



Good, Bad and Ugly Gun Modifications

by Marty Hayes, J.D.

Recently, a member of the Network asked me if changing the stock plastic guide rod in his pistol to a metal one would be court defensible if he had to use the gun in a self-defense shooting. The answer to that question was clear to me as I will explain a little later in this article, but before we get to the answer let's understand why you have to be concerned about modifications to your self-defense guns.

If you are involved in a self-defense shooting, the gun you use will usually be confiscated and held as evidence. Until the prosecuting attorney or the grand jury in your county recognizes your shooting as a legitimate act of self defense, the gun is evidence of a potential crime and will become the focal point of the trial.

First, your gun will be tested by the local police firearms instructor or the crime lab if the shooting occurred in a larger city. The prosecution wants to make sure the gun is capable of firing. The movie *Shooter* and the novel *Point of Impact* by Steven Hunter illustrate this line of inquiry. I once as-

sisted in an assault trial in which the defendant was accused of pointing a gun at two other people though he did not shoot. In that case, the prosecution showed videotape of the gun being fired by a police firearms instructor to demonstrate that the gun the defendant allegedly pointed at the people was in fact operable. While it didn't prove the crime of assault, what better way to inflame a jury than showing video of a rapid-fire string of 16 shots?

In addition to function testing the gun, the crime lab also tries to match the gun to the bullet or bullets retrieved at the scene of the shooting. Exemplar bullets to compare rifling are created by firing the gun into water and retrieving the bullets. The fired shell cases are compared to cases found at the scene, to further show that the gun was fired there.

The gun's trigger pull weight will likely be tested. If the charges are negligent homicide or manslaughter this earns particular attention, because a light "hair"



Exemplar bullets fired from the defendant's gun join other physical evidence in a court case.

trigger gives the prosecutor a selling point with which to convince a jury that the shooting was negligent. In civil suits for negligence this is even more critical, but it can rear its ugly head in a manslaughter trial, too, because in model penal code jurisdictions the definition of second-degree manslaughter is negligently causing the death of another.

All those details go into a report describing your gun and highlighting any unusual features or anomalies on which the prosecutor can harp to make an impression on the jury. For example, I once bought a used Walther PPK. On one grip panel, the former owner's ex-husband had mounted a little CIA emblem. When I

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saw it, I thought, can you say "Strange Ranger?" I immediately replaced the CIA grips with a set of Hogue rubber wrap around grips that in addition to making the gun more pleasant to shoot also eliminated suspicion about self-delusions that the CIA emblem suggested.

During a trial, the state will dramatically bring out the gun still in its evidence bag or box. The detective who processed the shooting scene and took the gun into evidence will testify that this was the gun he or she discovered at the scene. It will then be cataloged with all of the other evidence, though the jury will likely be allowed to take it into the deliberation room to view it if they want. Remember, many jurors have never even touched a gun, so a gun can hold a real fascination for some. Guns in evidence are usually rendered inoperative by use of zip ties or other processes, so it's not as unsafe as it sounds. I make these points to emphasize the gun is an important focal point in a trial. If there is anything about your gun that raises an eyebrow or two on a jury, then you should re-assess using that gun for self defense.

How often have you read on an Internet chat forum the classic line, "Well, if the shoot was clean, then it doesn't matter what modifications you made to your gun. It was a clean shoot!" That may be true, but here is the kicker: **The jury decides if your shoot was clean!** Easy, clear-cut self-defense cases never go to trial. Cases containing gray areas are the ones likely to be prosecuted. For example, perhaps you shot two men who were threatening you with violent physical force, but the post-shooting investigation shows that they were in fact unarmed. This is a case that will likely be prosecuted. While it may be a "clean shoot" in your mind, you really don't want to have to convince the jury that the skull and crossbones engraved on your revolver's side plate is purely ornamental and not at all indicative of a morbid fascination with death or killing.

In the same spirit, mechanical modifications can be twisted to convince a jury that you failed to take seriously your responsibilities as an armed citizen. We could group mechanical modifications into three categories: the good, the bad, and the ugly.

The Good

Good modifications include changes that improve your ability to fire the gun accurately or modifications that increase functional reliability. If your gun is not stock, you need to be able to personally testify in court why you modified the gun, explaining how the modifications aid you in shooting. If you can explain a modification's value to reliability or accuracy, it should be court defensible. Examples include after market sights that allow you to line up your sights with greater precision, including night sights. Most of my personal defense auto pistols have replacement sights on them, because the factory-installed sights are normally lacking.

For example, I love Heinie sights, as does my wife and most of our serious semi-autos wear them. Gila likes

the Straight Eight night sights and I like the standard match grade sights. It would be little trouble for us to explain why we replaced the fragile, plastic sights that came on our Glocks with rugged, steel sights. If worried about giving a convincing justification for installing Heinie sights, I would do my homework and call Dick Heinie to ask which large law enforcement agencies specify his sights on their weapons. During a phone conversation recently, Heinie confirmed that many agencies either issue or authorize his sights on their officers' duty guns. If you'd been listening in, you would have recognized the names of the agencies he rattled off. Adding a better set of sights



Heinie Straight Eight night sights (left) and standard match grade sights (right).

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even tritium night sights is a good modification and is completely court defensible.

The popular 24/7 Express sights, while not my favorite pistol sight, also fall into the category of being completely court defensible, as do most other after market custom sights.

Following the same reasoning, installing a laser-sighting device on your self-defense gun is court defensible. First, as with Heinie sights, many agencies now specify a laser sight on their duty pistols and usually the brand is **Crimson Trace**. The Crimson Trace laser grips augment my bedside pistol and when I was a working street cop, I wouldn't think of going on duty without the Crimson Trace lasers on my Glock Model 24.

Internal action work, performed to increase the reliability of a firearm and increase accuracy potential is also in the "good" modification category, as long as doing so doesn't remove or disable any of the handgun's safety features.

For example, adding a New York trigger to your Glock pistol would be a good modification. The little piece that replaces the break-age-prone trigger spring, not only increases the Glock pistol's reliability but also in my opinion creates a better feeling trigger. The New York trigger changes the take-up feel of the trigger and increases a 5½ pound let off to 11 pounds. If needed, you could likely get from Glock a list of the police agencies which order their guns with New York triggers, including the part's namesake, the New York Police Department. This modification is completely court defensible.

Replacing a guide rod if you believe it necessary to increase the reliability of your pistol, or polishing the feed ramp so the gun feeds more reliably, certainly is defensible. So is smoothing out a trigger pull so there is a clean let off, as long as you don't lighten the trigger too much. What is too much? Most professional instructors believe that a four to five pound pull weight is the minimum trigger pull weight for safe operation of a defensive handgun.

Still, there remain gun owners who believe that a very light trigger pull contributes to accurate shooting, but this

suggested advantage is overshadowed by the possibility of an accidental or negligent discharge to which a light trigger pull can contribute. It wouldn't be difficult to hire any number of expert instructors to come to court for you and testify to this issue if you needed it, but it would be just as easy for the plaintiff's attorney to hire an expert to opine that having a three pound trigger pull weight on a defensive handgun is negligent.

Other reasonable modifications to semi-auto pistols include replacement grips to fit the gun to your hand better. Adding a simple magazine well funnel to allow you to reload your pistol more reliably makes sense, too.



Custom revolver work by Grant Cunningham includes a bobbed hammer with the single action notch removed.

Wheelgun Upgrades

Good modifications for double action revolvers are fairly limited, but there are a few alterations that make a positive difference. Replacing grips, tuning the action and bobbing the hammer are routine and all are entirely court defensible.

Recently, I acquired a like-new Smith and Wesson Model 13 .357 magnum revolver with a 3-inch barrel. I'd wanted one for years, so when this one came up for sale on an e-mail list, I jumped on it. I had to drive two hours to pick it up, but it was worth it. After admiring my prize for a month or so, I sent it off to my friend Denny Reichard of **Sand Burr Gun Ranch** in Rochester, Indiana. I didn't ask Denny to do anything fancy to the Model 13, just a trigger job, along with

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polishing and de-burring the sharp edges of the hammer spur, radiusing the trigger and chamfering the cylinders to ease reloads.

These are all court defensible modifications. De-burring the sharp edges makes the gun less likely to snag on clothing. Rounding the trigger eases double action firing. Smoothing out the trigger pull also increases ability to shoot accurately. Reichard offered to bob my Model 13's hammer, to effectively render the gun double action only, but I decided against it. Finally, I replaced the grips with a pair of old Davis grips I acquired from PPC legend Bill Davis about 20 years ago to custom-fit the revolver to my hand's size and shape.



Above: Author's S&W Model 13 sensibly customized by Denny Reichard.



Right: Author won the Model 19 with gold plated hammer, trigger and cylinder release at a shooting match, but has never carried it.

For more information about Reichard, revisit my June 2008 article entitled [A Visit to an Alternate Reality](#) in which I discussed Sand Burr Gun Ranch.

Additional court defensible modifications to revolvers include bobbing the hammer and converting the revolver to double action only, as ably explained by Grant Cun-

ningham, a Network Member and revolver smith extraordinaire, on his [website](#). While Cunningham's work is superb, even better, if asked to testify in court about what he did to your gun and why, Grant would be more than happy to do so. So would Reichard and I suspect any other good gun gunsmith who works on defensive firearms for a living.

Bobbed hammers, de-burred or rounded edges, radiused triggers, chamfered cylinders, and action jobs: these are the custom modifications to revolvers that make sense to me, because they fall into the "Good" category.

All That Glitters is Not Good

Okay, now for the "Bad" modifications. If you wonder whether or not doing a modification to your gun would look bad in court, then likely you shouldn't make that modification.

Making your gun look like one a pimp might carry is a bad thing, in my opinion. What good can come from making your gun look like it should be in the glove box of a Ninth Avenue Cadillac? My nickel-plated Smith and Wesson Model 19, complete with gold trigger and hammer, is an example. I won this gun at

a shooting match; I certainly didn't buy it. I've often imagined the field day any good prosecutor or plaintiff's attorney could have questioning why I wanted to do such a thing to a gun! I use the gun to teach with, but that's it. I've never carried it for self defense, and likely never will.

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Likewise, in recent years we've been seeing a bumper crop of pink, purple, crimson, gold and just about any other color of gun you can imagine, including tiger striped and camouflage baked on finishes. Like my Model 19, take those masterpieces to the range and enjoy the attention they attract, but carry a serious handgun for self defense, please.

Naming your gun is also a pretty bad idea. Engraving your name or your roscoe's pet name on the slide or side plate will raise the eyebrows of a few members of the jury, especially those who would rather see all guns removed from the hands of law-abiding citizens. I expect a good attorney would argue that you were so fixated on guns that you had to name one after yourself.

Ugly Problems

Some modifications are so risky that rather than just call them bad modifications, I put them into the category of ugly modifications because the self-defense shooter asked to explain them in court will be hard pressed to make a good argument in their favor.

The first ugly modification is reducing the trigger pull weight below factory specifications if that results in a trigger pull of less than four to five pounds. The second is disconnecting or removing safety devices that are part of the design of the gun as it comes from the manufacturer.

A common issue to trigger pull weight involves Glock pistols, because it is so easy to change the weight of the trigger pull. Glock trigger connectors are marked with a (-)

for the 4½ pound connector, and a (+) for the 8 pound connector. If a knowledgeable Glock Armorer inspects your pistol, it won't be hard for them to see if you swapped connectors. In research for this article, I learned that sometime ago Glock re-named what we once called the 3½ pound connector to the currently catalogued 4½ pound connector. I understand that the part is unchanged so I am not



Glock's New York trigger (left) shown with standard trigger spring and connector.

sure why it has a different name. Glock connectors are a stamped part, so there is likely to be some variation in pull weights between individual trigger connectors and perhaps this explains the name change.

The recommendation is to not use the (-) connector in a self-defense gun. If you can't get accurate hits without

a negligently light trigger pull, I respectfully suggest you get some good training. You may ask if my concern about three or four pound trigger pulls is inconsistent with my approval of trigger jobs for double action revolvers. Remember, the revolver has a stiff 13 to 14 pound trigger pull. The action job aspires to reduce that to a manageable 8 to 10 pound pull weight. If justification for a revolver action job was needed, a police firearms instructor could give expert testimony in court. We would seek one who was instrumental in transitioning his police force from double action revolvers to semi-automatic pistols, and we would talk

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about the hit percentages increasing after the department switched to an easier shooting semi-auto.

Disconnecting or removing safety devices is the most egregious modification done to self-defense handguns. In the 1980's, it became popular to either pin the grip safety or tape the grip safety down on a 1911-type pistol. Disabling the grip safety was deemed necessary because of a shooting technique in vogue at the time. Shooters were taught to rest their thumbs atop the manual safety instead of wrapping their hand around the grips, with their thumb curled down. Occasionally, the shooter's hand would not depress the grip safety rendering the gun inoperable. Instead of changing how the shooter grasped the handgun, some chose to disable the grip safety.

Let's get this straight. Imagine that you are in court, accused of using poor judgment when you shot someone you believed was about to kill you. Do you expect the jury to believe you when you say it wasn't poor judgment to disconnect or disable safety devices on a deadly weapon? Whether or not your life was threatened, your credibility will be questioned. It will be worse in a civil trial for negligence, where the plaintiff only has to prove to a 51% probability that you behaved negligently.

Fortunately pinned grip safeties are now relatively rare thanks to the invention of the memory bump, as illustrated by the Smith and Wesson 1911 in the picture above. I still see the question surface from time to time in Internet discussions, and it is an excellent illustration of an ill-advised modification. Don't remove or disable any feature the gun's manufacturer designed as a safety measure.

Removing the magazine disconnect safety is another poor judgment call. This safety makes it impossible to fire the pistol when the magazine is removed. The modification is most commonly done on Hi Powers. The disconnect safety pushes against the magazine hard enough that an empty magazine will not drop out freely when the magazine release button is pushed. The solution is better handled with training, not gunsmithing. If the magazine does not drop out when released, learn to pull it out as part of the reloading procedure. A magazine remaining in place after being released is also common with Glocks, and



Most 1911 pistols made today have grip safeties with a memory bump as shown on the left.

probably other pistols, as well.

Learn to swap magazines quickly, or don't reload your gun if you are still in the middle of a critical incident where you might need to fire the round in the chamber. I don't think the trade off of that chamber round and a slightly easier reload is worth the potential for being accused of negligently removing or deactivating a safety device.

Can You Explain?

In the end, each self-defense gun owner has to decide which modifications they can reasonably explain, should ever they be called to do so in front of a jury. If your use of force is reasonable and justifiable, these issues may not ever come up. If your self-defense incident is clear cut, you will likely not be arrested or sued, and it likely will not matter what modifications were done to your gun.

Are you willing to gamble on "likely?" If the nature of the incident is not clear cut, if you are arrested and prosecuted, or if you are sued in civil court, count on any bad and ugly gun modifications coming to light as part of the effort to paint you as negligently irresponsible. Count on spending a few thousand dollars in expert witness fees to explain to the jury why the modification to your gun didn't play a role in the incident they are asked to judge.

Then, let's just hope the jury buys your reasoning. ●

About the author: Marty Hayes is the president of the Armed Citizens' Legal Defense Network, LLC, and a firearms instructor of over two decades experience. A former police officer, he works in the legal profession as an expert witness testifying in firearms and use of force cases.

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Vice President's Message

You've probably seen over the past few months various **eJournal** references about the Network's membership growth as well as the increases in Foundation assets. A few more details are provided here in order to present a comprehensive picture of the Network's ongoing successes and strengths. The information may also be

helpful to current members who may appreciate a collective summary of benefits. Further, it may be persuasive to nonmembers who are reviewing the eJournal for one final time before joining.

Membership

We will soon top 3,400 members. Renewal rates are strong and new members are signing up on a regular basis. Network members see the advantage of maintaining membership in a group that has much to offer the legally armed citizen. Members reap ongoing benefits from the monthly eJournal; educational DVDs on the use of deadly force and related topics; the members' forum; member discounts on books, DVDs and instructors; and access to affiliated attorneys nationwide, especially helpful if you travel and carry.

As you might imagine, our recruitment efforts try to gain access to nonmembers who receive information about the Network from a variety of sources before deciding to become members. The Network's web site answers a lot of questions about the Network and serves as its own 24/7 membership recruiter. The popular monthly eJournal usually contains recruitment news and always ends with a membership application page. Affiliated Instructors, who represent the Who's Who in the firearms training industry, share the Network's goals with students. This group of trainers is growing in size and many offer Network member discounts to attend one of their outstanding courses. If you haven't taken advantage of one of these great courses lately, visit the Network's web site and click on the Affiliated Instructors link. You should find an instructor and course in your vicinity. Make it one of your goals this year to take advantage of these offerings.

Individual members serve as recruiters because they like to share the news about the Network with their col-

leagues. Nothing speaks louder than a friendly recommendation from a pal. Thank you one and all for sharing information about the Network and encouraging your friends to join.

The Network Representative Program is working well in most states. It is growing in scope and coverage with eager members volunteering to formally share the word about the Network. What are Network Reps expected to do? Simply recruit members on a more formal basis via personal contact with individuals who share the Network's goals. Potential Network Representatives should become familiar with the Network's mission and benefits and be willing to encourage others to join. Contact with potential members can be made at a number of locations, including gun ranges, gun stores, gun clubs, and gun shows. While personal contact may have an advantage, obtaining permission to leave Network brochures where they can be picked up is a solid recruitment step. It's not necessary for Network Reps to participate in every gun show in an area or to be a polished public speaker. But, if you want to help others in the concealed carry community understand the importance of Network membership, contact me directly to discuss how we can work together and add your name to our list of Network Representatives.

Over the past year we have been working with gun shops and shooting ranges in order to increase the Network's presence. Most of our contact with gun shops has been by personal letters to FFL gun shops with an offer to provide copies of our booklet, *What Every Gun Owner Needs to Know about Self-Defense Law*. We offer copies of the booklet free-of-charge if they agree to share the

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booklet with customers. The names of affiliated gun shops are listed on our website. Be sure to take a look at this list before your next purchase. While we are soliciting the gun shops directly, you are encouraged to ask your local gun shop if they want to be listed on our website for the membership data base to know who shares their interest at the local level. This may give you a chance to introduce the Network, hand them a brochure or booklet, and ask them to support the Network.

To reach nonmembers, we also are developing opportunities to affiliate with local and state groups. This affiliation essentially provides a mechanism to have the state group encourage their members to join the Network, perhaps reinforcing the importance of Network membership that the nonmember may have been exposed to via other means. Let me know if you are in a state organization leadership position and would like to have your organization considered for Network affiliation.

Another recruitment tool is our participation in meetings where we setup our Network exhibit booth, meet current members and solicit new members. For example, we have attended the past several NRA meetings and intend to participate in the NRA meeting in Pittsburgh this year. We are also evaluating attendance at other meetings of groups representing our target markets. To prepare for this possibility, we are creating a new booth appearance to give the Network an appropriate modern look.

While things mentioned above summarize our major recruitment activities, please remember that the Network and Foundation are available to support members AFTER a self-defense incident. This brings into play the Armed Citizens' Legal Defense Foundation.

Foundation

The Foundation establishes our nonprofit legal defense fund that directly benefits members who are involved in a self defense incident. The fund is growing along with our membership inasmuch as 25% of member dues and renewals and all proceeds from the auctions and corporate contributions go to the Foundation. We are now at the \$110,000 level in the fund and growing along with the membership.



Armed Citizens' LEGAL DEFENSE FOUNDATION

The Foundation's support of a member is one of the primary and perhaps the most valued benefit available to assist an individual. The Foundation's primary mission is to provide legal defense funding to support lawfully armed citizens who are faced with court challenges following a self-defense incidence. This support for members begins with the Boots on the Ground Program.

After a self-defense shooting, the involved armed citizen desperately needs legal representation and an independent investigation of the incident. The Network stands ready to get this underway for its members with an initial deposit from the Foundation against attorney's fees of up to \$10,000. If requested, a Network official will go to the location of the incident to assist the member obtain these critical services. If the member does not have an attorney,

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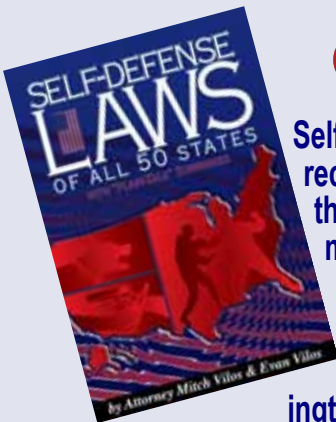
either from the affiliated attorney list or from their own relation, a Network representative can assist in the attorney evaluation process. In addition, the attorney representing a Network member involved in a self-defense incident may request a case review by a Network self-defense expert at no charge and seek consultation about defense strategies. If additional financial assistance for legal fees is requested, the Foundation's Advisory Board will be responsible for evaluating the case and approving requests for funding.

As a Network member, you will be the direct beneficiary of the Foundation, should you ever need its support. Dealing with the aftermath of a life-or-death encounter is serious business, but knowing you have the Network's team of experts, consultants and experienced attorneys can go a long way to reduce your and your family's trauma. Importantly, you also will have access to the financial strength of the Foundation.

The Foundation also serves as the beneficiary of corporate sponsorship. Based on our experience at the recent SHOT Show, many corporations continue to see the advantage of the Network's efforts. Galco, Safe Direction, CorBon, to name a few, all said 'yes' to a request for the continued donation of items for the auction. You will see items from these and other companies on our GunBroker.com auctions. And, we have already received a Microtech knife from one of our member discount companies, Accurate Edge, to auction in the near future. Watch for the announcement of this select item.

An ability to deal with the aftermath of a self-defense incident is why the Network and Foundation were created. Be prepared by joining or renewing your membership. If you are involved in an incidence, there's nobody else who's going to do what the Network and Foundation will be able to do for you. ●

Self-Defense Laws of All 50 States



Self defense is one of the "inalienable" rights we hold dear. The laws of some states recognize that right while others ignore or over ride it. Knowing where states draw the line between your rights and the rights of those who seek to harm you could make the difference between personal and financial disaster.

Network Affiliated Attorney Mitch Vilos, with his son Evan, has written a clear, concise book that provides quick and easy access to the statutes, case law and jury instructions concerning self defense in each of the fifty states and Washington D.C. It cuts through the thicket of legal mumbo-jumbo with the help of "plain-talk" summaries and is illustrated by interesting and entertaining true-life examples.

Included is an easy-to-understand outline of critical self-defense issues for each state. Gain immediate knowledge of negative factors that increase the chances of arrest, prosecution and conviction. Discover the principles of law that could give you a split-second tactical advantage during a violent attack as well as laws that are hostile to self defense. 556 pages, softbound.

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Affiliated Attorney Question of the Month

Thanks to the generous help of our Network Affiliated Attorneys in this column, we introduce our members to our affiliated attorneys while demystifying aspects of the legal system for our readers. This month, we based our question of the month on an inquiry from a Network member who asked—

Many of us carry smart phones that are capable of voice recording as well as video recording. If a person involved in a self-defense shooting were to have the wherewithal to record the conversations with responding officers as well as video the physical evidence, would that be of benefit? Are there legal concerns such as gaining permission of those being recorded?

The question generated so many illuminating responses that this will be the question of the month for both March and April. We appreciate our member starting this informative discussion, and encourage other members to email their questions to editor@armedcitizensnetwork.org. And now our affiliated attorney's' answers—

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On the question of using a smart phone to record the interchange with the police after a self-defense incident, this is unfortunately a very bad idea at this time for the following reasons:

Some cops and prosecutors as well, too many it appears, are very thin-skinned animals. Several people around the country have been arrested for video taping traffic stops or audio recording in the manner suggested by the question. In some cases they have been charged under felony wiretapping laws. Several states have statutes that require both parties to a recording to give consent to the recording of their voice or image. These statutes are probably unconstitutional but until a court vindicates that opinion with a ruling, the answer to the current monthly question has to be a resounding, "No way. Don't do it."

Here are links to some background stories:

- [New Hampshire man charged with felon for video tapping traffic stop](#)
- [Black teen who filmed an LAUSD campus cop hit-](#)

[ting a student](#) faces bizarre charges and years in prison and this is a related story: [Student Accused of Trying to Lynch a Campus Cop](#)

- [Police Continue to Harass Citizens Who Record Them](#)

It is appalling that this could be going on in America, the land of the free and the home of the brave. But it is and until we get a definitive judicial or political action to stop it we have to live with it and gauge our actions according to how much stomach we have for a legal battle with police and prosecutors.

There are some hopeful signs on the horizon; here are a few:

- [Charges Dismissed Against Maryland Man Who Taped Traffic Stop](#)
- [Taking Photos in Public is Not a Crime](#) (Making video or audio recording is the same.)

Most state statutes criminalize only the surreptitious recording by someone not a party to the conversation, so that if at least one party to the conversation consents there is no crime. But even in those states cops and prosecutors can trump up a charge of unlawful inference with a police officer, obstruction of justice, etc. The thing to remember that even if the charge is eventually dismissed, the person charged will suffer financially and emotionally for a long time before that happens.

Professor Glenn Reynolds of the University of Tennessee Law School has this message for police and prosecutors who harass citizens over video or audio recording: "What are you afraid of? Do you have something to hide? If you're innocent, you should have nothing to fear ..."

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Meghan E. Jones-Rolla

Meyer Darragh

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I think the answer is, it depends. There are several states where it is unlawful to record a person's voice without their permission. There are eleven states that require permission of all parties to record. Other states require just one party consent. If the person is in one of those eleven states and they record these statements surreptitiously, they may also find themselves charged with a violation of the wiretap law. If you have permission to record, you would not have a problem. As a general rule, recording images of an incident or person without their permission is not unlawful as long as you are standing in a lawful vantage point, i.e., you are standing on a public street.

Stephen D. Benson

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www.vindicatorlaw.com

There may be serious criminal implications of recording or videotaping another party without their consent depending upon where one lives. In Maryland for example, it is illegal to record any conversation without all-party consent. In a number of other states, including my own state of Colorado, so long as the person making the recording is a party to the conversation, it is not illegal to record it, and the audio is admissible for refreshing memory or impeachment purposes in court proceedings. Always consult a lawyer first to determine whether the laws of a particular jurisdiction require all-party consent.

With that said, my advice is keep it simple: avoid the situation all together by not talking to the police at all in the wake of a shooting incident beyond providing basic identification and contact information. Even a truthful statement made with the best of intentions can be misinterpreted or misquoted by law enforcement personnel. There is an excellent example of how this kind of thing can happen in the movie *My Cousin Vinny* when Ralph Maccio is being interrogated at the Sheriff's Office by Bruce McGill. Maccio believes he is being questioned about shoplifting a can of tuna fish when he is actually being questioned as a murder suspect. The statements he makes to McGill are subsequently used against him at trial. Bottom line: the less one

has to think about and talk about immediately following a self-defense situation, the better.

Merely invoking the right to remain silent is not sufficient protection because the police are permitted to reinitiate questioning after a "reasonable time." The only way adequately to protect one's self is to invoke the right to counsel at the earliest opportunity. Doing so legally bars the police from attempting any further interrogation outside the presence of an attorney. Absent a very narrow set of special circumstances, silence cannot be used against an accused in a criminal prosecution. Anything an accused says to law enforcement, however, can, and usually is used against him by the prosecution in the event charges are later filed. When the right-to-remain-silent portion of the Miranda advisement is given, it is not a joke. When an officer says "anything you say can and will be used against you," he means it. It should also be noted that Miranda warnings are not always given by the police to a suspect.

Hollywood has created a misconception that a person must always be read his Miranda rights when the police attempt to question him or the entire case gets "thrown out on a technicality." Nothing could be further from the truth. The Mirandizing of a suspect is required only when the person being questioned is "not free to leave." If a suspect is not actually restrained or in custody, the police are not required to, and routinely do not give a Miranda warning advisement. Instead, they simply talk to the suspect and use their interrogation techniques (in which they receive extensive training) to elicit sufficient incriminating information to make an arrest and build a solid criminal case for prosecution.

Recording devices have their uses, but if you are a potential suspect following a self-defense shooting, silence is golden.

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Jon H. Gutmacher, Esq.

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You ask if a person involved in a shooting should record the conversations with police, and also photo/video the scene for both future use, and to make sure there are no inconsistencies. My response is that it would likely be a very good idea to have a family member do that if at all possible rather than yourself. It might make you look too "cold blooded" if you yourself filmed immediately after -- even though this is an excellent idea from a standpoint of what your attorney can use. Plus, it might be seized as evidence, and used against you if revealed to police.

Likewise, there could be issues with police being taped without their knowledge that could cause additional problems--although it would not be improper to ask if you could tape any questions asked and your responses. Most attorneys would caution you to be very limited in anything you say beyond it being self defense, being "in fear of my life," and if it was a break in, pointing out where the break in occurred or if the assailant was armed, that fact. Anything beyond that normally just gets you in more trouble, and you usually want to cut it off beyond that point saying you'll "be glad to speak to the police later on, but need to speak to your attorney at this point."

Stephen T. Sherer

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Each state approaches this issue in its own way, so my statements are relevant to the state of Idaho. The general rule is that you are not allowed to record conversations, unless an exception applies. The statute is found at Idaho Code Chapter 67, title 18, and prevents all persons from recording or intercepting any wire, electronic or oral communication.

The penalty for unlawfully recording a conversation is up to five years in jail and a \$5,000 fine. The exceptions come very close to swallowing the entire rule, with the major exception found in I.C. Section 18-6702 (2)(d): "It is lawful under this chapter for a person to intercept a wire, electronic or oral communication when one (1) of the parties to the communication has given prior consent to such interception."

While this is the law in Idaho, it is my understanding that in other jurisdictions it may be required to notify both parties that the recording is occurring, but it will always be allowable to record your own statements.

J. Darren Byers

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I think this is a good idea. In North Carolina only one person is required to consent to the recording (the person recording.)

Elizabeth Powell

Attorney at Law
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253-274-1518

Not in Washington State ever! There is a specific criminal statute outlawing the recording of a person's voice in Washington without their knowledge and permission. If a client comes to me and says, "I recorded her saying she knows that . . ." and I ask if she knew the recording was taking place and my client says "No," I tell them that the recording is useless as evidence and that they can get in trouble for even having it.

On the other hand, persons have no reasonable expectation of privacy when they leave a voice mail on someone else's phone. Voice mail transcripts can be very useful and are admissible with the proper foundation. ●

The April edition of this column continues discussion of this topic, so don't forget to check back for more next month!

We appreciate the contributions our affiliated attorneys make to the Network, including their interesting responses to questions in this column. Contact information for our Network affiliated attorneys is linked at www.armedcitizensnetwork.org. Member log in required.

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Affiliated Instructor Question of the Month

One of the Network's great strengths is its affiliation with gun stores, firearms instructors and attorneys. The *Question of the Month* introduces readers to our affiliates, as well as initiating discussion into important topics.

The old debate about whether one should tell the police anything after a self-defense shooting has recently heated up again. One side of the debate believes the shooting survivor will be too agitated and disturbed to limit their statement to police to only a few very brief facts outlining who was the aggressor, that aggressor's actions and pertinent evidence, before invoking their right to have legal counsel present before further questioning. In a nutshell, this is classic advice for someone guilty of a crime, but in the Network's opinion, it is not the best course of action for an innocent person who acted in self defense.

Those subscribing to the "shut up immediately" theory fear that in the throes of the post-shooting effects the intended victim will lose control and blab unreservedly to police, spilling out inaccuracies and potentially damning details about what happened. That is a real concern, and we've always wondered why, when shooters spend so much time and money learning to shoot, there is so little effort put into practice for post-shooting survival. Shouldn't shooting schools offer training in surviving the aftermath?

This line of thinking led us to ask the Network's Affiliated Instructors how they prepare their students for this aspect of self defense. This is what we asked them—

What actual training drills do you undertake with your students to prepare them to interact with law enforcement after a self-defense shooting?

The Gun Guy, LLC

Richard D. Jennings
816 Atlantic Avenue, Red Lion, PA 17356
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I use primarily role play. It's a case of "do it over and over" and, when/if the time comes, you will probably respond correctly. While the safest response is that your firearm be holstered when "help" arrives, if that is not the case (due to a unique situation), students are taught what to expect in the way of response/commands from responding personnel. When possible, I enlist the aid of actual law enforcement officers to assist with the scenario.

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When I run force on force scenarios, I keep the action moving after the shoot/don't shoot phase ends. That includes simulated communication with bystanders, family members, 911 dispatchers, sometimes simulation of rendering medical aid to self or others, and interaction with responding officers.

I have several assistant instructors that are law enforcement officers, who use these scenarios as an opportunity to practice what they would do on duty, as the students practice their part of the interaction. In some scenarios we include a separate debrief, where the student tries to recount all the details that would be shared with legal counsel.

Often students are surprised to find that their recall of specifics, less than ten minutes after the incident, don't always agree with the memories of other participants in the scenarios, or with scenario observers.

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We cover this topic in both our Personal Protection Course and our CCDW courses, usually by a role play scenario. Once the offender is no longer a threat, instruct them

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to lie face down on the ground with arms and legs extended. Instruct them to remain in that position until the police arrive. The police on arrival may know who is the offender but this cannot be taken for granted.

Our students are instructed to take the following action when the police arrive at the scene: Raise your empty hand to acknowledge the police vehicle and lay your gun slowly on the ground. Do not at any time point the gun in the direction of the officers. Announce to the officers that you are a concealed permit holder and you took action to protect yourself or others. State to the officer that you are willing to cooperate fully with any investigation after you have spoken to your legal representative.

Do not answer any other questions regarding the incident other than to identify yourself and produce your permit/ID as required.

Our students are told that they are likely to be arrested by the police pending inquiries and that this is not an indication of suspicion of wrong doing, but merely normal procedure. A police officer is usually in attendance at our Personal Protection course and can give additional advice as needed.

Tactical West, LLC

Kevin McNair

4015 S. El Capital Way, Las Vegas, NV 89147

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We teach our students that first and foremost if they are forced to shoot an attacker, they must ensure their safety and the safety of others around their immediate area. They must not approach the attacker under any circumstances, keeping in mind that he or she may be able to quickly recover from their injuries and could still be a viable threat! They are taught to seek cover, reload and immediately survey the area for additional threats, while diligently keeping a watchful eye on the primary threat, keeping in mind that just because the primary assailant is down doesn't mean he/she is no longer a threat.

Once the area is secure, immediately call the police. Tell the police dispatcher you were attacked and were forced to fire your weapon in self defense and you are holding the attacker at gunpoint. It's also important to identify your location to the dispatcher and they will give you instructions to follow when the police arrive. We stress the

importance of following the dispatcher's directions precisely once the police arrive. Stay on the line with the dispatcher if at all possible until the police arrive at the scene.

At this point, we tell the students to find and remain in a cover position with the assailant at gunpoint until the police arrive and can take control of the crime scene. We stress the importance of not talking to the assailant except to yell short, decisive commands as necessary to maintain total control over them. We also emphasize that they must be prepared to deal with the situation and not give in to the assailant even though they may be lying in a pool of blood and/or in substantial pain. They must wait for the police as their gunshots may have only temporarily incapacitated the assailant and he/she could suddenly revive and attack again.

Finally, we emphasize that it is of utmost importance that the integrity of the crime scene be maintained so the police are able to gather proper evidence upon their arrival. They will be looking for bloodstains, footprints, shell casings, bullet holes, fragments, etc. Students are told they should make sure that everyone stays completely away from the crime scene area.

We also tell our students that it's important when communicating with the dispatcher to be as precise and accurate as possible with the details and do not say anything unless they are absolutely sure they are correct. They need to accurately describe themselves and the attacker so the police know whom they are and what they look like to make identification easier upon arrival. It is also a good thing if they can remain on the phone with the dispatcher when the police arrive to help identify the situation, especially since the victim has a gun in their possession. If they are unable to speak with a dispatcher and are in possession of a firearm, they need to identify themselves and not point the gun at the police and make all moves slow

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and precise so the scene can be sorted out and the police are able to see they are the rational one at the scene.

Bottom-line: make the right decisions, survey the area surrounding the shooting and make sure there aren't any additional assailants, communicate effectively with the police and maintain the integrity of the crime scene.

Grant Cunningham

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I don't do much in the way of what's called "judicious use" training; it's not what I'm focused on. On those rare occasions when I'm asked those kinds of questions, I refer them to the ACLDN!

That's because I'm not an expert in this area; I can only relate to them what I've been taught, which is an end-user level of knowledge. I know to secure the gun before I'm confronted, to follow the responding officer's commands, point out any witnesses and relevant evidence, emphasize that I was forced to shoot to save my life, and politely decline further questioning until I've had a chance to speak with counsel.

I understand why I need to do those things, but that doesn't mean I'm qualified to teach others. Providing the student with the necessary background and legal theory to understand the "why" behind each of those is not my area of expertise.

The folks who do this, who specialize in it, are the ones who can give them the information necessary for proper understanding. Those folks are all members of, and available through, the ACLDN. By referring students I can be assured that they'll get the kind of authoritative and current information they need.

Jim Crable

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I have not had drills on this subject, just discussions. After mentioning this, it really would not be a bad idea. Drills would make the proper actions more of a natural action without as much thought being required if the situation occurs. Below are items that are pointed out in classes:

In a perfect situation using a firearm in self defense, you would be able to holster your handgun prior to the arrival of law enforcement. If this is not possible several

things should be done.

- If a 911 call was made, assure your description (the good guy) is given.

- If possible, have someone meet the police and identify you as the good guy.

- If you are keeping the bad guy covered, upon the arrival of the police, keep the gun visible to the police.

- Make eye contact with the police and identify yourself. Don't make conversation; just do exactly what they say. Conversation will take place after law enforcement has secured the scene.

- The police will tell you to drop the gun; do it. Don't make extra movements to lay it down, just drop it.

- If dropping it will position it where the bad guy can reach it, tell the police you are moving your hand, in a direction away from them, so that you drop it away from the bad guy.

- Make no sudden movements.

- If the police take you into custody, do not resist. They need time to sort things out.

- Now the danger is over; try to relax (as much as practical); take deep breaths; get your bearings.


- Do not blab; state the basic situation and do not go into detail. The United States Concealed Carry Association has a card that spells out nicely what should be said to police.

- Call your lawyer if this has not already been done.

Following the steps outlined will allow you to survive the initial violent encounter, survive the police response, and allow you to prepare for the potentially rocky road ahead.

As I stated, I have not put this into drills but I plan on adding such drills in the classes scheduled this spring. Thanks for the idea. ●

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Book Review

Self-Defense Laws of All 50 States With "Plain-Talk" Summaries

By Attorney Mitch Vilos and Evan Vilos
Guns West Publishing
P O Box 1148, Centerville, UT 84014
ISBN 978-0-9845058-0-7

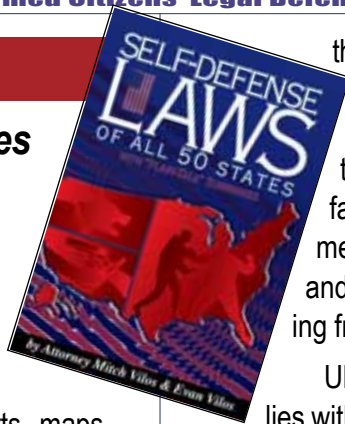
556 pages, two-color type to differentiate between law and commentary. Some use of charts, maps, and amusing illustrations. — \$29.95

Reviewed by Gila Hayes

On a recent Saturday, I spent the better part of studying a book of which I'd been aware for some months, the second edition of Mitch and Evan Vilos' *Self-Defense Laws of All 50 States*. Mitch Vilos is a prominent trial lawyer, practicing primarily in Utah since 1978, with considerable focus on firearms law and personal injury, who recently agreed to serve our members as a Network affiliated attorney. In addition to his credits as author of several books and articles in law publications, Mitch Vilos talks about negligence law, medical malpractice, insurance law, representing people with traumatic brain injuries, constitutional law and firearms (self-defense) law on TV and radio, as well.

Vilos teams with his son, Evan, in *Self-Defense Laws*, and credits the younger man with organizing the research efforts and tabulating the findings that support this extensive resource book. We met the father-and-son team at an industry convention in January, finding both not only impressively knowledgeable, but also simply very nice fellows.

In the Preface, the elder Vilos explains that his legal practice commonly serves clients who failed to grasp



the limits in the law of self defense, which can be "vague and difficult to understand." The book's stated goal is to act like the fence "at the edge of a sea cliff that protects people from falling into the ocean, rather than coast guardsmen at the bottom of the cliff who dredge up torn and dismembered corpses ripped apart by feeding frenzies of sharks and barracudas."

Ultimately, the authors warn, the responsibility lies with the individual to understand the law. Unfortunately, not only are most state laws written in language not readily understood, but the codified law doesn't always actually govern what a citizen may and may not do in self defense. Thus, *Self-Defense Laws of All 50 States* quotes heavily from instructions with which judges charge juries, as they explain laws applicable to the case and how the jury is allowed to apply those laws to their verdict. In addition, the hefty 556-page book includes references to case law that can be extremely difficult for ordinary folks to unearth. Often a brief outline of the case's fact pattern is provided and though the authors warn against basing one's actions on conclusions drawn from the real-life examples, those little vignettes lend interest to what would otherwise be dry reading.

Self-Defense Laws of All 50 States starts by defining terminology, and though many of our readers are familiar with terms like Necessity, Justification, the standard of Reasonableness as applied to self-defense decisions, the authors' use of examples and quotes from a variety of state laws illuminate the generalities many were taught in the hour or so their gun class dedicated to gun laws.

Though we may inaccurately equate self defense exclusively to shooting, *Self-Defense Laws* usefully cites

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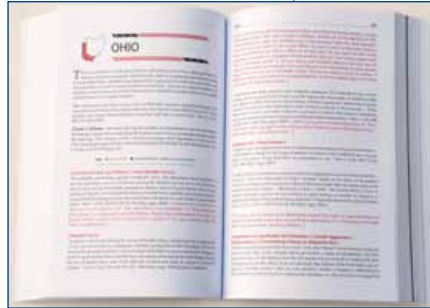
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state statutes about physical force, as well. This will prove useful to those depending on other forms of self defense, for example travelers who do not have a permit to carry in a particular locale or the unfortunates living in places where being armed is heavily restricted.

Additional pages include cautions about defending third parties, initial aggressor, duty to retreat, defense of the home, workplace or occupied vehicle, civil liability and standards of proof, defense of property, and more. Interestingly, the authors also note defense concerns not addressed in the laws of each state. With rooms of libraries holding nothing but law books, it is unthinkable that there is any aspect of human existence not legislated, but as the authors point out, some very critical potentialities fit into this category. Self-defense gun owner, read and beware.



Colored type differentiates between law and commentary.

And, even though it takes 556 pages to detail all those possibilities, the authors offer the following optimism: "Even in the states with the least protective self-defense laws, if a jury finds that all of the following conditions are met, you will be found not guilty on the theory of self-defense: (1) You are completely without fault in either starting, continuing or escalating the conflict; (2) You have a reasonable and actual belief that the force being threatened against you could cause serious bodily injury or death; (3) The threat is imminent; (4) You use only necessary force, not excessive force, and (5) Before using any force you retreat until it is no longer safe for you to do so."

Interestingly, the authors note that 45 states have departed from the complex Model Penal Code, in favor of composing their own rendition of when you can and cannot claim self defense. This may be just as well, given the old-fashioned nearly unintelligibly circuitous language describing what you may and may not do in laws based on the Model Penal Code.

The authors provide URLs for further study. A citation for California's jury instructions is particularly critical for residents of a state that the authors point out have pretty much left their self-defense laws unaltered since the 1800s. Instead, judges set precedence and case law influences the adjudication of future trials. Makes things a little

hard for the California gun owner who just wants to read the laws of his or her state to learn where he or she stands.

And it isn't just California. I was surprised how frequently the authors commented that the laws of the state under discussion were so outdated that what is permitted as self-defense is drawn from case law and jury instructions. Wait until you read the introductory paragraph for the segment on Maryland's self-defense laws! Apparently the only state statute to make any mention of self defense is specific to battered women's syndrome! While the authors have occasionally indulged in offering advice to various state legislatures in prior portions, they hit the roof over the unavailability of jury instructions to the general public, as it is this on which Maryland law solely depends when setting the standards of what constitutes legally justifiable use of deadly force. They discover nearly as bad a deficit in Massachusetts, and berate both states to get with it and codify the concepts embodied in their case law.

Perhaps even more troublesome are state statutes that bear no resemblance to the state's case law and jury instructions. This is usually the result of very old laws left in effect with no attempt by lawmakers to revise them. The authors warn that New Mexico, California and Nevada, to name only a few, have laws that are distinctly in opposition to current court rulings. "It's NOT FAIR for state laws to tell you that you can do something and then singe your bacon for doing it!" opines an exasperated senior Vilos, attributing the exclamation to Pancho Vilos, his [SASS](#) persona.

All of the states of the Union receive analysis similar to these few examples, with between four to a whopping fourteen pages dedicated to different state laws.

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Reading *Self Defense Laws* takes quite a bit of time. If on a tight schedule, start by skimming Chapters 3 and 4, then go directly to your own state and any contiguous states or areas to which you travel frequently. Thereafter read Chapter 7 and make sure you understand the fifteen "Thumbs Down" items that make it more likely that arrest and probably prosecution will follow self-defense gun use. This chapter is a winner, illustrated by cases and principles that may be more important than memorizing your state's self defense law.

Chapters 8 to 10 are a good follow up, and provide a positive antidote to all of the warnings of what *not* to do. Having penned 400 pages of what not to do, in this portion of *Self-Defense Laws*, the authors outline factors they believed either prevented charges being brought after self-defense use of firearms or mitigated and explained the necessity if the incident drew the scrutiny of a court. Sometimes even law-abiding citizens fail to call the police after self-defense, they write, but it lumps them in with drug dealers and other criminals who can't call 9-1-1 for fear of discovery. Always call police, even if the self-defense actions are as simple as revealing that you have a gun and ordering the malefactors to leave.

Interestingly, faith and divine intervention come next in the discussion of factors contributing to positive outcomes, along with conflict avoidance and being quick to apologize for perceived slights, even if you believe you are not at fault. Danger avoidance and behaving as though you are capable of defending yourself are also recommended. Stories and quips illustrate the points.

Self-defense law should not require us to sustain a lethal blow just to prove that we are the good guys, is the les-

son emphasized in the chapter on laws that prohibit preparatory self-defense acts in a dicey situation that has not yet turned lethal. Humans need around a second and a half to recognize and respond to a threat, the authors write. If required to leave a self-defense gun in concealment until an attack is fully underway, death or injury are likely outcomes, they emphasize. Chapter 12 continues the theme, illustrating the point with a case in which Mitch Vilos defended that most common of self-defense gun uses – brandishing.

After analyzing the laws of all 50 states, the authors offer some suggestions of their own. Borrowing from the laws of states ranging from Utah to Louisiana, from Washington to New York State and a lot of jurisdictions in between the authors create recommended verbiage for reasonable self-defense friendly laws. Recognizing that gun owners in an awful lot of states need to go to their legislators and demand change in their state's self-defense gun laws, the authors present the concepts of law in a form most likely to be accepted – proven statutes from other states that show that blood won't run in the streets if ordinary people are allowed to defend themselves.

I believe the authors give their best closing argument in the chapter entitled *Additional Resources* when they write, "Knowing the law will keep you from being burned by your state's criminal and civil law. It can also prevent you from hesitating, wondering if you have justification when, in fact, you do." Of course, reading just one book, no matter how comprehensive, is insufficient on a fluid subject like the law. The authors are committed to keeping their information current, and we aren't just talking about their next edition. They publish regular updates at <http://fire-armslaw.com/> with the option of signing up to have the updates emailed in case you forget to go and check their website periodically.

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Editor's Notebook



Gila Hayes

The emails following the release of February's *eJournal* were great! In the 36 issues we've put up on our website so far, never has a journal generated so much response. Oh, we've published some compelling stories to which readers have responded, but the responses to those have been uniformly horrified and worried.

Just the opposite, the emails in response to February's journal were about self-sufficiency and about individual hope.

A new member writes, "I want to express my appreciation for what you do. The February journal is outstanding. I have no doubt that what you and Marty do is saving lives. As a former police officer and former paramedic I am no stranger to violence and its aftermath. Mindset and preparation are crucial for survival. You and your team educate, motivate, and provide resources in these two areas in a way that is second to none. I am now a college professor and my days are fairly 'routine,' but I'm very aware that violence and/or disaster can occur in an instant. Your monthly journal alone is worth the price of membership. I hope I never need your legal services, but it is comforting to know they are available. I'm very happy to be a Network member. Thank you!"

Another member with whom I enjoy email correspondence now and then wrote, "Great interview with Michael Bane and review of Amanda Ripley's book on disaster psychology and preparedness in the February issue of the Network Journal."

One of our earliest members wrote, "I am sitting here tonight as the wind and snow begin to pile up about seven inches (of an expected 20+) has already fallen. I did drive through town two hours ago and almost every shop/store has closed down for the next 24+ hours making this look like a ghost town."

This member relates that he is active with his area's emergency management agency, their medical reserve corps, their emergency response team, the local ham radio group and other volunteer efforts. In the past eight years, they've recruited and trained about 300 citizens to help be better prepared for emergencies.

"We have our own AM radio station that is 24/7 so that if there is an incident, citizens can listen in instead of dialing 911 and jamming the phone lines. Our first call-out was August of '08 and electricity went out due to a rainstorm; cell towers were down. We had FRS radios (family radio service – see [http://en.wikipedia.org/wiki/Family Radio Service](http://en.wikipedia.org/wiki/Family_Radio_Service)) for 20 however we found that they are line-of-sight and did not work much past one block distance. Luckily, we had already begun talking to a few HAMS. They came out and ran from post to post checking on volunteers and getting batteries, water, etc. for them. Since then we have started a teaching program and have licensed 50+ new HAMS. We are promoting a [Map Your Neighborhood](#) program (so that a local group of residents will have a list of items that each other owns – chain saws, generators, skills, dogs, etc.) that can be used in cases of emergencies.

"How great your newsletters are and what a valuable service it provides," he concludes. "Keep brainstorming these great topics."

Another member who has been with us from early days, wrote, "Great journal (as usual). I particularly liked your editor's note this month. As a 'Prepper' (you're probably familiar with the term), being prepared, whether for a close encounter of the goblin kind or the next great collapse of civilization (or TEOTWAWKI) it's all the same

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To submit letters and comments about content in the **eJournal**, please contact editor Gila Hayes by E-mail sent to [edi-tor@armedcitizensnetwork.org](mailto:editor@armedcitizensnetwork.org).

The **Armed Citizens' Legal Defense Network, LLC** 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.

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mindset. And as you correctly pointed out, it's just an extension of that mindset to cover an ever wider base. First your person, then your family, then your home, community. The Confucius quote says it more elegantly than I ever could. Until next month, Gila, take care."

I'm humbled and very grateful for our members' comments. Those responses really fuel my enthusiasm.

Other correspondents suggested resources for further study. Two members recommended the *Survive In Place* blog, and one pointed out an [article](#) on that blogsite that piqued his interest by writing about active shooter scenarios. Some of the advice offered in that article makes me a little uncomfortable, but you know what? Further education is not about confirming one's knowledge; its best purpose is spurring discussion and further investigation!

One of the Network's most active promoters writes:

"The February issue is terrific! As a prepper, my hope is your articles wake some people up and so they start preparing. It was serious preparing that developed my interest in firearms for self protection. What good are all these supplies if someone with a gun can take it all away? In a disaster, there are few friends around and many people prepared to do anything to survive or make big gains for themselves at your expense.

"A great book on self reliance is *The Pathfinder System: Survivability for the Common Man* by Dave Canterbury. Dave Canterbury and his associates have just released a new magazine *Self Reliance Illustrated*. You can find information at <http://www.selfrelianceillustrated.com/>."

The research resources and assurance of shared interests are nice, but the most rewarding part of getting those emails is the reminder that others share my values of individual strength and preparation, not relying on government or others to provide for health, survival or happiness. ●

Letter to the Editor

As I sit here reading my first edition of the *eJournal*, I am reminded of something that I believe is not emphasized nearly enough. That is, the importance of how law-abiding gun owners present themselves to the public.

All honest, law-abiding gun owners are intimately aware of how determined the anti-gunners are to deprive us of our basic rights according to the 2nd Amendment. Therefore, it is **IMPERATIVE** that we present ourselves as intelligent, considerate, caring, sane human beings instead of ignorant, arrogant, self-centered, violent animals. I have a plate on the front of my truck that reads "If guns are outlawed only outlaws will have guns." I also have a patch on my jacket for a certain brand of AR-15. People notice these things. I also go out of my way to be considerate of others; to put myself in their shoes. If I patiently wait, and maybe smile, while an elderly person slowly crosses the street or I wave to a person to let them turn in front of me, people will think, "Obviously he is a gun owner and he is really nice." I hold doors open for people. If I'm at the back of a line at a store with a buggy full of stuff and someone with only a few items gets behind me, I'll let them go ahead of me. I cannot emphasize enough the importance of giving a good impression to others. Even if only **ONE** person re-evaluates their view of gun-owners, it will be **MORE** than worth it.

Another aspect is how we present ourselves when someone bad mouths guns or gun-owners. If the person is

anti-gun, you have a better chance of winning the lottery than changing their mind. Arguing with them is even worse. I once read somewhere that one should never argue with a fool because bystanders may not be able to tell the difference. They have the same right to express their opinion as you. If you do choose to engage them, do it calmly. Raising your voice, calling them names and acting like an ass will just make people side with them even more. Calmly present the facts, but don't embellish them or make up data. If you can make them angry while you remain calm, that is even better. Then, **THEY** become the babbling, fanatical zealot whereas you are a calm, sane person.

Negative expressions of our beliefs are also bad. I was in Texas a few years ago, and I was amazed at how many bumper stickers I saw that said, "Keep honking, I'm reloading." To us, it's amusing. To others, these items make us out to be gun-toting idiots who think violence is the solution to everything.

So, proudly display your support of the 2nd Amendment, but do it in a tasteful manner. We **HAVE** to put ourselves in a good light, because no one else will.

May you have good luck, good shooting and may they **NEVER** deprive us our basic rights.

Kevin B. Butcher, Charleston, WV

Armed Citizens' LEGAL DEFENSE NETWORK, LLC



How to join

Print this application form and FAX it to 1-360-978-6102 (if you are using a VISA/MC), or mail it to P.O. Box 400, Onalaska, WA, 98570 with your check for \$85 for a 1-year membership (add \$50 each for additional memberships for others in your household—must reside at same address) or a 3-year membership for \$225. If you have any questions, please call 360-978-5200.

When your application is accepted, you will receive three DVDs concerning the lawful use of deadly force for self-defense. Additionally, you will become immediately eligible to have any future case of self-defense reviewed by one of our Network experts at no charge, and may apply for a grant of financial assistance for any litigated self-defense cases initiated after membership application (please read <http://www.armedcitizensnetwork.org>). You will also receive a membership card with your user name and password for the member's Internet forum and other areas of the Network web site restricted to members only, as well as your coupon code for the 20% discount at the Network's on-line book and DVD store.

We look forward to your participation in the Network as part of a family of armed citizens who passionately care about the right to armed self-defense, and want to protect themselves from the legal nightmare that sometimes accompanies a lawful act of self-defense.

APPLICATION FOR INDIVIDUAL MEMBERSHIP

Full Name _____

Mailing Address _____

City _____

State _____ Zip _____

Phone _____ - _____ - _____

E-mail _____

How did you hear about the Network? _____

APPLICANT'S STATEMENT:

With my signature, I hereby attest that under the laws of the United States of America, I am not legally prohibited from possessing firearms, that I am 18 years of age or older, and that I legally reside in the United States. I understand that any grant of benefits is limited to lawful acts of self defense with no additional criminal charges (unlawful possession of concealed handgun, for example) associated with the incident.

Applicant's Signature

Please Print Name

(1) Additional Household Member Applicant's Signature

Please Print Name

(2) Additional Household Member Applicant's Signature

Please Print Name

---- MEMBERSHIP FEES ----

\$225.00 3-Year Individual Membership

\$85.00 Individual Membership

\$50 Each Additional Household Resident per year

Name(s) _____

Charge my card Check enclosed

CREDIT CARD CHARGE AUTHORIZATION

I, _____ hereby
(Clearly print name as it appears on credit card)
authorize Armed Citizens' Legal Defense Network, LLC to
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_____/_____/_____
Account Number

Expiration Date ____/____

CVV Code ____ 3 digits on back of card

Full billing address for credit card account:

(Street Address or Box Number)

(City)

(State and Zip Code)

(Signature authorizing charge)

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