



Defense Options: It Takes More Than a Gun

An interview with author Lawrence Kane

by Gila Hayes

Some months ago I reviewed the book *Scaling Force* as part of our ongoing effort to educate Network members about various defensive force options, since using a firearm is not always appropriate. (See review at <http://www.armedcitizensnetwork.org/our-journal/277-november-2012?start=10>) In preparing the review, I spoke with one of the authors, Lawrence Kane, and found he had much more to share that builds on the topics covered in *Scaling Force*, which was his ninth book. Let's switch to the Q&A format to learn from this martial arts luminary in his own words.

eJournal: Self defense training in physical skills—non-gun defenses—is vitally important, because there are so many times that a defensive situation needs to be resolved, but a gun is absolutely the wrong choice. I'd like to ask you about the broader spectrum of self defense, because it is a topic that gun enthusiasts so often fail to explore. How did you come to build your expertise in these areas?

Kane: I started studying martial arts when I was six. I hunt and I fish, and I grew up with guns. When I decided that I wanted to carry a gun, the guy I bought it from made me first go and read Massad Ayoob's book, *The Truth About Self-Protection* before he would sell me one. That was close to 30 years ago, but it got me thinking in a different way. A gun is a great tool that does exactly what is needed for certain situations, but that is only in certain situations and it is not appropriate for everything.

eJournal: In addition, the kinds of threats for which we train are varied. In reading *Scaling Force*, I was reminded that many of our armed citizens have no experience with violence, unlike your experience working security, or your co-author Rory Miller's career in corrections. How can people from gentle upbringings expect to recognize impending violence, let alone implement an appropriate response?

Kane: Few people have experienced more than a harsh word! For most people, maybe they experienced a little

pushing and shoving during middle school or something, but they've never experienced anything first hand that is truly dangerous. People need to understand the two halves of violence: the social piece and the asocial or predatory piece.

Social violence is about dominance, prestige, saving face, that kind of thing. It tends to be in public and it comes with instructions. For example, if you are in the bar and some guy says, "Get away from me or I will tear your arm off and beat you to death with it," he has given you instructions to walk away. If you leave, there is a very good chance that nothing bad is going to happen. But being aware of social violence and following instructions, is much harder than it sounds because you have to let your ego go. If you walk away, the guy might say something like, "That's what I thought! You are a pussy." He's baiting you. If you turn around and get in a fistfight and he draws a knife and you shoot him and he dies, you are going to jail because you contributed to the conflict, allowed the situation to escalate into a lethal encounter.

But asocial violence is different. We're not talking about bullies, but rather muggers, rapists and murderers. Violence is either a means to an end or, in the case of process predators, it is the goal itself. These predators are usually solitary because it is hard for antisocial people to band together for a common purpose for any length of time. There are generally no witnesses to the attack, or the person is playing to someone of a different social class where his actions make no logical sense. For example, an adult playing the "what are you looking at" game with a child or elderly person is not going to gain any status from the outcome, whatever it may be.

The answer to it is seeing what is coming and understanding both types of violence are similar but the best response is different. If somebody is setting you up for predatory violence and you apologize submissively and walk away, they are going to think you are a great victim. Rory has done a couple of podcasts on that recently at <http://www.martial-secrets.com/>.

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In *Scaling Force*, we recommend watching video. If you watch violence on You Tube with the sound off and pay attention to the body language, you can start to get a sense of when people are getting into an argument. Look for the change in energy. In a run up to violence there usually is some kind of an escalation process. For example, in a social situation, you might see the person puffing up, almost like beating their chest and getting louder. It could be verbal or it may be just in the mind, like running a checklist: "Isolated place? Person not paying attention? It is GO time!"

Either way, there is going to be some kind of escalation. It is usually a change in energy, not always something obvious. If it is a professional, you may or may not see a ton of little subtle things: he is getting quieter, breathing low and slow, more abdominal breathing. You might see straightening of the spine. You might see a witness check, looking away, looking around. You might see little subtle things like dilation of the eyes, flaring of the nostrils. But the biggest thing is that something is different; watch for something that was not there before. A change in energy tells you to start paying attention. You can watch for those signs on You Tube.

If you can spend some money to really experience it, there are reality-based self-defense instructors who will do simulation classes. It can all be filmed, and is done in a controlled environment so that it is safe. At the high end, you have simulation gear, you have training weapons and woofers who play the bad guys.

eJournal: You'll learn much more from professional role players because when students play against each other, it becomes a contest where everyone will do anything—no matter how unrealistic—to win.

Kane: Exactly. Woofers will do stuff you ordinarily wouldn't. For example, if you are African American and someone drops the "N" word, you are really going to get upset. In fact, you don't even have to be African American to get upset by that word. Woofers aren't afraid to do that to get you into an emotional state so you can experience what it really feels like. When the emotional factor is there, you can very easily over-respond and you don't even realize you are doing it until someone points it out. In these classes, you can figure out the right level of response. You can learn the difference between a dangerous weapon and a deadly weapon and the differences between right and wrong responses in any given situation.

eJournal: Are there other ways to learn to recognize violence getting ready to flare up?

Kane: It is really quite interesting to find a bar or a nightclub or another place where you can sit up and away a little bit from the main action and watch the crowd. For example, in West Seattle along the waterfront, there are a lot of outdoor restaurants. In the summertime you can watch the groups on the beach and they are doing all kinds of things and you can see a lot of fights.

You can watch not just the actual fight, but you can see who is together and who is not, who is checking people out from a predatory, pick-your-pocket or rob you kind of perspective as opposed to who would be a good victim because they aren't paying attention, et cetera. It is fascinating how some people are totally in tune to what is going on around them, and then some people are not.

If something happens, you can pay attention to the build up. Working security for as long as I did, I can always tell when there is a problem brewing. It is not always about the person himself. I couldn't always tell that in large crowds of people, but I saw the reaction of people around them. You will notice people in a crowd reacting. Look for body language changes, look for voice changes, look for movements or sounds... something different from the norm.

If you are really good at it and you have been in an area for a while, you can get a feeling for what is natural to that area. A week ago, I was on my way home from work. I hadn't had lunch, so I decided to go to a Jack In The Box drive through. As I entered the parking lot there were two guys standing by a van with a back door open. The way they looked at me was not normal, and I didn't know why, so it pinged my radar. There was just something wrong, so I decided not to go through the drive through because once you are in there, you are stuck. As I went back through the parking lot and past them, I realized, "Oh, I know what this is!" These guys are selling stolen stuff out of the back of their truck. It was pretty brazen, selling stolen stuff at 4:30 in the afternoon in a public parking lot! I noticed it as not being normal before I could figure out what it was.

eJournal: Someone else might have not perceived the difference at all.

Kane: Everybody has natural situational awareness. It just gets trained out of you. You go to get in an elevator
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and there is a creepy-looking guy in there, and you say to yourself, "I really don't want to get in there with him, but I don't want to hurt his feelings." You are talking yourself out of your natural awareness that is going to keep you safe. Who knows? Maybe it is perfectly innocent and there is not a problem. What is the big deal if you insult a stranger by not getting on the same elevator, or by turning around or walking down the other side of the street? Who cares? That does not make you a bad person. It just means that you've seen something that didn't feel right so you chose to do something different. Everybody has really well-honed intuition if they'd just pay attention to it, but most of us are taught not to pay attention to it.

We are conditioned by society not to be rude. Read the first half of Gavin deBecker's book, *The Gift of Fear*. While I have some problems with the second half of his book, the first half makes the point that if something doesn't feel right, pay attention to it. It is really that simple and that difficult. It is really, really critical that you notice what is different around you!

eJournal: As in your fast food example, you do not have to identify exactly what is wrong, you just have to create some distance so you do not become part of the situation.

Kane: The goal of this is to keep you safe, but it makes you a better person, too. If you are paying attention to what is going on around you, you'll notice if you accidentally say something that insults a friend, relative or co-worker. So there is no downside to getting good at paying attention to body language and seeing what people around you are about. And guess what? If you ever have to go to court and articulate why you did something, it makes you better at doing it.

Paying attention also gives you a little more time to react. If you are totally oblivious, and you don't see it coming, it is really, really hard to recover. I was once shopping in downtown Seattle. It was late in the afternoon so the sun was in my eyes so I could barely see through the glare as I put stuff in the car. I heard a voice right next to me saying, "Hey, man, do you know what time it is?" I whipped around to look at him while I tossed the rest of the stuff in my car. We were next to a jewelry store with a sign that had a big clock on it, and the guy had a wristwatch!

eJournal: Oops! [Laughing.]

Kane: He had gotten really close, but the way I had turned let me clear out a little distance while I very quickly went from "zero" to "something bad is going to happen" mode. Fortunately, he pinged first that I might not be a very good victim, but I was completely and totally unprepared. You know, he could have come up and hit me upside the head but I didn't even know he was there. This was in the afternoon in public, but that kind of stuff happens all the time. Last week, there were a couple of school kids playing in a playground down the street from their middle school about a mile from where I live who were robbed by a couple of armed guys in broad daylight. Stuff can happen anywhere.

eJournal: You can understand children missing warning cues, but I'd hope armed adults could practice better awareness.

Kane: Especially if you are carrying a weapon! You have really got to be paying attention. You do not want someone taking your gun and using it on you; you do not want someone taking it and using it on someone else; you do not want to misinterpret what is going on and use it in an inappropriate way and regret it for the rest of your life.

eJournal: As I read *Scaling Force*, the force options you had categorized as Level 5 and Level 6 (less than lethal and lethal force) raised questions. What hope is there that we'll inflict enough damage to deter or delay an assailant without going so far as to cause a permanent disability, resulting in accusations of excessive force? How can we train so we recognize when enough is enough and when it is safe to withdraw?

Kane: Your goal is not to punish anyone, to hurt any one. Your goal is to stop the threat so you can escape to safety. If you keep the goal in mind, it is a lot easier, right? Let's say, you end up having to shoot somebody. As long as they are still attacking you, you keep shooting until they stop, right? But at the next level down, like you were saying, that is a little trickier. If it is working, you don't need to go to a higher level of force.

Going back to the guy who was trying to see if I would be a good victim to rob, I basically did everything through body language and saying, "Hey, man, I don't have a watch," although we were both wearing watches. It wasn't about the watch, it was to have him think, "Oh, this guy is not going to be an easy victim. I can see his body language. I can see he is prepared. I think I will go find someone else."

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Body language works! You have no idea how many times a day a person sees you walk by and they see that your eyes are scanning around and you're walking straight out and they look at you and think, "No, I don't think so." You don't know how often that happens. Body language works great. If somebody comes and confronts you and you talk your way out of it, you know it worked, because you are able to walk away or they walk away.

If it works, you stop. It is when it starts to get into a fight that it becomes troublesome. Let's say I was oblivious and a guy comes up and punches me. Now we're in a fight. I'm going to use open hands until it's not working and if it's not working, I need to be immediately prepared to use something else. I need to have my mind open and flexible. If all of a sudden I find myself smashed up against the curb and there are five guys kicking me and they are raining down blows on me, this is not going to get better unless I draw on them because I am losing. That is when you go from one level to the next—when you are losing.

The bad thing with the highest level of force is that you can never undo it. If you pull the trigger, once the bullet leaves your gun, you can't call it back. Marc MacYoung had an interesting way of saying it: "It is all a negotiation until I pull the trigger." Before that, you can stop at any point. If I'm going to punch somebody, I can change my point of aim pretty quickly before the blow lands. If it is really tied up and tangled and I can't see what is going on and I'm just throwing elbows or whatever I can try to get somebody off me, I can't target as well, but I can still choose how hard I'm going to hit, I can pull a blow. As soon as I draw a weapon, though, I am going to have to justify possibly killing the guy. When you are getting into those higher levels of force, you have got to know what your goal is.

eJournal: Hoping to solve problems at lower force levels, many armed citizens carry a Kubotan or pepper spray. Do you think carrying an intermediate defense device heightens the risks that we'll cause more harm than is justifiable?

Kane: If I have to hose somebody down with pepper spray and it works and I don't have to shoot them, great! Now, the problem with pepper spray and the reason I don't actually carry it anymore because A) it doesn't work on everybody or in wind or heavy rain, and B) it is slipperier than hell and nasty if it doesn't work and you have to continue the altercation, you get it all over yourself, too.

Kubotans are called out specifically in a lot of laws and frankly I'd rather use a pen or a flashlight or something that is not called out as a weapon because they are equally effective and I don't want to be explaining a weapon in court.

eJournal: Tell us more about improvised weapons if you prefer a pen or a flashlight over a Kubotan.

Kane: When I travel on an airplane or travel somewhere else where I can't carry a gun, I always have a flashlight and a pen with me. I have five or six cigar style pens of different types. They are pretty sturdy, they look good, and they actually make great pens, and oh, by the way, I could also do some pretty good damage to somebody with one of them but you know what? They're not designed as weapons. You could take a 59-cent Bic pen, if you wanted to, and use that as a weapon. Maybe you would only get one shot with it before it breaks, but if you place it on the right place on the person, you could do some very serious damage and no one is going to stop you from carrying a pen around.

I like flashlights. There are a lot of valid, good reasons to have a small flashlight. They make some now that are 600 lumens. You could blind someone temporarily with that in daylight! Plus you could hit someone with it. Some tail caps are crenellated almost like a saw blade, and I'm not sure I'd carry one of those because I'm not sure I could explain that real well in court. Most of the tactical lights have a crenellated top, albeit not as sharp or "weapon" like. The lights generate so much heat that if you put it lens down on something it will actually catch fire unless the crenellations let the heat out.

I don't like stuff that is called tactical. I realize it is a marketing trick, but I don't really like having to explain that in court. I like something like the Streamlight that is made out of aircraft-grade aluminum, because it is pretty sturdy and you can drop it and it doesn't break easily, that is what I would say, right? Yet if I have to smack somebody with it, it still works pretty well.

eJournal: I suppose most anything could be used in a pinch.

Kane: One favorite impromptu weapon that I have used a couple of times that works great is a hot, steaming cup of Starbuck's.

eJournal: Huh?

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Kane: Try blocking a hot cup of coffee being thrown at you! You can't do it.

eJournal: And, unlike pepper spray, it delivers through wind and rain and will probably not disable you in the process.

Kane: There have been a couple of times that I've been at the ATM machine in the middle of the day in good neighborhoods where somebody came up and tried to rob me. I have to tell you, the best six bucks I ever spent was on a venti extra hot latte that I threw in a guy's face that made it very easy for me to get away from him. It worked great.

Fire extinguishers, pool cues, even your laptop computer makes a great impromptu weapon, though I guess you'd need a new one afterwards. There is a plethora of stuff around you. Do be aware that there are laws some places, for example, if you hold a beer bottle from the fat end—like you would drink out of it—and you smack somebody with it, you will be charged with less of a crime than if you held it from the narrow end, and use it more like a club. There are lots of nuances in the law, so it depends on where you live and work, so be aware of that, but just about anything can be a weapon if you know how to use it right.

Then, if it's working, you keep doing it until the threat stops. If talking is working, you keep talking! If punching is appropriate and it is working, keep doing it until the threat goes away. If it does not, you have to be immediately prepared to go to the next level.

I could be in a fist fight then realize that I'm bleeding all over the place because I didn't see the knife in the guy's hand—that's fairly common, actually—well, that's not working and I need to jump levels quickly. I know people call it a force continuum, but it is not really a continuum. You can go from body language to lethal force if the first doesn't work and the threat is that severe. It doesn't always happen that way, but you have to be able to go from what's not working to what will work, not from level to level like rungs on a ladder.

eJournal: Nor must we start at the very lowest level. We are allowed to counter with the minimum force needed to stop the threat.

Kane: Exactly. You want to use the lowest level of force that stops the threat, but if it doesn't, then you use a higher level immediately. But with guns, the challenge is that you wouldn't be actually shooting until you were

under immediate, or imminent threat, which means unless you have pretty good reflexes, you are probably already hurt. Statistically a little over half of all gunfights happen within five feet. If you are that close, stuff is going really bad, really fast, and that is the hard thing that you have to be able to overcome. That is what training is for, but training always has a flaw so that you can come out of it without being seriously injured. The instructors do not always clearly explain what that flaw is. It is really important that you know what it is that you are doing for safety that makes the drill unrealistic. Frequently, you are reducing the speed, or using a pretend weapon that is padded, right? In some scenario training, the good guy always wins no matter what because of the psychological aspect of the training. Well, you have got to know what that flaw is, because if you don't know, you are not going to overcome the flaw.

I was at a football game with a friend who is a karaté instructor when he accidentally spilled beer on a lady whose boyfriend came up swinging. My friend check-blocked the boyfriend's punch and threw a back fist with blinding speed, which stopped just as he touched the guy's nose. Shocked, the boyfriend backed off and apologized. Afterwards, as we walked out I told him it was the coolest thing I'd ever seen. Chagrined he said, "I screwed up. I'm just so used to sparring with my students that I pulled it automatically." Fortunately, it worked and the guy stopped, but, he said, "If the guy was really intent on crushing me, he could have, because I was so used to pulling the blows. I have got to start training differently because it is engrained in me not to actually hit somebody."

In some of the drills that Rory and I wrote about in the book, you are doing the real thing, you are just doing it really, really slowly so that you are not training yourself to pull the blow, but you know that you would have to go faster. So you need to know what the flaw is in your training and the key is to be prepared to get around it to make that training actually be implementable in real life.

eJournal: I entirely agree, but would caution that seeing beyond our blind spots is the hardest thing to do. That's why we read your books, to have those problem areas pointed out along with guidance on how to better prepare ourselves to survive.

Kane: You're right. The reason we wrote *Scaling Force* is that you intuitively understand that you have to deal with different types of violence at different levels but no one had ever put it on paper before in this way. A lot of

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people will give lip service to the concepts of awareness, avoidance, de-escalation, and the like. I think everybody knows how important those things are, but few delve into the details.

eJournal: Still, few writers have given such specific instruction on HOW to accomplish those ideals.

Kane: Right! Well, we went specifically into how you can actually train your body language, how you can train at the verbal force level, how you can use touch. Most people don't even believe that touch is a force level, but it is an important one. There are a lot of books out there about how to hurt somebody, whether that is with an open hand, a gun or a knife. While we touch on those subjects, too, you probably noticed that there is not as much depth there in our book. Our perspective is from what most other books out there aren't talking about, which is the context of how it works, why it works, and when is it appropriate. Those are things that people don't generally think about.

At the beginning of *Scaling Force*, we use silly pictures of a tool box with a hammer and a whole bunch of different fasteners, most of which do not work with a hammer, then at the end there is a real tool box with things that work together. We used that analogy all the way through, because if you don't have a response for every level of violence, then you are going to have a lot of situations where you do not know what to do and that is not going to end well. If all you have got is a gun, then all you can handle is deadly force. What if drunken Uncle Albert is causing problems at the family picnic? Can you shoot him? I really doubt it. Not only is that going to really hurt your family relationships, if you do that, you are probably going to jail.

eJournal: A lot of crime starts at a lower force level, where we much prefer to stop it with verbalization or open hands because if the gun has to come out, it is going to cost a lot emotionally, financially and in a hundred other ways.

Kane: As we discussed earlier you can stave off a ton of problems by body language alone. And, it is amazing how many things you can talk your way out of. Knowing how to operate at the lower end of the force continuum is actually more important than being able to work at the high end. In "civilized" society most conflicts are resolved without the need to hurt anyone.

eJournal: Besides, getting involved in a physical altercation is a sobering concern. You've done us a great favor by discussing options and alternatives with us today, and I really appreciate it.

Kane: Well, thank you. I really respect what you do and how you get the information out there so I am happy to help.

Late last month, we learned that *Scaling Force* had earned a spot among the finalists in *ForeWord* magazine's Book of the Year awards (<https://www.forewordreviews.com>). It is nice to see an instructional book receive recognition, and we wish Kane and Miller good sales and continued success with their information-packed book.

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President's Message

by Marty Hayes, J.D.

I must admit to you, our valued members, that I am, at this moment, weary. I am waiting at Portland International Airport to fly out to Denver, CO to testify at a

murder/attempted murder trial. It is the second time I am making this trip, as last week, the court proceedings moved along so slowly that I spent a lovely day and a half in a motel room, before being told to go home and come back the next week. But, the cause is just, and who the heck would be able to explain to the jury how the investigating detectives botched the shooting scene investigation, other than I or a few select others with whom I work in this business? I am not complaining, as I voluntarily signed on for this case.

What really has me irked though, is the plethora of self-defense legal schemes that are popping up around the country, all claiming to be the latest and greatest source of salvation for the poor armed citizen who is being excoriated by the vicious prosecutors. There are now too many to keep track of and I learned about two more just this week. Network members keep asking us if we would work together with other legal defense programs, or ask us to compare Network membership benefits versus the latest and greatest. I am not sure how to answer that question, because I don't know with what the other programs are ultimately going to come to the plate.

I do know that we, the Network, will perform according to stated member benefits as shown at <http://www.armedcitizensnetwork.org/learn/membership-benefits> and in the Explanation of Member Benefits printed sheet that comes with your membership card when you join or renew. We will come to your assistance right after an incident, provide up to \$10,000 for immediate legal representation to the attorney of your choice (we have done that four times now), and if you are prosecuted, we will help fund your legal defense to the best of our abilities, after a cursory review of the incident to make sure your claim of self defense is

reasonable and legitimate. If you also have insurance that reimburses your legal costs after an acquittal, we WILL make any additional grant of financial assistance conditioned upon being repaid from the insurance proceeds. We must legitimately make this condition, so an individual would not profit from killing someone. Finally, when a person signs up for Network membership, they receive seven hours of legal education on DVDs with an eighth coming soon, presented by recognized experts on the topics.

That is, folks, what we agree to do. How another plan might work with the Network's benefits is up to them.

On this train of thought, I am also weary of these other legal plans misstating what the Network is and what we will do for our members. Many have put together spreadsheets designed to favor their program, comparing "ABC Legal" to the Armed Citizens' Legal Defense Network. And, they invariably get some part of our member benefits wrong, either on purpose or simply because they refuse to do their due diligence. Of course, none mention the educational DVDs, which are an integral part of your legal defense. The fact that you have received this education means you can legitimately testify to the contents of the training DVDs, using the material to explain to the court why you felt justified in using deadly force in self defense.

We are considering our options at the moment in response to these wrong claims. I guess I should be flattered that they all want to compare their plan/program against us. But, instead it is wearisome. I don't mind the competition, but why must our competitors misstate the facts?

I should move on to a lighter, more positive note.

I dropped by my sporting goods retailer the other day, and lo and behold, I found the ammo shelves starting to fill back up. They had a lot of .22 ammo for sale, along with a good supply of .45 ACP. It looks like the worst of the ammo shortage is over. Let's help out the industry and be conservative in our ammo purchases when we

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find it available. I would ask that you only buy what you need for the immediate future when you find it, and help the supply chain fill back up. Then, when prices fall (as they will), stock back up for the next time. (And there will be a next time.)

Lastly, friends, students and long time ACLDN members Don Larsen (right) and Terrie Williams (middle) stopped by the

Network booth at the NRA meeting. We had a nice chat about the increase in teaching they do (Don is an NRA Training Counselor, and Terrie a well known Minnesota



instructor). I promised them if they held still long enough for a picture, I would put it in the eJournal. Thanks for being a part of the Network, Don and Terrie.



It has to be a short column this month. I need prepare for my testimony tomorrow.

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Please enjoy the next article.]*

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Vice President's Message

by Vincent Shuck

You may have been among the numerous Network members who stopped by our booth in Houston to say hello or those who joined the Network as a new member and thus may be seeing this *eJournal* for

the first time. Thanks to both our current members and new members for being involved in the event!

The NRA meeting in Houston was a blockbuster, setting a new attendance record at over 87,000 Second Amendment supporters. Marty, Brady, and I were kept busy answering questions about the Network and signing up new members. Massad Ayoob joined us each day. Massad, a Network Advisory Board Member, signed photographs, posed for pictures, greeted many of his former students and recommended membership in the Network to those who had not yet become a member.

Walking the exhibit hall aisles was often a shoulder-to-shoulder experience. The mix of attendees was interesting, with a bunch of individual Second Amendment supporters, but many families, often with children in strollers. These family members would stop by, with even the youngest offspring who could comprehend the Network's message, looking for parental approval to pick up a Network brochure for later reading. The family would then go off to the other exhibits where the older children could handle, with parental supervision, the many firearms on display or participate in the air gun range. What a great way to share information and explain firearm safety and responsible gun ownership!

We had another record-setting year of signing up new members. And helping us set a new record of new members were the numerous families joining as a group as well as individual women who came by and understood what the Network is about. This comports with

the information about gun sales and from instructors who tell us that more women than ever are purchasing firearms and learning self-defense skills, often for the first time. Good for all of us!

Some Network members who stopped by the booth just wanted to proudly exclaim their membership and then moved on; others wanted to spend a few minutes with us and Massad, thanking us for a job well done. We always turned the tables and thanked all of them for supporting the Network and for believing in us.

As noted, the meeting was a record crowd but we did have a few dissidents and anti-gunners who met across the street to protest. Protest what? Well, the 87,000 or so of us who were inside the exhibit hall were pretty happy; the handful (literally) of protestors, including the local Houston U.S. Congresswoman, probably felt like a rectal thermometer after trying but failing to make the point that legal gun owners are somehow bad people.

Finally, we made our plans to attend the 2014 NRA meeting where we will represent the Network and again support the NRA. You should consider attending next year's meeting. You can see, touch and feel just about every firearm on the market as well as look at other shooting and hunting items. Put April 25-27, 2014 on your calendar and join us in Indianapolis next year.

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Attorney Question Of The Month

This month's Attorney Question of the Month kicks off a new topic of discussion, on which we polled the Network's Affiliated Attorneys. Our "ripped from the headlines" question must have touched a nerve, because the responses were numerous and the information in each very educational. This column starts the first of several on the following question:

Following the house-to-house searches law enforcement conducted after the Boston Marathon attack, a lot of Network members emailed to ask if they can deny police entry into a home or vehicle under emergency conditions. Absent a search warrant, does a citizen have a right to deny law enforcement entry into the home? How do you recommend that the average armed citizen invoke their rights if they wish to prevent a warrantless search of their premises?

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In light of police officers going house-to-house in New Orleans after Hurricane Katrina to seize firearms and the law enforcement officers going house-to-house in Boston in search of the terrorists who bombed the Boston Marathon, this question is very relevant.

People who resist police officers engaged in illegal acts tend to be arrested for frivolous charges—which still causes the citizen to incur legal fees to mount a defense—or are even subject to police brutality. For example, if police officers put handcuffs on too tight for as little as ten minutes, one's wrists can be permanently injured or need invasive and painful neurosurgery. The risks are great and the reward is minimal in physically confronting a law enforcement official over whether or not he can enter one's house without a warrant or exigent circumstances.

The best thing to do is to respectfully inform the police

officer that they do not have permission to enter the house, but that you will not physically resist them. This way, if the police officer finds anything during their unlawful search, it would almost certainly be suppressed from evidence as a Fourth or Fourteenth Amendment violation.

You should also record video or audio of the encounter, if able. This evidence could be used in subsequent legal proceedings. During the encounter, ask the officers present for their names and badge numbers. If you see their squad car, try to ascertain its identification number. Immediately after the encounter, write a detailed description of what happened and what you learned; memories fade quickly.

If the police or any other governmental actor violates a person's constitutional right to be free from unreasonable searches and seizures, the police officers, the police department, and possibly the government can be civilly sued via 42 U.S.C. § 1983 or through state-specific causes of action.

Physically resisting a police officer is likely to result in property destruction or seizure, injury, death, or arrest of the citizen. Long ago are the days of Barney Fife.

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Absent some exigent circumstances, they cannot come in without a warrant. As to how to handle the situation: First, don't open the door for them. Keep the door locked. If you open the door, they may consider that an "invitation" to come in. If you feel you must step outside to deal with them, ask them to step back from the door if they are close enough to rush in. Only open the door far enough to slip out. Close and lock the door behind you.

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The answer to that question is heavily fact-specific. As a general rule, before police can enter a home, they need a warrant. However, there are numerous exceptions to that general rule. Police do not need a warrant, for example, if you consent to their entry or if they are in hot pursuit of a potential criminal. This list of exceptions is not exhaustive but only gives a flavor of some of the exceptions.

Because this is such a fact-specific question, I would hesitate to give specific advice. I would say, though, that as a general rule you can demand police show a warrant before allowing them entry into your home. Police can approach your front door and knock in an effort to talk to the occupants. Even if you open the door, you do not have to let them into the house. However, if you open the door and they can see contraband, such as a firearm that may be banned in your particular jurisdiction, police generally can enter the home to seize the contraband because it was in "plain view."

If I found myself in a situation such as happened after the Boston Marathon attack, I would make sure I had at least an audio recorder of some type prior to any encounter with the police. Video would be better. I would demand proof of a warrant before opening the door or talking to the police. If I was told that police were coming in anyway, I would ensure that there was nothing visible that might be construed as contraband or otherwise of interest to law enforcement. This could be firearms, reading material, whatever.

I would let law enforcement in but I would clearly state for the recording that I oppose a warrantless intrusion into my home and that police have no probable cause to believe that a terrorist or wanted suspect is in my particular home. If they were decent and respectful, I would probably let it go. If they were jerks and damaged my home or inflicted any injuries upon me, I would probably file a civil suit against them. If they did seize anything that they claimed was illegal and filed charges, I would seek to have it suppressed because the seizure violated the right against unreasonable search and seizure.

The Fourth Amendment is not a "technicality." We have

to assert our rights in order to keep them and unfortunately, both sides of the political fence favor some rights over others. Such a divide and conquer mentality ultimately erodes all of our rights.

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The Fourth Amendment protects all US citizens against unlawful search and seizure. Absent "exigent circumstances," homes (and to a somewhat lesser extent, vehicles) can only be searched with a warrant. In the 2011 case of *Kentucky v. King*, the US Supreme Court defined when exigent circumstances exist, which allow police to search your home even without a warrant. "Exigent circumstances" have been recognized in emergency situations, such as:

- The need to prevent imminent destruction of evidence.
- Emergency aid: "officers may enter a home without a warrant to render emergency assistance to an injured occupant or to protect an occupant from imminent injury."
- Hot pursuit: "Officers may enter premises without a warrant when they are in hot pursuit of a fleeing suspect."

In addition, police may seize evidence in plain view if they have not violated the Fourth Amendment in arriving at the spot from which the observation of the evidence is made.

None of the circumstances listed above justify the recent mass searches of homes by the Boston Police. No threat existed that evidence would be destroyed in any particular home. Emergency aid was not the objective of the searches; and none of the Boston officers was engaged in "hot pursuit." Boston police would undoubtedly argue that catching a terrorist was an "emergency situation" that provided exigent circumstances for warrantless searches. But without probable cause to believe that a particular home or car was associated in some way, even a tenuous way, to the terrorist bombings, this argument flies in the face of the very reason for the Fourth Amendments' protections. It isn't enough for police to simply declare an "emergency" and thereafter conduct mass searches

Continued next page...

without warrants. This is the very behavior the Fourth Amendment was designed to prevent. For a longer discussion of the US Supreme Court's decision in *Kentucky v. King*, and the law regarding exigent circumstances, see this blog article:

<http://lawfuluse.com/827/>

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Your question is whether citizens have a right to deny law enforcement the right to enter their homes in an emergency situation such as the Boston bombing. My answer, rather than a technical one is a practical one. While a citizen may in most instances lawfully deny permission for police to enter without a warrant, they generally have no right to "prevent" the police from doing so against their wishes, if the officer persists. Therefore, if an officer asked for permission, you could lawfully say something to the effect of "I absolutely refuse—but I will not try to stop you if you do so against my wishes." In such a case, your refusal must be made clear, and any cooperation should be prefaced with, "I will obey your directions as long as you understand it is done purely in obedience to your orders, and not with my permission." This will preserve any constitutional rights you may have that are being violated, assuming a violation is actually happening. Also by making clear you will obey any directions (although against your will), you will avoid any possibility of an obstruction of justice charge, assuming the search is legal.

On the other hand, if the situation is truly an "emergency," then maybe your cooperation is not the worst thing you could do. It might save your life or somebody else's. It's kind of a "weighing" factor. Maybe you're a hostage? Maybe the guy is hiding in your basement or attic and even you don't know about it. Maybe they left a bomb under your car?

The idea is if it seems legit, you have the constitutional right to waive your constitutional rights for the good of yourself and the rest of society. But either way, don't interfere with them. They're gonna do whatever they're gonna do, with or without your permission. Your job is simply to decide if you want to cooperate or decide how to protect your rights without getting in trouble if you'd rather not. Hopefully this little "practical" advice will help in how to make those decisions.

Certainly, you're not an attorney and should not have to make a legal decision on the spot whether the officer is acting constitutionally or not. That might even be difficult for a lawyer, without research and some background information.

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I did a short search in WestNext regarding any recent federal authority concerning a "terrorist exception" to the warrant requirement but did not find anything. So the police can't just come into your house without your consent (which they are sometimes very skillful in obtaining) or have a warrant unless they have probable cause to believe there is a crime and there is evidence of the crime at the location to be searched and very extraordinary (exigent) circumstances to enter and search without a warrant.

An example of this would be to prevent serious harm to an innocent person. Just to come in and search would be a "general search" that the colonists complained of. So a citizen definitely has the right to deny law enforcement entry to his /her home. To invoke the right to be "secure in their persons, houses, papers and effects, against unreasonable searches and seizures..." a citizen might, without any show of force, firmly deny the police entry. ("Officer, this is my private residence and you do not have my permission to enter. You may not come in. Good night.")

It would be inadvisable to use any show of force, display a weapon, or physically resist if the police decide to come in anyway. Of possible endings there, more bad ones than good are imaginable. However, if the police do then enter, they are then the ones breaking the law. The homeowner's remedies, both civilly and as against the government's seizure of evidence, or use of same against the citizen, fall decidedly to his or her advantage.

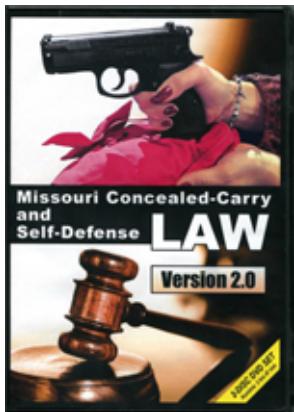
The Network extends a big "Thank you!" to our Affiliated Attorneys for this great discussion. Check back next month more for answers from our Affiliated Attorneys on this important question.

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

DVD Review

Missouri Concealed-Carry and Self-Defense Law

Learn To Carry Productions, Ltd. 2000 E. Broadway, Ste. 307 Columbia, Missouri 65201 \$54.95+shipping at <http://productions.learntocarry.com/products.shtml>



Reviewed by Gila Hayes

This month's book and DVD review follows up on a page appended to our Attorney Question of the Month in the May edition of this journal, highlighting websites and blogs authored by our Network Affiliated Attorneys. Several of our affiliated attorneys are also authors of books, usually explaining their state's weapons and concealed carry laws. We received an outstanding example of this kind of work from our Missouri affiliated attorney, Kevin Jamison.

Though the focus of this DVD is on Missouri law, Jamison comments on travel, reciprocity (Missouri licenses are widely recognized), Federal laws like the gun free school zone restrictions and the law about carrying in National Parks, the Post Office restriction and how to challenge it (offered with the trademark Jamison humor), as well as other generalities that go considerably beyond laws of the Show Me state. For example, he explains how a state-issued concealed carry license is not recognized on Indian reservations, by virtue of the fact that the reservations are independent nations.

His discussion on traveling with guns—both by automobile, train and airplane—is also interesting and useful. Likewise, he gives a useful segment on interacting with police when carrying a concealed weapon, when stopped for a traffic infraction. Jamison is a skilled lecturer, using props when germane to the topic under discussion, including lock boxes, and amusingly, a pistol-mounted bayonet (you'll need to watch the lecture to see how that fits in!).

In the second disk of the longer, enhanced version of *Missouri Concealed-Carry and Self-Defense Law*,

Jamison's explanation of justifiable use of force concepts is widely applicable outside of Missouri, though he occasionally cites the Missouri state law. What circumstances allow use of deadly force in self defense? Jamison gives a good lecture that illustrates these vital principles, while defining reasonable fear, fleeing felons, going on to discuss survival tactics, post incident management and other important details. Naturally, we appreciated his mention of the Network's assistance to its members.

Jamison's lecture provides an interesting segment on the need for gun owners to behave to the highest possible standard of politeness, despite the fact that carrying a gun is entirely legal. Attorneys work hard to get people out of trouble, he explains, adding that good manners keep people out of trouble. His advice includes what should happen if your concealed weapon accidentally flashes into public view, and how to calm hopophobes, complete with interesting examples. Here Jamison lets his inner thespian come out to good result, but also with an appropriate seriousness, wrapping up an engaging lecture with a powerful closing argument about the value of armed citizens in society.

Presented as a classroom lecture, Jamison spices up *Missouri Concealed-Carry and Self-Defense Law* with gentle humor. For example, outlining the reasons the Missouri authorities might deny an application for a license to carry a concealed handgun, and describing the law dealing with mental health issues, Jamison quips, "You have to be crazy enough for a judge to notice and given the amount of crazy they see every day, that is a reasonably high standard." Or during his introduction, Jamison adds that in addition to 30 years as a practicing attorney, he served four years in the Infantry, two of which were in Special Forces. "Rambo is a movie; Green Beret—I'm a real one. Life is often disappointing like that," he deadpans.

Missouri Concealed-Carry and Self-Defense Law Version 2.0 is very professionally produced. Two variations are available, one with a two-hour law lecture appropriate for use in concealed carry training courses. The other, selling for the same price and called the expanded version, runs for three hours and gives more in-depth information that Missourians who are going to carry guns for self defense ought to watch. Jamison's

Continued next page...

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lifetime efforts to bring concealed carry legislation to Missouri certainly lend to his qualifications as he discusses the reasons behind some of the aspects of his state's concealed carry laws.

Jamison is an engaging speaker, and even if I never get to visit Missouri again, I'm glad I listened to his lecture. Now, if you prefer your study materials in the solid ink and paper format, Jamison's 328-page book on the same topic will fill that need. The book echoes Jamison's efforts to make the subject of state gun laws interesting enough to read and remember. Short stories and illustrative examples help the reader absorb the material in the book's single-spaced pages, packed full of advice about legal concealed carry in Missouri.

Additional State Gun Law Publications from Network Affiliated Attorneys

After Kevin Jamison generously provided a copy of his book and DVD for review, we did some research on other Affiliated Attorneys who have written books about their state gun laws. It makes an awful lot of sense for Network members to obtain and read any authoritative work on gun laws applicable to their state, so if one of these titles helps in that effort, we strongly recommend you go to one of the online book sellers and search the title and author's name, or buy from one of the larger gun book resources for this kind of information, Bloomfield Press at <http://www.gunlaws.com/>.

Self Defense Laws of All 50 States by Mitch Vilos

California Gun Law by C.D. Michel

Florida Firearms Law, Use & Ownership, 7th Ed. by Jon H. Gutmacher

Indiana Firearms Law Reference Manual, 3rd edition by Bryan Lee Ciyou, Esq.

Guidelines for Carrying Concealed Firearms in Nevada by Bob Irwin, a Network member who is not an attorney, but teaches concealed carry law at his Las Vegas range

New Hampshire Gun, Knife, and Weapon Law by Evan F. Nappen

The Eagle and the Skunk, New Jersey and Pennsylvania Gun Laws Compared by Evan Nappen and Jon S. Mirowitz

South Carolina Gun Law by Stephen Fulton Shaw, Esq., Ph.D., James Patrick Kelley, Esq., Sergeant G. Curtis Moore, Jr.

Carrying A Handgun For Self Defense In Tennessee by John Harris

Utah Gun Law with Plain Talk Summaries by Attorney James D. "Mitch" Vilos

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



Networking

by Brady Wright

It was a real honor to meet and talk with so many of our members and affiliates at the NRA Annual Meeting in Houston. The list of affiliates I met is way too long to cover entirely, but I have cards from Brian and Jeff Jones at

Bullseye Shooter's Supply in Painted Post, NY and Mike Christoff and his crew at Sticky Holsters, who had their booth just across the way from ours and are great folks with a very interesting product line. (Stickyholsters.com) I had a great conversation in the aisle with Austin Davis of KangarooCarry.com. Austin was wearing one of his concealment rigs...with a Desert Eagle blue gun...under a polo shirt, and if he hadn't pulled it out, I would never have known it was there! This is worth a look. I also struck up an acquaintance with Jeff Katanick of [K3 Tactical.com](http://K3Tactical.com). Their line is firearms and shooting gear, and they also do corporate shooting events.

I also shared a few laughs with Jay French and the gang at CCW Breakaways. They have a real nice, new line of concealed carry jeans, which I am wearing as I write, and they are so comfortable, I find myself wearing them even to work, now and then. The fact that I can securely carry a full size Glock or 1911 in either front pocket and not print in the slightest is a massive WIN.

We got a chance to say hello to Kathy Jackson of the Cornered Cat Training Company, Lisa Looper and her crew at Flashbang Holsters, and had a great time learning about the actions of the NRA Board from member David Coy. Finally, I have to give huge kudos to Dirk Grove, the sales manager at the NRA store for the event. Dirk was never at rest during the entire weekend yet he managed every question with a smile and was the very model of excellent customer service.

Every day, our members and affiliates came by to shake hands and get pictures with us (hey, we're just regular folks). As we did last year, we were privileged to have Massad Ayoob as a guest at our booth for the weekend and he was as gracious as always.

I see our friend Chuck Taylor is having a special class offering in early June. It's a two-day weekend Tactical & Home Defense Shotgun Course on June 8-9, 2013. Chuck's outfit is the American Small Arms Academy in Arizona and you can get details at the website, www.chucktaylorasaa.com.

Lastly, I heard from our affiliate Alex Haddox a short while ago. Rather than paraphrase it, I'd like to share his note: "It is difficult to express the depths of my appreciation for the ACLDN and the service you provide. You and your organization are truly wonderful.

"I wanted to take a quick moment and update you on some projects we are working on that will hopefully have a positive impact on the ACLDN. First, the [Practical Defense podcast](#) has broken the two-million download mark. All episodes since October 2011 have included a promo for the ACLDN. Our best estimate is that over 240,000 shows have been downloaded that include the ACLDN promo.

"I am launching a second podcast in the next few months. It will be called the Security Professionals Podcast. It will run weekly and in parallel to Practical Defense (I will post two shows each week). The target audience is professional security officers, which we predict is a larger market than individuals interested in personal protection. The format will be identical to Practical Defense, but the subject matter differs significantly. I intend to run the ACLDN promo on this show as well."

Alex, it is our pleasure to be able to provide help to organizations like yours.

As always, if you need copies of the Network's booklet or brochure in any reasonable numbers to give to clients or customers, call or email me at 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 getting in the upcoming column. Stay safe out there!

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

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Editor's Notebook

by Gila Hayes

As this month's journal goes to our eagle-eyed VP Vincent Shuck for a thorough proofreading, we are closing the office (though charging up the Network cell phone for emergencies) and heading to the Idaho

panhandle to visit my mother-in-law over Memorial Day weekend. A few days rest is just what the doctor ordered, and I'm anticipating three days away from the pressures of operating two very active businesses, and wrapping up the final edit of my latest book, *Concealed Carry for Women*, published by Gun Digest Books who also published my 2009 book, *Personal Defense for Women*.

Finishing this book has felt like fighting the mythical undead. Every time I think my work on it is finished, just one more detail pops up. I hope it will remain finished this time! Of course, in this day and age, authors are also on the hook to promote their own books, so the reprieve lasts only until the end of September, when I have to crank up the publicity machine.

Getting back to my earlier train of thought, though, I hope you had a nice Memorial Day. A friend recently quoted this very apt reminder: Memorial Day is not national barbecue day. It is a day set aside to remember those who died fighting for the United States of America.

My mother and grandmother used to call this holiday "Decoration Day," which made sense, because our family trooped en masse to clean up the winter's detritus strewn over the graves at the rural cemetery where ancestors were buried beneath the thick western yellow pine trees that forested the foothills. I doubt I'll ever forget the scent those pines put off in warm weather or the perfume of my grandmother's peonies arranged on the graves. Of the grandfathers and uncles, great grandfathers and great uncles in that cemetery, most if not all were veterans, and their military service was commemorated on their grave markers.

Decoration Day began when General John A. Logan of the Northern Civil War veterans proposed that on May 30, 1862, the day should be used to lay flowers on the

graves of those who "died in defense of their country during the late rebellion." (Gen. Logan might not have been impressed by us, though, in light of my father's family some of whom were said to be related to Jefferson Davis' wife whom, indeed, my grandmother greatly resembled. In any case, Northerners and Southerners could always find an argument and apparently even disagree if Memorial Day started in the North or the South.)

After World War I, Memorial Day grew into a commemoration of American soldiers killed in all the wars, and in 1968 Congress set aside the last Monday in May as a national day of remembrance. We should not forget the reason they set aside Memorial Day, though doing so is far too easy.

World War II was rarely mentioned at home and the actions of America's heroic armed forces were seldom spoken of in my family home. Still, World War II had irrevocably touched my family. My father, disabled by a congenital heart condition, served in a medical unit in England during the air raids, but was not sent to the Continent. My mother had been engaged to another man who died of injuries suffered during a bad turn of the Battle of the Bulge, among the last in his unit to fall back so he could oversee the transport of his men to a safer position. Now, these many years later, seems odd to me that we knew so little of what these and others did in defense of our way of life.

Gen. Logan understood our tendency to forget, and in directing that soldiers' graves should be cleaned and decorated with flowers, he urged, "Let no neglect, no ravages of time, testify to the present or to the coming generations that we have forgotten as a people the cost of a free and undivided republic."

Memorial Day 2013 is over. While I hope each of our members had a relaxing weekend, I also hope you took a few minutes to think about the soldiers who died defending our country and the freedoms we enjoy because they fought. Let their sacrifices be honored in your actions, and as Pericles said in tribute to fallen warriors of his time, cultivate "an unwritten memorial of them, graven not on stone but in the hearts of men."

*[End of June 2013 eJournal.
Please return next month for our July edition.]*

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About the Network's Online Journal

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

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

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

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

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