



## Knife Legal Defense Issues Deserve Study

*Interview by Gila Hayes*

Many armed citizens carry pocketknives for utility use as well as for last-resort defense if unable to use their gun. Others carry pocketknives at times when carrying a gun is illegal or otherwise prohibited. Like a firearm carried for self defense, a knife's effectiveness and legal defensibility is in direct proportion to the knowledge and education of the citizen employing it. Just as a leading concern at the Network is assuring that members understand the imperative for articulating the whys and hows of using a firearm for self defense, we also strive to educate about problems that attach to using knives in self defense.

Our journal first introduced this topic in December of 2008, in a lengthy interview with knife and self defense expert Marc MacYoung, who is also the featured speaker lecturing on pre-attack indicators on one of the educational DVD lectures sent to all Network members. We want to continue to expand member knowledge about issues bearing on defending oneself with a knife, and much of this issue of the journal is dedicated to knife concerns.

A few weeks ago, we spoke at length with Spokane County (WA) Public Defender Investigator Troy Bunke, who gave us a great overview and introduction to the topic. During his 20-year career, Bunke has had the challenge of investigating problem cases, identifying exculpatory evidence and helping Public Defender attorneys understand the issues involved. He explains, "The way I look at it, my job as an investigator is to catalog the good, the bad and the ugly, to get to the evidence that we are looking for."

In addition to his professional expertise, Bunke is an avid student of self defense and has trained extensively with Massad Ayoob, and specifically sought out knife training from Eric Remmen, George Williams, and Insights Training Center, along with his own research into both the laws and any literature on the topic. Still, he explains that he wishes for better resources, noting, "Even in textbooks published on self defense and use of force there are very few that I've ever read that are knife related.

That has made it generally a hard topic to learn about."

Bunke made many interesting observations both about investigating knives used in self defense, pitfalls he has identified and how Network members might avoid them. Let's go now to our interview with Mr. Bunke.

*eJournal:* When you investigate a crime in which a knife was used, how often is its use self defense?

*Bunke:* Since I work for the Public Defender, I will never see any case the state has ruled self defense, either through law enforcement's initial investigation or the prosecutor's office deciding not to charge that case. The cases that I generally see are the ones that are not "clean." Typically, I think, most Network members' situation would be considered clean: they would not be under the influence of drugs or alcohol or would have no prior convictions, would not have harassment issues, and so most of their cases would never make it to me. Once a case has made it to my desk, there is generally something wrong with the case. I do not get clean cases. I do not get cases that are simple and easy to figure out.

The cases that I get have been charged at a felony level, whether those are assault, manslaughter or murder. When we have a knife injury that has produced any significant damage—and the prosecutors will say that almost any knife injury produces significant damage—we are looking at minimum charges of assault or some form of criminal homicide if a death is involved and someone is easily looking at 10 to 20 years in prison for a single significant knife injury.

When I see knife cases, more times than not, the charge is first-degree assault because of the kinds of injuries that have been produced on the victims. I would guess that of the number of homicides that I've worked, maybe as high as ten percent were knife cases. In my twenty years, I've worked about 90 homicides, and at least ten of those were knife-involved.

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January 2013

*eJournal:* How many did you come to believe were acts of self defense?

*Bunke:* About a third. In the cases I have worked in the past, the knife has been used as a defensive tool against either other knives or force of numbers. A basic scenario would see a guy at a party who meets up with four or five guys and it goes south and the four or five guys are coming at him and he is scared. He has one tool available. Of course, that's a pocketknife and that is what he uses. The disparity of force defense makes sense in these cases with knives, and that is what I see a lot of.

In a lot of the assault cases, it has been knife against knife, in that two guys get drunk or two guys get angry at each other and they pull out knives and they participate in mutual combat with knives. The "winner" of that fight on the street becomes the loser and finds himself going to court. Someone has to be the victim and someone has to be the defendant, so the guy with the least number of injuries ends up getting to be the defendant and the guy with the most injuries ends up getting to be the victim.

*eJournal:* When a skilled investigator examines evidence from a case in which a knife was used, can that investigator determine from the wounds and other evidence whether the knife was being used in defense, or if it was used to make an aggressive attack –what one might describe as a "first-strike?"

*Bunke:* You know, I am not sure that is at all possible. It would be like trying to differentiate if a specific gunshot wound was defensive or aggressive in nature. How do you do that? That is so challenging!

The knife injuries that can be defensive are some of the injuries that are found on the victim's hands and wrists, but that also crosses over to the suspect's hands as well. If the suspect or defendant is using the knife, and his hand slips from the handle to the blade during a stabbing motion, across the four fingers of the hand holding the knife he will often have a cut or cuts resembling a defensive knife wound that could happen if someone grabbed the blade to try to get the knife away. Until you get the rest of the picture from the autopsy report—all the photographs, all the medical records, and witness statements—you don't have the perspective to put the puzzle together, so at the beginning of an investigation those cuts are just injuries.

To get back to your question about identifying defensive use of a knife, that is SO challenging! I don't know anybody who can do that. Even then, until you put information in context, how do you start defining it?

None of these events happen in a static environment, without motion. Knife injuries can happen in 360 degrees around the body. Everybody's moving around and sidestepping, so the bodies are never flat and still like they are in the autopsy room. Until you get the injuries recorded and you get some witness statements telling what they were doing whether it was fighting or struggling or wrestling, whether they fell to the ground and rolled around, maybe one guy's hand was around behind the other person's back, only then can you put it in context. At that point, you may think, "These wounds happened at this time, these other injuries happened at this time," but really, unless it is on video, (which is entirely possible these days) it is initially still a crapshoot.

*eJournal:* If you can't rely on the biological evidence to tell the story, it seems that the witness statements must carry incredible weight.

*Bunke:* Yes, very much so. The biological evidence or the science will tell you what injuries took place, where the injuries are located, and as the case progresses and the science is worked through, if you happen to find the knife in question and the blood on it is tested for DNA, then you can say this is the knife that caused these injuries to this person.

And at that point, you may wonder if such a small knife could have caused such a large wound, and common sense might seem to say that should not be. Intellectually you might ask yourself, "How can this two-inch blade make this huge stab wound?"

With knife wound dynamics the biggest issue is getting through the skin. The skin is so elastic that it seems to be the hardest organ to penetrate. Once you break the skin, the amount of force required to make large stab wounds may not be as much as you think it is. The body and organs can be damaged, they just get injured once the skin is broken. You can get a wound of a hellacious depth that does not match the size of the knife in question. This is not even considering the kinds of clothing that people are wearing or what the materials are made from.

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That is something that we have to consider when investigating crimes. You can have this huge stab wound, but the knife may not be that large. Or we can have this very lengthy incised slash wound made by a huge knife that got no depth because of the way it was handled and the way the bodies moved during the struggle. Maybe somebody sucked their stomach in as someone tried to stab them. The knife came around in a roundhouse and they sucked in their stomach but still you have this hellacious slash wound that is only an inch deep, but is also eight inches long! Or it can go the other way.

And that is why it is so difficult, so hard to label certain injuries and certain knives and trying to match them because people forget the human dynamic and reality that the person is not laying there on the morgue slab when the slash or stab happened. Everybody was moving; everybody had time and space issues that we have to take into account.

All these other factors are unknown until you start getting witness statements—especially the statements of the people involved. That is always interesting because, of course, there are two survivors in an assault case, so there will be two versions that you can bet will be opposite.

You will have a defendant's version and you will have a victim's version. You will have an aggressor's version. Of the victim and the defendant, which was the aggressor? Taking that into account, you then have to try to figure out how the statements and physical evidence fit together.

If it is a homicide case, you may have one person's version to analyze, one person's version out of which to try to make sense. The dead guy is only going to talk as much as the science allows. You are not going to have another verbal story of what happened unless there are witnesses. The dead person is only going to tell us as much as what his body will tell: what the actual wounds, what the actual injuries tell us. He is not going to be able to give us a verbal story of what took place.

*eJournal:* That puts a lot of reliance on correctly interpreting the scientific evidence, especially if it is not the same as what other witnesses report.

*Bunke:* Also, the persons involved often are the worst reporters, because of all the physio-psychological effects including tunnel vision, auditory exclusion, distortions in perception of time, or what ever else it may

be. We are taking the best witness to the event, who we know is the worst reporter of the event, and trying to extrapolate from their recollections what took place.

*eJournal:* Does the investigator go into the interview knowing that the witnesses' recollections are going to be diminished by distortions in perceptions?

*Bunke:* For me, that is very much so. Often times our attorneys don't quite understand that. They, along with some law enforcement officers and prosecutors, often have a misconception that what they're being told by the client, by the defendant, by the victim is what actually happened and that their memory is going to be intact and accurate.

Often times, an important part of my job is educating the attorneys that the participant may not be the best reporter of the event. You need to hold back a little while and wait for the lab reports to come in, for the autopsy reports to come in, and for evidence to be collected, then look at what we have in evidence and then take the client's story and ask, "What parts fit?" If it fits well, then it all makes sense, but if the client tells us he remembers making only three stab wounds and that is it, but the body has got twelve or fifteen, we have a problem somewhere along the way and that has got to be figured out and explained.

I think my role as an investigator is to always question everything as I work through a case. The work may last for a week or for months, and as the pieces are presented to me, I can start putting the puzzle together and try to make the pieces fit together. I personally believe that it would be professionally wrong to take a statement from somebody up front as the gospel truth. I just do not and can not do that.

*eJournal:* Let's say that a Network member used a knife in self defense and was physically and mentally able to function afterward. What precautions do you recommend to that member about their statement to police?

*Bunke:* On a scene where blood is spilled when a knife is used, one of the biggest things law enforcement will need to know—hopefully sooner rather than later—is where this conflict took place and where it started. With knife injuries, absent a rather large injury, most of the stab wounds and most of the slash wounds may not bleed a lot. The human body is so resilient, it amazes

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me to this day! You will have a person who will eventually die of the knife wounds, but the amount of travel between where the knife wound took place and where they are eventually found, may be blocks. They may be found literally BLOCKS away and the body may not bleed a lot between Point A and Point B.

You can have a lot of internal bleeding, with very little blood trail in many, many cases. There are cases of people coming down apartment staircases and crossing city blocks before they sit down and later expire, and they expire because they have bled out internally. But by then they have covered three or four flights of stairs in the apartment complex and crossed the block.

A lot of folks who are stabbed, do not know they were stabbed. They thought they were punched multiple times, and the punches hurt really bad, but they do not realize they were stabbed until they reach down, touch, and look at it and say, "Oh! I must have been stabbed." That could have happened seconds ago, or minutes ago, or yards ago in travel time.

For Network members, it is important to be able to report WHERE the aggressive action took place, because potentially, the crime scene has just multiplied itself exponentially. With what you might think would be a stabbing in one room in an apartment complex, the crime scene may not be only that room, it may be the whole building or half a city block because they've traveled.

That is where blood spatter comes in, time of travel, blood drops, directionality, length of travel and how far they traveled. If they have a knife injury where there is significant blood loss being able to trail them, so to speak, is much easier because there is more physical evidence to look at, but that is not always the case. I've seen it where there was very little blood loss from the injury. It is just phenomenal what people can survive and the kind of motion they can do whether that is aggressive motion, defensive motion or even just leaving the area.

People may get to talking to the police later on, and say, "Well, this did not happen here. This started over at Joe's place," and Joe's place is four blocks over. At first it seems like someone is lying, like someone is making this stuff up. How could this be? But in reality, an injured person can do huge amounts of traveling. Even though the body is going to expire at some point, it is capable of a huge amount of action and behavior before it stops.

*eJournal:* You've described an inauspicious combination of eventual lethality and short term failure to stop. First, it's a concern from the viewpoint of surviving and next the lethality factor almost guarantees that we are going to land in court afterwards. Is there a solution?

*Bunke:* You have to come at this as a training issue. With firearms training, we teach to shoot until the threat stops, and that makes sense. For somebody who can shoot fast and really accurately, that may be a couple of magazines-full in a short amount of time until a threat no longer exists.

In the knife world, that could be a whole lot of cuts until you have caused enough damage for that person to no longer be a threat. As they get more cuts, as they get numerous stab wounds or slash wounds or injuries, the higher the number, then that is going to be an issue for cops to look at, for attorneys to look at, for juries to look at. Law enforcement has seen homicides with multiple knife injuries. Now, if we have trained somebody to use a knife to cut until the threat no longer exists or they can stop the threat, we may have just produced a number of knife injuries for which the first explanation is going to be, "This has got to be a homicide!"

*eJournal:* That explains why it is so difficult to put on a legal defense for self defense with a knife. How do you distinguish between excessive force and just doing what you had to do to stay alive? How can you articulate why you had to inflict so many wounds?

*Bunke:* Get trained by good instructors and be able to articulate the concepts that were taught in that training environment. For an example, "I have been trained that if attacked and my life is in danger, I am to attack the arm holding that weapon until the weapon is dropped. I am trained to attack appendages until the threat ceases to exist." So when we have photographs of a body whose two limbs appear to be shredded, the defender needs to be able to explain that. It is tough to do. It is a quandary that I still think about a lot from a personal perspective.

I was originally trained by Eric Remmen about 20 years ago to attack the appendages, the arms holding the knife, to disarm them, hopefully to stop the fight sooner rather than later. We were really going for peripheral targets. About ten years ago when I trained with George Williams, his training methodology was punch-stab to

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January 2013

high-priority targets for the maximum amount of damage with the first wound to stop that fight. The high priority targets were the eyes, the neck, the heart, the face and skull. I understand attacking the high priority targets to stop the threat, but at the same time we are very likely going to cause death. We have to decide between the one injury, versus the multiple injuries, which can cause death as well through the body bleeding out.

I do not know of anybody other than maybe Michael Janich in his book *Contemporary Knife Targeting* who even talks about the dynamics of knife injuries, probabilities of injuries to knife targets, what parts of the human body you should go for first in defending yourself to address survivability and stop that threat quickly while producing the least amount of cuts.

*eJournal:* That is a hard puzzle. With firearms, we have always taught that we weren't to attempt to kill, only stop the threat. I think it is asking a lot of a person using a knife in defense to make a reasoned decision about whether the wounds they are inflicting need to discourage continued attack, or if they need to injure a high-value target to stop the attack more quickly. I have deep reservations about being asked to make decisions to use force intended to only deter further attack when we believe we are in a fight for our lives. If the knives come out, are we not in a lethal force confrontation and committed to stopping it as quickly as possible?

*Bunke:* As far as the law looks at it, once you have placed a blade on a body and made a significant cut you are facing a minimum charge of assault and if that injury produces death, you are looking at criminal homicide, so whether that is produced by one cut or by many cuts, I am not so sure it matters, at least in how the case is charged.

I think that I would prefer, from my point of view as a knife-carrying guy as well as an investigator, to make one significant cut and stop the threat. Then when it is done, we are only dealing with the one major injury. If we can articulate our knowledge and training to say that this is why I went this way, granted the end result wasn't good, but like we are trained to shoot to the center of mass when stopping a threat with a handgun, my training with a knife is to stop the life-endangering threat as quickly as possible, to stop this lethal-force confrontation.

*eJournal:* When the investigators are looking at the wounds, is there any attempt to make value judgments about peripheral wounds to extremities versus wounds

inflicted in an obvious attempt to damage major, vital organs?

*Bunke:* As an investigator, I would like to think that it is evaluated. I know because of my background, training and knowledge that I do it that way, but I am not so sure that it is always done that well in law enforcement. Once an injury has taken place whether it is produced with one cut or ten, we still have this level of injury that either killed or severely wounded somebody.

The end result is that this person is either in the morgue or in the hospital.

*eJournal:* You mentioned earlier that it is almost automatic to identify the survivor as the bad guy and the deceased as the victim. Do you see that holding true for people defending themselves using other means—fists, feet or firearms?

*Bunke:* Many times! The only times I do not see that happening is when someone who has had some training and background so they can really articulate why they did what they did: someone who can tell about Ability, Opportunity and Jeopardy, and explain deadly force concepts. When they can tell the investigator those concepts and they can tell it well, they seem to be the ones who are not charged. Armed individuals need to be able to explain the circumstances of the lethal force event, how they responded to it, and most importantly why they did, what they did.

*eJournal:* When and where is that information being articulated? To responding police, police detectives, to the prosecutor prior to a charging decision? When and where is that vital information being transmitted?

*Bunke:* That information is being transmitted prior to the charging decision. Whether it is told to the line officers or the detectives, it is being documented and the prosecutors are reading it in their reports and they are saying, "OK, this seems like self defense." Typically gun people who can articulate well, will make the first phone call to 9-1-1, reporting the crime, and becoming the complainant. If you can be the complainant, you almost automatically become the victim. By default, the person who has not called becomes the suspect, then most likely the defendant.

*eJournal:* You have used the term "articulate" several times and stressed the need to be able to define what

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you did in self defense and why you did it. This is obviously a post-incident protection you believe it is very important for the Network member to be able to do well.

*Bunke:* It is very tough for folks who are not trained to understand articulation. With all of the knowledge and training that we have had, it really does come down to you being able to be your own expert witness. I have had cases go to trial in this jurisdiction where I tried to get Bob Smith (a highly-regarded trainer in the Spokane, WA area) involved as an expert witness and he was not allowed to testify. The person who can best testify is the defendant. They may have to take all the knowledge they have and be their own expert witness; that is the reality. Not everyone can get Ayoob up on the stand to testify for them. The judge may not let that happen.

*eJournal:* We all want to think there will be strong, knowledgeable people who can ride to our rescue and explain things better than we may be able to, but as you note, getting the expert admitted to testify is never assured. We had better get busy now learning how to articulate the facts that need to be brought forward, to be clarified.

*Bunke:* That is exactly right and it fits with the concept of self defense. If you are carrying a gun or a knife to defend yourself, you are saving yourself, not relying on law enforcement to come and rescue you. So why does it not seem logical to think if the case goes to a trial in front of a jury, you are the one that needs to be there to save yourself once again? You may not be able to rely on an expert witness to come in and save you, because you got yourself there when you originally saved yourself. So now it is time to save yourself again, but in a different setting.

*Editor's note:* We appreciated Bunke's thought-provoking discussion. For further study, he recommends the book he mentioned earlier, one that we immediately read and reviewed for this journal, Chris Grosz and Michael Janich's *Contemporary Knife Targeting* by Paladin Press in 2006 as well as several forensics texts. The textbooks include *Forensic Pathology*, 2nd edition by Vincent di Maio and published by CRC Press in 2001, the *Handbook of Forensic Pathology*, 2nd edition, by Richard Froede and published by the College of American Pathologists in 2003, and the *Medicolegal Investigation of Death: Guidelines for the Application of*

*Pathology to Crime Investigation*, 3rd edition (now available in a 4th edition from 2006), by Werner Spitz and published by Charles C. Thomas in 1993. He also recommended the older Paladin Press video entitled *Masters of Defense: An inside Look at the Designs, the Designers, and Their Tactics* in which Massad Ayoob, Michael Janich and a number of other knife experts discuss knife design and use.

Justifiability issues can also be clouded by the name and appearance of a particular model of knife, Bunke added, suggesting that armed citizens gravitate toward mainstream knives like the Spyderco Delica or Endura models or Benchmade's Griptillion folding pocket knife, of which he carries a pair. Defending self defense may require obtaining an exemplar model of the knife used, he added, so a readily-available mainstream knife model has advantages over a rare or out of production knife.

Finally, Bunke stressed, please know the knife laws in effect where you are. Unfortunately, this is extremely challenging owing to the patchwork of laws in force in various municipalities, since knife laws are rarely if ever subject to state preemption, he explained. Still, Bunke stressed, the last thing the survivor of an assault needs muddying the justification for the use of the knife in self defense is the shadow of having committed a knife possession crime. Blade lengths as well as knife features like whether it is a folder, a fixed blade or a balisong or another type of knife will bear on its lawfulness, he added.

Self defense with knives is subject to a number of very worrisome concerns, as Bunke has so ably pointed out. We hope you will continue exploring this subject, through your own research, as well as information in the rest of this journal. In addition, we are working to arrange an interview with preeminent defense knife expert Michael Janich, which we hope to wrap up at the Shooting Hunting and Outdoor Trade (SHOT) Show just a few weeks after this publication's release date. This emphasis should underscore how important we believe it is for armed citizens to fully understand and be able to explain self-defense issues involving any tool carried for self defense, including knives.

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Please enjoy the next article.]*



## President's Message

by Marty Hayes, J.D.

I wrote this month's column addressing the tragedy in Newtown, CT in the days following the event, starting it a mere 20 hours after the murderer (name withheld) took 26 innocent lives in a horrific act. As I was writing, the emotion of the incident was still forefront in everyone's mind, and the tears (when thinking about those precious children slain) still rolling down the cheeks. Predictably, the anti-gun politicians and news media were then (and still are) dancing in the blood of these innocent victims in order to push their anti-gun agenda. The President has indicated that we need to discuss what can be done to stop these types of incidents. This act was shocking, revolting and all too commonplace. So, let's talk, Mr. President. What is the solution to stopping these mass murders? I will give you my thoughts.

*NOTE: The National Rifle Association had not yet responded to the murders when I wrote this column. The reader will find close parallels between what I say here, and what the NRA came up with as a possible solution to the issue of violence in our schools. Instead of re-writing my column though, I thought I would let it stand and comment about the NRA proposal at the end of the column.*

First, before another tragedy like this occurs, parents should DEMAND that schools take necessary steps to prevent this type of incident. After all, isn't it the parents' responsibility to ensure their children are safe? Why are parents willing to turn over these precious children to schools that have no concept of how to keep them safe? Or if they do have a clue, why are they still unwilling to take those steps to stop these types of incidents. Translation: It means schools need to start providing armed security, if they want to be able to stop a mass murderer in his tracks. And the parents need to be willing to pay for it.

But that is not all. We gun owners need to take a critical look to see if we are doing enough to stem the violence. We enjoy our firearms freedoms like no other country in the world. We owe a debt of gratitude to the founding

fathers for providing us with the Second Amendment, and owe another debt of gratitude to the five United States Supreme Court Justices who upheld that right to keep and bear arms, both in the *Heller* and the *McDonald* decisions. So, what can we gun owners do?

For one thing, we can help out our local school districts, both in monetary contributions to help provide for paid security, and second, we can volunteer to provide that security if there are not sufficient resources to pay for armed, trained personnel. How about armed, trained volunteer personnel? If our local school district put out a call for a staff of volunteers, gun owners who were trained and competent in using a handgun to stop an armed intrusion into the school, how many people do you think they would get to volunteer? I know a lot of people would. And that would be a good start. An even better start would be to tap into the wealth of trained, armed retired law enforcement officers, who were granted the right to carry concealed handguns nationwide by virtue of the Law Enforcement Officers Safety Act of 2004. The rationale behind this law was to allow retired law enforcement officers to carry guns nationwide, to add a layer of security for society. It seems that these guys and gals (many of whom are not working and are truly retired) could form the nucleus of that voluntary security force. Each year, we seem to have a school levy on the ballot, to pay for maintenance, upkeep, new schools and such. How about school levies to pay for school security? I would vote for a rise in my property taxes to help pay for it. And, if the voters turn it down, then the voters of that school district have chosen slightly lower taxes over school security.

Another discussion point is to arm teachers, or allow teachers to voluntarily be armed. It is done in other violence prone spots in the world, and it would absolutely work here. Of course, arming also means training. But there are thousands of certified firearms instructors across the nation. I personally own a shooting school, and would offer to train for free, any school personnel who wanted the training in order to protect the school children. We as a nation choose to allow airline pilots to receive training and carry guns on commercial airlines, and there have been no incidents aboard commercial airliners since. Is this an example of how effective armed teachers would be? Of course, arming school personnel would require a change in state

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January 2013

and federal law, as it is illegal to carry guns on most school campuses. Alternatively, the local sheriff could deputize the armed teachers as special deputies, to allow them to possess firearms on campus.

In addition to the above, though, serious action should be undertaken to strip away these above mentioned, absolutely asinine “gun free zones” that pervade our politically-correct society. One thing the vast majority of these mass murder incidents have in common is that they occur in “gun free zones.” How about this suggestion? Allow trained and lawfully armed citizens, those with a valid concealed carry license and who are trained and competent, to carry concealed weapons at schools, at sporting events, in shopping malls and in movie theaters.

In 1997, there was a big push for armed “school resource officers” to be hired by school districts in cooperation with the local police departments. (This was after the Columbine High School shooting). The money to do this was mostly funded by grants from the federal government, and it was resoundingly successful (until the money ran out). I know, I was one of these school resource officers for a short time during my police career.

Please understand that I fully realize that having armed security, armed teachers and lawfully armed citizens carrying guns in currently “gun free” zones will not stop a determined armed intruder from crashing through security and starting to shoot. But, there is a reasonable likelihood that when confronted with an armed defender, the carnage would stop. Incident after incident shows that when confronted with the likelihood of his own death or capture, the gunman turns the gun on himself, is shot by police or captured. We could vastly mitigate the damage done. In fact, the history of these types of mass murders shows that as soon as the gunman is confronted with armed resistance, they either kill themselves so they won't be taken into custody, or give up, as the murderer did in the Aurora, CO theater shooting.

In the days following this mass murder, the rhetoric over a new assault weapons ban was at a fever pitch, and we can expect it to continue for the foreseeable future. Only a couple of pro gun rights people hit the talk shows immediately after the incident. Alan Gottlieb, founder of the Second Amendment Foundation, and Texas Congressman Louie Gohmert deserve recognition for making the logical argument that we need armed personnel in our schools. Thank you, gentlemen, for saying what you did in those first days; it helped. Many publicly criticized the National Rifle Association (NRA) for not being out front and arguing with the gun control advocates, as Gottlieb and Gohmert so eloquently did. But, I trusted the NRA to do what they thought best for their members. I am a life member. And, when Wayne LaPierre gave his speech on Dec. 21st, outlining the NRA-led Safe Schools Shield program, it was clear that the NRA had waited to speak until formulating this plan. I am convinced the plan (as similar as it is to what I outlined above) will be successful in stemming the increase in school violence.

I encourage you to join the NRA (see our link at <http://www.armedcitizensnetwork.org/home>). Without the NRA, we would still be shooting muskets, if any guns all. I also encourage you to join the Second Amendment Foundation (SAF) at [www.saf.org](http://www.saf.org). They have been doing some very good work in the legal arena, paying for attorneys to fight our pro-gun fight, and speaking for gun owners whenever given the chance. I was a member in my early gun career, but had let that membership lapse. I took care of that a few days ago, by re-joining as a Life Member, something I should have done long ago. Better late than never, as the saying goes.

Let me wrap this up, though I could go on and on. May God Bless the souls of the children and teachers lost at Sandy Hook Elementary School in Newtown, CT.

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

January 2013



## Vice President's Message

### *Looking Ahead to 2013*

*by Vincent Shuck*

To me, perhaps because of my advanced age, 2012 came and went in an instant. But I'm looking forward to 2013. Here are a few observations why.

Importantly, the Network is stronger than ever. We've had a great 2012 and thanks to our more than 6,400 members, we continue to meet our growth objectives which help further an already robust organization. The expansion of our affiliate instructors, gun shops and attorneys is testament to our positive direction. The [Legal Defense Fund](#) is prepared to help our members, either via the initial deposit against attorney fees or via financial support of a serious legal crisis, or both. We have 100% of the country covered, either by a local attorney who understands self defense issues, or by the Network's [Boots on the Ground Program](#), where we come to you and help you obtain the necessary counsel. It is with a great deal of satisfaction that we can truly say, we have you protected and are here for you.

While I am pleased with the Network's growth and efforts in 2012, the year did not bring me complete satisfaction. For example, I was not pleased with the outcome of the November election, at least at the national level. However, my side made headway in state gubernatorial and legislative races to the extent that some balance in the general scheme of political power can be made between the states and the Federal government in the coming year. We'll have to see how that battle plays out.

Of course it's hard to reflect on 2012 or even to consider what the future brings without mentioning the horrific tragedy in Connecticut, an issue also raised in this *eJournal* by my colleagues. That event, conducted by an unstable, evil person who illegally used the firearms he took from his mother, will no doubt cost us a lot of emotional strength, if not some freedoms. Politicians, making sure they never let a tragedy like this go to waste, will turn to the object that was used, the gun, and present numerous legislative solutions for us to deal with. We can be a reactive society and this could present an "answer" that conflicts with many of our beliefs and creates the potential for compromises that we don't like. This could be a legislative storm that we haven't seen in decades. We will have to deal with the hypocrisy and hyperbole in as much of a non-emotional way as possible. Let's move ahead and present our message in this often eye-glazing debate with logical points of view.

As we transition into 2013 and as a way of offering some inspiration, may we wish you the blessings of the season and happiness in the New Year. We know the Network will be even stronger, because of you, and we will continue to offer Network members a fascinating array of educational materials and benefits. We look forward to a peaceful and productive year with each of you inspiring us to achieve more.

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

January 2013



## 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. This month's journal focuses on self defense use of knives, so we asked our affiliated attorneys the following:

*Where carrying a gun is impermissible, Network members often carry knives for self defense. Unfortunately, using a knife against another person will likely result in arrest and charges of assault or homicide, even in cases of self defense. If you had a client who used a knife in self defense, and you believed the act was legitimately self defense, what argument(s) would you make to the jury to acquit your client? Have you had this kind of case? What was your winning argument?*

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There is only one instance in the course of a criminal jury trial when counsel gets the opportunity to argue anything to the jury, and that is in closing argument. And, until the evidence is in, attorneys seldom have more than a general sense of how exactly they are going to craft their closing. That is because, in contrast to what people see in the movies, until the evidence is in, you don't know exactly what you will be able to talk about and what you will not.

Few things will poison a jury quicker than having an attorney called down by the Judge for "arguing facts not in evidence." This makes the attorney appear as though he or she is attempting to fleece the jury, and any trust you might have built with those jury members is gone in an instant.

Obviously, the attorney is going to want to craft an argument around the elements of self defense, as they exist under the law of his or her state. In Minnesota, as in the vast majority of jurisdictions, that is going to entail

an argument built around evidence which supports the claim that the client had a reasonable apprehension of death, or great bodily injury occurring to himself or to another. However, the similarity is going to end there. Defending a knife-wielding citizen is going to be tougher, presenting additional subjective challenges that are going to be hard to decipher, but nonetheless critical.

The question can be framed in this fashion: How are the jurors going to react to the fact that the accused used a knife on another human being, and how is defense counsel going to know of that reaction for each and every juror? A physical confrontation involving a knife is going to be very intimate, it is going to be very violent, and it is going to be very bloody. And the jurors are going to get to see the wounds, and the blood, and the weapon. There is simply no chance whatsoever that the accused is going to receive the benefit of a "jury of his peers" because the vast majority of potential jurors are not going to have a level of experience with such violence that will bring them anywhere close to the mindset of the accused.

Certainly, counsel can attempt to inquire on these issues during voir dire, but this effort may be defeated if the court rules that until the requisite level of evidence is presented justifying a self-defense instruction, counsel if not going to be able to discuss self-defense issues while picking the jury. More than one criminal defense attorney has run headlong into this obstacle in the past without ever seeing it coming. We have the appellate cases from around the country to prove it.

But, it's a real issue for, as Marc MacYoung noted in his interview with Gila Hayes in the December 2008 *eJournal*, "If you stab or cut somebody and expect them to fall down like they do in the movies, it is not going to happen. The problem with using a knife in self defense is that most people don't know that they've been cut. So you have to hit this guy five or six or seven times and often that won't work to get him to stop. That makes it look like you weren't defending yourself; it makes it look like you were attacking."

[Continued...]

January 2013

And Marc is describing an individual who has had significant knife combat training, not the average citizen who has maybe taken a class or two, watched a video and then stuck a knife of some sort on his belt for "self-defense."

In Minnesota, for example, there is language found in the case law which suggests that the very fact that the attacker suffered multiple knife wounds provides evidence of the defendant's intent to kill. In *State vs. Chambers*, the court held that testimony from a pathologist that the pattern and nature of an individual's wounds proved that the defendant intended to kill him was inadmissible, but did not rise to the level of reversible prejudice. "The defendant was not prejudiced because the jury readily could have found that whoever inflicted the wounds did so with an intent to kill given that the victim was stabbed eight times including a fatal elongated neck incision."

So, defense counsel is going to have to do everything in their power to create a jury that can understand knife combat dynamics, and knife design and function, as well as knife wound physiology and pathology, before they start to deliberate on the ultimate question of whether the actions of the accused rise to the level of a justifiable use of deadly force in self defense.

And, the prosecution is going to be fighting the introduction of this evidence at every step of the proceeding. If the defendant finds him/herself in front of a Judge such as the one involved in the 2011 Minnesota case involving "S.M.L., Child," the defense is going to be at a decided disadvantage. In S.M.L., the court ruled that a small pocket knife possessed by a child (as a gift from his mother) was a "dangerous weapon" since, "the cutting edge . . . appears to be sharp and serrated, easily capable of cutting animal or human flesh, with a dark handle, much more menacing in appearance than a pen, letter opener, eating utensil, or small pocket knife" and "[t]he locking feature renders the knife safer for the user but more dangerous to the potential victim because the knife will not close upon the fingers of the user."

The Minnesota Court of Appeals eventually overturned a verdict which convicted S.M.L., observing that the rationale employed by the trial Judge was ludicrous, but not before a significant amount of time had passed and dollars spent.

So, defending the knife-wielding citizen in a self-defense case is going to add multiple layers of complexity to the task, a whole new set of experts who may, or may not

get to testify, and significant additional expenses to an already very expensive criminal defense.

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Using a knife is no different than a firearm legally—although a lot more messy. If there are multiple stab wounds, it is like multiple shots from a firearm. There are also forensic issues that the Medical Examiner may testify to such as turning the knife after entry, amount of force used to drive the knife depth, etc. I think a gun case is easier to handle, but the one knife homicide I defended was just like any other self-defense case with the additional complications just mentioned.

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Although I've never had such a case, I believe defending a "self-defense with a knife" prosecution could well be more difficult than defending a firearms self-defense case. This would be especially true if the defendant (defender) were carrying the knife on his person, and the incident occurred in a public place that was neither his/her home nor place of work. In comparison, I think a case of true self defense in one's home or business, where a knife (for instance, a knife from the kitchen) was used because it was the most readily available weapon, would be more likely to garner the jury's sympathy.

Most people (and thus most jurors) have a natural, visceral, extremely negative reaction to the thought of being cut with a knife. Some say this is because we have all been cut, or have cut ourselves, at some time in our lives, whereas most of us have never experienced being shot, and thus have no memories of pain associated with being shot. Lt. Col. Dave Grossman, in his must-read work, *ON KILLING*, discusses the fact that, while military rifles have been equipped with bayonets for the past 200 years, documented cases of American

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and European (as opposed to Asian) soldiers actually bayonetting a human being, although an enemy one, are extremely rare, presumably due to the strong aversion most people in our culture have for cutting or stabbing another person. In fact, when American soldiers have gotten within bayonet range of an enemy, they have often used their rifles to butt-stroke the enemy, rather than bayonetting him. Most people in this country are not shocked by the idea of using a gun in self defense, whereas the idea of stabbing or slashing someone in self defense is shocking and rare. As a society, we tend to associate the use of knives with gang members, street criminals, assassins, and people from other "un-American" cultures.

Indeed, in all the cases I've worked in where a knife has been used (including a high-profile one in front of the White House and one that went to trial six weeks ago), the knife has always been used by the criminal, not the good guy. Knives simply have a bad connotation that will need to be overcome in any case of legitimate self defense.

When teaching police classes, I often comment on the growing practice of officers carrying lock-blade or assisted-opening knives. There are, in fact, even some self-defense knives that are specifically marketed to police, like the Ka-Bar angled-blade TDI model, meant to be carried behind one's duty belt on one's weak side, for use when defending one's holstered handgun against a grab attempt on one's strong side. Without a doubt an attempted gun grab is a deadly attack, and I've carried a TDI myself when on uniformed patrol, but an officer who winds up using one may find himself with a high hurdle to jump, trying to explain to a jury why it was appropriate for him to slash the attacker's arm to the bone, then eviscerate him in self defense. American juries just aren't used to such methods, except when employed by psychopaths. And very few police departments give their officers knife training, or have a written knife policy, like their firearms policy. So the knife-wielding officer will likely be out on his own limb, alone. Again, just imagine the public response to the headline, "Police Officer Stabs Attacker to Death," compared to "Police Officer Shoots, Kills Attacker."

Because of my feelings on this subject, while I routinely carry a fair-sized Cold Steel, tanto-bladed, serrated *Voyager* knife in my pocket, when I go out on uniform patrol with the Sheriff's Department I switch out the *Voyager* for a S&W *Rescue* knife. It has a blade of about

the same cutting efficiency, but also incorporates a seat belt cutter and a window punch, for breaking a car window in a rescue attempt. If I should ever have to use the knife in self defense, I'd rather have the jury deliberating on the S&W name, associated with police handguns for over a century, and the obvious "rescue" features of my knife, rather than the more sensational-sounding *Cold Steel*, good as their products may be.

For the same reason, I would recommend that ACLDN members *not* carry knives such as those with hooked, scimitar-like blades that are clearly intended only for cutting human flesh, or the current breed of "assisted opening" knives that will, to an average juror, be indistinguishable from an illegal and criminally-associated switchblade. Much better for the average individual would be a working-type lock-blade knife that is easily-enough opened (with practice), but can be explained to a jury as having been used, other than for self defense in this one horrific incident, for such mundane tasks as opening packages, cutting string, sharpening the occasional pencil, and cutting one's hoagie in half. While it can be argued that legitimate self defense is legitimate self defense whether performed with a paring knife, a serrated-blade Rambo knife, a meat cleaver, or a machete, as an attorney I'd much rather take the paring knife case than any of the other three.

Hopefully, none of our members, or their attorneys, will ever have to put my theories to the test.

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First, I would serve notice on the court and prosecutor that my client would be asserting the affirmative defense of self defense to ensure that, once acquitted, (s)he would be reimbursed for all legal fees (notice is mandatory in Washington to get fee reimbursement).

Second, my client would assert the same self defense claim as a firearm self defense claim. The Second Amendment makes no distinction between firearms and

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January 2013

other arms (knife, machete, mace, etc.); neither does Art. I, § 24 of the Washington State Constitution ("The right of the individual citizen to bear arms in defense of himself, or the state, shall not be impaired, but nothing in

this section shall be construed as authorizing individuals or corporations to organize, maintain or employ an armed body of men."). Indeed, history is replete with reference to "arms" in combatant scenarios, reaching far back in the annals of time pre-dating the advent of firearms.

The threshold inquiry under Art. I, § 24 is whether ordinary knives are "arms" within the meaning of this provision. Under even the broadest possible construction, the term "arms" extends only to weapons designed as such, and not to every utensil, instrument, or thing which might be used to strike or injure another person. Only instruments made on purpose to fight with are called arms. *City of Seattle v. Montana*, 129 Wn.2d 583, 590-591 (1996). Nevertheless, even if a particular

knife is not an "arm" per se, the manner of use of the knife can pull it into the realm of a potential criminal charge of assault/homicide with a deadly weapon and, thus logically, into the realm of the availability of the defense. *Id.* Further, RCW 9.41.270, the Washington statute regarding the unlawful display of a weapon, clearly lumps knives into the list of weapons governed by the statute with respect to unlawful display.

Thus, if a particular use of a knife can draw it into the sphere of a "use of a deadly weapon," a self-defense claim on that basis must be available to a defendant. This is a reasonable interpretation and should prevail at trial (or, more appropriately, it should prevail in a motion in limine allowing the use of the defense).

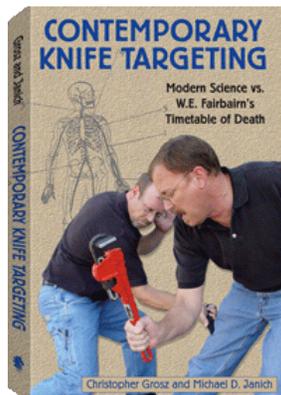
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## Book Review

### Contemporary Knife Targeting: Modern Science vs. W.E. Fairbairn's Timetable of Death

By Christopher Grosz and Michael D. Janich  
152 pages, illustrated, softcover  
ISBN: 13: 978-1-58160-556-3  
Paladin Press, 7077 Winchester Circle,  
Boulder, CO 80301 - 303-443-7250  
www.paladin-press.com  
Retail: Softcover \$27; Kindle edition \$14.85

Reviewed by Gila Hayes



The authors wrote that they “approached this topic from both sides of the knife and included information that supports both the combative use of the knife and—in the original spirit of the research that inspired this book—empty hand defenses against it.” The first quarter of the book is spent explaining the Fairbairn work and I admit that in my eagerness to reach the authors’ analysis and conclusions about defensive knife use, I sped through those early pages. I’ll return when time allows, to enjoy the history offered there.

A lot of Network members carry folding knives as back up to legally carried firearms, or as their primary defense when denied the right to carry a gun. The Network does not restrict its services to self defense firearms use by a member, but at the same time recognizes that justifying knife use is a different challenge than defending defense with a gun. Both may be justifiable, but are subject to different timelines, different methods of incapacitation, and different prejudices from the criminal justice system and the community from which the member’s jury will be drawn.

The knife-armed citizen needs to understand knife techniques to affect a rapid stop. Many knife use theories base some of their doctrine on the writing of W.E. Fairbairn, especially his timetable of death published in 1942 in *All-In Fighting*. Fairbairn’s timetable charted target areas and estimated how quickly a knife wound of a particular depth would cause incapacitation and death. Working to provide law enforcement with scientifically-sound knife techniques decades later, Christopher Grosz began to question Fairbairn’s premises.

Grosz was developing the knife-related elements of the Pressure Point Control Tactics (PPCT) curriculum that is influential in police defensive tactics. Recognizing the need to modernize knife tactics and defenses, he collaborated with tactical and medical authorities, as well as a well-known knife expert, Michael Janich, who became his co-author and brought the work to its published form after Grosz’s untimely death in 2005.

*Contemporary Knife Targeting’s* introduction suggests that Fairbairn’s charts in *All-In Fighting* were never intended to be the basis of techniques for defending against knife attack, yet as the predominant research, it had inadvertently become just that.

In their quest to compare Fairbairn’s original work with “modern, state-of-the-art medical information,” *Contemporary Knife Targeting’s* authors write that they “began to develop a detailed understanding of human anatomy and its vulnerability to knife wounds.” Topics of particular concern include the likelihood of incapacitation from knife wounds in one target area or another, as well as the potential for physical activity and the likely duration for various levels of physical activity following a knife wound to one target area or another, since depending solely on blood loss as the means of incapacitation can dangerously prolong the fight, depending on the location of the wound. It is important not to mistake lethality with incapacitation, a theme reiterated throughout the book.

Janich catalogued a number of knife wound targets that he recommended would create a greater disability in an attacker, and thus would be more likely to stop a fight faster than depending on exsanguination. These Janich and Grosz categorized as distraction targets, vascular targets, nervous system targets, structural targets, organ targets and muscular targets. These are visited and revisited several times throughout the book with information like inaccessibility, means of incapacitation and more.

The authors debunk common beliefs about knife wound mortality, and as an example, consider their advice to reconsider the common belief that “knife attacks to the organs of the torso will produce immediate incapacitation and death...the countless survivors of stab wounds—including multiple penetrating wounds—clearly disprove this belief.” They go on to explain that “incapacitation due to injury to the organs by an edged weapon is highly unpredictable. The depths and even the positions of these organs can vary significantly depending upon the physique and physical condition of the subject.”

[Continued...]

January 2013

They succinctly identify the locations of anatomical targets and describe the efficacy of knife wounds to each. For example, when discussing vascular targets, they differentiate between arteries and veins, noting that “primary emphasis is on arteries because of their much higher blood pressure and the fact that they carry oxygenated blood required to maintain consciousness,” though this is only one illustration of target definition, with additional discussion of organs, nerves and muscles.

The authors outline techniques combining targets by moving from blocking an attack, to one category of target and onto others for more resounding effect, resulting attacker’s inability to continue. These sections are generously illustrated, and having read *Contemporary Knife Targeting* in the Kindle format, I heartily wished for the paper version’s larger photos and easier thumbing from one page to the next or back to study a previous illustration to increase understanding.

In addition to target areas, the authors define means of incapacitation including physical disability, shock, loss of consciousness and death, revisiting Fairbairn’s charts to suggest average wound depth estimates for the various arteries and organs, as well as explaining how body mass, blood volume and heart rate influences the time to incapacity.

Still, *Contemporary Knife Targeting* is not really a knife technique training manual. It defines wounds that are most likely to incapacitate the attacker in a minimum of time and with the fewest cuts possible. This is the great value of Grosz and Janich’s work: the fewer wounds inflicted when defending yourself with a knife, the better to assert that you did the minimum necessary to get away from the attack. This is a subtle but absolutely vital point about knife use for self defense, and one that too many who see the knife as their last-ditch weapon fail to consider.

In recommending knife techniques focused on muscular targets, the authors recommend that not only will loss of arm or leg muscle use disable their attack, some of what is illustrated is “not necessarily life threatening,” and might even be considered a less-lethal use of a knife to be attempted to stop a threat, with a tactical plan of moving to more lethal targets only if the attacker is not deterred.

In their words, “Of all the categories of targets, muscular targets have the least chance of lethality yet one of the highest probabilities of immediate incapacitation.” They later note, “If an attacker dies as a result of my

defensive actions, but I also die or suffer grievous wounds in the process, I didn’t stop him effectively and failed to keep myself safe. If instead I cut his flexor tendons to take away his ability to grip a weapon, cut his biceps and/or triceps to diminish his ability to wield a weapon, and destroy his mobility and base by cutting his quadriceps (or destroying the knees or ankles with low-line kicking), I have a better chance of staying safe.”

The book includes a segment on defending against a knife attack with empty hands, describing much of what is taught as “suicidal.” Still, the lethality estimations in *Contemporary Knife Targeting* is applicable here, too, since it identifies what you absolutely must protect, reflecting the authors’ preference for training principles, over “rote technique.” In photos and descriptive text, Janich illustrates deflecting and countering, controlling and countering, and “returning the blade,” as one set of tactics. Further study via Janich’s *Fighting Folders* video series is recommended for those wishing to more fully understand these and other tactics.

I appreciated the authors’ sensibilities, when in writing about turning the attacker’s knife against him, they note, “this can be done by first disarming the attacker and then using his weapon against him, for legal and practical reasons, we don’t like to do this. From a legal standpoint, if you are unarmed and your attacker has a knife, disarming him and then turning the tables (i.e. you now have a knife and he is unarmed) will likely be considered as excessive force. If you end up in court, you will have to prove that you acted in self-defense. Although your initial response would be easily justified, once you take possession of the knife and use it on an unarmed person, you will have a much tougher time justifying your actions.”

*Contemporary Knife Targeting* is an interesting mixture of historical background, modern medicine and science, and the voice of experience from police trainer Christopher Grosz combined with Michael Janich’s martial arts and knife knowledge. It is one of the few knife defense books to combine the legal concerns with effective methods for using a knife or defending against a knife attack. If you carry even a small folder to employ in last-ditch defense, or if you use knives as a primary defense, *Contemporary Knife Targeting* will make you think, reconsider, and realize that what you do not only has to stop the attack, but you must be able to explain what you did and why you chose to do it.

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Please enjoy the next article.]



## Networking

by Brady Wright

As we close out the year here at the Network, there are some good and bad things to note. While we did not get the sort of government we were hoping for and the fight there goes on, we are warmed to notice that the

numbers of the Network membership continue to grow and we are making good strides toward more and better protection for all of our members and affiliates. There are some terrific things coming for the next year; things that will make it even more appealing to bring folks into our ranks and the Network will be of even greater value to those of you who are already one of us!

I heard from Scott Edwards of On Target NW, who is a constant spokesperson for our cause. He said, "I am happy to note that I need more booklets as I am about to drain the second box. Besides my firearms training academy, On Target NW, Inc., which is doing well and has seen a significant increase in business in the last quarter of this year, I am now the Chief Range Safety Officer and preferred instructor for Johnson Creek Gun Club, Inc. in Milwaukie, Oregon. The club has now reached a membership of 1,200 and for the first time in the 76-year history of the club, there is a waiting list.

I put out booklets on our information display weekly and they fly out of the club. I am also a member of Clark Rifles, Inc., a shooting club in Battleground, Washington, and I provide booklets to them as well when I visit the range. Consequently, I could really use three or four boxes if you can spare them. This would allow me to get the booklet into the hands of all the members and their guests." As you can see, Scott is doing a super job. He can be reached at 503-522-7991 or [training@ontargetnw.com](mailto:training@ontargetnw.com)

John Boch is a Network member in Champaign, Illinois who, despite living in a very repressive state, requested not only booklets, but also asked permission to reprint the new member dues increase announcement on his Guns Save Life ([www.gunsavelife.com](http://www.gunsavelife.com)) website. He's a relatively new instructor affiliate and signed up for a

membership for passing out our booklets, "...which I do with glee and a recommendation that my students seriously entertain joining if they rely on a firearm for personal defense, especially in public." That's a terrific attitude and a great help to the cause, John. His group Guns Save Life is now meeting in three cities each month. For more information, visit his website [gunsavelife.com](http://gunsavelife.com)

Our unofficial "Johnny Appleseed," Phil Smith, is still out on the road. He filed this report from New York a little while ago: "With the present political climate, I made the decision not to wait to purchase my new AR and went to Elite Guns in North Syracuse. The shop had about seven people waiting for something. It did not take long to figure out what it was. Firearms were flying off the shelf. One guy purchased an AK, another the Alexander Arms Beuwolf .50 cal., and I got the last AR they had in stock. Several other people came in while I was waiting for approval."

"I went to the car and brought in a handful of booklets and gave a couple to some of the people I was talking with. The other people inquired, including Sebastian who took my order. I inquired with Sebastian if he would display the booklets and he agreed. Since I just filled my car bag, I left him all of them (about 30). Let's hope you receive some Christmas applications from the Syracuse area."

Finally, if you are a shooter or Network member in Southeast Wisconsin, you may have met Brian Kunick. Brian is a NRA Certified Instructor who teaches First Steps Pistol, Basic Pistol Shooting, Personal Protection In The Home, Personal Protection Outside The Home: Basic and Advanced. He is also offering the Wisconsin Department of Justice Curriculum and is a NRA Chief Range Safety Officer, NRA Recruiter and trains Concealed Carry for Wisconsin and Florida. He's a busy guy, but you can reach him at 262-347-6524.

Brian has extended the offer of free concealed carry training to the entire Board of Education in Newtown, CT, for ALL of their education, administrative and teaching staff.

[Continued...]

January 2013

He notes that simple statistics show the FBI reporting that greater than 92% of felons committing a substantially violent act would have reconsidered, had they thought that there a "possibility" that their victim "may have been" armed to defend themselves. That's an astonishing rate of potential prevention, accomplished by training those who are charged with responsibility for others who may be defenseless. This is a significantly noteworthy example of a Network member stepping up to help in a meaningful way.

We are ending a very difficult year and heading into uncharted political waters. This is not an editorial column so I will simply say that I'm very interested in hearing from other Network affiliates who are making a difference in their communities by spreading the word.

As usual, if you need any Network materials to give to clients or customers, call or email me at [brady@armedcitizensnetwork.org](mailto:brady@armedcitizensnetwork.org) especially if you have news to share, or know of a win we should celebrate. Finding emails or calls from members is like Christmas for me and, by the way, I hope all of you had a great Holiday and got whatever new toys you were wishing for under the tree. More importantly, I hope your holidays were full of family, health and safety, in any order you like.

There's more to come next month. Stay safe out there!

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

*January 2013*



## Editor's Notebook

### Do You Use A Gunsafe?

by Gila Hayes

I write this as on the day after the Sandy Hook, CT shootings, we are still reeling with sorrow, horrified that all those

children and teachers were defenseless when they faced a mentally-ill man who decided to take their lives before taking his own. As gun owners, we militantly argue the responsibility of the individual and do not blame the tools. As gun owners, we go to great lengths to assure Americans' rights to practice freedom of speech, the right to go where we want when we want, and yes, the right to possess firearms for individual defense and defense against government tyranny. We also know that not every person can safely be trusted with either cars or guns, whether owing to youthful immaturity, mental defect or other proof that they are incapable of making sensible decisions. At the same time, we resist the intrusion of government into deciding who can be trusted to behave responsibly and who cannot.

For example, when our aging relatives no longer can drive safely, we take the hard step of removing their access to automobiles, while making sure that their needs to go where they wish when they wish are reasonably assured. Trust me, taking Grandpa's car away can be a wrenching decision that sometimes divides families, but faced with the specter of the patriarch causing an automobile accident in which others may die, most families muster the courage to intervene. But sometimes families chicken out and "hope" the problem will resolve itself...maybe he'll forget to renew his driving license or won't be able to pass the eye test. Maybe his car will break down and he won't be able to get it repaired...maybe, maybe. Yeah, right. And sometimes the old duffer goes out on the highway, misjudges the distance in a passing lane or fails to see a car in an intersection and people die because of his bad judgment.

Who is responsible? Certainly, the hypothetical aging driver should have stayed off the road, but his age or dementia has impaired his ability to make good

decisions. If loving relatives are too selfish to step in and prevent him from driving, then the government is going to have to intercede. Pray that Grandpa will violate a traffic law or have a no-injury accident and lose his license that way, because apparently his relatives are too selfish to face the unpleasantness of bringing an end to his driving career.

What does this scenario have to do with armed citizens? The murderer in CT was 20. He did not acquire the rifle and pistols he used; reports tell that they were registered to his mother, whom he killed first. ABC News quoted a relative who said that the young man was "obviously not well." At one point, his mother removed him from school and began home-schooling, because of problems at school. In addition, the murderer was the brother and the son of two adult men who are obviously competent, because both are said to be successful in their careers. At least three relatives had to know that he not mentally competent to make reasonable decisions. That is at least three people, two who survive, who now bear the unimaginable burden of explaining why they did not guarantee that those firearms were kept in a gun safe or even a separate location that the murderer could not access.

You may be saying, "This is unthinkable! We cannot add to the grief and loss this family must endure." I say this in reply: until we demand explanations when irresponsible failures to intervene occur, other members of society will continue to take the easy way out and blame the tools of violence, not the human perpetrators of violence. Should gun ban advocates succeed—and now it is even more likely that they may eventually outlaw possession of defensive firearms—violent crime will not stop. Murder and assault will be committed with illegally possessed firearms or with other improvised but equally lethal or even more destructive weapons...oh, explosives, for example, come to mind.

Want to try to stop Timothy McVeigh, anyone? While an armed school guard or a teacher with a handgun could have stopped the mentally ill 20 year old in the CT school, a terrorist bomber is a problem of a different magnitude.

[Continued...]

January 2013

Society demands simple solutions and new laws that make everyone “feel” safe. A pox on “feelings” over substantive results! In pursuing the easy solution of gun control, our lawmakers will bring about the death and suffering of many more Americans. On December 15, 2012 the loss of American’s right to armed self defense became far more likely. Why? Because a family failed to securely lock up firearms so their mentally troubled brother and son could not access them. It is that simple; it is that horrible. God help them, they became the object lesson from which we must learn.

Four days before the CT murders, a 22-year old man murdered two people and seriously wounded a 15-year old girl before killing himself (after an armed citizen aimed a pistol at him) in a suburban shopping mall outside of Portland, OR. The shooter had broken off ties with friends and family in the preceding months. Then, after telling his friends that he was leaving for Hawaii but missed his flight while drunk, Roberts stole a semi-automatic rifle from an acquaintance and went to the mall. Did the semi-automatic rifle make him commit murder? Of course not. Without it, he might have simply sped his Volkswagen Jetta into a crowd of pedestrians outside the mall or committed some other unspeakably destructive murderous act.

Half of our irreparably divided nation will blame the firearms for these mass murders. It will be easier for the simple minded to say that the guns caused the murders, because obeying the Biblical admonition to “be my brother’s keeper” is a lot harder than pointing an accusatory finger at gun owners. But gun owners will not and cannot get off Scot free from these horrific murders. And perhaps we should not.

Why did either murderer have access to firearms at all? Why were those rifles and handguns NOT securely locked behind the 12 gauge steel walls and doors of a locked gun safe to which they did not have the combination? Why was the Oregon shooter able to steal a rifle? Why were the CT murderer's mother's firearms accessible to a son so mentally ill that she intended to commit him to a treatment facility? Unless we uncover evidence that the murderers forced the gun owners to hand over the firearms, it is a reasonable conclusion that those guns were stored irresponsibly. They were not secured in locked gun safes.

Do you own several firearms? Do you have a gun safe? If you do not, sell one of your guns and use the money to buy a safe.

Do you have a gun safe but sometimes it is just a little too much effort to put your guns away in it, so when you leave the house, you leave the pistol you stuck between the couch cushions unsecured or the rifle hidden under the hem of the bedspread stays there? Please stop doing that. I beg of you, please put your firearms in the gunsafe and leave them there until you take them to the range or put them in your holster to carry for your own protection. As a gun owner, this is your responsibility. If you cannot responsibly lock up your guns, sell them. You are a risk to all of us.

The energy that mass murders give to gun confiscation advocates can only be thwarted by every gun owner making demonstrable steps to prevent unauthorized access to their guns. Get a gunsafe and use it.

*[End of January 2013 eJournal.  
Please return next month for our February edition.]*

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