



Armed Citizens' Legal Defense Network, LLC

eJournal

Our Twenty-second Issue — November, 2009 — Now In Our Second Year

The Law of Unintended Consequences of Well-Intentioned Acts

by Marty Hayes, J.D.

You cannot read an Internet firearms forum these days without running across a thread about what to say to the police after a self-defense shooting. The in-vogue advice from Internet pundits is, "Say nothing. Demand to speak to a lawyer." And, that is very good advice, **if you are a criminal.**

If I were practicing law, which I could do if I wanted to take six months out of my life to study for and pass the bar, I would give that advice to all my clients who were criminals. After all, not much good can come from telling lies to the police, and certainly not much good comes to the criminal if he confesses to committing the crime. So, while well intentioned, the advice to keep your mouth shut until your attorney arrives has some potentially severe unintended consequences for the innocent.

Still, the question of what to tell police merits consideration, but because each self-defense incident

will be unique, the question cannot be answered uniformly or with a one-liner. What you should do or say if you shoot a burglar in your home in self defense is likely different than what you should do or say if you shoot someone in the middle of a parking garage late at night during a robbery attempt. Why? Because the circumstances and events differ. Your decision to shoot comes in response to actions by the perpetrators, and events unfold differently during those dissimilar attacks. As you know, one size does not fit all, and neither does one uniform statement to the police—or no statement at all—work effectively in all cases. Let me explain.

First, after an incident occurs, you have no idea when your attorney will arrive. Unless you happen to have



He knows he's innocent! Why doesn't the officer know it?

an attorney who is a family member, or somehow know the whereabouts of your attorney at all times and you know that he or she can show up at a moment's notice, you may wait many hours, or even a day before your attorney is at your side. So, off you go to the jail in the back of the police car, to await the arrival of your attorney.

This time gap creates a huge problem when you have invoked your Miranda rights and told police you will not talk to them without an attorney

Continued on page 2

Links to Contents

[President's Message...](#) Page 7

[Attorney Question of the Month](#)
Page 8

[Instructor Question of the Month](#)
Page 10

[Book Review: Lessons from Armed America ...](#) Page 12

[Editorial: Too Much Information!](#)
Page 14

[Membership Application...](#) Page 16

Click these links or the "continued on..." links to navigate through the pages of this edition of the eJournal.

Galco Headlines Foundation Auction

The Armed Citizens' Legal Defense Foundation's preparation to assist with Network members' legal defense grows stronger every day. The fund received a substantial boost earlier this month with the auction of a donated Galco 40th Anniversary shoulder holster system. While Galco's custom shop will make similar rigs upon special order, these very limited edition shoulder holsters, of which

only 40 were made, are completely sold out, with six contributed by Galco to organizations that help gun owners or preserve firearms history.

The fundraiser brought the Foundation \$555 and an outstanding start on raising additional support for the Foundation through future auctions of goods received through corporate

Continued on page 6

Continued from page 1

present. Why? Because, absent justification, shooting someone fulfills the elements of the crime of assault or murder, depending on what happened. With the elements of the crime satisfied, you **will be arrested**, and once arrested, you will be booked into jail. The eventual charges depend on whether the person lives or dies. Of course, the titles of the crimes vary from state to state, so for the purposes of this discussion, let's limit the possibilities to aggravated assault or murder. For this example, let's imagine you were out in public when you were forced to use deadly force in self defense.

Now, put yourself in the role of the responding officers who received the "shots fired-man down" call. Arriving on the scene, the police know a crime has just been committed, because it is illegal to shoot someone without justification. They know it is their duty to arrest people committing crimes, and in fact, they get lots of "atta-boys" when they make good arrests, so they are likely going to arrest someone if they can. They have two potential candidates for arrest in this scenario: either the shooter (you), or the guy on the ground, who might have been committing a crime against you.

In my experience, cops cheer—perhaps silently but they cheer nonetheless—when a good guy shoots a bad guy. They may wish and hope that this is the case, but what are they going to do when you, cloaked in your righteousness, demand to speak to your lawyer before you utter another word? Most likely, they are going to arrest the guy holding the smoking gun, because that is the only immediately visible evidence that a crime has been committed.

Once police make that arrest, they shift all their attention to proving that their arrest was a valid arrest. This means investigating the assault or murder of which you now stand accused, and not the underlying crime about which they have little or no knowledge. If this occurs, you are in for a long trip through the legal system.

"But wait!" you cry. "I'm innocent!" Yeah, I know you are innocent, you know you are innocent, and even God knows you are innocent, but at that critical juncture, no one has told the cops that you are innocent, and they had no information to make them believe you're not just another guilty suspect. Why? Because, you—perhaps the only truly credible witness who is still alive—refused to give a statement to police. The one person who knew that a crime was being committed against you refused to talk to the cops!

By immediately invoking your Miranda rights, you have just earned a trip to jail, and prosecution for assault or murder. As grim as that sounds, it can get much, much worse.

Witnesses—Pro or Con?

Perhaps other witnesses hear and see the shooting. With a sigh of relief you think, "I don't have to risk making a statement, because others will tell the police what happened." This brings up two problems. The worst arises if witnesses lie. Perhaps police interview witnesses who include the person you shot or his accomplices. They were committing a crime, most likely a violent felony, and if the one you shot dies, the others could be convicted of felony murder. Do you honestly think that they are going to confess to the police that

they were part of a robbery team? Not likely. Instead, their lies will be long, loud and abundant, and at trial you must convince the jury that one, two or three other people who say that you just pulled your pistol and started blasting away are, in fact, lying.



Will exculpatory evidence be gathered and witness statements obtained? You decide.

Continued on page 3

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Continued from page 2

Their stories will likely be the same, rehearsed many times, perhaps even with the aid of the prosecutor. Prosecutors don't like to lose, and in fact, if they lose too many cases, they may also lose the prosecutor's position. So, the prosecution will pull out all the stops to convict you, and if that means helping the witnesses communicate better with the jury, expect them to do so.

In the end, because you decided to follow the advice of some anonymous Internet poster, remaining silent and demanding to talk to your attorney, you face a trial in which you desperately need to prove that the people the prosecution and their witnesses paint as poor suffering victims were actually committing a crime against you.

The witnesses extend well beyond those present at the scene. You can be sure that the doctor that performed the surgery on the guy you shot will be at your trial to describe every excruciating detail of the injury you inflicted. If your assailant dies, the Medical Examiner or forensic pathologist will go to the witness stand to give the same testimony.

Can you now see why I titled this article *Unintended Consequences*?

It can get even worse! Perhaps there were independent witnesses who saw what happened. "You're saved!" your friends and family may cry. Not necessarily. Witness dynamics is a fascinating subject in itself, and one you should study up on. What the witnesses saw or heard is not necessarily what actually happened.

Their observations and experiences will be filtered by many variables. Distance, lighting, ambient sound, and even their own physical limitations in eyesight and hearing will come into play when they give their honest, independent account of what they saw or heard. And these simple physical limitations are nothing compared to the filter of social or political bias that also might be present.

An independent witness or two provides no guarantee that the truth will come out at trial. Those witnesses may be unavailable, may have moved away between the time of your arrest and trial, or may for their own reasons make themselves inaccessible. It happens, especially if the witness might be related either through blood or social strata with the criminal suspects. In other words, when asked by the police what they saw, they told the truth, but by the time

your trial gets underway, they are nowhere to be found. It happens all the time. Still, it can get even worse.

Evidence Overlooked

Because you never told the cops that the dead guy attacked you first, they felt no driving concern to search out evidence at the shooting scene that might support that version of events. Lost is evidence, let's say, of a knife or even another shiny object that could reasonably be mistaken for a knife that perhaps the assailant threw in the bushes after you shot him. Later, one of his buddies may sneak back and retrieve it, before your attorney shows up bleary eyed at the jail to advise you while you tell the police what happened.



Will evidence be found by police or recovered later by accomplices to protect your assailant?

Do you think a jury will believe you when you say a guy threatened you with a knife, when there is no knife to be found? Wouldn't it have been much better, to tell the police succinctly that you were attacked, that the man lying on the ground placed your life in danger, and you were forced to shoot to save your life? That the guys standing over there saw what happened? That after falling down, the assailant threw the knife in those bushes—as you point to the clump of bushes 30 feet away? Maybe, just maybe, the police will consider the idea that you were justified in shooting,

and they will investigate and document all the pertinent facts surrounding the incident. Wouldn't that be nice?

Continued on page 4

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Continued from page 3

What if you are hurt during the assault? Were you struck first? Is there a bruise on your neck where the assailant tried to strangle you? If you clam up, how do the police know about this exculpatory evidence? Having your lawyer tell the police three days after the event, "By the way, my client was assaulted," isn't going to do much good. It is best to turn the police detectives into **your** detectives, by letting them know of any injuries or other attacks to your person.

The "Go Directly to Jail" Card

Another example of the law of unintended consequences of well-intentioned acts comes in the form of the "wallet card" which is supposed to alleviate the problem of confessing to the elements of a crime, while preserving your rights against self-incrimination. These cards usually are printed with words to the effect of:

"Officer, if I am handing you this card, I was just attacked and had to use justifiable force to defend myself. I am invoking my rights against self-incrimination, and wish to make no statements until my lawyer is present."

Ahem...you have just handed the officer a damning piece of evidence that can be used against you in court. This card can be used to transform an intentional albeit self-defense shooting into a premeditated shooting. It can be used to turn a life sentence into the death penalty. Do you honestly think a jury would view this printed statement the same way they do the car insurance card in your wallet? Even a rookie prosecutor trying his first case would be likely able to turn this against you, to say nothing of the picture an experienced prosecutor could paint around that detail. If you insist on presenting such a card to the responding officers, let's profoundly hope the assailant lives, because the element of pre-meditation is not usually a factor in assault cases.

The argument for having this card in your wallet goes something like this: "Well, I am likely to be so upset and confused that I won't be able to speak clearly, and might

make a statement that could be used against me." While that might be true, at least a misstatement due to stress could be explained in court by a competent expert. I don't know of any competent legal expert who can explain why having this card in your wallet is a good idea.

To further address that concern, however, we should ponder what details you fear you may misstate? The fact that you were attacked? The fact that you felt your life was in danger? The fact that witnesses saw what happened? The fact that, having stated these few points, you now want your attorney, before giving a formal statement?

The 9-1-1 Call

The card has another weakness: it cannot dial 9-1-1 and speak with the dispatcher. Seriously, after you are in a self-defense situation, who is going to call the police? Sure, an onlooker who heard the shots or saw the

action, may call 9-1-1, but you can't count on that. No, to best protect yourself, you are going to have to be the one to call the police. Your call is necessary if you want any hope that the legal system will view your act of shooting or killing another person as justified. If you believe you cannot effectively tell the responding officer that you felt your life was in danger, how on earth can you

Continued on page 5



Is he innocent? How will the jury view his post-shooting actions?

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Continued from page 4

expect to call 9-1-1 and effectively report the same situation? I can see it now.

Dispatcher: "9-1-1, what is your emergency?"

You: "Ahh, I would rather not say, but I really need the police."

Dispatcher: "Sir, we are rather busy here at the moment, unless you are reporting a crime in progress, or some other emergency, I am going to hang up."

You: "Wait. Don't hang up. Someone has been shot, injured."

Dispatcher: "What is the nature of the injury?"

You: "He has a hole in his chest, and he is bleeding a lot."

Dispatcher: "Okay, sir, how did he get the hole in his chest?"

You: "I would rather not say. In fact, could you do me a favor and call my attorney for me?"

Laughable? Sure, but you get the idea. Here is the deal: society, made up of the very same folks who will be on your jury, expect other members of society to tell the truth to the police, to be good witnesses to crimes in progress, and to help out other members of society when possible. Your actions will be judged against those expectations, and to the standard of a reasonable and prudent person, knowing what you knew, and standing in your shoes. If you don't believe me, ask any attorney.

Do you think the members of the jury will find it a little odd that instead of telling the police that you shot the guy who was attacking you, you whip out your "sure to go to jail card" and hand it to the first police officer who asks, "What happened here?" Do you think that the members of the jury would have done the same thing under the same

circumstances, or do you think perhaps they might simply tell the police that they were attacked and that man on the ground attacked them?

A Time for Silence

Finally, there are times where the advice of "say nothing" might be the best advice. I can envision the circumstances where you have been arrested, handcuffed and read your Miranda warnings. Under these circumstances, my default response will be to give no response, other than asking to speak with my attorney. Even then, I must be sure to find a way to communicate with police about witnesses and evidence, because once those are lost, they can never be retrieved. Most of the time though, before an arrest is made, the responding officers want to hear the bare-bones facts to figure out what happened, who the actors were and what they

did. This is your time, in fact, this is the only time, to light the path for the cops so they understand that you were the victim, and that the victim is not the guy bleeding to death on the ground doing a surprisingly good imitation of a victim.

In closing, please understand that this article is intended to be educational in nature, and it is not legal advice. You, the readers, need to critically assess whether or not my words make sense, and then to decide which path you want to take following a self-defense shooting. I wish you the very best. ●

Marty Hayes is the president of the Armed Citizens' Legal Defense Network, LLC, holds a Juris Doctor degree and is a former police officer. In addition to operating a regional firearms training academy, working as a court-recognized expert witness keeps him busy.

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Fundraising Auction—Continued from page 1

contributions. "I first approached Galco during the SHOT Show and was introduced to staff member Mike Barham by Massad Ayoob, one of the Foundation's Advisory Board members," relates Foundation President Vincent Shuck. Mike recognized that we represented an organization that addressed the needs of an important market segment for Galco—the legally armed citizen. We exchanged emails and then at the NRA annual meeting in Phoenix, we had another chat. Knowing the Network's background and hearing about its growth, we began discussing how Galco could best support the Foundation. The special commemorative, limited edition shoulder holster system was an obvious answer. It was made by the custom shop to our specifications and then listed on GunBroker," he explained.



Vincent Shuck

"Galco was very generous and was one of the first companies to step up and donate a product to the Foundation," Shuck explains. Galco's enthusiastic support of the Foundation and Network went beyond the already generous contribution of the Anniversary Rig – while the shoulder holster system was being auctioned on GunBroker.com, Galco ran an Internet press release (see photo) that went out to 18,000 retail customers, dealers and outdoor writers, featuring the holster, noting that one was being currently auctioned as a fundraiser for the Armed Citizens' Legal Defense Foundation and a link to the auction. In addition,

GunBroker.com wields a tremendous outreach into the gun owning community! In fact, the kind gentleman who won the auction said he had not heard of the Network before participating in the auction!

It is heartwarming and so encouraging when part of the firearms industry clearly understands what the Network and Foundation are all about and are eager to put their support behind our efforts. This is not always easy, because the Network is a unique concept, with no similar organizations for comparison, so we know those who support it have taken the time to listen and understand our mission and our goals, added Network operations manager Gila Hayes. Through the generosity of Galco and in the future other manufacturers who step up to help, the Foundation grows increasingly stronger and thus stands more ready to help Network members should their self defense actions be challenged in court, she concluded.

The auction closed with one more positive event. After making payment and shipping arrangements, the gentleman who was top bidder also decided to become a new Network member, commenting that once he recognized the names of Network leaders and advisors, he was eager to become a member. We welcome this new member with special appreciation for his generous support of our first fundraising auction.



Click on the image to view Galco's press release in which they mentioned the Foundation fundraising auction.

This fundraising report replaces Vincent Shuck's usual column this month. His regular column will be back in December. Shuck serves as Network Vice President and is President of the Armed Citizens' Legal Defense Foundation. Contact him at jvshuck@armedcitizensnetwork.org.

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Marty Hayes

President's Message

I have only a short message this month. I figured I said enough already in this issue! I hope you enjoyed the cover article, *Unintended Consequences*. Ever since I read the book *Unintended Consequences*, by John Ross, I have loved the term and have wanted to use it in some literary manner. This seemed like

a good opportunity. In case you haven't read a good gun book lately, pick up a used copy off of Amazon.com. By the way, the book's stories about the bowling pin shoots are mostly true. I was there.

One thing that has been occupying a good majority of my time this fall is a personal crusade to see justice done in my small rural county. Eleven years ago, a lady died of a gunshot wound to the head, and the local coroner and sheriff wrote it off as a suicide. The case stunk from the start, and seven years ago, I got involved as a ballistic ex-

pert to assist the mother in getting an honest accounting from our local governmental officials.

Despite overwhelming evidence that she was murdered, the local sheriff's office and coroner's office continued to call the death a suicide. Three years ago, the mother sued the coroner to have his determination of suicide looked at by a court here in Washington State. The trial starts on November 2nd, with the attorney—one of our Network attorney's, by the way, the victim's mother and myself presenting all the evidence to a superior court jury.

Finally, after eleven years, the victim's mother will get her day in court. The website www.justiceforronda.com tells the story. A Seattle television station has also provided coverage, and an April 2008 story is here: <http://www.komonews.com/news/local/18394794.html> I also expect, starting Nov. 2nd, there should be news stories in major newspapers and the local TV shows from this region.

So, as this **eJournal** is published, I will be fulfilling my promise to the victim's mother, to help her in getting to the truth about the death of her daughter. I will report on the trial next month. ●

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by Mark Walters and Kathy Jackson

Join Walters as he stares through his Glock sights at two assailants ready to break in his car windows, an Ohio state representative held at gunpoint on his home street, a young businessman stuffed in the back of his convertible and held at gunpoint for hours, a man who was shot and shot back after gunfire erupted from a friend's shed when he approached to strange voices, a man and wife shot by a stalker in their own bedroom, the paramedic who fought off his girlfriend's crazed ex who'd broken into his house, and the Navy sailor who tragically lost his son during a gunfight with a robber who forced his way into the family car. Then, after each story, join *Concealed Carry Magazine* editor Kathy Jackson in a training chapter outlining the lessons and tactics we can learn from the real life incident Walters has just related.

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Affiliated Attorney Question of the Month

Ah, lawyers! Those professionals many purport to distrust, but can't reach quickly enough when in trouble! Comedians often misquote Shakespeare (2 Henry VI, Act IV, Scene 2) where one of the seditious plotters recommends, "The first thing we do, let's kill all the lawyers." Jokesters love to parrot that line as criticism of the profession, while scholars argue that the Bard recognized the role of attorneys in preventing anarchy!

Maybe that's why I felt a little annoyed recently when I read a quote attributed to a Supreme Court Justice suggesting that the Nation's best minds should be put to work outside the practice of law (to read the interview, see <http://tinyurl.com/yd2jx9k>)

In response to a question ... about the "quality of counsel" who appear before the court, Scalia responded, "Well, you know, two chiefs ago, Chief Justice Burger, used to complain about the low quality of counsel. I used to have just the opposite reaction. I used to be disappointed that so many of the best minds in the country were being devoted to this enterprise."

The Armed Citizens' Legal Defense Network, LLC is fortunate to be affiliated with attorneys who share our passion for the legal protection of men and women who use guns in self defense. Recognizing what a tremendous resource these attorneys are, in bringing them into the *Question of the Month* column, we thought it appropriate to simply explore how they view their role in society. We emailed our affiliated attorneys to ask:

In light of Scalia's comments about lawyers' intellectual prowess, could you share with Network members how you view your role as an attorney in the perpetuation of an orderly society? How is that reflected in the work you do—in your career as an attorney?

Mike Brenner

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Lawyers norm human relationships. We give people standards to live by. Our legislatures pass laws, but without lawyers, statutes and rights would be feckless words on paper. Lawyers remind and demand of people, sometimes and especially judges, those words of laws and

rights have real-world meanings that have real-world effects on liberty, life and sometimes, death.

More than that, lawyers pick up the cudgel for people who can't fight for themselves. Seldom is the cause of the client the cause of the lawyer. Nevertheless, the lawyer binds up his time, fortune and reputation in advocating for his client. Is there any greater calling than to champion another's cause, than to safeguard fairness, equity and equal treatment? Why would we not want our best and brightest to pursue these nobler goals?

Trial by combat has its appeal. Two parties fight and the mightier one wins. Might makes right. I personally think I could do pretty well in that kind of system, being proficient with weapons, but I know I'm not always right. What to do when the fighters are of unequal strength like the government against the individual? Choose a champion, a paladin, a protector, an advocate, who is more able to fight the good fight. Fighting the good fight may prove nettlesome to judges, other attorneys and uninvolved observers. I don't lose much sleep over that. Fighting the good fight is how lawyers keep others honest and doing the right thing about all that stuff that some people call legal mumbo-jumbo and lawyers like me, call the law and the Constitution.

Debbe von Blumenstein

Attorney at Law

154 SW Oak Street, Dallas, OR 97338

503-831-1550 — email: hotpotato59@hotmail.com

A friend and I were having a philosophical discourse on "truth" and I said that since you cannot know anything for a 100% certainty that there is no absolute truth. Further,

Continued on page 9

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Continued from page 8

how can you say there is a truth when in my business you can have six witnesses to an event and six different reports? Are five lying and one telling the truth? No, most likely you have six different perceptions.

This friend was bothered by my perspective and said, "How can you say that? You're an attorney and you took an oath to defend the truth."

Now, I think I could have remembered if I took such an outrageous oath so I went in search of my oath from my swearing in as an attorney. I found it and saw that the oath I took was to defend the Constitution. I recontacted my friend to inform her of this and added, "And since the courts are still arguing about the Constitution, I guess I took an oath to defend arguing."

With that said, I truly do see my role as a defender of the Constitution. As a defense attorney I have been accused of getting bad guys off. Well, first of all, my role is not to judge. That is for the fact finders, the judge or jury. They are the ones who decide not who gets off, but whether the government has met their burden and played by the rules we have established to govern our judicial system. My role is to hold them to that burden, as the law not only mandates but also demands it to be so. Our protections are not to be based on bias or prejudice, and my role is to give a full spectrum to compare to the allegations. Also, as a defense attorney my role is to ensure an appropriate outcome through the disposition of any case.

The three most valuable things that exist are: life, liberty and livelihood, and the legal process in criminal law places all three into jeopardy. When I meet someone as a client, I am probably seeing them at one of their worst moments. I would like to think not only did I help them to the very best of my abilities, holding the practice of law to a high standard, but also along the way I helped them and touched them as a human being and helped them transform the worst moment into an ultimate experience of growth, learning, and sometimes even redemption. To me, there is a definite reason why lawyers are also called counselors.

In firearms training, we say, "The higher the power the higher the responsibility," and that applies to the practice of law, too. As an attorney, I can wield a lot of power but with that power comes a higher responsibility about how I conduct myself.

In my mind's eye I may want to see my role as Wonder Woman (she had one of the best super hero outfits, after all) and one client referred to me as Mighty Mouse, but the best super hero I can be is to help guide others to their better selves. I have chosen the legal profession as my canvas.

These writers and our other Network affiliated attorneys are listed at www.armedcitizensnetwork.org/attorneys-ntl.html We appreciate the support of each of our affiliated attorneys.



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Affiliated Instructor Question of the Month

One of the Network's great strengths is its affiliation with firearms instructors and attorneys. With the goal of introducing more of these professionals to Network members, in this edition, we are delighted to continue a new feature, the *Question of the Month*. This month, we posed the following question to our affiliated instructors:

Sales statistics, studies and anecdotal evidence show us that gun sales have increased greatly, and that a lot of those buyers were first-time gun owners. While this surge of new gun owners is beneficial in protecting our rights as gun owners, these new gun owners are also now serving as members of juries, voting in political races in which the candidate's position on gun ownership is one of the issues, and influencing society in related ways.

With this in mind, we asked our Affiliated Instructors about their interaction with these new gun owners:

1. With this trend nearly a year underway, have you been seeing those new gun owners in your classes?
2. Can you describe the demographic – politically conservative or liberal? Men or women? Young, middle aged, older?
3. What reasons do they give for having obtained firearms?
4. Do you think they grasp the very serious implications of owning and possibly using a gun in self defense?

Like the last *Instructor Question of the Month*, the responses exceeded space available, so we'll carry over some of the instructor's answers to next month.

RangeMaster

Tom Givens, Memphis, TN

<http://www.rangemaster.com/>

Rangemaster essentially runs at capacity all year, so we don't see a lot of fluctuation in student enrollment. The events connected with the recent presidential election did drive additional sales of guns and ammunition for us from election day last November until about the end of May, but local crime issues drive our student enrollment in concealed carry classes.

We do make an effort to track the demographics of our students, and to track the effectiveness of various forms of advertising. When students come in for their first class here, the registration paperwork includes some questions

about their employment, where/how they heard of us, and so forth.

In the past few weeks, we have trained 391 new students. Of those, 221 were male and 170 were female. This is a 43.5% female attendance rate, which is way above the norm for gun schools. We accomplish this in several ways. First, we design some of our advertising and placement of radio/TV spots to appeal to the female audience. Second, we have several fully qualified female instructors on staff.

Fully 10% of this batch of students were in some part of the medical profession (doctors, nurses, technicians). Other well-represented segments included sales and marketing, business management, small business owners, and housewives. A relatively small percentage of our students could be described as blue-collar workers.

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Karl Rehn, Austin, TX

<http://krtraining.com>


1. We have increased the number of basic pistol and basic rifle (AR-15) classes to meet demand. Since last summer demand for carry permit classes (and carry permit applications) are at an all time high in Texas. There are probably more people going publicly armed in Texas today than at any time in history.

2. All over the spectrum. I am also seeing more women attending my NRA instructor training classes with the stated goal of "teaching other women".

3. Fear of future gun bans. "I figured I better get one now before I won't be able to" or some variant is common. We are reaching a lot of new people. Public opinion about

Continued on page 11

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Continued from page 10

gun rights is strong on our side, Supreme Court rulings going our way. Sure beats the Clinton years.

4. Those that continue forward in their training to get the carry permit do. Many are buying simply to own, but most that take our basic classes continue on to take the carry permit class and get licensed to carry.

GunSmart Firearm Training

Roger Moore, Estacada, OR

<http://gunsmartfirearmtraining.com>

I have seen a fairly large number of people coming to CHL classes and private lessons that have never had a gun before. I don't usually ask about their political demographics but think most are probably conservative and some liberal. There are more males than females but there are more females than in the previous few years. Most are between 30-60, I'd guess. Reasons vary: the guys are more into self defense and being concerned about the political climate while the ladies have had specific reasons to seek self defense. Prior to attending the class, I doubt most of them had thought much at all about the consequences of using firearms in self defense, but afterwards that has changed.

Personal Defense Training, LLC.

Ernie Gammon, Baton Rouge, LA

email: personaldefense@cox.net

1. Since the election, I haven't seen very many new gun owners (down here in Louisiana everybody owns at least one firearm). However, I see a lot of gun owners who have decided that they want to have the ability to carry concealed – and I see their wives and daughters (most of whom are considering the purchase of a handgun, but have not yet done so).

2. Men constitute about 70% of my students in classes; women make up about 30%. 70% are middle aged people; ages 21-30 account for about 15%; and students 55 and older comprise about 15%.

3. A few, as usual, are folks who have undergone a scary event in their lives, or someone close to them has. But most are operating under the presumption that Obama, Pelosi and Reid are actively planning to take away their right to own and/or carry a gun. Their reaction is to take a CCW class and buy a few more guns.

4. If they don't understand the implications prior to en-

rolling in my class, they definitely do when they leave. I devote a lot of time to this during the lecture. Several students have sent me emails after the class saying that they have decided to wait a while before applying for their CCW permits due to the emphasis I placed on the legal, emotional and financial aftermath of shooting someone in self defense or they have decided to seek defensive handgun training (way beyond the scope of a one-day CCW course) that I harp on in class. And they ask me to tell them (again) the names of the instructors that I recommend.

Mad Duck, TTC

John D. Farquhar, West Elkton, OH

<http://www.madduckttc.net/>

Yes, I am seeing a lot of new gun owners, and since we also provide loaner guns, we also have those that have not yet purchased taking classes, so they can make informed decisions regarding buying their first gun.

Those showing up are across the board from ages 20-89, liberal and conservative, and the percentage of women is growing.

Most are interested in self protection, and most have no idea what they are getting themselves into! But when they are done with our course they have a pretty good idea, and we give them additional information to go over. We have shifted our focus more to mindset, law, etc. In the time we have, we give them a good basic understanding of firearms, laws, etc. We are getting more calls for advance courses as a result.

We appreciate the many contributions made by our affiliated instructors of which this shared wisdom is only one part. We hope this column helps you feel you know more about our affiliated instructors. We further hope our members will contact these professionals when they need training, and refer friends and family members to them, as well.

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Book Review

Lessons from Armed America

by Mark Walters and Kathy Jackson

ISBN: 978-0-9822487-6-8

White Feather Press

3170 52nd Street, Hamilton, MI 49419

269-838-5586 – www.whitefeatherpress.com

183 pages, softcover

Reviewed by Gila Hayes

Though *Lessons from Armed America* looks like a modest, 183-page book with an affordable price, gun owners both old and new would do themselves a disservice if they overlooked this new work. It is co-authored by two of the newer personalities on the gun rights scene, *Armed America* radio talk show host Mark Walters and *Concealed Carry Magazine* managing editor Kathy Jackson. Both are sufficiently new to the armed lifestyle to give critical topics a fresh approach, though unafraid to draw on the research and knowledge of the “elders” in the community including Network Advisory Board Members Massad Ayoob and Tom Givens.

After a laudatory foreword by Massad Ayoob, Mark Walters starts the book with a detailed report of a trip to work that unexpectedly turned into a trap from which he extricated himself by presenting his .45 ACP subcompact Glock without having to shoot. Driving through a bad section of Tampa, Walters was caught in traffic when two men first attacked the car in front of him, and then turned their enraged attentions toward him. “Here I was in the middle of Fletcher Avenue in Tampa, Florida, in the early morning dawn, pointing my fully loaded and chambered handgun directly at another human being, ready to fire. As long as I live I will never forget the look on that punk’s face,” he writes.

You’ll want to read the rest in the author’s own words, but when you have finished the first chapter, I promise you will come away with a very clear purpose statement for any armed citizen who has decided not to be the victim of criminal violence.

Then, in the one-two punch strategy used throughout the book, co-author Kathy Jackson takes the next chapter, explaining laws and general parameters under which using deadly force to resist criminal attack is permitted. Resources are suggested for further study in the reader’s



own state, and her recommendation to obtain first-hand the training from Massad Ayoob with which she credits much of the chapter’s information is also spot-on. The chapter ends with an exploration of individual stumbling blocks, including religious convictions, and clearing up misconceptions whether fighting back is right or wrong.

Subsequent chapters chronicle the transformation of an Ohio state representative from voting against right to carry legislation to becoming a fervent supporter of concealed carry. After escaping pursuit by a man with a gun, the Representative told Walters, “I could’ve been killed. I could’ve been injured. I would not be here to see my grandchildren...” You’ll want to read the rest of his interview when he discusses his change of heart and decision to get a permit to carry a gun.

While much could have been said about the politics of guns, Jackson’s follow up chapter focuses on an idea introduced by Walters in the very first chapter, that violent crime can happen any where, any time, to anyone. Does preparation equal paranoia? Jackson uses a great comparison from the 60s when few wore seat belts, to the common and expected practice today of doing so. If assailed by others questioning your decision to carry a gun, you’ll find all kinds of great reasoning for that decision, and owe it to yourself to read chapter 4. It’ll leave you smiling.

The reasons many of us carry a gun daily are underscored in the next chapter in which a young gun owner is caught off guard, stuffed in the back seat of a sports car, and held at gunpoint for over four hours while his captors made a drug buy and got high. The story concludes with his escape, and determination not to leave his gun behind again. Jackson’s answering chapter details the how and why of physical defenses without

Continued on page 13

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Continued from page 12

firearms. Pepper spray, Tasers® and most importantly, mindset. All are well covered.

More details on mental conditioning follows, led by a story of an unexpected gunfight that broke out when a man investigated voices coming from a friend's storage shed. The mind of a human under life-threatening attack is not the mind with which you go about your every day business. Jackson spells out many of the mental phenomena reported by gunfight survivors and how these perceptual changes can confuse the post-shooting investigation. Affected are the brain's processing speed, pain perception, strength, tremors and loss of fine motor skill, visual and audio exclusion, incorrect perceptions of elapsed time, distance and size, distorted memories and the related filling in of missing facts, ill-advised utterances, the nearly super-human anticipation of action called precognition, why these occur and how to manage them. The information is clearly given in layman's language with plenty of footnotes for readers who want to scrutinize the underlying research.

The instruction on stalkers starts with a chilling story-told by Walters, of escalating harassment by a neighbor that ends when the stalker enters the home of Suzanne and Jim Butler and shoots Jim as he sits up in his bed. In a life-and-death struggle for the stalker's rifle, Suzanne is also shot twice. The Butlers did everything "right." They received restraining orders, reported every illegal contact, but even with four arrest warrants out for the stalker, he remained free. In the follow up chapter, Jackson defines stalking, shares data gathered about the crime, and suggestions about how to avoid and deal with it if it happens to you.

The real-life report Walters details in the next chapter is essentially another stalking situation, but it also illustrates how long a determined assailant can remain a threat after being shot. The follow up chapter deals with post-shooting problems. This is a crucial discussion, and though we expose Network members to this information frequently, the details in this chapter, stated in a new voice and with differing research, are well worth the price of the book.

The final two chapters further endorse decisions and preparations made by armed citizens. Walters tells a harrowing tale in which we meet a young family who must fend off a shotgun-armed robber who forces his way into their car. In a close quarters struggle with this maniac, the

family's 10-year old son is struck by a round from his father's gun, probably when the robber lashed out to deflect the pistol aimed at him.

This is a brutal reality check: though we train to prevail, no amount of training and preparation guarantees that you or those in your care will come through an attack unscathed. Even if none of the good guys are hurt, the survivor faces a number of physiological, psychological and sociological after effects. These are the topics of the book's final chapter, which also merits thoughtful study. "In the end, each person must come to terms with what they are willing to do to protect themselves and those they love. And in the end, every determined survivor must be able to say with a pure heart and a clear conscience: Human life is worth defending," Jackson concludes.

Massad Ayoob, writing the Foreword, endorses *Lessons from Armed America*, noting, "It's the details that save you. Understanding the details of how violent encounters unfold, and the details of the history of the survival of the strong versus the death and crippling of the helpless. Understanding the details of the law, in a way that can allow you to act without hesitation instead of pausing to ask yourself 'Am I allowed to, uh, hurt this guy?' in a moment when 'he or she who hesitates' truly will be 'lost.'"

Lessons from Armed America is full of details – details you need to know before facing situations like the survivors of these stories did. ●

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Gila Hayes

Editor's Notebook

Too Much Information

The ease with which we communicate these days has stolen from many the reflective, decision-making periods in which men and women once reasoned through thorny problems on their own and decided what they stood for and what actions they'd take.

Now, instead of gathering a reasonable amount of information and making a personal decision, many folks post questions on a dozen internet bulletin boards and their convictions, buffeted violently by anonymous and conflicting advice, are tossed to and fro like a blow-up dinghy in rough water. Of course, while the information they gather is merely opinion, it is put forth as Truth, and while many relish these argumentative online discussions, the detrimental effect is erosion of individual critical thinking and the ability to study, decide and stand by our own decisions.

Critical thinking is, indeed, only critical if backed by factual information, not swayed by the quickly-formulated observations of some guy watching the football game while browsing through the gun boards during commercials. Garbage-in/garbage-out is horrifying if it colors decisions made during and after a life-and-death emergency! Be sure your information is coming from experienced and credible sources with experience defending the innocent!

The post-shooting danger of legal missteps is real. Just using your gun justifiably is not enough. Your action or inaction, and those of your associates, before, during and after the incident can assure your freedom or send you to the penitentiary. So many of the issues we argue all too often seem academic and while we devoutly hope our concerns remain academic, if decisions about what to do after a shooting become something we must really implement, we surely do need to have our minds filled with reliable information and made our plans based upon solid, verifiable data, not merely opinion and wishful thinking.

Too often, students in gun classes sit back, arms crossed and communicate a "ho, hum, heard it all before" body language when the instructor introduces state gun laws and use of deadly force issues. Sometimes that attitude even originates with instructors, who may sound a

little bored or express that, "We just have to get through this stuff and then we can get out and shoot some more." Here again, the overwhelming amount of opinion offered about guns, shooting and self defense has given people the idea that they already know it all. Why waste training time on something you can read for free on any Internet gun forum? What hope is there if both student body and instructional cadre have come together primarily for the fun and entertainment of shooting, without a commitment to understanding and internalizing the very real and very serious concern about what happens once a self-defense shooting has occurred?

It may be time for you to review the second DVD in your membership series entitled *Handling the Immediate Aftermath of a Self-Defense Shooting* to assure that the information on which you establish your post-shooting legal defense plans is based on information drawn from reality.

Housekeeping

I had an amusing conversation with the Network president a few days ago and got to thinking that if he was confused, members may be, too. You see, he'd been tracking the registered users number at the bottom of the forum log in page, perceiving it as an informal membership count. Now that log-in database clean up has required us to drop

Continued on page 15



The eJournal of the Armed Citizens' Legal Defense Network, LLC is published monthly on the Network's web site at <http://www.armedcitizensnetwork.org>.

We are actively soliciting the participation of writers with expertise in self-defense firearms, the legal profession, and the self-defense training field. If you are interested in contributing to the eJournal, please contact editor Gila Hayes by E-mail sent to editor@armedcitizensnetwork.org.

The Armed Citizens' Legal Defense Network, LLC receives its direction from these corporate officers:

Marty Hayes, President
J. Vincent Shuck, Vice President
Gila Hayes, Operations Manager

We welcome your questions and comments about the Network. Please write to us at info@armedcitizensnetwork.org.

Continued from page 14

any accounts that did not have a unique email address (or any email address at all), many household memberships are reduced to counting as one member, and members without email addresses are not reflected in that count. So, when we say we have over 1,400 members, but the forum only shows 1225, now you, too, know wherein lies the discrepancy.

On a related topic, we are down to the nail-biting details as we convert the existing Network website over to a new one designed to make accessing your membership benefits a lot easier. I guess I can say with some relief that most of my work on the project is done, and now it is up to the Internet technology professional to wrap up all those mysterious behind-the-scenes details for which his services were contracted.

It is such a joy to find the Network growing and prospering such that we can bring in professional help to streamline the Network's online access. As soon as nasty little problems like resolving Washington State's destination-based sales tax for online product sales, and fine-tuning the software managing log in for member-only portions of the website, we'll be ready to show you the results of all this work. How eagerly I anticipate the day when I can shut down our "one-size fits none" Yahoo online commerce website, with all its idiosyncrasies and inflexibility!

Though the website redesign provides many other advantages, the new online commerce site alone is enough to justify the work I've put into this change! The new system seamlessly integrates the Network's online book store, as well as access to monthly membership journals, new membership purchases and renewals and the member-only forum. I think you will find it much easier to use once we cut over to the new system. It can't come soon enough for me!

Notes from all over

New Jersey's court of appeals is standing its ground on requiring law enforcement approval before anyone can possess a handgun there. Appellate Division Judge Stephen Skillman writes that the Heller decision has no sway over this question, and that the gun rights affirmed by Heller were "general." This particular skirmish was instigated when a police chief denied Anthony Dubov's request for a handgun purchase permit without giving any reason, a course of action the trial judge did not challenge. While the appellate judge disagreed with Dubov's lawyer

on the question of whether NJ law was unduly vague and thus unconstitutional, he did remand the particular question of Dubov's application for a handgun purchase permit for an evidentiary hearing. For the details go to <http://politechbot.com/docs/nj.in.re.dubov.case.102809.txt>

Gun enthusiasts continue to walk the fine line between keeping their guns a closely-guarded secret and putting themselves up as examples of normal and law-abiding American gun owners. A recent decision went against the gun owner in a case in which a man was web surfing gun websites while at work. A frightened and anti-gun supervisor ran it up to HR, and eventually, after an unrelated medical disability, the gun enthusiast lost his job. After the predictable court cases, a U.S. District Court granted the employer summary judgment, saying that the employee didn't meet the burden of proof to convince the court that discrimination against gun owners was at the heart of his job loss. There's more at http://www.cbsnews.com/blogs/2009/10/09/taking_liberties/entry5373168.shtml

Some of our readers may have already caught this, as did the Network member who pointed it out to me. Briefly, the California Supreme Court has confirmed what we've thought to be the case all along. The intentional nature of self defense actions excuse most homeowner's insurance providers from honoring any claims stemming from a self defense incident, since the insurance covers accidents. It would be funny were it not so troubling. Before the case in question was settled, both the homeowner and the man he fought off had sued the insurance company looking for a monetary award. A short article about the California Supreme Court's decision is at <http://www.insurancejournal.com/news/west/2009/08/05/102768.htm> and it provides a good view into the frequently-posed question about homeowner's insurance kicking in after a home-defense shooting.

I was interested to read that England has dissolved its Appellate Committee of the House of Lords, colloquially known as the Law Lords, and, seeking greater separation between the legislative and judiciary branches of their government, created a court similar to our Supreme Court. Established by the UK's Constitutional Reform Act of 2005, the new court started work October 1. The new court does not have the authority to strike down laws, as does our Supreme Court. Our cousins across the pond comment that modernizing this part of their justice system should give their citizens a more transparent court process with televised hearings and improved accessibility.

Armed Citizens' LEGAL DEFENSE NETWORK, LLC



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