



Training Priorities

An Interview with Tom Givens

by Gila Hayes

I doubt that armed citizens have ever before enjoyed such a smorgasbord of firearms training options! If you doubt it, just do a Google search for key words including "firearms training," "gun training," "self-defense gun class" or any combination of related phrases and count the links the search produces! With such a variety of training options so readily available, how is the armed citizen to select those that will provide the best results? We asked Network Advisory Board member and firearms trainer Tom Givens how to prioritize our training and as always occurs in a discussion with Givens, the conversation provided action-oriented advice that will help members wanting to improve their defense skills.

eJournal: How do you teach skills for armed self defense?

Givens: I believe the first thing that must be done is to tailor the training to the student group. I do not teach the same program for law enforcement, military or civilian students, as their circumstances, equipment, mission and rules of engagement are so vastly different. With that in mind, the rest of this discussion will center on training private citizens.

In physical or mechanical skills, we generally emphasize a few common skills that are likely to be needed in just about any confrontation with an armed criminal:

1. Safe, efficient, fast presentation from the holster. In an armed confrontation, one MAY have to shoot, fix a malfunction, or reload, but you darn sure WILL need to produce your sidearm quickly, safely and efficiently! Private citizens have to be careful about brandishing or displaying a handgun without good cause, so the gun will probably start in the holster when the flag flies. The faster one can present his handgun, the more time he has left to make decisions or to fire accurately.
2. Solid hits with the first shot and with all successive shots. In the urban environment most of us live in

there are no misses, only unintended hits. You will be held accountable for every round you fire, regardless of your intentions or the circumstances. The only good backstop on the street is your attacker.

Those two things are by far the most important, and we put a lot of effort into them. In addition, we feel the student should be familiar with these items:

1. The ability to shoot with both hands, or with one (either) hand. Given the choice, we will ALWAYS use both hands, to enhance control and retention of the pistol as well as to enhance accuracy and recoil control. The student must be familiar and comfortable, however, with shooting with only one hand, including the support or non-dominant hand.
2. Reloading the handgun quickly and efficiently. We teach the Speed Reload and the Emergency Reload (also called the Voluntary and Involuntary, Proactive and Reactive, and In-Battery and Out of Battery reloads). We do not waste time learning complicated "Tactical Reloads."
3. Fixing common malfunctions. The student should be able to quickly remedy the common malfunctions, like a Failure to Fire, a Failure to Eject (stovepipe) or a Failure to Extract (double feed).
4. Shooting in reduced light. Although most pistol fights occur during "the hours of darkness," they do not occur in the dark. In urban areas, real darkness is rare. What we commonly encounter is "low light" or "reduced light." Students should be exposed to firing under these conditions.

Those are the primary physical skills. In higher level classes, we get into shooting from retention, firing at longer ranges, shooting from odd or compromised positions, and stress management, but the student should have a very solid foundation in the listed skills before these things are attempted.

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On the mental side, as you know, we start very early on and place a great emphasis on the development of the proper defensive mindset. The best equipment and a high skill level won't do a lot of good unless one is aware they have a problem (criminal attack) and are willing to deal with it.

We educate the students on the actual threat level, which is higher than most people realize, and have them understand that personal security is their own responsibility. Police in this country are only allowed to arrest people for what they have done, not what they may do. Thus, the police will not be involved until after the incident. During the incident, you're on your own.

eJournal: How much of your preparation focuses on shooting skill versus mental preparation?

Givens: That varies according to class type. In our eight hour Tennessee handgun permit course, for instance, one full hour is devoted strictly to developing awareness and cultivating a defensive mindset. In higher level classes, mental preparation is developed through the use of appropriate anecdotes during range training, the use of graphic targets with realistic images of armed human beings as attackers, with man vs. man competition, as well as video clips and discussion of real shooting incidents. The goal is to produce a skilled, confident and self-assured shooter, who is aware of his environment, and is committed to taking action in defense of self or loved ones.

eJournal: In light of that, how can students better prepare to recognize and react to danger?

Givens: First, stop projecting your decent, civilized, normal values and judgments onto other people whom you do not know. Recognize that there are feral humans, who prey upon others. If it looks like a thug, dresses like a thug, walks like a thug, and acts like a thug, consider that it just might BE a thug, and start formulating a plan. That plan may involve avoidance or escape, or if that is not feasible, a more aggressive response, but any of those options will be a lot easier to pull off if you are already thinking about it when a thug begins an assault.

The most important thing is to put your damn cell phone away and stop texting in public. Get your head up, open your eyes and move them around! After being in law enforcement for only a very short time, I lost count of the

victims who told me, "Jeez, it all happened so fast! He materialized out of nowhere! I never saw him."

eJournal: Back to shooting skills: Do you teach specific shooting skills for specific situations?

Givens: We try to keep things as simple as possible. If we can prune the decision-making tree down to as few branches as possible, we have a better chance of making a valid decision in the time frame available in a violent incident.

A few examples:

At two arm's lengths or less, shoot from retention. For ALL other distances, get the gun to eye level and visually index it, in two hands if possible, in one if necessary. Simple!

If a flashlight is needed, we generally use the Neck Index Technique or some variation.

Timing is critical. If we are presented with a smaller or more distant target, we must learn to slow down and refine the sight alignment and trigger control (mostly trigger!).

Rather than try to come up with specific shooting solutions for specific problems, we try to deeply ingrain the notion that only hits count, but faster hits count more. Our shooting drills are designed to reinforce this at every turn.

eJournal: If a student receives 16 hours of training in which a dozen different techniques are presented, how can he keep that skill available for emergency use?

Givens: That will be difficult, unless the student is willing to do the work after class. Notice that I only listed half a dozen core skills earlier in this discussion. I think those are about all we can reasonably expect a student who is not a recreational shooter to absorb and retain.

A small bit of dry practice, especially on the presentation from a concealed holster, once or twice a week will go a long way toward retaining these skills. In addition to the dry work, a monthly range session of 30-50 rounds would keep the skills fresh and sharp. I would much rather a student fire 30 rounds each month, than 500 rounds twice a year.

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Frequent small practice sessions mean it has never been too long since your last practice. Recent practice means the neural pathways from brain to fingers have been refreshed recently, and are more likely to fire reflexively when needed.

eJournal: What, in your opinion, is the biggest impediment the average armed citizen has to overcome in preparation for using a firearm in self defense?

Givens: Perhaps the largest obstacle is the lifetime of cultural indoctrination to be a good victim. The nanny state constantly admonishes people, "don't resist," "don't carry weapons here or there," "just call 911, someone else will come fix it," etc. Then, add the fear of lawsuits and frivolous prosecution, and we have people who are reluctant to act to even save their own lives.

Maybe the first step is to get a little righteous indignation going within yourself. The goons have no right to rob, rape, cripple or murder you. No, really, they don't. On the other hand, YOU have the right to live free from being robbed, raped, crippled or murdered. But, who has to enforce your rights? You do.

An experienced psychologist who deals with police officers and others took some classes with us. During a break, he told me that he had figured out why our students have been so successful in defending themselves. He said, "You give them permission to defend themselves." Of course, what he meant was we counteract that cultural indoctrination to be a victim, and develop within our students not just a willingness, but a commitment to defend themselves and their loved ones against unlawful predatory aggression. That is far more important than make of gun, brand of ammunition, and so forth.

At this writing, we have had 63 Rangemaster students who have found themselves in violent confrontations with dangerous criminals. Those are the ones I know of, there are probably a few more. The record is 61 wins, zero losses, and two forfeits. The two forfeits did not

wear a gun on the day they needed it and died as a result. Both were killed in separate street robberies.

All 61 who were armed on the Big Day won their fights. This brings us to the final obstacle, understanding and accepting that to have the gun when you need it, you will need to routinely carry it, all the time. The two students who died made a decision not to carry on the fateful day, and both died as a direct result of that decision. The 61 who successfully defended themselves did not get up that day and say, "I better wear my gun today, because today is the day I will need it." What they said was, "I better wear my gun today, because I might need it." As a result, they are all alive. This is a big leap for an awful lot of people, but one simply does not get to make an appointment for an emergency. Be aware, be alert, be armed, be safe.

eJournal: Those are words to live by, Tom. I thank you from the bottom of my heart for spending this time with us and helping us better understand the relationship between our training and practice and genuinely being ready to act in self defense. We appreciate your role as a member of the Network Advisory Board, and all that you do to help armed citizens be better prepared.

Resources

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

Gun Modifications, Light Triggers and Reloaded Ammunition

by Marty Hayes, J.D.

Gun enthusiasts often challenge authoritative advice to avoid radically modifying their self-defense gun, reducing trigger pull weight or carrying it with hand-loaded ammunition for self defense. As gun lovers, as well as self-defense practitioners, many who argue these points find it difficult to separate the features of a gun that is fun to shoot from one that is difficult if not impossible to defend in court.

The Big Picture

If you are involved in a self-defense shooting, your gun will be seized as evidence early in the criminal investigation. Responding and investigating officers do not know what occurred, and until they thoroughly investigate the incident they will not know that you fired in self defense. In a perfect world, all the evidence relating to the shooting is collected for later scrutiny, evaluation, testing, argument and use in court. Your gun will be a major piece of evidence at trial. Before trial, it will be checked for fingerprints, photographed, tested for DNA evidence, and possibly fired during gunshot residue and stippling testing. It will be inspected by firearms experts from the state crime lab, to make sure that the gun functions, that all the safeties work, and the trigger pull weight tested to see if it meets factory specifications. Any anomalies, some caused by modifications, will be noted in the crime lab report. If we were writing a movie script, the gun would have its own role, and if the movie was good enough, the gun itself might win a "best supporting actor" award.

The ammunition fired will play a supporting role, too, but since the average person does not understand the field of ballistics as well as they do guns, the ammunition used is often, although not always, glossed over. I do remember testifying in a case in which the ammunition played a huge role in the trial, when my testimony explained the nuances of .38 Special v. .357 Magnum, hollow point v. round nose and wad cutter bullet design. Ammunition also plays a major role if the distance between the muzzle and the wound is an issue, as it often is. When distances are contested, both the prosecution and the defense will likely conduct gunshot residue and stippling testing, trying to determine how far the muzzle was from the inflicted wound. This was

recently illustrated in the George Zimmerman prosecution.

Pre-trial legal procedures play a big role leading up to trial or dismissal of charges. Whether or not you are prosecuted for murder or manslaughter or whether your shooting is deemed justifiable by reason of self defense, can hinge on the prosecution's opinion of whether or not firearms or ammunition issues could lead a jury to convict or acquit. I would like to think that most prosecuting attorneys do in fact want to see justice served, and if a person is innocent of a crime, they should choose not to prosecute. The sad reality, though, is that many people are prosecuted despite overwhelming evidence of justifiability, as was George Zimmerman.

Many prosecutors have a good understanding of issues relating to self defense. In deciding to pursue a case, they must weigh whether or not they can argue convincingly that you were somehow negligent or reckless based on the type of gun you used or what you had done to your gun prior to the shooting. The prosecutor knows the jury pool and knows if a jury can be swayed by their spurious arguments and accusations of negligence, recklessness or just plain maliciousness.

The Jury Weighs the Evidence

Your guilt or innocence will be determined in court by the evidence presented, which is weighed by the experiences, knowledge and education of the members of the jury. Do not expect jurors to possess the same level of knowledge as you do about self defense. If you live in a gun-friendly community, the jury should include gun owners, as well as non-gun owners. Your jury will usually contain a mix of people who have all been "trained" by TV and the movies, who are likely not NRA members, and who may or may not already have a bias against guns and armed self defense. Because the prosecution and defense have pre-emptory challenges during jury selection, at least you should not have rabid anti-gunners on your jury, nor will you have people who have used a gun in self defense or are admittedly pro-gun. You are not guaranteed a jury of your peers, just a jury of fellow citizens.

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These jurors have to judge both the prosecution's accusations and the defense's explanations about modifications, light triggers and reloaded ammunition used during a self-defense shooting in order to reach a verdict of guilty or not guilty. Let us next study those issues in detail.

Gun Modifications

When a forensic firearms examiner for the state examines a gun used in a shooting, any external modifications made to the gun are listed on the crime lab report given to the prosecutor. If the prosecutor believes that any of these modifications may paint you, the defendant, in a bad light, these findings will be heralded in court. The prosecutor asks the forensic firearms examiner to explain during testimony what they found when they examined the gun, and then asks the examiner to compare your gun to an unaltered, factory stock gun. If you installed different sights, an extended magazine release, an extended slide lock/release, or cut the frame down so you could conceal the gun easier, that will be discussed.

The prosecutor will then ask the purpose of these modifications. If your defense attorney is savvy, he or she will object at this point, because your purpose is outside the knowledge of that witness. Only the defendant can testify why he or she made those modifications. An argument will ensue between attorneys with the judge as referee. If the judge is sympathetic to the prosecution (most are, being former prosecutors themselves), the objection will be overruled and the examiner allowed to opine why those modifications may have been made. The questions might go something like this:

Q: Why do people put different sights on guns?

A: To make it easier to kill people.

Q: Why do people put extended magazine releases on guns?

A: Because on some guns, the factory magazine release is too small to make it easy to quickly reload the gun and continue firing.

Q: Why might a person put an extended slide release on a gun?

A: For the same purpose of an extended magazine release. If the person just got done shooting all the bullets in the magazine and he wanted to quickly get the gun reloaded to continue killing, an extended slide release will save them a whole second as opposed to racking the slide manually. A good shooter can shoot 4 or 5 more bullets in that extra second.

Now, put yourself in the place of a 65-year-old grandmother serving on a jury. She has never shot a gun in her life and sympathizes with the "gun victim" mantra as reported by the anti-gun media and perhaps she even voted for our anti-gun president and vice-president. Do you think this line of questioning might create in her mind a negative opinion about you, the defendant?

Many readers are retorting, "But, Marty, those things are easily explained!" I agree, but must now ask, "Who is going to explain them?" Are you a firearms expert who is accustomed to testifying in court? Do you know how to educate your defense team so they can effectively cross-examine the prosecution's witness? Probably not. The good news is that if you are a member of the Armed Citizens' Legal Defense Network, Inc. we can provide those experts to help, but even for our Network members, the best for which we can hope is to neutralize the state's argument, but the prosecution's smears upon your character will linger in jurors' minds.

Up to now, we've discussed modifications to gun function only not appearance or style. Adorning your firearms with cutesy little illustrations can only work against you. The only visual modification I support would be to hard chrome or apply another tougher finish than the rust-prone blued finish your gun may have come with. A carry gun should be all business, not an art project.

What's the bottom line on gun modifications? Make them sparingly and for a specific purpose that is easily explainable. Other modifications pose such problems as to seriously jeopardize your plea of self defense.

Reduced Weight Trigger Pull

Modifications to trigger pull weight on your defensive firearm deserves detailed discussion. Earlier in the month I received the following e-mail from a Network member, Charles in South Carolina, asking—

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"I've read all the advice against making any modifications to triggers on self-defense weapons but it seems to caution against making the trigger lighter. Does this include 'combat action trigger' or duty/carry modifications performed by the manufacturer? The trigger pull on a striker fired weapon remains at 4.5 pounds but the reset and slack are significantly reduced to improve accuracy (reduce user induced deviation in sight alignment through less trigger movement)."

I don't believe modifying the trigger without reducing the trigger pull weight will create an issue, because firearms examiners will likely just measure the trigger pull weight, not the quality of the trigger. If it is lighter than factory standard, an issue may arise.

I recently spoke by phone with another Network member, Scott in Nevada, who took exception to my recommendation that a defensive firearm's trigger pull weight be at least 5 pounds. He owns a Wilson Combat 1911 with a 3-pound trigger. He is committed to carrying that firearm on a daily basis, and trains a lot with it. After a phone conversation, he e-mailed:

"Marty's (and the entire industry's) standard is rapidly moving towards being archaic, or 'old-school.' Before too long, inevitably, ACLDN will be called by one of its members with that dreaded phone call for help, and your team will be faced with what will on the surface, appear to be an issue, or what you might consider, a problem...that being, your customer just might be a guy like myself.

"So please, consider my words carefully. Please do some research into this and I'm certain you will find that I speak the truth. Times are changing. I think the courts are way behind the curve here and that mentality would do well to reconsider. Thank you for taking time to chat with me earlier today. I enjoyed every minute of it."

I want to respond with facts: The weight of the trigger pull will be established by the state's firearms examiner and included in his or her report. If the trigger pull weight is appreciably less than standard, as would be true in Scott's case but not Charles', the prosecutor can choose to make an issue of it just as they can with the other modifications discussed earlier. Any of these issues can feed accusations of recklessness or negligence.

Assuming that the defendant can testify that he purposely aimed the gun at the deceased and purposely pulled the trigger, the weight of the trigger should not

matter without a claim of negligence, accident or inadvertent discharge of the firearm. In the real world, though, the prosecution can argue that it was negligent for you to have such a light trigger in your self-defense gun. The prosecution can forward the theory that you negligently discharged the weapon into the body of the deceased without cause to do so, and because of your negligence, you are criminally liable for his death. If the jury buys this argument, you go to prison for manslaughter.

The very same argument would then be used in a civil suit against you for negligence. The level of proof to win a negligence suit is merely a preponderance of the evidence. This single detail, two pounds difference in trigger pull weight in your self-defense firearm can tip the scales of justice ever so slightly against you. You lose the civil suit, despite the testimony of expensive expert witnesses, despite your claims of innocence. And dear Network members, even though we help you fight that unmeritorious lawsuit, we cannot help you pay the damages. That is on your shoulders alone.

When Scott and I were discussing trigger pull weight, I asked him a simple question. "Will Bill Wilson come to court and tell the jury, on your behalf, why it is acceptable to put a 3-pound trigger in a defensive handgun?" If I carried this gun, I would want to know the answer. I thought that it was prudent to find out what custom 1911 makers believe is a responsible trigger pull weight, so I checked out some websites and called other gun smithing businesses that didn't list trigger pull weight specifications on their websites. Wilson Combat pistols come with a 3.5 to 3.75 pound trigger pull. When I phoned Wilson Combat, I learned they would increase trigger pull weight if the customer stipulated, in other words, you can order a Wilson Combat gun with a 5-pound trigger pull.

Others sellers of custom 1911s specified—

- Heirloom Precision, 4 pounds
- Les Baer, 4 pounds
- Nighthawk Custom, 3.75 pounds, but they will customize pull weight upwards if requested
- Kimber, 4 pounds
- Smith & Wesson 4 pounds
- Springfield Armory 4 pounds
- Para Ordnance, 4 pounds

These are the specifications of either custom gunsmiths, or the custom shops at the larger gun manufacturers.

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When I called to ask Colt about the topic, they refused to tell me over the phone.

Wondering what is the norm for a non-custom, stock 1911 trigger pull, I weighed some single-action semi-automatic pistol trigger pulls from my family collection. Here are the results:

- Para Ordnance, 5.25 pounds
- Springfield Armory EMP, 6.5 pounds
- Detonics Combat Master, 6 pounds
- Colt Defender, 5.25 pounds

While, my survey of gunsmiths showed that a 4-pound trigger is the norm for a custom 1911, the stock guns will likely average over 5 pounds. This is important, because if a prosecutor argues this issue to a jury, he or she is trying to portray you as behaving recklessly or below normal standards of care. You want the jury to see you as normal, like one of them.

Expert Opinions

One of the best things about being part of the Armed Citizens' Legal Defense Network is the ability to tap into the collective knowledge of its members, some of whom have worked for decades providing expert witness testimony on exactly these questions. Wanting this article to reach far beyond my own opinion as just one expert witness, I posted the question to several members of our advisory board.

Their thoughts on the topic follow.

JOHN FARNAM

At a 3-gun program here in Colorado earlier this week, a female student was with us, sporting an expensive, custom 5-inch 1911 from a well-known manufacturer, for whom I have a great deal of respect. However, the trigger, crisp and breaking-glass-like as it was, was far too light for a serious, carry pistol. It broke at 3 pounds, and I indicated to her that it was too light for a defensive pistol, in my opinion. She graciously accepted my comments, but she clearly loved her beautiful pistol!

She loved it a little less after a high-stress exercise in which she was required to transition from her rifle (which had just run out of ammunition), to her pistol, and engage a close threat. She smoothly made the transition, drew her pistol, and fired 3 rounds at the immediate threat.

The first 2 were carefully aimed and struck the target in the center, as planned and intended. The third shot was an AD (accidental discharge). The pistol was in full recoil from the second shot and it discharged while still angled upward. It startled her. The round struck the top of the berm, a good distance over the target. She recovered nicely and finished the drill. She transitioned back to her rifle, reloaded it, and then immediately used it to engage several more targets.

Afterward, I asked her about the AD. She was trying to catch the link after the second shot, and it just caught her by surprise. No harm done, but here is the point:

The industry standard for pull-weight on triggers of production pistols is currently 6 to 7 pounds. I think that is about right. I'm sure it's too heavy in the minds of some, too light for others. While I think 12-pound triggers exhibited by the NY2 Glock Trigger Modification are needlessly heavy. I'm not comfortable with triggers any lighter than 6 pounds, owing to the foregoing.

I consider myself a reasonably competent operator, and I carry routinely. All my carry pistols comply with the foregoing industry standard. 3-pound, or lighter, triggers have no place in my life!

The term, "hair trigger," has an inherently malignant and unsafe ring to it, particularly among the ignorant. It is predictable that a prosecutor or plaintiff's attorney will use that term, ad nauseam, when doing his best to establish your "reckless disregard" for the safety of others, when he is able to show that your firearm has a significantly lighter trigger than it did when it emerged from the factory, a modification for which you arranged, not the manufacturer.

In addition, during a real fight, the fine motor coordination necessary to realize what scant speed/accuracy advantage of which a light trigger may be capable, will likely all be a moot point anyway!

My conclusion is that over-tuning of serious guns is folly, dangerous folly! When an out-of-the-box pistol has a trigger that is too heavy for your taste, the best strategy is to look at something else, rather than tinker with what the factory produced.

These comments on the subject were sent to me from a colleague:

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"I put an aftermarket, 3.5 pound connector on my Glock, and really liked it. Then one day, shooting in cold weather, with gloves, I realized I could hardly feel the trigger. I have since come to my senses, put the original connector back in, and re-learned to use it properly."

My friend and colleague, Pat Sweeney, puts it best, as he usually does!

"In writing 'The 1911: the First Hundred Years' I had a chance to handle some very early 1911s, pre WWI! They are startling, in that they all have (at least by some standards) 'heavy' triggers, 6 to 7 pounds, but crisp and clean. You press the trigger to take up the slack. The trigger stops. Keep pressing, and 6 to 7 pounds later, the hammer falls. You can put a lot of bad guys in the ground, with a trigger like that!"

You bet you can, and all with no ADs, even when in a cold, muddy ditch, at night, in the rain, with bullets whizzing by your ears. That's what pistols are for!

MASSAD AYOOB

While more training helps with lighter pulls, it also makes lighter pulls less meaningful to performance, and I don't see training making any difference on this particular issue in court.

Pull weight goes gun by gun, and seems to come down to manufacturer spec, common custom and practice, or both. If Walther puts a 4.5 [pound trigger] into their new striker-fired pistol and calls it good, the user will be more protected than if he put a factory-forbidden 4.5 in his Glock, and the same 4.5 pound pull is well within spec by any standard for the 1911. Go figure.

EMANUAL KAPELSOHN

I have worked in many cases, both civil and criminal, in which trigger pull weight has been an issue, including at least two cases in which the opposition sought to argue that a handgun had a "hair trigger," a sensational term lacking any technical definition. I've also worked in a good number of cases in which the phenomenon of involuntary muscular contraction as a possible cause of unintentional discharge has been an issue, and I have written several articles and taught widely on that topic for over 20 years. I'm currently working on a police shooting case where the deceased had an AR-15 with a 2.5 pound trigger pull that seems to be the result of

home gun smithing, to the point where the rifle is unsafe to use for that and several other reasons. A lot will be made of that at trial.

Yes, I do believe the advisable weight of pull can reasonably vary depending on the type of action and the safety mechanisms employed. In addition, the length of trigger pull ("trigger travel") is a factor that must be considered along with the weight of pull. In general, I would not recommend a 1911-type ("single action") pistol have a pull much below 4 pounds. The user must absolutely be trained to keep the safety engaged, just as he keeps his finger outside the trigger guard in register position, until he is on target and intends to fire. This is, in my teaching, the same with any single-action firearm, including an AR-15, Remington 870, or whatever.

In striker-fired pistols, the Glock with its "standard" (90-degree or so-called "5 pound") connector and coil trigger spring is fine, generally producing a trigger pull of about 6 to 7.5 pounds. The other Glock trigger pull options (combinations of connector angles and types/weights of trigger springs) that produce trigger pulls in the range of about 5.5 to 8.5 pounds are, in my opinion, also fine.

Keep in mind that I train lots of law enforcement and security officers and agencies as well as private individuals, and trigger pulls that the sunny day competition shooter might find to be outrageously heavy are, in my view, just fine for a defensive handgun. If we "get real" about the nature of defensive handgun engagements, including the typically close ranges, large targets, dim light, movement, and astronomical stress levels involved, one can see that a slightly heavier trigger pull is not a major handicap, and in fact it won't even be noticed, especially for someone who trains to use it, as any defensive handgun carrier should.

Due in large part to my experience as an expert witness in these cases, I'm a strong proponent of leaving a gun in factory standard condition, as least as to trigger pull, if possible. One can extrapolate from my Glock recommendations to other brands of striker-fired and double action only (DAO) pistols; a pistol with no manual safety, a healthy amount of trigger travel, and a pull weight in the range of about 5.5 to 8.5 pounds is fine for a defensive handgun of these action types. Single-action/double-action semi-autos with double action (DA) pulls of 8 to 11 pounds, and single action (SA) pulls in

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the 4 to 6 pound range are fine. Revolvers with DA pulls of 8.5 to 11 pounds are fine. The DA revolver's SA trigger pull weight doesn't concern me much, because I think revolvers should rarely ever be fired single action in defensive use, but 3.5 pounds is the industry's minimum standard here. When I carry a revolver, it's usually a double action only.

As to whether a highly trained individual can reasonably use a lighter, shorter trigger pull, my opinion is that almost none of us are as highly skilled as we like to think we are. Keep the game guns (and the tactics that go along with them) separate from the serious weapons.

About 400 years ago, Miyamoto Musashi cautioned us, "Weapons should be sturdy, not decorative." Words to live by. I am willing, however, to have a trigger pull lightened, within reason, for use by an individual whose hand size and strength don't allow a heavier pull to be used effectively. But before lightening the pull for such a shooter I would try to find a handgun with a shorter reach to the trigger, smaller grip circumference, etc., even as a custom option if necessary.

JAMES FLEMING

Network board member and trial attorney James Fleming did some research for us into court cases in which the question of light triggers arose. This is what he wrote:

Boy, is this not an easy question to work with. Good luck on the article. Gleaning nationwide cases, here is one illustrative case from California from 2008, a civil action:

Max Birchfield died after a handgun he was holding discharged, apparently accidently, and shot him in the chest. This happened in the bedroom of Leandra Sweatt, Max's girlfriend, who had been given or lent the gun by her father, Charles Sweatt, to use for self defense. When he gave Leandra the gun, Charles knew it had a hair trigger-it could be fired with substantially less pressure on the trigger than an average gun of its type.

The court found—

"We will begin by assuming some outer boundaries for the sake of argument. We will take it as given that the donor of a well-maintained, properly functioning handgun with an average trigger pull weight has no duty of care to persons injured by accidental discharges occurring after the gun passes out of the donor's control,

so long as the donee is competent. On the other hand, we will assume for the sake of argument that if a donor of a gun knows it is defective and has a tendency to blow up in the user's hand, causing injury, then he has a duty of care to persons foreseeably injured.

"The hair-trigger gun at issue here is somewhere between these outer boundaries. According to plaintiffs' expert, the trigger pressure necessary to fire the gun was less than one pound, which was less than half of the pressure typically required for guns of its type. In addition to saying, as we have noted, that this was similar to the amount of pressure needed to click a ball-point pen, the expert also opined as follows:

"That trigger pull is considered to be extremely light, and is dangerous in function. [¶] One pound of force could have been easily applied to the trigger of the weapon accidentally, e.g., one could have inserted a finger into the trigger guard area and applied that amount of force by brushing the finger against the trigger without an intent to discharge the weapon. (The trigger guard is a band of metal which encircles the trigger.) [¶] Also, a weapon which can be discharged with such little force is subject to other types of accidental discharge. In effect, the light trigger pull renders the trigger guard less effective; a glancing blow, an unintentional touch could cause the weapon to discharge. Normally, the trigger guard will prevent many of those types of accidents."

"Cases from other jurisdictions dealing with accidental discharges allegedly caused by light trigger pull weights can also help give an idea of how dangerous the hair trigger here was. In DeRosa v. Remington Arms Co., Inc. (E.D.N.Y. 1981) 509 F.Supp. 762, a products liability case, Judge Weinstein ruled that a police shotgun with a trigger pull weight of 4.5 pounds, which was within the industry guideline of 3 and 3.25 pounds to 6.5 pounds, was not unreasonably dangerous. (Id. at pp. 764, 768.) By contrast, in Hines v. Remington Arms Co., Inc. (La.App. 1993), reversed in part on other grounds in Hines v. Remington Arms Co., Inc. (La. 1994) 648 So.2d 331, another products liability case, the court held that a competition target-shooting rifle with a 2-ounce trigger pull weight was unreasonably dangerous per se. (Hines v. Remington Arms. Co., Inc., supra, 630 So.2d at pp. 813, 814.)

"All this, of course, provides only a rough approximation of how dangerous the gun was and leaves us with a

Continued next page...

judgment to make. Helpful for this purpose is the series of California cases dealing with when a vehicle owner who leaves the keys in the ignition has a duty to third parties injured by negligent operation by a thief or other unauthorized person who uses the vehicle. These cases provide a scale of degrees of dangerousness against which we can measure our case by analogy.” (Which is utter bull poop, of course, but is an example of how courts can twist reality to arrive at the desired decision. Car thief, and light trigger pull weight are analogous?)

Consider this from Louisiana:

Willy shot Taffy, his girlfriend, and tried to claim it was an accident. (Actually he shot her with a .40 cal. and then told her father she was “just faking it” as she lay on the floor of the garage bleeding out, so we are not dealing with a rocket scientist here).

*“Again, the evidence established that Ms. Hargrove was in a defensive posture at the time of the shooting and that the bullet did not ricochet off of any other object or surface prior to hitting her, indicating a straight-on shot. Mr. Hargrove testified that Defendant fled the scene immediately, which further allows for an inference of guilt. Testimony was introduced to the effect that .40 caliber weapons generally have a trigger pull weight which greatly reduces the chances of accidental discharge and that, generally, an individual has to have intent to pull the trigger of a .40 caliber weapon.** Finally, Ms. Hargrove stated that Defendant ‘just shot me.’ This evidence as a whole indicates that the gun was not discharged by accident.*

***Corporal Walls allowed that it would be possible for a .40 caliber weapon to accidentally discharge. He also noted, however, that “pull pressures” are normally assigned to triggers in order to prevent accidental discharge and that, absent another object having lodged on the trigger (such as a tree branch), an individual would “have to have intent” to pull the trigger of a .40 caliber weapon.*

There are 3 or 4 others, all of them accidental discharge defenses. I found no reported appellate cases where any discussion on this issue occurred in the context of a self-defense case, nor would I expect to. In order to claim self-defense, you must admit that you purposefully shot an assailant. If you intended to do so, the pull weight of the trigger and the extent of one’s training are largely irrelevant. (“Pull weight schmull weight, it would not have mattered if it had a 15-pound trigger pull.

I shot the SOB until he stopped trying to kill me...”) It won’t keep some enterprising prosecutor from bleating about it in court, creating an issue to confuse a jury already drowning in facts and bullets and blood, which is never a good idea. And there is no way of knowing how many cases at the trial level there are out there where this precise thing has happened.

So, personally, if anyone asks me, I tell them never to screw around with the pull weight on a self-defense trigger, or if they simply must, have it done by a professional gunsmith, and keep it within factory recommendations.

CLINT SMITH

Lastly, I reached out to my friend Clint Smith, of Thunder Ranch fame. When asked what the trigger pull weight of a 1911 should be, he responded succinctly, “4 pounds, clean break.”

Hand Loaded Self-Defense Ammunition

Although most well-educated armed citizens have over time come to understand the arguments against using hand loaded ammunition for self defense, the question still comes up from time to time. In over half of the firearms-related cases on which I have worked as an expert, I ended up doing some type of ballistic testing involving either a recoil/ejection pattern test or a gunshot residue/stippling test.

The protocols for these tests are outlined in shooting incident reconstruction textbooks, all of which indicate that the very same type of ammunition must be used to render the tests credible. If I am the expert witness on a case that requires ballistic testing, I hope that the ammunition needed is readily available. If you are using your own hand loads, any testing I might do would be suspect, because even if you supplied hand loads from the same batch as that of the subject ammunition, the question could be raised as to legitimacy of that testing. A skilled reloader could even fashion a hand load to show the same stippling pattern as that discovered as evidence at the scene, but fired from a different distance.

Consequently, it is very important for the paid expert of an innocent defendant in a criminal prosecution to be

Continued next page...

able to perform ballistic tests with the same ammunition as was used in the shooting. This is the real argument against using hand loads for self defense.

Summary

How can members of the Network prevent falling prey to the misleading and distracting accusations a prosecutor may make about their defense gun or ammunition? To summarize—

- 1) On a production gun (not a custom gun), leave the trigger pull weight alone. If you want a lighter trigger, get a different gun, but don't lighten the trigger below the factory settings. Smoothing the trigger pull and eliminating over travel should be fine, as long as you don't lighten the pull weight.
- 2) If using a high-end custom pistol, a 4-pound trigger pull weight is the industry standard, and anything lighter could be argued as unreasonable. For folks like Scott, why not set up another Wilson Combat 1911 pistol with a 4- to 5-pound trigger and use that one for self-defense, and the other for the range? What a great excuse to buy another gun!
- 3) If you modify your gun it is best to have that modification performed by a competent gunsmith, one who will be willing to go to court and testify why he performed the modification. You had better be personally prepared to logically explain why that modification was done, too.

4) Never deactivate a safety device on a gun you use for self defense. If you just cannot live with whatever safety device you want to deactivate, then simply change to a different weapon type that does not have that feature.

5) Use only factory ammunition for self defense and buy it in sufficient quantity that if exemplars are needed for testing, they are available.

6) Leave the cute, custom paint jobs, engraving and cartoon logos off your serious self-defense guns. The place for those affectations is at the range, not in the courtroom.

In closing, when pondering any question about self-defense equipment, use your God-given common sense. When I was in a position to command law enforcement officers, I would tell them, "If whatever you are thinking of doing is possibly a bad idea, then it probably is a bad idea. Don't do it."

To apply that logic to self-defense gun modifications, I'd say, "If you have to ask whether a modification or alteration to your pistol will hurt you in court, it probably will."

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



President's Message

by Marty Hayes, J.D.

Last month, Gila and I went on a week-long motorcycle trip. Our journey took us to the small community (pop. 15) of Aladdin, WY, where Gila is related to 30 percent of the town's inhabitants. We try to get

back to visit her Aunt Pearl and Uncle Jimmy as often as we can and we also like to ride motorcycles as often as we can, so the trip was a natural. But, as we also run the Network, a vacation isn't simply a vacation, because we need to still make sure our members are taken care of.

Case in point:

On a Wednesday at 3:52 a.m., the Boots on the Ground phone rang. Unfortunately, Aladdin has only minimal cell service, not enough to have a legitimate phone conversation, but enough to make the phone ring and to receive an occasional text message. So (knowing this in advance) I let the phone ring, figuring that I could at least listen to the message that would indubitably be left by a member in need at 3:52 a.m.

Alas, no message was left, which removed some of the urgency of the call, as I figure if someone isn't concerned enough to at least leave a message such as, "This is member John Doe. Please call me at 123-456-7890" then the phone call probably wasn't a call for assistance. So, I went back to bed and tossed and turned for an hour, until I finally was able to get back to sleep. The next morning after breakfast I hopped onto the bike and drove to a nearby rest stop with a cell tower, where I could actually return the phone call, to see who was calling and why. When I redialed, I got a recorded message and so I left a message saying who I was and requesting a call back.

A few hours later, I received a phone call from a member who lives in New York, who sheepishly and apologetically confessed to being the 3:52 a.m. caller. He said he was programming his new phone (it was, after all, 5:52 a.m. in New York) and he was sorry that he ended up calling the Boots on the Ground phone by mistake.

I receive a half a dozen calls like this each year, and really, it is no big deal, but please, members, do me a favor, okay? If you pocket dial or otherwise inadvertently dial the Boots on the Ground phone number, PLEASE, PLEASE, PLEASE stay on the line. You WILL get a call back anyway, because in the event I don't get a chance to answer it when it is ringing, I will call back as soon as I can. If my voice mail answers instead of me, PLEASE, PLEASE, PLEASE leave a message. I can get back to sleep much easier knowing that someone simply pressed a wrong button, as opposed to wondering if a Network member somewhere out in Gotham City is sitting in jail wondering what happens next.

At the same time, please DO NOT use the Boots on the Ground phone number to call and inquire about your membership status! Last month, a member called the Boots on the Ground phone to inquire about the status of her membership, simply because the office wasn't open yet. It was a few minutes before 9:00 a.m., and she was apparently impatient. Well, guess what? There was nothing I could do for her from my end, except to have someone in membership services call her back when the office opened. We know that sometimes it is difficult to get through on the phone, as our office hours are limited to 9 a.m. to 4 p.m. Monday-Friday, and during those times, the phones are sometimes quite busy. But here is the decision I put before you: Would you rather we put our assets into education and legal defense for our members, or spend that money on more staff and longer office hours?

More Legal Defense Plans Come Online

We have heard of yet another pre-paid legal/insurance plan now being offered. That makes at least a half a dozen out there competing for this market, and we still get calls and e-mails asking us to sort out the different plans. We have to tell them we're sorry, but defining another businesses' services is not our role, it is theirs. If you've had similar questions, please consider one thing.

Any protection that incorporates insurance can vanish at the drop of the hat. Insurance policies can be dropped at anytime before an incident occurs. Do you know how credible your plan is? Is it backed by a big name

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insurance company or backed by a no-name insurance company? What protection do you have to make sure the company will be around years in the future? How solvent is the company, and how reliable are they when it comes to doing what they promise to do? How open and up-front are the people you are dealing with? Does a human or a machine answer the phone when you call, and if you get a machine, do they call you back promptly when business hours next roll around? If you get a human, is he or she just a call center staffer, or do you get someone who can actually answer your questions?

For the non-Network members reading this, please consider these questions before giving your credit card number out. You might be surprised at the quality of answers you receive.

Gun Rights Policy Conference

As we move into the fall, we are looking forward to attending our first Gun Rights Policy Conference, (<http://www.saf.org/default.asp?p=grpc>) sponsored by the Second Amendment Foundation. It will be held in Houston, TX, Sept. 27-29. If you go, please watch for me and stop and introduce yourself, okay?

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

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Attorney Question Of The Month

This month's Attorney Question of the Month kicks off a new topic of discussion, on which we polled the Network's Affiliated Attorneys. This question, posed by Network President Marty Hayes, asked—

For the most part, jury selection is glossed over in law school (or not discussed at all), even though the jury is the trier of fact. With this in mind, this is a two-part question. First, as the attorney handling a self-defense shooting, what type of people would you want on a jury? Next, what steps can the armed citizen take ahead of time to ensure that they do not alienate a jury?

Here is what our affiliated attorneys told us—

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The school solution is to get people who are normally considered prosecution jurors. We want gun owners, of course. Most women who own guns do so for self defense. Many people will not admit they have guns for self defense. You have to ask around that question. We want strong, independent jurors.

People who pontificate about the law do not get on juries. People who talk about jury nullification do not get onto juries. Strident people do not get onto juries. Like John Wayne said, "Talk low, talk slow, and don't talk too much."

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Obviously, a defendant who has used a gun in self-

defense will want jurors who are pro-gun and favorably inclined to the concept of self defense. It might seem that one would want "conservative" jurors rather than "liberal" ones, but I think it can be more complex than this, and can depend on the details of the case, media coverage, political climate, personalities of those involved (who may be known in the community), local crime patterns, demographics, and other factors.

In my experience working in jury trials all over the country, I believe experienced local trial counsel is often in the best position to advise on picking the right jurors for any particular case. Local counsel may be better, in my opinion, than some of the high-priced "jury consultants" that are out there. As a quick example of how local knowledge can be important, a few years ago I worked in a case resulting from an armed robbery in Tucson, Arizona. Lead trial counsel, excellent attorneys from New York with whom I had worked many times, proposed to ask the prospective jurors in voir dire, "Do any of you own guns?" The judge mildly reprimanded the New York attorney, saying, "No, counsel, I'm not going to let you embarrass yourself like that. This is Tucson, Arizona. I'll let you ask them what all kinds of guns they own, but not whether or not they own guns." At the end of a seven-week long trial, we got a verdict in our favor.

As to what steps the armed citizen can take ahead of time to ensure they do not alienate a jury, I think it may be more useful to think about what steps they should not take. Remembering that you want your actions (and therefore, yourself) to appear as reasonable as possible to the jury, do not do anything that makes you appear anything other than reasonable—and certainly not as an extremist, a radical, a racist, a "gun nut," or a "self-defense nut" to a jury of ordinary folks from your part of the country. Don't have your social media site filled with photos of you holding fully automatic weapons and wearing the T-shirt that says, "Kill 'em all—Let God sort 'em out!"

A case in which I worked on the defense side settled advantageously for us shortly after we found the

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teenage plaintiff's website, in which he nicknamed himself "Li'l Fucker," and showed photos of himself lasciviously exposing and bragging about the gunshot wound scar on his upper thigh ("Hey, girls ...") that the complaint in his lawsuit claimed had caused him extreme embarrassment and emotional distress.

I recently counseled a client to stop proclaiming in his e-mails to friends that he regularly violated a particular jurisdiction's gun laws, by carrying his handgun there illegally. The saying we've all heard, "I'd rather be tried by twelve than carried by six," has a catchy ring to it until it is introduced as evidence before the twelve jurors who are trying you.

Consider in advance how it will affect a jury considering your use of deadly force in a road rage incident to see police evidence photos of the bumper sticker reading "Insured by Smith & Wesson" on your pickup truck, together with photos of a Confederate flag in your truck's back window. Stay away from custom grips for your .45 that have a black widow spider or a skull and crossbones on them, and from using "Zombie Killer" ammunition.

I and many other instructors and law enforcement agencies have long ago stopped calling the "two to the body, one to the head" technique a "Mozambique Drill," due to the potential racial connotations of that name. It's now a "stopping failure drill."

In a case I worked in a few years ago, all of the books on the bookshelves in the gun-owner's gun room were photographed, along with a half-consumed bottle of Scotch and a shot glass on the top shelf. Although there was no evidence or allegation of drinking at the time of the gun accident, it would have been better not to have a bottle of liquor in the gun room altogether. If they were your books, would you like the jury to see a photo showing titles like *Improvised Explosive Devices*, *Home-made Silencers*, and *Planning for Armageddon*? As a defense expert witness in a high-profile murder case, I was once hotly cross-examined because I had, several years earlier, written some gun articles that were published in *Soldier of Fortune* magazine. ("Could you please tell the jury what a soldier of fortune is?" "Is that another term for a mercenary?" "Have you trained military personnel in foreign countries?" "Are you a mercenary?") I avoid drinking alcohol in public when I'm carrying a gun, because in the unlikely event that I am forced to use my gun in self defense, I don't want my

level of alcohol consumption, or the fact that the responding officer smelled alcohol on my breath, or any question about whether my judgment or perception or skill level might have been impaired, to have any possibility of finding their way into the police officer's notes, or the newspaper or television coverage, or the trial if there is one.

I'm not trying to mandate how you should dress, or what books you should read, or what you should eat or drink or publish on Facebook, or what kind of gun or ammunition you should carry. But as adults in a litigious society, where the criminal justice system and the media may in some cases be decidedly anti-gun and anti-self-defense, you need to realize that your actions and choices can have consequences. It would be a good idea for some gun owners to grow up, and begin using some common sense.

John R. Monroe

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I think stereotyping is a dangerous practice when applied to jury selection. There are so many variables and subtleties that it is nearly impossible to say what "type" of person I would want. That said, I would look for people that seem bright and understand questions put to them during voir dire. The worst thing you can have is someone who does not pay attention or does not understand the law of self defense as described by the judge.

To avoid alienating a jury, I would want my client to act as "mainstream" and "normal" as possible—before the shooting and up through the trial. It would not help to come off as Rambo-like, to carry a particularly weird gun, to use language unfamiliar to people, or to come off as a gun nut.

During the trial, it is important to be respectful of the jury, to make a good appearance, to make eye contact with the jury without being creepy about it, and to describe the situation (if you testify) in a way they could see themselves in your shoes.

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Potential jurors are people. So to answer the second question first, the best way not to alienate potential jurors is to act as solemn as you would in church, or, in the alternative, at a company picnic where the boss is watching and you want to keep your job. Dress appropriately for the occasion. Most people are not comfortable in a suit (myself included but it is expected of me), so I urge my clients to wear what they might to interview for a job for which they would be qualified and in clothes suitable for daily, comfortable wear, in their chosen profession. If that profession requires rugged denim and overalls, then substitute a pair of black or navy trousers and a button down long sleeve shirt to show respect for the judge and jury. Some courtrooms require greater decorum and an even more strict dress code. Respect is the key phrase for all conduct and dress. Eye rolling to show disapproval of outlandish prosecution arguments or objections will not endear the jury to your cause. Take the high road. Stay calm and carry on, to borrow an oft-repeated phrase of World War II.

As to the first question, it is sometimes said that counsel do not select members of the jury, they *deselect* those who would be most objectionable to their cause. The catch phrase is "fair and impartial" but defense and prosecution counsel alike are well aware that jurors will bring to bear all of their life experience—and most fear they will also bring to the table their learned prejudices—in deliberations. Your jurors should understand that firearms are tools, not trifles, and that self defense is a valid legal theory, time-tested in the courts. If your jurors respect firearms as valuable, politically-neutral tools that are safe when handled safely, then your attorney has done an excellent job de-selecting prejudice from your jury pool.

The Network extends a big "Thank you!" to our Affiliated Attorneys for this instructive discussion. Check back next month for more answers from our Affiliated Attorneys on this important question.

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

Book Review

The Law of Self Defense: The Indispensable Guide for the Armed Citizen

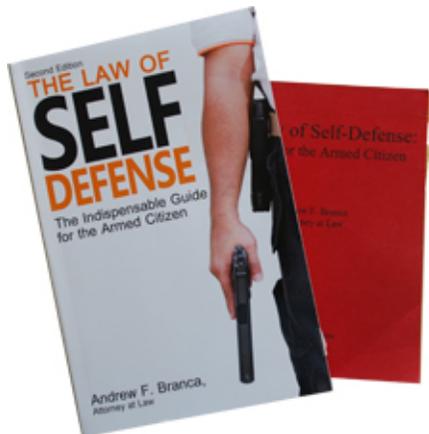
2nd edition, published June, 2013

243 pages, soft bound

<http://www.lawofselfdefense.com>

ISBN 978-0-9888677-0-3

\$49.95



best interests are not the first concern, Branca outlines. Sure, he acknowledges, we've all cheered victims who shot their attackers and were not charged with assault, murder or manslaughter, but that does not necessarily mean that an aggressive prosecutor could not have found issues upon which to file charges.

Reviewed by Gila Hayes

In 1998, Massachusetts attorney Andrew Branca published a first edition of *The Law of Self Defense*. It wore a simple red paper cover, and its small type detailed the concepts of law and court precedents binding one who uses force in self defense. I learned a lot from that small book and began heartily recommending it in my articles and books. Readers became frustrated, though, when that first edition went out of print, and I was once offered four times the cover price of my copy, which I firmly declined. I'm delighted to note that the 2nd edition is now for sale.

This morning, as I sat down to review the 2nd edition of Branca's book, I pulled my original copy of *The Law of Self Defense* off my reference bookshelf. I was amused at how heavily highlighted and bookmarked it is. The 2nd edition is formatted in the comfortable trade-paperback size with more margin room for notes, so readers will have a little more room if they wish to jot notes as they read this authoritative text.

In *The Law of Self Defense*, 2nd edition, author Branca explains restrictions on use of defensive force, writing "...society doesn't require any pre-approval before you use force, even deadly force, to protect yourself. You may simply act when it's necessary. But all that freedom built into the front of the system is more than balanced by a massive and unforgiving evaluation of what you did at the back end. Beginning the moment you use force, and sometimes even the instant you threaten force, the justice system kicks into gear like a massive steam era machine, with monstrous gears and pistons, to evaluate your actions under a microscope and crush you for a misstep."

Among the "gears and pistons" are police, investigators, prosecutors and juries, each playing a role in which your

Are you willing to trust luck that you will be among those not charged if ever you use force in self defense? the author asks. Beyond simple luck, the key, he suggests, is knowing and adhering to the laws concerning self defense and offering a compelling explanation as to why your actions were lawful. Avoid "red flag" issues that attract prosecution like sharks to blood, he adds. In fact, identifying the red flag issues is the book's *raison d'être*.

The "red flags" are discussed in a series of chapters focused on critical elements of a persuasive self-defense argument. The first is innocence, and Branca explains how it is lost, be that through aggressive or offensive verbal exchanges, a combination of verbal and physical aggression, or overt physical actions. Protecting your claim of innocence, as well as regaining it after initiating hostilities is also outlined, with key points illustrated by case citations presented as brief stories from real life that drive home the point. Each chapter concludes with a state-by-state summary of applicable statutes and case law. Though reasonably conversant with the black letter law regarding use of force in self defense in my own state, I appreciated the exposure Branca's book gave to pattern jury instruction citations and to pertinent rulings.

Now may be as good a time as any to talk price: Branca's 243-page book may be among the most costly paperbacks you ever buy. Suggested retail is \$49.95, but it is sold online for \$39.95 and by entering the coupon code LOSD2-ACLDN at <http://lawofselfdefense.com/buy-now/> you'll get an additional \$10 discount, courtesy of Andrew Branca. The book's value is something like the old joke about the man who complained that his attorney charged him \$50 to write a letter to a deadbeat debtor. The attorney agreed to redo the bill and modified the charges as \$5 to write the letter and \$45 to know what to say in the letter.

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While the joke is old, the principle applies. The value of Branca's book is not in the number of pages nor its binding; its value is in the way it concisely teaches the reader principles of self-defense law.

Returning to the 2nd edition of *The Law of Self Defense* finds us at the second chapter about the role of imminence in showing that use of force in self defense is necessary. Here justifiable self defense can go astray if force is applied preemptively or retributively. Next described is the need to apply force proportional to the threat, and the ordeals of the late Harold Fish and more recently, George Zimmerman, illustrate appropriate defenses against various degrees of force.

The chapter on threat avoidance and retreat addresses the myriad misunderstandings of the now-maligned "Stand Your Ground" laws. Branca explains that even absent a SYG statute, retreat is required only if it does not entail greater danger. The Castle Doctrine and the constraints on its application, is likewise analyzed. The home, outbuildings, vehicles, places of business and other locations are studied from the law's requirement to withdraw when possible from conflict.

Qualifications on SYG and Castle Doctrine laws reflect society's unwillingness to grant cart blanche to use of deadly force when other options may resolve the danger. Branca outlines the concept of applying a reasonable defensive response and what is both subjectively and objectively reasonable in the next chapter, presented as his fifth principle of self-defense law. Onto this principle, the effect of prior knowledge or training is overlain, as is physical capacity and other characteristics. Even your reputation in the community and prior knowledge of your assailant's reputation influence whether your actions are reasonable, writes Branca, explaining the limited instances when past bad acts may be allowed to show your assailant was known to be violent.

While Branca's principles comprise the foundation of justifiable self defense, additional concerns addressed include making defensible decisions about using deadly force to protect another person and the limited allowances for defense of property.

The Law of Self Defense closes with a review of post-incident mistakes that infer you are acting out of guilt for having committed a crime. Fleeing the scene, lying about the incident or not reporting it to police leads Branca's warning list. Of course, tampering with evidence or coercing a witness also portrays a guilty conscience—whether done in ignorance or out of guilt. Alternatively, an innocent person's behavior has recognizable hallmarks, Branca continues, emphasizing the need to behave to high standards. He adds a short discussion about how to introduce into testimony an assailant's generally violent history to underscore a capacity for violence, despite the prohibition on citing prior bad acts as evidence.

After reading 200 pages of law, illustrative cases, and sentencing applied when things went wrong, the reader is surely ready to accept advice on how to avoid falling into the gears of the criminal justice system. Here, Branca offers simple, practical advice on avoiding all of it. Some say that when carrying a gun, they need not take "guff" off anyone, he writes. Instead, he stresses, you have to let it all go when you are carrying a gun, since the price of using force when a verbal exchange turns into a brawl is so very high. He closes with the observation that in addition to complying with the law, anyone who uses force in self defense has to ask if the harm stopped by their use of force was worth it. Before ever being drawn into self defense, ponder long and hard about what is worth defending, he concludes.

Sometimes the last page of a book is the end of the learning experience. Not so when the information is coming from Andrew Branca. In addition to updates and state-specific addenda on his website, Branca teaches seminars on this topic, and a little browsing shows that several of those on his schedule are hosted by firearms instructors who are also Network affiliates. Isn't it nice to see all our associates working together this way? See <http://lawofselfdefense.com/seminars/> for full information.

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



Networking

by Brady Wright

Another month has gone screaming past and the state of the Network and our Affiliates is as strong as ever!

Rick Cross of Be Safe Firearms Instruction in Las Vegas, NV wrote and

told me he had another CCW class this past month with four people in it and along with handouts from Taser International, the booklet and pamphlet together from the Armed Citizens' Legal Defense Network goes right on top and is mentioned in the intro portion of the class. Thank you, Rick, we're glad to hear it. Then Rick had more news, writing, "I have attached a few pictures of my 1999 Ford F-150 and you can see my advertising is large and in charge. The last photo is my new custom license plate...how do you like it?"

Rick, we think it's super and since your contact info is front and center on your truck, folks will know where to find you for training!

Every once in a while, I get an e-mail or call from a member who asks for some booklets or brochures in a small quantity, just for friends or to share as the opportunity arises. I got one of those requests from Bruce in Washington a few days ago and even though he initially just wanted ten, we stocked him up with a box of 50. There is no amount too small, if you need these materials, I'll make sure you end up with plenty. Call or e-mail any time!

Just about as often, I get article or video links passed from folks like Gale Burton and Kevin Faherty. They are all great stories and much of the information is also posted to our [Facebook](#) page (<https://www.facebook.com/groups/221594457860509/>), which I think is a better venue. Since this column only

runs once a month, Facebook can share your legal defense topics while they're current.

Alecs Dean sent in his schedule for National Rifle Association Instructor Courses (including muzzle loading for students and instructors, reloading for students and instructors, all Instructor ratings, RSO and CRSO instruction, and much more). If you are in the Orlando, Tampa or Atlanta area, heads up. Alecs' contact info is International Firearm Safety, Inc., 3835 Arlington Street, Fort Myers, Florida 33901-8413 or call him at 239-357-3437.

Finally a brief apology to anyone who has sent me an e-mail this past week and not gotten a fast reply. I am a pretty tech-savvy sort of guy. I mean, I know the

difference between HTML and OMG. You know, a genius. Anyway, at some point the e-mail server for the Network and the hamsters that run my personal office system got into a shoving match and some e-mails got lost or re-routed or burnt in offering to the gods of the Internet. Anyway, I burned some hours of my own talking to our nice tech guru John, and between us (and a very big mallet) I think we have it all straightened out. In any case,

we both learned a bunch of new Anglo-Saxon adjectives! On the serious side, we are back on track and life is good.

As always, if you have news to share, just call or e-mail brady@armedcitizensnetwork.org. If I receive your information, celebration or brag by the 20th of the month, you have a great chance of getting in the upcoming column.

Stay safe out there!

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



Exchanges with Network Members

In light of the considerable length to which this journal has grown, instead of a page of editorial comments, let's close with some questions and answers I shared via e-mail with Network members in recent weeks.

Zimmerman Trial Coverage in Journal

Wonderful article about the Zimmerman trial! With that in mind, if, God forbid I was involved in a self defense shooting, would/could my membership to ACLDN and the NRA possibly come back to bite me/us? How about being a paid subscriber to more than one gun magazine per month? I purposely do not have any gun/NRA stickers on my vehicles as per Mr. Ayooob's advice from years ago. I keep a low profile but I could see now where a prosecutor could have a field day with me/us.

–Michael, Florida

In response–

The question of organization memberships was raised as an earlier Attorney Question of the Month, and our Network affiliated attorneys did a great job of dissecting the issue. I believe you will find the columns at <http://armedcitizensnetwork.org/our-journal/275-september-2012?start=9> and <http://armedcitizensnetwork.org/our-journal/276-october-2012?start=13> enlightening.

–Gila Hayes

I greatly appreciate the opportunity to read that article. It was most informative for me.

In regard to Mr. Hayes' comment about "... those who ask why he got out of his car to keep an eye on a suspicious character in his neighborhood...", I suggest that would have been an opportune point to cite Sir Robert Peel's seventh principle of law enforcement:

Police, at all times, should maintain a relationship with the public that gives reality to the historic tradition that the police are the public and the public are the police; the police being only members of the public who are paid to give full-time attention to duties which are incumbent upon every citizen in the interests of community welfare and existence.

Unfortunately, society seems to have forgotten this point.

–Edward, Ohio

Comments on Member Educational DVDs

The eighth education video, *Legal Considerations of the Use of Non-Lethal Defensive Force*, is the first of the series that I could sit through without getting bored, so I learned more. Please continue this format.

–David, Washington

I just finished the seventh CD and was very impressed with the vast coverage of the issue of the armed citizen. Thanks for making the covered material understandable even to us lay viewers without any police or law background. Some may feel that the CDs need more flash, but I found them very much like a college lecture and not a Hollywood TV production. I will take the large amount of steak with minimal sizzle every time.

–Jim, Texas

In response–

Using deadly force against another human being is so serious, that we believe our educational DVDs on the topic must be sober and conservative. Unlike so much "edu-tainment" through which less serious information is exchanged these days, the Network keeps foremost in mind that any member education materials may be played for a judge and jury to explain the basis of a member's self-defense actions.

Still, in addition to the "Non-Lethal Defensive Force" program David mentions, both "Responding to Pre-Attack Indicators" and "Additional Considerations When Using Deadly Force" (our fourth and fifth DVDs) integrated role play to illustrate key points. We hope this helps members retain the information.

It may prove helpful for members to watch the Network's educational DVDs in shorter segments. Taking notes while watching helps to remain engaged in the learning experience. We continue to strive to provide courtroom-appropriate education that will also hold your interest and help you grasp the serious concepts of law you need to know to make reasonable decisions about use of force in self defense.

–Gila Hayes

*[End of September 2013 eJournal.
Please return next month for our October edition.]*

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About the Network's Online Journal

The **eJournal** of the Armed Citizens' Legal Defense Network, Inc. is published monthly on the Network's website at <http://www.armedcitizensnetwork.org/our-journal>. Content is copyrighted by the Armed Citizens' Legal Defense Network, Inc.

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In addition, material presented in our opinion columns is entirely the opinion of the bylined author, and is intended to provoke thought and discussion among readers.

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

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