



Armed Citizens' Legal Defense Network, LLC

eJournal

Our Twenty-third Issue — December, 2009 — Now In Our Second Year

Road Rage+Gun T-Shirt=Man with a Gun?

by Penny Dean

Network Affiliated attorney Penny Dean draws on material developed during trial prep to share the following cautionary tale. The official record of the case can be found in documentation of Commonwealth v. Bushong, Lowell Mass, District Court, Docket #01-CR-3949, Lowell District Court, Mass.

On a bright, hot Saturday, June 16, 2001, the day before Father's Day, Dave Bushong, 46, drives to the Pheasant Lane Mall, which straddles the line between New Hampshire and Massachusetts. With him is Dave Hickmott, a friend from church who works at the same company as Bushong. Their several errands include going to the Nashua, NH Home Depot then shopping at the nearby mall. Dave is driving an unpretentious 1994 white Honda Civic, recently handed down from his wife who is getting a new car.

They drive south on the Daniel Webster Highway where the road has four lanes. Approaching the traffic light for the left turn leading

to the Home Depot, two lanes on the right are marked with forward arrows, and two lanes on the left have arrows pointing left. Unbeknownst to Bushong, the signs at this intersection are horribly misleading. In truth, only the single lane on the far left is really intended for left turns. The arrow marking the second lane from the left actually indicates a turn further down the road, and so it really means, "go straight for now." Later, when I went there to investigate the case, even knowing about the mismarked lanes, I mistakenly got in the wrong lane and had to accelerate quickly to get ahead of traffic and avoid running up on the curb.

Bushong pulls into the second lane from the left, signaling a left turn. Next to the Honda in the leftmost lane is a huge black 2000 Ford six-wheel truck driven by Paul Medeiros. In the passenger seat is his 6-year old son, Wes.

As the light turns green,

both vehicles turn left. When both are partway through the turn, the road narrows to one lane. With traffic moving behind them, Bushong quickly realizes his little Honda is going to have to crash over the curb or stop in traffic and risk being hit from behind. He quickly accelerates and slides into the single lane ahead of Medeiros, who will say later that he was cut off. Hickmott hears Medeiros scream what he understands to be "you f---ing idiot," and the voice sounds very close.

In the five minutes it takes them to drive nearly a mile to the Home Depot, Medeiros tailgates the little Honda, honking his horn angrily, making offensive gestures and screaming threats and obscenities which are easy to hear in the Honda, with its windows down, sunroof open and stereo off. With Medeiros following so closely, Bushong and his friend

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try to avoid a confrontation and bypass the Home Depot. They continue toward the mall, hoping that Medeiros will tire of threatening them. (At trial, Medeiros will claim that Bushong was "following HIM from in front" All heads snapped up at that statement, and I wondered, "Huh? 'Splain that again? Following from IN FRONT?")

Bushong plans to park in a garage behind the mall, but as the relentless pursuit continues, he recognizes the danger in stopping where there are no witnesses and others to help if the truck's driver assaults them. As he proceeds down the mall's access road, Medeiros draws abreast of him, driving in a center lane marked with a double yellow line. He steers the truck into Bushong's lane, as if to force him off the road, but Bushong manages to downshift and races ahead of the truck.

What to do? Bushong and Hickmott look for security guards and police officers from whom to ask assistance, but they don't see any. They reject the idea of returning to the highway because too many congested stops on the way expose them to contact with the enraged driver. With Father's Day the next day, mall traffic is heavy.

Dave Bushong is a computer software engineer, who notices small technical details. He remembers a video security camera covering the Sears parking lot at the mall. Fearing that his tormentor might vandalize his car once he leaves it, parking near the camera seems sensible. When Bushong turns into the Sears parking lot, the black Ford truck continues to drive straight, and he is temporarily relieved. He has no sooner parked than Hickmott says, "That crazy guy is still following us, look." The big black truck has circled around and pulls up not far away. "I'll show you, asshole," Medeiros angrily yells. Bushong responds that he should not talk like that with his son in the vehicle, and Medeiros says a few more choice words, drives around the front of Bushong's vehicle, slows briefly and screams, "I'll get you, asshole!" The Sears security camera records the scene.

Dueling Cell Phones

Bushong, now out of the car, is holding his cell phone in his right hand, down by his side. He has already dialed in 9-1-1, and his right thumb is poised to press the "send" button. The phone is silver and black. His left hand is empty

though he wears a large silver-colored watch on that arm. Medeiros picks up *his* cell phone and is heard stating that someone has pulled a gun or pointed a gun. There is one small, round NRA sticker on the Honda, but he tells police that there are "stickers all over the car."



Bushong is a recreational target shooter who owns and collects guns. He is wearing a T-shirt printed with a large picture of a Glock and the letters G-L-O-C-K. Bushong is not carrying a gun on his person this day, though he is licensed by New Hampshire and Massachusetts to carry.

Worried about Medeiros' phone call, Bushong gets back in his car and turns on his police radio scanner, from which he hears police dispatch sending officers to a "man with a gun" call. He realizes that officers will think he is armed, even though he has touched no gun and made no threats. He calls 9-1-1 and tries to explain about Medeiros' behavior. Luckily, both calls are recorded by the 9-1-1 call center.



There is nothing inherently wrong with gun logo wear, but as Bushong learned, its message can exacerbate an already bad situation! Firearms-related logo wear is best reserved for wear at the gun club, shooting matches and among other gun enthusiasts.

Police arrive—initially with drawn guns—and immediately separate Hickmott and Bushong, putting the latter in the police cruiser. After establishing jurisdiction—for a number of squad cars from Nashua, NH and Tyngsboro, MA respond—officers ask a frightened and intimidated Bushong if he has a gun. He answers, "No," because he does not have a gun on his person. There is, in fact, a gun in his car, but it is locked in a first-generation Gun Vault® he has only recently transferred to the Honda. Because he still thinks of it as his wife's car, he is not yet accustomed to having the lock box or gun in that car.

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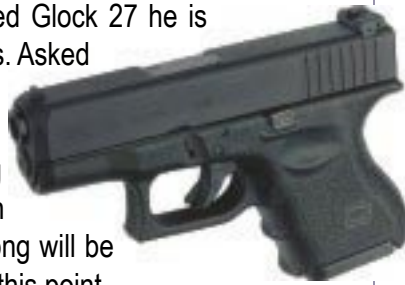
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The police, of course, see the lock box and ask Bushong about it. Only now does it dawn on him: there is a gun in the car, the loaded Glock 27 he is licensed to carry in both states. Asked if there is a gun in the car, he blurts, "No," but immediately amends, "Yes," explaining there could indeed be a gun in the locked Gun Vault®. Bushong will be accused by police of lying on this point.



Police are insistent about searching the Gun Vault®. They repeatedly tell Bushong, "We can get this all over with if you just open the safe and then you can be on your way. If you don't have anything to hide, then you should open the safe." He responds that the vault has an electrical defect and cannot be opened without its key, which is at home.

We later learned that the electrical fault was a known problem with the first generation Gun Vault®, a flaw corrected in the second generation of that product. Essentially, the problem drained batteries rapidly, reducing the owner to access by key alone. There are only two ways to open the lock box: manually with a barrel key or by punching in a code on four buttons, allowing the battery-operated unit to unlock electronically. Because this particular unit's electronic mechanism did not function properly, only the key could have opened it, and Bushong did not have the key with him. The Glock 27 remained inaccessible until long after the incident when he went home, got the key and brought it to the police station.

Mederios' Accusations

Medeiros claims that Bushong pulled a black and silver gun on him. Police take his word and arrest Bushong for assault with a dangerous weapon and possession of a firearm without a FID card/license, although he had one. Medeiros signs a statement attesting, "I noticed he was holding a silver-colored handgun with black on the outside of the gun. When I saw the gun for the second time it again was silver in color with black colored sides." The description fit Bushong's open black and silver Motorola cell phone. The plain, solid black Glock 27 was in the locked box during the entire episode.

Bushong is locked inside a sweltering police cruiser, where temperatures soar until he is drenched in sweat and

his glasses slide down his nose. When caught in such a situation, the citizen is often horrified at their treatment, because they know they are innocent. In this case, the arresting officer was so convinced that Bushong was a criminal that when the first criminal history check came back negative, he assumed it was a mistake and ordered a second history check going back for 30 years, checking for not only crimes, but traffic violations and parking tickets.

Bushong adamantly asks officers to get the tape from the security camera. When they do, they toss it on the front seat of the cruiser. Bushong asks if he will now be released, since the officer has seen the videotape and knows the truth. When the officer responds that he might as well confess to pointing a gun at Medeiros, as it was all caught on the videotape, a stunned Bushong replies that it's impossible since he did not do so. The quality of the tape proved very poor and it was impossible to ascertain exactly what was in his hand. Later, we tried every means possible to improve the security tape, even consulting Disney Studios and the videographer that had worked on the Rodney King videotape, but to no avail; it added nothing but confusion to the case.

Upon arrest, police seize and inventory everything on Bushong's person and in his car. The search turns up no key for the Gun Vault®. The police thoroughly search the car even pulling out electronic equipment, the lining and parts of the carpet. Once bailed out of jail, Bushong is ordered to go home, get that key and bring it to the police so they can open the lock box to confirm that he had told the truth. This he does without the advice of an attorney, an unwise choice. He did not obtain legal counsel until later, something that could well have cost years in prison because of lost witnesses or lost or destroyed evidence.

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A rectangular advertisement with a blue border. At the top, the word "Civilian" is written in a stylized, italicized font. Below it, in smaller text, are the words "Security Training • CCW • Mindset • Tactics". The main title "FIREARMS TRAINING" is in large, bold, blue capital letters. Below that, in red, is "Get Your Concealed Weapons Permit Now!". Further down, in black, is "For details visit us at:". Below that is the website "CCWUSA.COM" in large, bold, blue and red letters. At the bottom, in white, is "10% discount for Network Members".

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Lessons Learned

- If dressed in firearms logo wear, you are advertising. Advertising gets results, and not always the ones you want. If involved in any type of altercation when wearing such a shirt, you risk being charged with some form of threatening with a firearm.
- If your lawyer vigorously investigates and prepares your case, it will typically be at least two years from date of arrest until trial. During those two years your bail conditions will likely prohibit you from acquiring, using or possessing firearms. In addition, you may be indicted for a felony, which automatically bars gun purchase under federal law. (Form 4473 question, "Are you under indictment or information in any court for a felony, or any other crime for which the judge could imprison you for more than one year?")

During those two years, expect to spend \$50,000-100,000 depending on expert fees, jurisdiction and other variables. It may cost more unless you are lucky enough to find a competent lawyer for the relatively cheap rate of \$200 hour.

- Think about who you may have in your car if something like a car accident or road rage incident occurs. It will likely be a friend or family member. Be prepared when the cops say, "Of course your passenger would lie for you and tell the same story you are, he's your friend!" Don't waste your breath trying to defend your companion's honesty. And do not respond to the common police trick after they separate you, when they come back and say, your friend told us everything and he said you did it. Zip your lips! Loose lips sink ships. Do not respond to any comments! Simply remain silent.

What did Bushong do right?

- At no time did Dave Bushong raise his voice, lose his temper, rev his engine or give a "one finger wave" despite Medeiros' aggressive behavior, and he tried to separate himself from the aggressor.
- He was aware of his surroundings and analyzed several safety and escape plans, including parking in view of the Sears security camera.
- He immediately called the police when he saw Medeiros calling the police.
- After the confrontation, he did not run away from the scene.

- He sought legal counsel shortly after the incident, not waiting until the day before he had to go to court. Even better, he obtained counsel familiar with firearms and self defense.

What did Bushong do wrong?

- He did not immediately call the police when Medeiros began his aggressive behavior, which might have stopped the incident earlier.
- He did not call a lawyer IMMEDIATELY after his arrest, because he did not know a suitable lawyer to call! Bushong, like many law-abiding citizens, did not feel a need for a criminal defense attorney, and thus had never sought one out.
- Bushong detailed the SPECIFIC chronology of events for police. NEVER DO THIS.* Instead, simply state, "This man was behaving in a threatening manner by [describe behavior]. I tried to get away from him, but he kept chasing me." Do NOT elaborate, no matter how often police request clarification. They may say they just "want to sort this out and understand what happened," but you should explain to them that once you speak with and have an attorney by your side, you will feel more comfortable fulfilling that request. Explain that right now you are simply too scared to relive and describe in detail the horrifying event.
- Bushong signed a written Consent to Search to allow the Tyngsboro Police to search his vehicle. NEVER, EVER, EVER sign a consent to search.* If you do, it makes it virtually impossible for your lawyer to suppress the evidence, a topic for our follow-up article. It typically increases your legal fees threefold and **decreases** your chances of success by leaps and bounds.

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- When Bushong was bailed out of jail, he complied with police demands to go home and bring the lock box key to police. He escaped the jaws of the lion and then voluntarily returned! *What?!* Once your lungs take in the free air outside the police station, get to a phone and find an attorney. You may say, "Well, it was Saturday evening! How can I be expected to contact an attorney then?" Easy. Any reputable criminal defense attorney provides a means of after hours contact.

The Right Attorney for the Job

Yes, you do want a criminal defense attorney. You are charged with a crime! You don't go to a podiatrist when your chest hurts, do you? Criminal defense lawyers are like E.R. docs, when you need 'em you need 'em NOW. Many have pagers, and if it is a TRUE emergency such as Bushong's, they will call you back. Other lawyers do as I do: my phone follows me everywhere and it rings beside my bed. Yes, I get many 2 a.m. Saturday morning phone calls. No one schedules their arrest, at least none of my clients have been kind enough to do so!

Dave Bushong was a lucky man. By chance he found an attorney that understood self defense and how to present such a case. Sometime earlier, Bushong had been at a gun show and met Jonathan Evans a federal firearms licensee who is also a lawyer. He picked up Evans' business card "just in case." After his arrest, not knowing whom to call, Dave called Evans who declined the case, but suggested that his friend Penny Dean was just the person for the job. Bushong, not knowing where to turn, did as suggested and called me. To his enormous relief, he later told me, I was the first person who seemed to believe his version of the day's events.

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Editor's Note: Unfortunately, Dave Bushong and his attorney Penny Dean faced a trial and all the preparatory work that goes into prevailing against a witness determined to lie about the facts. In the January edition of this journal we'll learn about this attorney's efforts, both before and during trial, that ultimately cleared Dave of the charges. •

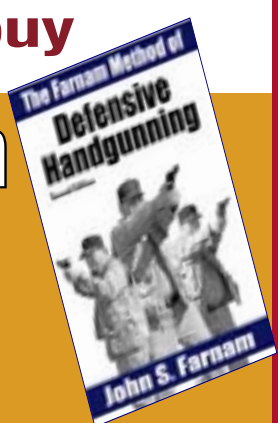
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About the author: For more information about Attorney Dean's law practice go to <http://www.pennydean.com> or email her at penny@pennydean.com

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Marty Hayes

President's Message

Of Politics and Guns

Last month in this column, I mentioned the case of Ronda Reynolds, and her mother's quest to see her daughter's death fully investigated, and I promised you a report on the trial, which was underway at the time.

I am pleased to report that the jury in the trial of *Thompson v. Wilson*, Lewis County (WA)

Superior Court, found that Lewis County Coroner Terry Wilson's determination of "suicide" in Ronda Reynolds' death was 1) inaccurate, 2) that Ronda likely DID NOT kill herself, and 3) that Wilson's actions were "arbitrary

and capricious." The later is legal-speak for "you messed up big time, Coroner Wilson." If you are reading this and wondering just what the heck Marty is talking about, read last month's President's Message.

From a sociological standpoint, the case is very disturbing because it exposes willingness by both law enforcement and the coroner to lie outright (along with lesser forms of misfeasance) in order to protect their backsides. And while this was not a case of self defense, it certainly could have been, and we could have been defending someone accused of murdering another person, instead of defending someone who was accused of murdering herself. In fact, defending Ronda against the allegation of self-murder was the way I looked at my part of the case.

It sure felt good when the jury came back with the verdict. Still, it is not over. Despite the ruling, the coroner and the sheriff continue to call this death a suicide! So, back to court we go in January, to ask the judge to force the coroner to change the death certificate. I am not sure I will ever be free of this case, and if in five or six years we are still battling the forces of evil in Lewis County, WA, well, so be it. I am up for the challenge.

So, how does the title of this column pertain to this issue? Because I ran for coroner, both in 2002 and 2006. I did so primarily because of the

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Above: Marty Hayes responds to questions from the coroner's attorney while undergoing cross examination during a judicial review of the case the first week of November.

Right: Thompson's attorney, Network affiliate Royce Ferguson (standing), and Hayes receive direction from the judge.

Photos courtesy of Kathy Jackson



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obfuscation of the facts and the unwillingness of Coroner Wilson to do his job properly. For the last eight years, I have been castigated in the local media and by people in government (i.e. politicians), who all suggested that I was only involved in this case because I wanted to be coroner. They intimated I was making up all the evidence to embarrass the sheriff and coroner. What hogwash! But because this case was in legal purgatory, I was not free to speak for fear that my words would be used to circumvent justice.

Finally, I am speaking out in my local media, and it feels good to get a few things off my chest. While the vitriol keeps coming, most recently in an opinion piece in the local paper by the former sheriff (who was in charge of the original investigation), the facts show that he spouts lies, and I tell the truth.

Along these same lines, in a contested self-defense shooting, the media, and perhaps prosecution and law enforcement, will make all kinds of outlandish allegations against you, and you are, for the most part, powerless to respond, because you will be facing trial and at that point, you really need to keep your mouth shut.

Folks, like it or not, this is the world we live in.

Dave Lauck for Sheriff

Now, onto a more pleasant but equally important aspect of guns and politics. Our very own Network member, Dave Lauck, of DL Sports, is running for sheriff of his county, Campbell County, Wyoming! He notified me by e-mail a couple of days ago, and I was happy to send him a small campaign contribution for his efforts.

You see, Dave is fighting the same type of political forces in Campbell County, Wyoming that I have been fighting in Lewis County, Washington. Dave was a 27-year deputy for Campbell County's Sheriff's Department until political retribution forced him out of a job he loved. You see, after racism and other notorious activity within the Department was exposed, Dave became the scapegoat. Since then, he has established the foundation for a campaign to run for sheriff against the corruption inside his local county, and we fully support him.

I am pleased to forward his information to you all, both to vote for him if you happen to live in Campbell County, but also to send him a couple of dollars to help his campaign. Even in small, rural counties, it takes dollars to win elections. I talked with Dave today on the phone, and he is energized about making a difference, and would

appreciate any support that may come his way from ACLDN members.

For those who are not familiar with Dave, he runs D & L Sports, Inc., (<http://www.dlsports.com/>) and is one of the truly great guys in this industry, along with being a heck of a gunsmith. His e-mail address is dlsports@vcn.com and if you would like to join me in helping Dave fight the good fight, a contribution to his campaign for sheriff can be made to: Dave Lauck for Sheriff, P.O Box 651, Gillette, WY 82717. Be sure to list your full name, phone number and address, as it is required for public disclosure purposes. Dave doesn't have a campaign website up yet, but when he does, we will get that information to you, and we will update you occasionally on the campaign.

The Obama Factor

It appears the Obama factor has ended for now, with ammo and guns back in reasonable supply. Unfortunately, the prices have not fallen to pre-Obama levels, but hopefully that will start happening soon. I hope this episode serves as a lesson to everyone who was caught flat footed without an ammo supply with which to shoot and train.

I lived through a similar event back in 1994 with the Clinton Assault Weapons ban, and predicted the Obama post-election panic would occur, so I started buying reloading supplies on Nov. 5, 2008. Consequently, when the supply chain dried up in early 2009, I was pretty well set, except for the .22 ammo I'd forgotten to buy.

Don't let this lesson go unheeded. I recommend every time you get an extra \$20 bill in your wallet, spend it on a box of ammo. If you do this once a month (once a week would be better), you will be in great shape by 2012, when I think the next great ammunition rush will occur.

Going Rogue

We missed the opportunity to get one of the most pro-gun politicians ever when we didn't elect Sarah Palin, along with that old guy who ran with her. I am currently reading her biography, *Going Rogue*, and I am enjoying hearing her side of the campaign story. I predict Palin will run for President in 2012, and frankly, I think she has a pretty good chance. She has some work to do to pull it off, especially fighting the national press, but with more and more conservative voices coming online and on TV, she may be able to counter the rest of the media. We will see.

Well, that's it for now. Next month, I will give a "State of the Network" message. (Here is a short preview, WE ARE DOING GREAT!)



J. Vincent Shuck

Vice-President's Message

Seeking Reciprocity

The December holidays often bring individual and family travel, but until we obtain a national right-to-carry reciprocity law, as civilians, we have to be concerned about which states recognize our home and nonresident concealed carry permits when we travel across state lines. Of

course, reciprocity and recognition are subject to change, thus, what's correct today may be out of date and incorrect tomorrow. Careful checking is in order.

I've used the mundane tactic that if I travel to a state, I want to have the option to legally carry. However, even with a few nonresident permits and the permit from my home state, I do not have carte blanche reciprocity to carry concealed. We all know that Illinois and Wisconsin do not allow concealed carry and a few states essentially prohibit any concealed carry, whether resident or nonresident. California, Hawaii, New York, New Jersey, and Maryland come to mind as examples of the latter. There are a few others that have complex or unique requirements that complicate or exclude many law abiding civilians.

Like many of you, my home state permit is not recognized by all of my priority travel states and a similar limitation is fashioned with my nonresident permits. Also, a complication can be found in a few states, like Florida, Colorado, and South Carolina, which only recognize resident permits. Thus, while I may hold a permit from a state recognized by one or more of these states, I cannot legally carry in that state because I hold a nonresident permit. However, Florida does recognize its own nonresident permit; an issue I verified recently with the Florida licensing department. This important attribute is not found on most reciprocity information generating web

sites. Colorado does not issue nonresident permits and you must own property in South Carolina to be eligible for a nonresident permit. Maine and New Hampshire also do not recognize nonresident permits from other states, but have an application process that is straight forward and without extra hurdles and these states would no doubt recognize their own nonresident permits, similar to Florida. Finally, Iowa requires a business justification or a demonstrable threat for a nonresident permit, putting this state presently out of my reach.

I do not anticipate traveling to Maine or New Hampshire in the near future, thus, being able to carry concealed in these states is not currently a priority. On the other hand, two states that do not recognize my home permit or my nonresident permits are a priority and I recently applied for

permits in Oregon and Nevada. My experience may be of interest to you if you are considering applying for a permit in either of these states.

Oregon does not recognize any other permits but does issue nonresident permits, but only to residents of contiguous states. So, with the exception of the contiguous state residents of California, Idaho, Nevada and Washington, Oregon will be out-of-reach for most. As a Washington resident, I meet this first

hurdle, but I still needed to pass the next test in the Oregon application process, i.e. business justification.

Any Oregon sheriff may waive the Oregon residency requirement for a contiguous state resident who has a "compelling business interest or other legitimate need." Each sheriff has some discretion in how this waiver is applied. Internet forums and various web sites caution that some counties do not coddle well to nonresident applicants. I decided to try my luck with one of the more populated counties—Multnomah—home of Portland, Oregon.

The Oregon application procedure does require completion of a safety course and an in-person finger

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printing, photo ID and payment process. The application can be obtained from the web sites of most county sheriff departments, then completed and mailed for review. This is the critical first step for nonresidents inasmuch as it gives the department the chance to review your business justification. I've been known to write a pretty good business letter so I thought I was up to this challenge. I listed four business and personal reasons and sent the application and cover letter to the sheriff. A few weeks later, I received formal notification of my processing appointment, which was scheduled in two months. On my scheduled date and time, I arrived at the HQ, announced my reason for being there and was ushered into the special CHL Unit's area along with a couple other applicants. We were finger printed (electronically), photographed and our \$65 payments processed in less than 20 minutes. My new permit was mailed to me in less than two weeks. Total time from application to permit receipt was just over three months, with most of that time due to the delay in getting the assigned processing appointment.

Nevada was next on my permit acquisition list since I visit Nevada from time-to-time for a number of reasons, not the least of which is to represent the Network and Foundation at the SHOT Show in Las Vegas. Nevada does not accept any of my permits but does allow nonresident applications, regardless of your state of residency. However, applicants do need to jump through a few hoops.

You must take a course that "demonstrates competence with...firearm(s) and (contains information on) ... firearms safety." Many of us can teach that information but the hook for Nevada is that the course has to be taken in Nevada and given by an individual approved by the sheriff and given in the county where you apply. Did you get that? The announced reason for this is because the course must be easily audited by the department, thus available only locally. While this may sound good to a bureaucrat, I think the various convention



The states of Nevada and Oregon don't extend reciprocity to the non-resident licenses commonly held by travelling concealed carry practitioners – permits from the states of Florida and Utah.

and visitor bureaus have found yet another reason to bring people into Nevada. Regardless, you must apply in person and be certified via the qualification course on each firearm you wish to carry. This latter issue is unique to Nevada and a few other states. To be clear, the qualification process involves a demonstration of your ability to safely handle a certain firearm and to meet the live-fire standards established by the business giving the course. To be sure, the proficiency test is something that most of us can pass without a problem, but the range experience and details of the course of fire are up to the approved trainer.

I participated in a course given at The Gun Store in Las Vegas where CCW classes are offered every Wednesday and Saturday (www.thegunstorelasvegas.com). The




full-day course exceeded the requirements noted above and the instructor, Tony Dee, was well prepared and explained Nevada self defense law, gun safety issues, and concealed carry guidelines, among other subjects. The course fee is \$75, which includes the qualification for one firearm, and \$25 for each additional firearm. The fees include the range qualification and the frangible ammo for each firearm. A little about the qualification and why this is currently part of the Nevada process may be of interest.

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The range qualification course consists of 36 rounds fired on a B-27 target from 3, 7 and 15 yards. The distances may vary based on the training facility, but that's how I qualified. Each distance includes six shots, a reload and six more shots. Shooters have one minute to complete each 12-round segment. The first segment is fired using the strong hand, then the weak hand. The other two segments are fired using a two-hand stance. Passing is 70% and I was told that a few do not pass, at least on their first attempt. Anything above 345 out of the possible 360 is considered very good – I passed with flying colors. Qualification is required for revolvers, as a general category, and for EACH semi-auto firearm. I qualified using a S&W model 686 revolver, which allows me to carry any revolver. The semi-auto qual is different in that the qualification relates to the make, model and caliber of the firearm. I qualified with a Colt 1911 .45ACP and thus can carry any Colt 1911 in .45ACP, regardless of barrel length. But, I cannot legally carry a Kimber, Springfield or other 1911 or any Glock because I did not qualify with these makes or models. The actual permit lists whether the holder is revolver qualified and which semi-auto has been used for qualification. The previous two-firearm listing limit was removed by legislative action several years ago. The change from listing each revolver to the general notation for "revolver qualified" is a recent change in the law and may foretell a change in the semi-auto requirement, but for now, separate semi-auto qualification and listing is part of the game. And, renewal requires another, albeit shorter class, as well as re-qualification. I was told that the reason for listing each qualified firearm on the permit helps the local sheriff identify what firearm was used in a shooting and who the possible shooter could be. Sure, right. I suspect the real reason is more likely due to the stance of an anti-gun legislator who got his/her way.

The Nevada application fee is \$100.25 plus the cost of the course, travel and lodging. For me, I took the 8-hour class on a Wednesday and submitted the application, safety course and qualification documentation in person the next morning. At that time, I took a number and waited in a typical government-run facility for about one hour to submit the application, sign sections before a sheriff department employee and have my finger prints and photo ID taken. I received my Nevada permit three weeks later.

I haven't decided which state permit I will apply for

next, but I know I will remain alert to the next national right-to-carry bill debate in Congress and offer my support. I know legally armed citizens will not create any problems because of the passage of this legislation and may, in fact, actually solve a few problems. ●

Vincent 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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Network Members Write In

To the editor:

I am still digesting "... Unintended Consequences ..."
I agree that you should not clam up at the scene. It also seems to me one must be careful what you say or how you express yourself. I would try to say something to the effect that I needed to stop this attacker instead of I needed to kill him. A hostile prosecutor can turn these innocent words against you in court.

There is probably a list of words and phrases that should be avoided along with acceptable ways to get the message across. I would like to see this discussed somewhere down the road.

It also seems to me it is not a good idea to alienate any of the officers at the scene. Many of them can be your best friend.

Max Hanna

To the editor:

Great article. As I told you in earlier correspondence I think this is the best (for which read, "much needed") advice for the armed citizen community in years. The "don't say nothin'" mantra is a good example of something that we taught for so long we forgot why we were teaching it—also known as bad advice posing as conventional wisdom. Keep up the good work

Ed Lovette

To the editor:

I just finished my first reading of this month's Armed Citizens' eJournal. Having done some writing of (church) publications, I can appreciate how much work goes into such an undertaking, especially given the level of professionalism you strive to achieve!

This month, Marty Hayes really answered a lot of questions in my mind after reading both Gila Hayes' book on personal defense for women (okay, I like a woman's view!), and Ayoob's, *In the Gravest Extreme*. At first glance, Hayes' advice seemed to fly in the face of advice given in both those books, but as I studied more, those thoughts vanished. As I was reading Ayoob's book I asked myself why an "innocent" person would refuse to discuss the issue with police? Marty helped elucidate the issue. That issue is

in the word "innocent." Innocence is yet to be determined!

I have also read Walters' and Jackson's book [*Lessons from Armed America*], and your review really described it accurately. Thank you.

Back to the publication, I did some math, and realized this eJournal is not produced as a money maker, making your "labor of love" even more special! Thank you for all the "above and beyond" efforts on behalf of armed citizens.

Robert E. Jackson

To the editor:

I want to thank you for the exceptional article and issue of the ACLDN Journal this month.

While it only came out a couple of hours ago, I have already completed the first-pass reading of it. It brings me back to the [LFI](#) course I took with Mas Ayoob at [FAS](#) a couple of years ago. I, too, notice the many discussions on forums (notably [DefensiveCarry.com](#)) regarding what to do, and not to do, when involved in a self-defense situation involving the use of force. There are no perfect answers, as each situation will be different, but I think your suggestions about a rational approach to working with law enforcement is right on the money.

Thank you for the sane and insightful points, regarding our rights and responsibilities as citizens and folks involved in upstanding self-defense situations. Though it may sound a bit corny, the Armed Citizens' Network provides an intelligent bright spot in an otherwise raucous, crazy world.

Michael W. (Member's full name withheld by request.)

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Affiliated Attorney Question of the Month

Last month, using the interesting responses of several of our affiliated attorneys, we launched a new column in the Armed Citizens' Legal Defense Network's membership journal designed to introduce our members to our affiliated attorneys. Our goal with this column is to demystify for our readers the world in which our attorneys toil, and to a lesser degree why they do what they do.

As our affiliated attorney from Missouri, Kevin Jamison noted, "I am a defense attorney because the very worst day I have in court, I keep the prosecution honest." The Network is very fortunate to be affiliated with men and women who have embraced that calling!

This month, we asked our affiliated attorneys the following question:

When an innocent client's case ends up in court, what part of the process holds the greatest surprises or discomfort for the individual you represent? What can you do to prepare them to face opposing counsel, the judge, and the jury?

We received so many answers that, in the interest of sharing all of them with you, we will carry half over into the January edition of the eJournal. Thank you, attorneys, for your enthusiastic response!

James B. Fleming

Fleming Law Offices, P.A.

P O Box 1569, Monticello, MN 55362

(763) 360-7234 – jfleming@pclink.com

<http://www.jimflemingattonney.com>

This is a very valuable question. Obviously, for the innocent client (or one who at least deems him or herself to be innocent) one of the issues, which seems to cause the most consternation, is, "Why are they doing this to me?" The dispassionate approach to the client (now "Defendant") by law enforcement personnel, the prosecutor and the court often causes high levels of anger, fear and frustration. Helping the client to understand the realities of the charging process and pre-trial procedures aids a great deal in eliminating client stress and creating greater understanding of the defense job ahead of educating the prosecution, or in the worst case, preparing for trial to educate a jury.

In that same vein, if the client has followed the instructions received in training for personal defense, and has

kept their statements to investigating officers to a minimum until after legal counsel has arrived and can participate in the interviews to protect the client's rights, the attorney has a far better chance of preparing a solid defense foundation to the charges. However, clients who feel the need to vindicate themselves during the emotional and physiological turmoil occurring after a defensive encounter, very often are going to say things that, when presented in a different context in the court room, they may very well wish that they had not said.

Overall, I believe that the innocent client suffers more grievously from the scrutiny of the criminal justice system than does the hardened criminal, who knows quite well why he is there and how the game is played. The innocent expects to be treated as though he is innocent and when he is not, it is much harder for him to be patient and trust that the system will deal with him correctly. The more information he has about the process he has been thrust into, the easier it is for him to remain calm and let his legal counsel do the job necessary to protect his rights.

James G. Connell III

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Most clients who find themselves in court explaining their use of a firearm in self defense are amazed at the power of the prosecution, both to control the progress of the case and to distort facts using hindsight. Clients have to understand that, at the moment they defend themselves, they change from a law-abiding citizen to a suspect in the eyes of law enforcement authorities.

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Timothy A. Forshey

Timothy A. Forshey, P.C.
1650 North First Avenue, Phoenix, AZ 85003
(602) 266-7667–tforshey@dmflaw.com

It seems that most of the clients that I choose to represent are good, honest people who, at worst, made an instantaneous decision that, when viewed in perfect, calm hindsight by a prosecutor (filtered through sometimes cynical investigating police officer eyeballs), results in a criminal indictment. I think the most common “shock” to an honest person going through this is that they are not trusted. That is, they know they are telling the truth about what caused the situation, and it is hard for them to grasp that simply telling their side of the story is not enough to clear it up.

I often explain to my clients, sadly, that there are, in essence, two types of “truth” in our justice system—the truth that you know to be true, and the truth that you can prove to be true in Court. This is a bitter pill to swallow, and I’ve seen that it’s difficult for honest folks to grasp. Interestingly, most actual “bad guys” intuitively already know this because they have a lot more experience in making up facts to suit their needs.

Mark S. Knapp

Law Office of Mark S. Knapp
32724 - 17th Ave SW, Federal Way, WA 98023
253-661-1252–knapp.m@comcast.net
www.firearmslawyer.net

Prosecutors in Washington have almost unlimited discretion when it comes to choosing the crimes with which you will be charged. Only the jury may stand in between you and extended jail time. For example, the simple allegation that you made a verbal threat to kill someone while you are carrying might result in a gun enhancement involving an additional thirty-six months or more on top of the standard range of six months or less. The prosecutor often agrees to a sentence without any jail time in exchange for your plea of guilty, which can result in permanent loss of your gun rights.

You will be surprised how, during the days before a jury trial, you can go from feeling very confident about things to the point where you just give up and plead! Your wife and family will be stressed. When your livelihood and even your marriage are on the line, the prospect of risking your

freedom takes on a new perspective. Thus, the emotional aspect of your case may be the biggest surprise. Abstract discussions about your right to self defense fade in comparison to the confrontation with legal reality. Often times, the fact that you are a victim seems evident—but only to you. Knowing that your lawyer is on your side is everything when you face the criminal justice system.

Queried further about prosecutorial discretion in his state, Knapp added: Washington is the only state that has neither preliminary hearings nor Grand Juries by which to test whether probable cause for specific charges exists. Judges look at probable cause in Washington and virtually rubber stamp them. Often the task of determining the standard range is very complex even for Department of Corrections officials and attorneys who focus on such things where there are multiple charges and enhancements, issues of merger of some charges for sentencing purposes, etc. The Washington prosecutors just charge with everything that looks possible to get the standard range up to where it will scare anyone.

Roy M. Doppelt, Esq.

Pinkerton, Doppelt & Assoc., LLP
16466 Bernardo Ctr. Dr., Ste. 260, San Diego, CA 92128
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I would tell them that the jury will presume they are guilty until proven innocent in most cases. The old saying is, “where there’s smoke, there’s fire,” and that they would not have been arrested if they did nothing wrong. This does not mean they will be convicted, however.

The prosecution, nationwide, has well above a 50% conviction rate. As such, the statistics are that they have a better chance of being convicted than acquitted given this percentage. Clearly, innocent persons have been found guilty of crimes they did not commit and innocent persons have also been executed for crimes they did not commit and [*Project Innocence*](#) has demonstrated this.

In addition, we all know of people who have committed crimes and never been caught and, some who commit crimes and are caught and acquitted after a just trial. As such, do the best you can to protect your rights.

Be sure to check back for the continuation of this column in the January edition of the eJournal. These writers and our other Network affiliated attorneys are listed at www.armedcitizensnetwork.org/attorneys-ntl.html

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 continue with answers our affiliated instructors gave to the following question:

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?

As in previous months, the response was so substantial that we have carried over the same question from November's journal into December's issue to fit in all the information.

Saginaw Firearms, Inc.

Frank Le Fevre, Saginaw, MN

<http://www.saginawfirearms.com>

We have been seeing an increasing number of first time gun owners attending our classes, many of whom attend the class in search of information on what to look for when making a firearm purchase. We cover a great deal of information relating to this subject to better prepare the first timer in making the right decision on the right firearm for them.

Our classes are made up of all walks of life, man/woman, young/old, rich/poor, high school drop out to the highest of education. Each and every one of these individuals has a right to defend themselves, their family and others in need and they are making the efforts to do it correctly and legally.

Some of our students want a firearm for protection against wild animals as they take their morning and evening walks, others for the sole expression of their right to do so, some are in fear of losing their rights based on the current administration's stance on self defense, and there are those that do not feel safe in their day to day activities. The only real reason for each and every one is essentially the same, self defense. It really does not matter what the threat is, but having the ability and means to defend against it is what is important.

Every one of our students leave our class thoroughly understanding the severity in the misuse of a firearm. The implications are instilled statute by statute from the state law. Many ask, "If the implication of carrying a firearm in self defense is so great, why do we chose to carry?" Our answer is simple, when carrying a firearm and under the unfortunate circumstances it has to be used, it gives us the ability to live another day and that allows us the opportunity to testify to a jury of our peers why we did what we had to do. This is a better outcome than hoping our spouses or loved ones find closure in the arrest of our killers. Each one also knows there is no cut and dried self defense or justified action, and the consequences of taking such action can be quit severe, whether or not they believe it was justified.

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At the end of last year and the first half of this year I saw an increase in clients in both the Concealed Carry program and the Defensive Handgun (first level shooting) program. About July everything took a nosedive. I have spoken to other instructors about this and they have seen the same. Our deduction is that the economy has had a big influence and folks are not spending the money on classes when they need their money to pay the bills. I have had the folks from my Advanced Training program tell me they cannot afford the \$35 for the training day. Another factor is the availability of ammunition; it is hard to find and the cost is prohibitive.

I make it a point not to discuss politics in my programs. I want the clients to feel comfortable and I think political discussion can make some people uncomfortable. I am finding that I see more women in the Concealed Carry program and I encourage them to come out to the Defensive Handgun program. I have seen a slight increase in women coming out to shoot. Next season I will be introducing a Basic Handgun Skills program for those folks who are new to shooting and I am hoping this will help and encourage more women to come out to learn the shooting skills.

I am seeing clients of all ages in my programs. I would have to say a majority is middle aged to older although I am seeing a number of twenty-somethings come out, more than in the past.

My programs are oriented toward the use of deadly force in self defense situations. The clients that come to my programs are there because they are interested in learning the legal, ethical and moral parameters regarding the use of deadly force in self defense. I feel complimented because I have had clients seek me out for my training programs: they understand what I train.

I believe that most clients believe they understand the seriousness when they come to me and I believe they do understand the seriousness after they have taken either my Concealed Carry or my Use of Force program. I make a point of reinforcing the seriousness of the legal, ethical and moral obligations during my Defensive Handgun programs. I do this to reinforce the responsibilities into those who have taken my seminars and to make sure that

those that got their permits through other programs understand the seriousness of what they are doing and the responsibilities they carry.

CCW USA

William Desy, San Diego, CA

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

I have seen an increase in new gun owners attending classes, especially since November of last year. Many have revealed that their primary motivation was the Obama election, and their realistic concern that guns will no longer be available or affordable for the average citizen. I also noted that many of these new shooters were educated professionals, over 50 years of age, many over 60 and some over 70! I was surprised that a 70 year-old male had never, ever even fired a gun! Without a specific poll, and just throwing out my opinion, I think many of these new shooters are leaning toward the left. They were born and raised on the left coast, not raised with guns, or hunting, and most of what they know is based on what they have been told, seen on the TV news, and from bad Hollywood movies.

Now, I realize that I can't start rambling about Boxer, Feinstein, Holder and Obama, because these are people that may have voted for them! They watch Rosie, and believe what ever their favorite talk-show host says about gun violence and guns. Fortunately, as I mentioned earlier, they are educated—college grads, professionals, attorneys, doctors, business owners, MBAs, and many hold advanced degrees, and they are starting to see through some of the BS. They have come to the personal realization that the police cannot and will not be there to protect them in a true life-or-death emergency, and they may actually have to take matters into their own hands. Of course, they may

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still be somewhat in denial, and make general statements, like, "I'll never carry it," or, "I probably won't really need it," and even, "I don't think I'll ever have to use it because A, B, or C..." none of which is based in reality.

The good news is they are buying guns for the first time. They are recognizing that the gun grabbers may have misled them, and they are seeking training. I have had to tone down my political views during classes, although I do state my personal opinion and several reasons for it. I focus on the fact that everyone would like to protect themselves, or their loved ones if attacked by a criminal predator. If someone says, "Oh, I just don't think I could shoot someone," I'll remind them of a loved one, child, or grandchild, and I'll say, "Would you want the opportunity to protect them from being raped or murdered?" I do not want to put people off, and I think they will be much better served if they are encouraged to do their own research, objectively looking at the facts, and then making their own educated decision regarding gun rights and firearms ownership in general. It's a right and a serious responsibility.

The results have been very positive. Students will email me information regarding gun rights or stats that relate to something we touched on in class, and they are shocked to see that other States have reduced violent crime after enacting right to carry laws. They are shocked at the audacity of people who do not want them to own firearms, and are shocked that the reasons are crime reduction or public safety: ridiculous arguments that have no base in logic or reality. They are changing their views, finding that they enjoy shooting, and the other benefits of responsible gun ownership. One shooter at a time!

New Addresses?

We hope you won't forget to update your membership information with the Network! If you move or change E-mail, you can call us at 360-978-5200, drop us a note in the mail (PO Box 400, Onalaska, WA 98570) or [send an email](#) with your new contact information. Network members will want to be sure our record of your E-mail is current and accurate, so we can send you periodic E-mail announcements, including one when each new eJournal is released.

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Anthony P. Colandro, Belleville, NJ

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I have been an instructor since 1992 and over the past six months my school has seen an explosion in new students that are attending our pistol courses. The demographics of these students have run the full spectrum of backgrounds. We have seen many more women attending, but what really is surprising is the amount of liberal students that are flocking to buy guns in hopes to "grandfather" their rights to keep and own guns because they feel the current administration is going to confiscate their guns or limit any future purchases. I am also experiencing women who are expressing that they want to buy a gun for self protection, because they feel that in the case of a disaster or uprising they may have to protect themselves.

As far as the concept of grasping the implications of owning and possibly using a gun for self defense, most of the new students are clueless about the ramifications. We at the school open many eyes when we tell them what is and what is not legal when using a firearm for self defense. The usual response from a new student is, "if someone comes in my house I will just shoot them." Once we go over the legalities and ramifications of deadly force, they just nod their heads in disbelief. We at the school are using this opportunity to educate and convert as many students as possible for the safe and responsible use of a firearm in self defense.

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

Personal Defense for Women

by Gila Hayes

ISBN-13: 978-1-4402-0390-9

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by *Kathy Jackson, Guest Reviewer*



"I grew up with my mother's repertoire of fears," writes Gila Hayes in her excellent book *Personal Defense for Women*. Like many women, as a child Hayes was taught to behave quietly, dress modestly, and never go out alone at night. But, Hayes notes sadly, "Our training was in avoidance; we had no game plan if evasion failed." With practical advice, clear insight, and considerable expertise, *Personal Defense for Women* beautifully fills that lack.

Hayes' personal philosophy may sound surprising for a professional firearms instructor who has dedicated her adult life to helping others learn to shoot: "Guns won't keep you safe," she writes. "Absolute awareness about your surroundings, tactical planning, and ability with an appropriate weapon are the factors that will keep you alive and well." A gun, she notes, or any other defensive device, is useless if its owner is oblivious to threats or unprepared to act decisively when action is required.

Hayes thus starts the book by addressing women's rights and responsibilities for their own self defense. "In a world where women are responsible for earning their own living and are often sole support of their children," she writes, "it is ironic that we have not fully embraced complete responsibility for our own self defense." After considering and rejecting the notion that the government is, or can be, responsible for the well-being of any individual citizen, Hayes turns next to social barriers that might prevent a woman from fully embracing her right to protect her own life. Relying on others for this crucial task contributes to and perpetuates a society that sees women as unequal and as victims. "To be female is to give life to the next generation," Hayes notes. "Instead of blindly accepting the traditional role of the weaker female, we must expand the feminine role to include defending life, as well as giving it birth."

Next, Hayes emphasizes safety conscious attitudes

and habits that help women avoid danger. A false economy that places a low value on safe choices, or a simple lack of awareness to developing danger can be disastrous. Hayes uses the late Jeff Cooper's Color Codes of Awareness to explain how and why a woman may need to adjust her attention to a changing environment.

The purpose of relaxed awareness, Hayes notes, is to avoid trouble before it develops. By developing a trained eye for danger and mastering a strong, confident posture, women can learn to be less attractive to criminals. "Where is it written that you have to be friendly to strangers?" Hayes asks, noting that several of America's most notorious serial killers used the predatory stalking technique of stepping in close and engaging the prey in unnecessary conversation. There is no need to engage in such conversations with strangers, and a great many reasons to avoid them. When avoidance does not work, deterrence is the next step. A woman might use a firm, loud command voice: "Go away! Leave me alone, now!" When coupled with forceful eye contact and an unwavering gaze, such commands enable a woman to set clear boundaries and more easily determine whether the intrusive stranger is a true threat to her safety.

Hayes clearly identifies several danger signals to watch for, and explains *why* and *how* some common but specific situations present a threat to safety. She then offers several plans of action that will reduce the danger.

"Could you harm someone else in order to preserve your own life?" Hayes asks her readers. That question once haunted her until she laid it to rest with thoughtful study. Her compassionate but commonsense approach to this thorny question may help others do the same.

A thorough study of self defense weighs the emotional, legal, and physical consequences of survival. In the aftermath of a lethal force event, social realities and practical difficulties may haunt the determined survivor. Hayes discusses these factors with gentle candor, laying the groundwork for survival in her readers' minds.

"A fight avoided is a fight won," Hayes writes. Yet she also points out with some sadness that not every fight *can* be avoided. With that in mind, she soon turns to practical, nitty-gritty issues such as home security, dealing with a home intruder, campus safety, and safety in the workplace. In each of these situations, Hayes presents realistic and reasonable steps the reader can take to improve personal

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safety and increase confidence, always with an emphasis on diverting danger before it starts. "Assertive deterrence by verbal and physical deflection should be part of every woman's job skills," notes Hayes. "Predators prefer easy prey and are less likely to harass the woman who early on and actively resists bullying or exploitation."

Too many books from firearms instructors begin and end with the firearm for self-defense. Hayes, however, wisely includes useful analysis of less-lethal defense tools such as Tasers, unarmed defenses, Persuaders or Kubotans, and pepper spray. She deals with each of these topics briefly but thoroughly, with a firm grounding in physical, legal, and social realities.

An experienced firearms instructor, Hayes' expertise truly shines when discussing firearms and their use. Hayes easily communicates important concepts for beginners, without talking down to them. The book clearly presents the basics a beginning shooter needs to learn: gun safety, firearms selection, ammunition types, and development of shooting skills are each addressed in turn. The chapters on firearms selection and ammunition types are particularly well-done, with ample illustrations and clear explanations of potentially confusing terms.

Hayes then dives into the practical questions women often have related to concealed carry. "The 'art' of concealed carry is more complex than stuffing a revolver in your handbag or in the waistband of your jeans," Hayes writes, noting the difficulty women often have finding the ideal carry system that will work with their lifestyles

and personal preferences. She discusses several carry methods, naming names among holstermakers and addressing both the benefits and drawbacks of off-body carry. Hayes is a strong proponent of on-body carry, but acknowledges that in some situations, purse or pack carry can accomplish the goal of allowing a woman to remain armed in circumstances which might otherwise force her to go without.

A talented shotgunner and rifleperson in her own right, Hayes does not neglect to discuss the role of the long gun in self defense; both rifles and shotguns can make excellent fighting tools. Hayes takes care to debunk common myths or misunderstandings as she writes: "You may have read elsewhere that the shotgun can be fired accurately without taking time to align the sights. This is not true." Skill with the shotgun, Hayes emphasizes, requires the same competent instruction and dedication to practice as mastering any other form of defensive firearm.

The book concludes with a sensible, down to earth discussion of post-incident survival, including informed suggestions for dealing with law enforcement officers and other authorities in the immediate aftermath of a criminal encounter.

Overall, I found Gila Hayes' *Personal Defense for Women* a very readable, useful guide to personal safety, with practical advice on a wide variety of essential topics. Highly recommended! ●

Our guest reviewer is Kathy Jackson, managing editor of Concealed Carry Magazine for the [United States Concealed Carry Association](#).

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Gila Hayes

Editor's Notebook

Winning Friends, Influencing People

"As a courtesy, this is advance notice that at noon tomorrow, Saturday, November 14, I plan to exercise my legal right to bear arms in Seattle's Southwest Community Center, 2801 SW Thistle Street. I will be safely and securely carrying my holstered Glock pistol. I

have a current valid State of Washington License to Carry Concealed." Thus, Seattle-area labor relations lawyer Bob Warden announced to authorities and the media his personal challenge to the illegal no-gun rule Seattle lame-duck mayor Greg Nickels has imposed on parks department facilities. A statement from the State's attorney general that the restriction is not valid because it violates the State's long-standing preemption law forbidding gun laws more restrictive than those of the State failed to change the mayor's mind.

Of course, carrying concealed, the protester could have entered and exited any of the forbidden public places repeatedly, without raising any alarm, but that wasn't the point. Instead, concerned that others' legal challenges to Nickels' edict might fail upon the question of whether the petitioner had standing, he designed a confrontation to force the issue. Warden did as he said he would, was confronted by a parks department employee and asked to leave, which he did promptly, undetained. ([News report at this link.](#)) Warden filed suit against Nickels and the City of Seattle in U.S. Federal court some days later.

I try hard to keep our members' journal national in scope, but in November, two things happened close to home that demanded thought about the ways a reviled segment of society presents "their side" to the public. Warden's media event was one.

"Is it legal to bring a gun into a bank?" asked the voice on the phone. The caller is a bank teller who had been at work earlier that day when a man openly carried his handgun into their branch. The manager asked him to leave, but the customer responded that openly carrying the gun was legal.

Although this incident, too, was resolved without law enforcement intervention, bank personnel expressed

fear of and anger toward the customer, and now, after this exposure, they are *more* frightened of guns and the people who carry them and less accepting of gun owners than they were before.

Were these unrelated acts fuel for the anti-gunners' flames or will they have an inoculating affect giving the general public a feeling that carrying a gun is as normal a choice as, for example, driving a car? Are they aggressive political speech or shortsighted attention mongering? I suppose only time will tell.

Buckley's Battle of the Signs

Toward summer's end, I began an email conversation with our Florida affiliated attorney, J. Patrick Buckley about an effort he had undertaken to bring park signage in his area in line with Florida State law. As happens in so many locales, parks and recreation boards had overstepped their authority and posted signs prohibiting among many other things, firearms on beaches, parks and public hiking trails.

Buckley took exception, and whenever such a sign came to his attention, addressed a polite yet persuasive letter to the commissioners responsible for passing the ordinance cited on the signage. In several examples I've

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PO Box 400, Onalaska, WA 98570 • 360-978-5200 • info@armedcitizensnetwork.org

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

To submit letters and comments about content in 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

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seen, he firmly explains that Florida State law preempts local ordinances regarding firearms, ammunition and such. He challenges the enforceability of the no-gun ordinance(s), and asks to be informed of any authority under which the restriction may be enforced, imparting a sense of humility to his demand, as if he is communicating that he isn't a rude know-it-all throwing it in their faces.

Though Buckley's correspondence with officials is firm, it is also unfailingly polite, and that approach has borne fruit. Despite the militant attitudes some officials expressed in print (read the newspaper report [here](#)), in late October, when I checked with Attorney Buckley to see how the battle of the signs was going, he said, "We are batting 1000. Every city and county we have addressed has thus far agreed to our demand."

Charges Dropped in N.M. Case

Speaking of end results, I have followed—as I am sure some of our readers have, too—the case of Luke Sanchez in New Mexico, so I was relieved when the State finally dismissed murder charges against him.

It all started during the evening of July 4th, 2009, when Sanchez phoned 9-1-1 to report what looked like a burglary at a propane company he was driving past. While he was trying to get the thieves' license number for the dispatcher, he was accosted by two men, of whom one, Gary Galbadon, broke out the car window and began beating Sanchez in the head. Sanchez shot and killed his assailant with a Colt .380.

The 9-1-1 call made during the incident turned into an impromptu interrogation by the dispatcher, in which the broken car window eclipses the physical attack on Sanchez. Sanchez repeatedly pleads with the dispatcher to send law enforcement, while the dispatcher questions him with increasing forcefulness. (Hear it [here](#).) Despite the dead man's considerable criminal background, the Valencia County, NM authorities arrested and held Sanchez for several days.

All those involved have extensive families and a long history in the Belen, NM community, as evidenced by reporting in the local media, some describing the shooter as a former US Marine MP who had in April held at gun point for police thieves who had returned to retrieve stolen items they had left behind. Other news stories portray bereaved family members mourning the dead criminal.

Sanchez was supposed to have a hearing in September to weigh whether the evidence supported murder charges, but the hearing was delayed. Six months after the shooting, on Nov. 4, the charges were dropped.

All's well that ends well? Certainly, it is good news that Sanchez is no longer living under the threat of prosecution for the shooting. On a larger scale, it illustrates some of the pitfalls to follow use of deadly force in self defense, including the difficulty of simply calling for law enforcement help or intervention without being impeded or having words put in your mouth by dispatch personnel.

Think it through carefully, now, in advance. Do "dry-fire" practice runs in private. Know what you would say.

The Latest Supreme Court Gun Case

Speaking of fights, the Second Amendment is bringing it once again to the US Supreme Court, leading the fight for the four Chicago plaintiffs about that anti-gun enclave's trampling of their fundamental rights. I thought Declan McCullagh wrote a very nice summary of their brief at "Taking Liberties" [here](#), so instead of writing more, may I simply recommend that you read McCullagh's blog? For more details, also consider [the info at this link](#).

Commemorating History

In a couple of weeks, folks inclined to commemorate America's history will observe, and perhaps say a prayer of gratitude for the events of December 15, 1791 when the United States ratified the Bill of Rights, as we call the first ten amendments to the Constitution.

Commentators have suggested that support for the Constitution was drowning in dissension between Federalists and those opposing a powerful, central government. I've read that without the Bill of Rights, all the work to replace the Articles of Confederation with the Constitution might have come to naught. It is interesting to imagine alternative histories, wondering how our nation would have evolved had the Federalists gone unchallenged or envision a different outcome had those new Americans failed altogether to establish a central government. Finally, what would Jefferson, Madison, Adams, Hamilton and the other founders think of the America we live in today?

If we know little of our past, how can we defend the way of life those revolutionaries secured for us? If we simply expect an automatic perpetuation of the liberties their groundwork established, how likely are we to pass those freedoms along to future generations? ●

Armed Citizens' LEGAL DEFENSE NETWORK, LLC



How to join

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

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

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

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How did you hear about the Network? _____

APPLICANT'S STATEMENT:

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eJournal12/09