



John and Vicki Farnam Discuss Rifles for Defense

Interview by Gila Hayes

Renowned firearms instructor John Farnam has a reputation for telling it like it is – even when the reality is inconvenient. One fact that both John Farnam and his wife Vicki Farnam raise frequently in their classes is the relative inadequacy of the pistol compared to the rifle, so when the opportunity arose to spend a little time with the Farnams earlier this year, I asked for an update on rifles for defense, knowing the value of their instruction from personal experience.

eJournal: I remember my first rifle class with you over 20 years ago, when we trained for two days in 100-degree-plus temperatures. You had us keep the rifles loaded and stressed that they'd better be loaded if we had to use them for defense, so we must know how to handle them safely and effectively. I clearly remember thinking, "Here is an instructor who knows first-hand how serious this is." It is hard to forget that kind of instruction!

Although you gave us a great interview back in 2009 about rifles for self defense (reader, see archives at <https://armedcitizensnetwork.org/rifles-in-self-defense>),

When the Farnams hunt, their rifles are not specialized hunting gear. They test the same rifles they keep for defense. Below, left, Vicki Farnam used Robar's PolymAR-15 VF, an ultra-light weight .223, to take this painted ram. To the right, John Farnam holds the Robinson Arms XCR in .300 BLK at the culmination of a wild boar hunt.



much can change over eight years. Increases in concealed carry have focused newer armed citizens on handguns, sometimes at the risk of eclipsing rifles. What are we missing if all we learn is handgunning?

John Farnam: As you've heard me say before, when you're called upon to save your life, the first thing your hand gets to will probably be a pistol. I encourage all my students to start their training with pistols, because that is probably the most important gun you have. When students come to a rifle course, I like them to have come to a pistol course first. But then, you've also heard me say, there are limitations to pistols. We carry pistols because they're convenient, not because they are effective.

In relative terms, a pistol's effectiveness is compromised. With a pistol, when you have to shoot someone, you probably will have to shoot them multiple times and even then, there's a good chance you won't notice any immediate behavioral change. The most likely behavioral change you're going to notice is that they are going to run away. People will ask, "Is that a good outcome?" Well, yes, unless they are running toward your children's bedroom or something like that. It is a "good outcome," so long as I know I do not need to shoot any more right now.

One thing I am including in pistol classes right now is longer range shooting, out to 20 or 30 meters with a pistol. In this "Age of Terrorism," I think this has now emerged as a more relevant issue than it has been in the past. Some say that will never happen, but frankly, I don't know. Unlikely things have happened! What are the chances when throwing dice, you'll throw a 12? It is one in 36. What are the chances that you'll throw six 12s in a row? It is astronomical, but I have seen it happen. I sat there and watched it happen! I guess I've come to believe

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that just because something is unlikely does not mean that it is never going to happen.

As the world situation changes, our whole formula has to change. I have decided that in this day and age we better be able to shoot targets 30 meters away with our pistols—with all the ills that attach. Your pistol is far less accurate than your rifle; it doesn't hold 30 rounds; pistol rounds are not nearly as effective as rifle rounds! On the other hand, a pistol is probably better than any other option we'll have readily to hand, so we better be prepared to maximize our effectiveness, be prepared to shoot multiple times, and we need to be prepared that even when we do everything right, we may not get desired behavioral changes.

eJournal: What is a reasonable expectation of how much time may pass between hits and observed incapacitation?

John Farnam: Within five to ten seconds. You've heard me use the term, "Dead Man's Five Seconds." That is, with no blood pressure at all, how long would a person remain conscious and animated. Well, it depends on which cardiologist you ask. I've also heard about the dead man's twelve seconds, and the dead man's fifteen seconds, and twenty seconds. The least amount of time I've ever heard is the dead man's five seconds.

Not having the benefit of a medical school education, I don't know which one is more authoritative. From my personal experience, I remember I shot a young lad some years ago in Viet Nam at very close range with my issued 1911 pistol, in .45 ACP, which no one ever taught me how to carry and use in a tactical setting. The single round hit dead center at a range less than one meter, and he was so impressed that he ran away, displaying scant discomfort. I remember thinking, "Wasn't he supposed to explode in a shower of sparks or something?"

That was the beginning of my understanding that much of the training I'd had up to that point was nonsense. I don't say that maliciously! I think our trainers did the best they could. They did not know, either. The body of knowledge upon which we rely today did not exist back then. They did the best they could with the limited knowledge to which they had access; it just wasn't very good. A lot of my colleagues paid a high price for that. I was lucky: I walked away from it, albeit through no fault of my own!

Now, we are in this "Age of Terrorism," and I am telling my students, "You know what? You ought to think about getting a rifle." Then, just as with your pistol, you need to think about where you are going to put it, when you "go armed," as we all do. Where are you going to put it?

eJournal: I do worry about leaving a rifle unattended in a vehicle.

John Farnam: Someone could break into your car and steal it; that is possible. You have to balance that against not having the gun. I can tell you what I do. I have a rifle in the back seat of my car. It is in a low-profile case; many are manufactured. I just saw one today [at the 2017 SHOT Show] that is called the "Sneaky Bag." Blackhawk calls theirs the "Diversion Case," dancing around the issue. The issue? It does not look like a gun case. Does that mean it won't get stolen? No, it just makes it less likely.

I have decided to act instead of doing nothing, and risk always attaches to acting. But, risk also attaches to "doing nothing." The beauty of doing nothing is that "nothing" can always be done perfectly. Ever notice that? The moment you step forward and act and do something, someone will point out where you could have done it better, and I promise you they'll be right.

When I fly domestically on commercial airlines, it is the same thing. I fly with rifles and pistols in checked baggage. Per TSA regulations, they have to go in a hard case, inside my roller luggage, and away I go. Could my rifle get stolen? Sure. I balance that against not taking it and not having it.

eJournal: What about a rifle that is out of your hands in a home with small children?

John Farnam: We have several good compromises here. You know from taking my course that when a rifle is under your direct control, I like it in "Carry Mode:" round chambered, manual safety "on," fully-charged magazine inserted. When it leaves your direct control, now we have several options.

A rifle that is not under my direct control—such as when it is by my bedside at night— is usually in "Transport Mode:" bolt forward, dry-fired on an empty chamber, manual safety "off," magazine inserted.

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When needed in an emergency, I have to pick it up, run the bolt, the manual safety is already "off." With most Western-style military rifles, after you dry fire, the manual safety won't go back to the "on" position. That is by design.

In the Soviet world, rifles don't work that way. You get a Kalashnikov, the safety will work either way, hammer cocked or hammer down. In the Western world, I think we did a little better job of thinking that through. When I pick my rifle up, when the safety is "off" and will not go "on," I know there is no round chambered. I don't have to check further, I don't have to look; I know it is not loaded.

When the safety works normally, going "on" and "off" manually, what does that tell me? Nothing! That provides me with no useful information at all! There may be a round chambered, there may not. This is why "Transport Mode" is so useful!

Could a seven-year old child run the bolt and then fire the rifle? Maybe. "Transport Mode" does not represent absolute protection, but that is the way my rifle normally is when it is out of my direct control, but I still want it in a reasonable state of readiness.

Most gun safes are not designed for quick access so it really doesn't make much sense to have a rifle in carry mode, nor in transport mode, while it is inside most gun safes, because I really can't get it out of there very quickly anyway. There are some low-profile lock-ups, designed for quicker access. Once again, it is all a compromise. How long is too long? A second and a half? You tell me.

I encourage my students to think this through and I then tell them, "You are going to have to come up with a suitable compromise between "safety" and "readiness," that fits your situation. Risks attach to having guns around; risks attach to not having guns around. Whatever compromise you settle on, it will not be perfect.

eJournal: Let's say I'm new to rifles, I take your course and decide I need a rifle in the home, place of business, or vehicle. What are the pros and cons?

John Farnam: First, let's ask, "Why do we want a rifle?" Range, capacity and terminal effects. When I have to shoot someone, would I rather have a rifle or a pistol? I'd rather shoot them with a rifle. Why? Because people

shot with rifles go down faster and they stay down longer. The entire fight is much shorter than is the case when pistols are used. It doesn't mean that multiple shots won't be required, but it is much less likely than with your pistol. With a rifle, I have greater ammunition capacity, greater range, and with some rifles, I have greater penetration, although with .223 there is some argument. Those are all advantages.

Disadvantage? Rifles are not low profile. They can't be carried in holsters. Maybe the day will come when we all carry rifles around openly, but that day is not here yet. Until then, I have to carry it low profile, close by, but out of sight. Right now, my rifle is in my car, which is nowhere near us, so it is not possible for me to get to it quickly right now. That is a compromise. I made my choice, but I do have pistols on me.

The vast majority of the pistols most commonly used do not have a manual safety. All rifles, on the other hand, have manual safeties. The difference is this: the pistol you carry around sits in a holster, and assuming it is an acceptable holster, the trigger guard is completely encapsulated.

Conversely, when you carry a rifle, the trigger is hanging in space; it is not protected. In my opinion, the rifle has to have a manual safety, and the safety has to be in the "on" position as you are carrying the rifle around. This is why I do not like ambidextrous safeties: one is always facing to the outside. It is just too easy to brush it off and not know it. In addition, I advise you to slip your hand up the pistol grip and check the safety every couple of minutes. It can get inadvertently pushed to the "off" position, just from moving around the rifle.

eJournal: At what point in the defense scenario do we disengage the safety? We're not addressing SWAT where several officers stack before going through the door, safety off, finger indexed up on the frame, but we might have rifles in our hands facing a home invasion. When do we disengage the safety?

John Farnam: I disagree with some of my best friends about this! I believe when you grasp the pistol grip, the safety comes off and stays off. I have my finger straight, in the "register" position (off the trigger), and I have control of the gun. I have close friends who say, no, the safety stays on until just the instant before you have to shoot, and afterwards, it goes back on right away.

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I don't find that acceptable because I've had too many students who had the safety on when they needed to shoot. Then they will try to pull the trigger two or three more times until I say something sarcastic like, "That safety works great, doesn't it? Listen, that safety should have been off the moment your hand hit the pistol grip."

You can't be so afraid of your gun! You can't be so petrified that something terrible might happen. There are no guarantees in any event! We are not in the happy-ending business. Even when no gun ever discharges, this is not going to have a good outcome, but some bad outcomes are worse than others. I am determined that when someone gets hurt or killed here, it is not going to be me or someone I am attached to.

eJournal: Let's talk about equipment selection. Over the years, Vicki has taught us a lot about matching the gun to the shooter's physical abilities, so I'd like to ask about equipment for small-statured shooters. Think, for example, about a couple who just has one rifle. Now what?

Vicki Farnam: We have to have a rifle that accommodates her short arms, so that when she brings the stock up to her cheek she can correctly see the sights, or see through the optic. When the stock is too long, that's not going to happen. Her husband may not understand that she brings their rifle up and "Oh, wait," she can't see anything. We have to have a rifle with a stock that is short enough so that she can adequately see the sights! We know that there are many, many rifles that prevent that from happening for a short-statured person with short arms, man or woman.

Rifle weight is the other thing. Many rifles are so heavy that she can't hold the front of the rifle up long enough to establish a good sight picture. There are certainly rifle options that are satisfactory in this regard. One of the best is the WW II-vintage M-1 carbine with a wood stock. It is light, short, and recoil is minimal, even less than with a .223. That works well for a lot of women, but it is a rifle that a tall man can shoot, also.

A tall person can shoot a short rifle better than a short person can shoot a rifle that is too long and/or too heavy. The M-1 carbine is a good compromise, and there are many manufacturers making new ones, but there are still a lot around from WW II, also. Caliber is "30 M1" or "30 Carb." You can get CorBon DPX in this caliber. I killed a very large pig with it; he was close to 700 pounds!

There are also some ARs on platforms that are very light weight; the lightest that I know is made by ROBAR and weighs just over five pounds. It is called the "PolymAR," and my version is called the "VF." Weight is not much more than many handguns! A small person who is not accustomed to holding a big rifle will find it very useable. By contrast, a small-statured person with a rifle weighing ten pounds, will not be very successful.

eJournal: When you teach small-statured students, do you modify technique to mitigate the weight and stock length issue?

Vicki Farnam: Yes, and some might be considered "extreme" by a rifle purist, but they work. If she is very slight, short, and her arms are not very powerful, we turn her nearly 90 degrees to the rifle. Although we still have the rifle on her shoulder, it can also actually rest across her chest just below her collarbone. Then the arm of the hand holding the forend can be braced against the body.

That is the position I've had to use for a young woman who was about as big around as a pencil. She was a police officer, and she had to be able to use that rifle. She became extremely accurate with it once she realized she did not have to be in the traditional, "ideal" position. "Ideal" is not always what is going to work. Practical is what is going to work. When you have to modify a stance in order to use a rifle, we do it.

John Farnam: I've lost count of how many times we have talked about this with chiefs of police who say, "Well, golly, that is just not the way we do it here."

"Well, Chief, YOU hired her, now don't tell me we have to do things the traditional way. YOU hired her, now WE have to train her to be successful."

Vicki Farnam: But, the same goes for families, for husbands and wives, for mothers and sons and daughters. You have to find the rifle that will work for the least physically-capable person. They need to be able to use the rifle. Larger individuals, or the people that are more prepared, can use any rifle. Again, this may not be ideal, but it can work in all practicality. Or, everyone has his or her own rifle, set-up for them individually. That is a more satisfactory, but more expensive, solution!

eJournal: What should we know about rifle ammunition selection?

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John Farnam: Most of the practice we do on the range with our .223 (5.56x45) rifles is with 55-grain hardball. Actually, it works fine. When I was overseas, we shot a lot of people with 55-grain hardball, and I found that within 150 meters (so long as the bullet didn't have to penetrate anything substantial), the enemy went down just fine, and stayed down!

150 meters seemed to be the threshold for this caliber. My troopers were good marksmen. At 200 meters they could still hit them, and the enemy went down, but got back up. That bullet was so de-energized at that point! We've known for 50 years now that this is an issue. For military use of the rifle, we need more range.

eJournal: Are there scenarios in which a private citizen might want to up-size to a caliber with a "three in it?"

John Farnam: You mean like a .308 (7.62x51) or 7.62x39 (30 Soviet)? Sure, let's talk about rifle calibers:

The .300 AAC Blackout (7.62x35) is superior to the .223 in nearly every way. There's probably technically a little more recoil, but it really doesn't amount to anything. It is a heavier bullet, longer range, better penetration. All the stuff that a .223 isn't, the .300Blk corrects. The problem, of course, is I really can't have .223 and .300 Blackout in the same area, for reasons you well know (see for example <https://www.ammoland.com/2016/09/avoiding-the-300-blk-ar15-kaboom/#axzz4k1ztxfQZ>).

The 30 Soviet, which we call the 7.62x39, is probably the best military round ever made. I wish we would adopt it! It is a genuine 300-meter gun with excellent penetration, but most Americans have not migrated there. They sell lots of Kalashnikovs and most of the guns chambered for that caliber are Kalashnikovs; it is a good choice.

However, for most people who want a rifle for domestic defense, the .223 is probably a better choice, if for no other reason than the ammunition is more easily available. You can find .223 anywhere.

A .308 is a 500-meter gun, it will penetrate whatever you've got, and in a military scenario I think you can argue legitimately for that. In a domestic defensive scenario, when do we need all of that range? When do we need all of that penetration? Is there a situation where all that penetration is less than desirable? Yes!

I love the .308; I own several and they're wonderful, but you know what? When I run a course I have a .223, like most of my students. As a personal defense weapon or as a patrol rifle, I think the .223 is ideal. We don't need all that penetration; we don't need that range.

The big issue in the police business has been car doors. The .223 is very disappointing on car doors. I just did a vehicle defense course last weekend. My students were astonished at the percentage of .223 rounds that did not go through.

eJournal: What about getting rifle bullets through auto glass?

John Farnam: Auto glass can be almost equally disappointing. Not only do bullets often not go through, when they do go through they are badly deflected. Cars are a big part of our lives, so that has been an issue. This is at least partially addressed with any good bonded-core bullet. However, my favorite is CorBon DPX, a homogenous all-copper bullet that does go right through car doors and auto glass without deflection.

It goes through auto glass without deflecting, because you don't have the traditional "cup-and-core," a brass jacket over a lead core. Jacketed bullets often separate when penetrating auto glass: the jacket peels off, and the lead goes in a different direction. That does not happen when the bullet is homogenous. For serious purposes, DPX is the best way to go. But, any good bonded-core bullet will render performance superior to 55-grain lead hardball.

eJournal: What are we balancing between failure to get through obstacles vs. over-penetration? Can we buy our way out of that problem with top quality ammunition?

John Farnam: What is the probability my bullet is going to go through-and-through a human body, and squirting out the other side? I don't know, somewhere around 50-50, depending upon caliber, and all kinds of other things over which I have no control.

This is a question that is difficult to answer, and I get asked it a lot. Some people who like shotguns for home defense advocate using 7½ birdshot just to address that problem, because none of those 7½ birdshot pellets will probably come out. When you do that, I suggest that

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you're kidding yourself. Half the time 7½ shot does not stop fleeing birds, much less charging felons!

The best way to address this issue of over-penetration is through accurate shooting. We have to be competent marksmen, but there is still always a chance that my bullet will squirt out the other side and injure someone else.

However, when the wrong person is shot, it is not usually not the result of accurate shooting combined with over-penetration. It is the result of panic! Panicking on the trigger, that is your worst enemy, but it invariably generates shots that miss altogether!

eJournal: Instead of spending big bucks on specialized guns and ammunition and gewgaws, invest the money and effort in honing marksmanship capabilities.

John Farnam: That is so important. We don't look for excuses to lose; we find ways to win. That is the difference between the live professional and a dead amateur.

You paint yourself into a corner when you say, "Unless I have this gun, or this ammunition, I can't be effective." Don't you see what you are doing?! (exasperated) It is a gun, let's run it! That has little to do with equipment, and everything to do with attitude. We have got to change that attitude.

eJournal: By showing us a winning mindset, you set yourselves apart from being just teachers, of which there are many, and you both are mentors, of which there are very few.

John Farnam: So much of what we teach students is the attitude, and it comes back to what you project to them. The student thinks, "I need to sound like that when I talk. I need to have that attitude." You set the example, articulate it, and try to help students understand that, without that attitude, all the mechanical stuff really is superfluous.

eJournal: It may turn out that with a "can do" attitude, questions about adding rifles to our defensive capability have fewer real downsides and more upsides.

John Farnam: In answer to your question, "Should I get a rifle?" Well, of course the answer is: I don't know, because there are people out there who shouldn't own any kind of gun, but when you do get a serious rifle, then come to us, or any good instructor. Train with it, learn how to run it, how to store it, how to carry it, how to keep it with a reasonable degree of safety, how to camouflage it and how to have it near by when you need it.

There is no doubt: rifles give you a whole new level of capability. Most of my students tell me, "Once I learned how to use a rifle, I don't want to be without one." That's probably good.

eJournal: Best of all, you've opened our eyes to different ways of addressing today's dangers more proactively and with less hesitation. I hope more of our Network members can take one of your courses and learn from both of you personally. I would not trade the times I've been privileged to be your student for anything.

Don't miss the chance to train with John and Vicki Farnam of Defense Training International when they travel to your region. See defense-training.com/training-courses/ for information about classes with the Farnams and learn more about John and Vicki Farnam at defense-training.com/instructors/. Between them, they have written a number of books, with one dealing specifically with the topic of this interview. See [this link](#). Also check out <http://dtioperator.com>, their video subscription series.

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President's Message

by Marty Hayes, J.D.

Thank you to all the Network members who wrote in about my open letter to Wayne LaPierre, executive vice president of the National Rifle Association. Gila and I received well over one hundred responses, and

hopefully one of us was able to respond back to you, even if it was just a brief "Thank You." If you didn't get a thank you, then please accept this one.

Interestingly, I did hear back from one member, who purchased a ten-year membership four years ago, but then also joined a legal services plan, which suited his life better. That is fine, but he had some very strong and harsh words for the Network, and frankly, his message to me was full of un-truths about the membership benefits the Network provides. Additionally, he felt my message to LaPierre was out of line, because he felt it was perfectly acceptable for the NRA to directly compete in the business world with the very members who support it. That is okay, too, if that is his opinion. In response to his concerns about the Network, however, I offered to refund the six years remaining on his membership, as we have a complete money-back guarantee and it was obvious he wasn't satisfied. But his e-mail to me got me thinking, and maybe I should use my column this month to explain how I view competition in the business world, and competition in the self-defense aftermath market in particular.

When one puts his time, effort and money into starting a business, he has committed to using his own life-blood to further that business. When it is all said and done, a business one grows from a mere idea into a successful venture literally cost a part of his life to accomplish. In building the Network, Gila, Vincent and I sacrificed countless hours of our lives (and in the early years those hours were unpaid hours) to bring to fruition the idea I had back in 2006 for an organization to help its members weather the legal aftermath of self defense.

As you can see, I view the issue of competition from both a business sense and on a personal level. I'll bet just about anyone who has started a business and

worked hard to make it grow does, too. Since I have made my beliefs about the NRA's Carry Guard public, I have been accused by a few people of being "afraid of the competition," even though when I posted my open letter to Wayne LaPierre, I firmly stated it wasn't the competition I was worried about, but instead I was seriously concerned about the NRA, a membership organization chartered under a totally different stated goal, dabbling in the business of self-defense insurance, competing directly against NRA members who have supported the NRA for years. I still adhere to that stance.

So, as my fellow NRA members I ask you, how does one compete against such a monolith as the NRA, which has more money to spend on advertising than the entire yearly budget of the Network? Well, for one thing, I COULD start spending the legal defense money on advertising, with the excuse that the Network needs to grow its membership to compete in this market place. Of course, I will never do that, because that would be a travesty! You joined the Network in order to grow that Legal Defense Fund. But isn't that exactly what the NRA is doing—trying to get more money coming through their coffers by using the hard earned dollars we all donated to the NRA—instead of using those donations for waging war against the anti-gunners?

Alternatively, perhaps the Network could start filling its advertising with puffery-filled claims like "We Are The Gold Standard" and "America's Most Comprehensive Coverage And Training For Those Who Carry A Gun." But I don't like to lie to my customers, so we do not make such outlandish claims. We expect our potential customers to actually do a little homework on what is provided, and then make an informed decision.

Or then again, we could hire a sexy girl to don a tight T-shirt to be the eye-candy to catch the men in the audience. It must be working, because I see the same image over and over on the Internet. But selling through sex appeal isn't our style, either. We would rather reach potential members using our Advisory Board and other industry luminaries to explain why they are members of the Network. After all, each Advisory Board member is a heavy weight in the self-defense industry in his own right. That is more our style.

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You see, I believe everything we say and do here at the Network directly effects our reputation, either for good or for bad. I can foresee being on the witness stand some day and discussing the Network with prosecution and defense attorneys, because one of our members was involved in a self-defense incident, and the prosecution is trying to create the element of "Intent" because the person was a Network member. I'm glad it hasn't happened yet, but I know it likely will in the future. If that happens with a NRA Carry Guard client, whom are they going to put up on the witness stand to respond?

The sad thing is that the more the NRA gets negative publicity, the more that negative publicity reduces the power of the NRA. And a powerful NRA would still be a very good thing for our country. Despite my dislike of what they have recently done, I still believe every gun owner should also be a member of the NRA.

So, where does that leave us? Well, here is how the NRA works. The 76-person Board of Directors (for whom the NRA members vote each year) chooses a nominating committee from amongst its members, which

then nominates individuals to serve as the NRA's officers on the Executive Committee. Then, at the annual meeting, the Board of Directors votes on those nominees, who subsequently take their place on the committee. It is this Executive Committee, which sets the policies for the organization. The current Executive Board has the power to continue the Carry Guard program or nix it. So, if you feel as strongly about this as I do, and you are a member of the NRA, then I would urge you to contact your NRA board members and voice your concerns. It is what I have done, in the letter on the next page.

One last note: Apparently competition is good, because we are up close to a thousand members since this whole Carry Guard issue broke. As I said, I am not worried about the competition. But I AM worried about the future of the NRA.

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POST OFFICE BOX 400, ONALASKA, WA 98570

July 1, 2017

NRA Board Members
National Rifle Association
11250 Waples Mill Road
Fairfax, VA 22030

Dear NRA Board Members,

My name is Marty Hayes. I am a life member of the NRA (# [REDACTED]) and the President of the Armed Citizens' Legal Defense Network, Inc.

I find myself torn between being an ally and supporter of the NRA and being an adversary of and competitor to the NRA. You see, with the introduction of NRA Carry Guard self defense insurance, the NRA has introduced a for-profit business enterprise that directly competes with the Armed Citizens' Legal Defense Network. My wife and I have put our heart and soul into building the very best organization for armed citizens to fight the unmeritorious prosecutions of legitimate acts of self defense, and that leaves me with this question: Do I continue to support an entity that, if successful, takes money out of my pocket, or do I reset our marketing and priorities to be a direct competitor to the NRA?

Why did you do this? Why has the NRA spent millions of dollars of NRA member money, contributions that were intended for fighting the fight against gun-prohibitions and other anti-gun efforts (including Michael Bloomberg), to promote Carry Guard? Well, what I was told at the NRA AM Board Meeting (I attended) was that the NRA wanted to "modernize the financial underpinnings" of the NRA. And Executive Vice President LaPierre believed that these efforts would bring in much needed revenue. But, I ask, revenue for what? For more advertising to gain more and more members? It certainly doesn't seem that it is for fighting Bloomberg and his ilk. You see, I live in Washington State, where the NRA was ABSENT in the fight to stop Bloomberg's Initiative 594, the "Universal background check" initiative.

Starting Carry Guard weakens the NRA by creating business adversaries, not strengthening it by bringing all of us together. Please understand that I will do whatever it takes to allow my business to grow and prosper. And as I see it, I will now be forced to point out to my potential customers, the problems (and there are many) which are imbedded into NRA Carry Guard. I don't have the millions of dollars to spend on advertising like the NRA does, but I do have a bully pulpit where I get to speak directly to over 13,000 members of the Armed Citizens' Legal Defense Network, Inc. and I plan to use it.

Please understand that I do not want to weaken the NRA, but when given the choice between the NRA and my family, I will choose my family.

Respectfully,

/s/ Marty Hayes, J.D.
President, Armed Citizens' Legal Defense Network, Inc.

CC: All members of the National Rifle Association Board of Directors
Wayne LaPierre, Executive Vice President

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Attorney Question of the Month

For the last few months this column has focused on questions of the law and the armed citizen's responsibilities to his fellow man. Several months ago we hashed out questions about intervening to save a stranger from violent crime. In June, we introduced this question:

An armed citizen who carries a trauma kit justifiably shoots an assailant, then calls 9-1-1. From a legal viewpoint, what are the possible benefits and risks of treating the gunshot wound while waiting for the first responders?

The following answers, carried forward from the many received in June, wrap up this question.

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The civil risk is a lawsuit. The traditional rule is that a person has no duty to intervene, but if they do, then they are liable for any damage they cause. So even if one does his best in rendering medical aid, if he makes a medical mistake he becomes liable for damages.

The criminal risk is nearly zero, whether or not you give medical aid. There is no criminal penalty for trying to save someone's life, and there are very few places that require you to do anything at all. The few jurisdictions which require giving any kind of assistance to persons at risk of serious physical danger require it if: (1) aid is not being given already, (2) doing so would not endanger you or anyone else, and (3) giving aid would not interfere with important duties that you owe to other people. Vermont is such a jurisdiction.

However, there is one risk that comes from doing nothing, and that is of making a bad impression on the jury...depending on the circumstances. If the medical aid needed is very slight, and clearly within the armed citizen's capabilities, and, if the failure to give that aid results in some kind of lasting physical impairment to the criminal, then a jury might view the armed citizen as heartless and cruel.

So the armed citizen might ask himself, "What would a jury of ordinary people think about my doing absolutely nothing right now? What would they think was the right thing to do, given my level of medical knowledge?"

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In Oregon, assisting the assailant with medical needs would not hinder anyone's lawful use of force under the law. Under Oregon law it is certainly important to have a justified use of force, but after that, it is not entirely relevant what the individual does. If anything, it would probably look better to a judge or jury for the individual after a lawful use of force, and identifying that a threat no longer exists, to assist the assailant with any medical necessities.

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Laws vary from state to state; it is my understanding that all 50 states have some form of good Samaritan law. So, if you are going to medically intervene you need to review your local good Samaritan law and do so in a manner where you are shielded from liability.

The question posed also raises the non-legal issue of that in the real world when people are shot they do not just lay down quietly. Unless you strike the central nervous system they thrash and may continue to fight. And sometimes they lose consciousness and come to and are very combative. So, what do you do with your firearm while administering first aid? Really want to be in that close to a person who has already put you in imminent peril of serious bodily harm? Tactically, I ask the question of whether this is wise.

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So do I carry a trauma kit? The answer is yes. But, only because at a range accidents can happen and my other hat is as a first responder.

If you asked me how would a jury respond to rendering first aid: I think before a jury it is in your favor that you were trying to save a life. But if you have a trauma kit and do not use it, that could be seen negatively.

I have been handling firearms cases for over 30 years and have been involved in several legal matters where a client lawfully used a firearm in self defense. In general, I find that after an incident people are so full of adrenaline that they really need to stand down and let the professionals do their jobs. If you are an EMT or a doctor, maybe it makes sense if it is your normal daily practice to have a kit. In the real world, I think this would be difficult.

Bottom line is I think as defense counsel it would be in your favor to treat. But, I have serious reservations as to whether having just survived an encounter, you would be well advised to get that close to a wounded assailant.

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Treating the wound benignly or successfully would help dispel any accusation that you set out to kill the assailant. There is some risk, however, associated with treating the wound negligently. An argument could then be made that you only made the appearance of treating the wound when in fact you used the ostensible treatment to further injure the assailant.

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The issue of legal liability for poor treatment is first in mind. Many (if not all) states have some form of good Samaritan law. Maine does. However, there is no liability for doing nothing at all. The dicey part comes if your efforts are not successful. "He wanted my client dead, and finished the job with a tourniquet."

Another downside is that it ARGUABLY shows lack of fear, and where there is no weapon or a blunt-force weapon involved, MIGHT tend to show you never were afraid of the person.

The upside is that it shows lack of malice, or "tends to." In a very close case, "intent to cause death" may be negated by your own efforts to prevent death. That already presumes an unjustified shooting—accidental or "heat of passion." This question assumes that the shooting is "justified."

One additional note: it MIGHT make a difference in insurance coverage, depending on your state's interpretation of the "expected or intended harm" in the standard homeowners policy.

Tactically, of course, it is a risk to approach a downed subject. I have had at least one case where a subject feigned unconsciousness to lure a police officer closer, and then smashed the officer in the face with a log. Weapons are often concealed under clothes, under the person, or even, with very small knives or derringers, within the hand itself.

HERE'S one VERY strange aside: Maine has a law intended to address hunting accidents. However, the legislature did NOT limit the language to hunting. <http://www.mainelegislature.org/legis/statutes/12/title12/sec11223.html>

§11223. Aid to injured person and reporting hunting accident

1. Duty. A person who knows or has reason to know that that person has inflicted injury or may have inflicted injury on another person by the use of a firearm, bow and arrow or crossbow shall:
 - a. Make that person known to the victim;
 - b. Render first aid and assistance as that person is capable of rendering under the circumstances; and
 - c. Give notice of the event by the quickest means to a game warden or, in the event that a game warden can not be contacted, to the law enforcement officer nearest the place where the event occurred.

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From a practical standpoint, the wounded assailant could grab the shooter/Samaritan, grab his/her gun, and turn the tables. He's also more likely to survive and give the police an incriminating account of the shooter's actions.

Also, on the legal side, many states do not protect good Samaritans from negligence (or in this case malpractice) claims if the help does more harm than good. A distinct possibility, especially if the shooter is not a trained doctor, nurse, or paramedic. And, in general, in terms of assessing the dollar amount of damages, a serious, disabling injury typically brings a higher award than a death. The only possible advantage I can see to helping him might be to gain brownie points with vengeful family or gang members. Unlikely if he ends up in a wheelchair.

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From a legal defense perspective, benefits include that it may be considered evidence that the intent was not to kill, but rather to stop the threat. This bolsters a self-defense claim. Risks include physical danger from being in close proximity to your attacker, and if aid is rendered incorrectly, the possibility of an allegation that you were not rendering aid, but rather your intent by "helping" was to really cause more harm.

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From my perspective there are no legal benefits from treating the gunshot wound while waiting for the first responders—so do not. Morally, preserving life or limb, might be something that many responsible gun owners feel compelled to do, even though the assailant has committed a crime justifying an armed response.

There are great many risks associated with treating the gunshot wound while waiting for first responders. In this particular instance, in Florida, having called 911, the armed citizen would have no duty to provide or render aid to the assailant. Should the armed citizen decide to render aid from a moral perspective, the armed citizen would need to make sure that the care is done so in a reasonable manner. Florida Statutes 768.13.

Florida Statutes Section 768.13 is known as the Good Samaritan Act and provides immunity from civil liability to anyone "who gratuitously and good faith renders emergency care and treatment." However, in order to be protected under this immunity, the armed citizen must have rendered aid without objection by the assailant and must "act as a ordinary reasonably prudent person would have acted under the same or similar circumstances." *Id.*

In rendering medical aid, the armed citizen would be exposing himself or herself to a situation where the assailant could claim that the treatment was not consented to. Or the assailant (or the assailant's estate or even the state) could argue that the armed citizen purposefully made the injury worse or caused death. Finally, (and maybe most importantly) an incident has just occurred requiring the armed citizen to make the very tough decision to pull and use their firearm. Putting the assailant and the armed citizen into even closer proximity creates likelihood for the situation to escalate even further.

I would be concerned about whether or not the decision to render aid and treatment would possibly open the door to potential claims of spoliation of or tampering with evidence. From a civil perspective, the elements of spoliation of evidence are:

- 1) existence of a potential civil action;
- 2) a legal or contractual duty to preserve evidence which is relevant to the potential civil action;
- 3) destruction of that evidence;
- 4) significant impairment in the ability to prove the lawsuit;
- 5) a causal relationship between the evidence destruction and the inability to prove the lawsuit; and,
- 6) damages. *Royal & Sunalliance v. Lauderdale Marine Center*, 877 So.2d 843 (Fla. 4th DCA 2004).

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The armed citizen would be touching the person and potentially the belongings of the assailant, which could inadvertently alter the scene, and the alterations could be subject of speculation as to motive.

The shooting site would be subject to police investigation. Providing aid to the assailant, which might include moving the assailant, could change the scene and possibly destroy or inadvertently affect evidence that could exonerate the armed citizen or aid in their civil defense. Conversely, should the armed citizen become the subject matter of any criminal investigation, there could be concerns about the motives behind the rendering of aid should the assailant die or his or her condition worsen. If the armed citizen's rendering of medical aid was called into question because, for instance, the assailant was moved or clothing or effects were removed, the state

could consider charges of tampering with evidence. In Florida, to establish a violation of evidence, the State must prove a defendant had knowledge of an impending investigation and destroyed evidence in order to impair its availability for the investigation. Clearly, the entire situation would put the armed citizen on notice that there would be an investigation. Therefore, we would not want there to be any concerns as to any of the evidence on the scene.

Thus, from my legal defense perspective, the legal risks of rendering aid outweigh any legal benefit.

We extend a big "Thank you!" to all of the Network Affiliated Attorneys who contributed to this interesting discussion. Please return next month for the start of a new question for our affiliated attorneys.

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News from Our Affiliates

Compiled by Josh Amos

Hello, everyone! I have the pleasure of starting this article with a thank you! Thank you to all of you readers who took a minute and sent me an email about attorneys in your area that you thought would be good affiliated attorneys for the Network. The suggestions are still coming in, which really helps. I follow up on each one and as a result we have new affiliations with law firms in Newark, NJ and Tucson, AZ. Even if you don't live in New Jersey or southern Arizona, you might find yourself there on business or on vacation, so wouldn't it be nice to know that there are Network affiliated attorneys nearby when you are away from home?

There are lots of reasons that we are always on the look out for good attorneys with whom to affiliate. Our existing affiliated attorneys might become involved with a case that could last a year or more and during that time, because they are committed to providing excellent representation, they may stop taking any new clients. Not long after I began my hands-on involvement in attorney recruitment, I had a very nice conversation with an attorney in an Eastern state who needed a leave of absence from her service as an affiliated attorney. She was so deeply embroiled in a case that while she would continue to provide assistance to her existing clients, she had decided her firm should stop taking new clients until she was free of her pressing obligations in the big case.

Fortunately, the Network has a number of other great affiliated attorneys in her state, so while we were sorry to temporarily remove her name from the attorney list, we also felt deep respect for her decision. In addition, our affiliated attorneys sometimes accept appointments to the judicial bench, move to a different state or retire. Occasionally, we are saddened when an attorney's family or a paralegal or other staff member regrettably tells us that the attorney has departed this earth. These things happen, and we need to be prepared. That's why we are so very appreciative of any leads you may have.



In addition to high traffic states like New Jersey, the Armed Citizens' Legal Defense Network seeks to ensure there are affiliated attorneys even in the lower population states. A good example is North Dakota, where last month we were delighted to announce the addition of a new affiliated attorney. Members, if you missed that announcement, log in to [North Dakota affiliate](#). Back in May, it was very satisfying to affiliate with a criminal defense attorney who practices in Casper, WY, filling another gap in a low-population state. Network members can log in and view details at <https://armedcitizensnetwork.org/attorneys-wyoming>.

Heading to warmer climes, over the past few months we have also been extremely pleased to affiliate with an El Paso, TX firm, a contact derived from the recommendations of our Advisory Board member John Farnam. That recruitment exemplified networking at its best! Now, this month, we were delighted to renew acquaintances with an attorney in Tucson, AZ who provided representation to a Network member in 2014 after an improvised weapon defense. We've been working to formalize an affiliation with an attorney this far South in AZ for a long time, so we hope our members will log in to the listing for our new [Tucson attorney](#) and take advantage of this renewed relationship. Please members, if you have recommendations for attorney affiliations, please contact me at 360-978-5200 or Josh@armedcitizensnetwork.org.

In closing, I just had to share an image of a friendly face that made me smile when I saw it! This is our friend Miguel from Gun Free Zone. He recently posted a picture of himself wearing his new Network ball cap. Now, as members know, we don't recommend you wear our cap or any other gun-specific logo wear when you pick up your kid at school, go to the bank, or when you go to a baseball game, but they are great conversation starters with other armed citizens and we surely do appreciate you flying our colors in appropriate gun-centric venues. And, by the way, if you don't already, follow Gun Free Zone at <https://www.facebook.com/gunfreezonenet/>.

Network members, if you have fun pictures of yourself wearing your Network ball cap, send them to me at josh@armedcitizensnetwork.org and we'll have a little fun sharing our love for the Network with one another.

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

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Book Review

Straight Talk on Armed Defense: What the Experts Want You to Know

Edited by Massad Ayoob

ISBN-978-1440247545

6 x 9 paperback, 256 pages, illustrated

Gun Digest Books, June 8, 2017

Reviewed by Gila Hayes

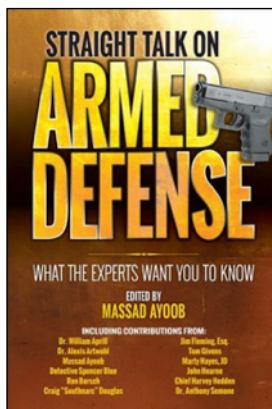
Note: I spent much of my free time last month reading and rereading the latest book from Massad Ayoob. This book is so full of good material that I hope readers will humor me as I cede my Editorial to accommodate a longer book review.

Massad Ayoob brings twelve subject matter experts together to teach a wide variety of self-defense subjects, all “must-know” material for one who strives to be prepared to face violence. The chapter contributed by each expert is only a synopsis of their greater knowledge so *Straight Talk On Armed Defense* is also a reading list for further study, as well as a valuable introduction to aspects of armed self defense to which the reader may not have been previously exposed.

In addition to writing one chapter and the closing, Ayoob begins by commenting that whether it is criminal violence or life’s day to day hazards, surviving life-threatening events shares similarities. “How our minds and bodies work in crisis is something we must know if we are going to program that mind and body to fight and prevail in a life-or-death situation,” he introduces.

In the first chapter, federal law enforcement officer John Hearne debunks the many falsehoods propagated about our brains during emergencies with an explanation of brain science. For example, for decades we’ve been told that fine motor skills fail at high levels of stress, while Hearn asserts that basic skills overlearned to the extent that they become automatic certainly can prevail at extremely stress high levels.

He identifies various parts of the brain that perform different functions, calling one the rational mind and the other, the emotional mind. Accessing “mental maps” from parallel experience is one of the ways the rational mind takes control. “How well the mental map matches the unfolding reality will determine between continuing to trust the rational mind or defaulting to the emotional mind,” Hearn warns.



Mental maps result from recent training and repetition, moving beyond learned skills into an “automatic response pattern” that executes without need for conscious thought about the “low-level details required,” he explains. There were so many good lessons in his chapter that it is hard to pick just one, but we don’t have room for all the valuable instruction in this review.

It was good to read the sage advice of my old acquaintance Dr. Anthony Semone in the second chapter. In outlining the psychological aftermath of self defense he identifies differences between support for military and law enforcement compared to the dearth of resources for private armed citizens.

Semone interviews a self-defense shooting survivor to illustrate the survivor’s suffering as public outcry swells during a malicious prosecution. His source discusses the isolation and financial ruin that followed shooting an abusive neighbor who, after a long history of aggression, threatened to harm his girlfriend and kill his dogs, then came at him with the words, “I’ll fix you now,” while reaching into his pocket. Believing the aggressor was grabbing a weapon, the armed citizen shot him four times, killing him on the street outside their homes. His response to Dr. Semone’s questions is distilled into three pages that synopsise the psychological aftermath of an innocent man going through trial and acquittal.

Police psychologist Alexis Artwohl contributes a chapter about memory and brain function, opening with the idea that we are vastly over-optimistic about brain function during and after a critical incident. Dubbing an accurate report of events the “historical truth,” Dr. Artwohl explains that inaccurate “narrative truth” is not the result of lying. Supported by nearly three pages of reference materials and numerous citations embedded in the text, Dr. Artwohl lists reasons for inaccuracies including—

- The brain focuses on what seems most important, to the exclusion of many other inputs.
- Perceptual biases, neither good nor bad, are inevitable as the brain processes inputs with extreme rapidity during emergencies.
- Differences between rational (analytic but time-intensive) and intuitive decision making (action-oriented).

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Mentally replaying a life-and-death experience over and over, further degrades accuracy, she suggests.

Learn to regulate emotional intensity, Artwohl advises, learn to broaden awareness, have and practice a "post-shooting survival plan," and understand the potential for memory errors when making a report to law enforcement, she urges.

William Aprill, PhD, a former sheriff's deputy and mental health professional writes about the dangerous criminals we carry guns to defend against. Most violent criminals appear normal, but their life histories show "a broad menu of maldevelopment," he defines. His portrait of the violent criminal dissuades the reader from popular stereotypes, as he outlines causes including societal, genetic and media influences, brain chemistry and/or injury (not mental illness). He cites the diagnosis of Antisocial Personality Disorder, manifest in "disregard for and violation of the rights of others, callous disregard and lack of empathy, and the inability to experience remorse or take others' perspective. In practice, APD subjects will act impulsively and aggressively, lie, cheat, steal, manipulate, and mistreat others without compunction," and this behavior is common in many violent criminals he explains.

Those behaviors are so alien to most people that Dr. Aprill adds that we must not expect normal emotions like sympathy or pity from violent criminals. "It is not enough to carry firearms or other safety/rescue equipment without a fully-informed mental map of the expected terrain," he stresses. You also need accurate understanding of crimes and violent criminals.

Much of the training and hobby shooting done by firearms aficionados is woefully unsuited to using a gun to stop a deadly attack, writes Craig S. Douglas, a retired career police officer. Prepare instead for surprise, disproportional preparation and weapons, and expect attacks where the criminal holds the advantage, generally chokepoints where the attacker can "carefully assesses people who pass through his hunting grounds for certain characteristics, including inattention, distraction, and task overloading," he introduces.

For example, not only is the attacker likely to have a gun already in hand, if they engage you in conversation, that slows your well-practiced responses like drawing from concealment, Douglas points out. Unless you recognize the set up, the cost-benefit analysis the criminal runs appears profitable to the bad guy. Conversely, if the citizen recognizes the ploy, the criminal has little to lose

by just withdrawing and moving on to a less difficult target, he comments.

Verbal skills and empty hand defensives can even the field, unless ambushed at extremely close quarters by multiple assailants, some of whom are likely to be armed, he explains. Learn to recognize pre-assault behavior by watching dash cam and surveillance camera footage of fights, to become familiar with common actions that presage violence, Douglas recommends. Get *Straight Talk* to study Douglas' real life examples, which are too numerous to outline here.

In his chapter, Ayoob emphasizes the responsibilities gun owners bear: safe storage, safe handling and being trained and accurate. Use of firearms to stop homicidal violence, he explains, is no different than putting out a fire before the fire department can get there, doing CPR or stopping the bleeding while waiting for the ambulance crew. He also discusses no gun zones, negative outcomes of carrying a gun in violation of laws or policies, and gun laws in various states.

Training influences legal outcomes, Ayoob continues, citing the instructions a judge gives the jury in the trial of a self-defense shooter, "You must ask yourself what a reasonable and prudent person would have done in the same situation, and knowing what the defendant knew." Prior knowledge from training lets your instructor give direct testimony about what they taught and if it derives from authoritative sources, those experts may also testify to teach the jury why your response was reasonable, he explains. "The untrained defendant does not bring that very substantial supportive testimony to the table, or the witness stand, when twelve good people who likely have no background of their own in this topic weigh the defendant's culpability," he stresses.

With Ayoob having established the importance of training, the next chapter discusses finding good training. This chapter's author, our own Advisory Board member Tom Givens identifies three common career paths from which many firearms instructors emerge: military, domestic law enforcement and competitive shooting. Each can result in instruction that is not applicable to the private citizen's situation.

Givens warns against relying on statistics to choose which self defense skills to study. Police shootings are inapplicable, but better predictive data is found in shootings involving plainclothes federal officers, and even better, the detailed studies of 65 students he

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trained who were later targeted as victims of violent crime. Predominant distances averaged between 9 to 12 feet, with recurring reasons categorized in what he calls the 4Rs: "robbery, rape, road rage and respect," but, owing to reporting methods, none of those reasons will be listed in the crime statistics, he observes. Each will simply be counted as an aggravated assault.

You need to train and prepare for unexpected violent attack anytime, anywhere, Givens advises. Carry a "reliable, functional handgun" in a belt holster with extra ammunition. Train and practice in the kinds of clothes you wear daily, he recommends. Work on fast presentations, accurate hits from the 3 to 7 yard range with some work at 15 to 20 yards, too, he concludes.

Next up is the research of a law enforcement professional writing under the pseudonym of Spencer Blue. In cases he studied, ruses used to close the distance on the victim resulted in fewer shots fired and shorter distances than in statistics drawn from assaults on police, gang wars or domestic violence.

His research identified errors that led to armed citizens losing confrontations with criminals. He estimates that when citizens fight back against a single attacker, they prevail 60% of the time, another 5% of the time both are equally injured, but a worrisome 35% of the time, the criminal succeeds. "Being outnumbered was the single greater predictor of losing a violent encounter than any other factor I tracked," Blue writes.

Other issues included mistakes that prevented using a gun effectively like not disengaging the safety, carrying a gun with an empty chamber and not getting it loaded, having a gun off body and too slow to access, and panic during both the confrontation and the aftermath, due to not having a plan. "When we do not work through scenarios mentally before they happen, when we fail to have a plan onboard, we may revert to these emotion-based responses that can lead to trouble legally and ethically," he warns.

Mass murder attacks are addressed by Ron Borsch, the retired police officer who pioneered the concept of a single responding officer intervening instead of waiting for full SWAT response. As he studied mass shooter interdictions, Borsch saw that about half of the time, outside forces stopped the killings and in the other half, the murderers quit of their own accord. He was astonished to discover that about two thirds of those stopped were interdicted by citizens or security on-site and not by the arrival of law enforcement.

His studies show that the average shooting time is six minutes, but it is often five to seven minutes before police are even called, and then they have to race to the scene.

Borsch gives brief sketches of 54 incidents between 1985 and 2016 in which private citizens stopped mass murders in progress. A common factor in many of the examples is the location: schools. He castigates "laws and facilities that forbid the honest, law-abiding, state vetted and otherwise legal concealed weapon permit holders to have a firearm on the premises."

Situations in which armed citizens interact with law enforcement vary from contact while out on foot, to traffic stops, to police response after shots fired in self-defense. Writing on this topic, Harvey Hedden brings 39 years in law enforcement working in nearly every aspect of the profession. Full of practical advice and focused on avoiding behavior that might be misinterpreted as a threat, this chapter addresses situations law-abiding people might not consider.

Hedden discusses the "race to the phone" after self defense, since citizens may decide not to call because "they believe that if no actual crime has been committed, why make it a police matter?" Often, witnesses—and occasionally offenders—call 9-1-1 and describe the armed citizen as aggressor. "Law enforcement tends to think of the first involved party that calls as the victim, so it is to your advantage to get your account of an incident heard first," he advises.

Additional advice cautions against approaching a downed suspect, overlooking threats due to tachypsychia, saying too much or the wrong things after the danger is past, and other errors. The last shot does not necessarily signal the end of danger, he cautions, explaining that law enforcement needs "descriptions, location and current status of the armed citizen and the suspect(s) and their weapons and the need for emergency medical response." When possible, he recommends that someone other than the armed citizen/responder make that call and others should meet and escort police to the scene.

In closing, Hedden comments that planning "should include mental scrimmages against potential threats. But your planning should also include what you will do if you're contacted by law enforcement, whether it is a traffic stop or the defensive use of your weapon. You want to act in a way that you will be recognized by the

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police as one of the 'good guys' and not put your life or freedom in peril."

A familiar face to readers of this journal writes a chapter dispelling many of the myths about trials that are in common circulation. Network advisory board member Jim Fleming has practiced law for over 30 years. Who better to explain trial procedure?

Fleming starts by correcting the idea that victims press charges, explaining, "In the majority of jurisdictions, only the prosecuting attorney's office has the authority to file criminal charges...Usually the 'victim' of a crime does not have much to say over the charging decision," he introduces. He explains the role of the Grand Jury, and its operation, explaining, "The Prosecutor explains the law to the grand jury members and works with them by presenting evidence in the testimony of various witnesses," but a judge does not preside, nor do attorneys speak for the accused. If the Grand Jury indicts, arraignment, court appearances, bail hearings, plea bargains, pretrial hearings, jury selection, and a trial may ensue. Fleming explains each step in detail. We lack the space here to share the many valuable details outlined in his chapter, and I recommend getting *Straight Talk* to read it and all the other good information.

Fleming teaches the reader about standards of evidence, probable cause, how an affirmative defense works to "defeat or mitigate the legal consequences of the defendant's conduct which would otherwise be unlawful...When a defendant claims that he or she acted in self-defense, he or she is admitting one, if not more, of the elements of the charged criminal offenses." Now, the burden of proof shifts to the defendant. Don't count on a judge giving the jury instructions regarding self defense, he warns.

Members will enjoy reading the chapter Network president Marty Hayes contributes to *Straight Talk On Armed Defense* and may be interested to read about Hayes' inspiration to build the Network, the first organization to offer armed citizens an alternative to traditional insurance or pre-paid legal. He chronicles the growth of post-incident legal support plans, highlighting strengths and deficiencies in prepaid legal, insurance, and hybrid insurance/membership benefits providers.

Urging readers to make sure their support plan has the financial resources to mount a legal defense, he tells of a case for which he provided expert witness services in which the defendant shot three unarmed attackers after being severely beaten. The jury could not reach a verdict, as some were particularly troubled because one assailant was shot in the back. The judge declared a mistrial. The state re-filed charges and having seen the defense's arguments in the first trial held all the advantages. Lacking the money to pay for a trial team for a second defense, the client accepted a plea bargain, forfeiting his gun rights.

Hayes goes on to discuss other post-incident expenses, including bail, civil lawsuits for damages, retrials and appeals, to emphasize that post-incident legal problems are more complex than many sales pitches for insurance or other plans admit. He closes by encouraging the reader to participate in one of these plans but to ask a lot of questions before buying.

In the book's final pages Ayoob weaves together all the threads of the various topics covered in *Straight Talk*. The students he teaches, many physicians, emergency room staff, mental health professionals, attorneys and others from the legal profession, exemplify the self defense mindset. These career paths bring ordinary, law-abiding men and women in contact with violent criminals, so they understand the dangers. Meeting the victims and seeing the harm suffered, "brings the reality home to them...they share firsthand the pain, the crippling, the grief and they soon come to a conclusion, 'Not me. Not mine!'" Other students are survivors of violent crime and know its damages first hand, comments this instructor of over 40 years experience.

Training counteracts the very natural fear of criminal violence, Ayoob opines, explaining that humans most fear two things: that which we do not understand, and that which we cannot control. "Education and training are the answer," he stresses, and *Straight Talk* concludes with several pages of recommended books for further study. "The self-defense mindset is, in the final analysis, simply one element of a self-reliant mindset," Ayoob concludes.

[End of July 2017 eJournal.
Please return for our August 2017 edition.]

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About the Network's Online Journal

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

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We welcome your questions and comments about the Network.
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