

Competition, Self Defense and the Law

by Marty Hayes, J.D.

INTRODUCTION

I shot my first competition in 1978. The match was a police pistol competition (PPC), an NRA-sponsored event at the Spokane (WA) Police Academy. I was a new police officer at the time with only a minimum of firearms training. Fresh out of a reserve police academy, I had recently been hired at a small North Idaho town. Once on the job, I queried the chief (the department was only me and the chief) about firearms training. He gave me that blank administrator's stare (the one which indicates that you have just been labeled a trouble maker) and told me our small department didn't have a firearms training program. But he did offer to take me to the city dump and shoot cans. Seriously. And we did.



Shortly thereafter, I found out about PPC competition, and decided it was in my best interest to go and check out the matches. After all, the police firearms training I received in the reserve academy was patterned after PPC competition. So, off I went with my duty belt complete with a Ruger Security Six revolver. I came in last in the match, but I accomplished my goal of shooting above 70%, which was the qualifying standard in most police departments. Liability was not foremost in my mind; I simply wanted to be able to

survive a career in law enforcement and figured it would be wise to be the best pistol shot I could be. Even though I came in dead last, that one competition whetted my appetite for more. Seeing those other guys shooting the X-ring out of the targets made me realize that I could learn a whole lot about shooting for blood by shooting at paper.

Fast-forward through two job changes and many more competitions to the year 1987. I had just finished up a two-year stint working at the Hanford Nuclear Reservation as a Security Inspector and a member of their traveling pistol team. The year after I left, they actually won the PPC National Championship. Alas, I was not on the team at the time, but I still took pride in their effort.

In the winter of 1987, I took my first job in the private sector as a firearms instructor at a Seattle-area indoor gun range, parlaying my police competition resumé and police firearms instructor status into a private sector job. By then, I was deeply into the gun culture, and had heard of such exotic training schools as Gunsite and the Lethal Force Institute. I wanted to join that exclusive club. I had also heard and read about IPSC combat pistol matches, which were a huge deviation from PPC. I correctly figured that "practical shooting" would soon eclipse PPC shooting as the number one shooting sport for self-defense practitioners, so I hung up my PPC guns, bought a Glock and started shooting IPSC in the Seattle area. Meanwhile, I was starting to make my bones as a civilian firearms instructor. One could correctly conclude that I gained at least some of my credibility as an instructor due to my success as a competition shooter.

Today, I estimate I have competed in over 300 pistol matches (and a few rifle/shotgun matches) several of them at the national championship level. I have also taught firearms for self defense for 24 years, and have worked as an expert witness in the field for about 20 years. In 2007, I completed my law degree. I hope this trip down memory lane allows the reader to decide if I have some credibility in this area, the area of competition, self defense and the law.

This is a three-pronged topic that leads with two initial concerns. First, will competition help, or will it hurt the armed citizen as it pertains to the actual use of deadly force in self defense? Let's explore.

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COMPETITION AND SELF DEFENSE

First, we need to define "competition." For the sake of this discussion, we'll confine ourselves to the "practical pistol" venues of the [United States Practical Pistol Association](#) (called IPSC at its formation; now known as USPSA) and that of the [International Defensive Pistol Association](#) (IDPA). Both these organizations were founded by self-defense advocates. Lt. Colonel Jeff Cooper of Gunsite fame was the driving force behind IPSC competitions and the organization's first president. IDPA got its start when Bill Wilson, Ken Hackathorn, John Sayle, Dick Thomas, Larry Vickers and Walt Rauch put their heads together back in the mid-nineties.



Before either of these preeminent competitions became famous, my friend and mentor, the late, great Jim Cirillo was a force to be reckoned with in the PPC circles in the 1970s, and as late as 1997, he was actively competing in IDPA. Likewise many of the top instructors in the country routinely took part in competition. Massad Ayoob, Chuck Taylor and Ray Chapman participated in early IPSC competitions, and Ayoob is still an active and winning IDPA competitor. To a man, each of these great trainers will tell you that competition will absolutely NOT hurt you, as long as what you are doing is not counter-productive to good technique and self-defense tactics.

When he was a member of the NYPD Stake Out Unit, Cirillo was adamant that he wanted other competition shooters backing him up on the felony stake outs. He wrote

in his book *Guns, Bullets and Gunfights* that he would ask potential recruits for the Stake Out Unit twelve questions. The first three were: "Are you a competitive shooter?" "Have you competed in major matches and placed and won awards?" "Can you perform well under pressure or fear?"

Cirillo (shown in the photo to the left) knew the biggest benefit to shooting competition is the ability to practice your defensive handgunning skills under stress. Of course, this supposes that one has defensive handgunning skills to begin with! Most people start out at the lowest class, either D class in USPSA or Marksman class in IDPA. But with a little practice on the fundamentals and dedication to improvement, someone serious about improving their skills will quickly move up in class. Of course, a little formal training doesn't hurt either.

Shooting under stress in competition will help prepare you for shooting under stress to save your life. There is no good counter argument to that premise. There are WAY too many people who have been involved in gunfights who attribute their success in part to their ability to hit targets under stress. And after all, what is greater competition than shooting to win the rest of your life?

Becoming a top pistol shot does wonders for your confidence. If you have to face intruders in your home some night, knowing you have the ability to handle the physical aspects (shooting skills) of the encounter, leaves decision making and tactical decisions to be handled in the forefront of your thought process, and that is a comforting thing.

THE DOWN SIDE

Having written eleven hundred words singing the praises of shooting competition, there are some drawbacks and I would be remiss if I didn't point them out. The first huge drawback, and the most critical in my viewpoint, is the temptation to train only to win matches. You need to get some self defense/tactical shooting instruction, and need to practice that skill set along with shooting competition. It is a long known phenomenon that a person who is placed under extreme stress (like a life threatening encounter) will revert to the comfort level of their past experiences or recent training.

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Take, for example, sky diving. Before going up in an airplane, the skydiver practices pulling the rip cord of his parachute many times. He also practices finding and pulling the ripcord of the back-up 'chute, too. Airline and fighter pilots practice handle critical incidents in the flight simulator many times before being allowed the responsibilities of transporting airline passengers or engaging in air-combat. They want to have the emergency plan foremost in their minds so they can concentrate on life saving actions. Shooting for self defense is not that different.



If a person's last 1,000 shots have been fired at stationary targets, double tapping a reasonably large A-zone target area, while standing as still as if stakes had been driven into the ground through their feet, then if they need to fire in self defense, they will likely remain stationary, ignore movement and fire two shots.

In fact, it is fun to watch matches where people who have conditioned themselves to fire two shots each time they see a target, try not to shoot twice when told to only shoot each target one time. (Note to IDPA stage designers: Start designing stages requiring something other than two shots per target, okay?) Of course, this is but one example. There are others.

In an IDPA match exposing half your upper torso when using cover is perfectly fine but in the real world that can

get you killed. (In the photo to the left, Network Affiliated Attorney Brian Hallaq is shooting in an IDPA State Championship Match, but still takes care to remain as far behind cover as he can while shooting a match stage.) Even worse is not being required to use cover at all, even if it is available, as is often true at a USPSA match.

Other issues center around equipment used in competition, and how it differs from equipment used in self defense. The most logical approach is to simply choose a good self-defense handgun and holster, one that is perfectly suitable for everyday carry, and start using that in competition.

I run an IDPA club in Washington State, where most of the shooters are my former students and that set-up is the norm. Under this scheme, you will likely NOT be as competitive as you could be, if you "played the game" a little. By that, I mean using larger guns (which are easier to shoot well) and holsters that are made of plastic and are easy to draw from. And frankly, I have no issues with that, as long as the equipment is reasonably similar, and by practicing and shooting at a match, you are not forming bad habits for carry.

I routinely switch gun types for competition and carry, but when I do, I make a complete switch. For years, I shot and carried Glocks exclusively: on duty, for teaching, to carry off duty, and for competition. The manner of carry was virtually identical, even to the position of the Glock on the duty belt being comparable to the position on my belt for concealed carry. Because I practiced speed reloading much more often wearing concealed carry gear, on duty I positioned my extra magazines behind the hip, where I knew I would look for them first if ever needed. Thankfully, they weren't needed.

A few years ago, I made a switch to 1911s, and I shot only that gun platform for about four years. Last year, I shot revolvers exclusively, and this year, I am back to the 1911s. That way, when I reach for a gun whether it is the stress of a match or the stress of an armed confrontation, I will be familiar with the weapon system and will not be worried about forgetting the 1911's safety, or during last year, managing the long double action trigger pull of the revolver.

So far, we have discussed two of the three issues—competition and how it relates to self defense. But, what about the legal considerations? Are there any to worry about?

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COMPETITION AND THE LAW

The answer to that question is "it depends." If you are up against a plaintiff's attorney in a civil case, they will likely have found out about your Saturday afternoon hobby of playing Rambo Gun Nut by engaging in games where people run around and shoot humanoid-shaped brown targets, very fast and very accurately, over and over again, with the winner of the game being the person who shot the most humanoid-shaped brown targets the fastest and most accurately. I would be prepared for this to come up at trial, though you will also likely know ahead of time, because they would have broached the subject with you at deposition. (There are few if any surprises in a civil trial).

If it is a criminal trial, the likelihood is diminished, because most agencies simply do not have the time and energy to investigate the criminal suspects (which is what you are if you are on trial) as thoroughly as a plaintiff's attorney does. But you still need to be prepared for it to come up at a trial. Let's take a look at the big picture first, then narrow it down.

If you use a firearm for self defense, you face two legal challenges: a criminal one and a civil one. Remember the reasonable man doctrine? In either a criminal or civil trial the jury will be scrutinizing you and your credibility, measuring your actions against the standard of a reasonable and prudent person. Will the perception that you spend your Saturday afternoons with a gun in your hand, practicing how to kill people, and in fact seem to enjoy the endeavor, come up in your trial and have a negative effect on the jury? Remember who will likely be the jury.

The opposite side, either a prosecuting attorney or a plaintiff's attorney will do their utmost to eliminate from the jury anyone who might have a bias in your favor. That means gun owners, and if they cannot eliminate all gun owners, they will at least attempt to eliminate the most active gun owners, the ones who actually practice with their guns and are members of the NRA.

Of course, your side will attempt to eliminate those who likely have a bias against your use of a gun for self defense: people who have suffered family tragedy where a gun was involved and members of anti-gun organizations.

This will result in a supposedly clean slate, and it will be your job to persuade this clean slate that it is perfectly normal, and in fact responsible, for you to be a competitive shooter.

I can't speak for you, but let me explain how I would do it if I were on trial.

First, I would arrange for at least two experts (and perhaps three or four) to testify on my behalf. The first expert would be a highly respected police trainer, hopefully local but if not local, then at least from the region. This first expert's job would be to explain to the jury how police officers are trained to respond to threats against their lives and the lives of the public. I would explore how police training incorporates shooting at humanoid-shaped targets, and that some times, police officers even shoot at colored targets depicting people holding guns. Some of those targets might even be pictures of juveniles holding guns. Maybe even pregnant women holding guns. We would explore why this is done. (Photo below shows samples from LE Targets showing people from all walks of life in various poses for use in scenario-based training, long a staple of law enforcement education.)



We would also discuss how much training the typical officer receives before being put on the street, how much training officers receive annually, and why.

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I would also explore with this police trainer, or perhaps another if necessary, police officers competing in matches similar to competitions I shoot. In fact, many officers likely compete in the very same matches as I do.

At the last State Championship, I was introduced to an FBI agent who was also a competitor. How cool is that? Could I get one of these officers to come to court and testify on my behalf? Likely so.

I would then call to court my personal firearms trainer or trainers, to explain to the jury how and why I was trained in a manner and methodology similar to police. (Photo below shows the plastic torso form marketed as Tactical Teds to which targets can be attached to analyze the shooter's hits. The same type of target is illustrated in the next column, as Rob Pincus shoots the RangeMaster match mentioned later in the President's column.)



Remember, that most people on a jury will hold police officers in a high regard, and if you can honestly align yourself with your local law enforcement officers, it may be to your advantage. You would likely already be calling your own firearms instructor to court to explain the legal principles you were taught, perhaps the concept of disparity of force, or any number of other issues that might come up at trial. It is important to understand that if you don't have

trainers ready to come and testify on your behalf, you are lacking a critical part of your legal defense.

If participating in "combat pistol matches" was being used in court to paint me as some crazed Rambo type who enjoys the fantasy of killing scores of people, I would call as an expert one of the individuals who founded the shooting endeavors in which I participate. For IDPA, it would be one of the original board of directors, as mentioned above. If USPSA, I would call one of the early participants in the sport, to give a history lesson about how and why the sport of IPSC competition was formed.



Lastly, for my defense, I would call myself to the witness stand. That's kind of a joke; I would not handle my own legal defense pro se! Instead, I'd have at least two top attorneys on my legal team. On the stand, along with explaining for the jury the reasons why I felt it necessary to use deadly force to protect myself or others, I would be ready to explain that I participate in these competitions in order to be best able to fulfill my responsibilities to myself and others I would be protecting, along with society in general. That means being the best, most competent armed citizen I can be. I would explain how many, many years ago, I decided to make sure that if I was ever forced to use deadly force in defense of myself or others, I wanted to be as skilled as possible, to minimize any risk to the general public. That's why I compete and will continue to compete as long as I carry a gun.

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Please enjoy the next article in this eJournal.]*

2011 IN REVIEW

by Gila Hayes



With each passing year, the Armed Citizens' Legal Defense Network, Inc. moves beyond being a start-up focused on establishing a greatly needed resource for armed citizens and comes closer to fulfilling the goals of its founders, as with each new member and each membership renewal the Network's Legal Defense Fund grows ever larger. Concurrently, this member-focused organization grows stronger and better prepared to bring the strength of thousands of armed citizens to bear in defense of Network members being ground through the American criminal justice system after defending self or family. Each January, we give a review or state of the Network report, so members are no doubt waiting to read how their Network fared in 2011. The short answer: very well indeed!

FINANCIAL RESOURCES

Do you remember how thrilled we were in January of 2010 to report that the Legal Defense Fund had amassed \$30,000? The following year, the Network itself made a substantial contribution to the Legal Defense Fund to wrap up 2010 with \$100,000 in the Fund. That was a huge milestone for us. As this year slips away, the Legal Defense Fund contains \$158,300. Has this financial resource fulfilled its intended purpose? Absolutely!

Two members of the Network who in 2011 acted in self defense, faced challenges from the criminal justice system, so their attorneys received Legal Defense Fund monies to represent them. While the membership benefit of a deposit against attorney fees is never contingent on using a Network Affiliated Attorney, in these instances neither member had suitable representation, so the first steps

Network President Marty Hayes undertook when he received word that the member needed assistance was getting one of our affiliated attorneys in touch with the member, and the attorney took it from there.

In deference to our members' privacy, we must decline to give details. In brief, the first case saw protracted legal maneuvering right up to the day of trial, but at zero hour, a settlement was reached. The member expressed satisfaction with the outcome and complimented the services of the Network Affiliated Attorney who provided his representation. The other case is new. A Network Affiliated Attorney is working the case aggressively, and knowing this advocate's reputation, I have no doubt that our member is receiving a vigorous defense.

STEADY, SUSTAINABLE GROWTH

Network membership grew from 1,500 to 2,800 from January 1 to December 31 of 2010. Now we end 2011 with 4,600 Network members. A word about sustainable growth: sometimes I speak with folks who earn their living making sales and marketing products. They say, "Your Network could be huge, if you'd only ..." and I'm sure they are sometimes right. The question is whether developing the Network to its highest potential means having the most members or providing the best service. To us, it has always been the latter.

Still, because Network membership dues are the primary source of funding for the Legal Defense Fund, we are growing the Network as fast as the infrastructure will support. It is a delicate balancing act, as it has been the Network's philosophy from day one to grow only so fast as the financial resources are available to provide services to our members. The Network does not incur debt or undertake business expansion for which it cannot pay out of existing operating capital. Instead of expensive advertisements or membership drives, the Network's outreach tools are its web site, the tremendous network distributing our educational booklets to gun owners, word of mouth from satisfied members.



Membership also grows when the Network is featured in firearms publications like Rich Grassi's *Tactical Wire* or the recent article by Massad Ayoob in [Combat Handguns](#).

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The result of this kind of outreach creates steady growth and while it's not flashy, this conservative foundation for the Network is secure and assures that this organization will be here many years from now.



Network President Marty Hayes continues to make guest appearances on radio and television, speaking

about the Network's efforts, and educating audiences about the legal aftermath of self defense. He returns for a second season on the Outdoor Channel's program *The Best Defense*, this season presenting information more tightly focused on the program instead of the general lecture points he gave during the 2011 season. Members and non-members alike tell us they make it a point to tune in to watch his contributions to *The Best Defense*, so they should be even happier this year, as he offers a specific analysis about each episode. In addition, he is happy to give radio and podcast interviews, and usually is invited to do that about half a dozen times a year. We hope to increase this kind of outreach, as we always reap dividends when informative interviews or educational articles spotlight the Network.

Network Vice President Vincent Shuck's efforts expanded corporate sponsorship for the Legal Defense Fund and the Network during 2011, and now [Accurate Edge](#), [Blade-Tech](#), [CCW Breakaways](#), [Crimson Trace Corporation](#), [Dakota Ammunition/Cor@Bon](#), [Galco](#), [North American Arms](#), [Recluse Holsters](#) and [Safe Direction, LLC](#) are listed as our corporate sponsors. These businesses have contributed to the Legal Defense Fund via product contributions that were auctioned on Gunbroker.com. Others on this list distribute Network materials as part of their mail orders. We are grateful for their outreach, as we've seen many new members report learning about the Network because one of our booklets arrived with their order. The Network also has a booth at the NRA Annual Meeting each year, using that excellent venue to speak with gun owners who share the same concerns as do we and other Network members.

ATTORNEY QUEST

Let's return briefly to the topic of Network Affiliated Attorneys. Last year, we increased our count of Affiliated Attorneys from our 2010 numbers of 120 in 40 states to 203 in 45 states. Understand that these men and women are not just lawyers from undetermined sources that we list on our website. Not at all! Each Network Affiliated Attorney is a full member of the Network, receiving the same educational DVDs as do our members.

Many also contribute to the Attorney Question of the Month column in this monthly online journal, giving you a chance to see how clearly they understand topics of concern to our members.

We have high hopes for reaching even more attorneys in 2012 as development of a continuing legal education program for attorneys (CLE) approaches reality. We've spent several years refining the CLE curriculum, and one of the best things to happen to this fledgling program has been Network Advisory Board member James Fleming's willingness to step into the role of director of curriculum development for CLE.

Now, dates and locations for a handful of pilot CLE programs are firming up for 2012. The initial CLE classes will be led by Massad Ayoob and James Fleming, organized by Marty Hayes and Vincent Shuck, and hosted by attorneys local to the area of the training. As the class dates near, we will notify our members as they will be welcome to attend and tuition rates are discounted for Network members.

Think about this: what organization can show not only several hundred attorney members who are happy to be resources to their fellow members, but also trains those and other attorneys to provide the best counsel and defense for armed citizens? With each milestone in preparing the Network's CLE program, we become increasingly excited about being able to better prepare attorneys to defend innocent armed citizens.

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OUR MISSION OF EDUCATION

We continue to focus our efforts on the Network's successful public educational program, with distribution of our 24-page booklet [*What Every Gun Owner Needs to Know About Self-Defense Law*](#). It is one of our major tools for Network promotion. This publication provides a seriously needed resource by which armed citizens can better understand the legal system with which they will interact if they ever use a gun in self defense. In addition, it establishes the Network as THE reliable source of information about the legal aftermath that follows self defense, planting a positive image in the minds of those receiving the booklet. In 2011, more than 120,000 copies of the booklet were sent at no charge to Network members, Affiliated Instructors and Affiliated Gun Shops. The latter use the booklet to better educate their clientele and our members share it with friends, families and acquaintances they make at their gun clubs and shooting ranges. A big thank you to anyone who handed out a booklet last year. Your assistance makes this outreach and education initiative successful! Please let us know if you need more booklets!

In fact, the growing task of keeping affiliates supplied with copies of the booklet got so big that it began to interfere with daily Network operations, and early in 2011 we began contracting with Brady Wright (see his *Networking* column later in this journal) to work on special projects for the Network. Brady now serves as liaison with our affiliated gun shops and instructors, handles shipping booklets, as well as pursuing other promotional venues to increase awareness of the Network and its services to armed citizens.

The better educated American gun owners are, the fewer injudicious uses of firearms will occur. Our booklet makes new gun owners stop to ponder the power they've assumed. Those who are serious about their responsibility want to learn more and many join the Network because of our aggressive member education program. Network members receive three educational DVDs with their first year's membership and additional educational programs on DVD each year thereafter. As of this writing, our sixth program, a lecture given by Massad Ayoob entitled *Understanding and Explaining Altered Perceptions of Witnesses and Participants in Violent Encounters* is at the replicators and will be mailed to renewing members around the first of February.

Expressing concern that the fourth and fifth programs in our series of DVDs contained information with which members may desperately need to be conversant before their second or third renewal rolls around, Network President Marty Hayes announced that starting this year, new members will initially receive five educational DVDs with their new membership. To keep mailing expenses affordable, we'll send existing members copies of DVDs that they don't yet have when they renew membership. We want to be sure all members receive training that may help explain why they took certain actions in defense of self and family. Of course, a court will not allow discussion of justifications for certain actions unless the defendant can show that he or she knew that information in advance of the incident, and it thus had a bearing on decisions made during that emergency. Be sure to write the date and your initials on the DVD label each time you review the program.

Our seventh educational DVD program is completely taped, and our new video editor is hard at work smoothing out any glitches, camera angle switches and "oops, let me say that over" incidents the camera's unforgiving lens captured. We are very pleased with the new editor's work on the sixth program, so can't wait to get the seventh program ready in time for the next year's renewals, which will begin mid-summer of 2012. In the production of our educational DVDs, high-tech, glitzy formatting has never been on our agenda. Instead, we seek out the subject matter experts, with the intent of creating a very well-prepared membership and thus a more defensible group of armed citizens.

SMALL CHANGES

For many, 2011 was a year of change, and the Network had its share of change, too. Detail-oriented members may have noted a very small change that came when the Network's business structure changed from LLC to Inc. With mounting taxes nipping at our funds, we had spent several months conferring with the experts and subsequently restructured slightly. None of the changes have the least effect on members and their benefits, and I doubt many even noticed the small change in our name.

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Perhaps the biggest change in member benefits for 2011 didn't really capture much attention. Network leadership had discussed it in prior years, and after fully studying the question, decided to extend the deposit against attorney fees to which members are entitled beyond situations where guns were used in the defensive act. A lot of our members, conscientious and law abiding, carry knives and other defensive tools in times, locations and circumstances where they are forbidden to carry their trusty self-defense gun. It made no sense to leave those members in the lurch should they have to defend themselves with what ever tool was at hand.

In addition, in May of 2011, the deposit against attorney fees was increased from its original \$5,000 up to \$10,000 for cases in which, given the facts of the case, it appears likely that the Network member will be charged with a felony. If the member's attorney reports that the situation is more likely to result in misdemeanor charges, the deposit against attorney fees is \$5,000. We were pleased to be able to increase the benefit as it is also a subtle measure of the Legal Defense Fund's growing ability to provide meaningful intervention on behalf of our members.

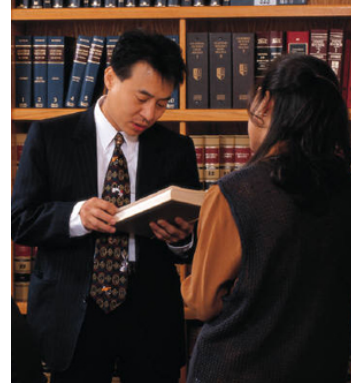


PREDICTING THE FUTURE

Most of 2011's growth, changes and accomplishments mirror expectations we expressed 12 months ago. Membership numbers didn't quite reach the 5,000 that Network President Marty Hayes set as a goal, so we'll have to work extra hard in 2012 to catch up to his expectations!

Increased recognition of the Network among American gun owners is making membership development easier with each passing year.

When the Network started in 2008, we introduced an entirely unique concept for armed citizens—a means of receiving assistance in preparation for and immediately after a self-defense incident, as well as later help preparing for and putting on a vigorous legal defense in court when necessary. A lot of people simply didn't understand how the membership benefits would work, and tried to view the Network through their concept of other gun owner associations. We still work hard making sure potential members understand what the Network does for members and how it works.



During our first few years, we countered a certain amount of suspicion that the Network simply wouldn't endure to be there if a member needed help three, four, six or eight years after joining. Most of those worries have apparently subsided, and with the introduction of multi-year membership packages, it's become apparent that members who understand and are enthusiastic about the Network's services and our mission are as convinced as we are about the organization's longevity.

I am sure I speak for the Network's founders and our generous advisory board in noting that even during the challenging early days, we never lost sight of the Network's goal, to provide the legal support armed citizens desperately need to fight an overly-aggressive criminal justice system challenging the steps they took to survive criminal attack. Now, as more and more armed citizens realize what an excellent resource the Network is for them and their friends and families, and as they endorse our services by becoming part of the Network, it is indeed rewarding to know that thousands of other armed citizens share our vision for the Network.

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Please enjoy the next article in this eJournal.]

PRESIDENT'S MESSAGE



by Marty Hayes

I hope you enjoyed the lead article of this eJournal. As you could see, shooting competition and teaching armed self defense has been a major part of my life. I hope I communicated both the advantages and pitfalls of competition for the self-defense crowd, along with some ideas to mitigate the downside. But, one

thing I left out was the social aspect of shooting competition. Over the years, I have met many, many good men and women who became close friends through the matches we went to together. And understand this: I am not a very outgoing, gregarious person. It takes a lot to get to know me (must be that cop side of me). In fact, I would do just about anything to avoid crowds of people and having to put up with simple patter from folks I hardly know. On the other hand, shooters tend to be a different class of folks, and I love going to matches and being a part of the group. We all have a common goal, working on our shooting skills, either to get better or to retain what we have.

I would like to submit a formal challenge to each of our members: attend a shooting match this year! Seek out the type of competition you think you might enjoy and attend. Most matches allow spectators, and so while planning to shoot would be a good thing, if you are a little too timid, just show up and watch. I think you will quickly decide if shooting competition is good for you.

If you haven't already decided on a venue, I recommend looking for your local IDPA club, and getting started there. If you have a 9mm or larger handgun, and safe carry gear, you are good to go. Don't get too worried about all the rules (except the safety rules). If you get procedural penalties and misses, don't worry about it. All new shooters go through a steep learning curve, and you will be no different. For more information about IDPA, go to www.IDPA.com. There are links to your local clubs and more. When you

attend your first match, write us a little note; we would like to hear about your experience.

RANGEMASTER TACTICAL CONFERENCE

For those of you who have read in the eJournal about previous RangeMaster Tactical Conferences and thought that you might like to attend one, well there is one coming up in February. Tom Givens has scheduled the 2012 conference at his [home range](#) in Memphis, TN on Feb. 24, 25 and 26. Tom blends instruction from some of the top trainers in the country with a street-relevant pistol match. It is absolutely the best event going for the money and if you are anywhere near the Mid South, you should try to attend. Enrollment is limited, so don't delay if you want to participate.

GROWTH GOAL NOT MET

Last year, I set a healthy goal for membership, that being to double our membership, and to reach 5,000 members by this time. Well, we have come up about 400 members short. That's the bad news. The good news, and what needs to be taken away from this, is that this past year we almost doubled our membership again, and we continue to grow every day. So, let me set a new goal for this time next year. Let's top the 7,500 mark in 2012, okay? If we can do that, we should have a quarter of a million dollars in the Legal Defense Fund, so we'll be stronger financially and better able to cover any additional expenses of growing pains.

To do this, we need your help though. If each current member actively recruits ½ a person to join the Network, we will be there! Our gun shop affiliates are doing their jobs, as are our affiliated instructors, but we also need the members' help. Please, please, please consider recruiting at least one additional person (we can't actually only recruit a half a person). And one more thing: we are seeing a little higher rate of non-renewals than in past years. Not sure why, as we don't really bug people who fail to renew. Membership becomes more valuable as the Legal Defense Fund grows, so please renew your membership in the Network, okay? For lapsed members who are reading this, please give us a call and renew. We'll get you caught up on all the DVDs you missed; you'll even keep your original membership number. You joined up once, understanding that this was a good idea, and we would like to continue providing Network services to you!

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AFFILIATED ATTORNEY QUESTION OF THE MONTH



With help from Network Affiliated Attorneys, this column keeps our members in touch with our attorneys and demystifies the legal system for readers.

The current question stems from concern expressed by concealed carry licensees that they don't know at which point they are allowed to draw and point a firearm at an assailant as one of their tactics to escape imminent attack. In a lot of states, displaying a firearm is termed "brandishing" and is a crime, so they aren't sure how their claim of "self defense" is invoked to avoid being found guilty of brandishing.

We asked our affiliated attorneys: "Can you explain your state laws on displaying a weapon to stop an attacker? When does the law allow pointing a gun at an assailant during self defense?" Their answers were so comprehensive that this column is a continuation of answers received and owing to the volume of responses, we will continue covering this question next month, as well.

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In Mississippi, our Code (§ 97-37-19) prohibits the exhibition of a deadly weapon in the presence of three or more persons "in a rude, angry, or threatening manner, not in necessary self-defense." Additionally it is illegal to "unlawfully use the same in any fight or quarrel."

Violation of the statute is a misdemeanor. As noted in the statute itself, the display of a weapon for the purposes of self defense is not a crime. The display of the weapon must be reasonable, meaning that the defender's actions come in response to the attacker satisfying all three elements of the AOJ (ability, opportunity, jeopardy) triad. The defender's action must also be measured, in appropriate response to the threat presented.

For example, when threatened with less than grave bodily harm (say, an evenly matched fist fight) one cannot respond with deadly force or even the exhibition of deadly force. Displaying a gun in this situation would not be "necessary self-defense." If, however, the threat is deadly or presents grave bodily harm, displaying a firearm to prevent further attack would be justified and legal.

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You managed to find a very complicated topic this month. It is complicated by variations in the law from state to state, and variations of interpretation within each state as well. As you note, this often falls under the discussion heading of "brandishing," as in, "Is it okay to brandish, or isn't it, in order to discourage a potential attacker?"

The answer depends, as most of these questions do, upon where you live, and, as always, the circumstances of the situation in which the question arises. In each case, you have to start, or should, with the question of what is brandishing?

In Minnesota, there is no brandishing statute, by name, as you might find in other states, such as Virginia: Virginia Code 18.2-282. It shall be unlawful for any person to point, hold or brandish any firearm or any air or gas operated weapon or any object similar in appearance, whether capable of being fired or not, in such manner as to reasonably induce fear in the mind of another or hold a firearm or any air or gas operated weapon in a public place in such a manner as to reasonably induce fear in the mind of another of being shot or injured. However, this section shall not apply to any person engaged in excusable or justifiable self-defense.

Or, California, which prohibits brandishing a firearm in "a rude, angry, or threatening manner," Cal. Penal Code § 417(a)(2), or Missouri, which makes it illegal to display a weapon "in an angry or threatening manner" Mo. Ann. Stat. § 571.030(1)(4).

[Continued...]

In Minnesota, Minn. Stat. §609.66 makes it illegal to (1) recklessly handle or use a gun or other dangerous weapon or explosive so as to endanger the safety of another; or (2) intentionally point a gun of any kind, capable of injuring or killing a human being and whether loaded or unloaded, at or toward another.

Interestingly, Minnesota also makes it illegal to display, exhibit, brandish, or otherwise employ a replica firearm . . . in a threatening manner . . . Minn. Stat. §609.713, subd. 3 (2008). So, it is possible to argue that simply revealing the fact that one is carrying a pistol in Minnesota does not rise to the level of a crime.

Minnesota is an "open carry" state, meaning that if one possesses a properly issued permit to carry a pistol, the pistol can be carried in an open fashion and need not be concealed. Most firearms instructors, including myself and my staff, strongly recommend to our students that they carry their handguns concealed. However, that advice has more to do with issues of public reaction and relations, safety, and firearm retention. Openly carrying a handgun when armed thugs barge into a convenience store for a robbery, for example, will likely guarantee that you are the first one shot.

On the face of it, it would then appear that in Minnesota, simply displaying a holstered handgun as a deterrent to a violent attack would not be the subject of prosecution. Similarly, in Michigan, the State Attorney General issued an opinion in 2002 that openly carrying a firearm under Michigan's open carry law did not equate to an illegal brandishing. Noting that neither the Michigan Penal Code nor the Michigan Criminal Jury Instructions include a definition of brandishing, the AG concluded since the dictionary definition of brandishing is defined as: to wave or flourish [a weapon] menacingly, then "carrying a handgun in a holster in plain view, is not waving or displaying the firearm in a threatening manner."

However, there are other Minnesota statutes which are from time to time unfortunately employed by over-zealous prosecutors who believe that only cops should carry guns, gun possession by private citizens should be outlawed and in general, have only a limited understanding of the laws and realities of self defense.

For example, there is assault in the second degree, a serious felony which includes an act done with intent to cause fear in another of immediate bodily harm or death. Assault in the fifth degree, which is defined (in part) as committing an act with intent to cause fear in another of immediate bodily harm or death. There is also disorderly conduct, defined as engaging in offensive, obscene, abusive, boisterous, or noisy conduct tending reasonably to arouse alarm, anger, or resentment in others. Or, terroristic threats, in which the actor directly or indirectly, threatens to commit any crime of violence with a purpose to terrorize another. Ask any criminal defense attorney and they can recount examples of clients who have been subjected to criminal prosecution under one of these laws or similar statutes, for simply displaying the fact that they were carrying a means of protecting themselves.

It is true that the defense of self defense would apply in any prosecution where such offenses are charged. However, legally employing deadly force, even by the display of a firearm, would require that there be a reasonable apprehension of imminent crippling injury or death. The Minnesota Appellate Courts have ruled that threats of physical assault can create such a reasonable fear. However, they set out that ruling in a different context, probably did not consider the natural and logical extension of their ruling, and nobody should want to be a test case. Being a test case costs money, time, stress and notoriety.

In Minnesota, deadly force is justified in the defense of oneself or another, in the face of a reasonable fear of imminent death or crippling injury. If pointing a firearm at an attacker is enough to stop the attack, then the analysis of the justification is the same. It is not necessary to shoot the attacker to give rise to a valid self-defense claim. However, you are going to have only seconds if that, to interpret the attacker's intentions. So, I cannot recommend that a member show the gun unless they pull it, and if they pull it, they have to be ready to use it. The right to carry a firearm is more than a Constitutional right as some would suggest. It carries with it tremendous responsibility. A criminal only has to be right once. We have to be right all the time.

[Continued...]

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I was asked to comment about whether the common law defenses of self defense or defense of others applies to situations where one exhibits or brandishes a firearm at someone, but does not actually fire the firearm. The answer generally is yes, but BEWARE AND BE CAREFUL MY FRIENDS, BEWARE AND BE CAREFUL!

The granting of a concealed carry permit confers a grave responsibility on the citizens who choose to carry. Licensees and permit holders are now permitted to carry deadly weapons in their daily lives in the community. The government, whether you like it or not, sees the granting of this authority as a privilege and not a right, and can revoke it for certain statutory reasons.

One of the most foolish things a permit holder can do is brandish or exhibit their weapon when it is not legally necessary or permissible to do so. I have seen this happen in many instances of road rage, domestic disturbances and confrontations when the permit holder lost his/her temper.

I was at a shooting range recently and observed a woman who was a very good shot. She was able to place rounds accurately down range at different distances with great precision. She also had great gun handling skills and was obviously very well-trained.

I overheard her telling her shooting companion how someone had stolen her purse from her car while she was getting out of it at a local shopping mall. Her friend asked the obvious question, "Well, did you shoot him?" Having heard the story, there was no doubt in my mind that this woman could have shot and seriously wounded or killed the thief at this close range in broad daylight. However, her quietly confident reply was, "No, I didn't. I was not going to kill someone over a purse. I was in no fear of imminent danger, as the thief was unarmed."

In general, the law of Kansas and Missouri allows a citizen to use deadly force only when he/she reasonable believes he/she is in imminent danger of death or serious bodily harm. This protection also extends to defense of third persons, as well, such as friends, family or other loved ones. There are other extensions of this legal defense when one is protecting one's home, as we discussed in earlier columns on the Castle Doctrine.

The self-defense protections provided by law extend not only to the use of deadly force, but also the threat of the use of deadly force. Threat of the use of deadly force would occur when a citizen points his/her firearm at an assailant in an effort to discourage an assault, battery, robbery, sexual assault, etc. As a general matter, a weapon may only be pointed at someone when the licensee or permit holder has a reasonable fear and belief that he/she is in great imminent danger of death or bodily harm.

You need to account for your weapon and its ammunition. If using a rifle, what about over-penetration and innocent people being hit across the street? If using a shotgun, will pellets hit someone behind your threat? Can you really hit that guy at ten (10) yards in the dark? You are morally and legally responsible for every round you discharge from your gun.

These cases are decided on a case by case basis, one at a time, based on the facts available to the police and prosecutors who review these facts. There is no across the board answer to the question that would apply in all instances.

As a general rule, one should not display a weapon unless he/she is encountering a genuine and imminent threat. Waving a weapon around indiscriminately could result in the individual being charged with brandishing or exhibiting a weapon or felonious assault.

You should know that any time you pull out and point your weapon at someone, which is called exhibiting or brandishing, several things are almost certain to happen:

1. Someone is going to call the police about this.

[Continued...]

2. Your weapon will be confiscated and perhaps never returned to you, even if you win the case. I'd hate to forfeit a Luke Volkmann 1911 Combat Model with Dan Chinnock ivory grips!

3. Whether you are right or wrong, your decision will be second-guessed by a prosecutor and a police officer using their standards and not yours. These standards vary from community to community and from region to region and you need to be aware of what they are before making this type of decision.

4. Your name will be entered into a police computer and may result in you having a permanent arrest record, even if you are acquitted or the charges are later dismissed. I have seen cases in the last several years where guns were pulled after road rage incidents during verbal altercations on the highway. In most of these cases, the police were called and the armed party was initially charged.

There are overt and hidden prejudices sometimes in law enforcement directed toward citizens who use guns to defend themselves. It cannot be said that all law enforcement officers and prosecutors are on the side of the armed citizen when investigating these disputes. A firearm should never be displayed to make a point or for any other reason than to protect one against an imminent threat of serious bodily harm to themselves or an innocent third party.

Whether you win or not, legal fees will be incurred, your name could be unfairly publicized in the newspaper, jobs could be lost and the unintended social cost levied against you. Your gun will be confiscated and maybe never returned.

It has been my experience that shooters who opt for practical and tactical shooting training beyond their CCW classes make more intelligent and reasonable decisions in avoiding unnecessarily displaying their firearm. The mere possession of a handgun or self-defense firearm does not qualify one to use it, any more than the mere ownership of a beautiful brand new Harley-Davidson motorcycle makes one a proficient Harley rider. Training, education and experience seem to help practitioners be more responsible.

The defenses allowable for the use of a weapon are also afforded the citizen in the threat of the use of a weapon, i.e. pointing it at an assailant or threat. However, remember the four rules of firearms safety always apply! Pointing a gun at another person with a crowd around could get you charged with pointing a gun at an innocent crowd member. Pointing a gun at someone you are not prepared or legally entitled to shoot could also be dangerous. Your firearm could be taken from you. You could be shot by a third party who wrongly thought you were an attacker. Your gun could be taken from you and used against you by an assailant with superior training.

The bottom line here is that before you point a firearm at someone, you need to be sure you are legally and morally entitled to do so and you can do so without injury to innocent bystanders.

God bless and good luck.

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Please enjoy the next article in this eJournal.]

NETWORKING



by Brady Wright

If it seems as though the year has flown past more quickly than usual, you are not alone. As I write this month's edition, I cannot believe that the New Year is here. In addition to some great acquisitions to add to the home battery and some travels that will not soon be forgotten, 2011 saw a whole

host of new friends and affiliates added to the Network ranks! It's always good to meet and talk with folks like our supporters, members and affiliates and some of the ones who have joined us in the past month are in very good company.

You'll remember Alex Haddox from previous columns. His podcast is continuing at Palladium on line, bringing information and news on the entire issue of enlightened self defense and over the last month, he has had Marty Hayes as a guest on two occasions. Click the link to enjoy listening to [Practical Defense](#) podcasts. The episodes done with Marty are archived on his website. Alex' big news this month, though, is that his new book, *Practical Home Security*, is out now! He was kind enough to send a copy to me to review and that review is posted on the Network forum in the General Discussion area as well as below in this journal. Minor spoiler: It's great! If you drop by Alex's website, be sure to leave him a note or post.

Another very interesting podcast that you may want to check out is the ProArms Podcast, at <http://proarmspodcast.com/>. These folks are members of the Gun Rights Radio Network and have truly covered nearly EVERY media venue to get the word out. In addition to the podcast, they are on Twitter, Zune, Facebook, Rangelog and iTunes! They are solid supporters of the Network and you will find a huge archive of topics that cover all aspects of the gun rights and personal security.

I recently had the pleasure of learning about one of our affiliates, Dr. Jock Peterson, who teaches CCW classes in Visalia, California. He ran short of our booklets and gave

out even his personal copy of our booklet, just so one of his students could have the information!

He wrote, "They are so good to give my CCW classes. It is what I have been teaching, but you do it so much better. I gave my last one out last night and now I don't even have one for myself." Doctor, those are some kind words, and we'll take care of you!

It was also a pleasure to hear about Donald and Catherine Roberts, our new affiliates in Tulsa. They teach all manner of classes and you can reach them at guninstructor@yahoo.com

We heard from Fred Yulga, who informed us, "Wisconsin Carry, Inc. has just started offering free training for Wisconsin's new Concealed Carry License. We hope that our training allows many more Wisconsinites to secure and enjoy our right to protect ourselves." Fred read our booklet and would like to share it with his students. If you are looking for CCW classes in Marathon, Wisconsin, email Fred at phred@dwave.net.

Vito M. Spagnola is going to be giving presentations starting on Jan. 21 at Gander Mountain in Middletown NY. He has quite a background and credentials, including NRA Home Firearm Safety, Basic Pistol, Personal Protection In The Home, Personal Protection Outside The Home and Refuse To Be A Victim. 2011 Florida State Taekwondo Champion in Forms, Sparring and Weapons, he's a Taekwondo student/competitor/instructor offering classes in Taekwondo, mixed martial arts, self defense, and bully prevention for children. His is quite the resume! Vito is in Wurtsboro, New York and you can email him for more information on his Gander Mountain presentations at atvms@hvc.rr.com.

A note to our affiliates: We've been busy re-stocking the supply of Network booklets for many affiliates so this is a good opportunity to remind you that the packages of booklets and brochures we ship out to you come at no cost. One of the ways we can do that is to use Media Mail, because it saves money, but that means that if you are running short, make sure to let us know earlier, rather than later. It takes awhile to get an order to you, and we want to make sure you don't run out! If you need booklets, you can call me directly at 360-623-0626 or email me at brady@armedcitizensnetwork.org.

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BOOK REVIEW

Practical Home Security – A Guide to Safer Urban Living

By Alex Haddox

100 pages, softbound

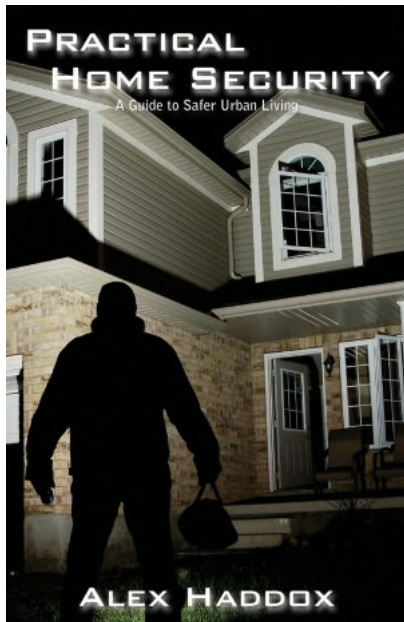
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Reviewed by Brady Wright

The latest work by Alex Haddox is an introduction to the man for this reviewer. Because of that, I spent some time going over his section on credentials, so that I could learn where the information he was sharing came from.

At 80 pages, it's easy to underestimate the value of a book, so I was reassured and even energized to see that his varied and well-studied background includes a solid resumé in the disciplines of armed and unarmed

encounters, law enforcement and, as an added bonus, a Master's degree in adult education and training. Now, I could expect that Haddox' work would be grounded in experience and packed with concise practice and usable insight.

The book does not disappoint.

Haddox will be familiar to many from his *Practical Defense* podcast, which you can find online. Having listened to many of those great webcasts, I found his clear and reasonable technique well in evidence in *Practical Home Security*.

He uses the device of "overview-explanation-example" in his discussions of over 70 situations and scenarios that cover the concerns of every citizen who would go armed in this world. The clear and logical writing style gives the reader a no-BS encyclopedia of how to make good defensive decisions for self and family. This is a freight car full of information packed into a Kindle-sized package.

Practical Home Security, A Guide to Safer Urban Living is available through Palladium Education, Inc. and you can find them at www.palladium-education.com, and Alex Haddox' podcasts and website are at www.alexhaddox.com/practicaldefense.shtml. The book is a great value and should be in the library of everyone who is serious about armed self-defense and family safety.

Haddox' writing style is very narrative and he uses a clear and easy to follow "challenge-action-example" template to cover the array of defensive topics that relate to assessing, securing and defending your home and grounds, in an urban environment. While most of these ideas and skills will work for those who live in more rural areas, the book is aimed at city dwellers and enhancing their ability to control their own safety and security. It would be impossible to pick a single chapter or even three or four that have the greatest value: each one is filled with rock solid observations on the alpha mentality, based on a life of experience and training.

Editor's note: Watch for Practical Home Security soon in the Network's online bookstore. Network members receive 20% off list price at our store when they enter the coupon code on their membership card.

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Please enjoy the next article in this eJournal.]*

MEMBERS' LETTERS



Here is a sampling of emails we received about the December journal.

"I found the advice in the December article on how to deal with [law enforcement contact] to be very good. But two points need to be hammered into the brain of anyone who might ever use a firearm for self defense.

First, know the circumstances that allow for the use of deadly force in your jurisdiction. Second, be able to explain how your situation meshes with those circumstances.

I recall responding to a shooting scene where a bar owner shot a disgruntled former customer. Said customer had been breaking up the bar with a pool cue. When I asked the owner why he shot the guy, all he could do was point to the broken bottles, glasses and furniture and say something to the effect of, 'Look what he did.' Fortunately for the owner, I was not the investigating officer. Equally fortunate, he was able to reach his attorney and get him to the scene.

I believe one of Massad Ayoob's favorite words is 'articulate.' Verbal articulation is a skill as important to someone considering a firearm for defense as is marksmanship.

P.S. My credentials for offering these comments: Thirty-eight years of service (prior to retirement) with a major metropolitan police agency."

"Congratulations on a great article describing the responding officer's point of view and thought process when called to respond to an incident where a legally armed citizen is involved in a self defense action.

This topic is timely and essential to prevent the loss of thousands upon thousands of dollars during our defense of a legal act. The vast majority of us have no knowledge base to use in these interactions with police, and you are correct: we all have a morbid dread of contact with police.

More importantly, this article brought home to me the dread of the police: they do not know we are good guys. They are worried about being shot. So for us to expect a good guy response from the police is totally out of the question.

Thank you for providing this essential piece of knowledge for our members. It is one of the most relevant topics we have, and the one with the least amount of data available."

"Best ever journal, Gila. The article on response to the police is the best I've ever seen. We'll print it out and save it. The articles and content of this journal are first rate."

"The December issue was very good. Thank you. In Marty's article on handguns he is quoted as saying, 'Whether or not the police might have occasion to take my whole collection is a discussion best left to another time, since it entails a fairly lengthy legal analysis of 4th amendment issues.' I would very much like to see an article on this topic in the future. Not that long ago I did an itemization of what [guns] I had and what would be the replacement cost for an insurance company. I was shocked. I'd hate to have them all taken and left to rust and to leave me defenseless should the suspect's family decide to take retribution. I would love to see your thoughts on the topic."

Upon learning that further exploration of this issue is of interest to Network members, our Network President Marty Hayes has agreed to research this topic and write about it. We'll allow him enough time to do a thorough job.

[Continued...]

THE JOURNAL FORMAT

Most of December's reader mail was in response to the journal format change, which I explained in our December editorial, after making the difficult decision to publish the Network's online journal in the more universally accessible format of simple Internet webpages with an additional downloadable PDF option for those who prefer to archive the monthly journals on their computers.



Change is never easy, and this one in particular struck a nerve. As members have expressed considerable variety of opinions about the change, it makes sense to bring the

discussion out into the open as less vocal members may have similar questions. I'll add a few explanatory comments in italics where it may help clarify questions or requests made.

"After starting to read the December journal I found it pretty hard on my eyes (even with my reading glasses on). I found the PDF files much easier to read and also enjoyed being able to read them offline. I'd hate to have to print out each and every one (I live on a boat and don't have lots of storage space for printed files) besides using up lots of paper. Would it be possible to have a 'download as PDF' button on the page for those of us who are able to download and view the PDF version of the journals?"

"PDF ends up being 27 pages. I copied, pasted the PDF into a Word file and changed font size. Bummer about the computer issues for others. I liked the other way better, but don't mind the few minutes it took to reformat the journal. I appreciate you 'guys.' I have bought a few books, further researched topics and been validated by other articles due to the journal. I also hope never to need the legal service part of ACLDN, but it's nice to know it's there."

I made several refinements to the "[Get eJournal PDF here](#)" link in hopes of resolving these kinds of problems. The PDF does not have to be printed and is archivable on the member's own computer. Give it a try!

"Just a comment on the journal format change. I read the PDFs on my Kindle and have not had a problem before. The new PDF was 27 pages, but didn't flow real well. When I used the print function (to a PDF printer) it was only 11 pages and was too small a print for the Kindle. I understand it is a work in progress, keep up the good work."

Other members have inquired about formatting for a variety of eBook readers, and I admit that the idea of reformatting for all the various readers out there was daunting. Then, came a ray of hope: A member reported using a Linux program called Calibre to convert text to eBook format. Perhaps similar utilities exist for Windows Mac, I thought. Further research turned up several options to do just that. If members want to optimize journals for their eBook readers, they certainly have our permission, with the restriction, of course, that it is only for their personal use, not for distribution.

"Thanks for the December web version of the Journal. It has been needed for some time. I have not been able to read any of the journals for months. I have tried on three different computers, my home desktop, my work desktop and a new laptop purchased last month. I have the latest versions of Adobe on the computers. When I try to download, the first page comes up and the computer(s) freeze up."

"I understand your pain trying to resolve problems with members reading our newsletter. However, I think that you erred in changing everything because a few members had old Adobe Reader versions on their old computer. Updates are easy and free, and members should be responsible for staying current. PDF files are the universally accepted basis for easy transfer and reading, and I respectfully suggest that the Network return to that format. If not, at least allow the web page format to be one complete screen so that I can download the entire file and read it at my leisure. The current method only shows one page at a time, and I cannot scan or save the entire file as I could with your old PDF formats. In addition, the PDF download icon does not work on the new style."

The website template's PDF download icon is indeed faulty so we provide the "[Get eJournal PDF here](#)" link to the downloadable PDF with each monthly journal description. It should help, and besides, that link is more prominent and probably will be used more.

[Continued...]

The new online journal format also has an "All Pages" option at the upper right of each journal page. When converting journal material for personal use or printing the journal, I believe members will have the best results copying out of "All Pages."

"This has to go! I print 3 pages to get one usable page. I have a folder (in memory) of all the back [journal] copies. PDF is very good. I know PDFs take a lot of bandwidth but this format isn't worth my time. Can you make each article a separate email down load?"

I answered several requests to distribute the journal by email and others have asked for a link to the journal download in our announcement emails. Unfortunately, both options cause big problems. Bulk email is a necessity for an organization like the Network, but if I include live links or attachments, many email settings relegate the message to the Spam folder. Before you retort that it sounds like a problem for the end user, let me explain how this costs the Network money.

When services like Comcast detect our emails being marked as spam, they black list our IP address and any emails sent to that provider are returned undeliverable. A number of providers subscribe to commercially compiled black lists, and if, for example, Comcast black lists our IP address that action snowballs and we will experience delivery problems from others as well.

When that happens, I call our IT contractor and he checks the blacklist, finds our IP address on it, and opens a ticket with Comcast (or the appropriate provider). Sometimes it takes a while to get delisted, during which time not only are we unable to answer many other emails so business is disrupted, but the time spent following up to get off the list costs money, too. It took a few harsh lessons early on, but I've learned to avoid links and attachments in our bulk email to members and it has been quite sometime since I've fought a blacklist problem.

"I got the impression from your general membership e-mail that there are a lot of people who cannot access your PDF file. Yes, the web version is not as beautiful but it doesn't use the memory that a PDF does and if all members can access the web version, then everyone wins."

"I wish a paper magazine journal was available. I understand there would be a cost involved."

The cost of publishing and distributing a paper magazine is truly formidable. Our Network leadership determined in 2008 that online publishing was our best option to deliver educational articles to our members, as it does not siphon off money better dedicated to building up the Legal Defense Fund. Since then, publishing and distributing magazines has only become more expensive, so we stand by our first decision. Thank you for understanding.

"VERY easy format to use. And all the links work! Good job."

"I'm one of the Adobe Acrobat-challenged and I've gotta tell you the new format is too cool. I'm only on page two but it came right up without me trying to get a PDF time after time by refreshing till I was so frustrated. This is a great format. Thank you."

"For the record, I prefer the old newsletter format."

"YAY! I'm so happy to have the journal as a web page! Thank you!"

Thank you for all of your emails! My ongoing challenge is meeting all of our members' needs. I sincerely hope this month's journal makes strides toward that goal, and if it falls short, be assured I'll continue taking steps to make the most out of website formatting while keeping the Network's educational monthly publication accessible to the largest number of members.

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Please enjoy the next article in this eJournal.]*

EDITOR'S NOTEBOOK: Closing Thoughts

by Gila Hayes

I was wrong, and I'm really pleased that I was! In January of 2010, citing violent crime and a stagnant economy, I predicted that we were in for increased crime in 2010 and



beyond. A few weeks ago, however, I read that CNN reports that for the first half of 2011 violent crime dropped, and even property crime declined a little. Who would have guessed? [John Lott's blog](#) alerted me to the [CNN report](#) that tells the good news. With more states legalizing concealed carry

and more new gun owners, citizens—armed and unarmed alike—must seem poorer prospects to robbers and rapists.

It seems that I should offer our readers some deep thoughts in this January edition of the Network's journal. What I have to say focuses on our gratitude to Network members for helping our organization grow.

I am touched by how many members add a contribution to their membership renewals when they [renew online](#) and am also pleased when a member simply goes to the website and sends in a contribution, or as one of our affiliate instructors does from time to time, spontaneously sends a check for the Legal Defense Fund with no prompting or requests from us whatsoever.

I think we've all experienced contributing to an organization because they work toward a goal we believe in only to later regret lending support after discarding pounds of unwanted junk mail or hitting the Delete key on hundreds of over-amped spam mailings from an organization you only wished to help grow. I've suffered donor's remorse, and I'm determined that our Network will never create those sentiments. That's why our Network's contribution efforts are extremely low key—an option on the Network website,

followed up by our personal thanks when a member or benefactor contributes. I promise we'll never hound you with follow up requests for more!

To each member who joined the Network's growing ranks in 2011 and to all of our many renewing Network members, thank you for taking the time to study and understand the issues you may face after defending yourself or your family. Thank you for choosing the Network as part of your solution. As outlined earlier in this journal, we have expanded our initial educational program for new members, knowing that if we can front-load the educational part of your preparations, you will be better prepared to avoid mistakes, errors or confusion that can really cause trouble after acting in self defense. Your membership in the Network is responsible for growth of the Network's Legal Defense Fund and its increased ability to help defend Network members. Thanks to you, the Network is stronger and better prepared to come to the legal defense of members like you. The words "Thank You" don't even come close to expressing my gratitude for your participation in the Network.

Some follow up to my December editorial, in which I commented that some of our members, active participants on a number of Internet forums and online chat groups, included a live link to the Network in their signature line. Since I'm not a big participant in forums, I became aware of this practice when our website optimization service showed multiple visitors coming from certain Internet forums. Following the trail back, I'd find a post to a forum thread that while it had nothing to do with the Network, was read by someone who noticed the Network's link in the signature line and visited our website to see what it was all about. What a great idea, I thought, so in December's journal editorial I asked members to consider doing the same in their forum activities. Not long thereafter I visited by phone with a member who said he'd give it a try. Sure enough, soon the website visitor "came from" log showed visits tracking back to our member "Caribou" who had done as he said he would, and thus sent other gunowners to the Network's website. Thank you, "Caribou," "10th Mtn," and "Craig_VA" and all the rest of you out there in Internet-land who are doing the same! I really appreciate it!

In closing, 2011 has been a great year for the Network! I thank each of you participating in this tremendous enterprise and for your role in the Network's success. My enthusiasm for the unknown that lies ahead in the days and weeks of 2012 ahead is boundless and I look forward to sharing the Network's fifth year with you.

[End]