



## Open Letter to Wayne La Pierre, NRA Executive V.P.

Dear Mr. La Pierre:

In your capacity as Executive Vice President of the National Rifle Association (NRA), you are not only the "face" of the NRA but also its de facto leader. I acknowledge the NRA board members and officers, including a new elected President, but it is you who either sets the agenda for the NRA or carries out the Board of Directors' policies. It is with this in mind that I address this open letter to you through the Official Publication of the Armed Citizens' Legal Defense Network, Inc. (ACLDN).

You see, at one time you seemed to welcome entrepreneurs such as myself at the NRA Annual Meeting (see accompanying photograph where you stopped by the ACLDN booth in 2011 and thanked us for attending). Now, the NRA's recent plunge into the self-defense insurance market with the Carry Guard product would seem to indicate a change in direction for the NRA. This alters the NRA from being a member-driven organization with a primary mission to provide gun safety training to armed Americans and fighting for Second Amendment rights as you describe at <https://home.nra.org/about-the-nra/>, to selling products and services (NRA Carry Guard) in direct competition with many NRA members, myself included.

You see, Mr. La Pierre, I attended the NRA Board Meeting on Monday, May 1, and listened to you and NRA Executive Director Josh Powell both explain to the Board and members in attendance that this recent move was purely for monetary reasons. In fact, the buzzwords you were using were: "Modernizing the financial underpinnings of the organization," which apparently means competing in the market place against current NRA members.

After the Sandy Hook massacre, I was proud of you and the National Rifle Association for publicly standing up and saying, "The only thing that stops a bad guy with a gun is a good guy with a gun." I was so proud in fact, that I upgraded my annual membership to a life membership, and the Network became an official NRA recruiter. Throughout my 30-plus years in the firearms industry, I have always been an NRA member and promoted membership at every opportunity. I still believe every gun owner should be a member, but I can truthfully say that I am not as passionate about it as I was just a few short weeks ago.

I don't know who convinced you and the rest of the executive board that starting Carry Guard was a great idea that would result in a windfall of money for the NRA, but that person or persons should be fired! Why? Because convincing you that this was a good idea, has angered hundreds of thousands of pro-gun armed Americans, specifically armed citizens who have already subscribed to one of the many after self-defense help plans already in the marketplace like the Armed Citizens' Legal



Defense Network, Inc.

In fact, when ACLDN members stopped by our booth at the 2017 NRA Annual Meeting, many asked us about the NRA Carry Guard. Trust me, they were not happy and they could not understand why the NRA would do this. But, in addition to these rank and file members, there are hundreds of other pro-gun NRA members who work for the companies against which you are now directly competing in the marketplace. These men and women are wondering about Carry Guard's long-term ramifications for their jobs and livelihoods.

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I am not personally worried about the NRA Carry Guard negatively affecting our business. We are strong enough and have a history of good business practices such that the thousands of ACLDN members are not going to drop us to join Carry Guard. Our members are smart enough to have done their homework a long time ago, and came to the conclusion that membership in the ACLDN was in their best interests. Frankly, once those who have signed up for Carry Guard start exploring the rest of the industry and studying the various plans available, they will likely move away from Carry Guard to a better product, too.

I am also extremely disappointed that the NRA has spent the hundreds of thousands, or even millions of dollars rolling out the Carry Guard campaign, with its paid endorsements and puffery-filled advertising, instead of investing that money to build up the NRA's strength to fight the next Michael Bloomberg sponsored attack on our Second Amendment rights. You see, I live in Washington State, and a couple years ago we could have used some of that money to fight Initiative 594, the "Universal Background Check" initiative paid for by Bloomberg. In fact, at the Board Meeting you specifically brought this up as one of the reasons the NRA needed more money. Well, perhaps if we could have defeated I-594 with more help from the NRA, then we wouldn't be fighting the same fight all over again in other states. But I digress.

The insurance aspect of Carry Guard is not the only reason I am dissatisfied with you and the NRA. As you know, part of Carry Guard is firearms training, to be started this month. And, as the President of a 27-year old training company, The Firearms Academy of Seattle, Inc., I have been teaching basic to advanced handgun,

rifle and shotgun classes for civilian self defense for nearly three decades. To me, the notion that you could gather a handful of ex-military operators to teach private citizens and title that training as the "Gold Standard" is laughable, but that is exactly what is done at <https://www.nracarryguard.com/training/>.

Again, on this second front, I have to view the NRA as a competitor. Be assured that I will not be helping my competition succeed. I suspect the 400-plus Network Affiliated Instructors who teach law abiding armed Americans across the country the nuances and skills necessary to carry handguns and survive violent encounters also feel the same way. How much of the money that NRA members donated to further the pro-gun cause has gone towards this inept attempt at civilian firearms training? It's not like the need for firearms training is not already being met by a vigorous firearms training industry.

So, where does that leave you and me, Mr. La Pierre? First, I am still a Life Member of the NRA, and expect to continue my membership. But, as far as actively recruiting members for an organization that is now competing head-to-head against my two companies, I will have to pass. In fact, on behalf of the Network, I have already pulled out of the recruiter program and will remain on the sidelines as long as the NRA continues down this path of competing directly against its very own members.

Respectfully,

Marty Hayes, J.D.  
President, Armed Citizens' Legal Defense Network, Inc.  
President, The Firearms Academy of Seattle, Inc.

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# Defending Knife Use

## An Interview with Attorney Jim Fleming

*Interview by Gila Hayes*

**eJournal:** Jim, drawing on all the years you've defended folks at trial, I'd like today to explore what an attorney has to do to defend someone who uses a knife in self defense, instead of using a firearm. When you, the attorney, need to explain to the trier of fact why using a knife against an assailant was reasonable and necessary, are there particular challenges you face because the defensive tool was a knife?

**Fleming:** There is something peculiar about the knife that does not attend the use of fists, elbows, knees or feet to try to defend yourself against some kind of an attack. A knife is a tool like any other tool—but it is an unusual tool because, as Mas Ayoob has said several different times in different forums, this is a weapon that does not have to be reloaded, it is semiautomatic—in the sense that every time that you stab with it, every time that you slash with it, it works.

How well does it work? I don't know, that is a different issue, but it carries with it the potential of working every time, and it never runs out of ammunition. With a knife, the only thing that could conceivably stop you would be running out of the energy to wield the weapon.

**eJournal:** Can you compare defending use of improvised weapons to use of knives, because many of us carry knives every single day, so we brought it with us into the fight?

**Fleming:** Comparing a knife to improvised weapons raises an interesting point. The knife is something you're carrying with you to the scene and so there is the idea of the forethought. Typically, you are not going to have someone carrying around a hatchet, hammer, or other improvised weapon, so they are in an extreme situation, where they are grabbing the very first thing they can get their hands on to defend themselves.

Whether they should or not, people instinctively recoil from the idea of the knife. It has a lot to do with the way the knife has been portrayed in our culture. You've got, unhappily, a lot of things that are happening in the world today, where, for example, terrorists are beheading people with knives. Now, you end up with an individual

who has been forced to use that same implement in self defense.

I'll give you an example: I worked on a self-defense case that

literally followed what we refer to in training armed citizens as the paradigm of the apprehension of imminent harm. An individual was being choked by one person, while being hit in the head with a hard object by another. My client rushed to the defense.

She didn't carry a knife into the situation. The knife had been in a knife block that was knocked off the kitchen counter, it hit the floor and all the knives spilled out. She realizes that this person is in mortal danger, because of being choked and having trouble breathing, and he is also being pounded on the head with a hard object. She instinctively grabbed a knife off the floor and warned, "Let go of him, get away from him, I've got a knife. If you don't get away from him, I'll make you get away from him. I'll stab you with a knife."

But they didn't. Whether they didn't believe her or were so overcome with anger or malicious intent, I do not know, but for whatever reason, they didn't, so she wound up going into the situation. She described to me later, "I literally forgot that I had the knife. I started hitting them." But she is holding the knife, right?

One of the questions that came up was, is this truly self defense? When we argue self defense, we are telling the prosecutor or the jury or the judge in a bench trial, not, "Did she do it?" She did it! The question is not did she intend to do that, she definitely intended to. The question is, "Was she justified in doing what she did?" When she said, "Well, I just started hitting them and I almost forgot that I had the knife," that is the first question you have to deal with.



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Did she kill either of them? No. Did she wound them fairly grievously? Yes, she did, but both of them survived the wounding. So we had to deal with the first question: "Was this a true self-defense situation, in the sense that she intentionally acted and her actions were justified?" Her first comments were, "I literally forgot that I had the knife," so we had to fight through that.

The prosecutor said, "Well, this wasn't self defense."

I said, "I am sorry to disagree with you, but self defense is exactly what it was, in the sense that defense of another falls under the same umbrella as self defense." But that was not the actual issue.

The prosecutor's response was, and I quote, "But she used a knife!" That is the perceptual problem and you cannot divorce yourself from that perceptual problem. You've got to recognize it; it is going to be there. When you are talking with the prosecutor, you are going to have to be sensitive to it.

If the case goes forward to a trial, you are going to have to be sensitive to that issue when you are interviewing the prospective jurors going through what we call the voir dire process—the jury selection process—because you are going to have to talk to them about whether or not this individual using a knife in the course of this defensive action, is, in and of itself, going to make it more difficult to determine factually that this was self defense.

You are going to run into people who tell you, "I could understand if she had used a gun. I could understand, if she used a baseball bat. I could understand if she used a hammer. But she used a knife; that is violent! There is just something about knives." They can almost divorce in their minds the violence from firing a firearm and propelling a jacketed hollow point slug into another body. Somehow that is different, it is not as violent as when you stab somebody with a knife. It is counter intuitive, but now you are starting to get into people's feelings. You have to say, "Well, that doesn't follow. Think about this: she grabbed the knife because it was there."

But what about the individual that carries the knife around with them? As a firearms instructor, I can teach an individual to be effective with a handgun in terms of defending themselves, but I am not the guy you come to for knife training as a self-defense technique. There are people out there that teach that.

When you are learning to use a handgun, you are shooting at targets, not people and so you learn how to become accurate and efficient with that handgun by shooting at paper targets. Maybe you go and do advanced training where the targets are more lifelike and maybe they move and things of that nature, but they are still paper targets. Training to use a firearm can be for a number of purposes—recreation, hunting, and self defense, of course.

Now, stop and think about knife training from the perspective of the people that are going to be judging that individual, when they find out that not only were they carrying the knife, but that they had gone out and sought out specific training in how to use that knife against another human being. They didn't seek training in how to carve a rib eye steak; they learned how to use a knife against another human being.

**eJournal:** So you better also be very careful from whom you take the training!

**Fleming:** Yes, so that the attorney, in turn, can come back and educate those finders of facts that they are not dealing with somebody who was just carrying this knife around and started flailing away wildly and mindlessly. They are dealing with somebody that was carrying the right tool, who had taken the time to be trained with that tool to do a specific thing.

Even so, carrying a knife suggests an attitude of intent, of wanting to be prepared to use this knife against another human being. That is going to be banging around in people's minds. As the defense attorney, if you are confronted with the case, you have got to be thinking about all these potential memes or attitudes.

**eJournal:** How do you defuse the suggestion of malicious intentions?

**Fleming:** Education. You have got to do everything in your power to educate that jury to understand the need that the individual was confronted with and the fact that at that point in time, a knife was what they had, but that they were responsible enough to understand what they had to do to go out and learn to use that properly. An individual who has been properly trained with a knife can, even though it is considered a deadly weapon, use it in a non-deadly way. They have the potential ability to use the knife in a way that can debilitate your ability to carry on an attack.

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**eJournal:** Yes, and we can reference the whole body of work compiled by Michael Janich in that regard. (See <https://armedcitizensnetwork.org/our-journal/archived-journals/282-march-2013>)

**Fleming:** Exactly. That is a big focus of what he is teaching. What you have got to do is to educate the people who are going to be making that ultimate decision—the jurors—to help them understand that there is a difference between somebody going out and seeking that training so that they know how to use a knife properly for defense, and the person who just flails away—cutting, and stabbing and slashing unscientifically. Will they accomplish the same goal? Maybe, but they may also carry it to the extreme when they don't need to, because they simply don't know how to use the tool properly. They stab into vital areas that they didn't need to attack in order to stop the threat.

**eJournal:** There is a timeline problem, too. Incapacitation from blood loss can take too long when the attacker is a threat to your life. So now we have your client, presumably without the benefit of training, trying for an immediate stop to the attack by two people against her companion.

**Fleming:** She succeeded in stopping the attack, because her attack on them was painful enough that they wanted to get the hell away from her; she was hurting them. I had to educate people so that they understood this was an individual who had little choice. This was a justified action. She did not have any more ability than the man in the moon to prevent harm either to herself or another without the use of some tool. She had to have something.

You've got to get to the idea that there is no difference between the individual that used that knife in self defense and an individual who had used a gun in self defense, or a baseball bat in self defense, or a hammer in self defense. The whole process is about the education.

**eJournal:** You noted that you start this line of education long before the facts are placed before a jury; you start trying to defuse that revulsion with the prosecutor who had to decide whether to charge your client with a crime.

**Fleming:** What I'd like to do is convince the prosecutor that the actions my client has taken are justified, and therefore no charges are necessary in this situation, but in this case, the prosecutor had tremendous difficulty.

She said, "This can't be self defense because she used a knife."

My reaction was, "Wait a minute, what are you saying? Are you trying to tell me that a person confronted with a situation like that could use a gun and you'd be OK with it, could use a hammer or a baseball bat, and you'd be OK with it, but not if they used a knife?"

The prosecutor sat there and said, "That's stupid, isn't it? You've made me realize how unreasonable I was being." This is a prosecutor I've known for a while and somebody that is fair about what they are doing. So I said, "OK, that's enough for today. Let's stop for now," because I felt that I had gone far enough at that time. Now that I had opened up a new line of inquiry, I needed that prosecutor to spend some time doing their own thinking. As an attorney, you have to learn that there are times to shut up and that was one of those times. I said, "How about we come back and revisit this in a couple of days?"

I waited, and in a couple of days, I had to be in the courthouse and ran into the prosecutor who asked, "When you are done with your hearing, would you come back to my office?" So I go back to their office and they say, "OK, so you do a lot of work with self defense. You write about self defense; you teach self defense. So break this down for me, I understand what you said, now how and why is this self defense?"

I explained the elements of self defense, and defense of another here in MN, and went through the facts we had. Ultimately, the conclusion—which required some fighting—was made and I wound up with the prosecutor on my team. The prosecutor was able to fight through the natural inclination of the elected official that she works for and convince them that the charges should be dismissed.

How often is that going to happen? Not often. It is going to happen every once in a while. The idea that the first job of the attorney is to get the case dismissed is wrong. That's the first *obligation* that the attorney has: to try to do that.

**eJournal:** We profoundly hope you can do that.

**Fleming:** I will try. I know, but while it sounds like semantics, the minute you say, "Well, that is your job," if I am not capable of getting it dismissed, then someone says, "You didn't do your job."

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**eJournal:** Besides, you will be ready to move to step two, if the attempt to get it dismissed is not successful.

**Fleming:** Yes, and step two is going to be working with a jury.

**eJournal:** To what extent do you concern yourself with public opinion in a knife defense case?

**Fleming:** Very little. There are differing philosophies about this. I have an absolute, iron-clad rule: I do not try my cases in the court of public opinion. I don't try them in the newspapers or in front of the TV cameras. I believe very strongly that getting involved in discussions with the media can backfire very, very badly, because once it comes out of your mouth, you cannot control it any more. If it is misreported or mischaracterized, I will be sidetracked from my main job, which is in that courtroom, when I have to come back and get involved with some media clown, to say, "That is not what I said," then they will say, "Well that is what we heard you say, or that is what we inferred." No.

**eJournal:** The reason I asked is because the prosecutor you brought over to your side had to go to the elected County Attorney, and change his thinking about the use of the knife. Well, he is subject to pressure from his constituents, who probably also do not understand the issues at hand, either.

**Fleming:** Here's the problem. If I am attempting to do that through the media, I fall prey to what the media decides they want to say, what they want to report about the comments that are made. When I am in front of a jury, doing my closing argument and my opening statement, I can control that completely. It takes a prosecutor who has done a lot of trials to be able to control a defense attorney who has done a lot of trials.

**eJournal:** Something you've been doing for how many years?

**Fleming:** 34 years. Recently I was asked how many jury trials I'd had in the course of my career and I didn't know what to say. So I went back and started looking at it. I realized that over that course of time I've done in excess of 340 jury trials.

**eJournal:** When you work to help a jury understand why a client needed to use a knife against another human being, you know many of the jurors are shuddering, "Ugh...look at this horrible carnage she inflicted with this

knife." How do you help those jurors work through their natural revulsion? What do you do?

**Fleming:** You start during the jury selection process, talking to them about these issues. Sometimes you have to be careful in how you approach it. There are rules in what you can and can't do. You learn over the years of experience how to create inferences for people. For example, I will go and watch other people do trials, because you never stop learning. That is why they call it practicing law, because you never stop learning about the craft.

In one trial I watched, the attorney asked, "Are there any of you in this panel of potential jurors, that have permits to carry a pistol?" Immediately the jurors are looking at each other and some of them are clearly uncomfortable. If you get uncomfortable, what's the next step? You are going to get angry. So this guy is creating discomfort, concern and anger with these people because he does not understand the dynamic. How about if he had asked them, instead, "I just need a show of hands: are there any of you that know people that have carry permits?"

You can create perceptions; you can create attitudes; you can cause people to question their own attitudes. But you have got to spend time thinking about it and you have got to start with the realization that this revulsion for some people is going to be there. You take a former Marine that was trained to view a knife as one of their survival tools, and say, "They used a knife!" that Marine is going to say, "Yeah? Of course they did! What's the problem?" You get somebody who has not been exposed to that mind set, they will have a completely different perspective.

All I can do is be aware of that and think about how can I #1 humanize my client and #2 help people understand that what this individual did was justified, in the same way that it would have been if they used any other tool.

Juries are interesting! People constantly ask attorneys, "What are my chances at trial?" All these years, I have carried one of my father's silver dollars with me because I know that question is going to be asked. I take it out and set it down, and I say, "Pick it up and flip it and call it in the air. Those are your chances at trial. They are 50-50. Either you are going to win or you are going to lose." Nobody is going to make that better for you, no matter what they say and what they promise. They can't. There

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are too many intangibles that come up in the course of a jury trial.

I want juries to know that I am about as common as you are going to get. I am from Nebraska and I drive a pick up truck. I hunt and I fish, and I make my own beer. I am not a polished individual, but there is one thing you can count on: I won't lie to you, ever. I just want them to trust that I am not going to lie to them.

You say the wrong thing, or you misjudge a juror as to where they are really coming from in terms of the case, and it can backfire on you and you'll never know. I've lost cases that I really thought I was going to win, and I've won cases that I really thought I was going to lose. Afterwards, you shake your head and ask, "Where did that come from?"

In any group of people you are going to have the alphas and the people that are the followers. The alphas will drive the decision. I've literally seen situations where we could hear the yelling that was going on during deliberations, or people have come back into the courtroom with a question for the judge and it was obvious that they had been crying. You have got to try to figure out who are your alphas and who is going to be the leader. It is an imperfect system and sometimes you are going to be right and sometimes you are going to be wrong.

**eJournal:** That's a delicate approach when the jury contains people of widely divergent backgrounds. We use the phrase "jury of your peers," as something of a sacred thing, but there are times when a judge alone will hear and decide the case. Let's imagine you defend a member who, maybe used a knife where a gun was prohibited. Would you prefer to appeal to a jury to understand that or would you think it better to ask for a bench trial to just a judge?

**Fleming:** I'm always going to look at a case—and most attorneys will—and ask, "Do I want to go to a bench trial?" That means the judge becomes not only the trier of law, which they are always going to be, but also becomes the trier of fact. Might there be cases where I am going to want a bench trial as opposed to a jury trial? Yes, there are cases where I would really, really like to have a bench trial, but I know the judge who has been assigned to preside over the case and so, no, I am not going to expose my client to that kind of risk.

**eJournal:** If you opt for a bench trial, doesn't that put even more pressure on you, since now one individual

decides the whole thing? Do you know who is going to be the judge?

**Fleming:** Oh, yes, most definitely. There are a number of terms for it, but a common term is the case has been "blocked" to that judge, meaning that the judge has been assigned to handle that case from a certain point forward through the trial. You are going to know who that is. You might look at it and say, "This particular judge..."

For example, I know a judge quite well that is, for most attorneys, not the judge they are going to want to have in a firearms case. But I know this judge, and I have spent a lot of time over several years educating this judge. I've said, "Hey are you interested in reading an article I wrote that appeared in such and such a magazine?" or something of that nature, or "I would like to give you a copy of my book." I've been having conversations with him and realizing over the course of time, the hardline attitude is starting to change. Now, if I make an argument in front of that judge, I believe I am going to get a better reaction than if somebody else does. But it is an educational process, and I have an individual there that I have spent a lot of time working with.

So, I might be willing to do a bench trial there, because I am dealing with a judge that is so professional that they can divorce themselves from all the emotional and personal histrionics that go along with these deals and they are going to focus on, as Jack Webb used to say in *Dragnet*, "Just the facts, ma'am."

Other times, the judge may not have much experience. It takes a judge quite a while to grow into their robes. They wear the robes from Day One, but do they have the experience yet? It takes a while for a judge to work into the role so they can become an effective jurist.

I am not trying to pick on anybody, but you get a judge that has spent six or seven years of their time working in the law library checking the work of other attorneys, who has never tried a case; they apply for appointment to the bench and because of political connections, they are appointed. Now, all of a sudden, they are presiding over jury trials with seasoned, hardened attorneys that have done one hundred, two hundred, three hundred trials. Number one, they know that they don't know as much as the attorneys do, so there is a tendency to be very

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conservative as a result. Sometimes they make a lot of procedural mistakes.

In one trial, I was going after a law enforcement officer. I'm an ex-cop, but that was that job and this is this job, and they are very different. Because I'm an ex-cop, a lot of my friends are either former cops or active-duty cops. They know that I have a job to do and that I take that job seriously. They also know that I am not going to lie, I am not going to cheat, I am not going to backstab or play any tricks, but we will be in situations where they will end up testifying as a witness. I know what I need to get from them. I know they won't give it to me unless I ask the right questions. You can see it in the eyes. Often they are smiling with their eyes—even if they can't smile with their mouths—as if to say, “Go ahead, give it your best shot. Let's see if you can get there.” They are not trying to hide anything; they are doing their job, too.

Anyway, I was going after this cop pretty hard, there's an objection and the judge says to me, “You know, Mr. Fleming, that police officer is not on trial here.” And because I am old and I have lost a lot of the fear of the robes that I once had, I looked at the judge and said, “I'm surprised that you don't know that when a police officer is on the stand in a criminal trial, they are always on trial because their credibility is on trial. Perhaps it is because you have not been on the bench very long that you don't know that.”

The judge realized, “Oh, boy, he's right. I don't like him and I wish he would choke on his tie, but he's right. How do I get out of this?” And then I said, “I don't think you have any choice but to overrule the objection.” The judge said, “Overruled,” and we went right back to it.

You run into that sometimes, so you have to think about all these things. I have to go through the trial and convince that jury of my client's innocence. Sometimes people say, “Well that's not true: you're presumed innocent.” Any attorney that's done more than a dozen trials comes back and says, “Well, guess what Sparky? That is not really the way that works.” So I'm going to have to convince that jury of my client's innocence, but at the same time I also have to make sure that I create a pristine record. If the case gets appealed, all the appellate court has is the written record of that trial; they weren't there. When the attorney is in the courtroom, there is a lot going on. A tremendous number of things are happening.

I always tell clients, “During the course of the trial if you have something you want to say to me, unless we are in

recess, write it down. Don't tap me on the arm and try to whisper in my ear. It will distract me from what's going on and I might miss something that has happened where I need to make an objection or I need to stand up and make an argument and I've missed that opportunity. It is not me who is going to suffer for that, it is you. So write it down.”

**eJournal:** The attorney's craft is complex beyond what many realize and that doesn't even begin to address our topic today: defusing responses to a knife used for personal defense. What's the bottom line for those of us who have trained and chosen to carry a knife, perhaps as back up or into areas where guns are illegal?

**Fleming:** I would leave people with this idea: I am not suggesting they should not consider using knives as self-defense tools. I am saying that you must understand the limitations, understand the practicalities, and if you are going to carry knives, train with somebody who really knows how that tool is used, and really train with them.

Don't just carry a knife around in your pocket because you can. That is no smarter than going out and buying a firearm and packing a firearm around and saying, “Well, I've got a carry permit so I'm prepared.” No, you are not. Get the training you need. In the course of that you are going to learn a lot that you need to know about all these different issues.

**eJournal:** Wise words from one who knows! There's a lot more of your wisdom in your book *Aftermath*, and there's even more in my personal favorite, your book about the history of the Second Amendment.

**Fleming:** *The Second Amendment and the American Gun: Evolution and Development of a Right Under Siege* deals with the history and development of the Second Amendment. Where did that concept come from and why did so many Founders feel so strongly that it needed to be drafted into the first ten amendments to the U.S. Constitution? There is a long history that goes back hundreds and hundreds of years of which our Founding Fathers were very aware at the time they were drafting the Constitution. The book is a historical study that takes you clear back into about 800 and moves you rapidly forward into the 1600s and the 1700s and then turns it around and starts talking about the common misconceptions.

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People say, "Well, I have a copy of the Constitution, that is all I need." No, it is not. Because that Constitution has been interpreted by appellate courts that tell you what the law says those words mean. The rest of the book is a study of the cases that take us up to *Heller* and *MacDonald* and beyond.

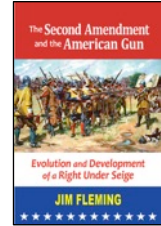
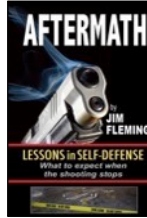
In *Heller* and *MacDonald* both, they said this is not where it all ends. There is disagreement among the Federal Circuits where there are literally issues that are just crying out for the Supreme Court to take a look at them and the Supreme Court has not gotten to it yet. Where is the Second Amendment going?

**eJournal:** That book did a great job of answering that. I cannot recommend strongly enough that our members get your books and study them. I have learned a lot from your books, and more today, from talking with you. Thank you so much for sharing your knowledge and

experience, both as an attorney and a writer, and also as a member of the Network Advisory Board.

*Jim Fleming is an attorney of more than 30 years trial and appellate court experience in MN, NE and has argued both civil and criminal appellate cases in the State appellate courts as well as before the Eighth Circuit Court of Appeals. Jim and his wife Lynne Fleming operate the firearms training school Mid-Minnesota Self-Defense, Inc. where Jim is the lead instructor. Learn*

*more about Fleming at <http://www.jimfleminglaw.com/about-1.html>.*



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



## President's Message

### Report on the 2017 NRA Annual Meeting

by Marty Hayes, J.D.

The 2017 National Rifle Association Annual Meeting was by far the most interesting I have

attended. I started attending the annual meetings in 2009 in Phoenix, when Network V.P. Vincent Shuck, Network member Bill Van Tuyl and I took turns manning a booth. Our mission was to introduce the Network to potential members, and of course, recruit as many members as possible. I know we signed up a few members, but honestly, the return on investment was pretty slim. Having said that, we did sign up enough members to keep our spirits high during those formative years, and if you are one of those first Phoenix meeting members, I want you to know that I really appreciate your long-term commitment.

That's enough about the past; let's talk about this year. A week before the 2017 NRA Annual Meeting, we heard that one of our competitors, United States Concealed Carry Association (an organization which started a competing product a couple years after we started the Network) had their participation in this year's meeting cancelled. This story broke in the form of a press release from USCCA President Tim Schmidt, who said, among other things, that the USCCA had been disinvited from the show. He said he had received a certified letter returning his check. He did not share the details of the letter.

As we were packing for the show, it was also being said on the Internet that another competitor, Second Call Defense, was disinvited, too. This was confirmed when Second Call, which has had a booth at the show for the past few years, did not have one this year, despite having been listed in the show program. Later, I had the chance to visit with the Second Call President Sean Maloney, who is both an attorney and an NRA board member. His company did in fact get disinvited, despite having been an advertiser in the NRA publications. He did not elaborate, but I appreciated his frankness with me. In fact, probably one of the bright spots of the

meeting was getting to know Sean a little better, and learning that he is a pretty good guy. A competitor yes, but an honest one.

### Where Does That Leave the Network?

Despite the intrigue surrounding the competitors' disinvitations, this issue did not affect the Network. We displayed our booth as normal and at the end I left the show floor feeling very positive about the future. The Network's leaders have always strongly supported the NRA, and the Network even served as an NRA membership recruiter at one time. We have been a NRA Business Alliance member for a number of years, and the three owners of the Network are all life members of the NRA. Now, though, with this new program we have some concerns about our relationship with the NRA.

Needing to know the facts, I changed my return flight plans and decided to stay an extra day in Atlanta, in order to attend the NRA Board of Directors meeting. I am glad I did, because I got a different perspective, one I would like to share with you.

### 2017 NRA Board of Directors Meeting

I had never attended an NRA Board of Directors meeting, which meant I didn't know what to expect. When I arrived in the meeting room, I saw the space divided into two sections. The elected and appointed officers would sit on the podium at the front of the room, and the 100 NRA Board Members would sit at several rows of tables and chairs also in the front of the room. I immediately noticed Col. Allen West standing near his chair at the back of this forward section, and easily accessible to me. I walked up to him and asked to shake his hand and to thank him for the work he does. In my opinion, Col. West is a true patriot, and I sure wish he would ascend to a higher position in the NRA or in national politics. I would have gotten a picture with him, but cameras were not allowed in the meeting hall.

The second part of the room was the area where the NRA members were welcome to sit, and by the time the meeting started, about 150 of the chairs were filled. The meeting was very well organized, and after listening to the NRA leadership discuss NRA business for three

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hours, I came away with a better understanding of why the NRA has started the NRA Carry Guard program. Executive Vice-President Wayne La Pierre discussed the new program at length. I left the meeting firmly believing that the NRA's decision to compete in the self-defense aftermath plan market is primarily a financial one. La Pierre explained that there are 15 million concealed carry practitioners, and over five million NRA members. He stressed the need to increase revenue for the NRA, in order to fight the political fight for the Second Amendment, and he was candid that the NRA expects to make a lot of money off this program. That left me cold.

## Don't Be Fooled by the Pretty Face

The NRA is putting on a strong advertising campaign for their Carry Guard program, using Dana Loesch as the face of the program. She IS pretty, and wears the T-shirt well, but what does she know about defending people who have been wrongfully charged in a self-defense incident? In fact, their whole program is dramatically light on education regarding armed self defense, a topic that has led the efforts of the Network since we started it. If you dig deep enough in their promotional material, you see some other fairly well-recognized names endorsing NRA Carry Guard. Please understand that these people are getting PAID pretty good money just to say they endorse it. And, as I see it, they are for the most part, endorsing the training component of NRA Carry Guard, not necessary the legal defense insurance.

## About That Legal Defense Aspect?

NRA Carry Guard is NOT what the average armed citizen needs after a self-defense incident. That is because the legal defense component will NOT fund your legal defense UP-FRONT when you need it most, but instead reimburses you after acquittal. Where will you get the \$50,000 to \$100,000 (or more) to fight the legal fight? With the Network, we will supply that money for you. But the NRA Carry Guard program does not.

But, aside from the news that the Network has a new competitor, I also was able to listen to the NRA leaderships' speeches about the last year, and how the NRA has made great contributions to the election of Donald J. Trump, and what that means for the immediate future of our gun rights. To an extent, that offsets the feeling of being socked in the gut by the NRA with the introduction of Carry Guard.

Now, please understand that the leadership of the Network—Gila, Vincent and I—is not afraid of this new competitor. We have grown every single month of every year since we started the Network, despite all the new competition coming on board over the years and we are not going to let another competitor scare us. What we are doing, is doubling down on raising money for our Legal Defense Fund, continuing to work with our affiliates to help them help us grow the Network, and of course, continuing to respond to our members' concerns and assist them whenever we can.

## My Open Letter to Wayne La Pierre

It would have been more politically correct for me to have not written and published my open letter, but I have never been one to keep my beliefs to myself when I believe my friends, associates, family or I were wronged. Make no mistake, I firmly believe the NRA has done wrong in deviating from their mission of protecting the Second Amendment and teaching responsible and safe gun use, by competing directly in the post incident support market.

What lies ahead in the firearms industry? I can foresee NRA branded holsters, guns, and even NRA ammo in the near future, as there is decent profit to be made in these facets of the industry. If that happens, the NRA will disenfranchise even more strong supporters of the NRA. Perhaps they should open a gun parts supply house like Midway USA or Brownell's, or even start up their own chain of retail stores, to compete with Cabela's! Where will it end? I said what I said, and I mean every word. I hope that doesn't cost the Network members, but if it does, then so be it.

My best memory of the Atlanta NRA Annual Meeting is of the hundreds of members who stopped by our booth and just said hello. It seemed just when visits to the booth were slowing down to give us a little break, we had another member or two come up and say hi. So much goodness. At this writing, we have 13,000 members in the Network and growing each month, so there were lots of our members to come by our booth! It will be interesting to see where we are this time next year.

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

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## Attorney Question of the Month

This month we asked our affiliated attorneys:

An armed citizen who carries a trauma kit justifiably shoots an assailant, then calls 9-1-1. From a legal defense viewpoint, what are the possible benefits and risks of treating the gunshot wound while waiting for the first responders?

### Gary True

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Treating the attacker's gunshot wounds virtually guarantees a civil suit by the attacker, or his family if he dies. Staying on the phone with 9-1-1 while repeatedly stating that paramedics and an ambulance are needed ASAP will show enough concern for the attacker so the defender will not be viewed as cold and callous.

For most people, simply that he or she was concerned that any attempted treatment might cause more harm than good because of lack of training should be a sufficient explanation for not helping, if it ever becomes necessary to explain. The answer might be different if the defender is a physician or other medical professional, but even then it will probably be better to stay away in order to remain safe. The police will not let the paramedics or ambulance near the wounded attacker until they have cleared the scene and there is no reason a civilian should act sooner.

### Mike Ooley

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You have just survived the moment you had hoped you would never experience. You had to use deadly force to defend yourself or another innocent person against a violent attack.

Should you provide first aid to the person that just attacked you? The decision is not one to be taken lightly as there are a number of practical and legal

considerations. From a practical standpoint, it will probably not be prudent or safe to render aid, but in a scenario where the scene is secure, and you can safely administer first aid, what legal ramifications might there be? For more discussion regarding the practical considerations, check out Massad Ayoob's comments: <https://www.youtube.com/watch?v=xRyhocMdJLM>.

As is the case in most states, you have no legal duty to provide aid in Indiana (Ind. Code §34-30-12-1). However, some states do have an affirmative duty to provide aid. The duty may only require that you summon aid by calling 9-1-1. See, e.g., Minn. Stat. § 604A.01. This article has a breakdown of states that create an affirmative duty and states that do not: <http://tmsnrt.rs/1Df3U7T>

If you decide it is safe and you are capable of rendering aid, most states have some type of "good Samaritan" law. These laws vary but generally provide civil immunity for someone who makes an error while rendering emergency medical care. That is, he or she cannot be held legally liable for damages in court. These statutes typically have three requirements:

- The aid must be given at the scene of the emergency,
- In good faith, and
- Gratuitously, without the expectation of monetary gain.

You will find those same three elements with slightly different wording in the Indiana "good Samaritan" statute which states:

"a person who comes upon the scene of an emergency or accident...or is summoned to the scene of an emergency or accident and, in good faith, gratuitously renders emergency care at the scene of the emergency or accident is immune from civil liability for any personal injury that results from: (1) any act or omission by the person in rendering the emergency care; or (2) any act or failure to act to provide or arrange for further medical treatment or care for the injured person; except for acts or omissions amounting to gross negligence or willful or wanton misconduct." (Ind. Code § 34-30-12-1) (emphasis added).

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In regards to the exceptions noted in the statute, if the aid is rendered in a way that constitutes gross negligence or willful or wanton misconduct, then there will be no immunity. Gross negligence as it originally appeared, was very great negligence. It has been described as a failure to exercise even that care which a careless person would use. Most courts consider that "gross negligence" falls short of a reckless disregard of the consequences, and differs from ordinary negligence only in degree, and not in kind. *W. Page Keeton et al., Prosser and Keeton on the Law of Torts § 34, at 211–12 (5th ed. 1984).*

Indiana has no case law interpreting the application of the good Samaritan statute to a self-defense scenario. As a matter of fact, there is not much case law anywhere. However, while Indiana has little guidance on the good Samaritan statute in the self-defense context, our best guess is that as long as you satisfy the elements of the good Samaritan law in Indiana, the courts are likely to treat the person who defended oneself in self defense like they would treat an innocent bystander, making you immune from civil liability if you decide to render aid in a way that is not grossly negligent.

Nonetheless, there are some other considerations, particularly from a criminal law standpoint that one must consider. For instance, how will rendering aid look to a jury? Will it help your case or hurt your case? On one hand, some jurors will see rendering aid as the morally correct course of action. On the other hand, some jurors may see your attempt to render first aid as a sign of guilt. They might think you are trying to save the perpetrator because of some mistake you made when you decided to shoot.

Another important aspect to consider from a legal perspective is the preservation of evidence. A potential negative implication from rendering aid is that you will have directly participated in changing or eliminating evidence at the scene such as body position, wound condition, clothing damage or alteration, weapon location, or any myriad of other pieces of evidence that might be critical to the investigation of your self-defense act. Although this will likely occur when professional medical help arrives, at least your motivations will not be attacked as you will not be a direct participant in altering the evidence.

Whatever the situation, you need to be able to articulate why you did what you did to your defense team so that they can educate authorities and potentially a jury.

Please remember that the laws will vary depending upon your jurisdiction (refer to <http://tmsnrt.rs/1Df3U7T>). The key is to visualize these scenarios ahead of time so that you will be more prepared to respond if you have to act in self defense.

**Ralph D. Long, Sr.**

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Compassion is commendable but one must consider whether a prosecutor will wonder if you shot someone to "play doctor."

Know your state's good Samaritan laws. It's always wise to equip and train to help others but remember you have just had to shoot someone because of that person's willingness to hurt you for his own benefit.

Also, have access to handcuffs or flex ties. Always restrain any downed suspect's hands behind his/her back before rendering medical aid. Never approach to apply restraints unless you have someone to cover the attacker. Downed suspects have "come to" and attacked those rendering them aid or "played possum" until their prey closed to striking distance.

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In the context of how rendering aid to someone that has been shot or injured in a perceived self-defense scenario might impact a case, the question can arise in at least two types of cases. First, would be a potential criminal case in which the person using deadly force is charged with the commission of a crime of violence. The second context might be a separate civil action for personal injury damages related to the use of deadly force.

In the criminal case, the first consideration is that in Tennessee and other states, the concept of self defense is a matter that is raised as a justification for doing what might otherwise constitute a criminal act. In Tennessee, the inquiry in the criminal case is whether the elements of the self-defense statute (Tenn. Code Ann. Section 39-11-611) have been met to justify the use of deadly force.

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Typically, these elements require that the individual reasonably, both objectively and subjectively, be in imminent fear of death or serious bodily injury. If the imminent fear element is established, then the question becomes whether more force than was justified was used. Thus, there have been cases in which the court examined a claimed self-defense shooting and determine that some number, perhaps three, of the shots were justified to avert the threat but that additional shots, shots arising once the threat no longer reasonably existed, were unjustified and that self defense was therefore not established as to those additional shots.

What is not typically addressed in the criminal case during the guilt phase is the issue of whether there was a duty to render aid to the attacker who might be shot or otherwise injured in self defense.

However, the second phase of criminal case will often involve the sentencing phase. In that phase, the issue of rendering aid could become an issue in terms of whether the defendant, if not entitled to rely on a claim of self defense, was remorseful or otherwise took actions to reduce the extent of harm. Thus, efforts to render aid, call emergency services, etc., could potentially be relevant in a sentencing phase.

The second kind of case is the civil action where the injured attacker (or his family) claims that the person resorting to self defense, used illegal or even excessive force. In Tennessee and many other states, the Tennessee Supreme Court has stated that "a stranger owes no duty to render aid to another in peril." See, *Lindsey v. Miami Dev. Corp.*, 689 S.W.2d 856, 859 (Tenn. 1985). However, there are some exceptions to that general rule. One exception is if there exists some kind of special relationship between the parties such as passengers on common carriers, employees, customers, social guests, and others. In such instances, the duty to render aid is not a duty to cure or fix.

Generally, the duty that exists, if at all, is to use reasonable care under the circumstances. In

Tennessee, the Court has said that the person "will seldom be required to do more than give such first aid as he reasonably can, and take reasonable steps to turn the sick person over to a doctor or to those who will look after him until one can be brought." *Lindsey v. Miami Dev. Corp.*, 689 S.W.2d at 859. Thus, in the civil case, the issue of what duty might exist turns heavily on the facts of each case and the relationships between and among the parties. The duty could range from no duty to a duty to render some aid. In the civil context, it is also important to realize that if a person attempts to render aid that such actions must be done reasonably, that is, in such a manner as to not make the situation worse.

What would and would not constitute reasonable aid, whether required by law or not, depends heavily on the facts of each case including the capacity of the attacker to do additional harm. Along those lines, juries likely will not hold anyone in a bad light as to this issue if they act with priority to their own safety, the safety of others and then in such a fashion as would provide safe, but reasonable aid to the person who was shot so long as it can be done without being exposed to more risk of harm.

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The risk that you take is that you might make things worse by moving or treating the assailant. What if the assailant is still armed or makes an attempt to disarm or injure you. You did the right thing and all that you should in order to protect yourself and by calling 9-1-1 to get some pros rolling to the scene.

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*We extend a big "Thank you!" to all of the Network Affiliated Attorneys who contributed to this interesting discussion. Please return next month when we'll share more of their responses to this question.*

## Book Review

### Sentinel

#### Become the Agent in Charge of Your Own Protection Detail

by Patrick McNamara

Published November 29, 2012, 145 pages

ISBN-13: 978-1475960495

Kindle version: \$3.03; paperback \$13.48



Reviewed by Gila Hayes

I'd been eyeing this book for a few years when a short bout of post-convention illness put some reading time on my schedule.

McNamara's safety instruction takes an interesting approach – one that creates interest in a much-taught subject and it also gives a tool for raising safety preparation amongst folks who, frankly, find our prepared lifestyles a little boring.

McNamara's idea is that just like a bodyguard tasked with keeping risk and threat at bay, we bear responsibility for the safety of our families and ourselves. Fleshing out the concept, he applies his Special Forces background to personal and family safety, and it makes the subject fun. He opines that primal humans are born with defensive abilities; we just need to "give...permission for these mechanisms to work automatically."

He compares a protection detail's task of advance site visits with taking the family to a restaurant. Instead of an advance, the sentinel finds a landmark to help remember the parking spot, identifies several ways out of the parking lot, thinks about lighting if it is going to be dark later, identifies several exits once inside the facility, scans who is seated and who comes in. He illustrates, "I want to know if trouble is coming in, so I ask myself, If I were a sociopath, which direction would I move after entering...What are the natural lines of drift in this establishment?"

Advance planning makes all the difference, and *Sentinel* describes protective vehicle operation, explaining that "Mobility equals survivability," discussing using cars to get out of danger. Dealing with cars going in the water, safety in parking lots, and knowing just how agile your car is if you need to swerve sharply at highway speeds are covered. "You don't want to be thinking, I should have practiced that drill..." when you should be dealing with the problem, he urges.

Additional topics include advice on training, levels of physical fitness, gun safety and marksmanship fundamentals, the tactics of an armed encounter, including being an unpredictable target by moving after drawing, all presented with good rationale. He outlines what an urban survival kit should be stocked with, creates an acronym for critical thinking under stress that outlines: take a look around to gather intel before you rush into a trap thinking you're evading danger, know your location, manage fear, improvise, commit to staying alive, and learn basic skills like shooting, moving, communicating, navigating, medic skills and evacuation procedures.

McNamara's definition of self defense is interesting: "Nothing more than recovery from a bad decision or bad luck. You must now be adaptable. I define adaptability as using your existing knowledge to have a positive response to emerging situations." If your initial defense fails to stop the attack, "you must fail quickly," he advises. "You must get back into the mix. Do not let the gears stop engaging. Do not spend any more time than humanly possible lamenting about what and why something you did didn't work. Fail quickly!"

After an interesting discussion of various martial arts and fight training, he warns, "If we are attacked with surprise and violence of action, no amount of training can save us. We can mitigate surprise by exercising a little situational awareness...If we take the element of surprise away from a predator, he or she will fear reprisal and forgo the attack."

First aid, and med kit supplies are outlined next, followed by a good chapter on home security, and making it harder for a home invader or burglar to break in, as well as some strategies to counter an assailant who made it inside. The chapters on preparation for a natural disaster are full of lists of supplies and how to cope. McNamara is fond of acronyms, but it makes for easy reading, whether for review or a first-time introduction.

I enjoyed *Sentinel* as a review of safety and survival principles. It would also make a good primer for one new to this way of thinking. It reads fairly quickly, and the material presented sticks in the mind owing to the author's engaging style.

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

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## Networking...with Attorneys

by Josh Amos

This month I get to go in a new direction compared to the topics I normally write about. With the great growth of the Armed Citizens' Legal Defense Network, it's time for us to revisit a very important topic: attorneys. The mission of the Armed Citizens' Legal Defense Network is to pay attorneys to represent our members immediately after a self-defense situation. While Network members are always free to choose their own lawyer, not everyone knows one, so we have found it helpful to maintain an extensive network of affiliated attorneys across the United States.

Attorneys are like other professionals—they retire, get promotions (sometimes moving up to become judges!), go on sabbatical, and sometimes get so busy that they stop taking new clients. With that in mind, we are always seeking more attorneys with whom to affiliate. We are continuously on the look out for great “gun friendly” criminal defense attorneys who Network members can call after a self-defense situation. If you know of a great criminal defense attorney please let us know. We will eagerly follow up on your leads.

### New Affiliated Attorneys

I've been busy recruiting new affiliated attorneys this month, and as a result, we have four new attorneys and they are in previously underserved areas. We are enthusiastically welcoming new affiliated attorneys in Redding, CA, Casper, WY, El Paso, TX (also licensed to practice in NM; can assist across the state line) and Fargo, ND. Network members in these states are encouraged to log in to the member only portions of <https://armedcitizensnetwork.org/members/affiliated-attorneys> to get the names and contact info for these new affiliates.

### Have You Met With an Attorney?

A pillar of the Armed Citizens' Legal Defense Network member benefits is that the Network funds the attorney of your choice ASAP after a self-defense incident. Do you know yet whom you would ask us to pay on your behalf? Have you chosen the attorney that will be your next call right after you call 9-1-1? Have you sat down with them and discussed your post defense legal plan?

This is a key part of your defense and it's important to follow through.

You can choose to work with a Network Affiliated Attorney or one outside of the Network; we do not interfere in your choice. In either case, having an attorney selected and having met with her or him before needing legal help removes several steps from the timeline between your 9-1-1 call and having an attorney at your side.

### Approaching Attorneys

For many personal reasons, dealing with an attorney often gives people pause. I recommend that no matter your personal feelings about attorneys, put your emotions on hold and do what needs to be done to prepare your defense.

Network President Marty Hayes wrote a great article <https://armedcitizensnetwork.org/finding-an-attorney> on finding an attorney; let me highlight some pertinent advice:

1. Call the law firm.
  - a. After you have done some research you will be ready to make your call. When you do call you will probably not reach the attorney directly; you will likely speak with the attorney's legal secretary, paralegal, or other members of their line staff. So...
  - b. Introduce yourself and simply state, “My name is...”
    - i. State you were referred and by whom; you might say, “I am a member of the Armed Citizens' Legal Defense Network and saw that [Attorney's name] was listed as a Network Affiliated Attorney.”
    - ii. State why you are calling “I want to discuss with [Attorney's name] if he/she will represent me in the event of a self defense incident. Is he/she taking new clients?” If not, ask for a referral. If so...
2. Make an appointment to sit down with the attorney.
  3. Be prepared to pay them for their time. The Network does not pay for a consultation but it is worth the expense. Some attorneys won't charge for a brief

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consultation and some will. In either case, offer up front to pay for their time: "How much would it cost for me to sit down with him and discuss how the firm would represent me after self defense?" Even if it is pricey, a pre-need consultation is a valuable investment in yourself and in your future. Furthermore, paying a consultation fee lets your prospective attorney know that you mean business.

4. Prepare for your meeting. Re-read this article again and jot down some notes (<https://armedcitizensnetwork.org/finding-an-attorney>)
  - a. Write down any questions you may have...this is a good time to get answers to questions you may have not been able to resolve on your own about gun laws and how self defense is treated by the criminal justice system in your area. In addition, I suggest the questions include:
    - i. "How does an attorney work for the client who has had to defend himself/herself?"
    - ii. "If I call you at 2 a.m., will you come?"
    - iii. "What kinds of things would you do when you get there?" This is a polite way to ask, "When you get there, will you know what to do?" since the last thing we need to do is offend the man or woman we want defending us when we are in trouble!
    - iv. "What do you need me to do or not do?"
5. Be prepared to hear things that you don't want to hear. The legal system is considerably different from what you see on television. You don't have to like the information your attorney has to share with you, but you do need to know it.

## Introducing Your Attorney to the Network

Maybe you already know a great criminal defense attorney. If you do, you can certainly work with an

attorney that is not currently affiliated with the Armed Citizens' Legal Defense Network and that is completely fine, because we fund the attorney of your choice. Sometimes explaining and educating your attorney about how the Network operates might be tough so please feel free to call me for assistance.

## A Few Thoughts in Closing

This has been a busy article, but I feel there are some very important topics here. If nothing else...

1. Make contact with an attorney;
2. Be nice to the line staff;
3. Come to an understanding with the attorney so you can call him or her after self defense.

Believe it or not, I've thoroughly enjoyed talking to attorneys these past few weeks. Really! Not all of the prospective Affiliated Attorney candidates that I contacted worked out. Some were not taking new clients; others were focused on very different aspects of the law – like gas and oil lease attorneys, but interestingly, even those who ultimately were not able to affiliate with us were able to make good suggestions about other attorneys they knew, and reaching out to the recommended lawyers netted us some new Affiliated Attorneys in areas where we've needed affiliates for a long time.

A warm "welcome aboard" goes out to all our new Affiliated Attorneys, and let me extend our Network members all the encouragement and support they need in making that important contact with an attorney before needing to call one at 2 a.m.

Finally, if you know an attorney, have heard the name of an attorney your CCW instructor recommends, or you read a recommendation for a gun-friendly criminal defense attorney on your local gun forum in the Internet, please share those recommendations with me! That will give me more attorneys to call up and invite to add their strength to the Network's. We'll all be the better for it. Please send your recommendations to [josh@armedcitizensnetwork.org](mailto:josh@armedcitizensnetwork.org).

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



## Editor's Notebook

by Gila Hayes

The first week of May brought all the scofflaws out from under their rocks. I'm never sure what starts these trends in questions, but phone call after phone call, email question after email

question, the argument put forward was, "I cannot get a license to carry in [pick a restrictive state or area], but I go there armed anyway. I want to join and I will need you to pay my legal expenses if I have to defend myself with my illegally carried gun."

Sometimes the question was a little sneakier. "What if I'm traveling through a state where I can't get a concealed carry license and, you know, the loaded gun is just in my car and I only carry it concealed in to the men's room at the rest area?"

The Network has always been blatantly "in your face" about the need for Network members to be in compliance with gun laws in order for the Network to pay legal expenses after self defense. To do otherwise, would be to encourage the commission of a crime. That is certainly not a good position for the Network and its many law-abiding members to be in!

The Network's entire raison d'être, our mission from Day One, the purpose behind all the hard work that has gone into taking our vision beyond just a great idea into a 13,000 member organization with \$1,000,000 in the Legal Defense Fund, has been the protection of law-abiding Americans from over zealous prosecutors and plaintiff's attorneys. And that is what we do.

The Network's first member-involved case came up about three years after our founding, in February of 2011. There's been fourteen other members using varying degrees of force in self defense since then, and all have had their post-incident legal expenses paid by the Network. The sixteenth case came in very recently, but that will probably be resolved by a simple preventative consultation with a Network Affiliated Attorney, for which we will pay. Introductions between member and attorney have already been made.

In matters of considerably more seriousness, we're already paying attorneys to defend two members this year, and with both cases active, we can only give minimal sketches of the problems the members are facing. One took place in an East Coast state when a member used pepper spray to get away from a man who was choking him. The other is in a Western state, and it involves a small, slightly built individual threatened by a large, muscular assailant: a classic disparity of force scenario.

We know you'd like to know more, but as always, the legal protection of our members comes first. Both are represented by Network Affiliated Attorneys, although as you know, using an Affiliated Attorney is not a requirement for us to pay a member's legal expenses after self defense.

The wheels of justice turn slowly sometimes. While we hope these members will soon be relieved of the worries they must surely be experiencing, the privilege of being able to help each of them inspires us to keep the Network's goals and aspirations clearly in mind, and to grow and protect the Network, so we can continue this mission.

*[End of June 2017 eJournal.  
Please return for our July 2017 edition.]*

June 2017

## About the Network's Online Journal

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

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