



Gun Choices and Juries

An interview with Glenn Meyer, PhD

by Gila Hayes

Academic studies are often cited to attack gun ownership, but one researcher and tenured professor has raised his voice for gun rights, researching and giving presentations to his peers in the psychological sciences that counter anti-gun conclusions. Glenn Meyer, PhD, Department of Psychology, Trinity University, San Antonio, TX has also become known among armed citizens for his research into how society judges armed defense undertaken by citizens.

In 2005-2006 Meyer researched what has become his best-recognized study to date, identifying effects on sentences handed down by jurors based on the appearance of the gun used by an individual acting in home defense. Results from that research were first published in 2009 in the *Journal of Applied Social Psychology* (see <http://onlinelibrary.wiley.com/doi/10.1111/j.1559-1816.2009.00467.x/abstract>), a professional publication that isn't as accessible as the briefer online article about his study that Meyer authored for *The Jury Expert*, the journal of the American Society of Trial Consultants Foundation that same year. (See <http://www.thejuryexpert.com/2009/09/will-it-hurt-me-in-court-weapons-issues-and-the-fears-of-the-legally-armed-citizen/>)

Both articles explain that study participants asked to act as mock jurors made more guilty verdicts and assigned longer sentences when certain guns were used in a home defense scenario. Study subjects were asked to judge an armed homeowner, aged 51, who comes downstairs at night to find a 23-year old burglar with no visible weapon stealing a VCR. The burglar responds to the homeowner's challenge with a vulgar death threat but no physical action, and the homeowner shoots him twice. In addition to measuring the effect of various weapon aesthetics, the findings were tabulated by the gender of the mock juror.

After reading descriptions of the incident and viewing diagrams to establish distances, illustrations and

descriptions of the gun, and an X-ray showing the gunshot wounds, study participants ruled guilty or not guilty to second-degree murder charges based on one of several variations of the story.

In the first experiment, variations alternated the homeowner's weapon between a Ruger Mini-14 .223 caliber semi-automatic rifle, an AR-15 rifle in the same caliber, a Winchester Model 1300 Defender eight-shot 12 gauge pump action shotgun, and a Winchester over and under 12 gauge shotgun with, of course, the capacity for only two shots. Handgun variations were split between a 9mm Glock Model 19 semi-automatic and a Smith & Wesson Model 642 revolver.

Additional experiments had study participants assign guilt and sentencing based on that same scenario, but with variations in the gender of the armed citizen and only rifle alternatives.

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Do these guns appear "nice" or "evil?" The research of Glenn Meyer, PhD concluded that mock jurors' verdicts and sentencing were indeed influenced by the appearance of the gun used in a home defense scenario.

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The first experiment (Experiment 1) used Trinity University students. A later one polled adult students in night classes at a San Antonio community college (Experiment 2) who were asked to rule on a story in which gun variables were only a wood-stocked Ruger Mini-14 and an AR-15 rifle. The Trinity student group rendered more guilty verdicts and harsher sentences from female "jurors," though that was not true of the older students in the community college study. In both experiments, more guilty verdicts and longer sentences attached to using an AR-15 rifle, and likewise an eight-round Model 1300 Defender shotgun vs. an over and under sporting shotgun, but less marked results for Glock vs. revolver.

Both articles also review Meyer's findings about gender and weapon use competence, yielding information that should be part of a trial lawyer's decisions during jury selection. While one can do little about gender, pursuing documented competency is within the grasp of all armed citizens, so results showing harsh judgments of shooters deemed to lack skill serves as a warning.

These few paragraphs can't do justice to the information Meyer compiled, and readers are encouraged to use the earlier links to learn as much as they can from the studies. I was delighted when Glenn Meyer agreed to give us an interview on the weapons aesthetic issues and number of related topics of interest to armed citizens.



So let's go now to the interview format and learn from Dr. Meyer.

eJournal: Thank you for agreeing to talk with us, Glenn. Your research has much to teach us about how a jury can get hung up on a gun's appearance. In the *Journal of Applied Social Psychology* you used the term "aesthetic of menace" and we would like to hear more from you about this effect. But first, I think it would help to get to know you a little. How did you become a gun owner?



Photo: Meyer, left, with Network Advisory Board members John Farnam, center, and Massad Ayoob, right, at the 2009 Rangemaster Conference in Tulsa, OK.

Meyer: I grew up in New York City, so given the population of New York, guns were kind of alien. Then my wife and I moved to Oregon when I got a job there. Oregon was a much more gun-friendly state! I had a friend who was a faculty member and he was seriously threatened. It was a legitimate threat, so he decided that he was going to learn how to shoot. He told me about it, and I thought that would be interesting to try.

I went to Portland's *The Place to Shoot* and I took the NRA basic courses, because I always thought that if you were going to do something, you should learn something about it. When I did that, I was hooked!

When I was in Oregon, I was personally threatened a couple of times, once because of my religious background. I'm Jewish and unfortunately the Northwest had some Neo-Nazi problems then. I almost ran into it once. After that, I decided that one can flap their arms and complain or one can be able to take care of themselves. I started a path of learning how to defend myself and the most efficacious way, I thought, was with firearms. That was the hook for me, but then I found that I really liked it and that it was fun.

eJournal: Has your career as an academic impeded your interest in self-defense guns or has it accommodated and fed that side of your life?

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Meyer: My academic skills led me to do the research on gun topics, but in general, academia is not really gun friendly. But I have to say that at Lewis and Clark, the school I worked at in Portland, and now at Trinity University, I found people who are simpatico. In fact, Trinity gave me a fair amount of funding to do my research and I also convinced them to send me to Mas Ayoob's LFI 1 and StressFire. I get funded to do the research like in the *Journal of Applied Social Psychology* article, and I get students to work with me on it. I find lots of students who are simpatico to my research, so it has worked out well.

I've never kept quiet, because I think if you have a reasonable belief system and you can support it, that it is part of your responsibility to stand up. I registered my disagreement when the Trinity Faculty Senate wanted to send a letter to the Texas legislature against the campus carry bills, so I've been outspoken about guns. I don't know if everybody's comfortable with it. I think I might have lost a friend or two, but on the other hand, I have people who respect me. I get faculty members who say, "Could you teach me how to shoot?"

Interestingly enough, people who are my friends who aren't necessarily gun people, have told me that they wouldn't mind if I had a gun, because they think I've put the effort into being reasonably competent, but they worry about the blusterers, who've got lots of guns and think they know how to shoot because it is, like, genetic in them.

eJournal: What is your area of professional expertise? What exactly is cognitive psychology and visual perception?

Meyer: My training is in cognitive psych, which is the basics of how information processing goes on: how you perceive things, memory processes, language, and decision-making. It's kind of like a computer model of the mind trying to take in information, process it, and then give the appropriate decisions and output. My subset was in visual perception, how you actually see. How do we see the world, how do we construct objects, how do we perceive colors, how do we make sense of moving around? I did a two-year post doctorate fellowship in visual physiology because I wanted to understand the underlying brain structures that support our visual system.

That was where I came from and what my initial research interests were, but it tied in very well with my budding gun interests, because of the human factors

involved in firearms usage. I find that fascinating. The decision processes about how people decide whether they are pro-gun, anti-gun, and what a jury thinks—it fits my training very well in an applied sense.

eJournal: How did you become interested in jury perceptions about particular firearms?

Meyer: As I got interested in firearms, I began reading the gun magazines and I wanted to have some training. I came across the work of Massad Ayoob talking about how juries make decisions.

Already in cognitive psych there was a lot of focus on jury decisions in terms of memory and something called the weapons focus. If someone robs a bank and they have a gun, no one remembers what the person looks like. There was an experiment we used to do in class where someone would run in with a fake pistol and pretend to shoot the teacher and run out. Then you'd ask people what the person looked like and no one had any idea, though they might remember what the gun looked like. So that was already there in cognitive psych. I began to read Massad's work and he had an article in *Combat Handguns* about whether an AR-15 would influence verdicts in court. And I said, "Well, that's kind of anecdotal. Could we look at it experimentally?"

You can look into the psych databases and there are already lots of jury studies on how weapons influence jurors and also studies on what's called aggressive priming—whether the appearance of a gun may prime people to be more aggressive. Then there are articles like *Does the Gun Pull the Trigger*, meaning if you have a gun, is it going to make you like an automaton and make you shoot people? I looked at that and I thought, "Well, that's an interesting research project." Being a fully-tenured prof, I have the leeway to explore avenues I want, so I said, "Well, set up an experiment to test it."

There were already a couple of experiments testing how juries viewed burglary scenarios and the actions of the burglar or the defendant. I said, "Well, gee, that is a good scenario to test what would happen if you defended your house with an evil black rifle, an assault rifle, an AR-15 versus a nice-looking gun like a ducky-wucky over and under shotgun or like a Smith & Wesson Model 642." I said, "I'll try it."

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What we do, is we post our research projects and get students who will sign up. We found that a lot of people were interested and it took off from there.

eJournal: Why did you devise a fact pattern in which the necessity of using deadly force is not entirely clear-cut? I wonder how the study might have turned out if the underlying scenario had been an assault on the street.

Meyer: There are two reasons. First, the people in the psych-legal literature had used the home scenario twice. I wanted to follow a precedent so I could say, "We are following up what so-and-so did, but now we are changing it to look at..." There was one study, which demonstrated that if a jury had more exposure to a firearm during the trial, then they were more likely to convict and that study used a "home at night" situation.

Also, the home scenario was ambiguous since if it was clearly a no-shoot situation, then you would probably get convictions across the board and people would not care what the firearm was. If it was like shooting Charles Manson on his way in, then probably no one would vote to convict, so you have to make a scenario that is ambiguous to get the effect.

As for not doing a scenario outside the home, from reading Mas' article, I was interested in doing a study about the assault rifle, because we had assault rifle bans and there was a lot of political focus on it. Usually, you don't walk down the street toting an AR-15, so we went for the home scenario.

eJournal: That makes sense. In one experiment, there were variations in which the handgun used was either a Glock 19 or a Smith & Wesson Model 642. What were your selection criteria for those?

Meyer: I wanted to do guns that I thought might be "nice" versus "evil." So the assault rifle is "evil" and the Ruger Mini-14 is "nice."

The Mini-14 skirted around the assault rifle debate by being a wood-stocked gun. Grandpa had a wood gun, so that's a "nice" gun. With the shotguns, the over and under is a "nice" shotgun while the Winchester Model 1300 Defender is kind of a tactical shotgun. That also came from politics, because politicians say, "We support the Second Amendment," and what they mean is, "Oh, I went hunting." You'll see somebody putting on a set of pristine hunting clothes, then they'll go out in the woods with an over and under shotgun, and they'll shoot some bird and then they will come back and say, "I support the

Second Amendment." So I thought the over and under shotgun, which is a fine sporting weapon, might be seen like, "Oh, you had a gun in the house because you're a sportsperson, but here comes the bad guy and you shoot him with that."

And now for the pistols: The Glock has been demonized quite a bit. In fact, I have an article from a design magazine that spoke to how Glocks have an "evil aesthetic." It was in the Die Hard movie that said you could take it through metal detectors. It was an evil gun. I think the revolver is a more innocuous handgun, so I used the Smith & Wesson Model 642 in the study.

eJournal: I am trying hard to understand prejudice based on gun appearance. Do you mean that "nice" really means "familiar?"

Meyer: I don't know that it means "familiar." I don't think most people know the differences between the guns. I think it is more the aesthetic. The "evil" guns look more like police or military derivatives. You see soldiers with the AR; you see police with it. You watch *Law and Order* nowadays, they are running around with Glocks, but if you watched *Dragnet*, they had little Colt snubbies. The Model 642 is kind of shiny and the Lone Ranger had a shiny gun, you know? Shiny is "nice."

eJournal: Were there big differences between what you expected prior to the study and what you actually found when you tabulated the results of your research?

Meyer: Yes. Well, I thought we would get the AR effect, and we did, but we've never found a "pistol effect." We've done other studies, and we never have found the Glock to light up as an evil gun, as I thought it might. It never did, and that kind of surprised me. It was the rifle where we got the effect. We've never gotten a Glock versus a revolver effect. We got a hint of it in one study we are working on now with kind of an IPSC "race" gun being slightly more evil, but even then, it wasn't big. The one effect that really lit up was the rifle effect. That has surprised me. It thought we would get more evil handgun effects but it didn't seem to be that way.

eJournal: Might your locale—Texas—be more gun-savvy and thus less likely to find one type of gun or another offensive or frightening? I wonder what would have happened if you'd had to do this study in, heaven help you, Boston.

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Meyer: Yes, because most studies are done with first-year college students who are in the intro psych courses. To get outside of the university, you need funding, you need cooperation and it is harder to do. It is a reasonable criticism, although in the jury research literature there is some support that the college samples come in pretty close to the grown-up, adult or real-world samples. There is not a tremendous disparity. I am glad that I was able to get to the community college because those were grown-up, older people going to school at night and they have more real-world experience. The results worked out pretty much the same.

eJournal: What do these studies show us beyond acknowledging prejudice against guns and gun owners?

Meyer: I think the take-away lesson is that if per chance you are at home in a defense scenario, you want to know what you are doing. What the person did in our scenario, is something I probably wouldn't do. I'm not coming downstairs to save my electronics and clear the house! I've done enough exercises to know that anybody competent is going to do bad things to you if you try to clear your house.

I would say the second thing in any self-defense shooting is to have knowledgeable legal expertise on your side. I'm not a lawyer, but I've read in the jury studies that the thing that wins the case is what they call the story model, the story they hear first in the opening statements. If you have a self-defense shooting, you want to tell why you were righteously defending yourself. I think you need a lawyer who understands the nuances of armed self defense, the nuances of weapons, to be able to get your story to the jury right away. Make sure you have a lawyer and expert team that has the ability to tell your story first.

The last would be that I would avoid unnecessary risks to myself. In a situation, I want to look like, "Man, I really was in trouble and I just did this as a last resort to defend myself," rather than look like I was proactively looking for trouble.

eJournal: That makes me think of another study in the literature (by Nyla Branscombe and coworkers) in which the shooter's competency—or lack thereof—was judged very harshly.

Meyer: God forbid it ever happen to me, but I could make the defense that I actually understand the issues, that my actions were based on training and competency, so I undertook whatever terrible thing happened with

reasonable expertise and common sense, when I was forced into doing this.

I could compare it to cases that are vivid instances where you would say a person shouldn't have gotten into trouble. They didn't have to do what they did, but they panicked.

From high-level training like force on force, it is pretty clear that people can panic in a stressful situation. One way to overcome that is through stress inoculation so having run through those training situations, you tend not to get into the panic response. You have an automatic but reasonable response. So unlike that pharmacist in Oklahoma you're not going to come back and shoot the guy on the floor. Once the bad guys are out the door, you're not going to run down the street shooting at them, which doesn't make sense and can get you into trouble. Training will help you avoid making panicked irrational and dangerous decisions.

I think you have to "die" in force on force training, before you understand. A lot of people say, "I'd get the gun and I'd take him out," but it doesn't always work that way. I've been shot a few times, not in the real world, thank you, but I've been "killed" with Simunitions and Air Soft, you know? I ended up with a good lesson—look at the stuff that I wrote for the NTI website on being an armed academic (http://www.teddytactical.com/archive/Feature/2005/05_Feature.htm) and being an active shooter: (http://www.teddytactical.com/archive/Feature/2004/11_Feature.htm).

eJournal: Getting training is a solution any armed citizen can implement, so that is good. I am really not sure how many armed citizens are ready to go back to revolvers, if the problem had been all about the hardware!

Meyer: No, I think best thing to know is how to defend a reasonable choice. If I had to defend my primary gun, a Glock 19 or Glock 26, I could say that I shoot it well, it is used by police, it is a reasonable firearm.

I wouldn't say I used it "because it holds 15 rounds so I will be able to put the guy down." No, I can make a case for the ergonomics of the gun being the best thing for me, not that it has that evil aesthetic.

eJournal: When did you conduct the experiments?

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Meyer: Let's see—the article came out in 2009, so we were doing the study in 2005 to 2006.

eJournal: How long lasting is this type of research? Do you think the increasing numbers of gun owners in American society and a growing familiarity with firearms may eventually mitigate prejudices based solely on appearance?

Meyer: I was thinking about that and I think it will because of the changes across the country, like the 42 states that have some version of shall-issue permits. After the Glock came out, that kind of polymer gun became ubiquitous. In San Antonio, I could go to twenty sporting goods stores in easy driving distance and find counters full of Glocks, XDs, Tauruses and M & Ps right next to the fishing poles and the back packs for your kids. I think the Die Hard movie ceramic Glock effect is now fading away. The police all carry Glocks, you see them on the news, they're not unusual. Familiarity tends to make people feel more positive toward or at least neutral about things.

I think the same thing might be happening to the ARs. Wal-Mart is putting ARs on their shelves again. In a lot of the sporting goods stores around here they're up there next to the over and under shotguns. Also, we are getting a lot of people coming back from the service who might want to buy one because they used it in the service. I know there is emphasis by the National Shooting Sports Foundation to push the AR platform as a sporting gun and Remington came out with an AR deliberately as a sporting gun.

I think there might be a risk in that, since I've always thought that the arguments in favor of the Second Amendment for guns for sporting purposes is risky, but I also think that increased presence of guns like ARs will diffuse the negativity a bit.

I think people are looking more toward defending themselves. Even though crime rates are decreasing, people want to be more proactive in defending themselves. People do worry about civilization crashing and things like Hurricane Katrina or a power outage that lasts for days. I think there is a feeling that if we had a natural disaster, it is better to be able to defend the house with something beyond two shots of 12-gauge ammunition or a Model 10 revolver.

eJournal: Remember the riots that followed the Rodney King verdict? That was a lesson in needing the right gun

to prevent crowds of people from overwhelming your position and harming you.

Meyer: Yes, the example of the Korean shop owners. I also remember reading an article about a museum or a library curator who is an NRA member who used an AK rifle to get himself out of the mess during Hurricane Katrina.

eJournal: What other gun and self-defense topics have you researched? Do you currently have other interesting research underway?

Meyer: Well, the thing we're doing now is a study on whether armed citizens will intervene in a Kitty Genovese situation if they're bystanders (http://en.wikipedia.org/wiki/Murder_of_Kitty_Genovese). It was said that if people had concealed handguns there would be blood in the streets, and there is a thread in the psych literature that the presence of guns leads you to be more aggressive. On the other hand, when you take classes, you are taught to take care of yourself and your family and that you're not a vigilante or law enforcement officer.

When I went to the National Tactical Invitational (NTI), they'd run scenarios where you would see somebody being attacked and you didn't know what was going on. In some situations it was like a domestic and if you intervened then both people attacked you or it turned out to be a police officer arresting someone. I started to wonder, would armed citizens intervene in the Kitty Genovese situation? Would they just immediately shoot the guy like the blood in the streets scenario?

This was a hard study to do. I managed by hook and crook to get help from people taking advanced courses. I got cooperation from Karl Rehn, Tom Givens, Steve Moses, and John Frazier who is the research guy for the NRA. I sent surveys that they managed to get some people to fill out.

We gave people force continuum choices ranging from running away to shooting a man who is attacking a woman—just straight out, he's beating her. Our control group was a student sample. We also had a sample of gun folk who had carry permits but never got any further training. I thought the people who had the guns might shoot the guy, but they didn't. Everybody was incredibly reluctant to shoot the person. The gun folk were more likely to call the police, while the student control group wasn't that likely to call the police.

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The men were more likely to physically intervene, though that wasn't a high likelihood, but the women wouldn't physically intervene, which makes a lot of sense based on size differential, self image and physical capacity.

Then we changed it because there is some bystander research that says that if the situation is really critical and tense, it reverses the standard bystander response and people will help. There was a case in Mississippi where a guy attacked his ex and started stabbing her and poured gasoline on her and was going to set her on fire.

A lot of people just yelled at him, but an armed citizen stopped the attack and told the guy he was going to kill him unless he stopped. He saved the woman's life and the other guy got arrested.

In our study, we redid the scenario so that the guy's going to set her on fire. We had a scale from one to seven, with one being, "No, I won't shoot," and seven would be, "I would shoot him." Normally, if the guy was beating up the woman, no one would shoot the guy. They would yell at him, but no one would shoot him outright. But the fire scenario moved it up to the threes and fours and they were more likely to forcefully intervene.

That's what I've been working on now because I'm interested in that blood in the streets scenario and does having a gun make you irrational so you pull the trigger?

eJournal: That is an interesting look at where we draw the line, what we will tolerate and what we won't. I'd like to hear your final conclusions. How can laypersons access your research?

Meyer: We presented some preliminary work at the meetings of the American Psychological Association and Association for Psychological Science. We'll send the latest iterations to the Association for Psychological Science in the spring. After that, the way academics work, is you send it to a journal to get accepted, and then it would be something that we could talk about.

eJournal: That is something we will look forward to then. And now, I really appreciate the time you've taken this morning to talk about your research so we can be better prepared for not just self defense but for putting on a legal defense, too. Thank you for sharing your time and knowledge.

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Please enjoy the next article.]*

NRA Membership Sales to Increase Network Legal Defense Fund

by Marty Hayes, J.D.

I first joined the National Rifle Association in 1978, 34 years ago. I did so, not to support the gun rights movement, but instead so I could compete in NRA-sponsored Police Pistol Competition. We had to write our NRA member number on each match registration, so I still remember mine, AMN1484C. That was three decades ago, a lifetime for many of you reading this.

I stayed with the NRA as an annual member for 32 of those 34 years, until the NRA Annual Meeting in 2010, when I decided it was time to upgrade to a Life membership. I am SO grateful for what the NRA has done for gun owners. I firmly believe if it wasn't for the National Rifle Association, America as we know it would be a more fractalized society and a much more violent one. That's because it is the American gun owner who keeps the criminals at bay here in the United States, not the police. We have the greatest freedoms in the world and the greatest standard of living. With those freedoms come plenty of opportunities for criminals to commit crimes. Only the deterrent of the armed citizen creates an equal playing field. If you are reading this, you are likely an armed citizen, and you are playing on the winning team. But, if you are not an NRA member, you are figuratively "sitting on the bench."

It has been my desire that the Armed Citizens' Legal Defense Network, Inc. take a non-confrontational position when it comes to political ideology. My reasons are two-fold. First, there are undoubtedly a number of our members who, despite the fact that they choose to arm themselves, are otherwise of the liberal/progressive mindset.

I have never wanted to offend those members by writing about politics in the Network journal, even though I am decidedly in the other camp, despite holding some social beliefs that transcend political ideology. The second reason is that there is no deficit of other places where politics can be discussed, and so why waste our limited resources doing the same here?

While continuing to try not to offend members and focus my attention on legal issues surrounding armed self defense, that policy doesn't prevent me from saying what I am about to say: Folks, if you are NOT a member of the National Rifle Association, get off the bench and

get into the game! Never before, has there been a time in our country where we gun owners are facing our version of "gun Armageddon." Let me explain.

It is not the likelihood of passage of anti-gun laws that has me concerned. The United States Supreme Court (USSC) will interpret the Constitutionality of any national anti-gun law affecting the right of the American citizen to keep and bear arms. This Court, over the last four years, decided both the *Heller* and *McDonald* cases in favor of the armed American.

The make-up of the USSC is really the issue, in my opinion, because the Court is aging. The ages of the Supreme Court Justice are:

- Ruth Bader Ginsberg, 79
- Stephen G. Breyer, 74
- Anthony M. Kennedy, 76
- Antonin Scalia, 76
- Clarence Thomas, 64
- Samuel Anthony Alito, Jr., 62
- Sonia Sotomayor, 58
- John G. Roberts, Jr. 57
- Elena Kegan, 52.

Four of the justices are in their mid or late 70s, and of those four, two voted in favor of gun owners. What is the likelihood that either Kennedy or Scalia might retire in the next four years or be forced to step down due to medical issues or death. This can mean only one thing to gun owners if an anti-gun President or Senate is in

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A portrait of the Justices of the U.S. Supreme Court taken last fall.

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power. It means a serious erosion of our right to keep and bear arms, because an anti-gun President or Senate will appoint and confirm Justices who will more than likely reflect their own views on this critical freedom.

One more anti-gun Justice appointed by an anti-gun President and confirmed by an anti-gun Senate means the death of American gun ownership.

Heller and *McDonald* were both decided by one-vote majorities. The loss of any of the five Justices who voted in the majority risks the reversal of both *Heller* and *McDonald* at the earliest possible opportunity. The issue is that grave.

By now, you may think I am just rambling and that I have strayed away from the subject of this article. Taking what I have said into account, you may wonder where the National Rifle Association comes into the discussion. First, I strongly believe that without the NRA and the influence it wields on votes cast by elected officials, we would not enjoy the freedoms we enjoy today. The stronger the NRA is, the more they influence politics. That is the bottom line.

How does this relate to the Network? Recently, the Network became an official NRA recruiter. Now you can either join the NRA or renew your NRA membership through the Armed Citizens' Legal Defense Network using a link on our website homepage at <http://www.armedcitizensnetwork.org/home>. And here is the kicker: Renewing your membership or joining the

NRA through the Network website puts more money in the Network's Legal Defense Fund.

The NRA gives recruiters, including the Network, a financial reward for helping them grow. That commission on membership sales varies depending on the term of membership purchased, and whether it is a new or renewing membership, but every NRA membership or renewal sold through the Network website earns a commission which we deposit directly to the Legal Defense Fund. If all of our Network members either join the NRA or renew their NRA membership through the Network website link, then our Legal Defense Fund grows by tens of thousands of dollars per year. That is an impressive resource for the Legal Defense Fund.

If you are not a member of the NRA, please join by clicking on the NRA eagle logo displayed at

<http://www.armedcitizensnetwork.org/home>, or if you are reading the web-version of this journal, just click the illustration to the left. If you are currently an NRA member, please renew and please do so through the Network, too. The Network's Legal Defense Fund will be stronger if you do.



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Please enjoy the next article.]*



President's Message

by Marty Hayes, J.D.

I received a text message the other day that read: "Just finished loading 4,000 rounds of 9mm FMJ last night. Only 6,000 rounds to go before I use up all the bullets on hand." This message was from a well-known

firearms trainer who is concerned about having enough ammunition on hand if the Presidential election goes badly for gun owners. At the risk of sounding paranoid, I agree with him.

I am not worried about societal breakdown and fighting the next American Revolution, although at times it seems that our Federal government is acting like King George. But I am concerned about the supply chain for ammunition for us lowly armed citizens if a panic-buying spree occurs after November, 2012. You heard it here first: I predict this will occur if Obama is re-elected, and especially if the Senate and the House are both led by the "progressive" party.

If that happens, life as we know it as avid shooters, will change. Now, I don't believe a ban on guns or bullets will take place, although the assault weapons ban and restrictions on large capacity magazines will likely come back. Not that it did any good between 1994 and 2004 when it was law, but it is a feel-good piece of legislation that anti-gun politicians and their supporters can get passed which will make them feel like they accomplished something.

No, I am expecting a tax on ammunition and components that will double or triple the cost of ammunition. That will change shooters' lives. No longer will most of us be able to afford the luxury of shooting up a few hundred rounds in a Sunday afternoon of shooting.

We won't be able to afford to take a two-day, 500 round defensive handgunning class when our skills start getting a little rusty. I am frankly more than a little concerned about the viability of the firearms training industry, which I have watched grow from the 1980s when a handful of people taught firearms on a full-time basis, until now when several hundred full-time

instructors are prominent and many more teach part-time. I also run a firearms training business, and as I see it, our challenge will be to offer viable training without the need to fire hundreds of rounds of ammunition in a day. It can be done, but it certainly won't be as much fun.

If the election goes against us, I also predict a run on ammunition that will eclipse the 2008 shortages. Ammo supplies will dry up overnight and suppliers who have ammo will parcel it out at inflated prices. If you're reading this column in the first part of October, if Obama is re-elected, you have only a few short weeks to buy ammunition before the price skyrockets. Of course, we don't know yet if Obama will be re-elected, but at this writing it looks like the odds are about 50-50. We have yet to see what surprises are in store for America in the weeks running up to the election.

So, what is a person to do? First, make an assessment of your future ammunition needs. How long are you expecting to live and shoot? Multiple the number of years you have left by 1,000 and figure that number is how much ammunition you should have on hand for the rest of your life. That may sound like a lot of ammo, in my case it comes up to perhaps 30,000 rounds. But here is the deal: Ammunition stores easily (although if you move a lot, it can get pretty heavy) and ammunition will never go down in value. It's like having a savings account that you can shoot if you want.

[Continued Next Page...]



Above: These full ammo shelves were bare in January 2008. There is lots of ammo now, although I found no bulk .22.

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Now, what will 30,000 rounds cost in today's money? Oh, how about in the neighborhood of \$7,200? 30,000 rounds breaks down into 600 boxes, I've calculated a cost of \$12 per box (Internet price).



Above: I had to go to a big box store, anyway, and wanted to fill in some gaps in my ammo supply. My haul for the day was 1000 rounds of shotgun ammo, and 2000 rounds of .22. I could only buy 2000 rounds of .22, so perhaps the supply is already starting to get short. It looks like I need to do some Internet shopping.

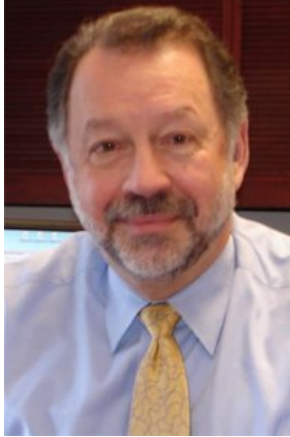
And that is for 9mm, not the more expensive .40, .38/.357 or .45 calibers. Prices rise considerably when you go up in caliber. Depressing, I know, but what can a person do? Wait and pay double or triple?

Of course, if you have some expendable cash (perhaps money in a savings account drawing 0% interest) you could buy ammo and sock it away. It should gain in value much more rapidly that way than in your savings account. For example, at this time four years ago, the same 9mm ammo would have cost you \$10 per box (pre-2008 election price). So, ammunition has appreciated 20% in four years, for an average of 5% per year and that is better than any savings account of which I know. Of course, if one had wanted to do a little speculation, they could have bought in October of 2008 for \$10 per box and sold it in January of 2009 for \$15 per box, which many people did.

Here's the bottom line: Folks, if you can afford it, go out today and buy some ammo, lots of it. In my opinion, you will not lose money, and while that is based on just my opinion, I think the advice is sound. I do believe I have talked myself into making a run to the nearest big box store and making a pre-election purchase. There are a few items in my supply stock I would like to augment.

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

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Vice President's Message

Time to Vote

by Vincent Shuck

There's just a month to go until Election Day – November 6. And while most of us on this side of the 2A debate may have already selected our

Presidential candidate, there is more left to do and more campaign activity to observe.

Polls, to the extent we pay any attention to them, are showing the election is still close. This election will decide the direction Congress takes on gun control, who gets to appoint the next Supreme Court Justice, how the economy will be managed, whose wealth will be redistributed and whether there will be more or less government in our lives. We need to be involved in the decision.

Of course, both parties have their pet talking points, but some hints are available about the party's direction in the Republican and Democratic platforms. They are available for complete review if you want to wade through the lengthy documents, but the portions on the Second Amendment are telling. The Republican platform supports the Second Amendment and argues against further gun control. The Democratic platform feigns Second Amendment support but calls for more legislation and regulation. One YouTube video sponsored by the National Shooting Sports Foundation explains this organization's position on knowing where a candidate stands on gun control before you vote and can be viewed at

<http://www.youtube.com/watch?v=gO4pQZJzTHo&feature=youtu>

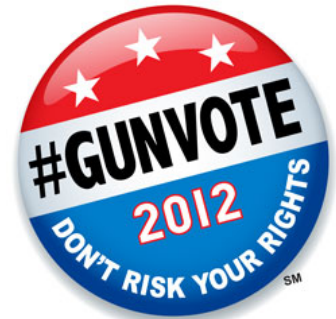
Aside from all the TV ads and the many campaign speeches, the major pending campaign activity is the debate schedule. The Presidential debates will be held on October 3, 16 and 22.

The Vice Presidential debate will be held on October 11. All of the debates will begin at 9:00 p.m., Eastern, and will be broadcast on the major TV networks and the cable news channels.

The Presidential election certainly attracts the most attention, but we have equally important local, state and Congressional elections to think about. Our votes will decide if state governments control their spending and what happens to the majorities in the U.S. House and Senate.



If you want to assist in some way with getting out the vote or assisting a local candidate, I encourage you to contact your local NRA-ILA Election Volunteer Coordinator. Call the NRA-ILA Grassroots Program at (800) 392-VOTE or go to the website <http://www.nraila.org> to find out how you can help local pro-gun candidates.



Finally, I hope you don't sit home on Election Day and when you do vote, please avoid the temptation to "make a statement" by giving your vote to a third party candidate or to a write-in. Doing so will only help President Obama get re-elected. This is not the year to express your self this way. Join me in voting next month; let's make a change.

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

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Attorney Question Of The Month

With the generous help of our Network Affiliated Attorneys, this column helps our members understand the world our affiliated attorneys work in, and demystifies various aspects of the legal system for our readers. For the past several months, we've been discussing the below question with our affiliated attorneys, and it concludes with this edition of the *eJournal*:

If a Network member is involved in a self-defense incident, is charged with a crime and goes to trial, how likely is it that the prosecution will try to spin belonging to the Network as planning to shoot someone? What response would you make if you were defending a Network member and opposing counsel tried to discredit your client that way?

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What organizations you belong to—other than those with a dedicated violent agenda—are generally not permitted in a trial as the information is irrelevant, immaterial, and usually has only an undue prejudicial effect on those jurors with disagreeing views. However, if you inject your membership into the trial, then it is normally fair game as the courts say you have “opened the door” to the issue. Therefore, most attorneys will not bring in the fact that their client is a member of the NRA, or whatever, because it usually hurts more than helps.

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While the prosecution might TRY to use membership in this or some other organization against a defendant in a criminal case, that effort is unlikely to succeed. Any competent defense attorney would oppose this. The argument is essentially that such evidence should not be admitted because the risk of unfair prejudice far outweighs any probative value.

That is, such evidence invites an unfair conclusion (that the defendant was looking for a chance to shoot someone) based on evidence that does not rationally support the conclusion (membership in an organization).

This kind of challenge is governed by Rule 403 of the Rules of Evidence, which requires the court to undertake a balancing of “probative” vs. “unfairly prejudicial” effects of evidence before allowing a jury to hear the evidence. This can sometimes be a close call (membership in a street gang, for example, where the alleged motive is gang-related), but generally our society places a high value on freedom of association. Thus courts are (and should be) generally reluctant to allow membership in an organization to be used as proof of some sort of motive for a crime.

Doug McMillan

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After watching the video of the Texas case discussed in the July journal (see <http://armedcitizensnetwork.org/our-journal/271-july-2012?start=8>) and then hearing the court handed down a 40 year sentence, it is a tragedy all the way around, for Raul Rodriguez and certainly for his victim.

Basically, I see the issue as one of the standards of AOJ, having the ability, the opportunity, and the immediate jeopardy of serious bodily harm or death. The neighbors posed NONE of these threats up to the time that he left his doorstep. The carrying of a hand held video recorder (and “playing” his comments to the camera as well) only served to show a planned, if not premeditated effort to cause an escalation. In this case, it was Mr. Rodriguez who escalated the confrontation by his mere presence, not the supposed threats.

Considering that he had already contacted police, there was ample opportunity for him to retreat (the reasonable man standard) and let law enforcement deal with the situation.

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A common misunderstanding of the Stand Your Ground law is the ability to defend yourself in a place you have a legal right to be, if you have no other alternatives, in the face of immediate and imminent danger. For example, it would have been a different story, if after the police had arrived and left, the group of neighbors knowing that he had made the call came armed (or en masse with threats) to HIS doorstep. I watched the video and could only say, WHY was this guy going looking for trouble? The Stand Your Ground law does NOT mean you can go looking for a fight, and having the video camera as well as a firearm to actively seek out a confrontation with drunk neighbors is not only excluded of any self defense law, but is just plain STUPID!

Specifically, as to the Attorney Question of the Month: Does membership in ACLDN impute an intent to "go out and shoot someone?"

In regard to the case above? Well, perhaps YES. If it could be shown Mr. Rodriguez had been on his computer earlier in the afternoon and just prior to going over to the neighbors, signed up as a member, I could see this as clear intent on his part of anticipation or expectation of a possible deadly confrontation. As to the rest of our members or separate of the evidence presented above NO.

While most likely the prosecutor's first step in a self defense case is to say having the gun in the first place would imply this same intent, membership in ACLDN is not an expectation of violence, it is an acceptance of reality! Should a self-defense situation occur (and if you survive) there is a high potential for not only astronomical legal costs, but also a difficulty in having the resources available to come to your aid in a true self-defense situation. (NOT like the Rodriguez case discussed above.) This understanding and careful consideration of the reality of the potential for these legal consequences is not one to be taken lightly.

Much like the common reasons/analogies for carrying a firearm in the first place, having the resources available if unfortunately this situation arises would apply. If it was found that you carried Attorney Jones' business card in your wallet behind your permit/license, was that merely good preparation or did you plan you would have to call Attorney Jones?

The argument might go, "Mr. Smith, do you own a fire extinguisher? Did you have homeowners insurance that covered you in the event of a fire loss? Did you intentionally light the fire in your fireplace KNOWING of

the remote potential that soot had built up in your chimney?" Or perhaps, "You DO drive a car don't you, and you have car insurance... So, you EXPECT to have, or were you planning on having an accident on that day? You have health insurance and now you have cancer. Did you obtain this health insurance with the expectation that you were going to be gravely ill today? Ms. Johnson, you put your child in a car seat when you left for the store? Were you expecting to have an accident injuring this other person, and therefore were intending to protect your own child?" They can go on and on.

There is a great plethora of similar analogies of actions those in the non-carrying community do every day, without the expectation of it to be used, yet they have it or do it, simply because there is a potential and possibility (however remote) that something COULD happen. Law abiding gun owners (for the most part) are acutely aware of the potential of injury and/or death as a result of them exercising their right to carry a firearm and it is a personal and individual responsibility which MUST be fully considered before carrying a weapon. Unlike a police officer protecting himself, the citizen does not have paid city attorneys, unions, and laws protecting officers in the act carrying out their law enforcement duties.

A prudent citizen, once committed to not being a victim and exercising the right of self protection, must ALSO assume the requisite responsibility to protect his family from financial ruin by assuming that duty, and to hopefully be able to articulate with specifics, why he was in fear of his life and why it was unavoidable.

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While I believe a prosecutor may try to introduce evidence of a defendant's membership in the ACLDN against the defendant at trial, a good defense attorney may succeed in having this line of questioning ruled inadmissible and excluded from trial by the judge. In any event, I believe the benefits of ACLDN membership outweigh the risk that the jury might be informed of that membership.

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I have seen prosecutors use evidence of gun club membership, custom alterations to firearms, etc. as evidence of a defendant's "desire" to shoot someone. I have even had an Assistant Attorney General (prosecutor) ask me if the defendant hadn't used "hollow point bullets of the type banned by the Geneva Convention." And that was in the trial of a police officer, no less! My response was that he was referring to the Hague Convention, not the Geneva Convention, and that the officer had used the controlled expansion ammunition issued to him by his department, of the same type issued by virtually all law enforcement agencies throughout the United States, including the investigators of the Attorney General's Office for which the prosecutor worked. This basically negated the prosecutor's attempt to prejudice the jury against the defendant police officer.

In the same manner, an ACLDN member, in the event the court permits his membership to become a subject of courtroom testimony, should explain that he became a member to better prepare himself to be a responsible gun owner, by reading all of the literature the ACLDN researches, prepares and distributes to its members.

You should also explain that, by virtue of ACLDN membership, you became aware that even in a case of justified self defense, a citizen who has defended himself or his loved ones might be prosecuted, might be disparaged in the newspapers and on TV news channels, would likely suffer emotional trauma that might stay with him and his loved ones for the rest of their lives, might suffer disastrous financial harm and negative employment and social consequences, might

spend years of his life in trials and appeals, and might even be falsely imprisoned – so knowing of the possibility of all these extremely damaging consequences of defending oneself, why would he possibly do so unless he truly felt he was in imminent danger of suffering death or crippling injury?

This kind of response, discussed in advance with one's defense attorney for use in the event ACLDN membership were to become an issue at trial, could actually turn that inquiry into an opportunity to make a positive and telling point to the jury.

The Network deeply appreciates the assistance our Affiliated Attorneys give with their contributions to this informative column. Members can view the listing of Network Affiliated Attorneys in their state by clicking <http://www.armedcitizensnetwork.org/affiliates/attorneys> and logging in to access this member-only element of the Network website.

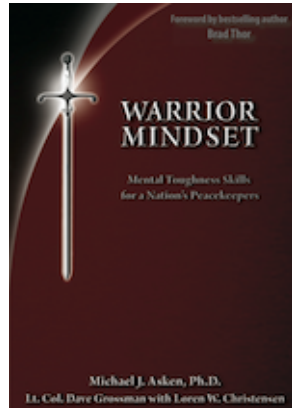
A new question of the month discussion will start in November. We hope you'll return for more interesting opinions from our Affiliated Attorneys.

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

Book Review

Warrior Mindset: Mental Toughness Skills for a Nation's Peacekeepers

By Michael J. Asken, Ph.D., Lt. Col. Dave Grossman with Loren W. Christensen
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609 S. Breese, Millstadt, IL 62260
618-476-3200
<http://www.warriorsciencegroup.com>
ISBN 978-0-9649205-5-2
254 pages, softbound, list price \$22.95



Reviewed by Gila Hayes

The book we review this month is aimed at preventing people who are well trained in fighting techniques from becoming ineffectual when life is on the line. As the book's subtitle indicates, *Warrior Mindset* is about mental preparation for military and law enforcement, however most of the information is applicable whether you're an accountant, a deployed soldier, a police officer or a janitor. Actions start in the mind, and how we control our mental resources is critical during self defense. *Warrior Mindset* teaches how to develop mental toughness.

This book's 250-plus pages aren't particularly easy reading, though the subject is fascinating and the author's coverage of it is very well done. It includes hundreds of quotes and citations of supporting books and research, and is so full of important information that this review will be a little longer than usual.

Warrior Mindset begins by acknowledging that training manuals and instructors have long called for mental toughness but do not teach HOW it is developed. What is mental toughness? It's more than aggressiveness and determination to win. "Mental toughness is possessing, understanding, and being able to utilize a set of psychological skills that allow the effective, even maximal execution of adaptation, and persistence of

decision-making and physical and tactical skills learned in training and by experience," Asken, Grossman and Christensen write.

The authors outline how the stress of a deadly force incident influences situational awareness as well as ability to draw conclusions and implement responses based on the situation at hand. This manifests in a variety of physiological and psychological effects, including high heart rate, tunnel vision, auditory exclusion, clouded thinking and more (if unfamiliar with this topic, see also [Physio-Psychological Aspects of Violent Encounters](#), a DVD lecture by Massad Ayoob). The degree of debilitation these cause can be mitigated and *Warrior Mindset* is all about how to do just that.

Psychological techniques to manage these symptoms have been studied for decades. It is known, for example, that part of the solution is a high level of technical skill, coupled with stress-inoculation training to alleviate the surprised deer-in-the-headlights effect. In addition, stress management methods like combat breathing, sometimes called square breathing, have made it into tactical training for private citizens.

Physical fitness has much to contribute to mental readiness, too, the authors write. "Individuals who are not fit have greater sympathetic arousal (stress response), while well-conditioned individuals have shown decreased responses to stressors," they report. "Overall stress tolerance is greater in well-conditioned individuals; they demonstrate a more stable mood and they show clearer mental functioning under stress."

The authors define two types of stress. The first is a positive state of increased alertness as one readies oneself to perform (sometimes called being in the zone) and the second, one compromised by fear and anxiety. "The adrenaline dump under stress can have life-saving and performance-enhancing effects, it can also degrade performance to dangerous levels," they explain. The degree to which stress diminishes performance is dependent on the task at hand. For example, sighting a rifle or escaping from a clinch hold requires very different degrees of control. The authors describe ways in which people control their levels of arousal. That's useful, of course, for predictable dangers, while not so applicable for the unanticipated ambush-type scenario for which the private citizen trains.

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Still, the discussion is educational and expands into fast-response techniques like combat breathing, which once mastered can be implemented quickly and on the fly to calm anxiety and improve skill execution.

Next the authors define circumstances that interfere with being in the zone or reaching your optimal performance state. Being awakened from deep sleep can require anywhere from 10 to 30 minutes to become fully awake, for example, and fatigue or extreme surprise or terror are also difficult to overcome. Peak performers use a variety of psychological techniques to reach and maintain their optimal state, including verbal cues and other methods the authors detail. One quick start for getting into the zone comes from Bill Kipp who recommends word association to power up rapidly from zero to a high-intensity response, using a verbal cue to which he has formed an association during training. This is also a fear-control technique, he notes. Related techniques use mental imagery, positive self-talk, and channeling anger, all topics about which the authors write at length.

The book's authors use numerous quotations and anecdotal reports about the effects of fear and stress. These help readers from the private sector recognize the effects of stress, since for many, being in deadly danger is not an experience they've faced. Understanding the symptoms help avoid becoming "perplexed and distracted, and misinterpret what is happening...under stress, allowing greater flexibility in dealing with intense situations," the authors write.

Fear control methods are outlined, and the authors acknowledge simulation training as part of the solution. In addition, they recommend techniques similar to biofeedback and meditation to master one's mind. These and additional self-management tools the authors describe need to be learned and practiced before an emergency, but once they are part of your tool set, prove useful if you sustain injury, have post-emergency sleep disturbance, or need to get through or guide others through a dangerous situation while remaining focused on problem-solving and executing solutions.

Remember the Kipling poem, "If you can keep your head..."? It is quoted in *Warrior Mindset's* introduction, but the "how to" instruction in concentration and mental toughness really comes in Chapter 6. The challenge is to select and focus on critical information when millions of details are coming at you. You can pay attention to everything around you, or you can focus tightly on one small detail, or you can practice an alternating focus.

Concentration is multi-dimensional, the authors advise, noting that the warrior must concentrate with sufficient intensity, for long enough (duration), and with enough flexibility, being able to shift concentration from pinpoint to broad view as needed.

The next tool the authors discuss is mental imagery to improve skill execution in situations for which daily life provides no regular practice. Visualization works, they explain because, "Like physical practice, imagery seems to 'grease' the neural tracts from the brain to the body. The more greased these tracts become through repetition, the more quickly and accurately you respond." Studies using brain scans indicate that visualization/imagery "shares some of the same brain processes and pathways as visual perception." Other researchers suggest that the same may be true for mental rehearsal of motor skills.

Effective mental rehearsal includes imagining problems and correct responses using vivid images. Engage all your senses, the authors teach, advising the reader to see, hear, feel, smell and taste the visualized scenario. They believe that feeling the imagined scenario is much more effective than merely visualizing it and they write out several visualizations for law enforcement that gives the reader ideas on how to devise their own graphic mental rehearsal. Precise and correct responses to the scenario are critical, the authors add, so avoid incomplete or sloppy visualizations. The mental aspect of learning cannot replace physical training and practice; it is only a powerful adjunct to enhance skill development, they warn repeatedly, citing a study warning against "imagination inflation" in which confidence exceeded actual skill.

The natural offspring of mental imagery is role-play or simulated combat. "Simulation can reduce the surprise factor in an actual situation, thus resulting in a quicker response, a more sustained response, and a more effective response," the authors write. Humans rely on pattern recognition to make sense of tremendous amounts of sensory input, so visualization and simulation training provides data upon which to draw the correct conclusion when a few pieces of the pattern of an attack start to fall into place before the whole picture is visible.

Like the physical fitness the authors recommended earlier in the book, mental fitness also plays a leading role in prevailing, so the final chapters of the book define

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why mental attitude is so critical, and how to weed out self-defeating thoughts.

Most people experience their thoughts as an internal conversation, or self-talk, *Warrior Mindset* defines. This lightening-fast internal dialogue is the precursor to emotions and actions. When going into a situation, focus on "task relevant instructional self-talk," the authors recommend, instead of indulging in alternatives including worry about screwing up, distractions like thinking about places you'd rather be, or unrelated chatter with others. Keep self-talk brief, relevant and accurate. Tell yourself what to do, not what to avoid. Positive self-talk combats negativity, and should avoid deprecating terms like "idiot," or expressing frustration or helplessness.

The authors advise, "Critical situations may not seem to allow time to 'think' or construct self-talk, especially since too much lengthy or complicated thinking can get in the way of executing skills effectively. While this is true, it does not negate the impact of self-talk on performance. It really argues for the importance of training and practice prior to critical situations, so that your self-talk is focused, direct and to the point and so powerful that it promotes excellence and appropriate action. It should be response-oriented. Self-talk is both the trigger and the trajectory for the 'automatic' actions and responses you train," they explain.

Just as positive self-talk enhances performance, negative thoughts bring failure. Negativity has more power than positive thoughts, so must be eliminated before it can do its harm.

It is not enough to just decide not to think about something negative. Author Michael Asken details an exercise he does with audiences where he has participants indulge in a negative self-judgment. When the participants are fully involved, he bangs his fist onto the desk and yells "Stop it!" at the top of his voice,

shocking them out of their ruminations. Do the same with self-talk, he advises, then immediately follow that interruption with positive self-direction like, "focus," or "follow up" or another constructive trigger word, followed by immediate execution of the required skill. It is simple, but effective!

Much has been written about positive mental attitude, and *Warrior Mindset* also acknowledges how attitude affects performance, but the authors warn that pursuit of something so amorphous as a positive mental attitude is insufficient to produce elite levels of performance. Encouragement and affirmations need to provide direction and focus on how to improve performance, they assert. Affirmations work best as "I" statements. The affirmation must be true. Thus an affirmation made in pursuit of a desired skill you do not as yet possess should be parsed, "I can learn to..." or "I will develop..." Affirmations need to be positive statements, and avoid weak words like "try."

Closing the book with solid techniques for combating negativity leaves the reader motivated and ready to get to work improving their own mental toughness. The book's lessons are made memorable by the inclusion of stories like the death by friendly fire of Army Ranger Pat Tillman, retold in *Warrior Mindset* to underscore the need to manage individual response to stress. "You don't rise to the occasion, you sink to your level of training," the authors emphasize. Or as Grossman wrote in his earlier book, *On Combat*, "Do not expect the combat fairy to come bonk you with the combat wand and suddenly make you capable of doing things that you never rehearsed before. It will not happen."

Warrior Mindset is vital reading for self-defense gun owners for both its instructional material and its motivational value.

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



Networking

by Brady Wright

Now that fall is officially upon us, I find that it is much more fun to go to the range, now that it's not so hot. The new Ruger 10/22 Take Down I snagged has been fun to wring out and, in the meantime, I hear from

lots of folks in the Network about their own new toys. It's also real positive to see that we are getting quite a few new dealers and ranges interested in membership. Maybe it's the political climate or maybe it's just that the word is getting to more and more of our friends. Either way, there is a lot to talk about this month, so let's get started!

I always like to hear about women who are getting involved in shooting and especially in training. That's why the email from Gary Newton in New Mexico was so cool. He found himself running short on brochures and booklets because his wife is working to become a women's firearms instructor and they work with new shooters who are interested in self defense. That's great news and congratulations go out on their new business venture. Gary's new supply is on the way and you can learn more about the training they offer by giving them a call at 505-281-2426 in Sandia Park, NM.

Robert Chall is a managing member at New Mexico Guns, LLC. They give away a booklet with every firearm purchase and now to all of their CHL/CCW students, as well. They just started firearms instruction in July and things are really heating up there. They have two classes scheduled now, with a total of 16, and more are being scheduled every day. The website has a full listing at <http://www.newmexicoguns.com> or you can call Robert at 505-363-9419. His direct email is rob@nmguns.com

Tim McDermott is the owner of McDermott Gun Repair. He tells us that he has been handing out our booklets to his customers and they love them! He recently moved his business from Washington State to Arizona and

contacted me to get more booklets to hand out there. In case you are in his neck of the woods, or plan a trip to Arizona, his new address is 1630 Trane Road, Bullhead City, AZ 86442. You can call him and he'll tell you all about his work and specialties at 360-772-9884

It's no secret that Massad Ayoob and Gail Pepin (pictured below) are doing a superb job telling others about the Network. You may know that Mas is on the Network Advisory Board and he and Gail bring many of their students into the Network through their classes, seminars and the ProArms podcast at <http://proarmspodcast.com/>.



I've noticed an interesting use of net technology by a shooting school in my area. Several of their concealed carry and pistol safety classes are discounted on the web coupon site Groupon. If you aren't aware of this company, just Google them or go to <http://www.groupon.com>.

Groupon puts "Daily Deal" web coupons on the Internet in dozens of cities across the country and it's an exciting new way to reach a client base that is hard to find by any other means. If you are looking for a great new way to make money and get the word out to prospective new clients, check them out. Thanks to the folks at Insights in Bellevue, WA for the idea!

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Many folks look at the idea of getting more than one license to carry a concealed weapon. They have their home state permit and then want a non-resident permit from another state. Which state you choose to get depends on the reciprocity arrangements that apply, though I won't get into that labyrinth here. As a result of a conversation with several like-minded folks, I just completed the application for the Arizona Non-Resident CCW permit, which you can do on line and simply send in to their department of Public Safety, along with the fee of \$60. In my case, as a Washington resident, I now have coverage to carry in 40 states. Your mileage may vary, of course, but the process, for me and the wife, was very smooth, thanks to the folks at Arizona Defensive Firearms Training (ADFT). They are at <http://www.azccw.com/>.

Last month I mentioned the reissue of our tri-fold brochure. That project continues and, in the meantime, we are shipping a small supply of our existing brochures in the box with the full size booklets to all Affiliates. Many of our gun shop and product vendor affiliates like the more streamlined brochure, especially if they ship one with every product order. The word about the Network still gets to their customers and the postage costs are much more manageable. Our ultimate goal is to re-format the tri-fold brochure so that it can become the introductory piece of the Network for all of our members and affiliates. The full size booklet will still be available on demand for the foreseeable future.

Finally, this is not the place for political campaigning, but I simply and strongly encourage everyone to talk to all of their friends and colleagues about voting in November. It is absolutely critical that the rights that we enjoy are preserved and the best way to do that is to vote. Make a carpool of it!

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





Editor's Notebook

Learning from Others

by Gila Hayes

A while ago, our Network Advisory Board member James Fleming commented, "People by and large have no idea

how common it is for someone to be involved in a self-defense situation and later face charges for their actions. And a lot of these incidents don't make national headlines, only local headlines." He went on to express interest in state-by-state statistics showing cases charged after self defense. While I don't know how I would manage the statistical analysis, Fleming has a great idea when he suggests that members should send us Internet links to stories from their home areas about legal action taken against armed citizens who have acted in self defense.

In August, I heard from two Network members who were concerned about self-defense cases that were going through the courts in Indiana and Georgia. Both have resulted in tremendous grief and loss of freedom for the intended victims. Both carry a variety of lessons, so with a tip o' the hat to Jim Trockman and Phil Smith for providing Internet links to these stories, let's see what we can learn from the news.

The first story involves an Indiana man assaulted and forced into his home where he was robbed by four young men. One of the earlier reports is the most complete, and you can read it at http://www.courierpress.com/news/2012/feb/22/no-headline---ev_castledoctrine/?print=1. The victim was Ira Beumer, who after the assailants restrained him, stole his money and guns and bailed into their Grand Am for a quick get away, directed his wife who had arrived during the attack to call law enforcement, then sped off after the car in his Dodge Ram truck. The attackers' Grand Am went out of control, spun around in a yard adjacent to the roadway, and then sped back up the road toward Beumer. They collided and one of the robbers was killed.

Reports assert that when sheriff's deputies arrived, Beumer said that he chased and collided with the Grand

Am to stop their escape because they might have grabbed his daughter, whom he could not locate after the robbers left his home. Another report has him telling a deputy that he wanted to kill the car's occupants. In a later news interview, Beumer told a reporter, "I started to follow them and they hit this sweeping curb, lost control of their vehicle, went into a yard. Created a huge dust cloud and they had come back onto the road, and that's when we collided."

<http://www.courierpress.com/news/2012/aug/29/nov-12-trial-date-set-fatal-vehicle-pursuit-case/> In a later court hearing, he blamed the crash on poor visibility. Beumer's various statements will have to be sorted out and I'm afraid the prosecutor will make much of them.

Though early after the incident pundits tried to frame Beumer's pursuit of the robbers as justified by the "Castle Doctrine," that argument failed because he left his home and pursued his attackers. Why did Beumer follow the four men who assaulted and robbed him? He thought they had taken his daughter, whom, unknown to him, was not at home during the robbery. How else can Beumer justify chasing after four men so dangerous that he believed they would kill him and his family when they were inside his house. Telling the sheriff's deputy that he "intentionally rammed the car trying to kill the men" (<http://www.courierpress.com/news/2012/aug/29/nov-12-trial-date-set-fatal-vehicle-pursuit-case/>) is going to complicate convincing a judge or jury that he thought his daughter was in the car, though.

His on-scene statement is an example of saying too much to law enforcement after surviving an attack. Keep it simple: who was the attacker, briefly outline their actions, then decline to say more until an attorney is present.

"These men came into my home, attacked me, robbed me and threatened my wife and family. I couldn't find my daughter after they left, so I thought they had taken her. I followed their car and after they turned around, we collided. This is horrible. Please get me medical care," might have been effective.

I am sorry that Ira Beumer was a victim of a violent crime and I hope that the multiple criminal charges against his surviving assailants, Hogan, Bennett and Hall, send them away for a long time for armed robbery

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with a firearm, aggravated battery with a firearm, burglary with injury, intimidation with a weapon, criminal confinement and reckless homicide. The success of those prosecutions will do justice for their violence against Mr. Beumer, in the courts, where our criminal justice system intends.

Next Case, Please

Sorting people by ethnicity is unforgivable, and yet you can't read about the George Zimmerman case without finding accusations that he shot Trayvon Martin because he was a young black man. The Zimmerman case has reignited interest in a 2006 conviction of a black Kennesaw, GA homeowner who shot and killed a white building contractor of whom his family and neighbors were frightened.

On Dec. 6, 2005, builder Brian Epp charged toward John McNeil, who was in the McNeil driveway. McNeil's son had called for help during a threatening confrontation with Epp, who was pointing a knife at him. Rushing home, McNeil called 9-1-1, urging the dispatcher to send an officer because "I may whip his ass right now. So get the cops here now." A month earlier the McNeils and Epp had come to an agreement stipulating that Epp not return to the home after Nov. 18, 2005, it has been reported.

Parking in his driveway, McNeil loaded his handgun before getting out of his car to meet the builder, who hurried over from a neighboring property. A witness reported a loud argument, said he saw McNeil backing up and heard him ordering Epp to back up.

McNeil testified that he fired a warning shot first. The witness reported that Epp rushed forward and McNeil shot him at what the medical examiner later determined to be a distance of about three feet.

A folding knife was found clipped to Epp's right front pocket, and the witness said Epp's hands remained down at his sides during the confrontation. A brief recitation of the facts is found in the Supreme Court of Georgia's affirmation of McNeil's conviction (<http://caselaw.findlaw.com/ga-supreme-court/1418360.html>).

McNeil was indicted September 28, 2006 on charges of murder, voluntary manslaughter and aggravated assault. A jury trial Oct. 30-Nov. 6, 2006 found him guilty of

felony murder and aggravated assault, and on Nov. 8, 2006, McNeil was sentenced to life imprisonment. McNeil petitioned for a new trial, but the motion was denied. He appealed to the Georgia Supreme Court, but they affirmed the original decision, with one Justice dissenting.

The normally anti-gun NAACP has rallied behind McNeil, calling for his pardon (http://mdjonline.com/view/full_story/15208619/article-NAACP-president-joins-local-protest-of-imprisoned-man?instance=lead_story_left_column) and his story has been making the rounds of Internet gun forums. The mainstream Internet commentary paints the conviction as racial injustice and while inevitable, I think that is also lamentable because it eclipses the question of whether a man standing in his driveway can use deadly force to stop someone who is advancing aggressively upon him, when he believes the man has a knife based on the call from his son which brought him home in the first place.

In the wake of the Zimmerman-Martin shooting, the *Augusta Chronicle* published an online article about increasing instances of justifiable homicide in Georgia. The article quoted Cobb County, GA District Attorney, Patrick Head, the DA who eventually brought charges against McNeil, as commenting, "Just because someone hits you in the face doesn't mean you pull a .45 and shoot him in the head. It can be hard to prove it's self-defense because the jury puts themselves in the same footing as anybody else." See <http://m.chronicle.augusta.com/news/crime-courts/2012-05-05/justifiable-homicides-rise-georgia> for the article containing that comment.

Some have questioned why, when McNeil was not arrested by investigating officers, Head brought criminal charges against McNeil many months after the shooting. One reporter suggested that the DA came under pressure from Epp's widow and others. (http://www.salon.com/2012/04/11/when_stand_your_ground_fails/)

A civil lawsuit filed against McNeil by Epp's family in June 2009 was dismissed when a jury decided John McNeil was not liable for Brian Epp's death. The State Supreme Court, however, has declined to set aside the original trial verdict, saying that McNeil's attorney agreed

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to the jury instructions used at the conclusion of the trial and so they found no reason the case should be tried again.

So John McNeil sits in prison, and Ira Beumer is fighting for his freedom. What can we learn?

- Self defense is seldom a simple, cut and dried incident.
- District Attorneys do decide to turn to judges and juries to decide the culpability of the intended victim in the death or injury of their assailants.
- Be very careful what you say to 9-1-1 dispatchers and to responding officers. If you have killed or injured someone, your statements are sure to be analyzed and interpreted, very possibly unfavorably.
- Don't rely solely on your interpretation of the Castle Doctrine or Stand Your Ground law to justify your actions.

- Getting a judge to buy off on your claim of self defense is not guaranteed. Without a self-defense instruction, the jury's options are limited.

The much paraphrased axiom, "Those who fail to learn from the mistakes of their predecessors are destined to repeat them" applies. Put yourself in McNeil's and Beumer's shoes, and ask what you would have done. Neither deserves a slam-dunk answer that they shouldn't have been where they were, or even should not have done as they did. How can you protect yourself from a similar tragedy?

Has the news in your area reported a self-defense case that is going through the courts? If so, send me links to the reports at <mailto:ghayes@armedcitizensnetwork.org>.

*[End of the October 2012 eJournal.
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