

Consistency in Concealed Carry *An Interview with Tom Givens*

Interview by Gila Hayes

With summer temperatures, vacations, recreational activities and all the other distractions of life, armed citizens sometimes conclude that carrying their gun 24-7 is too much

work, bordering on the impossible. "I will carry it when I think there's likely more danger," they say, or, "I will carry a gun when it is convenient." Network advisory board member Tom Givens has likely heard all the excuses in his decades as a firearms instructor. As a Memphis, TN resident for many years he knew better than most the risks of not having a gun immediately at hand for self defense.

I recently asked Tom Givens if he would share a reminder about the importance of being prepared for unexpected danger, identify pitfalls he has seen trip people up, and offer the benefit of his experience to help new armed citizens overcome the challenges that discourage many. Our conversation follows.

eJournal: With summer well underway, members are facing the challenge of staying consistently armed for defense of themselves and their families. Often in hot weather, we dress in lighter clothing that does not conceal guns as well as our winter wardrobes. Who better than you, now a Florida resident and earlier, for many years, living in Memphis, to provide leadership and encouragement on staying armed and staying safe? It is a temptation when temperatures spike to ask, "Do I really need to wear this gun today?"

Givens: That could be a decision with literally life-changing ramifications.

eJournal: When people decide that they can't carry all the time, what are the leading reasons they give?

Givens: Usually it is because they are going places where, during the course of the day, they are not supposed to carry. I have worn at least one gun every day for over 50 years. I have just kept it covered up and minded my own business. The key word in concealed carry is "concealed."

eJournal: A trick you mentioned to me many years ago is realizing everyone else is more interested in themselves—even, for example, a gun-hating grandma you need to visit. You have

said some interesting things over the years that suggest we are hyper focused on the gun but no one else is.

Givens: The person you are worried about is not looking for people wearing guns. It never occurs to them. Guns are not a part of their daily lives so they don't look at somebody and think the lumps and bumps under their clothing are a gun. It is not unusual to have bumps and lumps, and anyway, you would have to be looking for them. As I've said, I have been carrying a gun for the last half century and nobody ever stopped to question me about it – not one time! That is because I keep it covered up and I mind my own business.

Can wearing a gun every day be a pain in the butt? Yes, it can. Can being caught without it be an even bigger problem? Yeah, it can. I forget who first said, "It is not the odds we are concerned with; it is the stakes."

I remind you, it is not just your life. I have always thought it was really selfish when people say, "It is my own life." Well, most people have a spouse, children, other dependents, friends and coworkers, who would all be affected by their sudden death or their sudden disability.

eJournal: Good point – if you are seriously injured, who is going to have to take care of you? There's a broader range of consequences about which to worry.

Givens: Not just death! If you are disabled, you are not going to be able to work anymore. If your income is suddenly removed, how is your family going to cope? How are they going to keep a roof over their heads, and feed, clothe and educate the children? There is a lot more to it than most people realize. When someone is murdered, it does not just affect that person. Likewise, if someone is crippled for life, it does not affect just that person. There is a huge ripple effect.

If I was too lazy, stupid or complacent to wear my gun today, I would also be concerned that my spouse or my child might be murdered or abducted right in front of me. If I was unable to stop it, I would have the rest of my life to deal with that. To me, that would be worse than being killed. That would mean a lifetime to regret over not being able to do anything.

Can wearing a gun today be a pain for me? Yes, but if I need it today, I am going to need it really, really badly. I don't want that to happen. Carrying it is just not that hard.

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When people put a gun on for the very first time, of course it seems awkward! For our readers who have children and grandchildren, I would be willing to bet that none of those babies were born with shoes on. *[Laughing]* It's very rare! At some point in their child's life, they found what they thought would be comfortable shoes and put them on the child. What did the child do? The child threw a fit and kicked them off.

The child threw a tantrum because it was a novel stimulus. The human brain hates a novel stimulus worse than anything else. There is nothing to compare the stimulus to; the brain has no frame of reference, so it makes it uncomfortable.

The dutiful parent puts the shoes back on the kid, the kid throws a fit, kicks them back off and they repeat that process. Then, over time, the tantrums become a little bit less intense, then, eventually, the kid becomes acclimated and wears shoes like you and me. We put our shoes on in the morning, go to work, wear them all day, come home at night and take them off. We don't think about shoes throughout the course of the day. They are just there.

The same thing applies to a handgun. When you first put it on, the brain goes, "It is horrible; it is terrible! Get it off! Get it off!" A responsible adult is going to have to say, "No, put it back on. You have to wear it to get used to it."

It will take about three weeks to get acclimated to something new like that. After you have worn it for about three weeks, you will not notice it. I have worn one of these things attached to my belt for so long that if I don't catch it with my elbow through my shirt, I can't feel if it is there or not. Basically, that is the idea. You wear one every day in the same place, just like your clothing. I think about my gun the same way I think about my shoes.

eJournal: The attitude is that the gun is just utilitarian. It is neither frightening nor pleasing and it is not going to make you behave any differently throughout the course of a normal day. The gun you carry is not creating any emotional reaction in you whatsoever.

Givens: It is just a tool that I need to carry around. I have a spare tire in my vehicle. I have a fire extinguisher in my vehicle, and I have a first aid kit in my vehicle. It is all the same mentality. Whatever comes up, I have got the tools to deal with it.

eJournal: I'd like to return to something you said a little earlier that I think offers the benefit of experience to those who are just getting started. When you were talking about acclimatization, you commented that the gun was carried in the same location on your body every day, all the time. That can be quite a challenge. How negotiable is the ideal to carry your gun in the same way, in the same place, all the time?

Givens: It doesn't have to be. It just facilitates getting used to it, but also having the gun in the same place all the time works with repetitive practice for the automated response. If you always reach for the same place, you are a lot more likely to reach for that place under real stress. If I am in a bit of a hurry, I don't want to have to pat myself down to look for my pistol. I have seen people who swap it around reach for the wrong place under stress, so it is something to think about.

Obviously, certain body builds and in certain environments, a person may have to change. I think if you are going to wear your gun in a different place today, it would be a really good idea to not necessarily make a full practice presentation, but to get to the first step where you have cleared the garment and have gotten a firing grip on the gun in the holster. You should do 20 of those before you ever leave the house in the morning, so, then, the last thing in your brain is where your pistol is that day. I have worn one in the same place for so long, that I can tell you, having had to move against force on force encounters, I have always reached where it should be first. The whole idea of repetitive training is to make it an automatic response.

I think it is optimal for people to wear it in the same place but not everybody can do that. Everybody has got to deal with their own environment, their own body type, and the restrictions of the various places that they have to go throughout the day. There is not one answer that fits everybody. For most of the questions in our line of work, the correct answer is, "It depends."

eJournal: Your suggestion of 20 repetitions of a partial, first stage of the draw stroke is a great idea even if we are not changing where we carry the gun that day.

Givens: It is like most everything else with motor skills: if you have done a few what we call first step presentations – clearing the garment, getting a good firing grip—and you have done 20 of those this morning, that is only a few hours ago, so it is right there on the surface of your nervous system. You will be a lot more likely to be able to pull it off. If I were to move the gun around, I would definitely do that before I left the house.

I have people tell me all the time, "I am smarter than that, I would know where the gun is." Yeah, they have not had to access it under any real stress. Stress makes you a lot dumber.

eJournal: A lot of us, thank Goodness, just do not have first-hand experience with life and death situations, so the affects of stress is theoretical. We look to people like you and ask, "What was your mental state?" We look to those with experience and hope we can do as well if gaining our own experience is unavoidable. Applicable experience is a hard-won commodity. What about getting it through classes?

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Givens: A properly done force-on-force scenario puts you in a plausible situation like a carjacking or a robbery and makes you have to work your way through it. That gives you what we like to call a synthetic memory of a confrontation like that, which makes it a lot easier to deal with if it actually comes around.

A good example of what I am talking about was the National Tactical Invitational event (NTI) that they put on in Pennsylvania for 25 years in a row. It is no more, unfortunately. It was an annual event, well designed, with a lot of live fire and a lot of scenario work. When you did scenario work you were in what they called the village, which was walled in, with several freestanding buildings with plenty of role players. It was a very realistic setting.

There was only one way in and out, they would literally search you to make sure you didn't have any kind of live weapon then they would give you a face mask and a Simunition® gun and Sims rounds. You would then go in the village and spend three or four hours in there. To keep you from just sitting in a corner they would give you tasks to perform like take a check to the bank to be cashed, go to the pharmacy to fill a prescription or maybe take a document to your attorney's office, which would force you to move through the village and interact with the role players.

It was just like any other village in the US, most of the people you encountered were benign people just doing their jobs, but you might run into a predator, and if you did, you had to handle the situation. There was some ambiguity: sometimes the best way to handle it was to talk your way out, sometimes it required you to use your weapon.

The first time I attended, I really did not know what to expect. I got there and had to take off my carry gun and my ammunition; I had to take a J-frame revolver with Sims rounds in it. I didn't have a holster for it, so I just slipped it in my front pocket. We reached a point in the village where I became convinced that I had to draw my gun, I swept my garment back and closed my hand around air where my pistol should have been on my belt: where it is day in and day out and has been for decades. I realized it was in my pocket so I reached into my pocket and by then the guy had the drop on me.

There is a very important lesson there. Your mind is tied up dealing with the scenario, dealing with the bad guy and intellectually I knew that my gun was in my pocket but I always carry on my hip at about 3:30 on the belt. Intellectually, I knew there was a gun in my pocket but my hand went to the place it was programmed to go. I think that is an important lesson.

People tell me, periodically, when I mention this sort of thing, "Oh no, I am smarter than that. I know where my gun is," but I

would suggest that under real stress and pressure, you might not be quite as smart unless you have done a whole lot of repetitive training to have a reflexive response. It is hard enough to deal with an evolving situation without worrying about where did I wear my gun today?

eJournal: it is interesting to hear you talk about the stress at the National Tactical Invitational, because when we participated, we always knew on an intellectual level that we would go home when it was over. I remember one particularly complex gas station scenario that had it happened in real life, would have given no assurances of going home afterward. For all the excellent experience it creates, scenario training is still a mere fraction of the fear and confusion one would feel in real life.

Givens: Actually, it was not a fear issue at the NTI, but it is the vast complexity and not having enough mental bandwidth to split among different things. In a real life and death encounter, you can simplify things. I wear the same model of gun, in the same holster all the time. That way, all my repetitions transfer directly to what I carry every day. I work at the range out of my carry holster with a gun that is identical to my carry gun to try to minimize the variables that I have to deal with under pressure.

eJournal: How firmly determined are you that your students should carry in a belt holster? What about carrying in pocket holsters, ankle holsters, or alternative carry devices?

Givens: Well, if you're carrying an ankle gun or a pocket gun, it is probably not your primary gun. That's true for a pocket gun, especially. How much time do you spend sitting at a table, at a desk or in your car? That is probably 85% of your waking hours and you cannot draw a pistol from your pocket from any of those positions. If you are right-handed and your pistol is in your right pocket, and in a fight if you take a round in your right elbow, I would like to see you get your pistol out of your right pocket with your left hand. It is not going to happen.

To me, a pocket or the ankle is a great place for a backup gun but not necessarily your primary gun. If it is on the belt you can get to it with either hand and you can do a lot more. You can get to it while you're seated; you can get it while you're moving: you can do things you just can't do with an ankle rig or a pocket rig. You can't draw from an ankle holster and get off the line of force at the same time, for instance. You can do that with a belt holster.

Are there going to be exceptions? Yes. Just like with anything else, if we are talking about optimization and if, literally, my wife's life and welfare was at stake I would choose what's optimal. I would rather have the gun where I can get to it, whatever the circumstance.

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eJournal: Taking that problem one step farther, we also have to confront the practice of stashing a gun off body, for instance, putting it in the center console when you get in your car.

Givens: A gun in your car is not going to do you much good. If you think about it, it is really hard to come up with a situation in which you could legitimately defend yourself with a gun in the glove box or in the console. In most of those cases, the correct answer would be to simply drive away.

In the words of the late, great Pat Rogers, "Your car is not a holster." If you are out of the car, and your gun is in the console or the glove box, it might as well be on the moon! It is not going to do you any good! If you think you are going to be involved in a deadly confrontation, go to your car, unlock the door, open the glove box, get a gun, go back and shoot somebody in self defense, you live on the wrong planet. There is, in fact, a legal term for going to your car, unlocking the door, opening the glove box, getting a gun, coming back and shooting somebody. It is called premeditated murder.

So many people think that a pistol is a magic charm, so they put it in the glove box so no evil will befall them. A gun is not going to do you a bit of good in the glove box, but that is the primary source of guns for bad guys. Coincidentally, I was just looking at some numbers yesterday. In the first nine months of 2021 – last year – 1,286 pistols were stolen from parked cars in Memphis. 1,286 in nine months; that's about 1,500 a year.

Houston is a much bigger city. I looked at their numbers for 2021, and for the entire year, they lost about 3,600 pistols out of parked vehicles. If you think about that, every single one of those was stolen by a criminal. By definition, people who break into cars and steal stuff are criminals, which means all 3,600 of those guns in Houston in one year or 1,500 of those guns in Memphis in one year, went directly into the criminal pipeline. They were traded for drugs and sold to gang members who used them in drive-by shootings and robberies, and all that was facilitated by idiots leaving guns in cars.

People talk about the gun show loophole, but according to the Justice Department less than 1% of crime guns are purchased at gun shows. The vast majority are acquired by breaking into cars and stealing them. Criminals couldn't do that if people didn't leave guns in their cars! If you are wearing your gun when you get out of the car, the gun goes with you. If you are leaving the gun in the car, then you may well not have it when you come back. The best-case scenario there is that they stole it and hurt someone else, not that they are waiting for you to come back and shoot you with your own gun.

eJournal: Sometimes the bad results happen really quickly! One of the worst tragedies relating to guns left in cars in the

Pacific Northwest occurred about ten years ago when a toddler killed his 7-year old sister with his father's gun which had been left in the cupholder of the family van. If memory serves, a police officer and his family were on their way to a wedding. The parents stopped to get something at a convenience store. They were only out of the car for just a moment and this horrific thing happened because a gun was left unsecured in the car with the children.

We cannot go halfway if we are going to go armed! A partial commitment may be one of the biggest problems for a beginner who hopes to ease their way into the armed lifestyle. In a way, I'm sympathetic: it is daunting for someone who has never carried a gun to start carrying it 24/7. Nonetheless, a partial commitment can lead to tragedy.

Givens: If you are not going to wear it, it would be better if you just leave it in the gun safe at home. Either wear it, or don't! You may need it! If you can go and get it, why the hell would you go back?

eJournal: Is the urgency to be prepared greater today than in decades past? Now, we have the fallout from defunding police, dangers from wholesale release of felons during the pandemic, and increased numbers of resource predators, or so it seems. Is it more urgent today that people carry a gun consistently?

Givens: There is definitely more violent crime and we are going up toward another peak. If you look at violent crime over a long period of time – let's say for 100 years – it goes up and down, up and down. Right now, we are headed toward another crest. I don't think the average person realizes how little the police are going to be able to do for them. Between budget cuts and people bailing out and taking early retirement, a lot of departments now have field training officers with only two years' experience, who would have been considered rookies in earlier times. They are teaching newbies now.

Response times are longer and police are more reluctant to hustle over and get involved than they would have in the past. That's certainly understandable in the political climate right now. I think people are pretty much on their own. Going back to what I said earlier about stakes and odds, if you are the one person in 1,000, or the one person in 10,000 it makes little difference. It is still you. You are still on the hook.

I have had students involved in shootings in pretty unusual places and it wasn't any less of a problem for them because they were in a place where they were less likely to need a gun. You know, you mentioned earlier people going to their grandmother's house? One of my students was involved in a shooting when he went to visit his mother. He was sitting with a

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whole bunch of children in the front yard. He knows the answer to the question, "Why would you wear a gun to go visit your mother?"

eJournal: Remind us what happened, if you would please. I heard you speak of this before, maybe at a Tac Con, but I have forgotten some of the details.

Givens: My student was sitting outdoors just reading a newspaper with the kids playing around him. A teenage kid in the street was creating what law enforcement would call, "a disturbance." The kid went away and our guy went back to reading the paper. The kid came back about 10 minutes later and started shooting at my friend with a pistol.

He got up, drew his pistol, moved away from the children to draw fire away from them, returned fire and hit the guy. Had he not been armed, either he or the children could easily have been killed. He also had to take a fairly long shot. The teen was firing into the yard from the sidewalk on the other side of the street. My student told me, "When I had to shoot that guy all the way across the street, it never occurred to me that I was a statistical exception. I just had to deal with it."

Sitting in your mother's front yard minding your own business is not a high-risk behavior. But it wound up high-risk, nevertheless. We just don't get to pick the time and place. You know, if I knew in advance that I was going to need a gun in a specific time and place, I just wouldn't go there!

The whole idea that I am only going to wear a gun if I think I am going to need it is, to me, just laughable! I just can't restrain myself, I burst out laughing when someone tells me, "I only wear my gun when I go places where I might need it." Well, why in the hell are you going there? If you think you need a gun to go there, why would you go there?

When someone tells me, "I only wear a gun when I might need

it," I say, "If your crystal ball works that well, let's go to Las Vegas, buddy. I will make sure nothing bad happens to you while we're there and we will split the money you win." So far, no one has taken me up on it, so that says to me that they are just trying to rationalize being lazy. When you wear a gun because you think you are going to need it today, you are telling me you actually think you can predict the future and I just don't find many people who can do that.

eJournal: I like the way you make us laugh at ourselves so we see how silly we have been and correct our mistakes. A scolding can make a person dig in even deeper but make us laugh at how we're fooling ourselves, and seeing that, we can make good changes and better choices going forward.

Givens: I can laugh at anybody. I laugh at myself! I have been carrying a gun for so long that if I went out without it and I got murdered, I could never look anyone in the eye again.

eJournal: *[Laughing]* No, you probably wouldn't be looking anyone in the eye.

Givens: I would have to have a closed casket funeral because I would be so embarrassed.

eJournal: Thanks to all the lessons you've taught us over the years perhaps all of us can avoid being in such an embarrassing situation, too. But seriously, you are a wonderful resource and I appreciate both your efforts as a Network advisory board member and as an instructor and mentor to armed citizens through your books, articles and classes.

*Learn about Givens' classes at <https://rangemaster.com> and don't miss his most recent book, *Concealed Carry Class* (<https://www.gundigeststore.com/product/concealed-carry-class-the-abcs-of-self-defense-tools-and-tactics/>) which is available in paperback or as a downloadable eBook.*



President's Message

by Marty Hayes, J.D.

We have been waiting on pins and needles for the United States Supreme Court to rule in *New York State Rifle & Pistol Association, Inc. v. Bruen*. Our wait was rewarded by the commonsense opinion authored by Justice Clarence Thomas and agreed to by five additional

justices. The question was not a difficult one to grasp, asking whether the Second Amendment guarantee of the right to “keep and bear arms” means that American citizens truly have the right to keep and bear arms.

At issue was the New York concealed pistol licensing scheme, which allowed the State of New York to deny a permit application unless the person could show just cause why he or she needed a permit. That “just cause” condition was the kicker, because the authorities could decide anything either met or did not meet that threshold. Now, the whole country will be operating under a “shall issue” requirement, meaning that every issuing authority must issue a permit if the applicant meets reasonable criteria for application.

This reasonable criterion will of course include a clean criminal history, no history of mental incompetence, and likely some training requirements. The training requirement seems to be the one roadblock the liberal states like to put in the way of honest citizens to slow down the permit process. For people who were never allowed to get a permit to carry, most specifically those in the states of New York, California, Hawaii, Maryland, Massachusetts, New Jersey, Rhode Island and the District of Columbia, they should now be able to get a license/permit to carry a concealed handgun.

Of course, this will not happen overnight, as the people who denied the permits in the first place are still anti-gun/anti-freedom and will do everything they can to avoid complying, but eventually the permits will have to be issued.

Of concern to me is that newly permitted concealed carry licensees will not understand or take their responsibilities seriously and may screw up their right to carry. For those of you who have influence with someone in one of these states, please take steps to assist our new carry brothers and sisters to get it right. Of course, membership in the Network to provide our member education package would be a great place to start, since the Network is operating in all those states. The only state we are restricted is WA state and we are still fighting that battle.

Network v. OIC

We have filed a notice of appeal regarding Judge James Lawyer's ruling upholding the Washington Insurance Commissioner's cease and desist order prohibiting us from enrolling new members who live in Washington. We believe this judge's ruling was wrong, and as I've said before, we will keep fighting this until we run up against a dead end. It might take another year or two, but we have already been at it for two years. We will not stop now.

Welcome to the Advisory Board

Attorney Marie D'Amico and Instructor Karl Rehn have recently been added to the Armed Citizens' Legal Defense Network Advisory Board. As you likely know, in late 2021, we lost our friend and longtime Advisory Board member James Fleming, and so we had been looking for an attorney to serve in his place. We have an abundance of highly qualified attorneys affiliated with the Network, so the choice was a difficult one, but when we learned that Marie, who has been a Network member for years and whom we have known for even longer, recently retired from her public sector law job and was now a free agent, so to speak, we reached out and she accepted. We will provide a fuller introduction to Marie in an upcoming *eJournal*, and I am sure you will like her as much as we do.

As I mentioned a few minutes ago, we also asked long-time Network Affiliated Instructor Karl Rehn to join the Advisory Board. In deciding to invite Karl, we considered the ages of our current Advisory Board members and realized that we are all either over 70 years old or quickly approaching that landmark. We need some younger voices! I have known Karl for about 30 years, have taken his classes and he has taken mine, so it seemed like a perfect fit.

Karl was one of the first members of the Network and one of the instructors I asked early on to help promote the Network. Since 2008, Karl and his staff at [KR Training](https://www.krtraining.com) in Central Texas have contributed mightily to our success. We will also provide a more in-depth introduction to Karl in a later *eJournal*. The upcoming editions of this publication promise to be interesting as we introduce you to Marie and Karl and welcome them to our Advisory Board.

Final Thoughts

Lastly, I had intended to discuss the recent passage of gun-control legislation after 19 students and two adults were shot and killed in the Uvalde, TX elementary school, but to do that would have taken more words than I am allowed here, so we asked our new Director of Legal Services, Art Joslin, J.D. to weigh in on the topic. Please enjoy his commentary on the following pages.

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Thoughts on the Bipartisan Safer Communities Act

by Art Joslin, J.D., D.M.A., Director
of Legal Services

On June 24, 2022, in the aftermath of the tragic Uvalde, Texas school shooting, the Bipartisan Safer Communities Act (BSCA) became law. On June 25th, Biden was

quoted as saying, "This is a monumental day," as he signed the bill into law. The bill addresses so-called red flag laws (19 states have enacted some type of red flag law), strengthens background checks for citizens 18-21 years of age who wish to buy guns, and provides funding for school mental health services, violence prevention and security.

Much of the concern we are hearing from Network members about this legislation involves red flag laws and resulting due process violations. First, as the Biden administration encourages the various states to violate the civil rights of gun owners and red flag laws are back in the headlines, we must ask members to understand that since the Network in no way provides insurance coverage, we cannot pay attorneys to go to court seeking redress if a member's constitutional rights are violated by an Extreme Risk Protection Order (ERPO) or any other incursion into his or her gun rights.

Why is that? Because being targeted for Red Flag confiscation is outside the control of the individual who is targeted. In contrast, when the Network assists a member with legal defense expenses after self defense, that member has made an intentional choice to use force in self defense as the alternative to being killed or crippled by their attacker. Their use of force is an intentional act and insurance coverage cannot be purchased for intentional acts, as a matter of public policy. For a more thorough discussion of this issue, please see our Network President Marty Hayes' statement at <https://armedcitizensnetwork.org/red-flag-law-network-assistance>.

Instead of duplicating an extensive discussion we had about red flag laws in 2019, we direct your attention to a discussion of what to do if served with an ERPO. Please study the responses written by our Affiliated Attorneys at <https://armedcitizensnetwork.org/april-2019-attorney-question> and <https://armedcitizensnetwork.org/may-2019-attorney-question>. We find their words are as useful today as three years ago.

As we go on to analyze the BSCA, please keep in mind that the Network's assistance to members is tightly focused on legal defense of use of force in self defense, such that we cannot get involved in fighting civil rights incursions like red flag weapons

confiscations, carry permit denials, or restoration of rights after record expungement to name only a few legal fights we get asked to fund. Nonetheless, the amount of concern expressed over the red flag element of the BSCA encourages me to share some of my own thoughts and personal opinions on the issue and other elements of the new law.

Red flag laws are laws that allow concerned (or nosey) citizens to call and turn in to police someone they believe is mentally ill, unstable or they simply are a person who own guns. What about a person who sits on the back porch and cleans their guns like my dad would do? Could an anti-gun neighbor who hates my dad call the police because they think he's unstable? If he lived in one of the 19 states with red flag laws, they can now. A judge can review the information given and if warranted issue an Extreme Risk Protection Order (ERPO) allowing police to enter your home, confiscate all your guns, and keep them for an indefinite time.

The BSCA provides a \$750 million funding source that will be available to all states for the creation and funding of laws that ensure deadly weapons are kept from the hands of dangerous persons and the money can be used for drug courts, mental health court, veterans court, and ERPOs.

Of course, no one wants guns in the hands of felons or the mentally ill, but many times, these laws expose lawful gun owners to random and subjective confiscation; and many times, without due process. I'm not against red flag laws *per se* but I see them as the first step toward future gun control and confiscation at the national level.

The BSCA bill also adds language allowing convicted domestic abusers to be added to the National Instant Criminal Background Check System (NICS) registry of ineligible people who are prohibited from purchasing and possessing firearms. The bill creates a provision for a domestic violence abuser to stay on NICS ineligibility list for 5 years and can only be removed after the 5-year time limit if no other criminal acts are committed. Absent from discussion of these red flag and domestic violence laws is the expense one must incur to get their guns back. Imagine the collector with hundreds of antiques in his collection getting an attorney, going to court, and fighting for the return of his collection.

Ratified in 1868, the 14th Amendment to the U.S. Constitution guarantees equal protection to all citizens and equal application of all laws. It reads:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

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Where is the due process in laws that are compulsory and confiscatory? How many more dollars must be spent, attorney costs, doctor visits, courtroom hearings, before you are adjudicated sane? Who looks out for you? The 14th Amendment was written to prevent this unmerited harm being visited on innocent people.

Also attached to the BSCA bill is nearly \$900 million toward children's mental health services. Normally the Federal budget is not our focus as gun owners but it's almost \$1 billion in funds that could pay for alternative gun safety measures. However, as we have seen in the past, many of these legislative measures are nothing more than window dressing. They provide additional mental health training through programs that already exist like including \$500 million through the State Based Mental Health Service Grant Program to hire more mental health providers. The BSCA provides \$500 million to train and diversify school counselors, social workers and psychologists. The bill also includes \$300 million in funding to institute safety measures in and around schools. It will support school violence prevention efforts. Interestingly enough, this legislation prohibits use of funds under the Elementary and Secondary Education Act to train or equip any person with dangerous weapons in schools. This information is well hidden as I can't find much about it.

BSCA includes new background check requirements for gun purchasers. If you're under 21, you'll have to go through an Enhanced Review Process before being allowed to buy a gun. This process--

- Requires an investigative period to review juvenile and adult mental health records, including checks with state databases and local law enforcement.
- Gives NICS up to three business days to conduct the initial search. If the search reveals a possible disqualifying record, NICS will have an additional 10 business days to complete the investigation.

- Provides additional funding to the FBI to administer the new process checks in NICS.

On the surface, these sound ok. Obviously, we don't want people under 21 who have a mental illness to have guns. But if we read between the lines, the state can use this as another de facto gun registration scheme to identify gun owners. If an under-21 purchaser is approved, now the state has one more way to track that armed citizen.

The so-called boyfriend loophole has been closed. This part of the bill includes convicted domestic violence abusers and other individuals who are subject to domestic violence restraining orders. They immediately lose their gun rights and must wait a 5-year period with a clean record, before their gun rights may be restored. Again, I don't see the words "due process."

We have been dreading the Biden/Harris' administration getting gun control measures passed, supported by what is essentially a Democrat-controlled House and Senate. There is little good for liberty and freedom in the Bipartisan Safer Communities Act and much that will have to be fought out in the courts as civil rights violations pile up as a result of this legislation.

While the Network does not itself engage in political activism or lobbying (out of respect for the diversity of our members who hold quite a variety of beliefs), individually, our founders, staff and advisors are frequent donors to organizations better equipped and experienced to take this fight to court and we invite members to join our individual efforts to support the fighters at the Second Amendment Foundation, the Firearms Policy Coalition and on the state-level, the many organizations taking the fight to their own state houses.

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Attorney Question of the Month

In our 14-year history, several Network members have gone through deferred prosecution and after several months, their gun rights were restored and records cleared. Because this option is not uniform from one state to another, we are exploring how deferred prosecution and/or deferred judgment works in the various states so that our members are aware of the disadvantages or advantages of this alternative.

With the goal of helping members better understand how the criminal justice system works, we asked our affiliated attorneys to comment on the following:

Does your state offer the option of deferred prosecution or deferred judgment/sentencing?

How does it work? Does the person plead guilty or are charges filed only if they fail to meet the agreement's conditions? Does the person report to a probation officer? Is the person's record cleared after an agreed-upon time without any further incidents (of specific concern to Network members, are gun rights restored)?

To what offenses are deferral options limited? If a Network member turned to you for representation after defensive display of a firearm in self defense, under what conditions might you consider seeking deferral?

Between the faithful help of our long-standing affiliated attorneys who have made this column the popular educational feature that it is, coupled with having recently recruited over 175 new affiliated attorneys who also generously contributed input from their states, we have a lot of great material on this topic. Thus, we will be discussing the question of deferrals and when this kind of an option might be a bad idea and when it may be preferred for several months.

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New York has several variations of deferred prosecution, and in gun cases almost always they involve interim performance requirements for the defendant, in exchange for reducing a felony to a misdemeanor.

The ordinary situation has the defendant plead guilty to the felony charge(s), but no sentence is imposed so there is no conviction. In the interim period that follows, the defendant

performs whatever tasks are required by agreement with the DA; usually community service, treatment program (if applicable), and sometimes interim probation.

Once the requirements are met, the defendant is allowed to withdraw the felony plea, the DA accepts a misdemeanor plea, and the court then sentences the defendant. The sentence may be a fine, post-conviction probation, more community service and/or other conditions.

Since the benefit to the defendant is avoidance of a felony prosecution, usually the misdemeanor outcome is the only thing offered by the DA. The defendant's record is not cleared, and expungement of misdemeanors in New York is very limited anyway.

A very interesting case presently in my office is a client who was charged with multiple felonies for illegal handgun possession, but the DA handling that case is very devoted to her county's new alternative prosecution procedures. The defendant pled guilty to both a felony and misdemeanor, but was not sentenced, and at the end of his community service all charges will be dismissed, and his only record will be a record of arrest. This is an extremely unusual outcome for a New York City gun case.

I would pursue deferred prosecution in every case where I thought the defendant might get it. If the defendant is not a career criminal, and the DA does not want to waste time trying to put someone in jail who does not need to be in jail, then I find that DAs are open to making deals. Usually the only real limitation is the office policy of the DA. In some counties, hammering gun defendants is the norm, but not as much in other counties.

If gun rights are at risk from the conviction, rights restoration can occur at the time of sentencing if the judge agrees, but it is unlikely in a weapons case, and the DA will oppose the application. A Certificate of Relief from Disabilities would have to be executed by the judge, but even if relief cannot be gotten at the time of conviction, the defendant can apply for it later. Also, if the gun rights were lost pre-conviction due to our red flag mental health related laws, that restoration process is separate from the ordinary Certificate of Relief Process, and much more difficult.

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My name is Michael Whisonant and I hail from the great State of Alabama. The answer as it relates to my state, is "Yes, but it depends." There are a variety of charges in varying jurisdictions (federal, state, municipal) within the State of Alabama where he/she could have a viable self-defense claim. Most jurisdictions,

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but not all jurisdictions in Alabama have a form of a deferred prosecution program.

The difficulty is that each program has different eligibility requirements to enter the program and different conditions which must be met to complete the program. Many of these programs are designed for DUI and substance abuse related charges and not crimes of violence for which self defense would be common. Most, but not all, require a deferred plea. This is for judicial economy purposes so that the case can be removed from a trial docket. What is true of almost all of these programs is that upon successful completion of the obligations of the program the client is not convicted and the case is dismissed.

The question of whether an eligible client should enter the program is always the choice of the client, but my advice depends on the strength of the evidence, the strength of the defense, the exposure of the client (number of years client is facing), and the requirements of the program. Alabama also has a strong stand your ground law with immunity protections which is also considered when making this decision.

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Does your state offer the option of deferred prosecution or deferred judgment/sentencing?

Yes, we have several options in Nevada. We have specialty courts such as Veterans Court which allows for a dismissal. Also, we sometimes have someone plead guilty and stay the adjudication for the client to complete some conditions prior to a dismissal.

How does it work? Does the person plead guilty or are charges filed only if they fail to meet the agreement's conditions? Does the person report to a probation officer? Is the person's record cleared after an agreed-upon time without any further incidents (of specific concern to Network members, are gun rights restored)?

There are all types of various ways to clear the charges. Some require formal probationary period and others where you return to court, usually one year later to receive a dismissal.

To what offenses are deferral options limited? If a Network member turned to you for representation after defensive display of a firearm in self defense, under what conditions might you consider seeking deferral?

We always seek information regarding prior military service. In Las Vegas, Nevada the Clark County District Attorney screens the cases to determine if formal charges should be filed. They are fairly good at deciphering self defense. Self defense as a defense almost always requires the client to immediately con-

tact law enforcement. Too many times, we see people who flee the scene. Self defense really requires prompt reporting to law enforcement. Deferral of prosecution in a case where a client fled the scene and had to be picked up on an arrest warrant are difficult to convince a prosecutor of a straight deferral.

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In Texas there are a couple options that vary depending on the district attorney. Some offer what is called pre-trial diversion. This is in the nature of a contract with the DA's office and usually results in not only an indictment not being filed but also is eligible for expunction. It can be risky though because whether or not the pretrial diversion agreement is violated is often wholly in the discretion of the supervising probation officer with no recourse to a hearing. Most DAs also require waiver of substantive rights such as to a jury trial as part of the agreement. The offenses eligible for pre-trial diversion are also wholly within each individual DA's discretion, and even the offering of pre-trial diversion of any sort varies widely by county.

For deferred adjudication there is a list of offenses in the Texas Code of Criminal Procedure which are explicitly prohibited from deferral in Art. 42A.102, though mostly the list is offenses such as various types of human trafficking, murder, and sexual offenses. This is only an option after charges are actually filed, whether by information for a misdemeanor or after a felony indictment is obtained.

Deferred for a felony in Texas may be for a term of up to 10 years and is supervised by the community supervision (probation) office of the county where the person resides and because they are under indictment for a felony the entire time forbids the possession of firearms. The successful completion of deferred results in a dismissal without a felony conviction, though part of a deferred plea deal is a plea of guilty on the record, and waiver of a jury for both guilt/innocence and sentencing. Thus the downside is that any violation of the terms and conditions of deferred adjudication is decided only by the court to a preponderance standard, not beyond a reasonable doubt, after which, if the court finds that the violation did occur, the person can be sentenced anywhere within the sentencing range allowed for the underlying offense. Deferred is not eligible for an expunction, but can be eligible for an order of non-disclosure eventually. The rules and eligibility for deferred are fairly uniform statewide, though whether any particular prosecutor will make an offer, of course, varies.

A huge caveat for deferred adjudication is the US Citizenship and Immigration Service (USCIS) considers a guilty plea for deferred the same as a conviction for immigration purposes. So anyone who is considering a deferred plea in Texas who is an

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immigrant, even a legal permanent resident, should also consult with an immigration attorney.

As to when might deferred adjudication in Texas be a reasonable offer: That is so fact dependent as to be impossible to answer. In many counties in Texas my first inclination would be a jury trial for use or display of a weapon for defensive purposes, assuming the client tells the whole truth (good and bad) during consultation.

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If you've been charged with a crime in Kansas, one possible option is called diversion. Diversion is sometimes referred to by judges and prosecutors as "deferred prosecution," "immediate intervention," or "deferred judgment."

Being on diversion in Kansas may seem similar to being on probation. Either may require you to do things like regularly reporting to a supervising officer, taking random drug tests, completing counseling or other classes, and performing community service. The difference is that probation occurs after conviction, while diversion occurs before conviction. In other words, if you successfully complete diversion, your case is dismissed and you do not have a conviction.

In Kansas, diversion is run exclusively by the prosecutor's office – the judge plays no role in granting diversion. To start diversion, you must first apply. In your application, you essentially provide a written confession and waive all rights to challenge evidence or assert a defense.

Since diversion is run by each individual prosecutor's office, according to their own individual guidelines, there is often inconsistency between counties and cities as to who is eligible, what charges are eligible for diversion, and how difficult it will be to complete.

Diversion may help protect your right to own or handle firearms. The two main types of criminal convictions that will lead to a lifetime Federal firearm restriction are felony convictions and domestic violence convictions. One option to avoid these restrictions is diversion. If you are offered and successfully complete diversion on a felony or domestic violence charge, then you do not have a conviction on your record. Thus, you've preserved your 2nd Amendment rights.

Should you take a diversion or go to trial? When I discuss that question with a client, they ultimately decide based on two things: 1) the strength of our case (likelihood of winning), and 2) their risk vs. reward tolerance. Many people are unwilling to take the risk of trial, so they choose the "safe bet" of diversion.

In summary, the advantages of diversion are that it gives you

potential to have the charges dismissed and it is a relatively "safe bet."

However, the disadvantages of diversion are that you must admit you did something wrong, thus you're giving up any claim to legal self defense. Also, you're "on thin ice" during diversion. You must complete about 12 months of supervision, reporting, drug tests, classes, and community service before you receive your dismissal. Failure to complete any of these requirements can result in diversion being terminated and being convicted of the original charge. Depending on the prosecutor's office, completing diversion could be relatively easy or it could be a nightmare.

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Does your state offer the option of deferred prosecution or deferred judgment/sentencing?

Pennsylvania has an Accelerated Rehabilitation Disposition (ARD) program that does not require an admission of guilt nor a plea of guilty. If someone successfully completes the program the charges are dismissed and then have no impact on a person's right to possess firearms.

How does it work? Does the person plead guilty or are charges filed only if they fail to meet the agreement's conditions? Does the person report to a probation officer? Is the person's record cleared after an agreed-upon time without any further incidents (of specific concern to Network members, are gun rights restored)?

ARD normally involves a period of non-reporting probation. The person can apply to have their record expunged after completion of the program. Gun rights are never forfeited since there is no conviction, so the expungement is not required to restore gun rights (although it can be helpful to prevent misunderstandings).

To what offenses are deferral options limited? If a Network member turned to you for representation after defensive display of a firearm in self defense, under what conditions might you consider seeking deferral?

ARD is only permitted for minor nonviolent misdemeanors. Advice about whether someone qualifies is best determined from all the facts of an individual case as there can be many exceptions to the rules. ARD is generally not available in firearms cases involving defensive use of force, though I have seen ARD given in accidental discharge cases.

Thank you, affiliated attorneys, for sharing your experience and knowledge. Members, please return next month for more from our affiliated attorneys on this interesting topic of discussion.

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Book Review

The American Revolution: A History

By Gordon S. Wood
Random House Publishing Group
ISBN-13: 978-0812970418
\$11.49 paperback; \$13.99 eBook

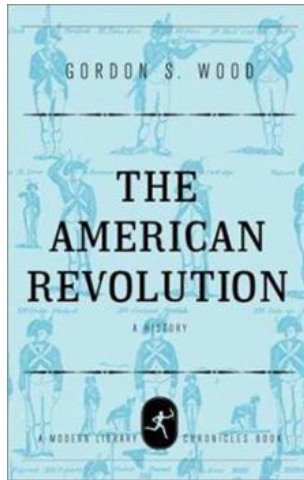
Reviewed by Gila Hayes

Most years, before Independence Day's noisy celebrations, I read a book about the birth of our nation or biographies of the Founders. We need to remember the early Americans, who sacrificed their reputations, financial stability and for some, their lives, in the Revolutionary War. I read a lot of biographies, so this month I chose something more academic, *The American Revolution* by historian Gordon S. Wood. It gave me a clearer appreciation for our republic and the commitment required to create it. The hardships of the Revolutionary War and tribulations of the decade following independence should inspire us to cherish individual liberties and beware the risks to freedom.

To explain how the American republic came to treasure freedom for individuals, Wood explores why American colonists wanted to shake off English rule. He writes, "In 1763, Great Britain straddled the world with the greatest and richest empire since the fall of Rome." Although it won the French and Indian War, England's management was shaky. "Even in trade regulation, which was the empire's main business, inefficiency, loopholes, and numerous opportunities for corruption prevented the imperial authorities from interfering substantively with the colonists' pursuit of their own economic and social interests." The French and Indian War was costly, and the English expected the colonies to provide revenue to pay war debts.

England needed colonial grain, tobacco, and other agricultural goods to feed its growing population. Trade created newly well-off colonists who preferred expensive English goods and went into debt to buy them. These imports caused a trade deficit, then the English imposed new taxes and tariffs right when the colonies' once-booming war-time economy collapsed. Business failures and bankruptcies multiplied, and the victims blamed the English who prohibited the colonies from issuing paper money, then passed the Stamp Act to tax legal documents. When colonial petitions to England for relief were ignored, rhetoric "boiled over into fiery declarations," Wood describes.

The English repealed the Stamp Act in February of 1766, but



"the imperial relationship and American respect for British authority—indeed, for all authority—would never be the same," Wood opines. "The crisis over the Stamp Act aroused and unified Americans as no previous political event ever had. It stimulated bold political and constitutional writings throughout the colonies, deepened the colonists' political consciousness and participation, and produced new forms of organized popular resistance."

The very wealthy and educated lost influence as common citizens organized unauthorized local government committees to address their own communities' needs. "These new governments ranged from town and county committees and the newly created provincial congresses to a general congress of the colonies—the First Continental Congress, which convened in Philadelphia in September 1774." Many pages follow detailing the differing principles the two sides fought over, and while interesting, are too lengthy for this book review.

Wood emphasizes that the American revolution differed greatly from other revolutions in which the downtrodden fight for physical survival. "The American Revolution has always seemed to be an unusually intellectual and conservative affair—carried out not to create new liberties but to preserve old ones," he notes. As the book shifts attention to creation of a new government, Wood's ideas about balancing the common good against the unique American individualism gave me a new respect for the lines between individual liberty and the common good.

Americans' obligations to their fellowman were deemed more important than loyalty to the English king. The new paradigm deemed common working people less corrupt than the elite. Wood writes that the idealization of simple country people stems from classic literature, starting in Rome, popularized by Renaissance writers, and inspiring Englishmen like John Milton who in turn influenced the Founding Fathers. The resulting republicanism embraced virtue, equality, love for fellow-citizens, and "devotion to the common welfare."

America's citizen representatives stood in contrast to the corrupt English monarchy. "Equality—the most powerful idea in all of American history—predicted an end to the incessant squabbling over position and rank and the bitter contentions of factional politics that had afflicted the colonial past. Since this discord was thought to be rooted in the artificial inequalities of colonial society, created and nourished largely through the influence and patronage of the British crown, the adoption of republicanism promised a new era of social harmony," Wood notes.

For all the talk of equality, the native Americans didn't fare so well, Wood points out. Some Indians had allied with the British,

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only to find that the peace treaty “ceded sovereignty over their land to the United States.” Americans believed the land was theirs by “right of conquest,” so felt no obligation to compensate the Indians and much bloodshed resulted.

Slavery also continued, oppressing nearly half a million men and women. Many Founders spoke out against slavery, Wood writes, but they assumed it was so antithetical to American ideals that it would naturally die out. Instead, it got a lot worse before it got better. “The colonists had generally taken slavery for granted as part of the natural order of a monarchical society,” he explains. The immediate post-Revolutionary antislavery movements, especially strong in the North, freed some blacks in Virginia, “but in the end, slavery in the South was too entrenched to be legislatively or judicially abolished. Southern whites who had been in the vanguard of the Revolutionary movement and among the most fervent spokesmen for its libertarianism now began developing a self-conscious sense of difference from the rest of America that they had never had to the same degree before.”

Even among whites, wealth and poverty caused inequality. Wood reports that “wealth was far more unequally distributed after the Revolution than it had been before.” Charities were established to provide medical treatment for the poor, housing for orphans, meals for people in debtors’ prisons, housing for shipwrecked soldiers, while politicians tried to modernize sentencing for crime.

For the first few years after independence, the loose confederation of states enthusiastically governed themselves, but the absence of a unified voice was problematic when negotiating with other nations and detrimental to assuring the general welfare at home. “In every state, decisions had to be made about the loyalists and their confiscated property, the distribution of taxes among the citizens, and the economy,” Wood writes. Private ambitions and greed by various state legislatures, “suggested that the people were too self-interested to be good republicans.” Everyone wanted his piece of the pie and with each new session, legislators rewrote laws and passed new bills to benefit themselves and their constituents. James Madison noted that “more laws were enacted by the states in the decade following independence than in the entire colonial period” as individual grievances and private needs won out over common good.

A number of state constitutions were revised during the late 1770s to the early 1780s. Hoping to rein in the lower houses “popular legislatures were reduced in size and their authority curbed,” Wood writes. Although not everyone approved of judges setting aside laws passed by the representatives, the

judiciary needed to protect the state constitutions. Although this occurred in the individual states, it highlighted the absence of a strong central authority.

The old guard was giving way to younger leaders like Alexander Hamilton and others like him who craved the stability the Confederation lacked. The states refused to pay debts from the revolutionary war. “In Europe the reputation of the United States dwindled as rapidly as did its credit,” Wood relates. By 1787, most leaders were ready to reform the Articles of Confederation but “few people expected what the Philadelphia Convention eventually created—a new Constitution that utterly transformed the structure of the central government and promised a radical weakening of the states.” Afraid the Confederation would break apart, the delegates hammered out the Constitution of the United States.

The new constitution promised harmony and stability, Wood writes. “Creating a new central government was no longer simply a matter of cementing the union, or of standing strong in foreign affairs, or of satisfying the demands of a particular creditor, mercantile, and army interests. It was now a matter, as Madison declared, that would ‘decide forever the fate of republican government.’”

The delegates were primarily younger men, attorneys, war veterans, and men who had served as representatives to Congress previously, and Wood writes that “most were well-educated and experienced members of America’s political elite.” They had to decide if the individual states should remain individually sovereign or be subject to one sovereign republic which could tax, issue money, and regulate commerce across all the states. Would population or land or wealth determine representation?

Even the anti-Federalists who feared tyranny acknowledged the value of a strong central government. In response, the Federalists reframed “the principle of sovereignty ... by relocating it in the people at large. In doing so they forged an entirely new way of thinking about the relation of government to society. It marked one of the most creative moments in the history of political thought,” Wood writes.

In 10 short years after gaining independence, Americans “had effectively transferred this sovereignty, this final lawmaking authority, from the institutions of government to the people at large.” They wrote a constitution that was “immune from legislative tampering” resulting in our nation. In *The American Revolution* Wood explains why the Founders established a republic and reminds us of Benjamin Franklin’s warning that the newly formed government was, “a republic, if you can keep it.”



Editor's Notebook

You Must Be Able To Stop

by Gila Hayes

I ran across a news story in June that for me emphasized why we train to deescalate, to scale our response to be appropriate to the offense, and disengage from an argument or confrontation as quickly as possible. We do not fire

in anger. You have to be able to shut off the emotion because a heated, angry reaction gets us stuck in the non-rational part of the brain.

The news [story](#) caught my interest with this lead: "A man acquitted last month on grounds of self-defense in the shooting death of a University of Toledo football player after a fight at a Toledo pizza restaurant nearly two years ago has been sentenced to nine to 12 years for three extra shots he fired."

It went on to detail that a 26-year old Toledo, OH man shot and killed a 22-year old after the football player "swung at him several times," hitting him in the head. "Wait a minute!" I yelled at the screen. "He hit him in the head!" I withdrew my comment after I read that the 26-year old was acquitted of murder charges by reason of self defense, but the three shots he fired toward his departing assailant also endangered several pedestrians, so a jury found him guilty of felonious assault.

The report went on to quote the defendant as claiming the three shots fired toward the escaping assailant were "warning shots," illustrating its own special brand of stupidity. Besides, his assailant was running away. The judge took the opportunity to do some anti-gun pandering and politickin' when he railed against "a horrible proliferation of guns in our community and every community across America," a screed the news media happily picked up.

If you're a scrapper, lock up your gun at home when you go out; better yet, grow up and mature before becoming an armed citizen. The whole thing reminded me of one of the few callers I declined to enroll in Network membership, when, after enthusiastically relating accounts of several fights he'd been in, he exclaimed, "I don't back down-ever!" I responded that the Network was a very poor fit for him and bade him a good day.

Decent, Normal Human Beings

A few years ago, I was privileged to be a student in a Gunsite class taught by Erick Gelhaus (<https://armedcitizensnetwork.org/lessons-in-preparation>). When talking about tactical responses and appropriate force options, he frequently used the phrase, "decent, normal human beings."

In an echo of those words, a Network member, Mike from GA, recently commented that he finds this online journal "even

keeled," and he added, "It seems the world is becoming so hyper polarized and so many people are at their wits end...yet when you talk to 'normal people,' its like the hysteria is 'out there' somewhere, but here amongst us regular Americans, things have not changed...we are all still living our lives, doing our duty and enjoying God's Grace. Thank you for being 'Regular Americans' and continuing such a level headed and circumspect dialogue on essential topics!"

A member from VA with whom I occasionally exchange ideas also emailed his thoughts about how decent, normal human behavior compares to the crudity and rudeness that seems today to be accepted by the general public. My correspondent detailed his experiences leading up to his introduction to responsible use of deadly force. He closed with a clarion call to make gun safety and training more widely available to the public. I was inspired by his letter and I think you will be, too, so asked him if I could share excerpts with you.

Dana writes:

As is frequently the case your "Notebook" thoughts are often the most thought provoking part of the newsletter, particularly the question of lack of required training in those states that now have "constitutional" carry. Growing up in Vermont I didn't learn about "constitutional" carry until I moved to Virginia in 2003. In the 1950s and 1960s some Vermonters may have carried a good deal of the time, others now and then and many (probably a large majority) never carried at all. I wasn't really aware of the issue of "carry." I don't remember hearing anyone make a big deal of carrying open or concealed. My dad (a GP) didn't regularly carry, but a loaded revolver hung over his bedpost 24/7.

With respect to firearms I had roughly an 8 year apprenticeship beginning at age 6 with a .22 target rifle. I learned what is commonly referred to as "Cooper's rules" long before I encountered Jeff Cooper's writings 40 years later. Dad emphasized marksmanship when it came to hunting. With the exception of rabbits hunted with a shotgun, I learned that you don't shoot a rifle at running targets (deer), not just because of the reduced chances of a good killing shot, but because you can't really account for what is behind a moving target at the moment you pull the trigger. Even in my recent coyote hunting, I made sure that there was always dirt behind the critter before I squeezed the trigger.

Thinking back to my growing up years, I don't remember any emphasis on "rights" or "entitlements." My parents did focus on responsibilities: from taking out the garbage, splitting kindling for the fireplace, helping care for the animals, helping around the house, helping neighbors, and getting school work done with no excuses, and responsible gun safety. Today, the emphasis seems to be all about "rights" and "entitlements." Good old Joe Namath hawks

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supplemental health insurance exhorting us to “get all that we are entitled to” whether or not one really needs it.

Vermont has had “constitutional” carry since the 1777 constitution (VT was an independent country until it joined the Union, as the 14th state). Although not as rural now as the 1950s and 1960s it is still fairly rural. Most of my generation learned gun handling and safety from our parents. What I did NOT learn from my parents that is critical to “carry” in the public is the legal information. I knew how to use a firearm, but relative to self defense, I had no grounding in the relevant details as to “WHEN” it was legally justifiable to use a firearm in self defense. After I moved to Virginia, I attended three different concealed carry classes (each 2-6 hours in length). Each class was mainly concerned with gun safety and handling; only one class had a live fire qualification. Only one class even mentioned “AOJ” and spent perhaps 20 minutes on the subject. The legal knowledge problem was largely solved when I attended Mas Ayoob’s MAG-40 class in 2011. Not having that kind of education/information is in my opinion the greatest deficiency in the “constitutional” carry model.

The gun-owning community needs to shift some of its public emphasis and efforts from “rights” to “responsibilities” including safety, how to carry in a manner least likely to antagonize and/or frighten the public. The gun community needs to pay more attention to our individual and collective attitudes. Individuals, who because they now carry a gun, think that they can now go wherever they want whenever they want and do whatever they feel like, be loud, rude and crude need to be corrected early and often; they need a dose of Farnam’s rules. Turn to page 340 of MacYoung’s book *In the Name of Self-Defense* and read the reactions he got when he suggested to his class that they just “Be polite” and was made aware of “their right to be verbally and emotionally violent” and likely physically violent, as well.

Everyone makes mistakes now and then; hopefully most of us learn from our mistakes and avoid repetition. Even better is to learn from someone else’s mistakes. However, an individual who as a history of mistakes and/or poor behavior/judgment probably should not be a gun owner, but unfortunately he/she will likely not have the self-awareness of their own problematic behavior, especially if they have a sense of entitlement.

The gun community can foster training. For instance a club could insist that new members take the “club’s basic safety course.” Clubs could offer low cost (or even free) basic safety training to the public, and maybe pick up some new members. If the gun owning community steps up to meet the needs for teaching safety and good, responsible behavior then one can argue that the government has less need to get involved.

Thanks for “listening.”

I liked what he had to say. Now, I have a question for our members and I would like you to [email me](#) your response, if you would like to be part of this discussion. Here’s what I’d like you to share with this column’s readers—

Are you a range safety officer at your gun club or for a competitive shooting sport in which you participate? What does that entail?

Are you active in public outreach and safety education sponsored by your local range? Tell me about that program.

How do you and other armed citizens in your community reach out to mentor new gun owners and young people who will become the next generation of armed citizens?

Let’s share what we do and inspire one another to keep fighting the battle against ignorance and irresponsibility.

About the Network's Online Journal

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

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

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

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

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

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