



eJournal

of the Armed Citizens' Legal Defense Network, LLC

The Third Edition in our Inaugural Year — April, 2008

How We Got Where We Are

by John S Farnam

George Washington, even before he was president, lobbied heavily for a full-time, standing, Federal Army. In 1792, a distrustful Congress gave him and his successors, instead, the *Uniform Militia Act*, which involuntarily inducts every able-bodied male, in all states, between the ages of eighteen and forty-five, into his State's "Militia," which can be subsequently "Federalized" under certain emergency circumstances. There was provision in the Act for neither arming nor equipping this Militia, and each of its inductees was therefore expected to present himself for duty, when called, armed with personally-owned, military weapons. It is indeed this "Militia" that was referenced in the Second Amendment to the Constitution (ratified in 1789) and was therein finally and officially defined by Congress, and that has been endlessly contended ever since, right up to the present.

In the current debate over the private possession of firearms, there has been much talk about accommodating police and sporting interests, but no talk about preserving the Militia, referenced above, upon which the "security of a free state" depends. Therefore, we all need to understand that there is no Constitutionally sound way to ban, nor even "infringe upon," the private ownership of firearms in the United States of America, and it is military small-arms that are most pro-



John S Farnam

TECTED OF ALL. *The Second Amendment to the United States Constitution has nothing to do with recreation.*

In a free society, the "Militia" today is probably composed of every able-bodied citizen, male and female, who is capable of owning and bearing military arms, in voluntary associations, independent of government. This Militia is not to be confused with the National Guard nor other government-controlled, military or law-enforcement organization. Indeed, when the Constitution was written, there was no National Guard.

The Militia has two purposes:

(1) To assemble voluntarily at the government's behest for the purpose of repulsing a foreign invader

(2) To serve as the Peoples' ultimate insurance policy against tyranny. That is, by virtue of their individually-armed presence, to dissuade would-be dictators and other tyrants from imposing enslavement upon the People.

The cowardly US Supreme Court has artfully, desperately dodged this issue for over two-hundred years! In fact, the last time the US Supreme Court said anything definitive about the Second Amendment was the "Miller Case" in 1939. In that decision, the Court not only reaffirmed the right of individual Americans to privately own

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military weapons, but strongly intimated that all citizens have an *obligation* to own them. The Court cited numerous early state laws where citizens were encouraged, even mandated, to privately own and maintain military firearms and other military equipment. On 18 Mar 08 the High Court entertained oral arguments in the Heller Case, and maybe we'll finally get something definitive out of them. First time for everything!

Today, leftist politicians tell us that we don't need individual rights and liberties any more. We need to voluntarily give them up in exchange for "protection" and "safety," they insist will be provided by police-state-oriented, benevolent government. With the contemptibly dishonest pretext, "We're doing it for your own good" they would sweep away all our rights. What the leftists really want is protection *from* us, the People. They want no effective opposition when they enslave us.

It is privately-owned military firearms that, more than anything else, keeps the power of would-be potentates and overly-enthusiastic government employees in check. Ultimately, it is not the fear of the law, nor of public opinion, that bridles the excesses of aspiring tyrants, *it is the fear of the armed citizen.*

Accordingly, the curtailing, registration, and finally the seizure of all privately-owned firearms, particularly those capable of competing on equal terms with government, is something every tyrant dreams of.

Don't ever let leftists tell you that the issue here is your right to go deer hunting. The issue is the fact that, in this country, the government serves only at the pleasure of the people, not the other way around. "*The right of the people*


to keep and bear arms" is one of the elements of checks and balances which guarantees this basic American principle. Our courageous fore bearers fought a Revolutionary War, because they refused to be forcefully disarmed by a totalitarian government. Today, we enjoy the rights they purchased with their blood.

We the People are weary of being told incessantly by leftist politicians that we are too stupid to own guns. I don't notice any governmental agency suggesting that *they* give up *their* guns. In this country, the People are sovereign. *For Us to be sovereign, we have to be armed.* We must all protect the Second Amendment. It makes all the others work. The fight will never be over.

Who dares prevails. Who lives on hope will die fasting!

About the author:

John S Farnam is well known to many of our members. For those who have not yet had the pleasure of meeting him, we highly recommend his training. John serves on the advisory board for the Armed Citizens' Legal Defense Foundation. To learn more about him and his classes, visit his web site at <http://www.defense-training.com/index.html>



The eJournal of the Armed Citizens' Legal Defense Network, LLC is published monthly on the Network's web site at <http://www.armedcitizensnetwork.org>. Issues beyond several introductory editions, will be closed circulation for Network members only. To join the Network, please go to our web site or fill in the mail-in form on the last page.

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

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

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President's Message

by Marty Hayes, J.D.

Scalia and Kennedy get it...

This month's column will cover several topics in brief, and the first is the United States Supreme Court oral argument recently held regarding the Washington D.C. handgun ban, known as the Heller case. I took two hours off of my duties to listen to the argument on C-Span, and not only was I riveted by the lively discussion, but also relieved that several of the justices REALLY GET IT.

They know the 2nd Amendment isn't about duck hunting. Both Justices Scalia and Kennedy discussed the issue of self-defense, not just militia duty, in their comments to the different attorneys. Kennedy is the swing vote for our side, and it looks like we are firmly in command going into the June final court ruling. The oral arguments, from what I heard, did nothing to bolster the claims by Washington D.C. On the other hand, the discussion was so firmly in our camp that all three major TV broadcasters predicted that the court will affirm the right of the individual citizen to keep and bear arms. What a glorious day it was!

In fact, after about the first 10 minutes of the 30 minute oral argument, Walter Dellinger, the D.C. attorney arguing the case, basically caved on the individual right argument and started working the court to allow the D.C. handgun ban to stand based on it being a reasonable restriction on the individual's right to keep and bear arms. Probably the best line of the whole argument came when Chief Justice Roberts asked, "What is, what is reasonable about a complete ban on possession?"

What I found most disturbing, was Dellinger's lie about the District of Columbia having no problem with citizens having a loaded gun at home, as long as it wasn't a handgun. This is in direct contradiction to the 1976 law, as I understand it. Dellinger said "We have no argument whatsoever with the notion that you may load and have a weapon ready when you need to use it for self-defense."

Being a trainer myself, I loved it when Justice Scalia questioned Dellinger about the meaning of "well-regulated," saying, "Doesn't 'well regulated' mean 'well trained'?" It doesn't mean ... 'massively regulated,' it means 'well trained,'" Scalia said.



Marty Hayes

A word about Justice Scalia, I have been a big fan of his for many years, and my admiration grew when he visited our on-line law school, and I had the opportunity to listen to him address our questions regarding constitutional law and the future of electronic learning. This was the first time a sitting Supreme Court Justice gave a lecture to a bunch of law students on line, I believe. Justice Scalia described himself as an "originalist," meaning he interprets the constitution as closely as possible to the framer's original intent.

Anyway, when the Heller argument was finished, it was clear that a majority of the justices were on the side of the right to keep and bear arms as being an individual right. I predict the vote on that question will come down at least 7-2, if not 9-0. What is more worrisome is whether or not the justices will consider the total ban on handguns as a reasonable restriction. I don't think they will, but the vote will be closer on that question, likely 5-4 or perhaps 6-3. Let's hope some clear language is written in the opinion that can quell restrictive gun laws. One thing is clear: There will be many more court challenges in the future struggling to define what is a reasonable restriction. The court needs to get this right this time.

Instructors coming on board!

I spent much of March establishing a good start on our Network Affiliated Instructor list, and I am happy to say that is coming along nicely. A sincere thank-you for those who have agreed to help us promote the Network to their students. It is through this word of mouth promotion that the Network will grow to the extent that we will have some real clout when one of us runs afoul of a misguided prosecutor. This time last month, we had only a half a dozen or so instructors on the list, now we have over twenty!

Attorneys needed too!

Starting in April, I will be actively putting together the Network Affiliated Attorney list, which will be in a private, member only, password-protected section of the web site. We expect to have this aspect of the web site functional sometime in May, but the biggest drawback will be recruiting these member attorneys. With that in mind, if you, the reader, know an attorney who is a gun owner, and believes in the use of firearms for self-defense, then I want to talk to him or her. They don't have to be a defense attorney, but instead someone who understands

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Buying a Used Revolver

by Grant Cunningham

So you want to buy a used revolver? Good for you! The double-action revolver is a wonderful firearm, reliable and durable - but it's still a mechanical device which can wear. Check for proper and safe function before you spend your cash!

The Quick-and-Dirty Checkout

First, make sure that the gun is unloaded! Except for those tests that require the cylinder be closed, leave the cylinder open for the duration of your inspection.

Carefully look the gun over. Check for any rust or corrosion inside or out. (Refinishing costs can be substantial.) Look at any screws; note any damage. (If someone is that clumsy with simple external parts, there's no telling what damage they did to the more delicate interior mechanisms. Proceed cautiously!)

Check the muzzle: is the crown in good shape? If the crown is damaged, the gun may not shoot accurately until the crown is re-cut by a gunsmith. It may also be a sign that gun was dropped.

Of course, look down the bore and check for any pitting, rust, or damaged rifling. (A small piece of paper, held against the back of the frame, makes a great reflector to fill the bore with light.)

Look at the breach end of the barrel; is it corroded or cracked? If so, the barrel will probably need to be replaced at substantial cost. Look at the frame under the barrel - this is a common spot for cracks, especially with aluminum framed revolvers. If you see one, forget that gun - it can't be economically repaired. In either case, don't buy it!

Of course, the chambers should be smooth and shiny. Some tool marks are acceptable, but stay away from a gun whose chambers appear rough.

Close the cylinder; did it latch easily? Does it open easily? Check the gap between the yoke (the piece that the cylinder rides on) and the frame when the cylinder is closed - is the gap uneven? Any failure in these tests may indicate that the cylinder has been "flicked" closed, usually resulting in misalignment of the barrel and cylinder. This should be considered a deal breaker, so look carefully.

Hold the gun sideways against the light. Can you see a crack of light between the barrel and cylinder? If not, the cylinder is contacting the barrel and the gun won't operate smoothly without gunsmith attention. The gap should, ideally, be about the thickness of two pieces of notebook paper.



Author and gunsmith, Grant Cunningham

Close the cylinder and grasp it firmly. With the gun pointed in a safe direction, gently attempt to move the cylinder back-and-forth - from the front of the gun to the back. If the cylinder moves more than the thickness of a sheet of paper, the gun may have excessive endshake, a condition that requires gunsmith correction.

While you're at it, gently try to rotate the cylinder in both directions - it should remain locked. There will be a bit of rotational play, but it should not rotate freely. If it does, the gun is unsafe until repaired.

Double check that the gun is unloaded, point in a verified safe direction, pull the trigger, and hold it back. Try to rotate the cylinder - if it's a Smith & Wesson or a Ruger, it should move very little to none. If it's a Colt, it must not move at all (Colts require that the cylinder be solidly locked at the point of ignition.) Check this on every chamber; if

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one is slightly looser or tighter than the rest it's not a big problem, but they should not vary tremendously. An overly loose cylinder at lockup will result in lead "spitting" from the barrel gap (a safety hazard) and degraded accuracy. Depending on the cause, correcting a loose cylinder may run into some expense - be wary.

Pull the hammer back, cocking the gun. Try pushing it forward; it should stay locked in place until the trigger is pulled. Wiggle the hammer sideways - it should still be locked. If the hammer drops during any of these tests, it is unsafe and needs to be repaired.

Very slowly cock the gun on each chamber and watch the little metal piece at the bottom of the frame (the one that drops into the cylinder notches.) As you cock the gun, that latch should drop into a locking notch a bit before the gun comes to full cock. (On a Colt, it will drop just as the hammer reaches full cock.) If the gun can be cocked before the cylinder is latched, the gun is out of "time." This is considered an unsafe condition, and can manifest itself as anything from lead spitting to forcing cone cracking. Needless to say, it needs fixing before it's shot!

While you're pulling the trigger, notice if there is any severe "grit" in the action; it may be signs of deteriorating sear surfaces, which may need replacement. If the trigger is very light, especially in double action, it may be a sign that the springs have been altered - you can expect inconsistent ignition. Luckily springs are cheap, but factor their replacement into your offer!

Advanced Tests

To get a complete picture of a revolver's condition you'll need a simple feeler gage (sometimes referred to as a thickness gage) set from your local tool or industrial supply store. Get a set with blades between .0015" and .025" (or .035"). Cost should be between \$10 and \$15, at least where I live.

Recheck that the gun is unloaded. Push the cylinder toward the muzzle and hold; starting with the thinnest blade, insert the feeler gage into the barrel/cylinder gap. If you can insert and remove it without noticeable drag, move to the next thickest; repeat until you feel a light drag on the gage. That blade's thickness is the cylinder gap.

For a target gun a gap in the .002" to .004" range is acceptable. For a defensive gun you want a gap of no less than .004", and no more than .006". (Keep in mind that factory tolerances may be a bit looser than this.) Narrow gaps

may give problems with cylinder binding when the gun is hot or dirty; larger and you may give up a small amount of velocity and accuracy, and increase the incidence of unburned powder spitting.

Now let's check headspace. For this, you'll need to "stack" several blades to build up the necessary thickness. I start with the .019", .020", and .021" for a total of .060". Insert the stack - holding them tightly together - into the gap between the back of the cylinder and the frame. Just like the barrel gap, try different thickness combinations until you find the one that inserts with a light drag. Add up the blade values; the total is the headspacing of the gun. (Note: this does not work on cylinders with recessed chambers, as in old S&W guns and most Dan Wessons.)

On a .357/.38 revolver, the industry generally agrees that headspacing can range from .060" to no more than .065". Smaller numbers may result in rounds dragging on the frame, while larger can result in insufficient case head support - a dangerous condition.

Finally, go back to that cylinder gap and remeasure - this time, holding the cylinder to the back of the frame. The difference between this measurement and the first one is the cylinder endplay. On a Colt, it can be no more than .003" under any conditions. For other brands, it's generally accepted (the factories have published different specifications over the years) to have no more than .005" play - preferably, though, all should be under .003" for best accuracy and frame life.

Perform these quick checks and you'll be in a position to know whether that revolver is a creampuff or a doggy biscuit. Offer accordingly!

About the author:

Grant Cunningham is a gunsmith specializing in repair and customization of the classic double-action revolver. To learn more about his work visit <http://www.grantcunningham.com/>

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Buying a Used Semi-Automatic Pistol

by Patrick Sweeney

Buying a used pistol for defense is not difficult. It just takes some persistence and a bit of work.

There are two easy ways to stay safe: shop at a store you know with a good reputation, and buy a model you are familiar with. Buying from someone you met at a gun show can net you a deal. Or a bench queen. Also, if you have no familiarity with a model (Glocks, Sigs, 1911s) then you have to do your homework before buying one. Otherwise you risk finding later you've bought something that seemed like a deal but wasn't.

First, open it to make sure it is unloaded, then give it a look-over to see if it has been abused. I call this the "hammer marks and tire tracks" test. Literal hammer marks, file marks, etc. should be automatic cause for rejection. (Unless what you're looking for is a gunsmithing project, in which case it may be perfect.) Are all the external parts on it factory, or have some been replaced with aftermarket ones? Open the action and lock it open. Is there daylight coming down the bore? (I kid you not, check for this.) Does the bore look clean and shiny? If not, ask for a brush or patched rod to clean it. If the seller assures you "It will clean up fine" ask again. If he has none, put it down and walk away.

If you've gotten this far, ask if dry-firing is OK. If not, again, walk on. Any pistol you are considering for defense is one that will be up to the challenge of being dry-fired. If it isn't you shouldn't be looking at it. If the seller is against dry-firing, take a hike. If he truly believes it is bad, you won't change his mind. If he's trying to hide something, he'll never agree that dry-firing that particular model is OK. If at this point you get the impression that I do a lot of walking at gun shops, gun shows, and dealer get-togethers, you're right. Not only does it reduce the odds I'll pick a lemon, it improves my negotiating position. As many gun shows now either insist or encourage the use of cable ties to keep actions closed, you'll have to get the seller to cut the tie off. In gun shops, that won't be a problem. If the

seller tells you that you cannot cut the tie until after you buy, walk not just from the table but out of the show. Tell the ticket-taker on your way out why you're leaving, and that you won't be back.

Try the trigger. Do the full drill: ease the slide forward, press the trigger until it drops the action, hold the trigger, cycle the slide, release the trigger to re-set, and dry-fire again. Do it at least a couple of times, and as many times as you need to, to satisfy yourself that the trigger is what it should be. And what would that be? That the trigger pull feels the same every time. That it is within the acceptable parameters for the action. That the re-set distance is the same each time.

Now you're to the sticking point. To tell more you have to take the slide off. Again, ask. To some dealers you have now become an official pain in the butt. Too bad. We assume that you've done your homework and know how. (You should have learned how before getting to this point.) What you're looking for is evidence of gunsmithing (which may not be bad) and to get a sense of the round count. Look to the feed ramp area. Polished or not? If polished, have the angles been changed? On a 1911, you look to see that the top edge of the ramp in the frame hasn't been rounded-over.

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Patrick Sweeney is a well respected author of gun books on a variety of topics. The Armed Citizens' Legal Defense Network eJournal is proud to bring our readers the work of this outstanding author.

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Buying a Used Semi-Auto
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On pistols with integral ramps, look for the same, and look to see if the bottom edge and sides have been ham-handedly polished. Look at the breechface. There should be burnishing, where the case heads have hammered the finish off in a circular pattern. The area around the firing pin hole should be smooth. If it is pitted in a circular pattern the diameter of a primer, the pistol has seen an impressive amount of ammo, or a lot of high-pressure (+P or +P+) or reloaded rounds. You're seeing the results of gas leaks around the primers, eroding the breechface. If the seller asserts "It has had a couple of boxes of ammo through it" while you're looking at erosion around the firing pin hole, you have a collision between observed reality and sales PR. If I'm feeling particularly cruel, I'll ask the seller "How much did the guy before you shoot it?" Answer A) "I don't know" has me bargaining for a high-mileage pistol. Answer B) "I'm the only owner" has me putting it down before walking off.

Look at the trigger parts for evidence of disassembly, polishing, replacement parts, etc. If you see any, ask. As with the round count, the answers you get determine your continued participation.

OK, what you're looking at has all original parts, hasn't been messed with, has a bright, clean bore, and is in the caliber and configuration you want. This is where shopping where you know works for you: Does the seller offer any kind of a warranty? Will they fix it there, or send it back to the factory? Is the agreement in writing? What shops can and cannot offer depends on the particular State you live in, and the manufacturer of the product in

question. Some States require that any warranty be a full one, and thus no one offers you any help. They can't. While all manufacturers will fix obvious defects in craftsmanship or materials, some will be more pleasant than others, and some will only do the absolute minimum. Does it come with the factory box? Paperwork? Lock?

If you need a holster, magazines, etc. for your pistol, the time to get them is at this sale. You will be able to drive a better bargain now, rather than coming in a week later. "Hey, I got that Sig last week, and now I need some magazines. Can you knock a couple of bucks off the price?" You're more likely to get those magazines at "a buck off" while buying the gun.

Immediately go out and test-fire your pistol. (Not in the parking lot, but at the closest range, as soon as possible.) Again, a 30-day warranty means 30 days from the sale, not 30 days after you finally get around to shooting it and finding out that it bites your hands worse than a manic puppy. If something untoward happens, document it. Use your cell-phone camera if you have to, write detailed notes as well. Don't diagnose, simply observe what happens, or doesn't happen. Take it back right away.

If everything works just fine, be sure to mention that. Building a relationship with an established gun shop can go a long way to eliminating the chances of buying a lemon.

About the author:

Patrick Sweeney is author of a number of authoritative gunsmithing books, published by Krause Books, and covering topics ranging from handguns to rifles and shotguns. For a list of titles by this author, check <http://www.krausebooks.com/category/s>

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A Tale of Five Witnesses

by Marty Hayes, J.D.

I had the opportunity to watch a self-defense trial the other day. This wasn't a shooting, but instead dealt with a second assault charge, a felony in Washington State. The defendant claimed self-defense. The story started the day after Thanksgiving, 2006, when it was Wal-mart policy to stop everyone leaving the store and check receipts for any merchandise they purchased. The defendant in this case was stopped by a 75-year-old Wal-mart greeter, and a 30-something, 300-pound security guard.

The defendant refused to show his receipt, and when the Wal-mart greeter stepped out to block him from leaving the store, the defendant pushed the greeter out of the way. The greeter fell, and claimed a back injury from the push, hence the 2nd degree assault charge.

Now, onto the lesson.

There were five witnesses to this incident. The first witness was a Wal-mart employee who was off-duty, and standing at the checkout stand purchasing some items before she went home. She testified that she saw the greeter and the defendant arguing about the receipt. The greeter stepped in front of the defendant, who violently pushed the greeter from the front with two hands. According to the witness, the greeter went flying across the floor, landing on his back and skidding about 20 feet.

The second witness was another Wal-mart employee, who was working at the time. Her report was much the same as that of the first witness: that the defendant pushed the greeter violently, using both hands, sending him flying across the floor.

The third witness was the security guard, who said pretty much the same thing as the other Wal-mart employees, except that he said that the defendant only pushed the greeter with one hand.

The fourth witness was the greeter himself, who testified that he never stepped in front of the defendant at all. He testified that he just put his foot in front of the bicycle that the defendant was dragging out of the store after purchasing it. He also said that he didn't remember anything else about the incident. He said he specifically did not step in front of the defendant to block his exit.

The fifth witness was the defendant himself. He said

that he was leaving Wal-mart, dragging the bicycle behind him, when the greeter and security guard approached and demanded that he show them the receipt. He said that he was told he could not leave the store, without first showing them the receipt.

The defendant, getting a little upset at what he believed was an act of unlawful imprisonment, said, "Watch me!" and tried to step around the two men to leave. At this time, the defendant said the greeter stepped in front of him and put his shoulder into his chest (making contact). The defendant reacted with a one-handed push, pushing the greeter out of the way. The defendant claimed self-defense, saying that he was the one assaulted, and arguing that he acted as any reasonable person would have acted under the same circumstances.

There is more to the story, and we will get to that in a moment. I want to point out just how differently eyewitnesses can report the same incident. Five eye witnesses, basically four different accounts. The good news is that this was all caught on camera. What did the camera see?

The camera saw the same version as the defendant related, with the exception that because of the angle of the camera, one could not know with certainty whether the greeter made contact with the defendant. But, a reasonable inference could be made that the greeter did in fact make contact, because the camera shows the greeter's shoulder drop as he steps forward, and the defendant take a step back at the same time.

The trial took two and a half days, and the defense took all of 15 minutes, with the prosecution using the rest of the time. Why the difference? The only evidence the defense could present for the jury's consideration was the defendant's testimony. Although the defendant had an expert ready to testify, the judge would not allow his testimony, because he said anything the expert witness would say would speak to the guilt or innocence of the defendant, and that was up to the jury to decide. Many do not realize how much latitude a judge has in determining who can testify as an expert witness, and the judge's decisions are rarely reversed.

If the expert had been allowed to testify, he would have said that he saw both the greeter and the security guard

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A Tale of Five Witnesses
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exhibit pre-assaultive cues consistent with impending assault. He would have testified that the amount of force used by the defendant appeared to be reasonable, since all he only pushed the greeter out of the way with one hand, and did so with no intent to injure the greeter, who the expert believed did in fact illegally assault the defendant.

In addition, the expert would have opined that the security guard pushed the greeter when the greeter was off balance, and this made the greeter fall. The expert in self-defense and defensive tactics saw what no one else saw on the video: the security guard raise his left hand to the greeter's back and move the left hand laterally in the same direction the greeter was moving, consistent with

pushing the greeter. He would have testified that because the greeter was already off balance, very little force would be necessary to knock the greeter to the ground, especially since the security guard's weight was about double that of the greeter.

How do I know what the expert would have said? Well, as many of you guessed, I was the expert who was hired by the defendant to explain these facts to the jury, so they could make an informed decision as to his guilt or innocence. How did the case turn out? Well, there is even more to discuss, but we will have to pick up that discussion next time, since my editor tells me to limit the articles to about a thousand words, and we are there now.

Part two coming in May.

Questions, We Get Questions...

Are all states covered by the Network?

In other words, I live in Minnesota, & you folks are in Minnesota. If I should need assistance, I would need it ... well, in a rather timely manner.

So does the Network have attorneys in Minnesota?

And in what other states? (I.e., am I covered while vacationing in Michigan, on a business trip to Indiana, or visiting family in Pennsylvania?)

Thanks in advance for any insight you can offer!

Doug in Minnesota

The Network answers

Dear Doug:

Please let me respond to your questions with the following information. The Armed Citizens' Legal Defense Network, LLC. is a member organization. Members of this organization will include attorneys from each state, many firearms instructors from each geographic region of the U.S., and self-defense experts who can be called on if a member and his attorney finds it necessary to defend in court an act of self-defense.

As our web site explains, the Network is not an insurance company, nor are we pre-paid legal services, so consequently, we really don't "cover" anything. With that technicality out of the way, it is our goal to compile a list of attorneys who are members of the Network for each state of the union and every major metropolitan area, and

a member can use this list if they need to find a good, local attorney. This list will be part of the members-only, password protected portion of the Network web site.

An equally important aspect of the Network is the formation of the Armed Citizens' Legal Defense Foundation, a separate non-profit foundation that will serve as a way for members to receive financial assistance if they are forced to defend an act of self-defense in court. The amount of funding will depend upon several variables, such as: money available, the need of the member and the legitimacy of the act of self-defense. The decision to fund a defense will be made by the advisory board of the Foundation, which at this time consists of Massad Ayoob, John Farnam, Tom Givens, Jim Cirillo, Jr. along with Vincent Shuck, Executive Director of the Foundation, and myself.

Lastly, please understand we are just now beginning to contact attorneys and experts to join the Network, and while we fully expect to be successful in putting together an expansive list of member attorneys, this task will take a while. The one thing I can promise you at this time is that Gila, Vincent and I are working diligently to accomplish the goals of the Network and Foundation, and we will continue to do so until we succeed.

Thank you for your questions. I hope this answer is satisfactory.

Sincerely,

Marty Hayes, President

The Armed Citizens' Legal Defense Network

Armed Citizens' Legal Defense Foundation Now A Reality

On March 19, 2008, just a little less than two months after the foundation of the Armed Citizens' Legal Defense Network, LLC, the funding arm of the Network was incorporated as a non-profit foundation, with the Washington Secretary of State, under the name of Armed Citizens' Legal Defense Foundation. The Foundation is under the guidance of J. Vincent Shuck, who serves as its executive director.



*Foundation Executive Director
J. Vincent Shuck*

Though the Network and the Foundation are closely related, as their names would lead you to surmise, each is a distinct business entity, with separate banking and accounting, as well as differences in the leadership structure. The Foundation receives its funding from Network membership, and 20% of your membership dues goes directly into the Foundation bank account. As the Network grows in size and standing, we expect that businesses making their money by serving shooters and self-defense practitioners may choose to show their support through corporate contributions. Businesses can, in that way, contribute to the well-being of the individuals who make up the market through which they earn their livelihood. When it has grown to a reasonable sum, the Foundation's monies will become available to fund legal defenses for Network members who are facing unmeritorious prosecution following a self-defense incident.

Seeing the Armed Citizens' Legal Defense Network, LLC and the Armed Citizens' Legal Defense Foundation become reality is the fulfillment of a vision for Network president Marty Hayes, who conceived the idea of a

membership organization for the support of armed citizens facing legal challenges while he was a law school student several years ago. "Now that the Foundation is formed, our ability to come to the aid of a wrongfully charged armed citizen is only dependent on building up the Foundation's bank account, and we are doing that through aggressively building up Network membership numbers," he enthused. "Current Network members can further contribute to the strength of the Foundation by spreading the word about the Network to their friends, shooters at their gun club, their attorney, and to instructors with whom they train. The more members the Network has, the larger the pool of funds from which we can draw when a member needs help," he concluded.

The President's Message

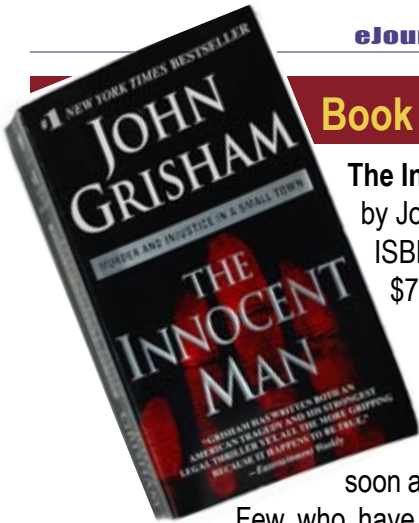
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our culture, and would help out an individual who has just been arrested or who is being detained by the police upon investigation of a homicide. Perhaps this is your local gun club attorney, or the person you shoot with at the local IPSC or IDPA match. Please have them contact me by calling 1-360-978-5200, or send me an e-mail at mhayes@armedcitizensnetwork.org.

Are you an Internet junkie?

Part of the reason I decided to start the Network was the wide range of advice offered about use of deadly force in self-defense that is perpetuated on the different Internet boards and forums. I started Internetting many years ago, but really dropped off the forums when school started taking up most of my free time. Now, school has now been replaced with the Network, but I am not complaining. Problem is, that I don't have that much time to devote to the forums, but I sure could use some help promoting the Network on the Internet. So, if you are one of these people who's spouse constantly reminds you to come to bed instead of forum hopping, please consider putting in a good word about the Network, where appropriate. The Armed Citizens' Legal Defense Network, LLC is not a secret, and the more members we have, the more valuable each membership becomes, because the size of the Legal Defense Fund will grow with each new member.

Okay, that's it for now. See you next month.



Book Review

The Innocent Man

by John Grisham

ISBN 978-0-440-24383-0

\$7.99 Paperback edition

If you enjoy legal thrillers, you probably snap up the next John Grisham novel as soon as it comes out. I sure do.

Few who have read this author would argue that he writes a compelling story. For the thoughtful armed citizen, some of Grisham's stories spur discussion on topics of right and wrong, as in his first book, "A Time to Kill."

When I read the latest Grisham paperback, I was surprised to find a book in the True Crime genre. While it was slower reading than I expect from this author, I completed "The Innocent Man," with a new respect for Grisham as a writer, and a more convinced than ever that the Armed Citizens' Legal Defense Network is a necessity.

The story starts in classic Grisham style. The stage set is the Oklahoma Bible Belt, with its aging oil rigs, small town Main Street, restaurants, bars and lounges, populated by all the denizens of small town Midwestern America. By the tenth page, I felt like I'd been there myself.

On December 7, 1982, a 21-year old cocktail waitress named Debbie Carter was brutally murdered in her Ada, Oklahoma apartment. Local law enforcement, with assistance from the State crime lab, collected hair, blood and other physical evidence, dusted for fingerprints, and photographed the scene. Male associates of the young woman gave hair and saliva samples, with the exception of the man with whom she was last seen speaking.

This fellow made a statement to police, however, which he later amended to claim that he had seen another man, Ron Williamson, bothering Carter the night of the murder. A different informant would expand on the accusation, reporting that Williamson told the snitch he would have to flee Ada the morning the murder was discovered.

Williamson, the title character in Grisham's book, started life as a pampered youngest child, who grew into a talented athlete. As adulthood set in, Williamson hit his own personal glass ceiling, and was reduced to selling men's clothing. When real life didn't measure up to his

dreams, mental health issues began to manifest along with drug and alcohol abuse. In the late '70s, Williamson faced and beat two rape charges, and his mental health declined until one doctor diagnosed schizophrenia. Attempts at treatment usually ended when the patient walked out of treatment within days of admission.

In addition, the author introduces additional characters for which the Southeast Oklahoma legal system was lying in wait. Dennis Fritz, a casual drinking buddy of Williamson's would eventually join him in facing charges for Carter's murder, but not before a variety of botched polygraph tests, statements from jailhouse snitches, and other irregularities put enough power behind the effort to overcome the problem that there was literally no physical evidence linking either man to the murder.

How Much Do We Trust The System?

It is interesting to observe our reactions to police and prosecutorial misconduct. "The Innocent Man" challenges us to ponder unjust interrogations, and outright lies by officers about interviews and polygraph examinations, and a host of violations of individual constitutional rights that Grisham reports. Do we feel outrage for the men swept up because the system needed someone to prosecute, or do we forgive the judicial system's misdeeds by citing an overworked law enforcement and justice system?

Bill Peterson, district prosecutor serving Pontotoc County, is portrayed as "anxious to find a suspect and solve the crime" of Debbie Carter's murder, something we expect of the legal system where we live.

With no physical evidence to tie Williamson to the Carter murder, the prosecutor improvised. The Oklahoma State Bureau of Investigation reported microscopic similarities between hair found at the murder scene and

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Book Review

Continued from previous page

samples submitted by the Williamson and Fritz. A bloody palm print found at the scene could not be matched to either suspect, or to Carter, though Peterson had her body exhumed four and a half years later to take another set of prints in a desperate attempt to explain the evidence.

The OSBI agent who took the original handprints at Carter's autopsy reported that the exhumed corpse's handprints were indeed a match to the bloody print taken from the crime scene. Armed with his new handprint "evidence," Peterson obtained arrest warrants for Williamson and Fritz, charging them with Carter's murder.

Grisham's telling of the preliminary hearings and subsequent trials are a litany of events and legal maneuvers leading to the convictions of both Williamson and Fritz. With Williamson on death row and Fritz serving a life sentence, the appeals process began, though initial appeals failed. In the fall of 1995, a judge reviewing Williamson's case ruled that he deserved a new trial, citing a variety of flaws in his original trial. Fritz did not do so well, his appeals rejected by the circuit court and by the Supreme Court.

After a decade, Williamson was sent back to Ada, OK for retrial but mental illness made retrying him impossible and he was sent to an institution for treatment. Williamson's lawyers continued to work with the evidence to find a way to exonerate him. By then, the man last seen with Carter had been jailed on different charges. When Williamson's lawyers interviewed him, he cockily suggested they obtain his DNA from prison records. Subsequent testing would link the physical evidence from the body and crime scene to this man. Williamson and Fritz were freed after over a decade's incarceration.

Prosecutor Peterson continued to defend his decisions, and Grisham quotes a post-release news report in which the following was attributed to the prosecutor: "Innocent has never crossed my lips in regards to Williamson and Fritz. This doesn't prove their innocence. It just means I can't prosecute them with the evidence I now have." Peterson retired at the end of 2007.

After "The Innocent Man" was published, Peterson and an OSBI investigator brought libel suits against John Grisham and several other authors who wrote about the legal system during this period of Southeast Oklahoma's history. Last fall, Grisham filed for dismissal of charges, but I can find no ruling for or against his motion.

Being exonerated doesn't convince the public, however. When Williamson's family took him to church, the reception was chilly. With no apologies, no reparations, and no counseling, neither Fritz nor Williamson found life easy after their release. Williamson spent his final years in and out of nursing homes, after his mental condition ruled out living independently. At 51, Williamson's liver failed, and he died.

Bringing The Lessons Home

It is far too easy to justify missteps made by our legal system, especially when those harmed are drug dealers or addicts, petty criminals, transients, sex offenders and other types with whom we would rather not share the community. Are we concerned when police interview tactics elicit a questionable confession? Do we subscribe to the "they must be guilty of something," line of thinking, and breath a sigh of relief when a guilty sentence is delivered, even if it is not entirely clear that the State proved its case? When we support injustices against people of whom we disapprove, we are greasing the slippery slope that may someday prove our own downfall.

Toward the end of "The Innocent Man," Grisham wonders when the citizens of Ada, OK are going to become sufficiently incensed to clean up their town. Perhaps he should have simply asked, "Reader, do you care by what means law enforcement and the judicial system enforce the law in your town?" As gun owners, we should be asking ourselves, "Could this kind of thing happen to me?"

If you've not read "The Innocent Man," it is worth your time. No, this is not the usual tactical training manual to which we usually devote our available reading time, and in many ways it is more disturbing and less satisfying. It demands thoughtful consideration of our role in the community, and it cries out for greater citizen involvement and oversight of law enforcement and the courts.

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Editor Gila Hayes

Editor's Notebook

Do you stop from time to time, and break out of the absorption of the activity in which you are involved and ask yourself, "Is this worth it? Why am I doing this?" It's a question that deserves an answer, whether what you are doing is pleasant, bores you, or makes you grind your teeth in frustration.

At the moment, with the clock approaching 10:30 p.m., my own question is, "When I already have a full time job running a training academy, plus a writing career with a book deal in the works, why, then, am I spending evenings and weekends, plus time out of busy workdays, operating a start up business called the Armed Citizens' Legal Defense Network, LLC?"

The answer is quite simple. I cannot imagine living the way I want to live without the ability to possess and carry a gun for self-defense. Like many other gun owners, I support a handful of political lobbying organizations, however, I am not convinced that just political activism is enough. We do our best to elect politicians who endorse, or at least understand the necessity of an armed citizenry, but those efforts are not always 100% effective. An elected prosecutor can turn out to be quite a different person once they have settled into their role. And what to do when no suitable candidates are on the ballot?

Yes, we influence government as best we can, with the help of our excellent gun rights lobbying organizations, doing their laudable work. Still, the "little guy or gal," the individual, sometimes needs a helping hand when their legal problems are just too small to catch the eye of these important gun rights groups. That's where the Armed Citizens' Legal Defense Network, LLC comes in.

Through Network education and support of our armed citizen members, I foresee a long-term effect through which prosecutors and politicians will come to realize that they absolutely must stop and think before bringing criminal charges after a self-defense incident, and plaintiff's attorneys give serious consideration to their chances of prevailing in a civil suit against someone who was forced to defend herself or himself. And if they go after one of our members, they will be in for the surprise of their lives when they find that instead of trying to crush just one individual, they have wakened the ire of an organization flexing the strength of thousands of members.

Are we there yet? No, of course we are not. The

Network is only two months old! Can we get there? Yes, I believe we can.

Is it that strength that appeals to me? I'd be fibbing if I didn't admit to the appeal of empowering the individual against overweening interference from government or the courts. More appealing, however, is the idea that we are doing something substantial to assure that each of us who is legally entitled to own and carry guns can continue to do so to provide for our own defense. In possessing the power to defend ourselves, we experience the freedom to live more and experience more.

For me, that means that as a woman of mature years, I can travel with a reasonable expectation that should I encounter danger along the way, I have a means of countering it. As usual, my 2008 summer plans include several multi-day motorcycle rides. I work like a maniac most of the year, so that each summer can include some long days full of sight seeing, sometimes chasing with my husband's motorcycle, other times riding with a group of close friends, and occasionally just taking the bike out on the road for a bit of solitary time on my own. When the bikes are parked, I need the freedom to walk to a restaurant in a strange town, sometimes after dark, in reasonable degree of safety. And while all steps are taken to avoid roadside breakdowns, should I be stranded, it is comforting to know I am not at the mercy of a predator who may find me there.

Just last week, a gentleman telephoned our firearms training academy, asking how he could carry a gun during a motorcycle ride he was planning from Washington State to Alaska. Unfortunately, his route through Canada eliminates any ability to go armed. Answering his questions illustrated in sharp contrast the freedom to prepare for self-defense we still enjoy in most of the United States of America.

That is just one example of the quality of life and the freedom to enjoy living in this great country our right to self-defense affords. I am sure you can think of the things you love and draw your own parallels. We choose the armed lifestyle because it expands the places we can go and the experiences we can enjoy. We are building the Network, because we are convinced its support of our armed citizen members increases that degree of freedom.

Letters to the Editor

We want to hear from you! Please send your letters with questions and comments to editor@armedcitizensnetwork.com.

Be sure to include your full name, town and state of residence. Though it will not be published, we also require an E-mail address that won't end up in your Spam folder, or a daytime telephone number for verification of your letter prior to publication.

Letters may be edited for brevity or clarity.



Join the Network now, and we'll extend your membership through May 31, 2009

As we develop the many benefits that make the Network such a valuable resource to legally armed Americans, we are well aware that it will take a few months to have in place items like member discounts, the DVDs that will be sent to each new member. In addition, compiling the referral list for attorneys and expert witnesses is a challenging and on-going effort, which is no where near completion, though we will always be adding to that list! Finally, our legal assistance program, the Armed Citizens' Legal Defense Foundation is currently under formation, and is not yet funded, as it draws on membership dues, both individual and corporate.

With all these considerations in mind, the first wave of memberships—whether you join us in February or on the last day of May—will expire on May 31st, 2009, to be sure you receive all the benefits due to you.

APPLICATION FOR INDIVIDUAL MEMBERSHIP

Full Name _____

Mailing Address _____

City _____

State _____ Zip _____

Phone _____ - _____ - _____

E-mail _____

How did you hear about the Network? _____

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License to carry a concealed handgun copy attached

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Please specify: _____

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I, _____
(Clearly print name as it appears on credit card)

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**I agree to pay the amount indicated above.
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Please mail to the Armed Citizens' Legal Defense Network, LLC, P O Box 400, Onalaska, WA 98570 or fax it with your license to carry to 360-978-6102. Call 360-978-6100 if you have questions.