



Why American Citizens Need Assault Weapons*

by Network President Marty Hayes, J.D.

A day or two after the Newtown, CT mass murder at Sandy Hook Elementary School, I was having an online conversation with one of my nephews, and he said he just couldn't see why anyone needed a weapon with a magazine that held more than ten rounds. I made the usual arguments, but was frustrated because social media discussions usually take place in a sentence or two, not a 2,000-word treatise. I would have liked to have had such a treatise with which to educate him, so he could consider the rational arguments without all the emotion of the day overriding the thought process.

I suspect more than one or two of our members were in the exact same situation in the days following the shooting, and for this reason, I want to lead this month's eJournal with an opinion piece on this subject. If it helps clarify your own thoughts on the subject, then I will be pleased. If you choose to share this article with others, either through social media or privately, that would also please me.

In the wake of a self-defense shooting involving a modern semi-automatic rifle or pistol, you will undoubtedly have to answer the same question if you are charged with a crime along with that shooting. You should know how to answer the question, "Why did you need to use an assault weapon, Mr. Defendant?" So, let's take a look at why American citizens need modern semi-automatic weapons.

One of the overarching themes of the anti-gun movement is that Americans simply do not need these types of weapons. "Why does anyone need a high capacity assault rifle?" After all, high capacity semi-automatic rifles are not used for hunting or sporting purposes, just for killing humans. To which I respond "exactly."

There are two main reasons and many ancillary ones why a ban on high-capacity, semi-automatic weapons is uncalled for, unnecessary and also unwise. First, we must consider the historical perspective of the Second Amendment to the U.S. Constitution. The

Second Amendment was added to the Constitution as an assurance that Americans will never lack the weaponry to fight against their own government, if that government becomes tyrannical. Remember, in the late 1780s the newly formed United States of America had just fought a bloody war against England and King George III's tyrannical government. In order to gain support for the formation of a central government, the individual states required that the language of the Second Amendment be included in the Constitution, or they would not ratify the Constitution.

Of course, the citizens of the day needed to arm themselves against tyrants with the very same weaponry used by the tyrants. Remember that English rule had become over domineering, leading to the revolutionary war to begin with. The states resolved that no central government should have the ability to enslave them or otherwise control their lives beyond what they were willing to allow, because they could revolt and take down that new government, too. Thomas Jefferson probably put it best, when he said "The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants." According to our founding fathers, the original, overarching purpose of the Second Amendment was to ensure that American citizens always had the ability to overthrow the existing government.

If you look at the history of the writing of the Constitution, it is quite clear that the founding fathers meant for the citizenry to be armed with the very same weaponry as government had. In fact, Justice Antonin Scalia in his majority opinion of the 2008 Supreme Court case *District of Columbia v. Heller* (<http://www.scotusblog.com/wp-content/uploads/2008/06/07-290.pdf>)

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went to considerable effort to outline this argument in his opinion. Anyone owning a modern semi-automatic rifle or pistol needs to read and study the opinion, so we have provided that link for you.

Now, fast forward from 1780 to present day. Our current military and law enforcement agencies employ high-capacity semi-automatic handguns and AR-15 style rifles that are the very same weapons as are being targeted for a ban, if the Obama Administration has its way. In fact, most military firearms also have select fire: full auto, three-shot burst or semi-auto. This is how the M-4 rifle, which American citizens cannot own unless first paying a high tax, and in some states citizens cannot own M4s at all.

Nevertheless, the current semi-auto weaponry is similar enough for the arming of the Militia, of which each and every able-bodied armed American is still a part (read *Heller*). We, the citizens of America, need to retain the same weaponry as our military and police to even the playing field, so that in the event of an attempt to enslave the American people, we can resist equally.

Revolting against tyranny is the first reason Americans must retain our rights to own high capacity semi-automatic firearms. The counter-argument goes, "Come on, this is the year 2013. It's not 1776." To which I say, "So what? Tyranny is not a thing of the past." A society that ignores history is one which is likely to repeat the mistakes of the past, as George Santayana suggested when he paraphrased Edmund Burke.

No one will ever convince me that current day humans do not have the ability to enslave, torture and murder large groups of other humans. History—even modern history—is replete with examples. Starting at home, the Indian Removal Act of 1830 forcibly moved Native American Indians from their Eastern homelands and relocated them to lands West of the Mississippi. This policy eventually led to the Indian wars of the late 1800s, culminating in the massacre at Wounded Knee in 1890, where the American cavalry rounded up members of the Lakota tribe, and while disarming them, caused an outbreak of violence in which up to 300 Lakota, including men, women and children, were killed. That was our own government in action, a little over 100 years ago.

In the early to mid 1900s, Hitler and Nazi Germany committed genocide against German and Polish Jews in the holocaust, killing over 11 million, men, women and children. In the 1970s, Cambodia was taken over by the Khmer Rouge, and over two million Cambodians were

exterminated as a result. Just two short decades ago Saddam Hussein and his regime committed countless atrocities in Iraq. And currently, governments in the Middle East are killing their own citizens to stifle their quest for freedom and self-government.

I could go on and on! To claim that a modern human ruling party isn't capable of killing its own people is naïve. I am not naïve, and there is no reason for any American to naïvely ignore history. I believe that the first and foremost reason that the American people need the right and ability to possess modern semi-automatic rifles and pistols is to ensure that our own government never feels it is more powerful than its citizens.

A little Internet research indicates the current size of the military is about 1.4 million active duty soldiers, and about that many more reserves. In addition to about three million soldiers, and we must not forget the over one million law enforcement officers who must also be viewed as government agents. That totals somewhere between three to four million government agents who could be called upon to repress the American people. Compare that number to the estimated 100 million gun owners in America. As long as the American people have the right to own the very same type of weapons with which the military and police are armed, they need not fear the government. It is that purpose that was and still is the primary reason behind the one line paragraph the States ratified as the Second Amendment, "A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed."

The second reason Americans need high capacity semi-automatic firearms has a more practical, immediate application in our modern society. Citizens must not be stripped of the ability to effectively counter criminal violence. I was a law enforcement officer in the 70s and 80s when the transition to high capacity semi-automatic handguns for law enforcement began. I taught law enforcement officers firearms skills in the 90s, after the move to semi-autos was complete.

The reason law enforcement switched to semi-automatic handguns is twofold. First was the discovery that the ergonomics of the semi-automatic handgun worked better for most officers, than those of the six-shot revolver. Simply put, the officers could shoot better with semi-autos. The most pressing reason for making the shift to the semi-auto was that the criminal element had already gone there and the police were outgunned.

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Officers were facing dedicated criminals armed with high-capacity weapons, while they were still issued six-shot revolvers and pump action shotguns. The playing field had changed and the cops needed to catch up.

I know of no watershed moment that initiated the shift to semi-automatic handguns, but law enforcement endured one compelling incident that started the move to retire the pump shotgun, and replace it with the semi-automatic rifle. That incident was the North Hollywood bank robbery and the subsequent running gun battle that occurred in 1992. On Feb. 28th of that year, two career criminals armed with semi-automatic rifles which had been illegally converted to full auto, entered the North Hollywood Bank of America, robbed the bank of over \$300,000, and upon attempting to make their getaway, were confronted by officers armed with .38 Special revolvers, 9mm semi-automatic handguns and pump action shotguns.

In anticipation of being confronted by law enforcement, the two bank robbers had donned full body armor that made the underpowered police weapons all but useless. A running gun battle ensued, in which hundreds of rounds were fired by both the robbers and the police. At one point, realizing the robbers had the upper hand, some officers went to a nearby gun shop, where they obtained semi-automatic AR-15 rifles, magazines and ammunition. Before those weapons were put into play, though, the gunfight came to an end, with one perpetrator shooting himself in the head with his handgun as police closed in after his rifle jammed, and the other criminal finally was neutralized with shots to his lower extremities, where he was not armored.

Now, 15 years later, virtually all law enforcement agencies and officers are either issued AR-15 style rifles, or have them accessible. But, that is the police. In the context of self defense, why do armed citizens need AR-15 style weapons? Because, the armed citizen faces the VERY SAME criminals that police face. The only difference is that police, because they are more often called TO the incident, face these criminals more regularly. Understand, though, criminals do not prey on police, but instead, they victimize the public. If the armed citizen wants to have a fighting chance against criminals who are armed with high capacity rifles and pistols, they also need effective weaponry. Just like the police did back in the 1990s and today.

When might an armed citizen be attacked under circumstances in which a modern semi-automatic rifle would be necessary for defense? Consider societal

break down, as took place during the Los Angeles riots in 1997, and after Hurricane Katrina in 2005. In each of these real life examples of societal breakdown in America, roving gangs of criminals looted stores and private homes throughout those cities. While protecting property is not generally considered a valid reason to use deadly force, the fact that the resident is present and armed with a modern semi-automatic rifle might just encourage looters to skip over that citizen's home or business and take on easier pickings elsewhere. After all, the next easy target is just down the street.

I cannot forget the images of the Korean store owners protecting their businesses with highly visible, armed security during the Los Angeles riots. They were not just protecting property, but also protecting their lives and the lives of their family members. Each of those looters constituted a criminal committing a felony, and a violent person who will burgle and loot is also very likely capable of killing.

It is no secret that it is much easier to effectively shoot a semi-automatic rifle, such as an AR-15 or a Ruger Mini-14, compared to shooting a bolt action, lever action or pump action rifle or shotgun. As a firearms trainer, I have seen a dramatic shift away from armed citizens obtaining and using shotguns for home defense. They have replaced the shotgun with semi-automatic rifles that are simply easier to shoot.

In conclusion, I believe ownership, possession and use of modern semi-automatic rifles and pistols are necessary for the armed citizen in America. Individually, one is likely never to actually need the ability to fire 20-30 rounds in an encounter. But, if the need does ever arise, circumstances are so dire that having access to that weapon will be vitally important. It will likely be a lifesaver.

** Throughout this article, I use the term "modern semi-automatic rifle or pistol" to describe what others commonly call "assault weapons." "Assault weapon" has become a pejorative used primarily by those who are pushing a political agenda to ban guns, and depending on their wishes, it can mean anything from a handgun, which holds more than seven rounds of ammunition (as in New York), to rifles with a detachable magazine that can hold more than ten rounds of ammunition. While I do understand that the term "assault weapon" is too broad to serve as an accurate descriptor, I use it in this article's headline to grab the reader's attention. If it offends, I apologize.*

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Please enjoy the next article.]*

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President's Message

by Marty Hayes, J.D.

As you know by now, this *eJournal* published an opinion piece as its lead article this month. This is far outside our normal content and I would like to explain why we did it. But first off, for those who were offended by my use

of the undefined term "assault weapon" please understand that I used it to entice readership from the more liberal factions of our population. While I wouldn't normally do that since we write the journal for our members, we wanted this particular article shared far and wide on social media. Perhaps it will do some good in leading those who have not completely thought out the issue to come to an understanding of the history and intent of the Second Amendment. Please feel free to post links to it far and wide on the Internet.

Frankly, I think that if we gun owners continue to argue about the minutiae of commonly used terms—such as getting all indignant when someone calls a "box magazine" a "clip"—instead of arguing the salient points, we will never win our case. So, go ahead and box me about the ears, I can take it. When you hear someone say "clip" instead of "magazine" consider that a gift from God, as you have been given a clue as to the sophistication of the target of your intellectual discourse.

In any event, that's the reason I felt it was a good idea to lead this month's journal with what is basically my viewpoint on the topic of banning "detachable-magazine fed semi-automatic rifles and pistols that hold more than ten rounds, that have flash suppressors, bayonet lugs and pistol grips." I hope you will share the article, and specifically the link to the web pages containing this month's journal, far and wide in your sphere of influence on the Internet. I wrote something that I believe people need to



read, especially those who don't understand what we understand.

Modern Sporting Rifles?

Speaking of terminology, over the last few weeks, many pro-gun associations and people have started using the term "modern sporting rifle" in lieu of "assault weapon" or "assault rifle." I guess it is some way to try to make the magazine-fed, military-style semi-automatic rifle more socially or politically correct.

I think this is a bad idea, and here is why. First, I know that many people use the AR-15 style rifle for sporting purposes. I get it. I have personally used the rifles in three-gun sporting events and have successfully hunted with them. In fact, just this year I took a Stoner SR-25 (.308 caliber) into the woods to hunt deer. And, several years ago I killed my first buck with an Olympic Arms AR-15 re-chambered to 6mm x 45mm.

As I said, I get it, but here is the problem. The Second Amendment isn't about deer hunting or shooting matches. When the United States Supreme Court upheld the individual right to keep and bear arms (Heller Decision) with Justice Antonin Scalia writing the majority opinion, they upheld that right for the purpose of self defense AND for resisting a tyrannical government, not deer hunting or IPSC three-gun matches. If you have been using this term lately to describe the AR-15 semi-auto rifle, I would ask you to quit using that term, and use a different one, one that does not minimize the scholarship of the Heller Decision. I, for one, am going

to start using the term "modern semi-automatic rifle" (or pistol) when referring to these weapons in print or verbally.

The Shelves Are Bare

Remember just a few short months ago, before the re-election of Barack Obama? In my October 2012 President's Message column I wrote about what I felt was coming if Obama was re-elected. Well, sad to say, I was right. There is

little ammunition to be found for sale anywhere now. In fact, compare this picture with the one on the next page.

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This one was taken in September of 2012, and the one on the previous page just a few days ago. Same store, same ammunition department. This picture shows shelves stocked full with handgun ammunition, all calibers and many brands. That same store has now filled those particular shelves with other merchandise, and the picture on the previous page is the handgun ammo shelves today. Pretty pitiful. They had no .22 LR, no 9mm, no .40 S&W, and no .45 ACP. There was just a smattering of .380 ACP, .22 Magnum, 10mm and .44 Special. I sincerely hope you took my advice and stocked up.

Now, I admit I was wrong about the reason for this current shortage. In October, I felt increased taxation would be the vehicle to attack firearms and ammunition. What occurred December 14th (the Sandy Hook Elementary School shooting) changed that narrative. Predictably, the anti-gun politicians used that tragedy to forward their liberal agenda and they wasted no time in doing so. We will see how this goes, but I am actually encouraged that we will win this fight in Congress, as the House of Representatives is clearly both Republican and also the majority of those Congressmen and women are pro-gun. Still, we gun owners have a bunch of work to do.

The first thing is to let your U.S. Representatives know how you feel. Even a pro-gun Representative or Senator needs to be assured that their constituents do not want further gun restrictions. Secondly, we must have a strong pro-gun lobby to win the battle in the media. It is clear that most modern media outlets are sympathetic to the gun control agenda. How can we fight that power? By building a stronger National Rifle Association and strengthening other pro-gun groups. When I saw Alan Gottlieb sparring on TV in the days after Sandy Hook

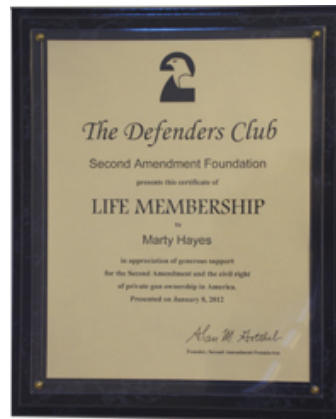
(and doing a good job of it, too), I felt a sense of pride for my longtime friend. I ponied up the coin to join the Second Amendment Foundation as a life member. Just the other day I got the acknowledgement back from them. The plaque they sent me will look pretty good next to my NRA Life membership certificate.

Now, I am not suggesting that everyone needs to be a life member, as many people have commitments for their dollars that are more important: food, lodging, supporting your children and such. I get it. But at least you should be a member, which takes me to our NRA Recruiter status. If you are not yet an NRA member, or need to renew your membership soon, please do so at www.armedcitizensnetwork.org. Since we started the

recruiter program we have had many people join or renew, and with each we get a little recruiting fee from the NRA, which we then put into the Legal Defense Fund.

While the NRA fights more on the political end, the Second Amendment Foundation is doing great work fighting on the legal end. Next, we must be concerned about the recent assault on gun owner's rights in New

York. The New York State Rifle and Pistol Association is asking for financial help to fight the new gun ban law in New York State. Even for non-New York residents, this is important, as any legal rulings made in this case will be appealed up to the U.S. Supreme Court. There is a link to donate on their home page. (www.NYSRPA.org)



Another thing we gun owners can do to advance our own cause, is to stay calm. I would recommend NOT buying any ammunition and guns right now. Let the supply catch up with the demand. Anything you would buy now will be at an inflated price, and while I support the free market system, I am not going to reward price gougers with my hard-earned money. Unless you absolutely need ammunition or a particular gun right now, put off the purchase for a few months.

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Stay calm in your interactions with people, especially on social media. We all rail and scream when we see some anti-gun politician or media type spouting emotional hate speech against gun owners, but when WE let OUR emotions override our intellect, we are viewed as extremists. We need to be viewed as the voice of reason.

2013 S.H.O.T. Show

This last month I attended my 21st S.H.O.T. Show (Shooting, Hunting, Outdoors Trade Show). Now, I admit that I have a somewhat jaded view about the show, primarily because of the pain in my feet associated with seeing the show! For 21 years, I have subjected my feet to walking miles and miles on concrete floors and the negative reinforcement I have experienced over the years tends to make me less enthusiastic about attending again. However, I also always come away in awe over the size and scope of the gun industry.

The main theme of the show this year seemed to be the upcoming political fight for our gun rights, but as I understand it, some business was also actually conducted at the show. There, the theme was back orders, and here is just one example. I stopped by the Nighthawk Custom booth and chatted with my friend Rob Potter, one of the account representatives. He explained that they were still taking orders, but had really no idea when they could be fulfilled. He said after President Obama's announcement of his plan for new gun control measures, it seemed like someone opened up the floodgates and people started placing multi-gun orders for the excellent high end 1911s Nighthawk Custom makes. I also talked to our friends at Black Hills Ammunition, one of our corporate sponsors. They too are way behind in filling orders. Same at COR-BON.



While there are no great deals to be had on ammunition or guns, but I did make one purchase. I was walking by the Boker knife company's booth (<http://www.boker.de/us/>), and I found the perfect knife to carry if you are concerned about the looks of the knife you carry in your pocket.

Now, I love my Benchmade knives, and have been using them for years. But, I am also very concerned about the looks of the latest cool tactical ninja knife if it is used as a self-defense tool. At last year's show, I had an earnest conversation with a U.S. knife maker, about making a tactical folder, but one that looks like an *Old Hickory* knife, the type of knife our fathers and grandfathers used. I got blank stares and soon realized they didn't "get it."

This year, when I walked by the Boker knife booth, my attention was drawn to the knives you see in the picture. Nice lines, excellent blend of stainless steel and faux



wood grain handles. When the show was almost over, I asked the Boker rep if I could buy them. I would much rather show a jury either of these knives than my black handled, serrated blade folders. This is how my mind is working these days, filtering all my gun/knife purchases through the filter of "how will it look to my jury."

Okay, this is enough for this month. Stay safe everyone, take a deep breath and stay calm.

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Please enjoy the next article.]*

Our Members Respond

To the Editor:

Your comments this month on the Connecticut and other mass-shootings were very thoughtful, and I believe very well said. One of the "perception" issues we have is derailing the media's attempts to characterize lawful firearms-use as it is commonly portrayed in most television and movie drama. Equally important, is to remind gun owners to always reinforce this responsibility with all non gun owners. A concealed-carry permit doesn't make one a policeman, and so much as brandishing may result in serious legal exposure, and possibly a felony-conviction.

Robert G. Heinritz, Jr., J.D.

To the Editor:

Your January editorial *Do You Use a Gun safe?* was excellent. At 70 years of age, I'm not real proficient with Facebook. I was wondering if there is a link I could post on Facebook that would let non-ACLDN members read your editorial with proper credit to ACLDN and you.

Bill Graves

PS: Please tell Marty that I'm a long time NRA Benefactor member and am going to sign up as a Life Member of the Second Amendment Foundation (SAF) after reading his January President's Message.

A follow up note came later from Mr. Graves:
I pasted the following, with Gila Hayes' permission, on Facebook. This is one time I'm sorry I don't have more FB friends. She also advised me we could "post this far and wide to encourage gun owners every where to use gun safes."

"This editorial *Do You Use a Gun safe?* was written by the Operations Manager of the Armed Citizens' Legal Defense Network that I belong to. She also is the Editor of the ACLDN's monthly Journal. It's a good reminder for all gun owners that will actually provide positive results instead of the political grandstanding and abuse coming out of Washington, DC. Even though many of us no longer have children in our home, we all need to remember to put our guns in a safe when we're not

using them to avoid a loss to burglars and into criminal hands. <http://www.armedcitizensnetwork.org/our-journal/280-january-2013?start=18> "

Editor's Note: Thank you, Mr. Graves, for helping spread the word about responsible gun ownership. We encourage members to share links to Network journal articles, as it not only helps combat ignorance of vital issues, but also helps make more armed citizens aware of the Network. I appreciate your participation!

To the Editor:

Your editorial on gunsafes was spot on. Unfortunately, it may play out like CA, which requires a safe PRIOR to purchasing a firearm and that was the beginning of keeping track of who owns firearms and provides another method of restricting who may purchase them.

I lived in Spain for 5 years, as a Military Attaché, and had firearms (sporting arms). I was required to have a gun safe and have it inspected yearly by the Spanish National Police. I found the CA requirements just as oppressive.

I am now an Idaho resident having retired from the USMC July 2001 and moved back to Idaho. I lived in CA for 4 years at the end of my 21 year career and was "subject" to the CA requirements.

While I view it as a personal responsibility to keep my weapons secure when not on me or under my control (I use Center of Mass for my side arms in vehicle and by the beside, a wall lock for my AR and a release activated containment for my defensive shotgun in the bedroom) I know many people who simply stuff them in the closet and walk away from them. I find that irresponsible, but what can we do, other than education, to make these folks see the light?

Gunsafes are just common sense...and we all know common sense is something that is fairly uncommon everywhere.

I look forward to further participation in the discussion.

Semper fi,
Mitch Jaurena

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Attorney Question Of The Month

With the generous help of our Network Affiliated Attorneys, this column helps our members understand the world our affiliated attorneys work in and demystifies various aspects of the legal system for our readers. We embarked on a new and interesting topic this month, when we asked our Affiliated Attorneys—

“What should a Network member do to protect his or her legal position in the event of widespread civil unrest if compelled to use deadly force to defend against presently threatened deadly force, but owing to loss of phone service or jammed 911 call centers is unable to report the incident to police?”

Bruce Finlay

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The question is extremely difficult to answer due to the number of possible variations. But, the question suggests that the shooter's first priority will have to be his or her own safety and the safety of accompanying family and friends, which may very well necessitate leaving the scene immediately. If so, I would advise contacting the Network and one of its affiliated attorneys as soon as possible for advice. If no one can be contacted, once a place of safety is reached, document the names and contact information for all known persons present at the scene, and obtain statements from them as to what they observed and why they needed to leave the scene.

Also document all attempts to contact law enforcement by whatever means are available, even if only in note form, including time, date and means of attempted contact and the result of the attempt, i.e., busy signal or no answer or no service available.

It is important for any known witnesses to write down what they observed before memory fades; this also

serves to defend against later claims of fabrication. All statements should be signed and dated, noting the place and time as well, and be as detailed as possible. I would normally want to see all written statements signed under penalty of perjury to avoid later changes from pressure or manipulation.

Draw a diagram of the physical layout of the scene of the incident, noting the locations of buildings, streets, and all known witnesses and the shooter and the attacker(s). Note specifically what deadly force was used against you, in as much detail as possible, and why deadly force needed to be used in response to the attack.

Royce Ferguson

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Lack of ability to call 911 is just one more factor when considering whether or not the private use of force was reasonable (should civil unrest finally calm and the courts are back up and running and the shooter's actions are being judged). The use of such force most likely will be judged on whether it was used to protect self or immediate others; its use to “protect society” probably would not work to exonerate the shooter (unless civil society is beyond unrest, as in beyond existence, in which instance it would not matter).

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He can identify witnesses and get written statements if at all possible. Without cell phone service, the cell phone can still take pictures. Anything to document the event will help. Report the event as soon as possible.

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By calling 911 the Network member using deadly force to protect himself or others does two things. First, he demonstrates the willingness to report the incident and to establish himself as a person with nothing to hide. Second, he submits the scene to police to perform whatever investigation the authorities deem appropriate.

In the event of a breakdown of the line of communication between the armed citizen and the authorities, these hopefully exculpatory results of the report to 911 would be unavailable. The armed citizen, it would seem, would be on his own to then document the inability to contact authorities by usual means and to record and preserve any and all information and evidence relative to the critical incident.

This information should then to be made available to police as soon as possible. This would include photographic, video and possibly diagrammatic material; preservation of all physical evidence; preserving contact information for all witnesses; and, to the extent possible, preserving the statements of the witnesses.

I would also think that any available medical intervention for injured or wounded persons should be accessed. The preservation of the armed citizen's legal welfare would be, like the necessity of survival and self protection, up to the individual rather than the institutions and services we would normally rely upon and be obligated to contact under normal circumstances.

Tim Evans

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Document your attempts and forward them as soon as possible.

Marc S. Russo

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Do nothing to alter the crime scene. Leave any weapon carried by the person you were compelled to defend yourself against in situ if this can be done safely. If the person is still alive, make every effort to obtain assistance or render first aid—the latter only if it can be done safely. Even a seriously wounded perp can be dangerous.

Conspicuously display a large "HELP! POLICE" sign on your property. If possible show or let neighbors see what happened and explain that you are trying to reach police. Ask if any of them are successful reaching them, to report this. Try to flag down a police car. If you have any friends, acquaintances or neighbors who are law enforcement officials, tell them. Make it obvious you aren't hiding anything.

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DVD Review

Dryfire Practice and Methodology

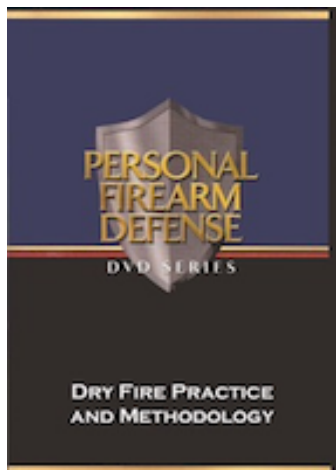
By Claude Werner and Rob Pincus
 Personal Firearm Defense DVD Series
 Personal Defense Network
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Reviewed by Gila Hayes

Claude Werner, once the Chief Instructor for the famed Rogers Shooting School and now operating his own Firearms Safety Training, LLC, teams with Rob Pincus in an informative DVD entitled *Dryfire Practice and Methodology*. Dryfire is an important topic, and it is very pertinent given the current ammunition shortage and resultant price inflation. The practical use of dryfire for armed citizens' skill maintenance is not without problems, however, and these concerns are resolved in this program.

Werner developed his dryfire program out of his own need for an effective dryfire procedure that would yield the skill maintenance and development he wished to accomplish. Being an analyst by vocation and by nature, he created the organized dryfire program that he shares on this DVD. His focus was on developing a dryfire program he could safely practice at home every day that actually increased skills, without "turning into just a bunch of gun clicking," he explains during the introduction he makes with program host Rob Pincus.

Dryfire is not the "be all, end all solution," Werner acknowledges, yet, he stresses, it is a "valuable adjunct" to live-fire training, and besides, with so many folks unable to get to a firing range regularly, a well-thought out dryfire program has much to offer. Pincus concurs, agreeing that his experience teaching in Europe underscored the problems faced by those who are prohibited from practicing draw and fire at the range, who cannot practice movement integrated with shooting, for whom rapid fire is restricted or who face other regulations that prevent realistic self-defense shooting practice.



Werner makes specific equipment recommendations for safe and effective dryfire, including use of a reduced-size target when you do not have a 15 or 25 yard room in which to set up for dryfire. The miniaturized target encourages accurate practice at shorter ranges like across a small study or bedroom. A shot timer to time the drills "to keep yourself up to your standards" is important, he adds.

If using a semi-automatic handgun, replace the barrel with a Blade Tech training barrel (see http://www.blade-tech.com/Training-Barrel-pr-1018.html-product_images) or a

muzzle plug to prevent any ammunition from entering a chamber. Further safety comes by using a casting shaped like a magazine or rendering one of your own magazines inert. Werner recommends disassembling a magazine and grinding the follower so it won't hold the slide open. Brace the follower at the top of the magazine with a dowel or tongue depressor, to create a magazine into which no ammunition can be inserted. He also explains the function of snap caps or dummy rounds.

When preparing for dryfire, Werner begins by unloading the firearm outside of the safe dryfire area. He removes the semi-auto barrel and replaces it with the dryfire barrel. Returning the now inert pistol to the holster, Werner replaces all live ammunition with the inert magazines he has prepared in advance. The live ammunition and the real gun barrel are stashed in a container he secures outside the safe dryfire area.

What comprises a safe dryfire area? A bullet-resistant wall or if that is not available, put your target atop one of the commercially available ballistic containment panels or a surplus body armor panel. The target he dryfires on is specific to his dryfire practice, Werner explains, and he does not leave it hanging on the wall after he finishes dryfire practice, to avoid an absent-minded practice shot later. This principle is repeated for emphasis later on.

Before beginning his dryfire demonstration, Werner once again verifies that his handgun is unloaded. He has set his shot timer for a realistic interval with a beep at the start and a beep at the end of the time so he can hold

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himself to high standards for the execution of his practice drill. He explains how to choose a good par time for the drill you wish to practice, illustrated as he works through draw and dryfire exercises. He next demonstrates practicing presentations from a compressed high ready, and he describes the skills and how to analyze their proper performance. Since the action of the Glock pistol with which he demonstrates has to be reset for each trigger pull by cycling the slide, he adds in the response used for a failure to fire, tapping the base of the magazine and fully cycling the slide, just as we would in a failure to fire.

Simulating running out of ammunition to force a reload is demonstrated, along with explaining how to smoothly reload, and efficiently rack the slide while getting the sights back on target. Werner doesn't edit out the time his hands slip. Instead he speaks about teachable moments, and explains what he is learning while practicing dryfire.

Next, Werner describes using dryfire for revolver skill building and maintenance. One good drill is managing the double action revolver's longer, heavier trigger pull, and he discusses what he is looking for in the skill set. Adding additional skill steps to practicing the trigger press, he moves into presentations, drawing from a pocket holster, then demonstrates multiple target drills and challenging himself with a tight time constraint. One of the program's repeated themes is smooth execution of the skills demonstrated, as well as concentrating on sight alignment.

Dryfire practice with a shotgun, plus bringing in a dryfire practice partner, comes up next. Skills that lend themselves to shotgun dryfire practice include presentation from the low ready to bring the sights smoothly on target, attaining a consistent cheek weld on the shotgun's stock, plus habituating a smooth trigger press without flinching. If using a pump action shotgun, a good dryfire training drill is always working the action immediately after breaking the "shot." Taking the shotgun from the common storage condition of loaded magazine tube but empty chamber to a loaded chamber and ready to fire, followed by a good trigger press is also practiced in dryfire.

Partnered dryfire presents its own set of concerns, and Pincus and Werner discuss safety, then Werner assumes the role of coach, showing how the coach can use the timer to assist the practicing partner. Within Combat Focus Shooting's own methodology, dryfire is an opportunity for Pincus and his students to integrate

lateral movement, efficient presentations, integrate a danger scan before returning the gun to the holster and more. A partner can further simulate the recoil and action of the slide cycling, as Pincus and Werner demonstrate. A video camera can provide feedback when a live partner is not available, they add.

Pincus explains that he has long been concerned that dryfire is deleterious in habituating technique that will not stand up in live fire when the gun recoils, or under real emergency stress if attacked. Werner's methodology goes far to put those concerns to rest, he acknowledges.

Safety after dryfire comprises the closing chapter. After dryfire, take down the dryfire-only target, leave the gun unloaded and go do something else as you withdraw from the dryfire mindset, Werner urges. After an interrupting activity—a cup of coffee or listening to a little music—the gun can be reloaded and put in its normal place with less concern about reverting to dryfire and causing a negligent discharge inside your home, he explains. Pincus discusses having a negligent discharge during dryfire. The discussion emphasizes the value of a safe dryfire training routine that "separates the practice time from the time we are armed and prepared to defend ourselves," as presented in this DVD.

As with all of Pincus' Personal Firearm Defense DVD series, the program is broken into short chapters followed by a recap in easily absorbed bullet points on title pages. Since any training we do should be documented in our own handwriting, these recaps accommodate jotting down personal observations and notes.

A bonus disk provides a recorded voice directing the dryfire practice through a series of five drills, plus a segment on safe gun handling. With the audio disk, there is no need for a shot timer, since not only is the drill given verbally, the timing is also indicated. In addition, Werner provides a downloadable dryfire practice target on his website, and more importantly, the opportunity to buy the DVD reviewed here for a very affordable \$12.95. http://www.dryfire-practice.com/e_Shop.php?view=productListPage&category=5 I strongly recommend you support Werner and his training efforts by purchasing this video. Support your own skill development and maintenance by viewing the DVD and using the audio CD to practice safe dryfire.

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

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Networking

by Brady Wright

As we move into the New Year, lots of things will change. Make a resolution to be as active and involved in the community and your own personal network as you can. One of the biggest benefits of Network membership is the ever-growing number of

contacts you can make with like-minded folks. If you see a member or affiliate anywhere in the journal, who is doing something that speaks to you or seems like a good idea, maybe even one that you could use or expand on in your own circle, take a moment and make contact with that person. Your individual network will be just that much more powerful and that helps all of us!

One of our well-connected affiliate instructors is Steve Eichelberger in Salem, OR. His classes are open to all, civilians and law enforcement alike. He dropped a line before this month's journal came out, to say that he is presenting the facts and law for the controversial topic of arming teachers, then moderating the vigorous discussion that is sure to follow. For those of you living outside of Salem, the "Sane Conversation" can come to your town, school, or workplace. Send Steve an e-mail if you'd like to have it there. Steve's email is firearms.instructor@comcast.net



Conrad Zvara is in Milwaukee, WI (home of Harley-Davidson, of course) and he's an Affiliated Instructor teaching six or eight CCW classes each month. He gives our educational materials to every student. In addition, he works a few days a month at a local shop that sells guns and gives Network materials to anyone who expresses an interest in guns or concealed carry. He is reaching a lot of people and so I just sent him another case. You can learn about Conrad's classes, and get acquainted by touching base with him at 414-630-2258. Tell him you read about him here.

Welcome to Mitch Juarena, a new member who is also a member of a shooting range, Impact Guns, in Boise, ID. Mitch asked for us to send some Network materials so he could display them at the range, which is also a gun shop and, as you might imagine, currently swamped with customers. That's a good thing, Mitch! Thanks for exposing all those folks to the Network.

Speaking of the Network's brochures, I am getting more requests for them lately. In case you haven't seen one, they are a tri-fold with all the basic information about the Network and a membership application on the back. The brochures are compact, to the point, and weigh less than our educational booklet, if you are trying to manage shipping costs. Let me know if that sounds like a good fit for your needs. You can preview the new brochure at <http://www.armedcitizensnetwork.org/images/stories/Brochure.pdf>.

Let me extend a warm Network welcome to some new affiliates, who just got in under the deadline for this column! Introducing his students to the Network is Richard Katzenbach, an instructor who covers the area around Sinking Spring, OH. Get more info on his classes and training at rkatz45172@frontier.com. And if you happen to roll out onto the Jericho Turnpike, on Long Island, NY, you might stop at Coastline Guns and Ammo, a gun dealer in Bloomberg country and a new Network affiliate. Thanks for holding the line, guys.

We also like to hear from our long-time friends. One such message requesting more of our 24-page booklets came recently from ProArms, Inc, in Live Oaks, FL. Steve Denney is the general manager there and you can look them up at www.proarmsinc.com. If you visit their website, you will find a nice profile of Steve, as well as a link to their ProArms Podcast, with some pretty impressive participants. I should also take the opportunity to also give a plug to Alex Haddox, host of the podcast, Practical Defense. He has been doing some great things on line lately and his archive is still a fine source for training and defense-related info. Check out his page at www.palladium-education.com/practicaldefense or just go to his Facebook page <https://www.facebook.com/PracticalDefense>.

If you need any materials to give to clients or customers, call or email me at brady@armedcitizensnetwork.org especially if you have news to share, or know of a win we should celebrate. There's more to come next month. Stay safe out there!

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

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Editor's Notebook

About Our Affiliated Attorneys

by Gila Hayes

A few days ago I started 2013's targeted campaign to increase affiliated attorneys in

states in which we had fewer than four affiliates. I guess I went a little crazy, because once those first inquiries were emailed, I went on to solicit recommendations in some other states in which I was concerned that although there are six or seven affiliated attorneys, some members have to drive two to three hundred miles to meet with one, as is a problem where affiliates are all clustered on one edge of the state.

Asking members for recommendations for gun friendly attorneys has been an interesting experience for several reasons. First, it brought to mind how relieved I was to recruit even one attorney per state during the Network's first year or two. Now, with some states served by one or two attorneys, my worries are that those affiliated attorneys may retire, ascend to the judicial bench, or simply become too busy to help a Network member. In addition, sadly, the Grim Reaper claimed several of our affiliated attorneys during 2012, something none of us could have predicted.

Also, during 2012, at least two Network affiliated attorneys were appointed to judicial positions, closed their law practices and have thus become unable to assist our members. The most recent, and thus foremost in my memory, are Sheldon Boyce of Rochester, NY and Mark Lawson of Maquoketa, IA. Congratulations, Judge Boyce and Judge Lawson. While it personally pains me to lose your participation as Network affiliated attorneys, in the larger picture, I find it deeply satisfying to know that the judicial branch of our criminal justice system will now benefit by your skill, knowledge and experience.

The Search Goes On

The Network is always on the search for gun-friendly defense attorneys we can invite to affiliate.

Sometimes members suggest the name of an attorney of whom they are aware because the lawyer is continuously in the headlines or is famous for controversial cases. When asked if they know that the attorney recommended is friendly toward armed self defense, the response usually is, "I have no idea, but they seem aggressive. Isn't that a good thing?" With respect to the members wishing to help swell the ranks of our affiliates, no, fame is not necessarily what we want.

The purpose of the Network's list of attorneys recommended by gun owners for gun owners is to identify attorneys with whom the armed citizen can enjoy a comfortable pre-need conference, getting the attorneys' agreement to be the one the armed citizen would call if, Heaven forbid, they have to use deadly force in self defense. This is not a comfortable request to make of a stranger, much less a stranger who asks in horror if you are planning to commit murder, clearly oblivious to the self-defense potential in use of deadly force.

As part of this ongoing campaign, I recently researched several attorneys who were put forward as prominent or famous defense lawyers from the member's city, county or borough. One attorney's website actually bragged that he was infamous for his hijinks when defending his clients. I need your understanding on this detail, folks: it will not be of much help to you or your fellow Network members if our affiliated attorney lists suggests that you establish contact with an attorney who is not "one of us," who lacks the basic understanding of the armed citizen forced to defend him or herself against criminal assault.

Finding An Attorney

Finding An Attorney is the title of an article by Network President Marty Hayes published in an early Network eJournal. This short but comprehensive description of what armed citizens need to do before desperately needing an attorney is highlighted for continued readership at www.armedcitizensnetwork.org/finding-an-attorney. The article does NOT advise you to retain the "F. Lee Bailey" of your area or seek out a high profile attorney. Instead, it advises armed citizens to speak with and obtain the permission of a local attorney to carry his or her phone number and call on him or her if they use

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deadly force in self defense. The article also has valuable advice about what to ask during a pre-need conference. If you've not read it, please do.

The early-response attorney may not be the one to eventually argue your case in front of a judge and jury. He or she may choose to step aside or to work with a team of experts from the Network in crafting and presenting a member's courtroom defense. What he or she absolutely MUST be able to do is represent you during police questioning and advise you in the difficult days that follow using deadly force in self defense.

A lot of inquiries that come in by phone and email ask for trial attorneys who are experts at defending self defense. There are precious few attorneys genuinely meeting that description and the likelihood of finding even one in every state of the nation, let alone every city, is unlikely. Thus, when the time does come when a Network member's post-incident needs go beyond legal representation during questioning after self defense, we will offer the member's lawyer the assistance of a team of experts and attorneys who have the requisite experience to put on a successful case defending self defense.

Membership Details

When I recently reached out to members in targeted states to ask about gun-friendly attorneys they knew from concealed carry licensing classes, the range, or other sources, it was apparent that a few members did not know how to access the Network's affiliated attorney lists, because they urged that "these lists should be published publicly," and added comments showing that we need to reiterate how to use the Affiliated Attorney listings.

First, please understand that the listings of Network Affiliated Attorneys are strictly a Network membership benefit and this information is not to be distributed outside the Network family. Network members are emailed log in codes for our website, so they can access contact information for Network affiliated attorneys. The URL <http://www.armedcitizensnetwork.org/affiliated-attorneys-map> will request log in, and depending on how your browser handles the session, you may be asked to log in again before gaining access to the attorney list for your state. These lists are comprised of the names and contact information of attorneys other Network members and affiliates have recommended, gun-owning attorneys who have approached us and asked if they could help, or attorneys whom we have approached after becoming aware that they were gun owners when they were at the

gun-rights events we attend or post on Internet forums we frequent, for example.

It remains the individual member's responsibility to get to know an attorney to whom they would feel comfortable turning after going through a self-defense incident. This is a very individual need! I was reminded just how personal it is during an interesting exchange with a member. He emailed me the name of a knowledgeable and gun-friendly attorney from his state, but added that when he met the man at a lecture, the attorney's unapproachable demeanor put him off. He later added that while he "would not enjoy having a beer" with this attorney, he trusted the man's obvious knowledge of laws about armed self defense. I responded that in a perfect world, perhaps we could combine both knowledge and likeability. I continue efforts to increase the depth of our affiliated attorney resource lists so perhaps this member and others will have a less formidable personality on their "attorney go to" list.

Several other attorney recommendations I've received show that other members have found that perfect combination, with one member recommending the attorney who handled a non-gun matter for him, adding that he and his attorney had discussed their AR-15 rifles when not occupied with the details of the case.

The Next Step

My most recent attorney affiliation campaign started last Thursday. It took all day to ask members in 36 states if they know a gun friendly attorney. It will take a lot longer to answer the approximately 185 email responses! Some wrote, "I don't know any lawyers; please tell me what you find out," while others reported not knowing any gun friendly attorneys but vowed to ask their friends for help. That's networking in action and I look forward to hearing more from these members. Still others offered names of attorneys the member does not personally know, but knows by reputation. That's a great start, because I can follow up on those recommendations. Even better were the emails from members who gave names and addresses for their personal attorney who is also an armed citizen.

It will take several weeks to make it all the way through all of those emails (and more I hope will arrive this weekend while I work on this journal), especially now that I have stopped to produce the February *eJournal*. I'll research bar membership and complaints and other information for the recommended attorney, and then as

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appropriate, mail personal letters of invitation to likely candidates. This is time consuming. As of Friday afternoon, I had responded to 38 of the 180 member recommendations, and was able to tell many of those members that their recommendation looked very promising, thank you very much!

If you made an attorney recommendation, please be patient while I work through that process. I'll respond to your email after I check out the recommendations you made. Whether or not the attorney you have recommended responds positively will rest solely in the lawyer's hands. We won't pester them with phone calls,

repeated emails, or mail beyond two (one initial letter and a briefer follow up note) invitations in the mail to come onboard with the Network. I am sure some Internet guru could create a more aggressive campaign, but we are determined to approach prospects with the same respect we extend to all of our affiliates. A business-like approach yields serious, professional results. Thank you, Network members, for your vital part in this effort.

*[End of February 2013 eJournal.
Please return next month for our March edition.]*

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.

Do not mistake information presented in this online publication for legal advice; it is not. The Network strives to assure that information published in this journal is both accurate and useful. Reader, it is your responsibility to consult your own attorney to receive professional assurance that this information and your interpretation or understanding of it is accurate, complete and appropriate with respect to your particular situation.

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 email sent to editor@armedcitizensnetwork.org.

The Armed Citizens' Legal Defense Network, Inc. receives its direction from these corporate officers:
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We welcome your questions and comments about the Network. Please write to us at info@armedcitizensnetwork.org or PO Box 400, Onalaska, WA 98570 or call us at 360-978-5200.

