



Network Legal Defense Fund Track Record

by Network President Marty Hayes

At the recent NRA Annual Meeting, many visitors to the Network booth asked about our track record of assisting our members. Their questions inspired me to write a report for members detailing the post-incident support we've provided for members. Ironically, although details about members assisted by the Legal Defense Fund tops the list of information requested, member privacy concerns keep us from using this all-important facet of membership services as a promotional tool.

I know that if you were one of the members who received support from the Legal Defense Fund, you would not want me to share details. With that in mind, I am going to do my best to sketch out in general terms the cases the Network has funded without violating any member's privacy.

Since its inception in 2008, the Network has provided assistance from the Legal Defense Fund for eight members. Of those, I can talk about only six, because two cases are still on going. Still, there are lessons to be learned, so let me present thumbnail sketches and outline what we can learn from the cases.

The six "closed" requests for assistance included two felony assault charges. For these cases, we forwarded the members' attorneys \$10,000 to provide legal representation. Neither of these cases went to trial, so no additional funding was requested. In one of the felony cases, the individual turned out to be the first aggressor in an incident that could best be said to stem from a domestic relationship gone sour and the defendant eventually took a plea offer. In the other case, two or three people in a parking lot set upon our member. After taking a severe beating, he pulled his Glock 19 pistol and threatened use of deadly force. The injuries from the beating were so bad that he first went to the hospital, then to jail.

Why was he jailed, you might ask? You would have to ask the police and prosecutors, but I believe it is because this took place in an urban, anti-gun area.

Where attitudes are anti-gun, if you point a gun at unarmed individuals, you will likely be arrested and prosecuted for criminal assault without regard for whether or not you were just beaten.

When the member's father contacted and told us what had happened, I went to work and within a few hours, arranged for a Network Affiliated Attorney, an experienced criminal defense attorney familiar with the ins and outs of the local court system, to meet with him. We paid the attorney a \$10,000 retainer to represent our member. The case was resolved before trial when our member accepted a deferred prosecution for a misdemeanor charge of disorderly conduct or similar minor offense, with credit for time served (he had spent a few days in jail before arranging bail), and after six months, his record would be wiped clean if he stayed out of trouble.

I suspect you are exclaiming "That's NOT fair!" and you're right. It wasn't fair, but our criminal justice system is not fair. The quicker we all come to that realization, the better off we are. Our member was faced with the decision to plead guilty but have the guilty plea vacated after six months of good behavior, or face two felony counts of aggravated assault. Knowing that, I can't fault his decision at all! Today, he remains a dues-paying member of the Network, because he has no restrictions against owning firearms.

Display of Firearm Charge

Another case the Network supported involved the display of a firearm after our member was confronted by a group of individuals making threats against our member and his wife. As I understand it, our member pulled his gun but did not point it at anyone. The politically correct cops in his town decided to refer charges of felony assault to the local prosecutor, who decided to take it to the Grand Jury in his county.

From my viewpoint, the most curious aspect of this case was that our member didn't call us until he was under

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subpoena to appear before the Grand Jury. He should have dialed the Boots on the Ground phone number on the back of his membership card the night of the incident. With good legal representation immediately, it is entirely possible that the case never would have been presented to the Grand Jury, and he would not have had to go testify. Still, as soon as we learned what had happened, we put one of our Network Affiliated Attorneys in contact with him, to help prepare to testify for the Grand Jury. As it turned out, the Grand Jury did not charge him with a crime.

Trouble with Neighbors

In two separate incidents, members of the Network became involved in disputes with their neighbors. We forwarded money to each of their chosen attorneys to represent them in their initial dealings with police and prosecutors. Neither went to trial. One involved display of a firearm, and charges were dropped before it went very far at all. The other took a plea, and as I don't know all the details of the case, I can't say why the member decided to take the plea instead of going to trial. Unless specifically requested, we do not interfere between a member and his attorney until the member requests additional funding to take the case to trial. What I do know is that there were two witnesses against our lone member and perhaps the stories they told persuaded our member and his attorney that a conviction, regardless of the facts, was likely.

Recently, a member was forced to shoot and kill a dog that was attacking his girl friend's dog and him. We paid for that member to consult with a Network Affiliated Attorney. Beyond noting that this took place in an urban, anti-gun area, I believe we should withhold any additional details as confidential at this time.

Adding up the money paid the attorneys in the cases above, plus funding for the two on-going cases, up to this point the Network has paid a total of \$42,700 for representation and legal counsel for eight members involved in self defense.

Trends in Member Needs

When we started the Network, we expected the biggest demand for resources and expertise would be to assist our members after a lawful shooting. Although in one instance a member came close to shooting an assailant, we are not aware of any Network member who has had

to engage another person with gunfire. I can't help but think this is due in part to the educational DVDs* sent to every new member. Those DVDs are a valuable part of your Network membership!

Though not what I initially expected, I believe I see some trends in the incidents in which our members were involved. I would like to highlight what we can learn from their experiences. First, be sure to watch, study and document your viewing of the Network's educational DVDs. I really cannot think of any good excuse for failing to do so.

At the NRA meeting, I met one of our members who thanked us for starting the Network. He commented that one of these days he needs to watch the DVDs we'd sent with his membership. I almost fell off of my chair in surprise! Members, if you ever have to explain to a jury why you knew your life was in danger or about to be threatened, those DVDs will be crucial to your successful courtroom defense. At least once a year, members should watch and document that they studied the Network's DVD lecture series. If you wear out the DVDs, we will send you a replacement set.

The other lesson? Make peace with your neighbors! Fully one-quarter of our member-involved incidents came about because of disputes between neighbors. In addition, I have worked on several cases outside the Network that involved neighbor-on-neighbor use of deadly force. If you cannot make peace with a quarrelsome neighbor, then consider moving. If a neighbor's misdeeds are so serious that they are criminal in nature, be sure to report those crimes to the police.

How Much Funding?

Not too surprising, another common question we fielded at the NRA Annual Meeting was, "What if the costs for a member's legal defense go into the millions?" In all likelihood, these concerns stem from revelations by Mark O'Mara that his firm ran up a bill of \$2.5 million defending George Zimmerman. Explaining the \$2.5 million tally is outside the scope of this discussion. Conceivably, the state and the media could target a Network member, so preparation to defend a highly politicized case is of concern.

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I believe our best strategy is to continue building up the Legal Defense Fund through member dues and corporate contributions. As I write this, our Legal Defense Fund balance has exceeded \$370,000. I call on members to spread the word about the Network, get your family members and shooting friends involved in the Network. With each new member, the Legal Defense Fund grows that much closer to a million bucks. If each member recruited just one more member before the end of the year, we would be at a million bucks in a couple of years.

Let's do it!

* Members needing to verify that they have viewed all of the educational DVD lectures should refer to the below list. If you have lost any of the lectures, please email us the title that you have listed along with your name and address and if you are a member in good standing, we will happily replace the disk(s).

1-Use of Deadly Force in Self-Defense (Lecturer: Marty Hayes)

2-Handling the Immediate Aftermath of a Self-Defense Shooting (Lecturer: Massad Ayoob)

3-Defending a Self-Defense Shooting (A 2-man panel of Network Affiliated Attorneys)

4-Recognizing & Responding to Pre-Attack Indicators (An Interview with Marc MacYoung by Marty Hayes)

5-Additional Considerations When Using Deadly Force (Speakers include Dennis Tueller, Massad Ayoob, Tom Givens and John Farnam)

6-Understanding and Explaining Altered Perceptions of Participants and Witnesses of Violent Encounters (Lecturer: Massad Ayoob)

7-Emotional and Psychological Aftermath of a Self-Defense Shooting (Lecturer: Massad Ayoob)

8-Legal Considerations of the Use of Non-Lethal Defensive Force (Lecturer: Marty Hayes, with commentary by Rob Pincus and Kerry Tanner)

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



President's Message

by Marty Hayes, J.D.

Several topics from current events have come up on which I would like to comment. The first is the stupidity of what Network Affiliated Attorney Andrew Branca calls the Open Carry In Your

Face! crowd in his commentary at <http://legalinsurrection.com/2014/05/op-ed-open-carry-activists-score-yet-another-own-goal/>. Seems that two twerps decided to openly carry a couple of semi-automatic rifles into a Chipotle restaurant, apparently pausing for photos before they left. I haven't followed the story completely—there've been too many other things happening in my life—but if any of you are considering doing something similar, please do not do it near me.

I am afraid I might mistake you for one of the nut jobs who've recently taken their semi-automatic rifles into public places and started shooting people. I am a pretty good shot, and if you make a threatening move as I hold you at gunpoint awaiting the arrival of at least a dozen cops, well, you will probably die. Seriously, how is a responsibly armed citizen supposed to tell you apart? And guess what...If I held you at gunpoint and you waited for the cops to show up and sort it out, they may well arrest you, and here in Washington State you would likely be convicted. That's because our law reads: RCW 9.41.270 Weapons apparently capable of producing bodily harm — Unlawful carrying or handling — Penalty — Exceptions.

(1) It shall be unlawful for any person to carry, exhibit, display, or draw any firearm, dagger, sword, knife or other cutting or stabbing instrument, club, or any other weapon apparently capable of producing bodily harm, in a manner, under circumstances, and at a time and place that either manifests an intent to intimidate another or that warrants alarm for the safety of other persons.

(2) Any person violating the provisions of subsection (1) above shall be guilty of a gross misdemeanor. If any person is convicted of a violation of subsection (1) of this section, the person shall lose his or her concealed pistol license, if any. The court shall send

notice of the revocation to the department of licensing, and the city, town, or county which issued the license.

(3) Subsection (1) of this section shall not apply to or affect the following:

(a) Any act committed by a person while in his or her place of abode or fixed place of business;

(b) Any person who by virtue of his or her office or public employment is vested by law with a duty to preserve public safety, maintain public order, or to make arrests for offenses, while in the performance of such duty;

(c) Any person acting for the purpose of protecting himself or herself against the use of presently threatened unlawful force by another, or for the purpose of protecting another against the use of such unlawful force by a third person;

(d) Any person making or assisting in making a lawful arrest for the commission of a felony; or

(e) Any person engaged in military activities sponsored by the federal or state governments.

Interestingly, here in WA state, it is commonly held that "open carry" is a legal activity, although subject to the above restrictions. Would carrying a semi-automatic rifle on a tactical sling, in a place of business in the public domain without any recognizable purpose, be considered "in a manner, and under circumstances that either manifests an intent to intimidate another or that warrants alarm for the safety of other persons?"

In 1994, Washington's appellate court affirmed Randolph Spencer's brandishing conviction, commenting, "... any reasonable person would feel alarmed upon seeing, on a residential street at night, a man carrying a visibly loaded assault rifle in an assaultive manner..." (75 Wn. App. 118, STATE v. SPENCER) Would the same apply to rifles openly carried into a place of business? I don't know. However, do this nonsense in a public area when I am around, and we will find out eventually, as I will happily testify at your trial as a witness, open carry be damned.

If convicted, could you spend the many thousands of dollars (read over \$100,000) to eventually get the case decided by the United States Supreme Court? You see, once convicted, the only chance you have to get the conviction overturned is an appeal based on

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constitutional grounds. And with the United States Supreme Court already ruling that local jurisdictions can place reasonable restrictions on the Second Amendment, I would only hold out a 50/50 chance for you to win.

The right to keep and bear arms is analogous to the right to free speech. One cannot yell "fire" in a crowded theater or trade in child pornography. I would say that carrying a semi-automatic rifle on a tactical sling in an open and notorious manner might just be akin to possession of child pornography.

Mental Health Reporting and Guns

The other news worthy of commentary is the recent mass murder by a disaffected mentally ill individual in Santa Barbara, CA who legally bought three handguns, then went on a murder rampage. He stabbed three people, then took his guns and began randomly shooting others, killing another three people and wounding 17 more. As it turns out, he had a history of mental illness, including being prescribed "psychiatric drugs." In doing a little Internet research on the subject, I came across this discussion of the shooter and his mental issues: <http://www.cchrint.org/2014/05/26/will-lawmakers-investigate-elliott-rodders-psychiatric-drug-use-or-ignore-it-that-is-the-question/>

Is it time for us sane gun owners to request restrictions on gun possession by people being treated with psychiatric drugs? I mean, if a person voluntarily takes federally regulated and strictly controlled drugs that are known to produce suicidal or violent tendencies, might it not be a reasonable thing to require the psychiatrist to report the prescription to the National Instant Check System people, to red-flag that person until they get off the drugs for a logical period of time?

I do not know the answer, but instead, I am asking the question. I would welcome your thoughts, either for printing as further discussion in this *eJournal*, or email me privately at mhayes@armedcitizensnetwork.org.

You Can't Make This Stuff Up!

Recently, a new member wrote: *"I just [got] a box from your firm with a whole bunch of DVDs. I do not have the time to watch those. I will be joining [business name redacted], as they don't have all this stuff. I plan on returning this to your company. My time is very limited and don't have that many hours to watch those things."*

Knowing the value the Network places on having well-educated members, you won't be surprised to learn that we contacted him and arranged to refund all of his prepaid dues when we received the membership package back. A few weeks later, the box of DVDs was returned by mail and we mailed off a full refund check.

Why am I bringing this up? First, you gotta like a guy who is self-aware and knows his limitations. But, having said that, I cannot fathom why on earth anyone would pass up the opportunity for eight hours of education on use of deadly force in self defense, simply because he does not have time to view the lectures! Such a person could find that they have plenty of time after screwing up and ending up in prison. I'm only partly joking when I add that perhaps I should appreciate such people being self-selecting and joining a competitor's service plan that does not provide education for their members/customers. Having a few thousand ignorant, gun totin' bubbas for clients would give me sleepless nights.

In all seriousness, the Network educational DVD lectures could be the one thing that can save your butt in court. Of course, there are also a hundred other variables when justification for self defense is being judged, but education only hurts you if you go against your training. We have sought out the very best professionals in the business to work with us in providing you the best education we know of. If you haven't watched the Network DVDs for a couple of years, you might take the time and refresh your knowledge. When you do, make sure you date and initial the DVD label to document when you studied it.

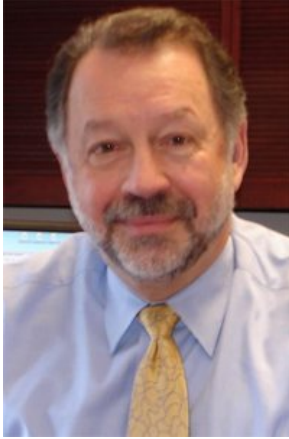
In Closing

Let me close this column by admitting that I indulged in hyperbole earlier when I stated I would likely draw down on and shoot a person carrying a semi-auto rifle who walked into the public area where I was with other people. In actuality, I doubt I would do that, but I would instead back off and likely call the police, while keeping my eye on the open carrier from a position of cover. I wanted the thought to sit with you for a while, to give you something to think about, so you could decide how would YOU handle such a situation? Just wanted to set the record straight.

And finally, let me encourage Network members to participate in our Member Survey. We would really like to hear your thoughts.

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Please enjoy the next article.]*

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Vice President's Message Member Survey Results Are In ...

by Vincent Shuck

OK, the results are not really in, but now that I may have your attention, allow me to explain my point. As noted in Gila's *eJournal* publication announcement for this June issue, we have

posted a membership survey to solicit your critical input about Network benefits and services. The link is only active for and available to Network members.

We are conducting the survey in order to obtain your direct input on our activities, to understand more clearly what you think, and to determine how best to allocate our resources to meet your needs. Our strategic review of your comments will help us chart a path for the Network in the coming years. Your feedback is important to us and your survey time should take less than five minutes. To complete the survey, simply follow the link provided in the email notice regarding this month's *eJournal* announcement. Only one response is permitted from each member.

Your responses are voluntary and will remain confidential. All responses will be compiled together and analyzed as a group. Finally, we greatly appreciate your response and completion of the survey and encourage you to react quickly inasmuch as the survey will remain active for a limited time.

If you have any questions about our survey, contact us at info@armedcitizensnetwork.org or call 360-978-5200.

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



Unfinished Business

In the May 2014 edition of this journal, Network President Marty Hayes asked attorneys to help answer a member's question about how much it would cost to field an entire legal team as he had described in the April 2014 edition's lead article, Meet Your Legal Defense Team (see <http://armedcitizensnetwork.org/our-journal/306-april-2014>).

Perhaps the question bordered on the unanswerable, owing to huge variations in fee structures from one locale to another and the specific needs of various cases. One attorney, our Advisory Board Member James Fleming, suggested the following—

Frankly, I have no idea how anyone with any level of experience would go about trying to do an accurate estimate of this kind. No attorney in their right mind is going to handle a case of this type on anything but an hourly basis, and attorneys bill at different hourly rates, depending upon the attorney's level of experience, client ability to pay, and what the market is in their specific area. I might bill an elderly client on limited income \$175 per hour to handle some real estate dispute. I might also charge \$300 per hour on a criminal vehicular homicide case involving the son of a wealthy CEO.

How many hours will a case take? No one knows, and I mean no one. Will there be discovery proceedings, researching, preparing and conducting hearings on pre-trial motions of an infinite variety, how much time will I spend dealing with my expert(s), discussing and negotiating with the prosecutor, or opposing civil counsel, interviewing witnesses, etc.? Each case will have its own complexion and obstacles.

Will there be a need for more than one attorney? Who knows? Big law firms love to get junior attorneys involved, so they can show they have a "defense team." They also like to bill the snot out of hapless clients for all those suits. Most of the really good attorneys are very comfortable handling the case on their own, to maintain proper control (particularly during the trial), and to keep the fees down for the client. When an individual is on trial in a criminal case, having multiple attorneys sitting at counsel table also sends a really bad message to jurors, most of whom could not afford a flock of suits if it were them on trial.

There may be a need for an investigator, there may not. Who that is, what they would be tasked to do, and how much they would charge, will vary from case to case, and area to area.

Paralegals and legal assistants are the same thing, just different titles. I taught them for years. Same skills, different titles, often depending upon the area of the country they are in. Again, impossible to estimate without knowing what it is that they would be doing, and whether the firm charges for their time separately or not. Some do, some don't. Some paras are very good, some are not, and some are on staff only because they are banging a senior partner and have no other skills at all. I know that sounds incredible, but I have seen it in practice on numerous occasions. So has my daughter who is a supervisor of paras in the legal department for the Union Pacific railroad in Omaha. She complains about this constantly.

A specific case might need a reconstruction expert. And, depending upon the locale, case law and judicial attitudes, that expert may be allowed to testify, and then again, they may not. If the judge decides (as has happened so many times before) that the expert's testimony will not provide anything beyond what a normal person already knows, it won't get in. The appellate courts are very deferential to the discretion of trial judges, and so those decisions are rarely overturned on appeal. So, what you would use that expert for may vary greatly from case to case.

Example: A judge in Ohio recently [and rather incredibly] denied a defendant the right to present testimony from an acknowledged self-defense expert on the defensive use of a knife to prevent strangulation because, "these matters are not beyond the knowledge or experience possessed by lay persons, nor do they dispel a misconception common among lay persons, and therefore would have done little, if anything, to aid the jury." *State of Ohio v. Shannon N. Smith*, No. CA2010-05-047 (Ohio App. Dist. 2011).
http://www.sconet.state.oh.us/pdf_viewer/pdf_viewer.aspx?pdf=688195.pdf

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The same would hold true for a firearms expert and a forensic pathologist. The pathologist in the Bison King case (see <http://armedcitizensnetwork.org/wanted-convictions-at-any-price>) charged \$30,000, but in that case, the mechanism of death was hotly disputed. In a self-defense case that will not be true ("Yes, I shot him, but it was in self defense"), but there may obviously be other factors ("Somebody shot him, we're just not sure who," "he was shot over here, but lived long enough to run over there," etc.).

An individual charged with a murder as a result of a self-defense shooting is likely to spend a minimum of

\$80,000 and upward from there on a defense. But, it really varies in a number of factors.

James Fleming is a member of the Network Advisory Board and a practicing criminal defense attorney of 30 years experience. Before becoming an attorney, he was a certified law enforcement officer in Nebraska. See <http://www.jimfleminglaw.com> for more information.

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Please enjoy the next article.]*



Attorney Question Of The Month

Recently, a large group of armed citizens inserted themselves into a conflict between federal law enforcement agents and Nevada rancher Cliven Bundy at the Bundy Ranch near Las Vegas. This was with encouragement from Bundy. Fortunately, the conflict de-escalated without bloodshed.

We asked our Network affiliated attorneys, "If the federal law enforcement agents had not backed off, but instead had insisted on enforcing the details of the ostensibly lawful order of the court to seize the Bundy cattle grazing on BLM land, what would the legal position of these armed citizens have been if a bloodbath had ensued?" Here are their responses—

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"Lunacy" and "idiocy" appropriately describe the on-scene activity undertaken in support of Mr. Bundy. Attempting to impede the action of federal officials, especially when armed, is very likely to result in a prosecution and term of imprisonment upon conviction. Federal misdemeanor and felony provisions are implicated by involving oneself in such a standoff. I would not be surprised if prosecution is being considered against leaders or promoters of the recent Bundy support activity.

Neither the good intentions of an intervener or Mr. Bundy ultimately being found to be in the right are defenses to federal crimes which punish obstruction of justice, assault on federal officers, and related conspiracy charges. The conduct I observed could have been charged as federal misdemeanors and/or felonies, which punish impeding the execution of federal court orders, obstructing justice, and assault. For the purpose of prosecution, the performance of official duties and existence of a court order control.

There is no "ostensibly correct" but later overruled as incorrect defense. The same is true for officials performing their duties. It is not a defense to an obstruction or assault charge that you were following the constitution and the federal official was not while performing his/her duties. Finally, as these are general

intent crimes, a sincerely held but incorrect belief you were not violating the law is also not a defense.

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Their legal position would have been very, very bad. The law does not allow citizens to use armed force against the government, even if the government is in the wrong.

Were the government agents to start shooting or injuring people without cause, then the normal rules of self defense would apply. But the government is allowed to use reasonable force to enforce the law and the citizens are not allowed to use force to stop them simply because they disagree with the government's actions.

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Although I have not seen the order, I believe that if federal agents were shot, the shooters would have been charged. Enforcement of court order or appeal thereof is a civil process and must be handled non-violently. The armed citizens would likely end up on the wrong end of the encounter.

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The legal position of the citizens, had they engaged in a gunfight with federal officers/agents is simple: They would have been arrested and aggressively prosecuted in the federal courts for murder and myriad other offenses and their fate would have been decided by a jury. They would be held without bond pending trial and perhaps sentenced to death if convicted. The costs of

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their defense would have been enormous. They would also be sued in the civil courts by the agent's families or any wounded surviving agents personally.

In other words, it would have been a disaster and ill advised had they used force to resist.

On the other hand, the federal government seems to be able to slaughter people with impunity and without repercussions, as we learned from the Waco catastrophe.

The best course of action is not to offer forcible resistance and to immediately seek emergency injunctive relief from a court of competent jurisdiction.

The ultimate solution is at the polls; i.e., to elect a government that is responsive to the people and respects both individual and state's rights.

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Regardless of one's view on the propriety of the actions of the federal government and the belief, even if well founded, that the government has overstepped the bounds of its authority in a given situation—every citizen (especially, in my opinion, armed citizens) must keep in mind that persons generally have no right to resist an arrest or to obstruct one known to them to be a law enforcement officer acting in the performance of his/her duties. This is true even if the citizen believes the arrest is unlawful and even if it is in fact unlawful.

There is an exception to this general rule—i.e. a citizen may act in self defense if the officer uses excessive force prior to the citizen's use of force to resist. Depending on the facts of the situation the officers will almost always get the benefit of any doubt on the factual issues regarding whether the officer's use of force was excessive and whether the officer acted reasonably in the first place.

I offer this as an Illinois lawyer but I would be quite surprised if the law is significantly different in other states or the federal system. Unlike many talking heads and television "legal experts" I will refrain from giving opinions about the Bundy case specifically as my only source of factual information is from news accounts.

That said and in response to your question—if the news accounts stating that the federal officers were acting pursuant to a court order are accurate, I believe that Mr. Bundy and his supporters would have had a very difficult time justifying the use of any force to interfere with the execution of the order by the officers.

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In my opinion, the principles of self defense, etc. would still apply, however the armed citizens would not have been given much latitude since they inserted themselves into the conflict, albeit at the request of the person who was refusing to obey a lawful order. In other words, in a close call, the armed citizens would not have been given any leeway.

Michael D. Harmon

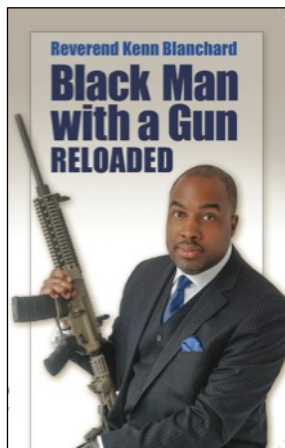
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The question asserted that the court's order to seize Mr. Bundy's cattle-grazing land is lawful. Given that information, any opposition to law enforcement's attempts to enforce that order could be considered an unlawful obstruction of justice.

More specifically, the armed citizens that inserted themselves into this conflict did so at their own peril. At a minimum, they could have been charged, I believe, with both state and federal crimes. At worst, if the situation would have escalated and gun violence would have ensued, the demonstrators may have been charged with any outcome the violence produced. Civil disobedience is always done at the peril of those that disobey. Before one takes on the mantle of disobedience, one must be prepared for any and all consequences that may follow.

A big "Thank you!" to all the Network Affiliated Attorneys for their frank responses to this question! Watch for our Affiliated Attorneys' opinions about a new topic in the July edition of this journal. We deeply appreciate the contributions all of our Affiliated Attorneys make to this column, as well as their other services to Network members.

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Book Review

Black Man with a Gun: Reloaded

by Kenn Blanchard
190 pages, 8" x 5" inches,
Paperback
Published by White
Feather Press LLC
(February 7, 2014)
ISBN-13: 978-
1618080875
List Price \$16.95

Reviewed by Gila Hayes

How can one man change the negative connotation of the words *Black Man with a Gun*? "The job was open, so I took it," writes Kenn Blanchard in the introduction to the recently released second edition of his iconic book, *Black Man with a Gun: Reloaded*. Boldly claiming a description that creates discomfort for many, Blanchard employs irony and humor to make the reader rethink prejudices about guns, race, society and politics. Topics addressed are anything but funny as revealed in the first chapter in which he relates family history and how his grandmother's shotgun kept him safe from dangers as diverse as domestic violence and a poisonous snake.

The young Blanchard regarded that shotgun much as he did the sharp ax in his grandmother's woodpile: "We didn't touch either without asking my grandparents for permission," he relates. The same held for hunting guns with which black families put food on the table, he adds in the next chapter. From these homey remembrances, Blanchard explains the anti-gun convictions expressed by so many African American women. After the civil war, he explains, blacks violating rules against possessing firearms or even ammunition faced mob violence resulting in the deaths of too many husbands and fathers. Today, violence among young blacks creates a similar unreasoning fear. "It is hard to overcome that fear in a black home where the matriarch often rules," he explains.

Gun control is another legacy lingering long after slavery's abolition. Blanchard personally tested the suspicion that the pro-gun powerhouse, the National Rifle Association, is comprised of rednecks and racists. With disarming self-analysis, he writes about crashing a NRA board of directors meeting, and finding that leading NRA members wanted his participation. Despite the

power of joining up with others sharing the goal of freedom, "the hardest thing about being part of a group of over a million people is that we don't all have the same goals, core values, or traditions." Still, he writes about the late Charlton Heston with great affection, lauds the work of Neal Knox, Col. Bob Brown and other "old, white guys" burdened by traditions of another time.

In a lengthy discussion of the NRA's achievements and challenges, he suggests that gun owners mistakenly complain about the fundraising and politicking for which the organization gets the most publicity, while the gun safety, marksmanship, hunting and shooting programs are forgotten. "Even if they don't meet all your expectations," every gun owner needs the NRA, Blanchard urges. "The National Rifle Association promotes the simple fact that all law-abiding Americans have the right to keep and bear arms, any arms."

These rights have been denied blacks since the arrival of the first slave ships bearing men and women who were viewed as property, not human beings. Blanchard cites court decisions, the thirteenth amendment to the constitution and infamous black codes arising after Emancipation as ways of restricting gun ownership among blacks, just as today financial inequities continue to restrict gun rights. Likewise, he asserts, New York's infamous Sullivan law intended to prevent gun ownership among unpopular immigrants, and from 1911-13 over 70% of those arrested under it had Italian surnames. Selective enforcement of the law is another effective gun control strategy, he adds, citing several examples of criminal charges brought against blacks who used firearms after violent attacks, as occurred in 1925 when Dr. Ossian Sweet moved his family into a predominantly white neighborhood and again in the attack against the occupants of the W.E.B. Dubois Club in New York in 1966.

Obstacles to Blanchard's mission to "help the people of my community live safer through training" arose from all sides as he transitioned from working in government service to his calling to a Christian ministry. He rejected arguments that going armed for self defense violated the sixth commandment and Christ's teachings, too often mistaken for passivism. This he discusses at length, concluding, "Can God protect us from those who would do us harm? Absolutely. However, just as He has given

Continued...

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us brakes on our cars to save us from crashing, He has also given to us the tools to defend ourselves," Blanchard writes, adding that God also expects us to protect "those whom He has placed in our care."

Blanchard's tough love for those in his community is clearly demonstrated in the chapter he entitles Epistles, echoing the New Testament letters from apostles to early Christians. Taking responsibility, seeking education, and practicing tolerance are core values espoused, the latter never more apparent than in the final segment of this chapter, in which Blanchard addresses the gay, lesbian, bi- and transsexual community.

He asserts that all Americans have been duped by the power hungry using the nonsensical term "gun violence." "If politicians and anti-gun groups really wanted to help the communities, they would provide training and education for everyone, budget more money for policing, prosecute every gun crime, refuse plea-bargains, and insist on mandatory sentences for crimes where a firearm was used," he asserts. Realistically, Blanchard continues in the next chapter, larger police forces still cannot take the place of firearms possessed for self defense. Citing infamous court decisions in which the justices have repeatedly stated that police agencies are not subject to any liability for failing to act to protect

individual citizens, Blanchard asserts that the men writing the constitution knew that individuals have to take responsibility to protect themselves from "tyranny and criminal acts."

Blanchard discusses gun safety and safeguarding children and youths from both a wide-angle viewpoint as well as what the individual can do. Parents who are too busy to be involved in their children's growth and development spawn the "soulless monsters" responsible for shootings like those in Columbine, CO and Newtown, CT and others, he asserts. Get gun safety training and share that training with your children, he admonishes.

"I have learned from the gun community what is right in America," Blanchard writes in closing. "My brothers and sisters in arms are the kind of people who make me proud to be an American." His book is not just a book to encourage gun ownership among black Americans; it reminds citizens of all races why we fight to preserve the rights elucidated in the U.S. Constitution's second amendment.

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



Networking

by Brady Wright

Greetings to all those who, like me, are more or less freaked out at how fast this year is roaring by! I swear it seems like I just hit "Send" on the last column and already the guards are banging on the cell bars to make me

write another one. I better get to it or they won't feed me.

One of the best parts of putting this column together each month is the chance to talk with members and affiliates about their business wins and challenges, and how the Network impacts their lives in some way. Many of you share quite a lot of input on the local and national political and legislative scene and stories that are in the news, regarding concealed carry, self defense and the Second Amendment.

One topic that seems to be on everyone's mind over the last few weeks is the open carry advocates appearing in local businesses carrying long arms. While this is not the general subject of my column, our members generally support open carry, with the proviso that those who do so, look professional and "business-like" while carrying. It does our cause no good if someone shows up wearing a t-shirt and basketball shorts and maybe a boonie hat. Our members say it's better to look conservative and at least business-casual so you present a good image.

While those topics get covered in other parts of this journal for the most part, it's always valuable to hear how you are feeling about what our representatives are doing in our name. Many times, these topics spark a need for a new class or training, simply because people begin to ask for help with areas of their overall preparedness that they hadn't considered before. Many of our many Network Affiliated Instructors and ranges step up to the plate and give their clients what they ask for. Here's a sampling of Affiliate activities—

If you are anywhere close to Vancouver, WA or Portland, OR, on June 7, make a point to stop by the Southwest Washington Surplus Open House! It's slated to be a huge event and I hear there may be deals to be had.

They are valued Network Affiliates. You can find them at 2519 East 4th Plain Boulevard, Vancouver, WA.

We were pleased to send booklets for our affiliate Dave Cover with Cowboys Again to share with the 100-125 shooters expected at the Alabama State Championship Ruger (NSSF) Rimfire Challenge on June 21, 2014. For event details see <http://www.nssf.org/rimfire/#&panel1-4>

Jan-Steven Merson gives out our booklets at the numerous gun shows in which he participates. If you're attending a gun show in California, look for Jan at the American Firearms & Gunsmith booth and tell him "Thank you!" for bringing more members into the Network and making it that much stronger for all of us.

Alecs Dean has scheduled a number of interesting classes in Ft. Myers, Florida in June including Range Safety Officer, Basic Pistol and Home Firearm Safety Instructor, Chief Range Officer Course and finally, what looks like a real fun one—NRA Certified Metallic Cartridge Reloading and Shotgun Shell Reloading student course and a bonus non-NRA bullet casting course. Just call International Firearm Safety, Inc. 239-357-3437 or check out Alecs' website at www.internationalfirearmsafety.com.

Last month I mentioned that Steve Eichelberger has an excellent training calendar at <http://www.firearmsinstructor.us/Home.php>. Following up, he points out that the classes are open to all but, even better, your small group can have their own private training session at any mutually convenient time. That's great flexibility, Steve!

As mentioned last month, the Network booklet, *What Every Gun Owner Needs to Know About Self Defense Law* has been reprinted by the *Armed Citizens' Educational Foundation*. If you have the old version with the Network's logo on the front, please destroy those and contact me for copies of the new version. You can always call 360-623-0626 or email me at brady@armedcitizensnetwork.org especially if you have news to share, or a win we should celebrate. I'll take care of it personally!

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

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Editor's Notebook

There's No Such Law!

by Gila Hayes

Recently I spoke by phone with a non-member who called to decry warnings about the aftermath of using a gun in self defense that

he called "mythologies." He had a copy of the Network's booklet *What Every Gun Owner Needs to Know About Self-Defense Law* but did not go so far as to suggest that it was inaccurate.

"All I want is a yes or a no answer," he demanded. "Is there any law anywhere in the United States that specifically says you cannot shoot an unarmed person? Can you show me a law that makes it illegal to shoot someone in the back? That is what I'd do if I was behind someone who was beating up a woman," he asserted.

Could I have gotten a word in edgewise, I would have liked to ask, "What if that woman had been the aggressor earlier? How would you know?" And that is only one possible example. Here's the larger problem: written laws cannot cite all the specific circumstances that justify use of deadly force. Might one not find that, when in the face of a specific, extenuating circumstance, one course of action would be legal, but the same acts are criminal with only minor variations to the scenario?

Specifying acceptable distances, bodily orientation, numbers of shots and the myriad of other details present in armed self defense is considerably more exhaustive than state criminal codes could possibly encompass. Imagine the miles of bookshelves that such detailed law would require! Even digitized, imagine the impenetrable word count through which no one could possibly read before punishing or acquitting a shooter who asserted justification. And what would happen in a situation that had not been imagined by the legislators who composed such specific limits on acceptable use of force? Such specificity in state and national laws would be terrible!

The alternative is the system under which we currently function, one of broad laws governing use of force against which an individual's actions are evaluated by judges and juries. When reminded of the jury's role, he

interrupted, "No! All I want is a yes or no answer: is there a law?" Apparently he found those grey areas misleading. Does the absence of specific prohibition assure an acquittal on an assault, manslaughter or murder charge? In demanding, simple yes and no answers, he ignores the human elements in the legal system that applies our laws to all the variations of human behavior.

While the subject differed, I heard echoes of what I wished the gentleman on the phone could accept in the "reality check" posted recently on the Network's Facebook page (if you're not part of these discussions, to which several of our affiliated attorneys contribute extensively, browse over and ask to join <https://www.facebook.com/groups/221594457860509/>).

Network Advisory Board member James Fleming, in discussion about how many shots fired constituted reasonable force, wrote, "Naturally, in many cases, the prosecutor is going to argue that the shooting was unjustified and that multiple shots are evidence of excessive force. That's what they do, particularly those whose bosses stand for election and rely upon the support of law enforcement endorsements to gain re-election. Fair? Who is naive enough to think that 'fair' has anything to do with this? Juries decide, based upon the evidence that they are 'allowed' to see and hear, whether multiple shots are justified or excessive force. And the Rules of Evidence are a real slug in the mouth for those who don't understand them, and work with them every day."

Fleming concludes, "When I read some of the comments by the armchair commandos with their sexy bangsticks about what they would do in a self-defense situation, I just cringe. Because they are obviously ignorant of the living hell that is going to rain down upon their shoulders if they ever have the misfortune to be involved in a shooting."

Listen to Mr. Fleming, Network members! Just because there is no specific law prohibiting shots in the back or shooting an unarmed assailant does not mean that you will get a free pass and a pat on the back for using deadly force in those circumstances. There is a lot more to the law than what is written in the state and federal codes.

*[End of June 2014 eJournal.
Please return next month for our July 2014 edition.]*

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About the Network's Online Journal

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

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

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