

Armed Defense Skill Priorities

An Interview with Tom Givens

by Gila Hayes

Network Advisory Board member Tom Givens is rightfully among the top firearms trainers in the nation and his classes in Memphis, TN could not be needed more by the residents of one of America's most violent metropolitan areas. Givens spent 25 years in law enforcement and specialized security work, with duties ranging from investigations to street patrol to training, then in 1996, became owner/operator of Rangemaster in Memphis (www.rangemaster.com).

As an instructor, Givens may well hold the record for most private citizen students involved in self-defense incidents. It is testament to the efficacy of his training that a very high percentage prevailed, many telling Givens their story afterwards, from which he has fine-tuned his training to give others the benefit of hard experience.

Givens periodically teaches instructor development programs and at the end of one such event, we had the opportunity to interview him. We'll switch now to Q&A format, in hopes of preserving some of the tone and humor of this outstanding instructor.

eJournal: What do you think are the top three skill deficits or shooter errors you see in practitioners of defensive pistol craft? What are the cures or solutions?

Givens: I would say there is one major error in three different areas. Most people commit one of these basic errors in the area of mindset or mental preparation, in equipment and in skills. Not everybody does all three, some people do one, some people do the other, and some people do the third.

The first one is mindset. Even people who carry a gun spend a great deal of time trying to convince themselves that violent crime will never happen to them. I think that is the biggest mistake that people make. It's not just an assumption, but almost a religious fervor when they say, "I don't work in bad neighborhoods, I don't do drugs, I don't go out late at night, and I don't do this and I don't do that, and so this will never happen to me!"

"It will never happen to me" is probably the most dangerous phrase you could ever utter!



Above: Givens is an engaging public speaker, mixing large quantities of information with a seasoning of humor.

It sets your mind up for frozen-up inaction when it does actually come, because you spent so much time, so much mental energy, trying to convince yourself that it won't happen. When it does then you are stuck in a denial loop where you can do absolutely nothing about it in the time frame that is allotted.

Now, violent crime happens very quickly and there is not a lot of time to stand around and try to get past "I can't believe this is actually happening to me" and then actually get moving. In the time it takes to say "I can't believe this is happening to me" you've just wasted a second and a half of your response time and then you do not have a whole lot of time left. These things do not go on for minutes; they are over in seconds for the most part, so you have got to start moving.

When you watch surveillance camera video of assaults, they happen very quickly. The person is there, and BOOM! They do what they want to do. Their goal is to get to you, get what they want from you, and get away from you, without getting caught or injured.

For a long time, my job involved talking to crime victims, interviewing them, trying to figure out what happened, so we could find who did it.

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Above: Givens shown conducting an instructor development course at The Firearms Academy of Seattle, Inc. recently.

I'd go to the hospital and talk to people who had been seriously injured by bad guys and I would always ask them all the standard questions: what did the guy look like, and did they see a weapon, did they see a partner, did they see a vehicle and in what direction did they leave? I would always make a point to ask them what was the last thing that went through your mind before the lights went out, and it was typically, "I couldn't believe this was actually happening to me," or "Why would somebody want to hurt me?" I would submit to you that those are not very useful things to dwell on while somebody is trying to kill you or cripple you.

Let's look at them separately: "I can't believe this is happening to me." Well, why the hell not? It happens to somebody every few minutes in the U.S. Go to the F.B.I.'s website and from it link to the Bureau of Justice Statistics (<http://bjs.ojp.usdoj.gov/index.cfm?ty=tp&tid=3>). They believe that there are about 5½ million violent crimes a year in the United States. 5½ million is one for every 55 people.

So instead of "I can't believe this is happening to me," your mental response has to be, "Well, now it is my turn." That is a completely different response!

We can't get back the time we waste thinking, "I can't believe this is happening to me." In a fight, time is your most precious commodity. When people lose fights, it is not because they run out of ammo; it is because they run out of time. You run out of time doing what John Farnam calls "dithering," standing there in that denial loop of "I can't believe this is happening to me."

The first step is almost like a revival meeting, you have got to open up and internalize and accept that yes, this can happen to me. It happens to somebody every few minutes; it happens to one out of every 55 people in the country every stinkin' year, so why wouldn't it happen to me? Of course, it could happen to me, so I need to be mentally prepared as well as physically prepared to deal with it.

I've been chosen twice to be an armed robbery victim myself. It didn't work out for them either time, because instead of saying, "I can't believe this is happening to me," I said, "I need to do something about this!" That's a completely different mindset.

The other half of that is asking, "Why would someone want to hurt me?" Well, who cares? What difference does that make? We can dissect motivation later at our leisure. Right now, the only salient point is that this dude's trying to hurt you and you've got to stop him. Instead of, "Why would this guy want to hurt me," the simple declarative statement is, "This guy is trying to hurt me. I have got to make him stop."

So those are the mental issues. The biggest, most often committed mistake I see is that lack of understanding and that lack of acceptance that you may well have to use that firearm in self defense.

eJournal: Let's talk about solutions. How can training help people resolve the mental errors?

Givens: I think instructors have to point out the actual realities rather than just say, "You know, there are bad guys out there."

All you have to do is go to the Bureau of Justice Statistics or the Uniform Crime Reporting system and look to see what actually happens. Look at the crime tallies for your own area, break it down by population and see what the actual threat level is.

In my city, you have about a one in eighty chance of being the victim of an aggravated assault this year alone. There are 7,500 of those, a couple thousand rapes, and five or six thousand armed robberies, so when you break it all down, you have a one in twenty chance of being involved in a violent crime this year in my city; about one in fifty in the country as a whole.

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Instead of it being some arcane, theoretical issue, it is real. This is going to happen to you tonight; this is going to happen to you tomorrow and you don't have any way of knowing that in advance. Most people are blissfully unaware of that. Most people are what I call willfully ignorant. They not only don't know, they don't want to know and so they make no attempt to find out. One of our jobs as instructors is to make them understand.

eJournal: On the range do you teach drills designed to prevent the paralysis of disbelief?

Givens: We start fairly early on with graphic targets that are actual, photographic representations of human beings pointing a deadly weapon at you. I think that's important. You carry a gun to defend yourself against human beings, so you need to shoot some targets that look like actual human beings and I don't mean a black silhouette like a B-27, I mean a photographic representation that looks like a person with evil intent, with opposing will, pointing a weapon at you.

I think if we shoot those enough it helps internalize that we carry a gun to shoot people with, which is a big step for a lot of people. A lot of people who carry a gun, frankly have not considered that they may have to shoot someone with it. The time to sort that out is not while the dude tries to kill you.

eJournal: You mentioned three areas of concern. What is the next one?

Givens: Equipment. People are just absolutely convinced that they have to have some microscopic pistol to carry it concealed. We both know that is baloney.

Right now, you and I are driving along in your car on our way to conduct business in town. You've got a Commander-sized 1911 on; I've got a Glock 35 on. I'll give you a \$100 bill if anyone in the business even looks at either one of us. 99% of the people in today's society don't even notice that you are on the same planet with them, much less look you over carefully for bumps and bulges! And what's everybody got on their waists now? PDAs, phones, Blackberries, iPads. I see people all the time with multiple devices hung on their belt.

eJournal: Have we become too paranoid about being "made" while carrying concealed handguns?

Givens: Entirely so! I travel all over the country as you



Above: Givens giving an instructor development student feedback after a shooting drill.

know—I'm 2,400 miles from home right now—I've been wearing one or two guns every stinking day for the past 42 years and I've NEVER been challenged. Not one time. I've never been stopped, I've never been hassled, I've never been questioned about it, because I keep it concealed, it's my own business. I get on with life! During that whole time frame, it has been a full-sized 1911 or a 4-inch K-frame revolver or a Glock 35, and it just simply isn't a problem.

When people first start carrying a gun, they feel like they have a neon sign hanging around their neck, "Hey, look at me! I've got a gun!" That's because you know its there, not because anybody else knows it is there.

Let me give you a perfect example of this: Very few children are born wearing shoes; they typically don't have any. When they reach toddlerhood, their parents go to the store and try to find something they think the child will be comfortable in. Then they go home and they stick them on the child, and what does the child immediately do? Screams! Throws a fit, has a tantrum, and kicks them off. The responsible adult puts them back on and repeats the process a number of times. Gradually the tantrums become less intense and eventually after a couple of weeks the child leaves them on. Now, as an adult, you go through your daily routine and you don't stop now and then, look down and say,

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"Holy Crap! I've got shoes on!" You just wear them all day; you don't think about them.

Well, when you first put that pistol on, it's a novel stimulus, just like the shoes on that baby. It is a novel stimulus, which is the one thing human beings hate worse than anything else, so you think it is uncomfortable, it's big, it's bulky, and it's in the way! Waaah! Get it off! And then some responsible adult has to make you put it back on and then you wear it for a few weeks, and then it is just like your shoes. You don't stop in the middle of the day and say, "Geez! I've got a gun on," you just wear it all day like your shoes. I think for most people, they don't actually make enough of an effort to carry a decent gun on a routine basis to get past the novel stimulus. Concealment is really not so much an issue of gun size as it is of proper holster selection.

I think the place where most people who carry a micro gun screw up is that they think the primary purpose of my pistol is to be comfortable and concealed. No, the primary purpose of your pistol is to fight for your life in a sudden, unforeseen crisis. So, when that crisis presents itself, that little, bitty gun is hard to grab in a hurry, it is hard to handle correctly, it's hard to hit anything with, it doesn't hold many bullets, and when you hit somebody with it, it doesn't hurt much. It's not the optimum thing to fight with. If a fight starts, I want the biggest gun I can get with the most bullets I can get in it and the biggest bullets I can stuff in it.

I've been to a lot of shootings over the years and seen a lot of people hit with small caliber guns who are standing there talking to me while we wait for the paramedics. Not a good idea, really.

An acquaintance of mine shot a guy twice in the chest with a .380 whereupon the guy gutted him with a Buck knife, drove himself to the hospital and the doctor told me he said, "I think I've been shot." Well, if your assailant THINKS he's been shot, you didn't do it right.

I think carrying a small, inadequate pistol may be better than nothing, but I'm not really sure about that. You might be better to just take off running instead of shooting somebody with a thoroughly inadequate gun.

eJournal: If we consider ourselves armed, but the gun is seriously inadequate, we may act with unfounded confidence.

Givens: I think unfounded confidence is a good way to put it. That's not something I'd like to bet my life on.

What do I need a gun for? Have that introspective conversation that few people ever have: "Why am I putting this gun on today? Because I might have to shoot somebody today."

That's why you're putting it on. If you don't recognize the possibility of having to shoot somebody today, then why on earth are you carrying a gun?

eJournal: That acknowledgement will bring many people up short, because we are so passive, or some might say peace loving.

Givens: No, the problem is in trying to be politically correct. If I get a bunch of newbies in for a permit class, I'll ask them, "Why do you want to carry a gun?" I'll get a bunch of euphemistic answers. One will say self defense, one will say personal security, and another will say family safety. Those are all euphemisms. You carry a gun because you might have to shoot somebody. You really need to think about that and internalize it.

We don't say that flippantly. We don't go around arbitrarily shooting people. You shoot people under very narrow, specific circumstances in which they pose an immediate, and otherwise unavoidable deadly threat to you or somebody for whom you are responsible.

But think about that, if you reach for a pistol only because there is a deadly threat to you or somebody you love, you better have a pistol you can fix it with. I've interviewed an awful lot of people after gun fights and I've never had anybody say to me, "You know, when the bullets started coming back this way, I wished I had a smaller, less powerful pistol with less ammo in it."

One of the things we do in training is reintroduce the reality of why we carry a gun, and to put a sense of urgency into it. Maybe you'll never need it, but if you do need it, you are going to need it horribly and maybe it is going to be your life at stake.

I saw a tagline the other day on an Internet forum that I thought was just incredibly bright. It said, "It's not the odds. It's the stakes." And boy, there's a lot of wisdom in that statement.

We don't carry the gun because of the odds we're going to need it today. We carry it because the stakes are our own life or the life of a loved one. That is what we are literally betting. So if you go out unarmed or you go out

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inadequately armed, you are betting your life, you are betting your children's lives, you are betting your spouse's life. I am not willing to bet the lives of the people I love on some tiny, little pocket rocket.

eJournal: And that is the bottom line. Now, you mentioned a third failing. Shall we move on to that?

Givens: The third one is, "I don't need professional training." Not too long ago, I was out to dinner with a bunch of other instructors. We had two instructors in from Gunsite who were visiting, two instructors from a military organization that does pretty good shooting, two from a local law enforcement agency and my wife and myself. We were all sitting around talking and the topic came up, "What sound just really terrifies you? What sound makes shivers go down your body and makes you just wish you could run away?" Unanimously, our decision about what was really frightening to us was the phrase, "Hell, I grew up around guns."

For us professional instructors, the one thing that strikes deep terror into our hearts is to hear Bubba say, "Well, hell, I grew up around guns. I don't need no training."

Unfortunately, that is awfully damned common. People think, "Daddy taught me to shoot a pistol when I was eleven. What on earth could you teach me?"



Above: At a recent instructor development class, Givens gives the fire command with his whistle.

eJournal: Well, let's answer their question. I'll play Bubba. "What on earth could you teach me?"

Givens: Well, I could teach you the rules of engagement so that you don't go to prison over stupid things. That might be a good start.

I could teach you how to correctly manipulate your pistol. I could teach you how to reload it if it runs out and fix it if it malfunctions. That would be useful.

I could teach you how to direct bullets from point A to point B and hit what you intend to hit instead of a family member. That could be somewhat useful.

I could teach you to quickly and reliably hit smaller or partially obscured targets, rather than a huge B-27 silhouette standing still in the open. That would be useful. I could go on and think of other things that I bet Daddy didn't teach you to do when you were eleven.

eJournal: Still, there are an awful lot of Americans who have guns but haven't pursued formal training.

Givens: The person that thinks he knows everything there is to know about this is going to be in for some real shocks if he gets into the wrong fight.

Another mistake people make is looking at the "average" fight. Average doesn't really mean squat, because to have an average you have to have numbers above and numbers below, and usually the average doesn't give you any kind of an adequate representation. To give you an example, look at a DVD that I made that goes over ten shootings that our students have been involved in. We've had 60 students involved in armed confrontations with criminals, so a few years ago we pulled out ten of those cases which are just a broad, representative cross-section and made a professionally-produced DVD. It is a detailed debrief on ten private citizens' self-defense shootings that are a representative cross sampling of what actually happens to people.

In one shooting, which was kind of unusual circumstances, one of our students actually had to shoot a man 22 yards away who was firing at the student and some children around our student. He had to shoot from the middle of his own yard to the sidewalk on the far side of the street and hit this guy. He fired one shot hitting and stopping the threat at a measured 22 yards. That's kind of an exceptional shooting, but they do happen.

In another instance, our student fired eleven rounds into a suspect less than the length of his car away. The suspect was standing at the door of the car and our student was standing at the back bumper. He fired eleven rounds, all eleven of which hit the suspect and fixed that particular problem.

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If you average those two fights out, it was six shots at eleven yards—nowhere near the reality of either fight—which is exactly the problem with averages. Averages don't represent what actually happened at all, so one of the things we try to get people to do is not train to a mythical average.

Train to the typical fight, which is a completely different thing. A typical fight is that which happens most often. That is an assailant at somewhere around three, four or five steps where you have a real time pressure, because any one-eyed, three-fingered jackass can hit you at three, four or five steps if you let them get off enough shots. The idea is to be able to produce your weapon quickly, and get immediate, first-round hits reliably, and that is something most people can't do without training.

eJournal: Of course, defensive firearm training is a lot more than quick draw!

Givens: Actually, training falls into two categories. You need initial training in order to learn how to correctly present the gun from the holster, safely, efficiently and quickly. Safely means without shooting yourself or somebody else in the process of getting the gun out. Quickly, of course, means in a small amount of time and efficiently means into a firing platform where you can actually get hits with those first, few shots.

Since these fights happen typically at close range in a very small amount of time, we really need to get hits with those first rounds, and the next couple of rounds after that and that is a skill that has to be acquired and has to be taught to you.

Rapid, accurate shooting, the ability to reload the gun if it runs out, the ability to fix malfunctions if it malfunctions—the gun is more likely to malfunction in a fight than in a plinking environment 'cause you may not be standing straight upright on a nice clean range with a nice, clean pistol, so you need to know how to fix those things—those are some of the things we address in initial training.

But you also need to have sustainment training. Shooting is a perishable skill and if you don't practice, you're not going to be able to maintain any skill level, and if you practice, errors creep in over time and you get sloppy with techniques, so refresher training is important from that perspective.

Let's take driving a car. Even though they drive a car every day, most people don't drive a car terribly well,

because they weren't trained correctly and they don't get sustainment training on it, but they get by with it because they drive a car on a daily basis. Very few people shoot on a daily basis.

To use that car analogy, let's say that you don't know how to drive a car. Somebody spends eight hours—and that's all, eight hours—teaching you how to drive a car, and then you never drive that car again for months or years, but you've got the keys hanging there on the wall by the door. The theory is that if there is a sudden, life-threatening crisis that only you can fix, grab those keys, jump in the car and drive off at 100 miles an hour. Somebody who didn't know how to drive, only had eight hours of driving training, and hasn't driven in the last two or three years, is going to have a really hard time doing that.

It is the same with a gun. You take eight hours of training with a pistol, you learn the basic manipulations, and then you don't handle the gun, you don't shoot, you don't practice, you don't get your sustainment training, and two or three years down the pike you need that gun RIGHT NOW!

In the next couple of seconds, you are either going to live or die. If you really expect to pull that off, I'd suggest that you might be a little optimistic.

So that's exactly where we are at with the handgun. We've got to get initial training so we can do things correctly, and then have sustainment training so we continue to do things correctly and we know how to do things without having to stop, review and refresh during a fight. There is not going to be time to do that. You have to be able to pick up the gun and go now, so initial training and sustainment training are critically important.

I suggest people that are serious take a basic-level class from somebody about once a year. As a professional instructor who has been doing this literally for decades, I try to take at least one class a year from somebody else so I can see how they do things and refresh my own skills.

Basic skills are what win fights. People always want to take advanced classes. As my friend John Farnam says, people always show up asking when do we get to jump out of the flaming helicopters? Typically, these people can't perform the most simple, elementary manipulations with their guns but they want to play.

I would much rather that you get the basics down.

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Basics executed well and on demand is what its all about. The typical gunfight doesn't require a lot of advanced skill. It requires the skill of getting the gun out right now and getting reliable hits right now under a great deal of pressure. Those are basic skills, but they are really what it's all about.

People who just buy a gun and put it in the sock drawer and think, "Well, now I'm safe because I've got a gun," really have not thought the problem through. Jeff Cooper once said you are no more a musician because you bought a piano, than you are a gunman because you bought a gun. There is a great deal of truth to that. You can't buy personal safety. You have to earn it. You have to put in the time, put in the effort and learn how to actually take back control of your life.

That is essentially what we are talking about. We are talking about taking control of your own life. I can decide what people do and don't do to me. That is something that I insist on being able to do. It baffles me that some people are willing to live at the whim of other people. I don't carry a gun so I can enforce my will on others; I carry a gun so other people can't impose their will on me. There is a huge difference.

eJournal: We've covered a lot of ground in this conversation but have run out of time. Do you have any closing thoughts for Network members?

Givens: Take training seriously. Remember, it can happen to you. If you accept and internalize that one thing, you'll probably be OK.

eJournal: Well, that gives us an awful lot to think about and get to work on. Thank you for taking the time to share your knowledge and experience with us. I really appreciate it.



Above [L-R]: Network President Marty Hayes with Lynn and Tom Givens at the end of a long week of training. Hayes participated in Givens' instructor development class and provided the rest of the photographs used in this article.

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Please enjoy the next article.]*



CLE instructor panel seen at front of classroom at MN CLE seminar [L-R] Marty Hayes, Massad Ayoob and James Fleming.

President's Message

by Network President Marty Hayes

It is a short message this month, primarily because I have so much work to get done. Besides, I have written extensively on legal matters elsewhere in this edition of the eJournal. However, I did want to give an update on the first Network Continuing Legal Education seminar for attorneys, which we presented June 19 and 20, 2012.

Held near Minneapolis, MN in the little town of Eden Prairie, and hosted by Network Advisory Board Member Jim Fleming, the two-day CLE course came off without a hitch. We had 23 participants, all of whom gave us compliments on the critiques of our first attempt. What I've been eager to share with you, our members, is the information that we had more ACLDN members than attorneys present! There was even a group of instructors from the State of Nebraska who drove about six hours to make it to class on the first day.

I want to personally thank the attorneys who set aside two days of their busy work schedules to attend, as well as thanking those Network members who recognized the value of this type of training for armed citizens. For these instructors and Network members, we hope the information we shared opened their eyes to the legal system. They were able to interact with attorneys who regularly practice the legal trade in court. The atmosphere in the classroom was very welcoming and warm, and the attorneys did not seem wiggled out at all about sitting with a group of ACLDN members.

It was, all in all, a successful event and we hope that Network members on the West Coast and especially those in the Pacific Northwest will consider attending the CLE seminar we have scheduled on July 24 and 25, 2012 in Seattle, WA.

<http://armedcitizensnetwork.org/legal-education>

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Letter to the Editor

As a Network member, I enjoy and value the comments and evaluations you do of defensive shooting cases. I don't know if you have heard of the case in Houston where Raul Rodriguez, a CHL holder, has been convicted of murder (but not yet sentenced) in a case where he relied on Texas' Stand Your Ground law and claimed self defense. For details see <http://www.chron.com/default/article/Video-taken-night-of-fatal-shooting-shown-to-3611376.php>, <http://www.chron.com/default/article/Houston-trial-focusing-on-stand-your-ground-law-3621862.php>, <http://www.chron.com/default/article/Concealed-handgun-license-at-heart-of-Rodriguez-3632270.php> and <http://www.chron.com/default/article/Neighbors-testify-about-harassment-by-Rodriguez-3635847.php>

I think an evaluation of this case could be very educational to members of the Network.

1. It brings up that preparing yourself for the legal fallout of a defensive shooting will be spun as evidence that you were "looking to shoot someone." If a Network member does go to trial, it's entirely possible that the prosecution will try to spin that Network membership as planning to shoot someone.
2. Mr. Rodriguez took a cell phone, a video camera and his handgun when he went out to tell his neighbors to turn down the music at a late night birthday party. I'm sure he thought he was covering his bases and documenting that he WAS justified in using deadly force, but the video footage was the main thing that sank him. Video shows that he stood there filming when he could have retreated. His voice remains calm throughout the whole thing, including when he's saying, "I'm in fear for my life." I think he is very definitely hitting key code words from CHL training for the benefit of the camera.
3. Just because you have a legal right to stand your ground does not mean you SHOULD. Mr. Rodriguez was cast as the aggressor who initiated the event (as is being done in the Zimmerman case), which would invalidate his Stand Your Ground defense. It is always preferable to retreat if you can safely do so. Even if Mr. Rodriguez had been acquitted, he'd still lose two years of his life and spend a fortune in legal fees when he could have simply walked away: a Pyrrhic victory at best.

4. What you do will affect other people who act in self defense, just as previous people's actions affect you. Mr. Rodriguez's trial came right when the nation was worked up over the Trayvon Martin shooting. Likewise, Mr. Rodriguez's case gives anti-gun advocates more ammo in calling for repeal of Stand Your Ground laws. Acquittal may be harder for the next defensive shooter because of the Rodriguez case, or a good person may decide not to be prepared to defend himself because of this trial. As a concealed handgun licensee, you are a de facto ambassador for the entire pro-gun, pro-defense community; act like it.

Best regards,
Chris Alexander

Network President Marty Hayes responds--

Please understand that all I know about this case comes from reading the referenced news articles (which we all know can be entirely misleading) and watching the referenced video. Having said that, I believe the outcome of the trial is probably the correct one because that jury, many of them likely gun owners themselves, heard and saw all the evidence. What I would like to know is did the defendant get a self-defense jury instruction or was that instruction disallowed by the trial judge because of Mr. Rodriguez's initial actions in provoking the altercation?

Now, a bit more about your observations on the Rodriguez case, numbered to make it easier to follow.

1. To answer your question, "Is Network membership likely to be evidence that you were looking to shoot someone?" I think the proper response to this line of questioning, would be, "Counselor, I joined the Network because I foresaw the likelihood of being wrongfully prosecuted for a legitimate act of self defense." Of course, if the prosecutor wants to make Network membership an issue at trial, then he or she has opened the door for the defense to introduce a whole bunch of Network affiliated materials and perhaps even testimony from myself as Network president about the nature and purpose of the Network. It would be interesting to see how that would play out in court! In fact, that line of thought is so interesting that we will address this very question in an upcoming Network Affiliated Attorney question of the month.

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2. Rodriguez' words betrayed him. He did not appear to be in fear for his life, otherwise he would not have stuck around. Any reasonable person would simply have gone back home, but he, feeling he had a right to be where he was, stood to argue. As I was watching and listening, I was thinking "what a putz."

3. Absolutely correct, Chris. The use of deadly force in self defense should be reserved for when you have to shoot, not when you think you can legally shoot. If you go to trial, merely relying upon the wording of the statutory law is not enough. At trial 12 people will decide if your actions were that of a reasonable person. If you cannot convince the jury that under the same circumstances, they would have likely done the same thing, then you will probably lose in court.

4. Agreed. And even more importantly, any court decision has the ability to be taken to the next level, the appellate level, where judge-made law trumps statutory law. It would not surprise me in the least if this conviction, when appealed, results in a narrowing of rights for armed citizens in Texas.

Thanks for the questions and observations, Chris.

Marty Hayes

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In George Zimmerman's Own Words

by Marty Hayes, J.D.

On June 19, after a court decision to publicly release Zimmerman's statements to investigating officers, George Zimmerman's attorneys released the written, audio and video recorded statements at gzlegalcase.com. All the raw statements can be viewed at that website, but for those who do not wish to take the time to review them all, I will summarize them here.

The Written Statement

Immediately following the incident, Zimmerman wrote a witness statement for law enforcement investigators. In this statement, he told the story that we have heard before—that he was going to the store and while driving through the neighborhood, he “saw a male approximately 5' 11” to 6' 2” casually walking in the rain, looking into homes.” These are Zimmerman's words. He writes that he pulled over, contacted Sanford Police dispatch and told them of the suspicious person. By then Martin had disappeared, came back out of a dark area and circled the Zimmerman truck.

Zimmerman said: “As the dispatcher was asking me for an exact location, the suspect emerged from the darkness and circled my vehicle. I could not hear if he said anything. The suspect then disappeared again between the back of some of the houses. The dispatcher again asked me for my exact location. I could not remember the name of the street, so I got out of the car to look for a street sign. The dispatcher asked me for a description and direction the suspect went. I told the dispatcher I did not know, but I was out of my vehicle looking for a street sign and the direction the suspect went. The dispatcher told me not to follow the suspect and that an officer was en route. As I headed back to my vehicle the suspect emerged from the darkness and said ‘you got a problem’ and I said ‘no.’”

In analyzing the above statement, we need to take into consideration the media reports that Zimmerman was following Martin and tracking him down. But Zimmerman's own words in a statement to police the day after the incident contest that claim. These statements correspond with the audio dispatch records I reported on in the last journal, both indicating that he broke off the attempt to locate Martin and was going back to his vehicle when attacked. Next, Zimmerman wrote that he was trying to find his cell phone when:

“...the suspect punched me in the face. I fell backwards onto my back. The suspect got on top of me. I yelled ‘help’ several times. The suspect told me ‘shut the fuck up.’ As I tried to sit upright, the suspect grabbed my head and slammed it into the concrete sidewalk several times. I continued to yell ‘help’ and each time I attempted to sit up, the suspect slammed my head into the sidewalk. My head felt like it was going to explode. I tried to slide out from underneath the suspect and continued to yell ‘help.’ As I slid, the suspect covered my mouth and nose and stopped my breathing. At this point, I felt the suspect reach for my now exposed firearm and say ‘you’re gonna die tonight, mother fucker.’ I unholstered my firearm in fear for my life as he assured he was going to kill me, and fired one shot into his torso.”

Interviews with Detectives

An hour or two later on the evening of the incident, Zimmerman sat down with Sanford Police Detective Doris Singleton and made a recorded statement. In this statement, he gives essentially the same report as found in his written statement, with the addition of further details. For instance, Zimmerman clarified that when Martin confronted him, what Martin said was, “What the fuck's your problem, homey?”

Zimmerman then told the detective he said, “Hey man, I don't have a problem,” after which Martin said, “Now you have a problem” and punched him.

Not long thereafter, Detective Singleton again interviewed Zimmerman, apparently in an attempt to clarify certain points. She had him draw a map of the area and explain where he was at during his first contact with Martin and what actions both took after that. He makes no contradictory statements in this second interview.

A third interview, this time conducted by Detective Chris Serino, followed at 12:05 a.m., five hours after the incident. I am not sure the exact purpose of the third interview, but Zimmerman's report remains pretty much spot-on in its consistency. During this interview Serino told Zimmerman that later that day, after Zimmerman got some sleep and in the evening after Zimmerman's work day, he wanted to conduct a walk-through of the incident at the scene and on video with Zimmerman. It appears that at that time, a decision to release Zimmerman from custody and allow him to return home had been made.

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The following day, Zimmerman accompanied investigators to the scene and did a "walk-through" of the incident. As I watched the video, I saw nothing that contradicted the previous accounts he gave of the incident.

The Lie Detector Test

The next piece of evidence made public is a video of a lie detector test given to Zimmerman, starting at 6:19 p.m. on Feb. 27. For those keeping score, it is still less than 24 hours after the incident. The lie detector test used was a Certified Voice Stress Analyzer, which (according to the operator) is a computer-aided truth verification system.

In fact, a CVSA is simply a computer software program that analyzes voice patterns and attempts to differentiate between voice patterns occurring when a person is telling the truth and voice patterns when a person is lying.

People in the know believe that either a regular polygraph examination or CVSA is nothing more than an investigative tool and cannot really tell if a person is telling the truth or lying. Instead, the onus is on the examiner to give his or her best opinion, based on not only the readings of the machine, but also the conduct of the individual during the examination.

Apparently Zimmerman volunteered to take a CVSA, possibly in an attempt to convince the investigators that what he had told them was the truth. The interview is approximately 45 minutes long. Late in the interview, the CVSA operator tells Zimmerman that there are two main areas of concern:

- 1) Did you confront the guy you shot?
- 2) Were you in fear for your life when you shot the guy?

After the examination, Zimmerman was released to go home and was not told of the results of the CVSA, though it was later released that the CVSA operator indicated that Zimmerman was being truthful when answering these two questions.

Another Interview

Two days later, Zimmerman, again acting without counsel present, sat for a recorded interview with Detective Serino. During this interview, which was over an hour in length, Zimmerman told Serino about a burglary that occurred two to three weeks earlier involving the same house into which Martin was looking,

saying that is what had caught his attention that night with Martin. Serino introduced the idea that Zimmerman was profiling Martin because he was black, but Zimmerman denied it. Serino also told Zimmerman that there was a good chance that Martin had recorded the incident on his cell phone. He also confirmed that Zimmerman had passed the earlier lie detector test.

It is my opinion based on the gist of this interview that it was conducted to see if Detective Serino could trip Zimmerman up on any statements he had previously made.

Serino was also very interested in what type of holster and gun Zimmerman used, even though both were in evidence, and Serino would have had access to them.

After about 50 minutes of asking questions that Zimmerman had answered several times before, Serino took him to the dispatch center. There he played recordings of both Zimmerman's statements to dispatch, the recording of Zimmerman screaming, "help me" over and over, and then the gunshot. Zimmerman had previously stated that Martin was trying to smother him with his hands, but in listening to the screaming on the recordings, Serino said he could not recognize where Zimmerman was being smothered. This ended the February 29 interview between Zimmerman and Serino.

Analysis

All members of the Network have received our educational DVDs and I hope they have watched them. DVD #2 explains the manner in which we, the Network, recommend that the member should interact with the police after a shooting. Be polite, be respectful, and tell the police only what they need to understand that you were the victim of a crime and what evidence there is to back up your statements. Tell police that you are willing to cooperate fully, but only after seeking the advice of counsel.

In listening to the many interviews Zimmerman gave police, it is clear that he was attempting to be helpful, but it is also clear that he was clueless that the police were attempting to trap him into making contradictory statements that they could use against him. Network members need watch the entire Zimmerman reenactment, listen to the recorded interrogations and read George Zimmerman's own statements. It will give you an insight into the criminal justice system that you would never otherwise see.

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Readers will also recognize the news media's failure to dispassionately report new evidence coming out when Zimmerman's statements, interviews and examinations were released. Instead, reports heavily slanted their opinions about the evidence towards the prosecution. This is what one must expect from our current news media.

Other Zimmerman News

Several developments have occurred during the last month that call for brief commentary. First, Zimmerman's bond was revoked and he is back in jail. This is because when his wife was questioned at the bond hearing, she said they were indigent, despite the fact that they had collected over \$100,000 for George's legal defense. Upon learning about this, prosecutors brought a motion to vacate bail and bring Zimmerman back to jail. The judge agreed and so Zimmerman is in jail at this time. Additionally, police arrested Mrs. Zimmerman for perjury, claiming that she intentionally misled the court and lied to the judge. It seems clear to me that Florida prosecutors are going after Zimmerman in any way possible. I don't defend what Mrs. Zimmerman did. She

should have simply explained that they had collected the money to pay for his legal defense and did not consider it their own money to spend on bail.

Lastly, as I write this, there has been another bond hearing to see if the judge would again grant bail for Zimmerman. The prosecution argued strenuously that they believed Zimmerman was the initial aggressor in the incident, and that at trial, Zimmerman would not have the right to claim self defense as a defense to the crime of second degree murder. In making this statement, the prosecution pretty much agreed that Zimmerman had the right to use deadly force because he was being assaulted, but they claim that because he started the altercation, he doesn't have the right to claim self defense.

As this case makes its way through Florida's criminal justice system, I will continue to offer analysis and identify learning points from which armed citizens can learn.

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



Affiliated Attorney Question of the Month

With the generous help of our Network Affiliated Attorneys, this column helps our members understand the world our affiliated attorneys work in, and demystifies various aspects of the legal system for our readers.

In June's edition, we asked our affiliated attorneys:

"During the investigation phase following an incident of a homeowner shooting a burglar, it is common for police to ask to take custody of ALL the firearms in the residence. Is this common in your jurisdiction, and what do you recommend your clients do or say when confronted with this request? For the purposes of this question, assume all guns other than the one the client used in self defense are locked in a gun safe."

We got so many great answers that this month's column is a continuation of our affiliated attorneys' answers.

Jason Lewallen

Attorney at Law

2239 S. Caraway Rd, Ste M, Jonesboro, AR 72401

870-336-3045

jason@arjustice.com

I feel blessed to live in a state that has a history of respect for gun ownership and Second Amendment rights. I could not imagine a situation where, as in the scenario described, there was a defensive shooting at the citizen's home where the police force would even consider confiscating all of the firearms in the citizen's home without clearly articulated probable cause and direct connection to the shooting or some other crime. The situation seemed so foreign I shared it with the Chief of Police for the city of Jonesboro, Chief Michael Yates. He found it to be an odd practice and definitely not the standard practice for his officers.

Could there be a situation where seizing the other firearms in the home would make sense?

Possibly if there was an indication that the firearm used was an illegal firearm or if the citizen involved in the shooting was a convicted felon or barred from possession of firearms for some other reason under

state law. Without some other basis for this action, it is my opinion that it would be a violation of the Fourth Amendment of the United States Constitution, which prohibits unreasonable seizures without probable cause. In addition, the Arkansas Constitution Article 2 §15 provides that: "The right of the people of this State to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrant shall issue, except upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized."

Such an action by a police force, in the absence of probable cause, would be a dangerous practice and not looked favorably upon by the citizenry of this state.

Emanuel Kapelsohn

The Peregrine Corporation

8002 N. Neill Rd., Bloomfield, IN 47424

(812) 935-7148

peregrine@bluemarble.net

www.peregrinecorporation.com

I have experience with several jurisdictions, prosecutor's offices, and law enforcement agencies, and they have widely differing policies and practices regarding "other guns" in the home. Accordingly, I will answer this question from a more general ("generic") point of view.

The police have the right, and the responsibility, to gather all of the relevant evidence in an event such as the one described. If several guns were present at the scene in such condition as to make them readily available for use (for instance, if the homeowner was carrying more than one gun, or the homeowner and his spouse were both armed during the incident), the police would justifiably take possession of all such "readily available" guns during their initial investigation.

They would do the same if four officers were involved in a shooting, even if only one of them was said to have fired. The other three police guns are typically seized and tested to confirm that they were not fired, and that the bullet(s) in the suspect were not fired from those guns.

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The homeowner, in my opinion, should not resist (except perhaps very mildly) the police taking custody of all the guns that were “readily available” at the scene of the shooting, and which might therefore have been used in the shooting. On the other hand, guns locked in a gun safe were not readily available, and I believe the homeowner should object to opening the safe or providing the key or combination to the police unless they first obtain a court order or search warrant for the guns in the safe.

The homeowner’s attorney can attempt to prevent the granting of a court order, and may possibly succeed in convincing the police not to seek a search warrant for the guns in the safe. The best argument for the lawyer to use is that, given that the safe was locked at the time of the shooting and that the gun used in the shooting has already voluntarily been surrendered to the police, there is no “probable cause” – the constitutional requirement for the granting of a search warrant – for the police to obtain a search warrant for the contents of the safe.

The delay in seizure of one’s guns provided by a gun safe is, in my opinion, one of many good reasons for investing in a safe, as the delay may permit a defense attorney to be brought on board.

At the very least it prevents the first-responding officers from seizing one’s guns (and throwing them in the trunk of a police car, along with the jack, tire iron, jumper cables, fire extinguisher, etc.) as a matter of course.

Nevertheless, if the warrant is granted or the court order is issued, the homeowner or his attorney may, under written protest, want to provide the safe key or combination, simply to prevent the safe from being cut



or broken into with drill, jaws of life, cutting torch or the like, with consequent damage to the safe and possibly to its contents as well.

The fact that the police may possibly obtain the rest of the guns in the house,

Above: Get in the habit of securing your household's firearms inside a heavy-duty gunsafe, and keep the door closed and locked, securing guns that are not under your immediate control for defensive purposes.

and that those guns may stay in police custody for a long, long time (like until a possible trial and appeal are over – which could take years), should make it clear why it’s a good idea to have a gun or two in some other secure off-premises storage, such as in a bank safe deposit box, a safe or lock-box at one’s place of business, the home of a relative (if this can be done legally in one’s jurisdiction), etc.

Thomas Cena, Jr.

Attorney at Law

2115 N. 30th St., Ste. 201, Tacoma, WA 98403

253-572-5120

tomc5@nventure.com

The police in the described incident really have a limited constitutional authority to search and seize evidence. They, without a warrant, can seize any evidence that is probably that of a crime and which is in plain sight. This would usually include the gun used to shoot the burglar. Unless there is some reasonable factual connection between the possible crime (I assume the police still need to sort out if the homeowner is in some way at fault), and the stored guns, they really have no legal reason to seize them.

My experience is that police agencies in my area sometimes seize all the guns and sometimes not. Of course the homeowner may be asked for consent to seize the remaining guns. This “request” might be registered by the homeowner as having negative consequences for the refusal of her consent. A judgment call is necessary. The homeowner could say “no” to any request for consent. Also, if the police propose to seize the guns without consent, the homeowner could politely and firmly object to this action. This might slow down or stop the process. If the police are serious about needing to pick up the guns, they could restrict access to the safe while a warrant is sought from a judge.

If the guns are seized, the homeowner should include in her discussion with the lawyer (who should be contacted immediately in any event), the seizure and the most effective and efficient method of getting the guns returned. I once represented a person in a matter in which one gun was involved but numerous other firearms were seized by the law enforcement agency. I was able to get this collection, which had considerable value, returned before the resolution of the criminal matter. This was accomplished by a written order of the deputy prosecutor authorizing the release of the guns.

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Eric Hannum

Board Recognized Criminal Trial Specialist
1025 1/2 Lomas Blvd., Albuquerque, NM 87102
505-842-6171
www.hannumlaw.com
ehannum@flash.net

The terms "homeowner," and especially "burglar," are very loaded (no pun intended). Your fact pattern posits a situation where cops are called out and find a dead guy on the floor, and a non-dead guy holding a gun.

The NON-dead guy, i.e., the only one who can tell them anything, says the dead guy was breaking in. OKAY. Let's investigate a bit and see if this checks out. (That's one of the things we hire cops to do). They will not (or SHOULD not) take the word of one witness as gospel. They should check to see if ANY of the weapons available in the house could have been the "murder" weapon. This is absolutely normal. [When cops do not bother to check the reasonableness or plausibility of a claim of "self defense," however unlikely or preposterous, we get a Trayvon Martin situation, which is not good for public justice or for the rights of gun owners].

So, to answer your question – is it common for police to ask to take custody of ALL the firearms in the residence? Um, no. They don't usually ASK. They just do it, 'cuz there's a dead guy on the floor. As for what I recommend my clients say or do? Well, you have a right to remain silent. USE IT!! Not only will anything you say be used against you, it will be taken out of context, twisted around, remixed, and THEN used against you. So shut the *#\$% up. If you absolutely HAVE to kill somebody, do not expect a dozen roses and a plaque. Expect to go to jail. And, if you were right, expect to prevail in the end, but not without a fair amount of trauma.

The Network deeply appreciates the assistance our Affiliated Attorneys give with their contributions to this informative column. Members can view the listing of Network Affiliated Attorneys in their state by clicking <http://www.armedcitizensnetwork.org/affiliates/attorneys> and logging in to access this member-only element of the Network website.

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Please enjoy the next article.]*

DVD Review

The Missing Link

by Bill Kipp

Paladin Press

http://www.paladin-press.com/product/The_Missing_Link/Street_Survival

Reviewed by Gila Hayes

I first ran across The Missing Link on Marc MacYoung's website

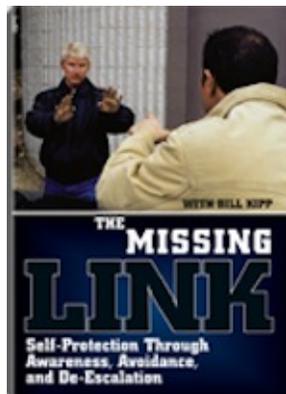
(<http://www.nonenseselfdefense.com>)

and was hooked by a description that the presentation, "teaches you the verbal and psychological skills needed to preempt violent attacks and end fights before they start." Did the DVD live up to its advertising? It certainly did, and taught a lot more, too.

The Missing Link is a combination of role-play demonstrations mixed with lecture and debriefings by Bill Kipp of FAST (Fear Adrenal Stress Training). Kipp's lecture style is engaging, and though the program is a lengthy 90 minutes, none of that time is wasted. The program begins with an explanation that many technique-based self-defense systems are light on awareness and verbal de-escalation. A comprehensive self-defense class will cover awareness skills, boundary skills including verbal defense, and combat techniques for when all else has failed, he continues. The video's primary focus is using awareness and verbal skills to keep a situation from devolving into a fight. These skills he calls the missing link in most self-defense instruction. In the program, role players demonstrate how body language, facial expressions, eye contact and tone of voice "communicate much more than the actual words that we say," he explains.

Surprise attacks and sucker punches constitute only a "very small percentage of attacks," Kipp believes. Instead, most predation starts with verbal intimidation to frighten the victim into compliance. "If we can learn not to get hooked by someone's words and use our own words and body communication to assertively back somebody down, it almost always keeps the situation from escalating to physical violence," he states.

Distance is addressed first, with Kipp noting that good friends typically interact at an arm's length apart. You have to determine whom you let closer than the one-arm's length, Kipp urges, because if you are this close or closer, you are near enough to be physically hurt.



Non-friend, non-threat interactions call for distances of one and a half to two-arms lengths, he continues. When a non-friend comes closer, we typically become uncomfortable and draw back. That discomfort is the voice of intuition saying, "Be careful," Kipp identifies. These internal alarms go off when the subconscious mind identifies something to which the conscious needs to pay attention. "This is a powerful tool. We have to learn how to listen to it instead of talk ourselves out of it," he notes, explaining that many experience a physical sensation—a flutter high in the chest or sensation in the throat or belly—that accompanies the subconscious alert. Learn to recognize that indicator, he urges.

Next he analyzes reactions to aggression, including passive under reaction and belligerent over reaction. Under stress, the rational mind surrenders to emotion as the limbic system takes over, Kipp explains, and a knee-jerk reaction is more likely than a thoughtful response. Scenarios demonstrate common outcomes. First, the role players illustrate how predator interest is stimulated by passivity. Without casting blame on the victim, he explains how people who suffer from bullying owe themselves a "responsibility...to come out and be more assertive so you can stop this behavior and live a much healthier and happier life."

Next, Kipp demonstrates the overreaction of being too aggressive. Life today involves a lot of pressure, he explains, noting that often it doesn't take much to trigger an aggressive response that cascades into violence. Aggression manifests in one of two ways, he continues. The first he calls the "peacock effect," in which the actor masks fear with cockiness. It's a bluff that sometimes works, but used against the wrong person is "like gas on a fire." He cites road rage as a common example of the other manifestation. These are "simple situations that start off at a low level and escalate very rapidly."

Identifying personal hot buttons helps protect against being manipulated into a confrontation. Later, he adds that the goal is to "stay conscious, not spin out in an emotional reaction."

Kipp demonstrates proper assertion, in which the role player is not passively victimized, but remains in control by offering the aggressor multiple ways to save face.

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"The trick in self defense...is making the appropriate response to the given situation, not under reacting and not over reacting, but meeting the level of intensity that you are experiencing and trying to find a range of choices where you can creatively deal with the situation and not let it escalate and to deter the attacker before it gets potentially violent," he teaches.

The scenarios demonstrate kindness without passivity and assertion that does not escalate into violence. Do not demean the aggressor, Kipp emphasizes, explaining how much the aggressor may have on the line if associates are watching. He stresses that verbal defenses are among the most important, because done correctly, nearly any aggressive approach can be "talked down." Most predators aren't looking for a fight, he explains. They are looking for an easy victim. When confident body language doesn't deter aggression, "verbal skills usually do the trick," he continues. However, applying verbal defense skills is one of the most difficult self-defense techniques to learn because the adrenaline rush creates an emotional reaction, making reasoning hard, he warns. Women may find verbal self defense difficult because unlike men who playfully talk trash, women are unaccustomed to it so are more easily intimidated or triggered by it, he opines. Good self-defense training exposes the student to verbal intimidation while they learn appropriate de-escalation strategies.

It is important to be able to identify the level of threat offered, so as to respond at the appropriate level. Kipp adapts Jeff Cooper's color code to tag threat levels by yellow, orange and red, as well as identifying appropriate verbal and nonverbal communication for various circumstances. These he applies to various scenarios that show body positioning, posture, use of hands, movement and speech to deflect the aggressor.

Demonstrations also show stages of interaction with a predator and safe withdrawal from the area. Physical positioning and using fixtures like desks or chairs help break up approaches and regain control of the situation.

Verbal defense, environmental set up, and using what is around you all are tools for defense that Kipp explains and the role players demonstrate.

Many of the scenarios show a man aggressing against a woman. While the principles demonstrated are effective across gender lines, it may be a little hard for male viewers to identify with the victim. About an hour into the presentation, Kipp speaks directly to male viewers, using lessons he has learned in his own life to identify behaviors that can cause problems. Included are passivity, aggression and generating appropriate responses with adrenaline running. These strategies are designed to give aggressors necessary respect. Male aggression is sometimes territorial, Kipp adds, demonstrating verbal responses and physical positioning with body language to let someone defending his turf back off with his dignity intact.

As the program concludes, Kipp points out that daily life gives lots of opportunities to practice de-escalation. Minor confrontations arise all the time. To start, identify your normal responses, becoming aware if you tend toward passivity or aggressiveness. Study noncritical incidents to learn to avoid either extreme. Practice defusing verbally and using body positioning and nonverbal communication to reach resolutions. By not getting emotionally engaged, you can use your mind to develop creative solutions, of which there are usually a number available, he adds.

Daily practice of these skills not only eases day-to-day life, but practice also makes the techniques more accessible if a really bad situation arises, Kipp asserts. Viewers are advised to use a mirror to watch facial expression, while practicing the verbal strategies taught in the DVD, including Kipp's examples of language, vocal tone and pacing that changes the message the aggressor receives and its applicability to different levels of aggression. Practice builds skills that can alert us when we make an error and ingrains corrective action so problems can be averted or derailed. "It works like magic," Kipp encourages.

The presentation is well organized and the mix of lecture and demonstration provides an enjoyable learning experience. If you've not studied de-escalation or could use a refresher, this DVD program is an excellent choice. You'll find more information about Kipp's business, FAST, at <http://www.fastdefense.com/>.

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

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Networking

by Brady Wright

It's impossible that we are already more than halfway done with this year! I still have a ton of things to get done; reorganize the gun room, set up a reloading area that actually has room to work in, buy a few more of the guns on my wish list. You know: the really important stuff!

One thing we can count on, with such a rich crew of members and affiliates, is that the gun or accessory we may be looking for is always out there to be found, if you just ask around. Last month, I found that I had somehow acquired a lust for a new shotgun. You know how it is. The model I wanted (the new Kel-Tec KSG) has been hard to find so I made one call to our friend Bill Butler, at Idaho Gun Brokers. (<http://www.idahogunbrokers.com>) Bill not only had the gun on order and set one aside for me, but his price was so good I cannot post it here! Our affiliates are the best, and Bill is truly a black belt in customer service!

Just a few days ago, I spoke with Jay French, our affiliate at CCW Breakaways. He is doing such great business that he needed more booklets early. It gave me a good chance to tell him how much my wife is enjoying her new pair of CCW cargo shorts. She carries her M&P compact with no print and in perfect comfort, thanks to Jay. It's always good to keep the wife happy.

Steve Eichelberger, in Salem, Oregon, is also doing a great job with his classes there. You can see all of his offerings at <http://www.firearmsinstructor.us/>. I really like his proactive approach: "Firearms instructor on call, will come to you – Why wait?"

Jayson Gilbertson attended the recent Network Continuing Legal Education seminar in Minneapolis, and came away very impressed. So much so that he is looking forward to other sessions and we sent a case of booklets to his firm, Professional Firearms Training, LLC, in Sioux Falls, South Dakota.

I've been real impressed with the overall tone and involvement of our members on the Facebook page lately!
https://www.facebook.com/home.php?sk=group_221594457860509.

Among the more prolific posters there are C. Wolf Forrest, Phil Wong and Hero Vierhundert Hertz. We are up over 530 members on the page alone, now. I also learned about a gun forum called American Arms and Associates, from our member Beth Cawood. It looks like a good source for discussion and I'd be interested in any feedback, if some of you happen to check it out.

Congratulations go out to Mace Ward, in Lenior City, Tennessee. He's the brand new owner of Team KLR Defensive Concepts, a new firearms school, sales, and gunsmith business. He's planning to offer all of his students and customers membership information about the Network! You can check his business out at <http://www.teamklrdefensiveconcepts.com> or email him at <mailto:teamklrdefensiveconcepts@gmail.com>. Glad to have you as part of the family, Mace!

The town of Deeth, Nevada is out near Elko and Wells, in the Starr Valley and there you will find Danielle Kohler, owner of Arms-R-U's. Danielle is a three-time Ladies Open Handgunner World ShootOff champion, is a NRA certified instructor for Handgun, Rifle, Shotgun, Personal Defense, and an approved Nevada CCW firearm instructor offering the required concealed carry classes on site. The class completion is also good for Florida non-resident applications. She encourages her students to continue their education and the Network booklet she hands to each one is another tool to assist them in that goal. You can call her at 775-753-8825 or email <mailto:dmk@arms-r-us.com>.

Another great product that I'm looking at for my own stock is one of the excellent Cleveland's Holsters. (<http://www.clevelandsholsters.com>) Bobby Cleveland does a great job on each one and his work is first rate. His business is so good lately that he had to increase his supply request for the Network booklets! Nice going, Bobby!

And finally, congratulations go out to Mark Steven Booth, one of our individual members. Mark is just now beginning to teach classes on his own and he is going to spread the word on the Network to each student. His headquarters is in scenic Humble, Texas, and we are proud to have another Instructor Affiliate in the Lone Star State!

Remember to call or email me at <mailto:brady@armedcitizensnetwork.org> if you have news to share or know of a win we should celebrate. More to come next month from your Networking fool. Stay safe out there!

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Please enjoy the next article.]*

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Guest Editorial

Editor's Note: We've all received the email about the United Nations treaty outlawing private gun ownership, and even authoritative sources like the National Rifle Association carries news about fighting a U.N. gun ban ([file://localhost/see http://www.nraila.org/legislation:federal-legislation:2012:senator-moran-leads-efforts-against-un-gun-ban-treaty-restriction-on-funding-for-un-treaty-passes-us-house-committee.aspx](file://localhost/see%20http://www.nraila.org/legislation:federal-legislation:2012:senator-moran-leads-efforts-against-un-gun-ban-treaty-restriction-on-funding-for-un-treaty-passes-us-house-committee.aspx)). The Heritage Foundation website <http://www.heritage.org/research/reports/2009/08/the-uns-arms-trade-treaty-a-dangerous-multilateral-mistake-in-the-making> has more. These warnings spawn millions of alarmed emails, in response to which attorney James Fleming shared with me the following. In it, he offers a critical analysis of the U.N. treaty question, as well as spelling out how Americans could go about protecting their fundamental rights if such an over-reaching initiative is attempted. Instead of my usual editorial, I'd like to offer you the following viewpoint in Fleming's own words.

by James Fleming

Like most of the unfortunate stuff floating around on the Internet these days, this keeps popping up, gets folks all riled up, but it is inaccurate, at least to this extent. No treaty executed by the U.S. government can trump the protections of the U.S. Constitution, as a matter of law.

Treaties are treated by the law like any other Congressional enactment, with the exception of the fact that they need to be agreed to by other nations. Because they are on par with other laws passed by Congress, they cannot violate the Constitution or deprive citizens of rights protected under the Constitution.

The idea that treaties are superior in law to the Constitution is traced to Secretary of State John Foster Dulles (see http://constitution.org/cmt/law_of_nations.htm), and is sometimes referred to as the "Dulles doctrine." John Foster Dulles pronounced that treaties, executive agreements and votes in the United Nations, could effectively amend the U.S. Constitution and expand the powers of the federal government without limit. This, in the mid-1950s, was conceived with the idea of giving then President Eisenhower the ability to wage war without a declaration of war by Congress in support of any Middle Eastern country that requested help to defend against communist aggression. But Dulles never provided a legal basis for his argument; he simply stated that it ought to be that way.

However, the issue of whether treaties overwhelm the Constitution was specifically considered by the U.S. Supreme Court in the case of *Reid v. Covert*, 354 U.S. 1 (1957) (see <http://www.constitution.org/usssc/354-001a.htm>). The case involved Mrs. Covert, who had been convicted by a military tribunal of murdering her husband. At the time of Mrs. Covert's alleged offense, an executive agreement was in effect between the U.S. and the United Kingdom, which permitted United States military courts to exercise exclusive jurisdiction over offenses committed in Great Britain by American servicemen or their dependents.

The Court ruled: ". . .no agreement with a foreign nation can confer on Congress or any other branch of the Government power which is free from the restraints of the Constitution. . . ."

This Court has regularly and uniformly recognized the supremacy of the Constitution over a treaty. This Court has also repeatedly taken the position that an Act of Congress, which must comply with the Constitution, is on a full parity with a treaty, and that when a statute which is subsequent in time is inconsistent with a treaty, the statute to the extent of conflict renders the treaty null. It would be completely anomalous to say that a treaty need not comply with the Constitution when such an agreement can be overridden by a statute that must conform to that instrument.

Note that the Court held that acts of Congress are legally equal to treaties. Acts must comply with the Constitution, so treaties, being on "full parity" with acts, must also comply. The Court continued, "No agreement with a foreign nation can confer power on Congress or any other branch of government, which is free from the restraints of the Constitution."

So, while I would never put it past Obama and Hillary Clinton to try to use a U.N. Treaty as an end run around the Second Amendment, it would be an illegal end run at best. Even if Obama were to stack the court during a new four year term, I doubt whether the Sotomayors and Kagens would be crazy enough to rule that the Second Amendment has been rendered obsolete or invalid by a U.N. treaty. Legal scholars would roast them, and if Obama attempted to enforce such a ruling, it could very likely lead to impeachment proceedings against him in the Senate.

*[End of July 2012 eJournal.
Please return next month for our August edition.]*

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Marty Hayes, President
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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.

