



Defending Against False Accusations

by Gila Hayes

Not long ago, I enjoyed a Sunday afternoon phone visit with Network Affiliated Attorney Penny Dean. It was obvious that just before our call, she had broken away from several phone calls with clients. When chided about working on Sunday, Dean retorts that she neither screens her phone calls nor does she use an answering service. "How do you feel when you call the plumber and your message gets lost? Or you have to deal with a rude person who gets your message wrong?" she asks.



Dean convinced the jury that Dave Bushong (above), maliciously accused of pointing a pistol at another motorist, held only his cell phone during the incident, and indeed, could not have gotten his gun out because it was locked in a malfunctioning GunVault® he could not open without a key which was not in his possession during his contact with his accuser.

Dean started practicing law in October of 1998, when she was admitted to the NH bar, and the following February, she passed the MA and ME bars. She is without doubt the go-to lawyer when a gun owner in her area needs help. She was just three years out of law school, when Dave Bushong called for legal help after he was arrested for assault with a deadly weapon, accused of pointing a gun at another motorist when he had, indeed, done no such thing (see related article in the December edition of this journal for incident details).

The story so compels attention and is so full of practical lessons for gun owners that this month we continue where December's story left off, with Bushong free on bail, and Dean pursuing every detail of the case to disprove lies told by Bushong's accuser, Paul Medeiros.

Compared to other cases,



Dean became involved in Bushong's case relatively early in the process, although he met with police several times between his June 16, 2001 arrest, and June 25th when she filed her appearance as his lawyer. Dean emphasizes that a gap of nine days is minimal compared to other cases. Often she takes over from another or even two other attorneys, "and that makes it hard, because most things [evidence] are gone after 30 days." Before finding Dean, Bushong was trying to secure legal counsel, having spoken with several Massachusetts attorneys, but he told Dean that he was sure she was the first to believe his version of events.

The minute she took Bushong's case, Dean began busily seeking evidence to prove his side of the story. Some might call that leaving no stone unturned, but Dean comments that the detail work is more like looking beneath pebbles. "I joke that I leave no pebble unturned. [At the

Continued on page 2

Links to Contents

President's Message	Page 6
A Defense Attorney Ponders Violent Crime	Page 8
Attorney Question of the Month.....	Page 9
Member's Log In Policy Changed	Page 11
Instructor Question of the Month.....	Page 12
Book Review: Tom Givens' Mindset DVDs.....	Page 14
Editorial: A Hard Way to End the Year	Page 17
Network Membership Application.....	Page 19

Click these links or the "continued on..." links to navigate through the pages of this edition of the eJournal. Remember, most content is reserved for Network members and links to those portions are active only in the members version of the journal.

Continued from page 1

beginning of a case] we can't know what's important."

"I go down many blind alleys, and here is what I have learned: when the freedom of an innocent man is on the line, you cannot ignore anything. Nine out of ten of the alleys are a waste of time and client money, part of the reason for high costs, but you do not know which ones are a waste of time until you go down them."

First Tasks

After taking Bushong's case, Dean's staff immediately initiated a flurry of phone calls, faxes, and letters to the various law enforcement agencies involved, to secure the recordings of the 9-1-1 calls made by both Bushong and his accuser, because Dean knows how quickly and easily they can become unavailable. Even then, gaps in the soundtrack of the 9-1-1 recording made Dean wonder if it had been altered before she got a copy, though nothing could be proven. On the recordings one hears a serious but collected Bushong reporting the events leading up to the confrontation. Perhaps more importantly, the call made by Paul Medeiros does not sound like someone frightened by a man with a gun, though he tells dispatch his 6-year old son is also in the truck, circumstances that would terrify most people.

Medeiros' 9-1-1 call contained other lies, and playing the recordings at trial helped show the jury who was truthful and who was not. Listening to the recording, the jury heard Medeiros say, "He's got NRA stickers all over his car," but Dean showed photos of only one small, round NRA sticker on the white Honda Civic her client drove. "I said, 'He's lying. He's exaggerating. He's pissed off and he wants to get Dave Bushong in trouble,'" Dean relates.

In addition to using the recordings, Dean provided the jury with transcriptions a certified court reporter made of recordings. "You have it in written dialog you can give to the jury, so it goes into deliberations," she explains. As a regular procedure, she also has any recordings—video or audio—expertly tracked, and the written transcriptions, which are numbered line by line, can be matched to the tracks on the recordings. Thus, in court, she can play the words as often as needed to emphasize the point—using the man's own voice.

This kind of evidence proved critical to Bushong's acquittal, because the State sheltered Medeiros from deposition prior to his testimony in court since he was seen as the victim of the alleged crime, and in this case as in so many others, a judge refused to allow Dean to depose the accuser.

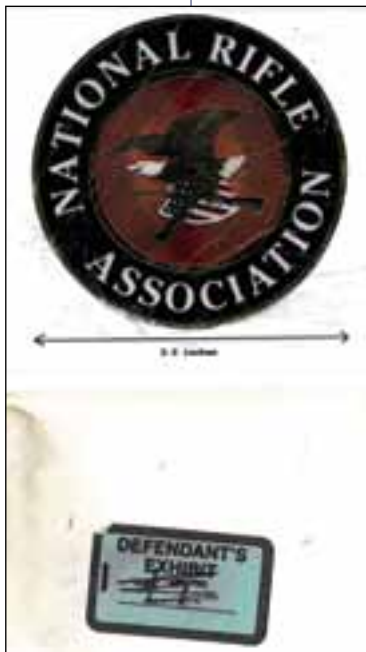
Of course, Medeiros' lies were the foundation of the case against Bushong. In addition to empirical evidence, the defense needed to know more about Bushong's accuser. Contacted by Dean's private investigator, Medeiros stated he would lie to support his accusations. Dean has since implemented a protocol of never sending a private investigator out alone; she sends two. The duplication acts as insurance against one PI becoming unavailable or proving unreliable, as well as providing witnesses to evidence gathered during their independent investigation. "If we're going to get into a 'swearing contest' [in court], I want to have two 'swearers,'" Dean quips.

Spotlighting Lies; Proving Truth

Debunking accusations that Bushong had a gun in his hand in the mall parking lot on June 16th was job one. Challenges with the security video, were among the Dean's initial tasks, and she canvassed other stores in the mall, as well, looking for additional videos, though, in this case none were found. Having obtained a copy of the Sears security video, Dean took fanatical care not to damage or destroy the recording, which can happen by trying to play it with the wrong software. Extremely concerned that some misfortune might befall that videotape, she purchased a 2,000-pound Fort Knox safe, which though it still occasionally secures critical evidence, is mostly now filled with her guns, she chuckles.

Unfortunately, despite the valiant attempts to clarify the images on the Sears security tape, that goal ultimately proved hopeless (see first installment of this series). Oddly, the assistant district attorney (ADA), Tom DiGangi, did play it in court. It contained four minutes actually involving Bushong and Medeiros, but "you can barely see there are humans on there," Dean comments. Because the ADA relied on the video for so much of his case against Bushong, the effort Dean

Continued on page 3



Evidence from Bushong's trial, this small NRA sticker from his Honda Civic, combined with photographs of the car, proved how his accuser lied in his 9-1-1 call about "gun stickers all over the car."

Continued from page 2

put into making sense of it was mandatory.

"It would be reckless to ignore it," she stresses, though she also calls that work, "One of the really expensive dark alleys we went down."

With the validity of Medeiros' accusations hinging on whether or not Bushong had a gun in his hand, Dean faced huge challenges in showing that the electrical malfunction in Bushong's Gun Vault® prevented his access to the Glock 27 secured in it that day. She originally wanted to ship the Gun Vault® to the designer of the first generation lock box's defective electrical harness, but was hindered by innumerable challenges from the prosecution. Stymied by that and continued efforts to keep her from examining the box, Dean eventually accompanied electrical experts to the police department and observed their tests. During that examination, a 24-year veteran of the department told her that never in his career had he seen an attorney and expert come to look at the evidence. "That's unacceptable," Dean exclaims.

Still, inhibiting access to evidence is the "#1 thing police and prosecutors put in the way of defense," she explains, noting that she warns clients that 90% of the case's resources will go for discovery (obtaining access to documents and other relevant information from the other party). Despite the law's assurances of fair access to evidence, Dean points out that "there is the law and there is reality."

With so much riding on whether Bushong had access to his gun when he was in the mall parking lot, it was nearly catastrophic when during trial Dean's electronics expert performed poorly on the witness stand, despite his impeccable credentials and work with her before testifying. Dean, of course, was fully conversant with all of the details of the Gun Vault®, including explanations from the manufacturer that they had changed the wiring to prevent just the kind of problem Bushong's first generation device exhibited. As the attorney, however, she must extract those facts from her expert witness, who had, on the witness stand, suddenly turned uncommunicative. Treading a fine



Explanations about known malfunctions in the first generation GunVault®'s wiring were important in Dean's efforts to prove that Bushong could not have accessed his Glock pistol in the Pheasant Lane Mall on the day of the incident.

line, she posed question after question like, "Do you recall..." or "Can you explain it to me this way," but the ADA lodged frequent protests that counsel was testifying. "So we just kept going and going and going," Dean recalls, reliving that awful segment of the trial.

The jury's response to this, and other aspects of the trial proved unpredictable, however.

The Jury

Dean worried that jurors drawn from the mill town in which Lowell District Court is located might be subtly prejudiced against her client. Frankly, Bushong could not expect to have a jury of his peers. In a community with a high cost of living where people are lucky to make \$15 per hour, Dean wondered how a vice president of a huge, multi-national corporation could be judged justly. To her relief, the ADA didn't attempt to incite class envy, and the jury seemed respectful when Bushong gave his testimony, paying close attention to his words.

At the same time, Dean was gravely concerned that the jury would discount the testimony of Dave Hickmott, the only witness to the Bushong-Medeiros confrontation, because of his close associations with Dave Bushong and his wife. He lived with them in their home, and was employed by Bushong's company. She comments, "I actually considered not putting the guy on the stand, but I had to because he was there [at the mall parking lot]."

To her relief, the jury found Hickmott extremely believable, and she remembers that the jury responded to him very favorably. "If he said it was so, it was so!" she characterizes. Hickmott's testimony was a critical turning point,

Continued on page 4

Paid advertisement

Midwest Training Group

Ask us about a 10% tuition discount for Network members!

1457 - 17th Ave., Camanche, IA 52730
563-259-2123 - <http://www.midwesttraininggroup.net/>

Continued from page 3

Dean relates, adding, "You don't know what is going to hit a juror. Different things resonate with different jurors."

When all the evidence had been presented and all the testimony heard, the jury deliberated for a very long time, Dean relates. She was concerned about and disliked one juror, who was seated on the jury after Dean used all her peremptory challenges (by which an attorney can keep a member of the jury pool off the jury without offering any specific reason). Dean later learned from spontaneous comments that woman made from the jury box that the juror about whom she felt such apprehension turned out to be their biggest advocate during deliberations.

Trial Strategies

After a spirited interview with Dean, I might be tempted to stereotype her as an abrasive lawyer like those portrayed on TV, but she quickly crushes that idea, commenting, "People expect trial lawyers to be real hard driving, but I don't do that. I play this dumb blond and ask them real nice questions, because you don't have to be hard hitting. You can do a good job by being nice."

This, of course, she must balance against her determination to get her client's evidence into the trial. In Bushong's case, with the accuser already on the record saying he would lie about seeing a gun in Bushong's hand, Dean had to go to great lengths to get Medeiros' statement into court and she did succeed. "Let the other side object and I'll take the mea culpa," she states.

During trial, the attorney's behavior is under constant scrutiny, Dean points out. The jury "thinks the judge is God," she explains, and if the attorney's fervent efforts earn too many reprimands that may turn the jury against the client. In Bushong's case, the judge himself was cause for some of Dean's concern when he tried to impose unrealistically tight time constraints. "The first day of trial the judge actually announced to us, 'I'm leaving on vacation, and this trial will be done.' And I started objecting then, and said, 'Judge, this trial is going to take as long as it is going to take!'" she remembers.

During the trial, Dean faced several severe setbacks. On the first day of the trial, the judge ruled that Massad Ayoob was not qualified as an expert in the matters for which Dean had brought him onto the team. "Here is what

happened," she recollects. "I'd done all my disclosures, so I knew Thomas DeGangi had not done his homework on Ayoob because he did not object. But right before trial, he must have found out who Ayoob was and must have thought, 'This isn't going to happen to me!' So he said Ayoob's expertise wasn't relevant."

Dean faced a crisis when the judge sided with the ADA. "I had planned on being fairly well rested; had planned to go home and get a good night's sleep after jury selection that day. Well, when they argued Ayoob couldn't testify, I had to stay up all night writing a memo of law." Despite that effort, the judge stood his ground. Ayoob would not testify.

"I was terrified, but I had to make a tactical decision at that point. Should we walk out and immediately ask for an interlocutory appeal [a provisional action by a court when a question of law must be determined by an appellate court before a trial can go forward], or do I go forward hoping I have an appealable issue? I told Dave, as briefly as I could, what our options are and to his credit he said, 'Do whatever you think is best, I'm OK with it.' And I said, 'Do you understand if we walk out we both likely are going to be arrested for contempt?' And he said, 'I want you to do what you think is best.'"

Dean's experience both as a trial attorney as well as knowledge gained arguing appeals served her well. She decided to go forward with the trial. Looking back, she describes Bushong as the model client, one who trusted her judgment and gave her free rein to conduct the trial as she believed necessary – from jury selection all the way to the end. His biggest errors occurred before Dean was on the job when he signed the consent to search his car, and later his continued interaction with the police when he returned with the Gun Vault® key and conversed with officers.

Continued on page 5

Paid Advertisements



Continued from page 4

In Retrospect

For an outsider, not living through the experience, it may be tempting to pump a fist in the air a chortle, "Bravo! The good guys won." And, indeed, in the end, Bushong escaped punishment for the offenses of which he was falsely accused. We must not forget, however, that Bushong lived for 15 months under indictment for a felony, his future uncertain. It is not unusual, Dean explains, for cases like this to take over two years to resolve; Bushong's was adjudicated with considerable dispatch.

Bushong was fortunate that he retained his gun rights during the ordeal, though for the first six months the ADA pursued the charge of carrying a gun without a license despite irrefutable evidence to the contrary. The proof was hard to ignore since his MA, NH and AZ carry licenses were part of the inventory of belongings taken from him when he was in police custody. The issue was originally raised at Bushong's bail hearing when the judge chided the ADA after she confessed that she "hadn't really read the case," though she requested high bail instead of the personal recognizance the judge granted. Why did the prosecution continue to pursue the obviously false charge? "There are two reasons in my opinion," Dean responds. "Pure harassment to increase your legal fees and to scare you."

These variations are unpredictable, and in another case the defendant might have forfeited his gun rights completely, and faced a high bail. Had Bushong's defense proven unsuccessful, Dean believes he would probably have been imprisoned for five years, because the courts deal harshly with unsuccessful defendants who refuse to plea bargain. "The mere fact that you went to trial pisses them off," she explains, adding that the ADA then requests the maximum sentence.

For the defendant, pressures from police and prosecution are overwhelming. A lot of defendants, especially those of limited financial resources and education, are utterly terrified by the process, Dean points out. "Think what it does to them," she urges. Even though some clients are "uneducated and unmonied, they are not stupid," she exclaims. "It becomes very clear what the cops want them to say, and all they can think is, 'If I say what they want, they will let me go.'" Often, there is no way for the attorney to mitigate evidence collected when a client caves in and

consents to a warrantless search.

Realistically, poorer citizens cannot afford the level of legal advocacy Dean applied to Bushong's case. Her exacting investigation and extensive pre-trial work, as only partially detailed in this article, cannot be completed without expense.

Though attorneys try to suppress evidence gathered in instances like that of the Gun Vault®, Dean emphasizes that motions to suppress are so infrequently successful that they are rarely worth the expense involved in preparing a good motion. Once the evidence is discovered, it must be dealt with. "You can't un-ring a bell," she emphasizes. Instead, in Bushong's case, she worked unrelentingly to convince the jury that Bushong could not have accessed the Glock 27 in the Gun Vault® in the mall parking lot, that Medeiros' complaint was a lie, and that Bushong did not commit the crime of which he was accused.

Would things have been any different had the Glock 27 not been in Bushong's car at all? Dean does not think the eventual discovery of the gun had any influence on the decision to prosecute. "They were going to go after him anyway," she says. What if Bushong had remembered that the Glock was in the lock box at the very beginning? "I don't believe it would have made any difference," Dean concludes.

We deeply appreciate all the time and energy Attorney Penny Dean and Mr. Dave Bushong put into the research and preparation of this two-part series and their generous help with our on-going our effort of educating Network members about various aspects of interacting with police, the prosecution and the court system.

Ms. Dean's website is www.pennydean.com and her contact information is also listed in the attorney's section of the members-only portion of the Network website at www.armedcitizensnetwork.org.

Paid Advertisement

Foothills Firearms Training Center

**Because your life may depend on it,
get trained by the best!**

**10% discount on CWP classes
for Network members**

P. O. Box 34, Liberty, SC 29657
(864) 630-1883 www.cwpclass.com

President's Message



Marty Hayes

State of the Network

This message will be a discussion of how we are doing as a fledgling organization, how we can improve our performance, and our plans for the future.

First, what is the state of the Network? In a word, you could say Network leadership—

Gila Hayes, Vincent Shuck and myself—are “pleased” with our progress and our position in the grand scheme of things.

Two short years ago, we took a risk and put forward an idea, and you, our 1,500 members, responded. What a thrill it was to see the first few membership applications start coming into the mailbox and to watch the increase of applications over the months that followed. Then, we started getting some nationwide press in several of the gun magazines, thanks to our friends and contacts in the industry. Now, we are sustaining a membership of 1,500 for the past several months, and that without any specific promotion.

Speaking of promotion, we are going to ramp up that activity, because we've grown financially to the extent that we can buy more advertising. Hopefully, this new promotion will bring an increase in membership commensurate with the expense of the advertising. If so, we can then expect new membership purchases to help fund more advertising in many other venues. Watch for our ads!

The most satisfying aspect of our growth, though, is building up the legal defense fund, which now exceeds \$30,000.00. This means we have some serious money with which to hire legal help for any of our members who might find themselves in court after defending themselves. In addition to the legal defense fund, which will simply keep growing until needed, we also have a team of experts, instructors and attorneys who can help any of our members if they are involved in a self-defense incident.

Of course, our ultimate goal for members of the Armed Citizens' Legal Defense Network is that the members join and after joining, learn the legalities of armed self defense

to the extent that if they are forced to use deadly force in self defense, they are not prosecuted. To this end we have now produced four DVDs, and currently are working on the fifth. We produce these DVDs to educate our members, and to provide the means with which to document that education so if they need to rely upon previous knowledge to make a claim of justifiable homicide, the training and documentation is easily at hand.

Please understand, these DVDs are NOT intended to entertain, and thus we have not spent the money to make them hi-tech, glitzy or otherwise wildly enthralling. But, we hope they are valuable to you. We receive requests from some of our Network-affiliated instructors to play the DVDs in classes, which is great because it exposes many new people to the Network. We do not intend to keep what is contained on the DVDs hidden, but want the information shared far and wide. All we ask is that an instructor playing a Network DVD in a class receive our written permission first, and that can be accomplished via e-mail.

In my opinion, our biggest accomplishment so far has been building up membership numbers, which in turn has funded the Armed Citizens' Legal Defense Foundation. Of course, we have had some disappointments along the way. Our biggest setback, and I am sure many will agree with me here, is our inability to fully establish our Network Affiliated Attorney list. It has proven to be the single most frustrating aspect of building this organization. I had expected that we would receive assistance from our membership, and while we have had several members locate attorneys for the Network, we could certainly use more

Continued on page 7

Paid Advertisement

The Professionals Choice

GUN FOR HIRE

10% off class tuition for Network members

75 Rutgers St., 2nd Floor, Belleville, NJ 07109
201-919-0414 • www.gunforhire.com

Continued from page 6

help. We have members in every state of the union, and we should have attorneys there, but the affiliated attorney list only covers half of the states.

When we get each state covered, we then need to start concentrating on each populated area of each state, and then when we have that accomplished, we start concentrating on getting a Network Affiliated Attorney in each county in each state. That is my ultimate goal, folks. I know it is discouraging when you have asked for names of attorneys in your area, and are met with a blank stare. If you are upset that we haven't gotten there yet, I understand. I also ask for your indulgence. I have kept every referral you have sent me, and will be working diligently on trying to track the attorneys down and get them on board. But please also understand that for every three referrals, only one lawyer seems to be signing on. I don't know why that is, but we will be attempting to remedy that in the next year.

Our Goals For The Future

First, let's go over our short-term goals. We plan to double Network membership. That will be done two ways: The first way, and the easiest way, would be for each member to recruit another member in the coming year. How tough could that be, folks? Surely you know someone who would benefit from the information on the DVDs, and who also understands the likelihood of legal issues surfacing after a self-defense shooting. If everyone inspired one more person to join the Network, membership would double, and the legal defense fund would double, too.

Several members have taken on the role of Network ambassador, promoting the Network to gun clubs and gun shops during their travels. That is working well, and word is getting out that way, too. We will be pushing forward with a program through which a gun shop can formally affiliate with the Network, providing links to our website and receiving links to their store on ours. This is a program on which Vincent is starting work, and he will be developing it over the coming year.

I am working with Massad Ayoob and Network Attorney Jim Fleming to develop a CLE (continuing legal education) training component to the Network. CLE is training geared towards attorneys, and must be recognized and certified by their state bar associations. These training sessions will be two days in length, and eventually offered around the

nation. We already have two scheduled in 2010, and those are my next large project. The good news is, through that program, we are likely to reach many more attorneys who will agree to serve as Network Affiliated Attorneys.

I am also forming the structure of a "Boots On the Ground" system of help, where not only will the Network pay a \$5,000 fee deposit to your local attorney on your behalf, but we will also dispatch a Network representative to interact with your attorney, family and possibly you while you are being held pending formal charges. This system will insure that the immediate steps taken by your attorney and you culminate in the best possible outcome to legal entanglements stemming from your incident. Look for a formal announcement of this plan some time this summer.

Long Range Planning

The above are all short-term goals to be accomplished this year. Long-term goals include the implementation of formal training courses and certification for self-defense legal instructors, through which the local gun club instructor can rely upon the information and certification of the Network to back up his or her instruction on the topic, just as certifying bodies back up the actions of other professionals. This is down the road, so don't start asking about it yet.

Our membership goals for long-term viability of the Network are still set at 10,000 members. I would love to reach that goal within the next three to five years, which would mean an exponential growth of the legal defense fund. Right now, we only have enough in the fund to assist with legal fees, not cover them entirely. I want the ability to write a check for any amount needed to ensure a complete legal defense for any of our members. We will only reach that goal through substantial membership growth, and that remains our top priority.

Paid Advertisement

The Jacobe Group LLC

Firearms and Self-Defense Training for Civilian and Law Enforcement

10%
off tuition for Network members

Authorized Dillon Dealer
(503) 362-0584 - www.jimjacobe.com
PO Box 13458, Salem, OR 97309-1458

A Defense Attorney Ponders Violent Crime

by James Fleming, Network Affiliated Attorney

I deal with meth addicts on a daily basis as part of my job as a criminal defense attorney. They are uniformly wretched creatures, in ill health, emaciated, and caught in the iron grip of a chemical addiction so intense that it becomes the entire focus of their lives from minute to minute. These are the ones who cut down telephone poles to get the copper wire so they can sell it at a reclamation shop to get money to buy meth; the ones who wait outside Wal-Mart to punch elderly women in the face so they can steal their purses to get money to buy meth; the ones who will rob a convenience store with nothing but a knife if they can't find a gun, to get money to buy meth. They steal from parents, siblings, friends, and strangers. They will confront you and attempt to rob you on the street, day or night: it makes no difference. Right, wrong, morals or danger of punishment are all foreign, abstract concepts to them. They simply are incapable of giving a damn about you at all. And they are very, very dangerous.

The most tragic of these cases in which I have been involved concerned a former honor student and star athlete who robbed a convenience store at knife point and was apprehended walking down the street with the Bowie knife in one hand and a paper bag with cash in the other, looking to hook up and buy meth. After months of rehab, and emotionally and physically agonizing withdrawal during which he tried to kill himself three times, he told me this: "A meth addict in need of a fix is the most dangerous creature on the planet. He does not care about you, he does not care if he lives or dies, or you live or die, as long as he can get the drug that he thinks will keep him feeling 'good.' If he sees you as an opportunity to obtain cash, he will rob you. You cannot reason with him; you cannot talk to him; you cannot change his mind. If he thinks that you are resisting him, he will try to kill you. It's just that simple."

Have I made my point clearly enough?

Now consider the recent St. Paul, Minnesota news article at this link <http://tinyurl.com/yekrgsx>

The Federal Bureau of Investigation keeps all kinds of statistics on crime. One of these is that the average armed conflict lasts seven seconds. Start to finish: seven sec-

onds. Time it on your watch. Nationally, the average police response time to a 911 emergency call is five minutes. The police try very hard, but they cannot be everywhere and it takes them time to get from where they are, to where you are, no matter how much they would like to have it be different. I know this is true; I used to be one of them.

Home intrusion incidents are on the rise around the country. It is a simple fact; you can set your web browser (as I have) to capture news stories about them. If you do, you will see that what I am saying is simply the truth.

So, the question is, for each of us, "Okay, what am I prepared to do in the face of this, to protect myself and my family from such incidents?"

One way is to scoff at the idea and say, "Things like that don't happen here!" Of course, the answer to that is, that it is simply not true, they happen everywhere, but if you simply must live in a fantasy world because it makes you feel better, then by all means, play the odds game. You might win. You might not. I hope you do, but I cannot recommend it.

Another way is to learn the ways you can make yourself and your home a much less tempting target. No, it does not involve guns; it involves common sense. There are classes being taught all over the country on the issues. I also know this is true. I am part of a nationwide base of teachers who provide such instruction on a regular basis.

You can arm yourself and take the time to learn how to respond to an armed threat in a responsible and legal manner. It means spending time and money to equip yourself with the proper firearm(s), learning how and when to use them, spending time on the firing range, practicing the techniques that you have been trained in. And it means that you must determine, on an individual basis, if you are willing to use deadly force to protect your own life, or the lives of others around you, including your own family.

Not everyone is willing. There are good and well-meaning citizens who are willing to die, or allow family members to die or suffer grievous injuries to avoid harming another human being, even if that human being is attacking them with murderous intent. Frankly, I do not understand it, but it is not for me to judge.

Continued on page 16



Affiliated Attorney Question of the Month

The attorney question of the month generated so many great responses in December's edition of the journal that we continued our affiliated attorneys' answers the following question in this edition:

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

Elizabeth Powell

Attorney at Law

535 Dock Street, Suite 108, Tacoma, WA 98402
(253) 274-1518

I think the entire process feels like a nightmare for a defendant. They will often ask if I can "just make it stop" and I explain that this is similar, in some horrible way, to childbirth; it started months (or years) before and will not end until it is over. What they have to do is breathe and let the process happen.

I don't want them too comfortable—the defendant who has been through this process over and over has a certain air of knowing what comes next that doesn't present well. What I want my client to do is to listen to me carefully, and focus on being ready to answer the questions they are asked and promise me that they will not volunteer information. I also want to go over whether there is a good reason to not put them on the stand—or whether I think they can present themselves well enough to engage the court and the jury successfully. I will prepare them for what approach I believe the other side may take so they are not blindsided. I want my clients to be as prepared as they can be without crossing the line into glibness.

I always want to have time to fully understand exactly what happened so that I can express their side of the facts and the applicable law. The time spent before trial is even on the horizon helps me understand how clients process information and express themselves, which enables me to prepare to present their case.

I oftentimes suggest that clients go to court and observe the proceedings in some other matter just so they have a sense of what happens. Most court proceedings are public. Anyone can go watch. That is generally a way to address my client's concerns about their case.

Mitchell Lake, Esq.

Carswell Law Office, LLC

924 Noble Avenue, Bridgeport, CT 06608
203-336-1111 – espada129@aol.com

I rarely have innocent clients; however, when I do, they almost always are shocked at how the prosecutor acts toward them. They invariably think of themselves as "good people," and it's almost mind blowing to them when they are treated as just another file to the prosecution - or worse, when the prosecutor genuinely believes they are a threat to the community and the prosecutor takes a personal interest in the case.

To prepare them, I make sure that they are well informed about the progress of the case, that I am accessible for questions, that they have family support (keeping the family as informed as possible), and realistic expectations of the outcome of the case. I also try to keep the defendant and their family (if supportive) as involved as possible in getting me documents or witnesses. People who feel like they are "doing something" fare better than those who feel, "I'm sitting here just waiting for my lawyer to do something..."

Fortunately, innocent people usually have no criminal record, so in many cases pretrial diversionary programs are available to them. These programs, if the judge grants them, allow people to avoid a case progressing forward toward any formal disposition (going to trial or a plea) if they can avoid any further incidents for the next six months to two years, after which time the case is dismissed.

Continued on page 10

Paid Advertisement



Personal Defense Training
Atlanta, Georgia

IS PLEASED TO OFFER NETWORK MEMBERS A
10% discount for all courses
EXCLUDING GUEST INSTRUCTION

877-442-8006 toll free
David Blinder www.personaldefensetraining.com

Continued from page 9

Terry L. Lloyd

King & Lloyd, P.A.
249 Culver Street, Lawrenceville, GA 30045
770-962-0118

<http://kinglloydfirm.com/> - terrylloyd@bellsouth.net

No matter how innocent a client may be, there is still a great deal of discomfort in the fact that your fate rests in the hands of twelve folks you don't know. We all want to be in control, but in court, the client has no control. Watching the picking of the jury is agonizing for the client and taking the witness stand can bring an unprepared client to his knees.

That is why the choice of whom you pick to handle your case is so important. If you make the right selection, your case will be meticulously prepared, which means that you will be ready to face the prosecutor, the judge and be in the best position to sway the jury in your favor. The greatest surprises come from a lack of preparation and surprises in court are a very bad thing.

Thomas Cena, Jr.

Attorney at Law
2115 N. 30th St., Ste. 201, Tacoma, WA 98403
253-572-5120 - tomc5@nventure.com

In criminal cases in Superior, District and municipal courts in Washington, the first observation any client is likely to have is that of a crowded courtroom, a lengthy docket and little time to devote to each case to be heard. The client may have the unpleasant feeling of being viewed as a "case" rather than an individual. She may feel like just another "matter" to be processed on that morning's or afternoon's docket.

The innocent client may see bargaining discussions between the parties, with the court's full approval, that hold the defendant responsible or guilty in some way, even if the finding of responsibility may be to a charge of a lesser degree than the one originally charged. These observations may cause the client to worry that she may be caught up in the "assembly line" justice process and will be persuaded or even pressured to compromise in ways that she sees as damaging, unjust, and a compromise to her rights and even her freedom.

This client's attorney can remind her that she, the client, is the person who is entitled to make the decision about how to face the charge. The lawyer can reassure

the client that he knows that she is innocent. He can also explain and assure her that, despite the apparently impersonal nature of court proceedings, the system is also capable of fully hearing and deciding the case on its merits, accommodating all of the information, evidence and argument which an innocent client wishes to introduce. It is only necessary that lawyer and client work as partners to make this happen. The lawyer can recognize that the client is without fault and the legal matter can be addressed from that point of view. The client can be made aware that she will be defended, with no compromise made without her complete understanding and full agreement.

Debbe J. von Blumenstein

Attorney at Law
154 SW Oak Street, Dallas, OR 97338
503-831-1550 - hotpotato59@hotmail.com

I think the biggest surprise is that being innocent does not protect them from being arrested and then prosecuted. Then the surprise is that although they are probably going through one of the most emotional times of their life, the law can be rather impersonal. Their attorney is understanding, but also must put on their "legal technician" hat and approach matters with detachment, except the evidence. They are also surprised that police reports have errors, omissions or misquotes and how one set of events or facts can be shown and argued in exactly opposite ways.


The best prep for my clients is to let me play devil's advocate and hit them with the tough questions to see if they can withstand cross-examination. I also try to fill them in on all the personalities of opposing counsel and the judge.

Listen to your attorney and focus on the task of trial, not on bemoaning the injustice of it all, "Why? Why? Why is this happening to me!" Then the hard part for most clients is to put the emotions aside.

Continued on page 11

Paid Advertisement

**NETWORK MEMBERS RECEIVE
A 10% DISCOUNT
ON TUITION WHEN
TRAINING WITH
LOUIS AWERBUCK!**



**CLASSES RUN BY YFA FOR
OTHER BUSINESSES EXCLUDED**

**P.O. BOX 27290, PRESCOTT VALLEY, AZ 86312
(928) 772-8262 - WWW.YFAINC.COM**

Continued from page 12

Mike Brenner

Paladin Law Offices

10700 Frankstown Rd., Ste. 305, Pittsburgh, PA 15235
412-244-0826 – www.lawyers.com/PaladinLawOffices

An innocent client is most surprised with and suffers the most discomfort during hearings before a magistrate or judge. First, a client is surprised and upset because they discover, somewhat indignantly, that they are not completely believed and the hearing is a test of credibility. Second, it is difficult for clients to absorb the reality that judges may not fully understand every facet of the law or case or that judges may believe some other version of the facts. By the same token, clients can be stunned, annoyed and angry about hearing decisions rendered by judges and magistrates when those clients don't perceive their articulated truths aren't fully or adequately considered in the judicial result.

Preparing a client for a hearing or trial event depends on many constantly evolving factors. How I do it depends on the judge (his character, temperament, history and demeanor), opposing counsel (her intelligence, zealotry, energy and experience) and the jury (their ages, capacities, attention spans and interest). And, I tell the client to "stay awake, 'cause it may all change tomorrow!"

As a general rule, I tell clients to tell the truth. A witness or deponent can be caught in a lie, but seldom is anyone caught in the truth. I counsel, "Answer 'yes,' 'no,' 'I don't know,' or the right answer to any questions put to you by a judge, opposing counsel or in some instances, the jury. Don't be ashamed to say, "I don't know," if you don't have a perfect, complete, personal knowledge of your answer. "I don't know," is a truthful answer. Guessing impinges adversely on credibility. Don't volunteer more answer than the question asks.

Finally, I tend to paint a "worst-case scenario" for any client before a hearing and set reasonable expectations for results. Lawyers tend to be a cautious bunch anyway and if the hearing comports with lower expectations, it highlights the fact that I've prepared my client in a practical and realistic way. If a hearing turns out better than expected, nobody remembers the doom and gloom beforehand. Sometimes if you know the judge, counsel and the jury even the worst result can be a favorable result for the client. And that kind of experience and knowledge is really why the client hires a lawyer in the first place, isn't it?

We appreciate the contributions our affiliated attorneys make to the Network, including their interesting responses to questions posed in this column. These writers and our other Network affiliated attorneys are listed at www.armedcitizensnetwork.org in the Affiliated Attorney's section of the Members section.

Member's Log In Policy Changed

In response to Network members' concern about privacy on the members-only forum, your Network leadership recently agreed to remove the requirement that user names be comprised of the member's full name. We have for some months sought the middle ground between requiring real names and worrying that compromising on that rule would result in the nastiness so common on gun forums where people post in complete anonymity.

The balance or compromise we've come up with is this: If you prefer to change your user name for website log in and forum posting, all we'll ask is that your new user name include your membership number. For example, if your member number is 1889, you could use MN1889, 1889Revolverman, or any other respectable pseudonym that includes the number 1889. Please don't add any other numbers to your user name, as they will only confuse the procedure.

For now, as we implement this change, we will with-

hold user name modifications as an Administrative level permission, which means that if you want to make a user name change, you will need to drop us an email at ghayes@armedcitizensnetwork.org with your current log in information plus the new user name you prefer. In the future, we expect to grow beyond this level of control, but for now, preventing public registration is a tool by which we can prevent all the sex site bots from registering. While it is impossible for non-Network members to read or post on our forum, just registering displays the name used in their attempt in the "Newest Member" line of the forum, which alarms members unnecessarily.

Website development continues to be an ongoing challenge! We appreciate the patience of members who joined during our first two years of operation, and hope that using web-based services is now easier. We continue to work hard to tailor Network services to truly meet your needs, and hope this change proves helpful.

Affiliated Instructor Question of the Month

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

If you were only allowed to own one gun, and that gun had to take care of all your needs for the foreseeable future, what would that gun be, and why?

We think you will enjoy reading the varied responses the instructor affiliates gave, though everyone fervently hopes that the question is theoretical and we never really have to make these kinds of choices! As has become common for this column, we received too many answers to run in just this edition of the journal, so be sure to check back next month for the rest of the answers.

Tom Givens

Rangemaster

2611 S. Mendenhall Rd., Memphis, TN
(901) 370-5600 - www.Rangemaster.com

If I could only have one firearm, it would be a Glock 35. I know that choice will raise some eyebrows, but I believe I can make a pretty strong case for this. Here are the things I can do with this one choice:

1. General Defensive Carry—the G35 is my EDC side-arm now, and it is not at all difficult to conceal in a well-designed IWB holster.
2. Home Defense—the same pistol works fine for a house gun. Sixteen round capacity means that even if I am just able to grab the gun, without other equipment, I'll probably have enough ammo in it to solve the problem. My wife often carries a G19, so she is familiar with the manual of arms for the G35.
3. Hunting—With full jacketed ammo, the .40 works fine on small game without destroying meat. With 180 grain HST or Ranger ammo, it will take bigger game cleanly at moderate range. I have killed several deer and wild hogs with this combination. So, in a SHTF scenario, my EDC gun can also supply food for the family.
4. Common Ammunition—The .40 S&W is the single

most common pistol round in American law enforcement. The city police and the sheriff's office here use the .40, and all sporting goods stores stock it, so re-supply is not a problem.

5. Maintenance—Glocks are simple and robust, and a non-gunsmith can replace parts, if needed.

I don't intend to have only one gun, but I can certainly make it work.

James Yeager

Tactical Response

P. O. Box 385, Camden, TN 38320 1-877-7LETHAL
www.tacticalresponse.com – info@tacticalresponse.com

All guns should be Glocks.

All Glocks should be 9mm.

All Glock 9mms should be Model 19s.

I have chosen the Glock for all of the reasons it has been heralded for over 20 years. It is simple, rugged, accurate and reliable.

It is no secret to any of my thousands of students I am a fan of the Glock 19. Why the 19 instead of the 26 or 17? My thought is that the 19 is big enough to fight with and small enough to carry. I do carry a 26 as a back-up though and I do recommend the 17 for my students that are taller than 6'4".

Are there other good guns? Certainly! If I couldn't carry a Glock I would carry a Smith and Wesson M&P but for the foreseeable future the Glocks' simplicity to operate under stress and renowned reliability make it my choice. I have an audio blog at www.YeagersCorner.com where I address this and many other related issues.

Continued on page 13

Paid Advertisement



**Network Members Receive a
10% Discount On Our Classes**
(Excluding Guest Instructor or NRA First Steps Class)

P. O. Box 117, Bonner Springs, KS 66012
913-667-3044 - www.targetmasteracademy.com

Continued from page 12

Larry R. Smith

Foothills Firearms Training Center
P. O. Box 34, Liberty, SC 29657
(864) 630-1883 www.cwpclass.com

If I could only have one gun to meet my needs I'm sure it would be a Model 66, Smith & Wesson. The sharp, clear, adjustable sight would give me the accuracy I would need for self-defense and hunting out to about 75 yards. The .357 cartridge would give me the power needed for self-defense and taking medium sized game. It would allow me to change to 38 Special loads for taking small game and plinking. Please don't tell my wife, I have told her that I really need all those others.

John D Farquhar

Mad Duck Training
PO Box 119 West Elkton OH 45070
937-787-4414 – res13b54v@verizon.net

If I could only have one? tough question, since type was not specified, I think I would go with an 18-20 inch barrel 12 gauge pump action shotgun. Likely a plain jane Remington 870, With a variety of loads I could use it for defensive purposes, and gather game if need be.

If the question was meant as one handgun it would be a four inch 357 Mag for the same reasons stated above.

Clay Whitehead

Firearms Academy of Seattle, Inc.
P. O. Box 400, Onalaska, WA 98570
360-978-6100 – www.firearmsacademy.com

If I were only allowed to have one firearm, the choice would be a 4" revolver in .357 Magnum. The first preference would be a S&W model 19 or 66 with the L frames as the second choice. If those were not available, the Ruger Security 6 would be third.

The 4" .357 is the best compromise for a defensive firearm and one that is able to take small and medium game. It is controllable for most people in all the available factory loadings. The .357 revolver has the advantage of being able to use the .38 Special loads for practice and small game while using full power magnum loadings for effective defense and medium game up to deer-sized animals. A variety of ammunition can be carried in several speedloaders.

A practiced shot should be able to make effective hits

at 25 yards without much trouble and, with continued practice 50 yard hits on game or assailants are likely. The adjustable sights would be necessary due to the variety of ammunition that may be used.

A 4" revolver is concealable, with appropriate holster and clothing. Both shoulder and belt holsters are readily available and the average-sized human can conceal it relatively easily, should it be necessary.

There you go! I didn't want to get into comparisons between long guns and handguns. A portable, powerful, yet controllable firearm is what is going to make the "only one gun" cut. A similar case could be made for the 1911 in .45 except for the variety of ammunition that it can digest. All the long guns are too devoted to specialized missions as far as I'm concerned.

Tom Walls

Firearms Academy of Seattle, Inc.
P O Box 400, Onalaska, WA 98570
360-978-6100 – www.firearmsacademy.com

If I could carry one in an IWB, I'd take a Remington 870. Barring that (and considering I carry a 1911 in .45ACP this may seem strange) I would choose a Glock 19 SF.

I need concealability, long-term reliability, and readily available ammunition. The Glock has fewer bits to break, and is easy to work on. Long-term torture testers have literally run out of ways to abuse it because they're the Everyready bunnies of handguns. 9x19mm ammo is common, and comes in acceptable bullets that can put food on the table, and goblins in the ground.

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

Paid Advertisement



Proven training, tactics and thinking for the real world!
10% off tuition for Network members
 2611 S. Mendenhall Rd., Memphis, TN
 (901) 370-5600 - www.Rangemaster.com

Book Review

Revisiting Cooper's Principles

Lectures by Tom Givens for sale at www.shoparmedcitizensnetwork.org

Principles of Personal Defense, 1 hour

Cooper's Color Codes, 1 hour and 10 minutes

Available in DVD and audio CD formats

Prices: DVDs - \$19.95; audio CDs - \$9.95

Reviewed by Gila Hayes

Tom Givens of Rangemaster, recently shared DVDs of his personal safety and awareness lectures with us, and I liked them so much that they are now for sale through the Network bookstore at www.shoparmedcitizensnetwork.org. Few have completed gun safety training without learning concepts originally compiled by the late Jeff Cooper, but Givens received that instruction from Cooper in person. In his lectures, he reprises several of Cooper's foundational themes – the color codes of awareness and Cooper's seven principles of personal defense. Building on that time-tested foundation, Givens expands the theme to include current scientific findings about how our minds work, up-to-date crime data and sociological studies, all of which affirm that the principles are as applicable today as they were 40 years ago. This he does without diminishing Cooper's work in the least, crediting them with saving his life at times during his law enforcement career.

I'd recommend learners begin with Givens' *Principles of Personal Defense*, either in the DVD lecture or the audio CD. In this lecture, Givens illustrates the need to live alertly, and he does it without nagging or scare tactics. His presentation is matter-of-fact and free of sensationalism that can turn off friends and loved ones who may already resist sharing your defense-ready life style. Instead, Givens explains the mental processes, the "hows" and "whys" of awareness and suggests ways to integrate appropriate levels of alertness into daily living.

He explains how habits of personal safety interrupt the criminal's strategy of surprise attack, citing with his tongue-in-cheek humor reports given by crime victims during his law enforcement career. "He materialized out of nowhere," they would report, which, of course, Givens points out wryly, means the victim had his or her head down, was oblivious to others in their presence, and was selected as an easy target. He outlines simple and fun drills anyone can do most anywhere to foster the habit of noticing who is in



their immediate area and what those people are doing.

Givens does a good job of explaining the process of evaluating potential threats, keeping them under observation or discarding those whose actions fit into the circumstances or can

be explained. People you encounter who are behaving in the suspicious ways Givens outlines, are reason to leave the area, give the questionable person or persons a glance of recognition, and devise a plan of action should they act against you. In this segment, Givens' talent as an instructor really shines, and it is a joy to review these principles under his tutelage, even if only on a recording.

Givens' *Principles of Personal Defense* lecture is a great lead in for his talk on using Cooper's Color Codes to increase personal vigilance. Having listened to his audio CD on *Principles of Personal Defense*, I decided to watch the DVD presentation on Cooper's Color Codes. The presentation is equally effective: a serious lecture given in a classroom setting, but not in any way uninteresting. Givens supports his homily with a well-prepared flip chart that aids note taking, should the viewer choose to document the viewing as training, always a good idea.

Introducing his topic, Givens points out that training and practice hones mental preparedness, just as dry fire, and range work refines draw stroke, reloads, malfunction reduction and other physical skills. He acknowledges that those new to armed self defense are plagued with doubt about their ability to draw and shoot accurately if attacked.

Continued on page 15

Paid Advertisement

Network members receive 10% discount off classes taught by The Firearms Academy of Seattle, Inc.

(Guest instructed courses excluded)

Network members use coupon code **acldn3rdyear to receive discount**

360-978-6100 <http://www.firearmsacademy.com/>

P O Box 400, Onalaska, WA 98570

Continued from page 14

Those concerns are not the most pressing problem, Givens stresses. The problem is acknowledging there is someone about to harm you, and responding to the threat. We need to work on the mental aspects of self defense just as ardently as we train on the physical skills, he teaches.

Givens explains moving into the appropriate level of awareness to match one's circumstances. Civilized, socialized humans are culturally indoctrinated against doing harm to another human being, so we can't go from being a "domesticated chicken" to fighting for our lives in the blink of an eye, he points out, saying, "You can't live at either end of the scale. " At the bottom, with not a clue about what is going on around you, regardless of the type of emergency, you will be completely over whelmed, he explains. On the other hand, you can't live at the top of the scale, either, a state he calls a "corrosive environment that will eat your head up in no time."

Mixing Old and New

Givens' lecture synthesizes the color codes with the popular and oft-taught OODA loop as published by Col. John Boyd. Both systems are valuable to the individual learning to monitor levels of awareness appropriate to life's varying circumstances. Observation, orientation, decision and action are states that will, perhaps, resonate more naturally with viewers than the more abstract color codes. Givens astutely observes that if a criminal has decided to act against us, our response comes too late if we only then begin through the OODA steps. To reduce the lag time, we must eliminate hesitation and confusion he urges. Observation, orientation, and decision are steps easily made in Conditions Yellow and Orange, he correlates.

I appreciate Givens' interpretation of the time-worn color codes of awareness to which he urges that students should not attach too much significance, learning instead to operate in the mental states described. For example, he lectures that 70% of our sensory input is visual, but after we filter out what seems unimportant, the average person is really only aware of about 10%. "We have to change that. We have to learn to pay attention to our environment and see what is going on around us," he recommends.

Givens makes excellent use of mental word pictures, comparing relaxed alertness to a battleship using RADAR, continuously scanning, sending up a fighter jet to check out a blip on the screen, and determining whether the blip

is cause for alarm. With this comparison, he gives viewers a good example of how they are to behave in public. Constantly ask, "Who is around me and what are they doing?" teaches Givens. "If you can answer those, you are in charge of your environment. Then you can control what happens to you. If you cannot, you become a victim," he warns. He goes on to teach the danger of rationalizing if something looks out of place, and his advice is good information to share with folks about whom we care who go around unarmed, and is equally valuable for armed folks.

The lecture describes predatory patterns, non-verbal communication, as well as direct criminal actions. For example, if you detect a "blip" on your radar screen, maybe two young men leaning against the wall outside the grocery store, "Make brief, direct eye contact," Givens teaches. It non-verbally tells them, "I know you're there; I know what you're up to; you don't want me." Don't stare at them, he explains. That's like riling up the monkeys at the zoo by staring them down. Staring creates a hierarchal conflict requiring either a fight or submission, and you don't want to goad them into action, he suggests.

Getting ahead of the predator's actions, pre-made decisions on "what to do if..." and implementing those plans, are described. Givens explains the mental trigger as well as I've ever heard. Under life and death stress, your brain will do the last thing you set up in it, he teaches. With the "If/Then" preset decision already made, all you have to do is act, and Givens stresses that your mind will direct you to do the last thing you decided. If you've not set up a positive response, expect to just stand there and watch what's happening, "and that's enough time to lose the fight, right there," he warns.

Assailants work through a set of predatory subroutines; at the same time we should be going through our own subroutines, Givens suggests. "Your plan can be incredibly simple, what matters is that you HAVE a plan," he stresses. "Predators see your body language [if you] take charge of what's going on and know what to do and are capable of doing it; they'll abort. They are not here for a fight."

Givens estimates that 90% of the predators don't want a victim who is ready for them. What about the other 10%? He also addresses that eventuality with advice and concrete recommendations. It is tempting to transcribe all the valuable information Givens teaches in this segment! Instead, get the DVD or the audio CD and hear it for yourself.

Continued on page 16

Continued from page 15

Mental exercises to tip the odds in your favor include mental imaging, Givens recommends. "This is how you get mentally quick enough to actually do something about this guy and that is how you lower the mental barrier to using violence," he explains. He gives outstanding explanations of overcoming, at the appropriate level, the resistance to harming another person, another segment of the lecture that bears review by even the most experienced self-defense gun owner.

Next column, please

Violent Crime

Continued from page 8

I am not one of these people. The vast majority of my friends are not these kinds of people. That's just the way we are and just the way we see the world. We are not looking for opportunities to be heroes. We have no bloodlust in our hearts. We simply see the world for what it is and govern our actions accordingly. If that somehow makes us "dangerous," or "silly," or "weirdos" in your eyes, then there is nothing left for us to talk about.

No, I cannot guarantee that despite my training, and years of practice and experience, that I will win in such a situation, or that I will even survive. But given the choice between going down fighting and going as a lamb to slaughter or seeing my wife harmed in any way, then I choose to go down fighting, if that is what must be.

Will I shoot an intruder in my home for stealing my TV set? Absolutely not. I have insurance to replace the TV set. But during a break in, in the middle of the night, I do not have the luxury of assuming that the intruder is simply there to take that 54" flat screen plasma HDTV. If I have to give someone the benefit of the doubt, it is going to be me and it is going to be my family.

I do not pretend to have your answer for you. I simply raise the question. You do not get to choose the time and place where violence may be visited upon you. Someone else is going to make that choice for you, and you will receive very little warning if you are, in fact, chosen.

And death is permanent, very permanent.

So, what are you prepared to do? I am only asking so that you will give the question the thought it merits.

Both lectures are very nicely done, and my only wish would be, perhaps, for different titles, and that only because I fear that some of the older hands among us will say, "Ho, hum, I've heard that all before." Trust me, you haven't. Givens packs a lot of useful information into these two lectures. Both are presented with very little fanfare, and at the end of his color codes talk, when he's done, Givens simply and quietly says, "That's it," with no extra padding. He wastes not a minute of your time.

You'll want these lectures, first for your own review, and secondly, to share with friends and family.

Tom Givens' Awareness Lecture Series

now available on either DVD or Audio CD!

Principles of Personal Defense
 DVD format ... \$19⁹⁵
 Audio CD ... \$9⁹⁵

Cooper's Color Codes
 (currently in stock only in audio CD format; check back for DVD)... \$9⁹⁵

Remember, Network members receive 20% off all purchases of books, DVDs and ballistic containment products when buying online at www.shoparmedcitizensnetwork.org

Editor's Notebook



Gila Hayes

A Hard Way to End the Year

Some days it seems there are no silver linings to the thunder clouds above. In Western Washington, where we operate the offices of the Network (as well as our other business), six police officers have been killed in the last two months. And that

only reflects conditions in just the most Northwestern corner of the nation; I'm sure each member could just as easily cite incidents from their own corner of the country.

For the most part, the killers have prior convictions for or are linked to ongoing and escalating destructive and violent behavior. Despite the often foolish-sounding TV interviews given by neighbors and associates when the killer is apprehended, these murderers didn't just walk out of the house with a firearm one day and decide to kill some people. Authorities, neighbors, coworkers and family have deliberately ignored the warning signs, unable to marshal the resources to get the killer supervised or treated.

We are reaping the harvest of indifference, starry-eyed ignorance, fiscal incompetence, and denial on a national scale. Government is pulled in two directions, balancing massive budget cuts owing to a shrinking tax base against the bureaucratic mania to micromanage every aspect of a citizen's existence. The result? Strangling restrictions on the good, sane and law abiding, put in place concurrent to cuts in law enforcement, courts and prisons. As a result hoards of unbalanced and dangerous offenders are paroled, released, go unapprehended and are generally overlooked, left free to wreak their havoc.

Individually, how can we respond? If you do not now carry a gun for self protection regularly and habitually, it is hard to imagine a more convincing time to change that behavior. If you carry a gun, but feel comfortable and complacent in your usual haunts, it is hard to think of circumstances more urgent to encourage you to get your head up, eyes scanning, looking for strangers and unaccountable behavior in your daily environment. If you're not sure what the danger may look like, it is hard to think of a more pressing argument for attending an advanced defense training course that outlines and practices defenses

against surprise attacks and other kinds of violence. Renew your reading list to include books on domestic terrorism, workplace violence, urban crime and awareness.

Media comentators may use terms like "weather the storm," and "get through the hard times," but I don't think this is going to be a small blip in the crime statistics. Money remains tight, with any fragile recovery only the result of more manipulation, not any concrete steps to change how the nation spends. No one is addressing criminal recidivism, because if we admit that most of these monsters don't change their ways in the long term, we'd have to find ways to keep them locked up and that costs money. In short, self-defense training, equipment provisions, and developing a real-world mindset is an investment in living out the rest of our lives as peaceably and safely as this world will allow.

Dark thoughts as we exit 2009 and head into 2010? Perhaps. But I'll guarantee that at least for "me and my house," as Joshua put it in the Old Testament, we're not much interested in being the victims of an ever-increasing wave of violence. If change begins at the individual level, let the change be an individual preparation to confront violence with whatever means necessary to assure that in

Continued on page 18



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

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

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

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

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

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

Continued from page 17

the end, the decent, contributing members of society survive and the predators learn that there exists a scattering of law-abiding citizens who, if pushed too far, are just as capable of violence as the criminal.

News Flash

While completing this column, Fed Ex knocked at the door and I took delivery of three large boxes of DVDs. I'm very excited about these new additions to our inventory for several reasons. The topic is *Legal Defense Considerations*, delivered by our own Network President Marty Hayes and *Personal Firearm Defense* host Rob Pincus. The DVD is the result of a recording Hayes and Pincus made last spring, and it is exciting to see the end result. These DVDs are part of an educational program, in which DVDs are mailed to a number of NRA members who have the option to buy them if they wish.

Because of the huge distribution list for the *Personal Firearm Defense* series, this DVD puts information about the Network in the hands of thousands of armed citizens. We're already beginning to receive membership requests from those viewers, and we deeply appreciate this new outreach tool. Watch next month's journal for a review of the program on this DVD.

Concealed Means Concealed

We followed with interest the case of Christopher Raissi, the man observed putting on his gun and holster at his car before boarding the Atlanta, GA MARTA train system. After he was detained and his gun seized, Raissi and GeorgiaCarry.org filed a civil rights lawsuit, which was lost when a judge ruled that the detention was legal.

Several months before the incident, Georgia's General Assembly passed a bill exempting concealed carry licensees from the prohibition against carrying firearms on public transportation, as well as in a variety of other places. That change was met, of course, with outrage by anti-gunners. It is entirely possible that Raissi's harassment stems from a frustrated desire to keep legally armed citizens off MARTA trains, the new law notwithstanding. Without the law behind them, detaining Raissi ostensibly to check his background was the only readily apparent means to keep an armed man off the train.

The lesson? While it's legal, we are best off to still keep our concealed carry activities private. We win these battles by lobbying our elected officials, not by rubbing it in the faces of the bureaucrats! Concealed means concealed.

Bits And Pieces

More news about guns and trains: first, word came down that with the measure's inclusion in the year-end spending bill, the effort to allow guns in checked baggage on Amtrak trains inches forward. I have to admit the whole thing worries me, because it merely extends the nervous worry about goods stolen from luggage during air travel to the train station. Besides, it leaves many other questions unanswered, including how Amtrak will secure the boarding area and the passenger compartments on the trains. Will they somehow implement a security agency ala TSA for train travel, and if so, will they attempt the complete disarmament of riders to include knives and other defense tools? My fertile imagination paints a daunting picture, one with which I'd rather not contend.

We remain vitally interested in ongoing court cases about gun rights including the Supreme Court case of *McDonald v. City of Chicago*. Since we've already discussed it here and it has been covered in detail in many other pro-gun publications, we won't reprise the details, but rather point interested readers toward a fascinating commentary found, interestingly enough, in the Washington Times. Go to <http://tinyurl.com/yjvqtvv> if you're interested in learning how this case has expanded beyond a gun rights issue.

The [Second Amendment Foundation](http://SecondAmendmentFoundation.org) and Alan Gura have another interesting case underway, this time pursuing standing for the *Hodgkins v. Holder* which on the surface challenges restrictions on gun purchases faced by Americans living abroad who are stymied by the requirement to provide a state of residence on the Form 4473. On the surface, it sounds like a fairly narrow effort, but some have proposed that a victory for Hodgkins might relieve the restriction under which we all currently chafe that prohibits sales of handguns to folks who are not residents of the state in which the sale takes place. It will be interesting to see how far SAF and Attorney Gura can push this issue.

New Year's Resolutions

Do you have a few good resolutions you want to work on as we embark on 2010? Personally, for the past two years I've worked at a maniacal pace, so for the coming year, I resolve to work *smarter*. We've already taken steps in that direction, moving membership fulfillment work off my desk earlier this month. I further resolve to keep after the IT guy to complete the final modules for the new website so we can integrate online shopping and improve site registration and log in. Best wishes for a Happy New Year!

Armed Citizens' LEGAL DEFENSE NETWORK, LLC



How to join

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

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

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

APPLICATION FOR INDIVIDUAL MEMBERSHIP

Full Name _____

Mailing Address _____

City _____

State _____ Zip _____

Phone _____ - _____ - _____

Email _____

How did you hear about the Network? _____

APPLICANT'S STATEMENT:

With my signature, I hereby attest that under the laws of the United States of America, I am not legally prohibited from possessing firearms, that I am 18 years of age or older, and that I legally reside in the United States. I understand that any grant of benefits is limited to lawful acts of self defense with no additional criminal charges (unlawful possession of concealed handgun, for example) associated with the incident.

Applicant's Signature

Please Print Name

(1) Additional Household Member Applicant's Signature

Please Print Name

(2) Additional Household Member Applicant's Signature

Please Print Name

----- MEMBERSHIP FEES -----

\$85.00 Individual Membership

\$225.00 3-Year Individual Membership

\$50 Each Additional Household Resident per year

Name(s) _____

Charge my card Check enclosed

CREDIT CARD CHARGE AUTHORIZATION

I, _____ hereby
(Clearly print name as it appears on credit card)
authorize Armed Citizens' Legal Defense Network, LLC to
charge \$ _____
on my VISA or MasterCard (circle one)

_____/_____/_____
Account Number

Expiration Date ____/____/____

CVV Code ____ 3 digits on back of card

Full billing address for credit card account:

(Street Address or Box Number)

(City)

(State and Zip Code)

(Signature authorizing charge)

Please mail to the Armed Citizens' Legal Defense Network, LLC,
P O Box 400, Onalaska, WA 98570 or fax to 360-978-6102.