy who took what ever class is required for a permit in his state, which is usually like a driver's test, and carries a five-shot J-frame revolver in his pocket is going to have to have a different consideration than someone who is trained to a very high level and has a more competent pistol and is of a higher skill level. That is going to alter the equation. For the typical untrained/minimally trained person carrying a gun, their best option probably is to get the hell out.

eJournal: Now, your training operation, Rangemaster, has different levels of training. For the dedicated armed citizen who wishes to prepare, what do you recommend from your own curriculum?

Givens: Our basic pistol course addresses all of the skills that would likely come into play. The problem for most people is that all they have had is the test of a permit class and that does not establish that you can do

anything. I would like to see them have enough training to recognize what shot they can make and what shot they cannot make. Frankly, most of these shots are not that daunting because in the real world, the marksmanship problem is not that high if you have some skills and knowledge. But you take the person with no training whatsoever, and substandard equipment, they are probably best served just getting the hell out.

eJournal: One of the best aspects of training is learning the limitations of current skill and where equipment falls short. Perhaps by you modeling reasonable handgun selection for one who thinks he or she may use it in a mass-shooting situation, the equipment problem can be resolved before it becomes a problem.

Givens: We get into that pretty solidly in class.

eJournal: Your shooting drills and exercises would also rather quickly show how substandard a tiny pocket gun is against a fighting-sized pistol, too. I see this as a very good reason for readers to go to rangemaster.com and look for training with you and your wife, Lynn, because you travel all over the country these days and teach in a lot of different states.

Getting back to surviving the situation, people are worried about the murderer having associates that may attack the armed citizen who intervenes or striking as we try to flee the area. Any reasonable grounds for that?

Givens: Up to this point, in this country, these have been primarily the lone individual. In 160 active shooter events the FBI studied, 98% were lone individuals, and 97% were male. I can only think of three cases where it was two people—Columbine being one, Jonesboro, AR school being another; and the couple in Las Vegas. Those make only three, out of hundreds. Historically, it is one guy.

Now, that paradigm could change dramatically if we start having more true terrorist events here. The threat right now is the lone, deranged individual who for whatever reason says, "I want to rack up a bunch of people, I am probably going to die before the day is over, but I am going to take a bunch of people with me."

If I see a guy right there with a gun, right there, HE is my problem. If we start having Mumbai-type events here with five or six or more people armed with rifles, that is a different issue entirely, and we will have to start

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modifying our behavior to meet that danger, but that is not the threat right now.

eJournal: This introduces a good opportunity for us to define differences between domestic mass shooters and a terrorist effort that kills a number of American citizens.

Givens: Historically, the person who just goes off and starts shooting people can be called a spree killer, a rapid mass murderer, or an active shooter. These terms have morphed over the years. The definition the Federal government uses is an event in which four or more people are murdered within a twenty-minute span in a public place. So, if I kill four family members in our home, that doesn't count. It is in a public place, within a specified time, at least that is the current government definition.

eJournal: In using the phrase "over the years," are you indicating that spree shootings are not a recent problem?

Givens: There is nothing new about this phenomenon! We have seen that over and over again, even going back to the 1940s. In 1949 a guy named Howard Unruh killed 13 people with a German Luger P-08, which has an eight round magazine, so he had to reload it over and over again. Of course, all his victims were unarmed. When police arrived, he ran into a building and barricaded himself. At the first armed resistance, Unruh quit shooting people and barricaded himself and eventually surrendered to police. We see that over and over again. This goes back to the '40s. There is nothing new about it.

Here's something else interesting: in the past when people had a real telephone instead of just a cell phone, you had a phone directory, but you also had what was called a reverse directory. Well, when Unruh barricaded himself in the house, an enterprising reporter got a reverse directory, looked up the address, got the phone number, called it, and the guy actually answered the phone and had a conversation with the reporter. The reporter asked him, "How's your day going?" He said, "Oh, great! I'm doing well, so far!" The reporter asked him, "How many people have you killed?" He said, "I don't know. I can't answer that yet, but it looks like a pretty good score."

The score is a recurring theme. They are after a bigger score than the last guy.

eJournal: Outside of September 11, 2001, have we had many true terrorist attacks?

Givens: Yes, the most recent would be the Ft. Lauderdale airport shooting, the facts have come out within the last day or so that said he was ISIS directed. The club shooting at Pulse in Orlando in which one man killed 50 people, is another. He had posted ISIS propaganda on his Facebook page just prior to that. There were the jihadi pair in Texas, Hassan at Fort Hood, and several others.

eJournal: That was a good synopsis of both dangers. From your studies, what poses a more likely danger?

Givens: What we have had more of in this country, especially in the last ten to fifteen years are just the home-grown active killer, spree killer, what ever you want to call it, mentally-deranged persons like the Aurora, CO theater shooter, Holmes, or mentally ill kids like Klebold and Harris in Columbine, CO. These are not terrorists, these are just people who want to kill a bunch of people. It is not a politically-motivated statement; it is, "I just want to kill a lot of people!" So far, in this country, that is what a lot of it has come down to.

eJournal: Can you sum up the key lessons we should take away from this discussion?

Givens: The first thing to understand is that it happens everywhere. You know this already! I run into so many people who say, "Well, I carry my gun when I go here, or I carry a gun when I go there. I won't need it here; I won't need it there." Well, bullshit, how do you know that?

Where have these things occurred? Movie theaters, airports, churches, malls, schools, hospitals, office buildings, universities: so, name me a place where it hasn't occurred!

eJournal: Well, you shared with me the study the DOJ put out three or four years ago [<https://www.fbi.gov/file-repository/active-shooter-study-2000-2013-1.pdf/view>] and based on it, I'd be hard pressed to name a venue that has not seen that kind of attack.

Givens: I am not going to lock myself in my bedroom for the rest of my life to avoid going to one of these places.

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What I simply do is go there armed and prepared. What you have to do is acknowledge that life entails risk. You cannot live in a risk-free environment. You can't live life and eliminate risk from it; that is not possible.

If you cross a street, you take a certain amount of risk. When you drive your car down the street with people hurtling by at 50 miles an hour on both sides of you, you do not know if they know how to drive or not. You are assuming everybody does. But you have to go from here to there, so you assume the risk. Same thing here: we are sitting in Las Vegas, we are in a place right now that to me, is a fairly high-risk environment, because to a radical Muslim it perfectly represents the decadence of the West. But I can do something about it. I don't have a .32 in my pocket; I have a pistol I can make a shot across the open space we are sitting in without too much difficulty.

But that would be the first thing: recognize that different shooters are going to pick their targets for different reasons. Someone with a religious motivation may pick a church, so do I wear a gun to church? Of course! I have got to get there; I have got to get back. Who knows what is going to happen while I am there?

Theaters? Are you going to wear a gun there? Yes, that is where there may be a problem. By definition a mass shooter needs to go where there is a mass of people. You do not get to pick and choose.

Restaurants, churches, businesses, a GMAC office—I can't think of a place where a mass shooting hasn't occurred, except maybe at the SHOT Show. You need to understand that you have to learn to mitigate risk. You can't remove it. Learn to mitigate it, to manage it.

eJournal: Words to live by, Tom! Thank you so much for helping us understand what we may face and how we can mitigate it. The Network is fortunate indeed to have you on our Advisory Board.

Tom Givens, with his wife Lynn Givens, own and teach through their traveling instruction business, Rangemaster, having pulled up roots after many years as owner/operators of an indoor shooting and training range in Memphis, TN by the same name. Learn more about their classes (and attend one close to you) at <http://rangemaster.com>. We also recommend further reading to introduce the research of Ron Borsch, a now-retired 30-year law enforcement veteran who managed the South East Area Law Enforcement Regional Training Academy in Bedford, OH. A good introductory article can be found at <https://www.policeone.com/police-products/training/articles/1695125-Ohio-trainer-makes-the-case-for-single-officer-entry-against-active-killers/>.

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President's Message

by Marty Hayes, J.D.

This will be a short President's Message this month, as I hustle to catch up on work left undone during a bit of travel to attend an industry convention earlier this month. SHOT Show was its usual self,

with aisles upon aisles of AR-15s and 1911s. Now, don't get me wrong. I like AR-15s and 1911s, but I also like chocolate ice cream, just not for breakfast, lunch and dinner! The good news is that the industry is very up beat, as if the whole gun community just gave a big sigh of relief.

There's more good news: it looks like ammo is becoming more affordable and plentiful. I predict that the next four years will see the ammo shelves fill and prices fall as the law of supply and demand takes effect. Last year was the bad part, with prices rising and supplies drying up. It will now swing the other way. I personally am going to add to my own home supply when I start to see good deals.

With ammo finally becoming more readily available and with prices falling, this summer would be a great time to take a training course or two. Shooting skills are perishable and one must continue to train. Think of using a firearm like driving a car. If you didn't drive everyday, it wouldn't be so natural. I have ridden motorcycles my whole life, but each spring, I take the bike out and act like a new rider, going over in my head all the controls and issues surrounding motorcycle riding. Then I take it easy until I feel comfortable with the bike and my skills. If you haven't done any serious shooting in a few years, go take a class. Not only will you gain confidence, but it is just fun. And we need more fun in our lives, right?

One thing we do at the SHOT Show is meet with our Advisory Board, something we enjoyed again this year. We bring them together to review the Network's previous year and discuss our plans for the year just beginning. The 2017 meeting was no exception, and as a result of those discussions, we have hatched some really interesting plans for the coming year. Too bad I can't tell you about them yet, but a bit more development and fleshing out is required before "going public."

Another thing we like to do at SHOT Show is making a point to seek out our corporate sponsors, shake their hands and thank them for their generosity. Companies like Galco, Cor-Bon, Black Hills Ammunition, Crimson Trace Corporation and Blade-Tech.

While I was visiting the Blade-Tech booth, I was shown



a new gun belt that looked like a nice dress belt, with a unique buckle system. I was afforded the opportunity to test one for the rest of the show (and beyond) and can say that it is working splendidly. The belt comes in only one size, and you trim it to fit your waistline exactly. It took me about 5 minutes to

customize it, and even trimmed to fit, it is designed so one can wear a holster either inside the pants or in a standard belt holster. They also have range belts with the traditional buckle look, and belts made of heavy-duty nylon. If you carry a gun everyday, you know that the belt is just as important as the holster. I will be using my Blade-Tech belts a lot in the years to come.

(<http://www.blade-tech.com>)

I also got to spend a few minutes with Sheriff Jim Wilson, who was holding court at the Nighthawk Custom booth. Both Jim and I carry 1911s on a daily basis, and

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appreciate the fine quality of the Nighthawk pistols (<http://www.nighthawkcustom.com>). Interestingly, he and I are not long lost pals, as we just met face-to-face a year ago, but Wilson is a real nice guy, and a kindred spirit. Both of us are Master Masons (remember last month's column) and retired rural law enforcement officers. He is a retired Sheriff and myself a retired Marshal.



Along with my appreciation for 1911 pistols, I also am a long time Smith and Wesson revolver fan (<https://www.smith-wesson.com>). And this year, they introduced what I believe might be the very best revolver for concealed carry. It is a variation of their very popular K-frame Model 66, with this one having a 2 ¾ inch barrel. I am a big fan of the 2 ½ inch Model 66 and Model 19, but there is something about this treatment that made it feel just right. I will have to order one, but until then, we will have to make do with a picture.



In closing, I am pleased to report that the Network continues to grow, and we are approaching 12,500 members. And, what is interesting, is that at the moment, we have NO members facing any pending legal matter related to self defense. That is the way we like it! I think this statistic is in large part due to our member education package. I believe that our members are smart, responsible and educated. We have the cream of the crop, the best of armed citizenry, associated with the Network, and I like that, too.

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Attorney Question of the Month

This month, we wrap up a question about using legally possessed suppressors in self defense to which our Network Affiliated Attorneys provided so many responses that we were unable to run all of them in the [January edition](#), which, if you missed it, you may wish to go back to review. Here is what we asked–

If I am the legal owner of a suppressor that is kept on my defense gun, and I use that suppressed firearm in self defense, what if any additional legal issues might I face in the aftermath? Are you aware of any self-defense cases in which use of a suppressor was a factor in either the charging decision or in court?

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Lawful possession of a silencer is a prerequisite to using one on a firearm. Lawful possession means the silencer is registered to an individual or entity in the (National Firearm Registration and Transfer Record), that a tax stamp was issued to the individual or entity by the ATF, that the silencer is possessed by that individual or a responsible person of the entity, and that possession is lawful in the given state.

When lawfully possessed, a silencer can be used for any lawful purpose including self defense. Therefore, using a silencer in lawful self defense should not create any unique issue. An issue DOES arise if the individual using it is NOT in lawful possession.

For example, consider a spouse who is NOT a Trustee on a gun trust that owns the silencer, using it in self defense in the home for example... What can go wrong? Looks like an unlawful transfer and unlawful possession under federal law. But what about State law that has an exception for temporary transfer to a spouse, its community property... ? Federal and state laws create their own separate issues. What could go wrong in this scenario?

If lawfully possessed, using a silencer in self-defense should not create an issue. Either self defense was lawful or not, and it's the bullet launcher that creates injury. Consider that the reason that silencers are now lawful to use in Washington is in large part because law enforcement requested it. Using a firearm in a confined space is difficult and can result in hearing loss, as well as making it more difficult to employ the firearm. Silencers are sound mufflers. They exist for the purpose of reducing concussion and blast. A defense attorney can make a strong case that use of a silencer in self defense in a confined space enhances safe use and control of a firearm, especially when used for self defense in a home environment.

I am unaware of any cases on point although they may exist.

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Should you decide to have a suppressor (thank you for not calling it a "silencer") attached to the firearm that you may use for self defense there are a few issues to take into consideration. First, I am assuming that the firearm will be used in your home. Carrying a suppressed firearm using either open carry or concealed carry would not be practical or a good idea tactically. So before I would advise someone to do so I would make sure that you are compliant with the suppressor. Federal law: Proper paperwork for the purchase, transfer, tax stamp, gun trust, etc. Have that documentation all together for easy accessibility if necessary. State law: You must live within one of the 42 states that allow possession of a suppressor. DO NOT USE ANYTHING OTHER THAN A LEGITIMATE AND LEGAL SUPPRESSOR. No gun cleaning solution traps, oil filters, gunsmith-via-Google, etc. All other self defense laws apply to you whether your firearm is suppressed or not.

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Now, let's talk real world. Let's say that your shooting was thought not to be legitimate self defense and you are charged criminally. At some point in the trial, the DA will no doubt pick up your firearm to show the jury (and to get their picture in the paper). Do you want to have your black rifle, assault weapon, no other reason for ownership other than war, with all of the tactical bling hanging off it shown to the jury as your weapon of choice? Think about that versus a Mossberg shotgun from Wal Mart?

I am not saying for that reason alone you should not have your firearm suppressed. But to work around the situation above, I would make sure that you study and arrive at a legitimate reason for your choice. Document your reasoning. So should you take the stand, you will be prepared beforehand on why you made the choice that you did. You or perhaps an expert will have to educate the jury on the reason for your decision. Remember to probably most of your potential jurors a suppressor is only used in the movies by assassins so plan accordingly to educate them on the benefits of a suppressor.

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The lawful use of a suppressor in the Commonwealth of Massachusetts does NOT automatically result in your being held. This answer is not a substitute for the advice of a qualified, licensed attorney.

The lawful use of a suppressor in the Commonwealth of Massachusetts is scary to less experienced prosecutors, law enforcement, less informed members of the Court. Part of the job of your lawyer is to inform the court of what a suppressor is and how one is lawfully owned. A skillful prosecutor may construe the use of suppressor as a factor for the court to consider at a "dangerousness" hearing under G.L. c. 276, Section 58A. That hearing will determine whether or not you are held in jail all the way up to trial.

In a perfect world, your suppressor was purchased from an FFL and you have a copy of the tax stamp in your safe. If you made it yourself, then the statute can

be used at the dangerousness hearing to show this was just another firearms enthusiast. It also can be used to argue responsible gun ownership.

Whether or not you are held for trial will depend upon the skill and preparation of your lawyer and your ability to post bail. Bail is an amount of money held by the Court to ensure that you will come back for the next court date.

Again, if you or a loved one is investigated for a crime, get a lawyer and don't talk to the police.

Bruce Gordon

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A silencer is great for keeping the sound to a level where your hearing won't be damaged. I wish the discussion ended with that logic. Suppressors are fantastic devices. Unfortunately the discussion goes on. Note I am from one of the most restrictive states, one so restrictive that a lot of big firearms makers have left the state. (Thank you, Ruger for staying!)

Depending on the state, a silencer can be an item indicating excessive use of force with resultant confiscation of it and your threaded barreled weapon. Remember what is legal is not the question much anymore. The question is what will the prosecutor make of that. Justifiable can be hard to prove. Sometimes even in your own home. There are a lot of decisions that you make every time you practice, buy an accessory, even what type of ammunition that a prosecutor will try to make a part of the case to prove the defender's evil intent. Self defense cases are a question of intent. Did you start the issue or was there another way out. Even in your home. Everything done to prepare and during the act and afterwards can become a part of what the prosecutor wants to present to show the defender is an evil person.

I even avoid rounds with deadly names, as though the name would mean anything to the lethality of the round! I know of no recent cases where there has been a question of what happened where every aspect of

[Continued next page...]

the defender's shooting practices are not called into question. One of my favorites is when the prosecution makes a defender out to be this horrid person because of the names of the gun or holster!

If you practice all the time or never get to the range, shot hollow point, copper coated, frangible, even the name of the round may be used to show how evil the defender (you) are.

The same prosecutor who calls hollow point bullets the weapon of choice for maximum damage (ignoring the fact that you kept your rounds from going through the wall) will in the next case declare solid bullets to be similarly evil. Frangible used to stop slugs from penetrating walls can be characterized as being highly destructive to soft tissue and causing damage that cannot be treated.

I would be more concerned about knowing your rights to use a weapon in self defense as interpreted in your state. I use a revolver with escalating impact (.410 shot shifting to soft nose 45 long), and a 9 mm pistol loaded with hollow points, and I can imagine how that could be framed by a prosecutor. Your explanation, by the way, has to be based on knowledge you have at the time of the shooting.

My advice to clients is to keep it simple but effective. A standard 9 mm or .45 with standard charges (No +P) and know you will need to be in court if it happens, unless your sheriff or police are very understanding there seems to be just no way around that.

Shawn A. Kollie

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Under Oregon law a suppressor, if properly licensed as a Class III, has no better or worse consequences. It is perfectly lawful. Although the evidence of that suppressor could come into the jury, it is not overly

relevant under Oregon's evidence code and may be excluded. I have handled cases with other Class III firearms (short barreled, and full auto) but never a suppressor case. I see no reason why there should be legal consequences for perfectly lawful self defense and/or possession.

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I have no personal knowledge of an enhanced penalty for use of a legally obtained silencer in a self defense case. I can think of no rationale that would support additional penalties for use of a silencer - your verbal warnings would come before you shoot anyway, so the volume of the gun seems to make no difference to any notice the criminal would have before you toast his hide.

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While I can't speak for jurisdictions outside of California, merely possessing a silencer in California is a felony. See California Penal Code Section 33410. Any person, firm, or corporation who within this state possesses a silencer is guilty of a felony and upon conviction thereof shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 or by a fine not to exceed ten thousand dollars (\$10,000), or by both that fine and imprisonment.

A big "Thank you!" to all of the Network Affiliated Attorneys who contributed such interesting responses to this question. Please return next month when we'll have a new question to ask our Network Affiliated Attorneys.

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Book Review

Assassination Generation: Video Games, Aggression, and the Psychology of Killing

by Dave Grossman and Kristine Paulsen

Kindle version: 234 pages; \$13.99

Hardcover: 272 pages; \$21.87

Publisher: Little, Brown & Company, Nov. 15, 2016

ISBN-13: 978-0316265935

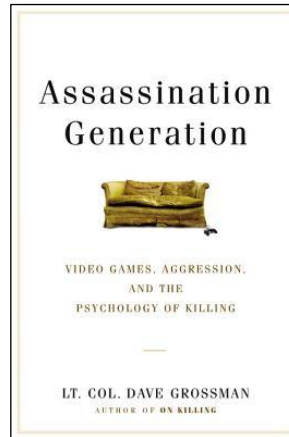
Reviewed by Gila Hayes

While traveling in January, I used my airport and airplane time to read the most recent book from Lt. Col. Dave Grossman, (US Army Ret.) famed for his earlier works on the psychology that prepares soldiers to kill the enemy, as well as an earlier study with parenting authority Gloria DeGaetano, that focused also on children and violent entertainment. This latest book, *Assassination Generation*, co-authored with educator Kristine Paulsen, is riveting, and I was surprised at how quickly I reached the end.

While most Americans struggled to understand massacres like the Newtown, CT school shooting and similar atrocities, Grossman writes that, "The objective of my life's work has been to uncover the dynamics of killing. Over the last few years, my prime motivation has shifted from understanding the processes that take place on the battlefield to using the knowledge I've gained to understand the cause of the current wave of violent killing."

Grossman explains, "People simply aren't naturally inclined to harm or kill each other. Their brains must be conditioned to overcome these inhibitions." The military teaches recruits to switch off the disinclination to kill, but military discipline also imposes "strictures against killing" that serve as safeguards. These are absent in the "insidiously addictive shooter role play video games" that expose game players to the same psychological manipulation. Grossman details video game "win" scenarios, violent enactments and audio tracks in popular games that are teaching that the most gruesome violence earns the most acclaim.

This explains a point Tom Givens made in our lead interview this month—the score-keeping common to spree shooters. The Newtown school shooter, Grossman writes, "kept a seven-foot-long and four-foot-wide spreadsheet of his extensive research on mass



murders of the past... This morbid desire to join the ranks of 'glory killers' could explain why he targeted children and educators at the elementary school—he knew, first, that killing children would ensure the maximum shock value and, second, that victims who couldn't fight back would provide the least resistance, helping him rack up the highest score," he comments.

Assassination Generation explains how game designers apply classical and operant conditioning to teach the player to win the game. These psychological manipulations also lead to irrational reactions in real life. Grossman asserts that violent entertainment becomes linked in young minds to dinner, treats, and pleasant free time with friends. Add to that game depictions of extreme violence and the mass murder simulations required to win, he warns, and as a result, "When life overwhelms them and some of them decide to pick up a weapon, they won't be murdering a single individual. In the heightened stress of that situation, their conditioning will kick in—and the outcome will be much worse," he predicts. Advances in technology have added virtual reality goggles and some games integrate movement, such that as "a part of the progression of the game, you rehearse the actions involved in strangling, hacking, beating, and stabbing human beings to death over and over again."

Given the popularity of these games, it is obvious that not everyone who plays violent video games or watches slasher movies becomes a spree killer. However, Grossman cites depression, isolation, bullying, increased aggressive thoughts and poor socialization, among the side effects of violent entertainment. As children and youth who are addicted to video games grow into adulthood, "Other interpersonal relationships are likely to deteriorate as well. A 2011 study found that 15 percent of all divorces were due to at least one partner's video game use," he reports.

These findings are much more than Grossman's conclusions! He quotes study after study from

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authorities like the American Psychological Association (APA), American Academy of Pediatrics, the National PTA, UNESCO, and the American Medical Association (AMA), which “have made unequivocal statements about the link between media [movie and video game] violence and violence in our society.”

To avoid preaching to the choir, we won't detail *Assassination Generation's* explanation of why availability of guns is not the cause of mass shootings, or how murder and suicide statistics in various countries are slanted to make guns look like the cause of violence in America. Grossman also gutted one of my favorite blames—psychoactive medications—citing FBI and Secret Service studies to support his conclusions that drugs don't create spree shooters. If we want to contend that guns are not the cause of school shootings, we also need to listen carefully to ideas that prescriptions are not to blame, either. Our arguments need to be accurate, and so I urge readers to buy *Assassination Generation* and absorb Grossman's research-supported arguments.

Grossman urges the reader to ask why we don't prohibit violent entertainment for young children who are vulnerable to psychological damage from games and movies. It's odd, he muses, that parents now have more to fear from their children being killed by a spree shooter at school than from a school fire, when both are preventable. Millions of dollars are spent to make schools fire-code compliant, and children are regularly drilled in fire survival. To combat school shootings, about all we've done is put law enforcement officers in the schools and provide counseling, but “we never did anything to address the root cause of the problem,” he asserts. Instead, “An entire generation out there has been fed violence as entertainment from their youngest days, and they have been systematically taught to associate pleasure and reward with human death and suffering.”

Even children's cartoons depict violence without showing any punishment for its use. Infants and toddlers exposed to television cannot distinguish real danger from what they view on the screen. The survival response to viewing violence literally damages their brains. “The violent visual imagery inflicted upon these children caused stress, which in turn prompted the release of fight-or-flight hormones, as if their brains were responding to real-life crises. The forebrain, which controls everything that makes us human, shuts down, leaving the midbrain in charge,” Grossman explains,

later quoting research to show that, “prefrontal [brain] mechanisms for controlling emotion and behavior are altered by exposure to violent media. Therefore, long-term increases in aggression and decreases in inhibitory control due to excessive media violence exposure may result from impaired development of prefrontal regions.”

He cites research explaining that when left-brain functions are damaged “simple, logical, predictive reasoning” is severely limited. “This type of child requires constant nagging to do his homework because the implications of not doing his homework don't exist for him. That level of reasoning had been shut down by his repeated exposure to media violence as his brain slipped back into fight-or-flight, mammalian mode. It's not too far a stretch to imagine that this same child will be incapable of thinking through the consequences of bringing a gun to school, or to his workplace when he's older,” Grossman predicts.

It sounds pretty gloomy, doesn't it? Fortunately, Grossman suggests that with resolve and determination, the damage caused by media violence and virtual reality first person killer games can be eliminated, much like physically detoxifying from drug or alcohol use. Take the game addict away from the game, and after about 48 hours, the body chemistry begins to right itself and after another day of withdrawal, Grossman has seen complete reversals in behavior, he reports.

Removing TV and video games from youngster's entertainment options has another unexpected benefit. “One of the major effects of media and video game addiction is sleep deprivation,” writes Grossman. Chronic sleep deprivation is linked to “irrational violence, erratic and unpredictable behavior, an inability to attend and focus in school, depression, and, ultimately, suicide. In fact, we are learning that media-addiction-induced sleep deprivation is a major factor in suicides in the military,” he adds.

Relief from depression is another side effect of shutting off the TV and computer. “Numerous studies have linked depression with excessive television viewing, and several new studies have been launched to further examine the connection between depression and media consumption,” he reports. He recommends strict limits on television, movie or video game exposure for very young children, and only slightly relaxed accessibility to “screen time” for youths.

[Continued next page...]

Is an individual determination to flush violent movies and games out of family life enough to stop spree killings? Other families may not be so careful in their entertainment choices. *Assassination Generation's* co-author, Kristine Paulsen, has considerable experience with school programs to reduce "screen time" and many have worked very well. One school-based effort targeted students from kindergarten to fifth grade. "In the program's first year, seventeen elementary schools implemented the curriculum. The average decrease in student aggression was 55 percent on the playground and 48 percent in the classroom." In other states and in a juvenile correctional facility, the same outcome echoed these successes.

Do we violate the First Amendment by restricting violent games and movies? Grossman opines, "The research does show that the bodies and minds of young children are not prepared to handle the visual imagery in violent video games, just as they aren't prepared for sex, alcohol, or the responsibility of driving a car. Even the most ardent libertarian doesn't object to laws that prevent predators from sharing sex, drugs, and alcohol

with their children. The time has come for education and legislation that will protect our children from the makers of these games along these same lines."

In conclusion, Grossman outlines a ten-step program to address the problem that includes "parental education about the harmful effects of media violence on youth," policy reform; legislation allowing restrictions on "the sale of violent video games to children," more research; protections against predatory marketing; truthful rating systems; encouraging "development, evaluation, testing, and distribution of more prosocial products;" involving family doctors and teachers in efforts to stop violent entertainment; and opposing consolidation of large media corporations, since the bigger the company, the harder it is to rein in. He provides solid rationales for each step, and to better understand the problem and his solutions, I recommend buying *Assassination Generation* and reading it cover to cover.

*[End of article.
Please enjoy the next article.]*



News from Our Affiliates

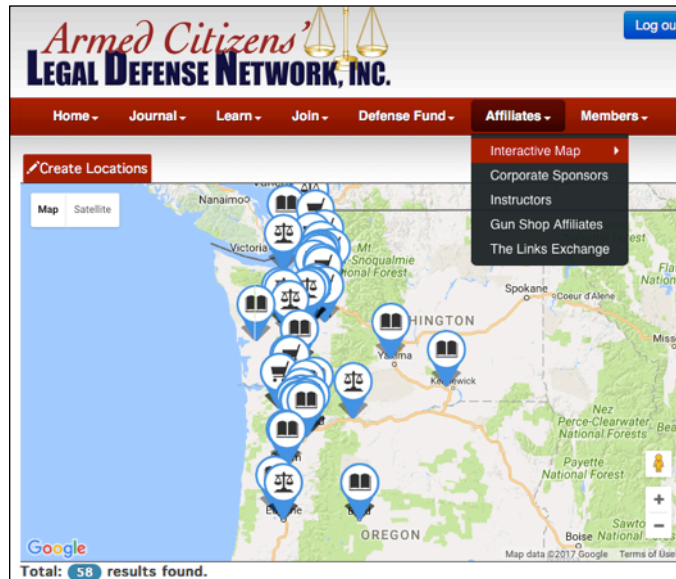
Compiled by Josh Amos

Happy February to one and all! Here at the Armed Citizens' Legal

Defense Network we are constantly working to improve our service to our Network members. That often means trying new things! So, we are proud to announce that we have launched an interactive affiliate map on our website <https://armedcitizensnetwork.org/our-affiliates/map>.

This map, the result of months and months of behind-the-scenes work, encourages our members to identify Armed Citizens' Legal Defense Network affiliated instructors, gun shops, and attorneys in their area, and to do business with these good folks since we are all in the Network together. The mapping reveals only affiliated instructors and gun shops to members of the public, but when a Network member logs in to www.armedcitizensnetwork.org, then selects the "Interactive Map" link in the horizontal navigation bar at the top of our website, attorneys within 200 miles of the location they specify will also be displayed.

Website users can allow their computer or Internet access device geolocate the area they wish to view or enter in an address, city or a state in which they wish to research affiliates. The new mapping interface is just one of the ways we are building community within our Network membership and saying "Thank You" to the many instructional and gun shop entrepreneurs who have supported us. Please visit <https://armedcitizensnetwork.org/our-affiliates/map> and give it a look, and then feel free to send a comment to me at Josh@armedcitizensnetwork.org.



Corporate Sponsors

This month we also want to shine the spotlight on our corporate sponsors.

These good folks and business entities donate products for fund raising auctions to build up the Legal Defense Fund, put the Network's educational materials in every package they ship out to customers, and promote the Network's growth in many other ways. Check them out at <https://armedcitizensnetwork.org/our-affiliates/corporate-sponsors>. We cannot say "Thank You" to these people enough.

Every contribution helps make the Network stronger and more able to serve members in need. Every booklet passed out, every item donated, every dollar donated: it all matters. So please look at our website and maybe find a reason to make a purchase from a good company.

Finally, if you are in business and you are interested in donating something to help the

Network we invite you to email Network Vice President Vincent Shuck at jvshuck@armedcitizensnetwork.org and see what we can work out.

Featured Affiliate

In the final segment of this month's letter, I wanted to note another outstanding Network Affiliate Instructor. Dr. Lisa Orick-Martinez. A big supporter of the Armed Citizens' Legal Defense Network, Dr. Lisa is a highly motivated instructor in the New Mexico area. You may have already met her teaching at the ranges or working one of the gun shows.

[Continued next page...]

Dr. Lisa has a pretty impressive résumé, yet she is happy to work with anyone who is in need of a place to start learning or getting a few pointers in taking their shooting up to the next level. I recommend taking her class or if you see her at a gun show, stop by and say thanks for supporting the Armed Citizens' Legal Defense Network!

Dr. Lisa Orick-Martinez has been an NRA Certified Firearms instructor and Refuse To Be A Victim Instructor for over 20 years as well as the NRA's Regional Training Counselor for Refuse To Be A Victim for the last 15 years. Dr. Lisa is certified by the New Mexico Department of Public Safety to teach Concealed Carry Weapons Classes and was selected by the New Mexico Department of Public Safety to participate in a focus group consisting of the top 12 Concealed Carry Weapon instructors from around New Mexico.

Dr. Lisa has been featured on *WOMEN OF THE NRA* website, and was selected along with 11 other NRA female Instructors from around the country to participate in an NRA focus group in 2012 in Virginia that was tasked with coming up with ideas to get women interested in the shooting sports. She has also been

interviewed by Stewart Dyson of KOB TV, Scott Steigler and Terry Q. of KKOB 770 Talk radio in Albuquerque.

Dr. Orick-Martinez has been and is currently the Faculty Adviser of the Central New Mexico Community College Shooting Club, founder of the Lethal Ladies Gun Club and the Past President of the Women's Shooting Connection Gun Club. She has been shooting since her participation in the Hunters Safety Course of Michigan when she was 12 years old.

With her educational achievements Dr. Lisa has always researched gender differences in communication, education and training. She understands that women learn differently than men. Using her social science background and her certification of being only one of fifty Certified Listening Professionals in the world, Lisa

facilitates ladies only, co-educational, and private NRA classes as well as the New Mexico Concealed Carry Classes.

The Network is proud to be affiliated with Dr. Lisa and our many other affiliates.

*[End of article.
Please enjoy the next article.]*





Editor's Notebook: Growing According to Plan

by Gila Hayes

A few weeks ago, your Network leadership team rubbed shoulders with the firearms industry at the SHOT Show. Each year, we share knowledge and experience, gather intel, and bring back a clearer vision of

how the Network will continue the strong but sensibly-managed growth that has been one of the hallmarks that sets our organization apart from the competition.

Our planning sessions made me remember an online Forbes article I read several years after we opened the Network. People who know me know that I'm a tightwad, so it comes as no surprise that I'm still using the battered MacBook Air I bought on which to write a book the year after the Network was born. However, even I was a little surprised when I recently ran across the notes I took from that online article all those years ago!

The article outlined how some of America's major corporations nearly went bankrupt chasing the highest possible growth without adequately considering whether the company's staffing and infrastructure could continue to produce the quality of product that made them successful. I can think of outfits I've known that, riding the heady wave of success, borrowed heavily to expand and lost the whole thing; we've all seen national brands destroyed when quality suffered during rapid growth. I believe the most common loss from fast growth amongst businesses that survive it is the irretrievable loss of a culture in which customers and staffers alike thrived.

I have lost track of the times Network members and people interested in the Network have expressed incredulity that the Network didn't have 50 thousand members. I gently inform them that our focus is on nurturing the highest-quality self-defense aftermath support organization. If so doing brings in large numbers of members, that is a happy side effect, but meeting the needs of the individual member must come before haring off in pursuit of titles like "biggest."

During our managed growth over the past nine years, we have worked hard to know members' names, stay accessible for phone calls from members and potential

members and we have avoided setting up phone banks of minimum-wage employees reading from three ring binders to answer your questions! At various stages in our growth, we have added staff and contracted for services to make it possible to keep the personal, family-like feeling we've worked so hard to nurture. We're fortunate today to have Jennie, Melissa and Josh on the day to day team, along with a select set of skilled professionals who contract to take care of details that don't require quite such a personal touch.

A strong, hands-on leader can be a double-edged blade! Last month, there was a weird spate of morbid questions from non-members asking if the Network would survive if something happened to our Network President. In truth, I think that is a far more appropriate question for Network members to ask, but most of you already know the care we have taken in crafting this organization and you probably also know that there are several layers of possible stand-ins, who would bring their own style and enthusiasm to making sure the Network endured and grew should our fearless leader chose to step down. The same holds for our skillful and tireless behind-the-scenes Vice President, and it also holds for my leadership of day-to-day operations.

Every new team member brings his or her flavor of talent to the crew, but the values that got us started remain and will stay the same. We started the Network from nothing but a great idea, grew it into a vibrant 12,500 member organization (as of Feb. 1, 2017) with over \$950,000 in the Legal Defense Fund for defense of members (this is the balance after having tapped the Fund 13 times to provide for members' post incident legal needs) and we have accomplished that without ever putting the Network into debt.

Strong leaders inadvertently create cults of personality that are not always positive, since over the decades, businesses need to mature. While the Network is molded and influenced by our leadership team, our advisory board and our day-to-day working staff, it is our Network members who make this a special family of like-minded individuals. This is the dream we started building in early 2008 and it is the organization we continue to foster today. Network members, you make what we do possible! Give yourselves a pat on the back!

*[End of February 2017 eJournal.
Please return for our March 2017 edition.]*

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About the Network's Online Journal

The **eJournal** of the Armed Citizens' Legal Defense Network, Inc. is published monthly on the Network's website at <http://www.armedcitizensnetwork.org/our-journal>. Content is copyrighted by the Armed Citizens' Legal Defense Network, Inc.

Do not mistake information presented in this online publication for legal advice; it is not. The Network strives to assure that information published in this journal is both accurate and useful. Reader, it is your responsibility to consult your own attorney to receive professional assurance that this information and your interpretation or understanding of it is accurate, complete and appropriate with respect to your particular situation.

In addition, material presented in our opinion columns is entirely the opinion of the bylined author, and is intended to provoke thought and discussion among readers.

To submit letters and comments about content in the **eJournal**, please contact editor Gila Hayes by e-mail sent to editor@armedcitizensnetwork.org.

The Armed Citizens' Legal Defense Network, Inc. receives its direction from these corporate officers:
Marty Hayes, President
J. Vincent Shuck, Vice President
Gila Hayes, Operations Manager

We welcome your questions and comments about the Network.
Please write to us at info@armedcitizensnetwork.org or PO Box 400, Onalaska, WA 98570 or call us at 360-978-5200.



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