



## Tom Gresham's No Shrug Policy *A Lie Unchallenged Becomes the Truth*

*An Interview with Tom Gresham by Gila Hayes*

It is a pleasure to welcome Tom Gresham back to our journal pages, and this time, we want to spend a few minutes discussing Tom's No Shrug Policy.

**eJournal:** Most would agree that just as there is a time for compromise, there is a time to stand firm and refuse to compromise. Your No Shrug Policy has inspired many to stand up for their principles. In the interest of inspiring those who may not have had the chance to hear you speak on this topic, I'd like to learn more about your efforts. Where did the concept of the No Shrug Policy start?

**Gresham:** The No Shrug Policy is an outgrowth of the Gun Talk Truth Squad. Way back in the early days of the Internet, I was frustrated by news reports, and I'd say, "What they said about guns—that's wrong!" And, just as we can't now, then we couldn't get positive stories or even accurate stories in the media about guns, gun owners or gun rights. So I thought, how do we get something good in the media? Letters to the editor? They'll at least print our letters—this was back when we would still send real letters to the editor.

I thought, I'm a pretty good writer, so I can help people write. If I could get two volunteers in each state, we would have one hundred people who would be able to send letters to the editor and that would be great! We'll call them the Truth Squad. So, I called for volunteers, and they said, "Yeah, I'll do that!" What I found was that our people want to do something; they just need direction. You need to point them at a particular hill, and they will take that hill.

**eJournal:** How do you keep the Truth Squad alerted?

**Gresham:** I send out an email newsletter roughly once a month and I try not to email too much; I don't want to bug people. For example, a newsletter may say, "Here're my thoughts on some things," or we say, "Look! Here, a Truth Squad person responded and we got a great result from it."

**eJournal:** As I've heard you say before, the rest of us can borrow some of the verbiage from those successes, make it our own, and spread the results even wider.

**Gresham:** That is the idea! We tell people, "We have no pride of authorship here!" If you see a letter you like, take it, make it yours and use it somewhere else.

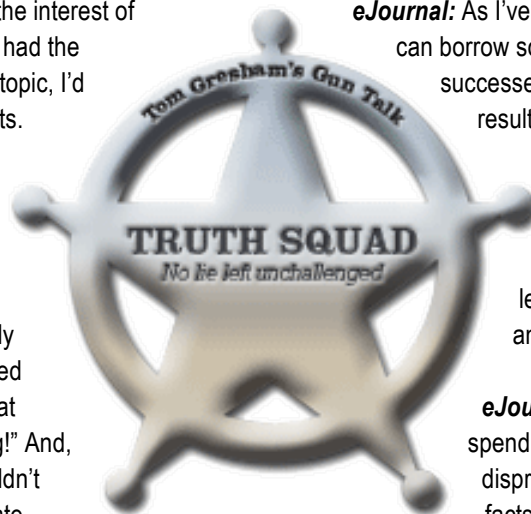
**eJournal:** By doing that, I don't have to spend two hours searching for the facts to disprove the lies. Tom already has found facts I can quickly use to refute an error in the media instead of procrastinating because I don't have the time to get my facts in line.

**Gresham:** The premise that the Truth Squad was built on is this absolute truism: A lie unchallenged becomes the truth. We hear something on TV, we see somebody saying something or we read something in the paper, when it is wrong, we always challenge it; we never let it go.

From that, came the No Shrug Policy. Never will we shrug and say, "That's just the way it is. I can't do anything about that." No! We will always challenge these lies, because if we don't challenge them, they become the truth.

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You get the silly stuff like, “A gun in the home is 43 times more likely to blah, blah, blah...” We know it is not true, but they keep repeating it. Well, you not only have to tell them it is wrong, but at a certain point, you also start pointing out, “When you say that, you look very foolish.” People don’t want to be embarrassed. People are actually more afraid of being embarrassed than of being killed. You can use that and say, “You people really do look foolish! Do you understand that? This has been disproven for years. If you just do a little bit of research...”

So that is the No Shrug Policy, which comes from “No Lie Left Unchallenged” that is our Truth Squad’s motto. I originally wanted to pick up 100 people for the Truth Squad. We are now at 54,000 Truth Squad members who all say, “I absolutely will not let a lie go unchallenged.” We don’t shrug! We ALWAYS respond.

Of course, now, it is so much easier! You don’t have to write a letter to the editor, you can put a comment on a website, or you can call them. I’ve had people say, “I called our local station and they changed the story because they didn’t know about this.” Or, “I contacted our local station because they were running a PSA (Public Safety Announcement) from some anti-gun group and I challenged them on that and they said, ‘Oh, we don’t have to run that. We’ll take it down.’” It works! You just have to stand up and say, “No more! That is not accurate. We are not going to shrug.”

People like having a direction to go. They *are* willing to go! They say, “What can we do?” Well, here is something you can do: Respond every single time. If somebody behind you in the checkout line says something wrong, you just very personably and very kindly say, “You know, I understand how you might think that because that is what you are being told in the media, but you may not be aware...” and then you go forward like that. In some cases you can be a little bit confrontational—particularly with the media—but one on one, most of the time it is not that people are trying to be wrong!

**eJournal:** They are parroting what they have been told over and over. The immediate corrections you describe are the very essence of grass-roots activism and we

didn’t have to hold a fundraiser to buy an advertisement to get out the message!

**Gresham:** Not only does it not cost you anything, it gives you immediate rewards! You can accomplish things with it, but you will also feel SO much better when you get rid of that frustration that we all get when we ask, “Why do they do that? I can’t believe they are doing that!” No, no! That doesn’t get you anywhere! Take that, channel that and contact them!

Even if they don’t correct the story, here is what happens behind the scenes. People say, “Well, I told them that, and they kept repeating it.” But if one person says it, it is nothing. If ten people say it, it might be something. If 100 people contact the station and say, “You got it wrong and you guys really look foolish on this!” they may not do a retraction, but the next time that reporter covers that type of story, he or she is going to remember, “Last time, people said I pretty much looked like a fool on this. I may look into this a little bit more.” There are long-term benefits to the No Shrug Policy, also.

**eJournal:** You’re planting seeds.

**Gresham:** Exactly. I tell people to use that idea of saying, “You guys really looked foolish on this one!” It is not like saying, “You’re wrong!” or “You have an agenda.” People get their defenses up when you do that. You can’t win a fight with the media. You cannot do that. But what you can do, is say to the individual reporter, “You know, you really ought to do a little more research on that, because, you know, that one really made you look bad. I’m just tryin’ to help you.” [chuckling]

**eJournal:** Psy/ops?

**Gresham:** It is all psy/ops. The whole idea of the Truth Squad and the No Shrug Policy is that the battle is for public opinion. Congress will eventually do what the public feels should be done. The country is very evenly divided on guns and gun rights and has been for the last 30 or 40 years. We only have to move the needle a few ticks—one, two, three ticks—a little bit, just a little bit!

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To do this, you always want to sound reasonable and want to appear to be normal—not like they portray us.

Understand that the goal is not to try to convince them that we're right or that they're wrong. The goal is to use their mechanism to reach other people who will read that and think, "Wow, the person who is writing this letter sounds like a reasonable person, and those are some pretty good points. I think maybe that's OK." Honestly, if you do nothing more than get the public to come away and say, "Those people sound pretty reasonable," then that's a win.

The whole idea of this is to move the needle of public opinion. You are not really trying to convince the media. You are using a comments section on a website or letters to the editor as a vehicle, as a megaphone, if you will, to reach everybody else.

**eJournal:** You have reduced the problem from changing national politics, into something that is doable—influencing opinion by just one or two degrees.

**Gresham:** That is my point: This IS doable. This IS winnable. All it takes is every one of us doing it. What would it take? Five minutes to write a comment. A few minutes talking to people. Always responding. NEVER shrugging.

It is an attitude you get up with every day. I am a responsible person. Part of my responsibility to the Second Amendment and to other gun owners is to adopt the No Shrug Policy. Never again will I say, "I don't have time. That is just the way it is." I am not going to do that anymore. That is the Truth Squad.

**eJournal:** That is inspirational! I hope our readers will become part of the Truth Squad.

**Gresham:** They can join the Truth Squad at absolutely no cost at <http://www.guntalk.com/site.php?pageID=7>

## **Additional resources:**

### **Just the facts, Ma'am!**

Tom suggested visiting the website [www.gunfacts.info](http://www.gunfacts.info) in which the website owner makes gun facts freely available as an online app or for sale as a printed book.

### **In Tom's Own Words**

Listen to Tom relate a No Shrug experience at <http://tinyurl.com/ckz9fgt>

Points to remember—

- Always contradict lies and errors.
- State your position politely.
- Strength comes in numbers: One complaint may be ignored; a dozen will get noticed; 50 or 100 spurs change.
- Don't patronize anti-gun businesses. Tell them why you can't spend money with them. Let them know you will alert your associates.
- You can make a difference. People change when confronted.
- Challenge political Public Service Announcements on local radio. Send a written complaint and request that the letter go in the file for FCC review.
- Make the commitment: You will take the time to politely correct mistakes.



## President's Message Is Your Legal Defense a Cadillac or a Taurus?

by Marty Hayes, J.D.

Recently, I served as an expert witness in the criminal homicide trial of an armed citizen who was charged with first-degree murder, third degree murder and voluntary manslaughter.

The details are not important to this commentary, but what was clear during trial was that the prosecuting attorney was really at odds with the Armed Citizens' Legal Defense Network's mission, and with my independence as an expert at this trial. He questioned me incessantly about the Network, how it works, my involvement in it and he objected to the judge about allowing me to testify at all, because, he charged, I obviously couldn't be an objective, impartial witness. He "appeared" shocked, though there was a good deal of play acting, about the fact that the Network would pay either a \$5,000 or \$10,000 retainer to the member's attorney after a self-defense incident.

The defense attorney got in the last word when he asked if the prosecuting attorney was suggesting that people should not have access to good legal assistance. The judge told the prosecutor to "move along" and the jury saw through the BS and acquitted the armed citizen. But the experience really made me think. Just today, I read an article about what our newest United States Supreme Court Justice, Elena Kagan, said about a criminal defendant's right to counsel. Let's start with a little background on the right to counsel.

The year was 1963, and the case was *Gideon v. Wainwright*. The result of that landmark case was the USSC's unanimous decision that a criminal defendant has the right to a lawyer, and to have that lawyer paid for by the government if the criminal defendant could not afford one.

Speaking before a standing-room-only crowd at a Department of Justice event celebrating the anniversary of that decision, Kagan is reported to have said: "The provision of a 'Cadillac' lawyer isn't a right for poor defendants. But they should at least have a 'Ford Taurus' defense, complete with a lawyer who has the skills, resources and competence necessary to

thoroughly advise a client." You can read the whole article here:

<http://legaltimes.typepad.com/blt/2013/03/kagan-holder-address-the-five-decades-since-historic-gideon-decision.html>

Kagan is reported to have also said: "We don't have the resources to make [a Cadillac defense] happen and I'm not sure if we did have the resources that that's exactly what we should want."

My interpretation? She said that an indigent criminal defendant doesn't need a competent defense, just a "showcase" defense. You see, presenting a competent defense in many cases requires a private investigation of the incident, hiring expert witnesses and consultants and more legal help than just one solo attorney can provide.

In many jurisdictions the rate of pay for "assigned counsel" (who are attorneys assigned by the court to handle cases where there are no dedicated public defender offices) is alarmingly low. According to a study conducted for the National Association of Criminal Defense Lawyers, the rate for attorneys is as little as \$40 per hour in Wisconsin and in most jurisdictions it is also well below the normal going rate for good legal help, which costs over \$100 per hour. In many other jurisdictions a flat rate is paid per case, with that flat rate for murder cases sometimes as low as \$3,000, as it is in Florida. Knowing that, I would not want to rely upon a Florida public defender if I was charged with murder after a self-defense shooting.

I suspect by now you likely know where my train of thought is going, and you'd be right if you guessed that I'm setting the stage to explain how we at the Network strive to attain the goal of providing a Cadillac defense—not just a Taurus defense—for our members who justifiably use deadly force in self defense.

A Cadillac defense would include at least two lawyers sitting at the defense table, along with the defendant and a paralegal. A Cadillac defense would include a private investigator hired by the defense attorney to re-interview witnesses to the incident. A Cadillac defense would include the defense interviewing for the record all the

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police witnesses and other witnesses who will be testifying against the armed citizen. And, a Cadillac defense would include hiring expert witnesses both for direct testimony and for rebuttal testimony. I estimate that a Cadillac defense would cost upwards of \$100,000 or perhaps even more.

Now for the good news: Network members have this type of defense available to them.

I am pleased to announce our Legal Defense Fund has reached a milestone, acquiring a balance over \$250,000.

My goal has always been to have a half a million dollars in the Fund, so in a worst-case scenario we could help fund several Cadillac defenses for our members, so we have at least two or three years before we reach the half-million milestone. Still, for now, it is very comforting to have a quarter-million dollar balance.

## Zimmerman Foregoes "Stand Your Ground" Hearing

Before I close, I want to update you on a case on which I began commenting periodically in May of 2012. George Zimmerman has recently decided to pass up the opportunity to have the judge in his case decide if there was sufficient evidence to dismiss the charges against him, electing instead to simply prepare for a June trial. I think this was a wise move. Based on what I see from afar, with this judge the cards are stacked against George Zimmerman and his defense team is going to have to fight for every bit of justice they can muster.

Apparently, in Florida it is very costly to put on a Cadillac defense and it appears the defense has used up all the money donated for Zimmerman's legal expenses, just preparing for trial. That is unfortunate, and so I would like to suggest that any of our members who feel Zimmerman was justified and is being railroaded—by the

way, I fall within this category—donate to Zimmerman's defense fund. I just made another donation. Please consider joining me by contributing at <http://www.gzdefensefund.com/donate/>.

You can read more at the Zimmerman defense website <http://www.gzlegalcase.com/>. At the time I wrote this, the website was still indicating there would be a hearing, but after my donation I heard back from Zimmerman's attorney (we have been in slight contact since the case started) and he told me that they were using the website as a permanent record and thus would not change what was posted there, but instead would make a notation indicating the hearing has been waived and they will be going to trial.

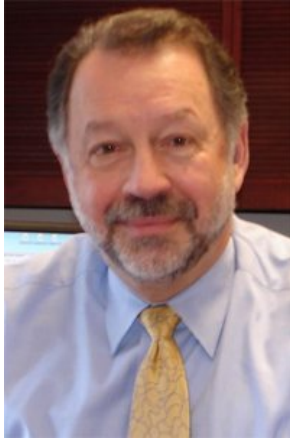


Many armed citizens believe they don't need to worry about being prosecuted because they live in a Stand Your Ground state. They believe that if they are justified in using deadly force

in self defense, they won't be prosecuted. As we have been saying for many, many years, this is a foolish belief, because the only way you can prove you were justified is if the district attorney says so, or a grand jury says so, or if a judge says so. There is no scoreboard that flashes "Justifiable" on a heads up display shortly after the incident that gives you a free pass. If you live in one of the Stand Your Ground, or Castle Doctrine states, you must take your legal defense preparations just as seriously as anyone else. That means understanding the law—including case law, obtaining training in the law as well as training in decision-making and use of deadly force, and making sure that your training is documented. Those are the steps that will help protect you after a shooting. Of course, having the Network behind you won't hurt either!

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Please enjoy the next article.]*

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## Vice President's Message

### *NRA Meeting—Join Us*

*by Vincent Shuck*

At this time of year, many of us involved in the Network turn our attention to the NRA Annual Meeting. We will again have a booth at this year's event where we will recruit new members, visit with corporate sponsors and meet current members attending the meeting. We hope you will join us.

The meeting will be held May 3 – 5 at the George R. Brown Convention Center in Houston, TX. Admission to the exhibit hall is free to NRA members and their family. Over 550 exhibits covering every aspect of the shooting, hunting and related industries will be available to visit. This is the place to touch practically every firearm available today and to compare them all, preparing yourself for your next purchase back home at your local gun store and dealer. Want to talk to a representative from one of the gun manufacturers who can produce your next custom 1911 or an outfitter for your next hunting trip? This is the place where you can do all of that. You can also see knives, shooting accessories, hunting gear and antique firearms. In addition, educational seminars, special events and celebrity speakers are on the schedule for you to choose from.

Houston, the fourth largest city in the U.S. and largest in Texas, is named after General Sam Houston. It's the home of the world's largest concentration of healthcare and research institutions and the Johnson Space Center, in addition to other historical sites.



To determine what to do, if roaming the 440,000 sq. ft. exhibit hall is not enough, visit the NRA's annual meeting website at [www.nraam.org](http://www.nraam.org). You can also find help there on travel and housing, especially beneficial if you are not a Houston area resident.

We would enjoy seeing you in Houston. Marty, Brady and I will be in booth # 2411 and ready for your visit – come join us, and bring a friend with you.

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Please enjoy the next article.]*



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## Attorney Question Of The Month

This month's column is a continuation of answers to a question that we posed in the March 2013 edition of this journal. If you have not read the March column, please review it first, as the following information builds on last month's presentation.

The Network encourages members to have an attorney in their home area with whom they can consult both prior to and after needing to take self-defense actions. To facilitate finding a gun-friendly attorney, the Network affiliates with attorneys all across the nation, not with the intention of making a judgment or recommendation about the attorney's expertise, but rather to provide members a starting place for their gun-friendly attorney search. The choice of attorney rests solely with the member. Likewise, how affiliated attorneys interact with Network members is entirely up to the affiliate. Lawyers, influenced by individual experience, firm policy and how they practice law, have a variety of ways in which they prefer to interact with Network members.

Thus, when we asked the following question, we received a considerable variety of answers that we hope you, our members, will find useful, especially if you have not yet found an attorney you would call after acting in self defense.

Here is the question we asked our Affiliated Attorneys—

*“How do you recommend a Network member connect with an attorney for a brief consultation to be sure the member understands their state's self-defense laws, as well as assuring themselves that the attorney is someone whom they want as their counselor after self defense?”*

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This is a great question!

I set up a free consultation with the member where we

both use the time to interview each other. It works great, I get a feel for whether we are a good fit as a team and the member can figure out what he thinks of me.

The members I have met are top-notch people and it is ideal to meet for the first time BEFORE the need for representation exists, something my “regular” criminal defense clients NEVER do. Proactive steps can be taken that prevent future problems by talking about the law and potential mines to avoid stepping on. I always tell the member to retain the person I would have represent me, who is also a Network Affiliated Attorney, if they do not retain me. The meeting usually ends with establishing a new friendship and the foundation for representation of the member if need arises. More often than not, the meeting is a great PR tool that leads to additional clients being referred, not necessarily in Network type cases. It would probably be fair to charge for the consultation, and I may do that in the future, but right now this method serves me well.

My advice to members is look for an attorney with trial experience who understands guns, use of force legally, physically and mentally. That person may or may not be a criminal defense lawyer, but should have considerable jury trial experience, preferably before the Judges in the court where your case will be heard. There may exist otherwise great criminal defense lawyers who would not be the ideal candidate because they do not understand guns, gunfights, or even how to defend people who were justified in their actions. It is a very different job to defend a person whose actions should be brought to light than a person whose actions should not. Also, keep in mind that trying cases is an art, not a science and there is more than one way to do it!

Get all the training you can get in how to use weapons, and when and when not to use them under the law. It may cost you some time and money up front, but it could very well save your life and greatly increase the odds of surviving the nerve-wracking aftermath of a legally justified shooting.

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Just as an individual rarely can obtain a diagnosis from a doctor by phone likewise attorneys are reluctant to give opinions by phone. The place to start is with an office conference. The facts of each situation as applied to the law of various jurisdictions can have differing outcomes. It is important that you establish a face-to-face rapport with your counsel to insure good advice.

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This is two questions, with very different answers.

For a member to check to see if the lawyer's understanding of the law comports with his own is a little like interviewing an oral surgeon to be sure he knows how to do a root canal; how would you know?

I am occasionally approached by a prospective client who seems interested in telling me what the law says, and is not very interested in being told their impressions are incorrect. I decline representation of such people as soon as I can politely do so. Lawyers have an aversion to prospective clients who come in the office looking for a lawyer who will feed their fantasies about what the law is. Not only is it annoying, it is a prescription for a malpractice claim when reality sets in.

Of course, there's nothing wrong with asking an attorney the areas of the law in which he or she practices, or if they would take a shooting case. If they say they do not do criminal law, take their word for it. They probably know their own practice better than you do. Otherwise, it is very unlikely one who undertakes to defend a shooting case would not know the law.

Determining the attorney is someone whom they want as their counselor is another matter. It is important that clients feel they can communicate well with their

attorney, and they trust them. This goes beyond legal competence, and includes intangibles that make one person trust another.

It is not necessary a client actually like his attorney. But the time will come when counsel will recommend something about which the client knows very little and may have a great deal at stake. Trust will be important. That kind of trust takes a while to develop, but one has to start somewhere.

If counsel is answering questions directly and has the good sense to be able to say, "I don't know the answer to that, but I can find out," those are good signs. If they are paying attention and you feel you can talk to them, those are also good signs. Speaking to references and talking to other attorneys who know your prospective counsel are also good ways to find comfort with a new attorney.

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I suggest the Network member call and/or email the attorney, indicating that they'd like to set up an appointment with him to discuss possible representation, and that they're a Network member. I've gotten a number of such calls and emails, and I've always responded. Some attorneys are, however, not responsive to client calls, let alone calls from those who are not yet clients. Lack of response to communications is the single most common criticism of attorneys and cause for client dissatisfaction, as shown in numerous surveys of legal clients. If one, or at most two, phone calls or emails fail to get you a return call from the attorney, he's probably not the person you want to rely on to guide you in the immediate aftermath of a self-defense incident. What you want is someone who will respond to help you day or night, weekday, weekend, or holiday. In fact, if the attorney, after meeting with you, won't give you his cell phone number or a number that will be answered by an answering service 24/7, I'd again say he's not the attorney you want to rely on for this purpose.

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I typically tell prospective clients who contact me to set up a first meeting that I am willing to do this in two ways.

One option is that they can come in to meet with me briefly so we can get to know one another enough for each of us to decide whether we would feel comfortable working together in the event they find themselves involved in a firearms- or self-defense-related incident. Even if we seem compatible, I do let them understand that, while I will certainly provide legal assistance to them if I am contacted in the immediate aftermath of a shooting or other critical event, whether or not I will agree to represent them going forward from that point, or in fact whether or not I am the best or most qualified attorney to assist them going forward, will remain to be determined by both of us at that time, not now. For this brief meeting, perhaps half an hour or so in length, I do not charge anything. Even when this option is chosen, it serves to create an "attorney-client" relationship between us for purposes of establishing the attorney-client privilege for everything we have discussed.

The other option I offer them is that they can come meet with me for what usually turns out to be an hour and a half or two hours, for which I will charge them a flat rate for our meeting. During this time, I find out more about them and their approach to self defense, their training or lack thereof, and so on. I then give them a concise but comprehensive briefing on the law of self defense in our state and also "generically," and give them my recommendations on what to do in the immediate aftermath of a shooting. I also give them my suggestions about further education, training, equipment choices, and thinking they may wish to pursue with regard to their personal self-defense planning, and I answer any questions or concerns they may have. The flat rate I charge them for our meeting, which I have advised them of when we first scheduled our appointment, amounts to less than half my usual hourly charge for the time we spend.

So far every potential client who has contacted me has chosen "option two," and has indicated that they felt they received more than their money's worth, and that they were glad they did it this way. For someone who chooses this option, I set up a client file for billing purposes and for possible future use. In fact, most of these individuals

have remained in occasional touch with me following our meeting.

Whichever option the client chooses, they leave my office not only with my business card, but also with my cell and home telephone numbers and another way to contact me in an emergency, all of which numbers I recommend they carry in their wallet as well as program into their cell phones.

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If my assistant informs me that a Network member wants to talk with me on a pre-need basis, I usually set up a phone consultation to discuss any concerns, or my qualifications and often will provide some advice regarding my preferred methods of how to report the incident to the police and myself should they have to act in self defense. If there is some reason or the client requests, I will offer an office consult. I offer pre-need office consults to CWFL holders on a discounted basis, with an additional discount if they are a Network member.

Phone consults are usually sufficient to resolve the potential client's concerns or questions. Office consults are rare for pre-need questions. I think that most attorneys who are part of the Network are well versed in the concerns of gun owners and are more responsive when they know that a person is a member of this organization. My assistant has instructions to prioritize anything having to do with firearms to make sure I am aware of the issue.

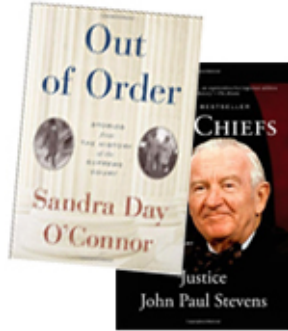
*This discussion continues next month, so check back for more attorney opinions from all across the country.*

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Please enjoy the next article.]*

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## Book Review

**Out of Order**  
**Stories from the History**  
**of the Supreme Court**  
 by Sandra Day O'Connor  
 Random House, 2013  
 256 pages  
 ISBN 978-0812993929



**Five Chiefs**  
**A Supreme Court Memoir**  
 by John Paul Stevens  
 Little, Brown & Company, 2011  
 304 pages  
 ISBN 978-0316199803

*Reviewed by Gila Hayes*

Have you ever wondered to what extent Supreme Court Justices are more than lingering echoes of a President's ideals, influential long after the man in the Oval Office passes from power? Recently, in reading books by two retired Justices, Sandra Day O'Connor's small book, "Out of Order" and John Paul Stevens' "Five Chiefs," I found the biographical and historical vignettes showed to a surprising extent that Justices are not necessarily their President's puppets. These books are decidedly different, yet each puts a human face on some of the most quietly powerful decision-makers to guide our nation.

Justice O'Connor's Court history contrasts her memories of serving on the Court with its history. The Supreme Court was established to "guard against the overreaching and excesses of the political branches," O'Connor explains. Nonetheless, the President nominates Justices whom the Senate must approve. Once on the court, however, modern-day justices remain in place to wield power for life. This she contrasts with the Court's surprisingly "modest and uncertain" beginning, when Justices presided over trials on a circuit, and could later rule on the same case if the decision was appealed to the Supreme Court! No path to ease and wealth, the demands on early Justices sometimes lacked dignity, were physically demanding, and it was not unusual for early nominees to decline the nomination or serve briefly then go on to a better job.

Though a pleasant and entertaining book, Sandra Day O'Connor's *Out of Order* left me wanting more. Intrigued

by viewing the Court through the eyes of a retired Justice, I next read Justice John Paul Stevens' memoir, "Five Chiefs: A Supreme Court Memoir." Stevens' book details his interactions with the various Justices and Chief Justices with whom he served during his 35 years on the Court. With so many Justices sitting for life, their enduring influence far exceeds the Presidents who appointed them, as Stevens points out, noting that in the history of the court, 17 Chief Justices led the Court (16 if you don't count Rutledge, appointed while the Senate was in recess and never confirmed, though he served in the position for five months), during a time span in which 43 Presidents were in office.

Stevens explains that the Justices' life appointments "ensure their impartiality and independence." Whether or not this is true for all Justices, it certainly is hard to accuse Chief Justice Warren Berger of looking out for the interests of President Nixon, who nominated him. Berger was the Justice who, among other landmark opinions, wrote the one requiring Nixon to hand over recordings leading to his departure from the White House. Freedom from seeking election insulates the Justices from pandering to public whim, and Stevens explains, "In our democracy, issues of policy are determined by majority vote; it is the business of the legislators and executives to be popular. But in litigation, judges have an overriding duty to be impartial and to be indifferent to popularity." He criticizes the campaigning for election judges who are not appointed undertake.

Stevens' review of early court cases illuminates how the Court molded the nation. In the opinions discussed, we see the groundwork for the Federal government exerting power over states and individuals, despite the Founding Fathers' deep concern about vesting too much power in a centralized government. The Federal government's reach is often at the heart of the cases Stevens discusses and when it is not the Federal government, it is a state or municipal power grab on which the Justices were called to approve or disapprove.

Stevens' biographical sketches of various Chief Justices detail the application of Constitutional principles to labor law, Presidential powers—especially during war, civil rights, abuses of law enforcement power, free speech and the death penalty. In spite of increasingly stiff restrictions on cases the Supreme Court will decide, the

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numbers of cases filed are ever increasing. Stevens cites 8,521 cases filed in 2005 compared to 1,510 filed in 1946. Compare those numbers, then, to O'Connor's stories of a Federal Judiciary with so little work in the early days of the Republic that there was some question as to whether a Supreme Court was even needed.

It is interesting to compare the inferences by Stevens and O'Connor about different justices. It seemed that O'Connor had only limited respect for Justice William O. Douglas, and Stevens criticizes Douglas' reasoning in a reproductive rights case that he cites. Likewise, both Justices commentary on Thurgood Marshall, both as a Justice and as an advocate arguing cases for the NAACP in front of the USSC, portray an impressive man. Though critical of Chief Justice Earl Warren's grasp of some areas of the law, Stevens gives him high marks for opinions in which the Constitution is applied to reject precedent set by earlier decisions.

Stevens compares two Justices, decrying Justice Clarence Thomas' support of the original intent of the Constitution, comparing him unfavorably to Thurgood Marshall. If Stevens disparages Thomas and Rehnquist, O'Connor only questions the judgment of those from far in the past, including famous anti-Semitic Justice James Reynolds or the racist Chief Justice Taney. Stevens, of course, never misses a chance to forward his opposition to gun rights. On no other topic does he express such emotion unless it is about the gold stripes Chief Justice Rehnquist added to his judicial robes.

One might think that Justices of opposing views might be unfriendly, but in both Stevens' and O'Connor's

books, we find stories about respect and friendship among Justices from opposite sides of the political spectrum. I was most impressed by Stevens' comments on Justices Holmes and White, who fought on opposite sides of the Civil War, but were reported to have been friends who accorded one another great respect. In addition, both authors cite the practice of handshakes all around before arguments and both detail how a variety of social practices inside the court maintain cordiality. Social traditions "played an important role in maintaining the cordial relations among the nine individuals who sometimes used pretty strong language when expressing disagreement with the views of the majority on more important issues," Stevens writes, later adding, "I have no memory of any member of the Court raising his or her voice during any conference over which I presided or showing any disrespect for a colleague during our discussions."

A lot of books, biographies and autobiographies have been written about the Supreme Court and its Justices. Like the blind men describing an elephant based on the parts they contacted, these authors come together to illustrate the strengths and the fragility of our Court. For me, part of the pleasure of "Out of Order, came from listening to the vocal inflections of Sandra Day O'Connor as she read it as an Audible book; Stevens book, more complex and lengthy, was better read in the traditional manner. Both were thought-provoking and left me feeling that I knew a bit more about the highest court in the land.

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



## Networking

by Brady Wright

As I write this, I am looking out the window here in Seattle at snow. It's late March and there is a freak snow storm on the Puget Sound and I am left to wonder not how my fellow citizens will fare on the roads, or

what kind of delays there might be for the school kiddies, but how soon I can get to the range, since there won't be anyone else there! Sorry...is that shallow? Oh, well!

This has been a very busy month in the Special Projects division (as I like to call my office/garage/truck) and the number of emails and calls has been non-stop. As we get closer to the annual NRA meeting, all sorts of our Affiliates and members are getting stocked up for the season and running quite a number of early Spring projects, specials and classes. Here are a few, just off the top of my head!

Len Twaroski, of Defensive Solutions LLC, wrote about an interesting development at a session he and partner Rick Young, attended: "Rick and I made the trip from Central Iowa to South Bend, Indiana for this class with Dave Spaulding (Enhanced Combative Pistolcraft at Defensive Solutions LLC) on March 16 and 17. Norm Hood and the Kodiak Range were great hosts and the class was outstanding. We learned simple, common sense methods to help keep our families safe and to give us more tools to win under extreme circumstances. Thanks for letting the membership know about this opportunity. I read Dave's book last year and decided I would keep an eye out for a class that was reasonably close. He is a terrific instructor. We're kinda jealous as we don't have an indoor facility in our area and Kodiak is a quality venue. They are even constructing a shoot house. Great, great experience! Highly recommended."

Some good news came in from New York, sent to me from Michael Mastrogiovanni, who got the information directly from Elizabeth Larkin, the Cortland County Clerk. "The New York Supreme Court has stated that they will

issue an injunction against the new SAFE Act on April 29th—unless the state can prove that the law is Constitutional. This puts the burden of proof on the State of New York to show the Act is legal under the newly re-affirmed provisions of the Second Amendment, which is impossible. The Buffalo-based attorney who is spearheading a lawsuit against Governor Andrew Cuomo's recent gun laws said that Wednesday was "monumental," as a State Supreme Court Justice issued an order requiring New York State to show good cause that the law is Constitutional. New York State has until April 29 to respond or else an injunction will be issued."

Michael says, "Bear in mind that the U.S. Supreme Court recently ruled that firearms "in common usage" cannot be restricted and since the New York SAFE Act's entire purpose is to restrict ownership of the single most popular firearm in the United States, there's no way they can make a case that their law complies with the Second Amendment. If this injunction is upheld, then it opens the door for New Yorkers to challenge the standing 'assault weapons' ban and other gun laws, as well." Thanks, Michael, for the good news for all our New York members.

I got this update from Larry McClain, one of our stellar instructors in Maryland. He went to the rally in Annapolis, MD and handed out the Network booklets, *What Every Gun Owner Needs to Know About Self-Defense Law*. He took about 3/4 of the batch I sent him the other week, and guess what? He needs more books already! This is a good reason to remind everyone that ordering is a good idea. With the current climate, you can almost guarantee extra materials will be needed. Larry is a NRA Certified Instructor in Handgun Safety, FIRST Steps Pistol Orientation, Basic Pistol, Personal Protection In The Home, Personal Protection Outside the Home, Range Safety Officer and is a NRA Membership Recruiter. You can reach him at 410-236-4535 for class information.

In scenic Snowville, NY, we find the exploits of Phil Smith, our roving ambassador. He is a strong promoter for the Network and his latest encounter was pretty amusing. He writes, "Yesterday my son and I entered a

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Chrysler dealership in the Pittsburgh area to check out the new grossly overpowered Cherokee SRT8 AWD. They had a demo model for 2012 and we decided to take it out for a ride. The young salesman who just started into the car sales business a couple of months ago asked for a copy of my license. When I opened my wallet he noticed my carry permit and that started great conversation during the ride, when he was not clinging onto the dash during the performance tests! A 470hp 392ci HEMI in a Jeep can be fun. I had failed to mention my past hobby of drag, street and dirt track stock car racing or demolition derby participation. The salesman also has a carry permit and is an avid handgunner. I passed along the Network's business card and several copies of the booklet to give to his friends and family."

Phil often talks about the Network in chance encounters with other armed citizens. He found several folks who were interested during his recent wilderness first aid training class during which he explored the wonders of outdoor living. Phil relates, "You should have been outside with us in the freezing temperatures and snow practicing our first aid skills! We did not need to fake

shivering or approaching hypothermia. Some new to the course were not well dressed."

Phil does this kind of thing all the time, and if you have any stories like his about telling others about the Network from your own travels, send them along to me at [brady@armedcitizensnetwork.org](mailto:brady@armedcitizensnetwork.org)! I would also like to extend our condolences to Phil regarding the passing of his mother, just after the previous note was received.

As usual, if you need any Network materials in any reasonable supply to give to clients or customers, call or email me at [brady@armedcitizensnetwork.org](mailto:brady@armedcitizensnetwork.org) especially if you have news to share. If I receive your information, celebration or brag by the 20th of the month, you have a great chance of being mentioned in my upcoming column. By the time this is in print, we should be well-stocked with the newly printed booklets and brochures, so if you are waiting for an order...it's on the way. Stay safe out there!

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



## Editor's Notebook

by Gila Hayes

Obama's reelection, coupled with shootings by mentally ill people, brought on gun ban legislation with a fury. In pursuing the illusive goal of "public safety," there seems no limit on the freedoms governors and

legislators will destroy. Though the outcome of the Federal gun ban is yet unknown, I am certain that whatever law is pushed through in 2013 will only be the prelude to additional restrictions. Meanwhile, individual States have suffered a cascade of gun legislation.

My home state was no exception. The proposed gun restrictions in Washington State did not make it out of committee, though I never really feel safe until the session closes and the legislators go home. The 2013 bills were the most extreme I can remember in fifteen years, including proposals for in-home inspections by law enforcement to assure compliance with bans of a number of common firearms and high capacity magazines.

Had the worst happened, I suppose family in the remaining free states like Idaho, Montana or Wyoming would have found a way to take in our gun collection for the years it would take to argue the Constitutionality of the restrictions. If challenges failed, I foresaw no alternative to moving out of state. Having to crystalize even these rudimentary worst case responses brought to the forefront something that has been clanking around in the back of my mind for quite some time. Should freedom-loving citizens get out of heavily restrictive states and cities?

I fear gun owners moving out of hostile states in droves would be the death-knell for fights to increase gun rights, as I was reminded when Network members emailed me recently about their efforts in Illinois and New York. One, our long-time member Larry Pyzik took cases of the Network's 24-page booklet with him to the yearly Illinois Gun Owner Lobby Day. Pyzik was among the estimated 8,000 Illinois gun owners marching in their State's capitol. Our Illinois friends say they are buoyed by ever-more-likely hopes to pass concealed carry legislation. New York's SAFE law is on hold until the courts rule on its Constitutionality. This will take time and cost money. I

admire the work of our New York members and encourage you to join us in helping to support their fight. You can read more at <http://www.nysrpa.org/>.

Leaving restrictive states is not an easy solution. I frequently speak with callers from places like New York, Illinois or Hawaii, who want to know if they join the Network, will we defend them if they violate their state's gun laws. We point them to the Network applicant's statement (for the statement's full text, see [www.armedcitizensnetwork.org/acldn-store?page=shop.product\\_details&flypage=flypage.pbvtabs.tpl&product\\_id=42&category\\_id=4](http://www.armedcitizensnetwork.org/acldn-store?page=shop.product_details&flypage=flypage.pbvtabs.tpl&product_id=42&category_id=4)) emphasizing, in part, that the Network cannot help defend "additional criminal charges (unlawful possession of concealed handgun, for example) associated with the [self-defense] incident." The Network cannot support—our foes would say "encourage"—members to knowingly violate laws.

Why do people choose to live where government so oppresses their rights? Concerns for family unity and for their livelihood are among the top reasons people give for "being stuck" in a gun-hostile area, though both family and jobs can suffer when people are fined or go to jail when caught violating the law. A broader concern asks, what would happen if freedom-loving people leave oppressive states? Our own Founding Fathers fled England to escape religious persecution. In seeking parallel examples, I wonder if freed slaves moving North after the Civil War helped or hurt the prospects of those who could not leave? Did improvements in the lives of those who moved inspire and support the Civil Rights movement later?

For gun owners in today's hostile political environment the options are to move to a state with better self defense rights laws, violate existing laws and risk punishment, or obey restrictive gun laws and risk being killed or crippled by a violent criminal. If we flee oppression, as did our Founding Fathers, will we eventually run out of places to run, or will we establish enclaves of freedom? Are those left behind harmed if armed citizens abandon restrictive cities and states? If we are consistently outvoted should we stay in an area or should we leave? Though each individual must choose what is right for him or her, I am interested in your solutions. Email me at [editor@armedcitizensnetwork.org](mailto:editor@armedcitizensnetwork.org).

*[End of April 2013 eJournal.  
Please return next month for our May edition.]*

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

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