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ABOUT US

Formed as a legal interest's group in 1984 to address the postcode lottery of police maladministering the Firearms Act that came into Handgunner Magazine's office via the postbag and telephone, the association became a gun lobby after the Hungerford murders in 1987. That was the only multiple death disaster not to be reviewed by a public enquiry in that decade.

The government didn't dare risk an enquiry exposing the flaws in Home Office policy. They scapegoated the law-abiding shooting subculture instead. That has happened many times since and is happening again now with a new statutory instrument of guidance to the police to sail against the wind.

COVER PICTURE
Issue 72 February 2022

SRA PHOTO

Sitting quietly in the woods behind the eastern European re-enactors at Military Odyssey last year, it reminded us of the events that Covid 19 took out of the calendar.

This year should be better, Nobody currently envisages mass cancellations from either the shooting or re-enactor calendars, as our herd immunity should be pretty much complete and it's time to try living with our new diseases.

The constitutional problem is that when the Home Office took over the management of rifle clubs and section 5 from the MoD in 1969, they flipped the bureaucratic view of the gun trade and shooting sports from being the national security asset they were to a public order risk. That means having a certificate, or applying for one, makes you a target criminal.

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EDITORIAL

The Home Office disposed of media expectations of a knee-jerk reaction to the Plymouth shootings in August 2021 by announcing compulsory medical certification for all certificate applicants. This had been waiting in the wings for some time and came out in November 2021 in statutory guidance to police.

The new 37-page document - **Statutory_Guidance_for_Firearms_Licensing_-_Final__Nov_2021_** sets out how to use medical reports to 'check' suitability, stretches to include domestic strife reports as evidence of danger to public safety or the peace (without reference to the decided case on the subject) and lobs in some guidance to qualify the unlawful seizure policy, such as on unannounced visits.

The immediate result was a knee-jerk reaction by police departments and two dozen cases for appeal landing on our desks.

The Policing and Crime Act 2017 empowered the Home Office to produce statutory guidance, within which the gloves have come off as regards implementing the policy of reducing certificate holder numbers by any means. The problem for police officers is that the statutory instrument is secondary legislation and as such can't change or over-write common or statute law. This can have the effect of 'guiding' police officers into legal error or worse.

The problem for the public is that the police have been overstepping the mark routinely for some years now and the courts seem content to rub along with the policies instead of recognising an appellant's statutory, legal and human rights. Judges from Lord Ewart in 1930 to Lord Bingham in 2010 only wax lyrical about the rule of law and cast aspersions at statutory instruments and the civil servants who compile them in their books *after* they've stepped down from the bench.

This all spins around the phrase 'danger to public safety or the peace', which was introduced into primary legislation in 1920 as the sole ground for restraining a registered firearms dealer's lawful trade. A very high benchmark for police chiefs to satisfy a court of, as restraining lawful trade without weighty cause would be

'unlawful restraint of trade', which is a criminal offence at common law.

The tools of one's trade are protected from judicial sequestration in civil law – not even a county court judge can order them forfeit, such as in divorce or bankruptcy proceedings.

No case tested the meaning of the phrase until the 1970s. No dealer was shut down by the police, or if they were, none appealed as far as a court of record. Of the three 'dealer' cases (Bryson v Gamage, 1907) (Cafferata v Wilson, 1936) (Gouderham v Moore 1960), the first and last mentioned related to air weapon sales – the first being before firearms dealer registrations were introduced anyway – and the 1936 case was a scrote selling dummy guns with instructions on how to make them 'live'.

The Government introduced shot gun certificates via the 1967 Criminal Justice Act and adopted the phrase 'danger to public safety or the peace' as the ground for revoking or refusing to issue the new certificate – at that time undefined by the courts. The early 1970s saw the onset of what became a deluge of defendants and appellants trying to hang on to their certificates and livelihoods in the teeth of police forces using the unpublished 1972 McKay Report as policy.

Parliament rejected McKay in the form of a green paper in 1973, but the cases kept on coming and gradually 'danger to public safety or the peace' was fleshed out by High Court and Court of Appeal judgments - which become common law. Most cases involving registered firearms dealers don't address the point at all; concerned as they are with other red lines the dealer may have crossed, and as such are unhelpful to the point.

Prior to 1989, when the guidance was the unpublished and restricted 1969 memorandum which advised chief officer to await the outcome of a prosecution before taking any action against the dealer's livelihood. Dealerships targeted by the authorities (1973 Staravia v Gordon, R. v. Pannell 1977, R. v. Clark (Frederick) 1986, R. v. Barney Walters,) survived anyway, as no administrative firearms conviction reaches the danger to public safety or the peace threshold.

Most of these dealer cases, Clarke, Jobling, Pannell et al concerned section 5 weapons and all came about because the Home Office redefined what a prohibited weapon was *without telling anyone*; dealers in lawful possession of their stock found that an invisible red line had been drawn and that's what they fell afoul of.

So, whether those red lines separate the dealer from continued lawful trade or not has to dealt with by reference to cases that do address the subject directly, which identify non-violent crime as not; (Spencer-Stewart v Kent 1988). Domestic strife that did not involve a firearm as not; (Edwards v chief constable of Norfolk 1993). Administrative firearms convictions as not; (Shepherd v chief constable of Devon & Cornwall 2002).

The difficulties placed on the system at large by the recent statutory instrument might best be followed by reference to an example: medicals. The

Firearms Act 1920 prohibited chief constables from issuing firearm certificates to, inter alia, persons of 'unsound mind'. That phrase was drawn from contemporary mental health legislation in which it was defined as a person incapable of looking after themselves and who, therefore, could not be registered to vote. It was then carried forwards, unamended, through the 1937 Act into the 1968 Act despite it having been superseded in mental health legislation definitions.

Moving forwards to this century, no case defining 'danger to public safety or the peace' refers to anyone's mental health. There's been no need to: people whose health declines, physically, mentally, or both tend to stop going out and give up driving and shooting long before anyone in authority notices. Shooting is a social activity and driving in older age is usually family related. One's peers at a shooting club, syndicate or other casual event soon notice who isn't safe, confirming what the individual already suspects. Peer pressure disengages such people from being active shooters and increasing infirmity gradually disengages them socially. Families encourage shooters and drivers who are past it to let it go.

Most of the current crop of revocations and refusals to renew arising from the new statutory instrument and just knee-jerk reactions. Whether the courts will give full weight to the appellants' statutory, legal and human rights in preference to just rubbing along with Home Office policy remains to be seen.

FATAL SHOOTING ON MOVIE SET

On 22nd October 2021 it was announced that a fatal accident had taken place on a film set in New Mexico. Alec Baldwin reportedly shot his director of photography Halyna Hutchins dead on the set of the film 'Rust' he is producing and starring in on a ranch near San Diego. Initially it was said to be an accident involving a prop gun misfiring.

Radio 4 consulted an expert who said various projectiles can emanate from the muzzle of a blank firer, bits of metal and such; but he didn't mention the most usual projectile launched by a blank cartridge – the wadding.

Later reports suggest that the guns had been used for an informal live ammunition shoot and not properly cleaned or unloaded afterwards. Checks of the weapon on the day may have been inadequate before it was handed to Mr. Baldwin and at the time of writing another lawsuit has been filed alleging that his pointing the gun at Halyna Hutchins and firing it was not a rehearsal for the upcoming scene, in which the screenplay did not call for the gun to be fired.

At the beginning of December, Alec Baldwin appeared on a TV show with the 'it just went off' account, at which point we advised our Facebook readers to wait for the forensic report.

In his book, 'the law of self-defence', (reviewed elsewhere in this journal) author Andrew Branca says: ***"If you have a firearm and it discharges and injures someone, it is almost certain that the discharge and injury was the result of negligent handling. In the***

context of an inherently dangerous instrument, simple negligence can quickly become criminal negligence. And, as we said earlier, criminal negligence that results in death is the definition of involuntary manslaughter."

Fatal firearms incidents on film sets are rare; the media had to reach back to 1993 when Brandon Lee was shot dead on a set while making a movie released in 1994 as 'The Crow'. In that incident, bulleted fired cases had been loaded into the revolver for close-up images and when the cases were ejected one of the bullets remained stuck in the cylinder, caught on that sticky residue left in the mouth of the chamber by blanks having been fired in it.

The use of 'real' guns in theatrical productions has diminished in our lifetimes. Once upon a time all the guns were real and live ammunition was used to create impact effects. You can spot that in old movies: examples include machine gun bullets riddling an aero engine in 'Hells Angels' (1930) and a window being shot out near actor James Cagney in 'White Heat (1949).

It got harder to find vintage real guns for period drama as time went on, so the 16 Martini Henry rifles used in the movie 'Zulu' (1963) are supplemented with Lee Metfords, which sported the same bayonets. While thinking of bayonets, M1891 bolt-action Mosin Nagant rifles stood in for the flintlock muskets in long shots in 'Waterloo' (1970)

In 'The Longest Day' in 1963, real guns are being used but not necessarily contemporary with the movie's setting – Normandy in 1944. The commonest 'mistake' is American M1 carbines having a bayonet lug, which wasn't adopted until July 1945.

A decade later, American troops in 'The Eagle Has Landed' have July 1945 full-auto M2 carbines with bayonet lugs and 30-round magazines in a movie set in 1943. By 1997's 'Saving Private Ryan' the use of real guns on set had diminished to a handful, but with accuracy to the period mattering more. Director Stephen Spielberg had said, in the context of German troops having MP40 machine pistols in a movie (Raiders of the Lost Ark) set in 1936 that it didn't matter as the story was a fantasy anyway; but 'Saving Private Ryan wasn't. We don't see Tom Sizemore fire his correct-to-the-setting M1 carbine, nor do we see the BAR firing. The actor has his back to the camera concealing the weapon at that point. Most background extras have dummy props.

Revolvers pose less of a problem as Colt's single action army has enjoyed continuous production since 1873 – not necessarily always by Colt – and many earlier and contemporaneous models are available from European gunmakers, as exhibited in the TV miniseries 'Westworld'.

Westerns have their own blank cartridge – the five in one – so called because it could chamber in the five most popular guns in western movies: 38-40, 44-40 and .45 long Colt rifles and revolvers.

In ‘Dirty Harry’ (1970) Clint Eastwood used a Smith & Wesson model 29 for close ups and a model 25 to fire with the five in one blanks. That also works on the call-offs; should dummy cartridges be required in a close-up they are going in a prop which is not going to be fired on set.

As air soft guns got better looking, cinemaphotographers found that the camera loves them. TV shows Hawaii Five -O and Sherlock among others used them to save money. Having guns that don’t work on set saves getting a £1,700 section 5 authority from the Home Office for the production, the hire costs of the guns and having an armourer on the payroll to bring the relevant ones to set from the police-approved security arrangements on the right days, not to mention production delays caused by spot checks.

Production of the D Day landing sequence in ‘Saving Private Ryan’ got shifted from Wales to Ireland because of Welsh police concerns about the security of the prop guns.

The spate of Great War homages of recent years were interesting in that productions couldn’t get real rifles in quantity. The movie ‘1917’ manages with two bolt action rifles and a flare pistol: not a machine gun in sight and background extras had Spanish Denix replica Lee Enfields.

These also made an appearance in ‘Our World War’ set in 1914.

The clue is that while the Short, Magazine Lee Enfield appears ubiquitously in photographs of the period with the long bayonet fitted to the rifle, it doesn’t in the movies because the Denix is designed so that a real bayonet will not fit on the lug.

ILLEGAL IMPORTS

The BBC reported on 13 November 2021 that Ashley and Harry Wilson had been gaoled for 24 and 30 months respectively by Carlisle Crown Court for trying to buy a Glock 19 pistol and fifty rounds of ammunition from a supplier in the USA using crypto currency. American law enforcement intercepted the consignment in the United States and the UK’s National Crime Agency replaced the purchases with dummy product and a sound recording device, which they were listening to when the package arrived at the address near Kendal on 25 August.

Described by the judge as ‘excited and immature’, the defendants were said to believe that covid 19 jabs were part of a government conspiracy to turn the recipient public into ‘unthinking beings’ thus to bring about food shortages leading to civil unrest and thence to their need to have a firearm for protection – presumably

against zombies, if that is what the double jabbed are to become.

'Attempted possession' is a new one. Maybe that's the BBC simplifying the 'conspiracy to import a firearm without an import licence and authority to possess without the authority of the secretary of state' case; or is it?

We had two matters raised with us in the fortnight *before* the Wilson case broke presented as attempts to acquire guns without a certificate. The first was in Thames Valley where two gents, one an FAC holder, started attending clay shooting grounds together for lessons and to try out guns with a view to becoming certificate holders and gun owners. Both applied for shotgun certificates, the FAC holder being the other chap's referee.

Having found a gun that fitted him, our new-to-the sport informant put a deposit on it and asked his referee if he could take it – so he could use it at the other grounds they visited: to which the FAC holder said no, as he was also waiting for his SGC. And that is when he also found that the trade wouldn't take a deposit on a specific gun, so he left them in funds to deplete when he uses the facilities and carried on waiting for his certificate.

And that's where it might have ended except the FEO for the area was trying to make this demonstration of keenness to get on in the sport as a ground for refusing him entry to it. That didn't seem unusual at the time. Ignorance of the landmark judgment 'Joy v chief constable of Dumfries and Galloway (1966) is endemic in police circles, as they prefer Sir John McKay's 'reducing the number of firearms in the hands of the public to an absolute minimum is a desirable end in itself' over the law of the land they are supposed to be following: with the complication of being untrained – as the chief constable of Durham told the Atherton inquest ten years ago.

Little seems to have been done to remedy that defect since. When the Plymouth shootings occurred over the 2021 summer, the chief constable said it was a domestic that spilled onto the street. And there the matter would have rested, as nobody can legislate for a switch flicking in someone's head: but, and it's a big but, the police had intervened by seizing Davison's shotguns earlier in 2021 and that is a traumatic experience according to other victims of it. And that trauma might have contributed to the switch flicking in Davison's head.

It is very difficult to know what to do when confronted by policemen acting without lawful authority. We have a string of cases in which this has been done – sometimes years ago – that remain unresolved. It has become a routine way for the police to implement Sir John McKay's policy while avoiding judicial oversight of what they are doing.

The most unusual aspect of the Davison seizure is how quickly he got his guns back. Then after his death adverse comments about his online presence emerged that seem not to have been taken into consideration by the investigation following the gun seizures. It's an open question as to the

relevance of one's postings online. Cumbria Constabulary keep an eye on the internet – and have formed opinions about some certificate holders in the context of the ongoing difficulties between dog owners and farmers; the flashpoint being what the dogs get up to with sheep and what gun owners do about it. We could say more on this subject, but Cumbria failed to respond to our FOI requests: by mutual consent. We discussed ways of how to re-word our questions into a format that was a better match for the way the police record incidents. That ran into the 'difficulty' of Cumbria not recording reported dog attacks as crimes.

IN OTHER DOG SHOOTING CASES we've dealt with, Roy Peckham was prosecuted for breaching the condition on his FAC when he shot a loose dog in his South Wales sheep field. He had applied for *'pest control'* for the rifle, as was suggested on the application form in those days and the certificate was granted for *'vermin control'* because the Home Office decided that the latter was capable of definition by reference to the (since repealed) schedule in the Wildlife and Countryside Act 1981.

Dogs would be 'caught' by the word 'pest' but are property and not vermin, hence the prosecution. The police said he should have specified 'for the protection of livestock' as his good reason, as a nice example of hindsight after they got the statistic of his conviction and revocation.

AND IN DYFED POWYS

A retired doctor in Pembrokeshire was prosecuted for shooting three dogs loose in his sheep field – by the RSPCA. The owner retrieved the bodies and took them for veterinary examination. That revealed the very similar bullet tracks through each dog's head. From this he concluded that these were execution shots and that a suspicious light-coloured patch in the farmyard was whitewash covering up the blood.

Our 'expert' in this case identified the light-coloured patch as having been where cement had been mixed. His sample showed grains of sand under the microscope while his control sample of whitewash from a nearby wall did not.

In a shooting test using his own bolt-action rifle, the doctor printed a three-shot group on a 40-yard target that a post-1971 penny would cover and hit three separate small metal targets at a similar distance in six seconds; so faster than Lee Harvey Oswald could have done

In his evidence to the court, he said that the dogs were loose in his sheep field when he saw them and that they looked at him when he shouted. He shot them down without giving them the chance to attack sheep.

His lawyer advised the court that being loose in a sheep field defined sheep worrying and the magistrates acquitted him.

OVER TO WEST MERCIA

Then we got a copy of a shotgun certificate revocation letter from West Mercia in which the five points cited as grounds for their satisfaction that the erstwhile holder was a danger to

public safety or the peace all relate to his online presence.

- He emailed a local authority to ask if a licence was required under the Control of Explosives regulations for manufacturing a Molotov Cocktail.
- He'd signed various online petitions, most recently for non-lethal self-defence weaponry to be legalized after the Sarah Everard case.
- His email address includes the letters 'bin' ('son of' in Arabic) in that order.
- His online presence includes an old photo of someone else holding a deactivated rifle.
- He enquired at his 7(3) approved rifle club whether a Glock pistol was acceptable on the exemption for shooting historic handguns.

The first and last points are 'how else could you find out without asking?' We blame the Americans for posting all sorts of stuff on YouTube – blowing up snowmen and firing Glock pistols in swimming pools and such – which may or may not be an offence where they are and their local law enforcement may or may not care what they get up to, but to translate any of that into the UK context means having to ask a grown up.

The 7(3) exemption for historic handguns cuts off in 1939. The rest of this revocation is for a court to consider. Self-defence is lawful in the UK, but the appropriate weaponry cannot be carried by the public 'on the off-chance of an attack' by virtue to a Home Office policy and some suitable less-than-lethal weapons have been prohibited for public use by name.

And if having a photo of oneself – or anybody else for that matter, holding a Kalashnikov rifle becomes evidence of danger to public safety or the peace via this case a lot of people will be contacted by their police.

The problem at court will be that no case in which 'danger to public safety or the peace' has been determined by a court of record can be cited in support of the revocation. It would seem to be a law versus policy versus knee-jerk case; although that said there are shotgun certificate appeals which have gone against the Appellant without the court saying that the person is a danger to public safety as such.

The landmark 'Kavanagh' case in 1974 was one such. The decision in that case was the lower court could hear evidence about Mr. Kavanagh in the format 'rumour, Hearsay or gossip': the chief constable was not to withhold what he knew or thought he knew about the appellant from the court.

Winding back to the Wilson case in Carlisle at the top of this piece,

'ownership' and 'possession' are different. The 1976 case 'Sullivan v the Earl of Caithness considered the issue. The young Earl of Caithness left his rifle in his room at his mother's grace-and-favour flat in Hampton Court Palace when he went up to Oxford university. While he was at university, his firearm certificate expired and when the long arm of the law caught up with him, he said he wasn't in possession of it; his mother was.

The court took the view, in this decided case, (which becomes common law) that his mother wasn't in possession of it. They described her as having 'the barest custody' of the rifle and decided that the Earl of Caithness was still in possession of it. Which is logical; consider the whereabouts of your car when you read this sentence. Wherever it is, it is still your property and in your possession.

If there had been any judicial concerns about the Earl's mother 'having access' to the rifle, the issue would have turned on whether it was with his permission or not. As an FAC holder, he could give her permission under the Firearms Act to do various things. Section 11(1) to '*bear'* it for him – such as to drive it to Oxford – or to hand it to a carrier under section 9 for the exempted common carrier to do the driving. Once his certificate expired, however, he had no transferable authority to use. He tried dropping his mum in it instead.

'Ownership' comes up from time to time, usually when a certificate has been revoked. The withdrawal of a certificate only prevents the owner *possessing* his property. Only a court ordering forfeiture can nullify *ownership*.

You become the owner of something you bid for at an auction when the gavel falls, so the auctioneer can't take your bid unless you are authorised to take possession of the item after payment. The gun trade generally do not take payment for a firearm until the intending buyer has the necessary variation for the purchase although some will accept a hefty deposit, which can't be secured on the exact firearm concerned.

You can see how this complicates life for section 7(1) historic small firearms collectors trying to fill gaps in their collections. Traders have been prosecuted for 'selling' a firearm to a person not authorised to buy it, so the developed technique was to take a deposit and then sell title to the goods on balance.

All the hair-splitting cases surrounding these practises stem from the hunt-sab approach to the legitimate use of firearms by the public who either have or are seeking to have the necessary certificates. And the problem with treating everyone as a target criminal is that real criminal activities are masked by that approach.

Pushing the envelope to catch a couple of immature Wilsons up to no good seems to have given comfort to the hunt-sabbers in firearms departments still trying to pursue Sir John McKay's paranoid dreams over the actual law 

HERE WE GO AGAIN

The Scottish Government launched a 'consultation' on 29 October titled 'Use of dogs to control foxes and other wild mammals: consultation.' For which they expected responses by 15 December. Historically, the Scottish Government regards itself as entitled to ignore comments from anyone without a Scottish postcode, so we asked our Scottish rep – the Usual Suspect – to make comment and representations as appropriate.

As with firearms ownership, country sports are a political football with which paranoid bureaucrats and ignorant politicians play. Practically every attack on either is just another joust in the class war. Loosely speaking, the left and bureaucrats oppose the public possession of firearms for the defence of the realm on the grounds that they would prefer an orderly takeover of the UK by a foreign government so that their jobs remain secure: the Vichy model, as it were.

The battle over country sports is an extension of the class war: the left perceives game shooting and anything involving horses and dogs as the Tory right wing at play and thus something to have denied them. Nevertheless, it's interesting that all the 'working class' blood sports were the first to be banned: badger baiting, bear baiting, cock fighting, live trap shooting, otter hunting – we could go on….

On the ground, and in our experience, landowner objections to mounted fox and deer hunts were more to do with the hunts being followed by four-wheel-drive off-roaders and thus the damage they do to green ways and fields.

Our membership is likely split on the issue, as are the political parties and in both cases those with a foothold in the country sports are far outnumbered by those without such experience from which to form an intelligent opinion.

The SRA's overall position in such matters, as established by our founders, is the defence of the status quo. The Firearms Act, 1937, represented (in their view) the zenith of the balance of controls over firearms and who does what with them: the interests of the state and those of the individuals. The only piece of firearms legislation passed since then that proved to be of benefit to society was the extension of the validity of Firearms Dealers' Registrations from one year to three in 1988.

Anyway, here's what the Usual Suspect wrote in response to our soliciting his north of the border take on the Scottish Government's call for responses.

The Suspect casts a jaundiced eye over the latest wheeze from Holyrood

THE PROLOGUE

Not content with all the fun they're having with the Red Death, the luminaries of the Scottish Government decided to indulge in a spot of multitasking. The focus of their excess energy is what remains legal in the sphere of hunting with hounds.

Lamentable story short, they want to either eradicate it completely or limit its use to the point of impracticality.

Why use dogs? Using dogs against foxes, or indeed any species whose

numbers are causing problems, is older than the invention of the wheel. There is more to this than the axiom of not fixing something that isn't broke, however. We will examine the options later in this article.

The Target: for this discourse, we will focus on Vulpes Vulpes, aka the red fox - a predatory omnivore. Naturally hardy and with an extraordinary ability to adapt -particularly to the proximity of humans- ensures its success.

Although originally mostly nocturnal, the absence of predatory animals and birds has seen a change in their behaviour, especially in towns and cities. Watching foxes prospecting roadkill and/or stalking discarded food wrappers during the day has become commonplace. The fox's undeniably photogenic appearance no doubt contributes to their acceptance by urbanites. One wonders how these Bambiists might feel if they knew the number of songbirds or domestic cats foxes 'delete' every year?

Aside from the loss of other 'garden visitors' the biggest potential hazard urban Foxes present would be as carriers of rabies. The recent influx of undocumented immigrants aside, that risk remains small. In the countryside, however, increases in the fox population can and do cause problems for both mankind and other animals.

The immediate problem most people attribute to Foxes in the wild is their predation on Lambs as well as their fondness for domestic poultry. The term 'Fox in the Hen house' exists for a reason. To be fair, the cause of their overkill in Chicken coops is not a conscious choice but sensory overload. A fox might only take a single bird but kill all those within the enclosed space because it is reacting to the stimulus of the other birds panicking. Whatever the cause however, the carnage is undeniable.

However, foxes are also a hazard to ground nesting wild birds, and unlike us, make no distinction for endangered species. In addition, their ability to chow down on vegetation can also be ruinous to certain types of crops.

Options? When faced with the job of controlling the numbers of any pest species that nature doesn't, there are several choices; aside from Dogs, the list for foxes is as follows:

1) Shooting
2) Traps
3) Poison

Shooting. This is often the 'default' option for many pest-controlling operations, offering the twin advantages of instantaneous death and surgical precision. A skilled operative can remove Foxes from a piece of land with little or no disturbance of any livestock grazing in the vicinity. One weak point of shooting is that the terrain may not lend itself to safe shots. A lack of adequate backstop, available cover, or proximity to other human dwellings can compromise the use of rifles, particularly at night. An experienced shooter can usually overcome all these difficulties – one of the SRA's founders used a .22" rifle to control pigeon numbers on the roof of a famous West London department store for many years without ever

claiming on public liability insurance – or getting shot at by policemen escorting royalty.

Another is that Home Office policy has been honed to make life difficult for certificate holders engaged in pest control and significantly more difficult to get started at it.

Traps can operate 24 hours a day and have infinite patience. However, they are indiscriminate, and they will exert the same degree of force on a lamb, badger, or a hillwalker's dog that they would on their intended target. Traps must be inspected at least once a day, and this can be a serious chore depending on their location. It must also be considered that no trap kills quickly – and humane ones not at all. There have been cases where an animal was able to free itself by chewing off a leg when caught in a gin trap and the famous Larsen trap – intended for magpies – caught everything but in our experience: crow, fox, ferret, next door's cat, our cat – all attracted by the bait and the required food and water for the detainee sufficient for his sojourn until the trap is next checked.

Poison. Like traps, the biggest drawback to poison is the necessity of regular checks as well as the possibility of affecting species other than the desired target. This author heard of a case where a farmer 'tainted' a dead sheep with arsenic to tackle foxes in his area. The next day when he checked the bait, he found three dead foxes and more than fifty crows.

Let's hear it for slurry pits

So, what is the problem with using dogs as hunting partners? Essentially, ignorance of the subject; specifically, the mechanics of the kill. Dogs, especially hounds, are pursuit predators; honed by generations of both natural selection and specific breeding to operate in large units. When they put up a fox, they will chase it until either it escapes without injury or is caught. This is where the bad optics kick in. There are countless videos showing blood-spattered Hounds rendering a once aesthetically pleasing creature to a gory rag. The viewer is led to believe that this dissection occurred perimortem, and that the Fox was able to feel its innards being torn apart. That's not how it works, however.

A pack of hounds is like a machine with interchangeable parts. The dog that might lead the pack at the start of a hunt may not be the one that contacts their quarry. The mobility of their positions means that the dog(s) that are fittest will always lead. Whichever dog reaches the fox, its job is not to go for the kill, but to aim for one of the fox's rear legs. This impedes the fox enough for the next dog to lunge for the fox's neck. The remainder come in so fast that to the fox the entire pack feels like one enormous mass. Here we can see the danger of limiting the number of dogs. Two dogs, especially after a long chase, are more, rather than less likely, to inflict suffering. They may simply lack the energy to do anything other than applying asphyxiating pressure to the fox's throat. It will get

the job done but not as fast as a traditional multiple pile on.

Compare it to being hit by a motorcycle or a truck. Both impacts may prove fatal, but you are less likely to remain conscious for as long when slapped by an HGV.

This latest attempt by politicians to rule shift is yet another example of what happens when the woefully ignorant receive the power to affect other people's lives. If the MSPs were truly concerned over unnecessary suffering they would leave it well enough alone.

I know, fat chance.

U.S. ⚖

A CASE OF COGNITIVE BIAS?

Amanda Knox gave the BBC an interview that was played on 4 November 2021 on Woman's Hour and televised that evening on BBC 2's Newsnight. She was an exchange student and Meredith Kercher's flatmate in Italy when Meredith was murdered on 1 November 2007.

Rudy Guede was gaoled for the murder in October 2008 and released to community service at the end of 2020. Amanda Knox and her boyfriend at the time Raffaele Sollecito were the first suspects arrested and out came the bizarre tale of sexual misadventure that the British tabloid press lapped up, developed and endlessly fantasized about.

In the interview, Amanda Knox made no direct comment about the British press and delicately summarized the Italian courts' treatment of her, which ran on in case after case until her definitive acquittal in 2015, as 'cognitive bias': '***a systematic error in thinking that occurs when people are processing and interpreting information in the world around them and which then affects the decisions and judgments that they make'.***

It read to us as a case of transference: '***a phenomenon that occurs when people redirect emotions or feelings about one person to an entirely separate individual.***' In this case an interviewer 'transferring' his prior knowledge (or fantasy assumptions) about someone else he'd dealt with onto Amanda Knox. That turned her in front of him into what he would like her to be like from what she looked like to him (or the person she reminded him of) – a fit 21-year-old female American student. That morphed into the bizarre case he developed out of those interviews that occupied the courts and the tabloid press for the following eight years; despite the real culprit in Meredith Kercher's murder having been behind bars throughout that time.

Earlier in the week, I'd sat in on an interview of an SRA member at his request. A firearm certificate holder, he'd applied for a shotgun certificate and had joined the CPSA (Clay Pigeon Shooting Association) for registering his scores. He had been attending various commercial shooting grounds with his friends for the purpose of trying out various guns and shooting scores to register with the CPSA.

One of his mates had also applied for a shotgun certificate and was likewise

trying out guns and registering scores. He had found a shotgun that fitted him well enough for him to want to put a deposit on it. He asked our member about taking it onto his certificate so that it could be produced for him at other shoots until he had his own certificate; in reply to which our chap said he couldn't until his own certificate came through.

The dealership took his money but pointed out that he couldn't put it to a particular purchase until authorised by the police to do so. He had received a visit from Thames Valley FEOs and on 2 November, the FEO that had seen him wanted to see our member in his capacity as that applicant's referee.

Two masked men arrived on the day; one to see our member about his shotgun certificate application and to review his security, as this was the first visit since he'd moved to that address six months earlier. The other interviewed him about his perceptions of his earlier telephone call to our member in his capacity as the other chap's referee.

It became clear that he was weaving the statement to 'prove' that the other chap had 'bought' a gun from the shooting ground without having a shotgun certificate and asked our member to store it for him. Our man kept correcting him, which was repeatedly interpreted in the conversation as him backing away from 'what he'd said' in the earlier telephone conversation. The FEO persisted in trying to get the purchase of the gun into the statement, despite our member's protestations and despite having been told robustly by the dealership in an earlier meeting that no gun had been 'sold' or 'reserved'.

The other matter of interest to the FEOs was that both men had been 'prohibited persons' – five-year bans on possession of firearms, including antiques and air weapons – following sentences handed down earlier this century.

This has become a more frequent matter in our in-tray since the 2014 changes to the law that overturned R v Ford (1969) and extended prohibition both to possession of antiques and to catch persons handed down suspended sentences. Our member came off his prohibition about three years ago and had no problems getting a firearm certificate because of his pest control responsibilities on the family farm.

His friend's prohibition ended more recently and there was close questioning in hope of finding a violation of the prohibition. Reality is that the chap had attended game shoots as a beater during prohibition and had tried a rifle via the exemption in section 11A (1) & (6) after the prohibition ended.

Section 11A was inserted into the 1968 Act by a clause in the Policing and Crime Act 2017 to provide an exemption from the need to hold a certificate for a rifle or shotgun to *possess* it for use under the supervision of the certificate holder, subject to any conditions on his certificate. It replaced section 11(5) of the 1968 Act

in respect of borrowing shotguns and the estate rifle clause in the 1988 Act.

It simplified and clarified the exempted use in that a shotgun certificate lender no longer had to be the occupier of the land; merely someone authorised to be there and in the case of rifles, it enables rifle club members to let someone have a go with their rifle at the club – and to pay for the ammunition – without being a member of the club and without using up a club guest day.

It also changed the borrower's status from *use* to *possession*. The difference seems to be that a prohibited person is barred from *possessing* firearms and ammunition for the duration of the prohibition and while the exemptions referred to *use* in circumstances where the lender had no means of determining whether his guest was a prohibited person or not, no offence was committed by either party.

Since the introduction of section 11A, however, a prohibited person would commit an offence by borrowing a gun under the exemption. No new offence of lending the gun to a prohibited person has been created, so the lender's ignorance of a guest's status saves him a prosecution under section 21(5).

My observation, which I kept to myself, was that had the chap approached me during the prohibition to get it lifted early I could have told him that Home Office guidance to the police advises them not to oppose such applications unless the offence related to firearms or violence. Which his didn't so he could have had it lifted by a crown court years ago.

We are grateful to Amanda Knox for highlighting on national radio and television just how crazy some police investigations can become.

Sami Quadri writes on Yahoo

Tue, 16 November 2021, 3:37 pm

Two men have been arrested after detectives seized a submachine gun in Southwark.

Officers discovered the weapon after ordering two cars driving in convoy to pull over in Crossthwaite Avenue on Monday 15 November.

They searched the vehicles and found a PM63 RAK machine pistol, capable of fully automatic fire, hidden in a speaker on the rear seat of one of the cars.

The firearm was made safe and has been sent off for testing. The drivers of the vehicles, aged 31 and 53, were arrested on suspicion of possession of a firearm with intent. They were taken to a south London police station where they remain in custody. Officers seized the weapon following an intelligence-led operation by the Met's Specialist Crime Command.

Detective Victoria Sullivan, from the Met's Specialist Crime Command, said: "Excellent investigation work by

officers has led to an extremely dangerous weapon, which has been designed to cause serious harm or death, being taken off the streets of London.

"We remain dedicated to making London a safer place for everyone by carrying out operations such as this one. We will continue to disrupt those intent on committing violent crime on our streets."

Detective Daniel Smith, from the Central South Command which covers Lambeth and Southwark, said: "I know this lethal weapon being recovered on the streets of Southwark will cause concern for residents. But let me assure you that firearms have no place on our streets, and we are doing everything in our power to arrest those who carry and supply guns.

"However, we cannot tackle this issue alone and we rely on information from the public to help us to robustly tackle gun crime. Any information you have, no matter how small, can really help our investigations."

FIREARMS LEGISLATION – A REMINDER

The control of firearms in the UK is highly politicised, is incompatible with European law, at odds with the Human Rights Act and has lost its prior adherence to the principles of natural justice.

Modern firearms legislation dates from 1920 when the Firearms Act was introduced to control the possession of rifled arms used for sporting purposes. Military weapons used for target practice were regulated by the rifle clubs approved by a secretary of state for defence of the realm purposes and the possession of firearms for self-defence came under the common law.

After the 1920 Act came a series of changes which gradually widened the net of the Firearms Act controls. Some were legislative and others were amendments to the common law contained in High Court and Court of Appeal judgments. Machine guns were put into what was then and now section 5 (prohibited weapons) in 1936 by a Firearms (Amendment) Act – to prevent the police interfering with owners.

- Shotguns and shot pistols with barrels less than 20 inches long went into section 1 (firearm certificates) in 1937.
- Flare pistols went into section 1 in 1947 (Read v Donovan)
- .320 revolvers and .25ACP pistols went into section 1 in 1960 (Moore v Gooderham 1960)
- Shotguns with barrels less than 24 inches long went into section 1 in 1965
- Shotguns with barrels over 24 inches went into what became section 2 of the Firearms Act 1968 via the Criminal Justice Act 1967 in 1968.
- The 1988 Firearms (Amendment) Act prohibited most military weapons from public ownership.

- A 1993 amendment to the Charities Act eliminated 'defence of the realm' rifle clubs.
- Two Firearms Acts in 1997 prohibited handguns.
- 2003 legislation prohibited air cartridge revolvers.
- 2006 legislation restriction the acquisition of 'realistic imitation firearms'
- 2014 legislation extended section 21 prohibition to include antique firearms and suspended sentences.
- 2017 legislation opened the door to new secondary legislation that appeared in 2019, 2020 and 2021. These recent changes include statutory guidance and a redefinition of antique firearms.
- The 2019 Offensive Weapons Act prohibited various firearms that were exclusively the territory of Home Office approved rifle clubs and had never featured in crime of any sort.

The sub-text is a series of policy shifts arising from various reports – and some knee-jerks. In 1968 The Home Secretary took over being the secretary of state approving rifle clubs from the ministry of defence. There followed an unpublished and restricted 'memorandum of guidance for the police' which shifted the private possession of firearms from being a national defence of the realm asset to a public safety risk.

The 1972 McKay Report (unpublished but apparently in the House of Commons library) made far-reaching recommendations. A 1973 Green Paper (Cmnd 5297) contained some of them and although rejected in its entirety by Parliament, many of McKay's recommendations became police policy.

An unexpected consequence of shifting the decision making about who could have a firearm certificate from the rifle club committees to the police was that unsuitable people got through the net. The first of these was Michael Ryan in 1987 who went on to shoot 30 people in Hungerford, Berkshire in August of that year. The knee-jerk reaction to that was to dust off the McKay report and introduce its recommendations to separate the public from having a defence of the realm role through their rifle clubs. By 1993, clubs were purely sporting entities and had no military weapons to practice with nor the charitable status they'd had for over a century.

The Home Office had been in the process of revising their guidance to police with an eye to publication because of the number of section 44 appeals in which appellants commanded the production of the restricted document to challenge their chief constable for not complying with it. The revised guidance was published in 1989 and periodically revised until 2016 when the edition that year became an on-line only publication.

After Michael Ryan, the next was Thomas Hamilton in 1996. His club had closed, and he'd been refused

membership of other local clubs. It was the police who foisted him on the Stirling club in time for his FAC renewal and that club was trying to get rid of him when he murdered some schoolchildren and their teacher in Dunblane primary school in 1996.

The knee-jerk reaction to that was Scottish revenge and two firearms acts prohibited handguns from target shooting clubs. Exemptions remain for some purposes, but these have been progressively honed down by later regulations and police conditions on certificates.

The murder of two night-clubbers in 2003 by a man using a reactivated sub machine gun led to a ban on air cartridge revolvers in 2004 and restrictions on the sale of 'realistic imitation firearms' in 2006.

Murders in Cumbria in 2010 by a man nobody but the police knew had certificates led to amendments to the Firearms Act in 2014 that extended prohibition to catch those handed down suspended sentences and extended prohibition of the possession of firearms by such people to include antique firearms.

Murders in Durham in 2012 led to the chief constable there claiming to the inquest that there was no training for the people who issued certificates: so instead of creating a training regime, policing decided to review every certificate on issue with a view to eliminating as many as possible 'by any means, as Andy Marsh put it to David Cameron. That started the trend towards medicals.

The Policing and Crime Act 2017 made provision for Home Office guidance to be put on a statutory footing. The 1989-2016 guidance became known as 'non-statutory' and some statutory guidance has been issued, most recently in November 2021. Untested at the time of writing, the problems are that the statutory guidance is 'regulation' or 'secondary legislation' and while it purports to over-write both common and statute law, constitutionally common law can only be over-written by primary legislation which says that's what it is doing on its face.

Murders in Plymouth in the summer of 2021 – identified by the chief constable on the day as a domestic that spilled over into the street – produced a reaction from the Home Office, which announced publication of the next tranche of statutory guidance that includes the requirement for every certificate applicant to have a medical form filled in.

They were doing that anyway. A question about an applicant's GP was added to application forms some years ago and the last amendment to the non-statutory guidance indicated that an applicant for a certificate who did not have a GP could not complete the form and thus the application could not be accepted by his local police.

More recently, some police forces have made it compulsory for a medical to be completed, leading to lengthy queues at GP surgeries where the only other hobby requiring a medical is flying. Firearms Act applicants have joined the queue of private pilots, taxi

drivers and heavy goods vehicle drivers requiring medicals. Now it's compulsory for all.

The wording of the Firearms Act for the suitability of a member of the public to hold a certificate dates from 1920 –

- 'Unsound mind, intemperate habits or otherwise unfitted to be entrusted'
- Danger to public safety or the peace.

The latter became was the sole ground for refusing or revoking a registered dealership in 1920 and became the sole ground for refusing/revoking a shot gun certificate in 1968. Shot gun appears as two words in the 1960s legislation and has subsequently been altered to shotgun.

'Unsound mind' was imported from contemporary (1920s) mental health legislation and means someone who can't look after themselves and therefore can't be registered to vote.

We have not identified a specific definition of 'intemperate habits' – Home Office non-statutory guidance calls it a lack of self-control, and it has been used in the courts (Luke v Little 1980) as an indicator.

'Otherwise unfitted to be entrusted' is a catch-all. Revocations of firearm certificates usually cite all four insults without relying specifically on any one of them.

'Danger to public safety or the peace' has been the subject of every section 44 appeal in relation to a shotgun certificate and has thus been qualified in High Court and Court of Appeal judgments, *which become common law.*

In two parts, a. 'the peace' is broken by committing a criminal offence with a gun – Avers and others (1974) lost their certificates for going night poaching with licensed shotguns. This case is also cited as 'preventative justice': i.e., can't do it again without a certificate.

b. danger to public safety: policing has tried to make a very broad church of this, i.e., the opposite of Parliament's intentions which were registration of owners and refusal being wholly exceptional. 600,000 people applied, including the man who murdered PC Sidney Miles in 1952. He escaped the death penalty at that time by being under-age, served his sentence and was off prohibition when the requirement to apply for a shot gun certificate was introduced. Sir John McKay was so 'shocked' at the number of applications (barely a quarter of owners) that he formed his secret committee to do something about it and concluded that reducing the number of firearms in the hands of the public was a desirable end in itself.

Shotgun certificates 1968-88 were 'fit person certificates' and in rural communities were very much 'one per family' in the public mind, as it was only needed to pick a gun up after repair. Urban policing expected a certificate per user and as early as 1981 sought to 'enforce' security requirements on certificate holders that did not become statutory until 1990.

Spencer-Stewart v Kent (1988) is clear that a conviction for a non-violent crime is not evidence of danger to public safety or the peace. Following that, Shepherd v chief constable of Devon & Cornwall is clear that a firearms offence – against the Firearms Act – is not evidence of danger to public safety or the peace.

Edwards v Norfolk (1993) A violent domestic incident wasn't evidence of danger to public safety or the peace because no firearm was used in it.

There are others. What there isn't is a decided case the police could specifically rely on for regarding online stuff as relevant. Home Office policy as to what 'danger to public safety or the peace is' has been derived from Humpty-Dumpty in Alice in Wonderland:

"When I use a word," Humpty Dumpty said in rather a scornful tone, "it means just what I choose it to mean—neither more nor less." "The question is," said Alice, "whether you can make words mean so many different things." "The question is," said Humpty Dumpty, "which is to be master—that's all."

The courts seem to have been going along with this approach. The judicial approach dates to 1974 – the case of Kavanagh v chief constable of Devon and Cornwall.

The problem presented to that court arose from the Crown Courts Act 1971, which separated the Quarter Sessions into Crown and County Courts and provided strict rules of evidence for Crown Courts.

Kavanagh had applied for registration as a firearms dealer and a shotgun certificate after he found out (when hawking his prototypes around looking for a production partner) that he needed both to possess the shotguns he'd made. The chief constable knew he had them but couldn't tell the court that his ground for refusal was that he was not prepared to 'legalize' Kavanagh by doing so.

If either side had read the 1966 case Joy v chief constable of Dumfries and Galloway, they could have sorted this out, but ignorance of the law is often useful to policing.

The decision in 'Kavanagh' was that the chief constable was not entitled to withhold from the court anything he considered while arriving at his decision – including any rumour, hearsay, or gossip. The court took the view that the old Quarter Sessions had used 'relaxed' or 'loose' rules of evidence to hear appeals – like a tribunal – and the judgment was the green light to do it that way in future. The Crown Court sits as a court, steps down to tribunal to hear the case and then steps up to being a Crown Court again to deliver its judgment.

As an aside, there is a costs wrinkle. In the 1968 Act, schedule V sets out various comments about procedure, which were amended by the Crown Courts Act 1971 and the statutory instrument relating to costs has been amended again since. The problem was that nobody noticed. Old school firearms managers had a printed copy of the Firearms Act and a printed copy

of the restricted 1969 guidance to police, neither of which was updated by the change. In 1981, Clarke and Ellis published 'the law relating to firearms' – which is still the best textbook on the subject – *and they missed the change and perpetuated the original schedule as per the Act.*

It was only younger lawyers coming along who looked in Archbold instead of the printed documents: that does get updated and reading it led to two costs cases that are cited in the non-statutory guidance. One says that costs against the police do not naturally follow victory by an appellant and the other says (we paraphrase) that costs should only be awarded against the police if their original decision was ridiculous in the first place. No judgment supports the concept of awarding costs against an appellant.

The statutory instrument that replaced the replacement for the Firearms Act schedule says that the judge can make any order seen fit. The court *hears* the appeal as a tribunal and while in tribunals each side meets its own costs, the court delivers its judgment as a Crown Court and any costs order likewise.

In the West Mercia case we advised the Appellant that ***" The catch-22 in any revocation is that while the court might regard you as naive and stupid, trying to run before learning to walk, exploring boundaries that should be far beyond you at the stage you were at in your progress in shooting as a hobby, they could then also regard that as grounds for not letting you back into the sport in case you take further interest in unsuitable and irrelevant topics. They could, alternatively, see you through the police eyes as having unhealthy interests beyond the scope of firearms controls and thus suspicious for having them without any obvious lawful reason.***

None of their points crosses any line set in common law by the Court of Appeal, but neither did Mr Kavanagh and he lost his case. In your next-door constabulary of Gloucester, police revoked a firearm certificate holder for having a WW2 Nazi flag on his wall when police went round for the renewal inspection and on seizing his guns found an off-ticket sound moderator and prosecuted him for that. They'd recommended his taking it off the certificate in 1995 to make room for something else.

Sixteen years later, when he applied for his certificate back, the police objected on the same grounds as before – the conviction for the sound moderator (despite Shepherd v chief constable of Devon and Cornwall in 2002) and his unhealthy interest in Nazi stuff. And the court went along with it.

I said earlier that UK firearms legislation is highly politicised, is incompatible with European law, at odds with the Human Rights Act and has lost its prior adherence to the principles of natural justice.

The politicisation has always been present (the Home Office proposed a handgun ban in 1870), but the key date is 1969, when the decision made

by a secretary of state (prohibited weapons authorities and approval of rifle clubs) was shifted by a statutory instrument from the Ministry of Defence to the Home Office. The Prime Minister at the time, Mr. Harold Wilson, had been anticipating a coup against his left-wing government and thought that the plotters would act by calling out the militia – the rifle clubs – so control of them was shifted to the Home Office whose sole consideration is their own safety. Rifle clubs and FAC holders went overnight from being a national security asset to a public order risk. Management of section 5 and rifle clubs was originally within the policing and public order department and is now processed by the 'Serious Violence Unit.'

Incompatibility with European Law was exposed by the case of McGonnell v. United Kingdom in 2002. What's wrong with firearms law is that the chief constable is both the issuing and revoking authority and under both British constitutional practice and European law he can't be both. He can't stop a registered dealer trading – he must give 21 days' notice and if the dealer appeals, he must await the decision of a court as shutting a business pre-emptively would be unlawful restraint of trade and thus a criminal offence at common law. FAC and SGC holders aren't businesses, so they don't have that protection. This anomaly remains unaddressed by the Home Office.

Article 1 protocol 1 of the European Convention on Human Rights and the Human Rights Act grant you the peaceful enjoyment of your private property, which the police routinely violate by pre-emptively seizing guns from certificate holders." ⚖

BOOK REVIEWS

(1) COMICS AND COLUMBINE

By Tom Campbell
Published by
Sparcile Books
(20 April 2018)
ASIN: B077C36NZFG
Kindle edition £3.99

"The school shooter who didn't shoot. Growing up an autistic loner, the author's schooldays were a living nightmare of bullying and abuse that saw him a psychiatric case by age 8. The target of his peers throughout his schooling, he developed a life-long hatred of all things educational – and the gift of second sight. He knows why people 'go postal' shooting up their place of work, or their school, as he links his perspective of the phenomena, articulately and unremittingly to the way he was treated at home and at school by the people who made him what he is today."

It's been several years now since Prince Harry started explaining how rocks and potholes strewn across his passage through life impacted on his mental health and without him having

said anything on the subject, we could all anticipate that being publicly paraded on foot through London behind his mother's coffin in a suit too big for him as a 12-year-old who'd just lost his mum must have been very hard to take in and take on.

It may be the case that what doesn't kill you makes you stronger, but only where you can rationalize what it was into your life's tapestry. It's the irrational acts of others or traumas inflicted upon us that we can't absorb or forgive which can cause emotional problems – mental health issues – particularly when they happen at a very young age.

Harry's life was complicated enough from the off; he was eight when his parents officially separated and was at boarding school (after two prep schools) when Princess Diana died. Old enough then to handle such trauma with appropriate help; to absorb it and to make himself stronger for that adversity. Scarred, yes, but those scars were the evidence that the open wounds had healed.

And when he emerged into public view as a young adult, he came across as a nice person; one for whom it was easy to have an unconditional positive regard for. He has made no secret of his Achilles heel and those around him would all be sensitive to the traumas of his upbringing, thus to avoid treading on his corns because he came across as someone easy to like and not obviously with chipped shoulders.

Tom Campbell is quite the opposite. Mental health specialists know that severe trauma at an early age, down to just six months old, can have a dramatic and life-long impact on mental health. Early age trauma burns out developmental wiring and without those circuits rationalising further traumas becomes impossible. Tom was brutalised from a very early age – he can't remember any time in his childhood that he wasn't the object of his one-armed father's sadism in the form of extreme corporal punishments.

The result in his case falls under the very broad spectrum covered by the word autism. A 'learning difficulty', which in his case was interpreted by teachers as unwilling to learn, couldn't concentrate, did stupid things, disrupted the class – and that made him the target of his pee[illegible] bullying and of his teach[illegible] ridicule and scorn and p[illegible].

"My misbehaviour consisted of being unable to look teachers in the eye or properly converse with them no matter how much I was threatened. I was to become very familiar with that strip of leather during my time in school."

That strip of leather is the Tawse. Thirty-eight versions

available on eBay at the time of writing from single and double tailed to multi-tailed and a spanking paddle for ladies:

from about fifteen inches to twice that long. Veterans of Scottish education usually call it a strap or belt. Corporal punishment was legislatively abolished in UK schools in 1987.

Children in a peer group naturally shake out into a pecking order and the powers that be – teachers, cubmasters and such, tend to use that pecking order to pick team captains, prefects, monitors, sixers and other such 'promotions' in the certain knowledge that 'promoting' someone out of his place in the pecking order to an appointment over and above those peers naturally superior to him just won't work.

Children are congenitally prejudiced against the different as you'll know if there was anything about you that was odd in the eyes of your peers at school. In 'Lord of the Flies' (written by a teacher – William Golding) it's the fat bespeckled 'Piggy' who is the social outcast despite being natural leader Ralph's lieutenant and easily the brightest boy on the island; not to mention an asthmatic, an inventor and innovator to boot.

Golding was observing the tribal functioning of schoolchildren in the playground: the way age-groups hung together except where they had something in common across several age groups – the choir in 'Flies' draws from both bigguns and littluns. Some 'bigguns' also have individuality, while littluns don't.

Tom doesn't draw on 'Lord of the Flies', (published in 1954 it was an English Literature 'set book' in the 1960s) but he does bring readers those lessons from 'Carrie' (written by another schoolteacher), published twenty years later: ***"...the eponymous heroine of Stephen King's debut novel of the same name, is an isolated girl living with an abusive, religiously fanatical mother."***

And that lesson is ***"I would sit quietly and be verbally flayed by a dozen students or more for the better part of an hour. Not one single piece of me was left unscarred. I had to take it all because I was alone, totally alone. I was being told what to do without actually being told how to do it and this upset me deeply. (Years later I was shocked to learn that religious cults use similar methods to break down initiates.)"***

Tom Campbell was observing all this from the bottom of the pile; ***"PE teaches pack behaviour by setting young people up in aggressive, competitive situations in which they are able to witness the physical underperformance and deficiencies of their weaker own. In fact, there is considerable research that suggests bullies are able to detect, at an animal level, hesitance borne of vulnerability in the body language and physical performance of their peers."***

It was all of them against him: he was the butt of everything, for being different, including their artwork:

The subject of the cartoon was me. It was a caricature that mocked me, my clothes, my hair and anything else that could be attacked. I stood and looked over the vicious lines and mocking text of the image as I heard

the snickers of the entire common room behind me. Had I been black, it would have been called racism. Asperger syndrome, a form of autism. Had I a gun, I would have sprayed that common room with bullets and felt no guilt. I would have taken pleasure in the act, slaughtering every person there regardless of whether they had been guilty or innocent, secure in the belief that killing was the right thing to do."

Being a victim of bullying is reportedly a common feature of spree killers. We don't know much about Hungerford murderer Michael Ryan due to the hasty cover-up and the government's refusal to hold a public enquiry (the only multiple death incident during the 1987-92 Parliament not to be enquired into) but there are clues. The first person he murdered was a woman enjoying a great social time picnicking with her children in a forest clearing.

The next person he shot (nearly) at was also a woman (a cashier in a fuel station) and the third person he shot and killed was his own mother: suggestive of the emotional mutilation that occurs with difficult family backgrounds.

Dunblane murderer Thomas Hamilton was up against the system, bullied by authority. That can drive people to suicide, as in the local case near to our editorial office: that of Brinley Court, a master of foxhounds the ministry was all over in the context of his services to the local farming community as a knackerman. In Hamilton's case it was a sort of Pied Piper revenge theft of the children before he did himself.

Back to Tom Campbell's words; ***"When the phenomena of school shootings began to surface, I watched these tragedies unfold with a clear understanding of their inevitability….I intend to give you a step-by-step account of the development of the school shooter's mentality. It will not be a comfortable read, as it will condemn many of the things we take for granted and respect not only within education but within society itself …people within the autistic spectrum tend to see things from unusual angles, are renowned for asking wrong and tactless questions, and have a habit of putting their foot in things…. My brain desires to get to the heart of the matter as quickly as possible; any delay will cause agitation."***

Unable to learn many subjects the conventional way, Tom oscillated between being treated as a retard in some lessons and ahead of the game in others. When he did achieve higher-than-average performance it would result in accusations of wilful ignorance for past failure.

He found a learning medium he could cope with ***"…in comics, I found the perfect means of assimilating information. Even after learning to read I still had difficulties with text. This had nothing to do with dyslexia; I was fully capable of recognising different letterforms. My problem lay with the feeling of fear….read the last***

pages first, and always need to know how a film ends before I watch it."

Where he did get on in school was in science but ***"No-one made the connection that Science was the one subject taught using largely pictorial methods like diagrams and charts with a minimum of written language."***

The author moves unremittingly from point to point, reminding us of all the injustices we've probably dished out to others without ever realising it; ***"STICKS AND STONES MAY BREAK MY BONES, BUT NAMES WILL NEVER HURT ME. I have no idea who first coined that particular phrase, but I would sincerely like to break a few of their bones as it is one of the most naïve and destructive of all lies."***

"At this point, a comparison might be drawn between the creation of a classroom avenger and that of a cancer cell. In nature the runt dies, in human nature they often self-destruct or undergo horrific emotional malformation. Bombard a cell with toxins long enough and it will either die or become cancerous. Bombard a child with emotional toxins and they may self-destruct... alternatively you may create a form of human tumour that will grow with little or no concern for the tissue around it. I think you can follow the analogy from here on."

And then there's Professor Zimbardo's Stanford study; ***"this particular experiment is being carried out every day in our schools. All any researcher needs in order to achieve comparable results to Stanford is to study one day in the life of any school reject anywhere."***

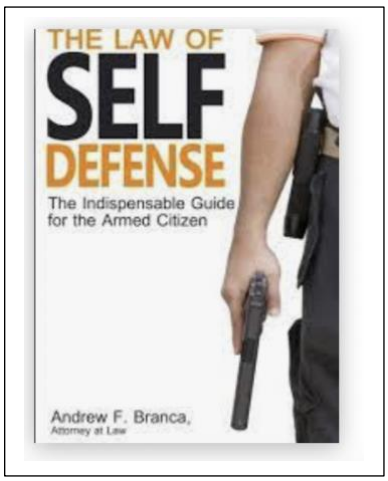
There's no hiding place in this book for anyone to use as justification for past behaviour towards others. The covid 19 pandemic has opened a lot of people up to talking about mental health issues, which was and is an objective both Princes William and Harry actively support. The pandemic lockdowns highlighted the health issues that isolation and lack of exercise can cause, and it has also scratched the surface of the harm we can do each other with inappropriate criticism; to which there seems to be a new sensitivity. We noticed this in and around 'getting the jab' debates and the marked reluctance by government to enforce inoculations and their dithering about lockdowns.

It has not been a case of making things obligatory because it's the right thing to do. The government has risked lives – maybe cost lives - by being cautious about being overpowering *because they want to persuade us to support them rather than bullying us into it.*

Except at the Home Office where any trace of mental illness is gleefully leapt upon as 'danger to public safety or the peace' in the new sweep of destruction currently engulfing the shooting sports: that of compulsory medicals, which won't find the likely dangerous and are just another example of the utter failure of their (imported from Europe) 'preventative justice' algorithm.

SELF-DEFENCE IN AMERICA:
THE LAW OF SELF-DEFENCE
by Andrew Branca
3rd edition Kindle) 2016

"Carry a gun so you're hard to kill. Know the law so you're hard to convict."



Thus, Andrew Branca spreads his wampum on the subject. He did Massad F Ayoob's LFI 1 course in 1996 – so *after* most British graduates of that ground-breaking *Stressfire* programme. He says it changed the direction of his professional life and he acknowledges Ayoob's influence to the extent that Mas wrote the introduction to this book, identifying he and the author as semi-collaborative competitors. That will make sense to LFI graduates, as the core subject of armed self-defence has moved on in the last quarter of a century – in America at least – and Mas is one of the people front and centre when it came to delivering that change.

Summarizing; the trend in the United States has been towards the rights of the citizen with more states introducing concealed carry permit laws and such. The push back comes from ambitious district attorneys in intensely populated areas and the result is a lot more case law. And a lot of cases where, in the author's view, citizens imbued with the right to defend themselves didn't know where the red lines were.

Such as in the Brunswick, GA, where Greg and Travis McMichael chased down, initiated an assault and then shot Ahmoud Arbery while being videoed by neighbour William 'Roddie' Bryan in February 2020.

UK readers will be familiar with the concept from Tony Martin's case and reading Andrew Branca's book brings that to mind time and again.

While reading this book, three other incidents (before the sentencing of Messrs McMichael & Bryan in January 2022) relevant to its content made the news.

- The fatal shooting on the film set of 'Rust': nuff said on that, it's still live.
- The conviction of Kimberley Potter in Minneapolis for shooting motorist Daunte Wright. She was a police officer engaged in a traffic stop when Daunte Wright wriggled out of custody and back into the driving seat of his car. Ms Potter shouted the 'taser, taser' warning after drawing her Glock pistol and then fatally shot him.
- The acquittal of Kyle Rittenhouse in Wisconsin; he took his AR15 rifle out into public space to shoot Joseph Rosenbaum and Anthony Huber during the public disorder that kicked off after a policeman shot Jacob Blake.

The outcomes in these cases can be better understood by reading this book.

Like most American writing on this subject, the author presumes his reader will have a firearm with which to defend himself if necessary and he statistically places that risk as one in sixty. That is, one violent crime was committed in the USA in 2014 for every sixty people living there.

If you factor in non-violent crimes that could become violent if you happen to be there at the time - such as burglary - then your chances of coming face to face with a crime in progress that could turn violent become one in twenty.

The author's mantra: ***"This book is about winning the legal battle, and leaves tactical training to others…we know how evil people target their prey we can use this knowledge against them. Avoid looking weak and the bad guy will seek easier prey. Stay alert and aware of your surroundings.*** (You already know how to do that as a driver; it's how you avoid crashes. Extend that special awareness and continuous risk assessment to when and where you're walking to follow this advice. Ed.) ***Project confidence. Avoid places where you can get cornered and make yourself look like more work than you're worth. They largely know the difference between easy and difficult victims. There's more than enough easy prey for them. If you look difficult (and despite that)…. the predator decides that you're the special of the day, and you can't prevent his attack…. Fortunately, most Americans may carry a weapon that will stop the most vicious predators, even if they are themselves small, weak, or handicapped. I speak of the modern handgun, aptly identified by Samuel Colt as "the Great Equalizer…. All that freedom to pull the trigger built into the front end of our system is balanced by a massive and unforgiving reckoning at the back end. "***

Mas wrote the foreword and regards the author as a competitor because both men write firearms for self-defence books - Mas published his first in 1980; both teach as firearms instructors - Mas' Stressfire system was developed in the 1980s - and both spend a lot of time in court. Mass as an expert witness and Andrew as an attorney.

When Mas brought his training programme to the UK in 1988, he was the up and coming 'young pretender' who had developed his training out of the detailed study of police officer-involved shooting incidents from the New Hall massacre onwards. Three decades on, Mas is over 70: Andrew Branca is one of the next steps in this continuum.

As to why Mass got involved in promoting a competitor's book, he explains that ***"…anyone smart enough to study this material before they need to put it to use train with multiple instructors … sort of like a health-conscious person "getting a second opinion."***

They each promote the other's courses; as Mas said, the broad base of training is a great asset, as every social worker knows. When he first brought his Stressfire programme to the UK he promoted and discussed positively the work of his (then) competitors. Top of the tree was Col Jeff Cooper, a man modest enough, in Mas' view to have named his famous two-handed technique the Weaver when he had every right to call it the Cooper.

Then there was Ray Chapman, a burly man like Cooper who developed the Chapman Weaver. Not to mention England's burly Peter Eliot and his Delta Training company. He kept the military sources of his techniques quiet, while passing them on through practical pistol and his other courses.

Mas taught all these 'rival' techniques with appropriate acknowledgement to where he got the material from.

According to Jan A Stevenson, the FBI went to Jeff Cooper's course, learned his technique, lost something in translation on the way back to Virginia and the result was the FBI Weaver. A consequence of developing in-house techniques, like the Met did in the 1960s and on while disparaging outside expertise. The result in the UK is the national training model mentioned by Harry Tangye in 'Firearms and Fatals' (reviewed in journal 70). How good that actually is can only be anecdotally judged through what they release to the media (or the courts) in consequence of shooting incidents; since we no longer meet these 'trained experts' at competition shoots.

Time has moved on since Mas taught in the UK and techniques taught by these independent instructors evolves in the light of the gunfight experience they accumulate through their caseloads. The last time Mas ran his course in the UK was 1995 and on that occasion he added a supine technique from his case work - from a woman officer who found herself in that position having been put there by the suspect and unable to move much as she thought her back was broken.

That's a long time ago and besides technique case law has also evolved. It's a basic principle of common law that you are entitled to meet violence with appropriate force sufficient protect yourself. Then the lawyers get involved and Mas says, ***"...that the "black letter law" says that once self-defense*** (sic)
is raised as an issue, it is the burden of the State to prove that the defendant in a criminal case did not act in self-defence," i.e., were any of the red lines crossed? In the round there are five of them and for the prosecution to win a conviction means establishing that the defendant crossed any of them. Then it's a snakes and ladders game played state by state. Ohio uniquely decides these on 'the preponderance of evidence', which is American English for 'the balance of probabilities. The other 49 states use the common law "Beyond a reasonable doubt" test, but Florida has a statute which allows a judge to dismiss a case if the so-called "Stand Your Ground

Law hearing" (American English for "need not retreat") "***convinces that judge to a majority of the evidence is counter to self-defense the jury is instructed to convict."***

"A reasonable doubt [is] one based on reason which arises from the evidence or lack of evidence." Jackson v. Virginia , 443 US 307 (US Supreme Court 1979)"

This is Andrew's home turf. The aftermath of a fatal shooting. We've all read accounts of justified lethal force - albeit very rarely in British newsprint - and in such obvious cases the shooter isn't even arrested.

"…those people avoided a grueling (sic) ***legal fate because someone chose not to prosecute . . . not because they couldn't have done so. Indeed, in many such cases a trained eye can see where their actions were not lawful self-defense at all…authorities usually do bring serious charges against the well intentioned, but dangerously mistaken, "defender."***

And that resonated with us because while he's dealing with people who thought they'd acted properly by shooting someone we mostly dealing with certificate holders on whom the police have landed; trying to make crime out of their lawful activities. Don't be surprised when their choice favours their agenda and interrupts your social life***. "then expect to go to trial, spend several hundred thousand dollars*** (or pounds in the UK) ***in the process, and burn through months to years of your life. All the while with a possible murder*** (or in the UK a firearms admin) ***conviction hanging over your head and your entire future*** (and in the UK your social life, bound up as that is with the shooting sports the police are trying to eradicate) ***in doubt".***

Andrew's five red lines are Innocence, Imminence, Proportionality, Avoidance, and Reasonableness. Those five elements define all self-defence claims, and a prosecutor only has to satisfy the jury that one of them has been crossed to secure a conviction.

- Innocence: did you start it or were you started upon?
- Imminence: an attack is about to occur right now. The one exception which has developed out of case experience is Battered Spouse Syndrome.
- Proportionality: you can't trump a non-lethal attack with lethal force.
- Avoidance: if you can back off, back down, physically, or verbally you must – except when at home. (Castle doctrine)
- Reasonableness: the force you use cannot be greater than the force your attacker uses. If your attacker is only using non-deadly force you can't use deadly force. There is no legal difference between a knife and a gun: both are lethal weapons.

Mas Ayoob articulated his AOJ triad in his LFI-1 course - "ability, "opportunity," and "jeopardy."

"Is my attacker able to hurt me?" The Tueller drill taught students 'yes he can with a hand-held lethal weapon

if he gets within 21 feet of you'. Then you enter the three-dimensional chess game against hostile man brandishing a knife/machete/axe/motorcycle chain/etc.

A defensive display is unlawful. It's aggravated assault to show the gun, which most states don't expect to be produced before the necessity to fire exists, so no warning shout, no warning shots. His move.

Can you retreat? He might not advance while you're watching him, but if you turn away….

Can you change position to get something bigger than a fire hydrant between you?

The author introduces the necessity of having a less than lethal option handy. Policemen have a range of weapons and can move up and down the lethal to less lethal continuum, as circumstances dictate. The two fundamental differences between being a potential victim and being a policeman are that (a) you were there at the start, while the policeman arrives during or after the incident and decides what to do based on what he perceives to be the issue at the time and the other is that he can threaten lethal force to stop an incident while you are caught in the papers, scissors, rock conundrum.

Andrew comments ***"The AOJ triad is not a formal legal doctrine, and I've yet to see it cited in a court decision. But it is a useful tool to help you both identify and articulate a compelling narrative of a reasonably perceived imminent threat."***

"***The term "Castle Doctrine" derives from William Blackstone's Commentaries on the Laws of England , where he wrote, "the law of England has so particular and tender a regard to the immunity of a man's house, that it stiles it his castle, and will never suffer it to be violated with impunity."*** Common law in the UK is R. v. Hussey (1924) no need to retreat when at home.

Andrew Branca does a state-by-state explanation of key issues you're your castle is one of them. In some states it means 'indoors' while others include your garden, outbuildings and such. In the UK 'premises includes any land.

The United States is a common law country and its Supreme Court refers to British case law and ancient statutes when these are relevant. There's a lot of US case law from the 20th Century that derives from the struggle put up by District Attorneys to convict citizens who cause the death of another - this is the old 'judged in the white for what was done in the black' and overzealous prosecutorial attacks using the duty to retreat have been a primary driver behind the widespread adoption of Stand Your Ground laws.

Court decisions reflect all:

- ***"Detached reflection cannot be demanded in the presence of an uplifted knife." Brown v. United States , 256 U.S. 335 (1921)***

Voluntary intoxication is a not a defense. Hart v. Texas , 2011 Tex. App. LEXIS 3996 (2011")

We also meet the juror – a reasonable and prudent person.

"***if the prosecution can convince the jury that you did not believe the threat was imminent, deadly, and so on for each of the other four elements, then the jury will find your actions unreasonable. After all, just because Reasonable Ralph would have believed it doesn't mean you did. You might wonder how anyone could know what you were thinking. They can't. Unless you tell them. You'll blow this one all on your own."***

.....This calls to mind (and explains) an episode of one of those 1960s police shows: Softly Softly, we think. Police have a casualty with a black eye and worse who doesn't want to discuss it. Turns out he'd held a delivery van driver up with a toy gun and the driver, without taking the gun threat seriously, thumped him one and then gave him a going over for good measure.

When detected, Inspector Barlow warned him that while he might have started as the victim he became the perpetrator by his actions, so while the court might be lenient because of the gunman's initial crime, "expect the worst."

"***Tell cops about your fear early on".***

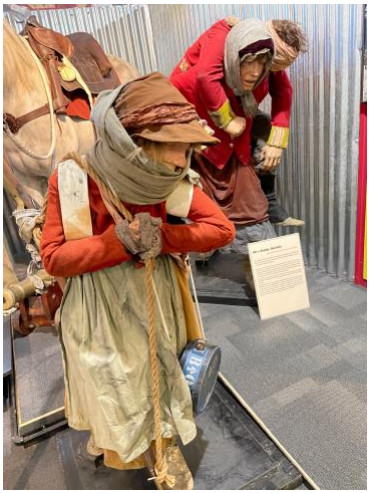
This calls to mind the 1985 Lupton case when the police did exactly that; claiming that their breaking into Mr. Lupton's car on his private drive to drag him out of it breaking his arm in the process was a consequence of their fear for their lives. Registered Firearms Dealer Chris Lupton was returning from his club range where he'd been testing silencers when the unmarked police car followed him onto his drive and it went downhill from there.

"CALJIC No. 5.51, Self-Defense—Actual Danger Not Necessary, as given: Actual danger is not necessary to justify self-defense. If one is confronted by the appearance of danger which arouses in his mind, as a reasonable person, an actual belief and fear that he is about to suffer bodily injury, and if a reasonable person in a like situation, seeing and knowing the same facts, would be justified in believing himself in like danger, and if that individual so confronted acts in self-defense upon these appearances and from that fear...."

This calls to mind the Stockwell tube shooting in 2005 in which police actions in shooting Jean Charles de Menezes were reasonable because he was a suicide bomber suspect at the time.

"The right to defend from apparent danger to the same extent as he would had the danger been real; provided he acted upon a reasonable apprehension of danger as it appeared to him at that time."

The officers had been told of the danger and thus believed it to be real; but think back to the Anno Domini meeting at Bisley, or any arms fair: getting muzzle-swept at such events by members of the public handling guns at the trade stands wasn't unusual. It's bad manners but doesn't create any reasonable fear on our part.



At The Staffordshire Regiment Museum
(Left) Mrs Biddy Skiddy carries her husband Dan while their daughter carries his musket during the retreat from the Battle of Burgos during the Peninsula War in 1812.
(Below) self-explanatory clipping on notice board