



Arizona Citizens Defense League

Protecting Your Freedom

Volume 2012, Issue 4

AzCDL's Membership Newsletter

November 2012

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Crime Victims Protection Act passes!



On November 6th, Proposition 114, the Crime Victims Protection Act of 2012, was overwhelmingly approved by Arizona voters.

Proposition 114 amends the Arizona Constitution by providing that a crime victim is not liable for damages incurred by a person who was harmed by them when attempting, engaging in or fleeing from conduct that is classified as a felony.

This generally means that if your attacker gets injured while you are legitimately defending yourself, they can't sue you.

Prior to Proposition 114, Article 2, Section 31 of the Arizona Constitution prohibited any law from limiting the amount of damages that can be recovered for causing death or injury of someone. And, Article 18, Section 6 mandated that the right of action to recover damages for injury cannot be stopped and the amount recovered cannot be limited.

Unfortunately, that meant if you were forced to defend yourself or your loved ones with physical force, there was nothing in the law that prevented your attacker from suing you.

The Legislature attempted to protect crime victims from being sued via legislative means (ARS 12-716) but the courts determined portions of the law to be in violation of the Arizona Constitution.

The only remedy was a Constitutional Amendment

In 2011 AzCDL requested the introduction of Senate Concurrent Resolution (SCR) 1020, that proposed a Constitutional Amendment that would protect crime victims from law suits by those who harmed them. With AzCDL's support, SCR 1020 passed out of the Legislature and was sent to the Secretary of State where it was placed on the 2012 ballot as Proposition 114. Eighty percent of the voters voted for Proposition 114 on November 6th.

The passage of SCR 1020 in 2011 and the successful passage of a Constitutional Amendment, via Proposition 114, protecting crime victims in the 2012 election is another shining example of what a successful grassroots effort like AzCDL can accomplish. Congratulate yourselves for having a hand in this historic accomplishment!

When SCR 1020 was passed in 2011, AzCDL only had 4,000 members. When we start the 2013 legislative session, we will have over 7,000 members, almost twice as many as in 2011. However, success at the legislature is more than just member recruitment. AzCDL's success is dependent on the involvement of our members. The next legislative session is just around the corner.

Can we count on you to make a difference?





AzCDL reaches 7,000 members



To all our volunteers—THANK YOU!

As this was being written, AzCDL's hard working volunteers recruited our 7,000th member. We were celebrating our 6,000th member just 7 months ago in April, 2012. And we were closing on 5,000 members less than a year ago.

AzCDL started with 4 members in June of 2005. It took us 3 years to reach 1,000 members, and now we're approaching that many every 6 months.

As our membership grows, volunteers step forward to assist at gun shows with several taking on the extra duty of becoming area coordinators. AzCDL now has a presence at almost every gun show in Arizona along with any other event pro-RKBA people gather.

Interested in volunteering? Check out our Volunteer page at:

<http://www.azcdl.org/html/volunteer.html>

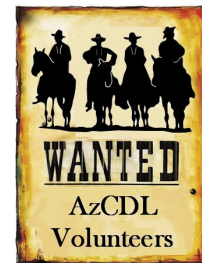


AzCDL's phenomenal volunteers are just one part of our success formula. It works like this:

- We lobby for improvements to your right to bear arms at the Capitol.
- While we lobby at the Capitol, our membership (YOU!) puts the pressure on legislators with your letters and phone calls.

- The more members we have, the bigger our impact.
- The bigger our impact, the more pro-rights legislation gets passed.
- The more success we have at the legislature, the easier it is to recruit members.
- The more members we have, the more success we have at the legislature.

When everyone participates, everyone wins!



In Memoriam...

On September 8, 2012, Harold Fish died from cancer at the age of 65, just 3 years after his conviction for a self-defense shooting was overturned, thanks in large part to the legislative efforts of AzCDL.

Mr. Fish became an unfortunate and very public victim of an Arizona Criminal Code Omnibus bill that became law in 1997. Buried in this new law was the elimination of "innocent until proven guilty" in self-defense situations.

As a result of its passage, anyone who defended himself had to prove their own innocence by a "preponderance of evidence." Only one other state in the Union, Ohio, had such a law.

In May 2004, Mr. Fish, a retired teacher, was hiking in Coconino County when he was forced to defend himself by shooting a violent attacker with several aggressive dogs. Though Mr. Fish cooperated fully with investigators, and those investigators initially recommended that no charges be filed, local prose-



cutors, responding to public pressure, insisted on bringing criminal charges and pushing for a trial.

During the trial, Mr. Fish was forced to spend large sums of his own money attempting to prove his claim of self-defense, even though the state was in possession of all the evidence that might have proven his case. He eventually discovered the violent, irrational history of his attacker, but the judge in the case would not allow this, among many other facts, to be considered by the jury.

Mr. Fish's case brought to light the inequities in the "guilty until proven innocent" law that passed in 1997, and galvanized pro-rights advocates to change Arizona's self-defense statutes.

Through the tireless efforts of Mr. Fish's attorney Mel McDonald, Senator Linda Gray, AzCDL, and others, SB 1145 was passed in 2006 to return Arizona's self-defense law to "innocent until proven guilty."

Because the bill contained an emergency provision and passed with at least a 2/3 majority in each chamber, it became effective upon the signature of the governor. However, even though the law changed during Mr. Fish's trial, he was convicted that same year of second-degree murder under the 1997 law and sentenced to prison.

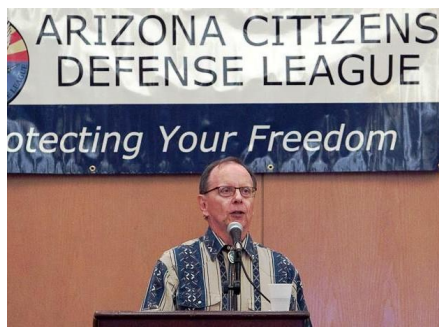
In 2007, Governor Napolitano vetoed a bill that would have made it clear that the legislature intended to apply the 2006 law to cases pending at the time (e.g., Mr. Fish's). It wasn't until 2009,

2012 Annual Members Meeting

The seventh annual Arizona Citizens Defense League's meeting of members, held on October 6th, was a huge success.

Over 500 openly armed citizens gathered at the Sheraton Crescent in Phoenix to celebrate the legislative victories of 2011. AzCDL requests that attendees practice "tasteful open carry" at our events in order to remind the public of our freedom to carry in Arizona.

Entertainment was provided by the Cartridge Family Band.



Speakers this year included:

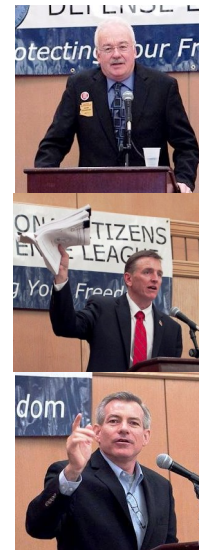
- Barret Tillman—Author.
- John Kavanagh, Arizona State Representative, LD 8.
- Paul Gosar, U.S. Representative, Arizona District 1.
- David Schweikert, U.S. Representative, Arizona District 5.

State Senator Ron Gould (LD 3) was presented with a Lifetime Achievement Award. Accepting for Senator Gould was State Senator Frank Antenori (LD 30). State Representative David Gowen (LD 30) was awarded Legislator of the year.

We thank member Donald Bliven and the Arizona State Rifle and Pistol Association (ASRPA) for their generous donations of Gold and Silver tables respectively.

Special thanks goes to Charles Heller, AzCDL Communications Director, for emceeding the meeting and to AzCDL Life Member John Lin for volunteering to take pictures of this year's meeting.

We invite you to join us next year when our annual meeting of members will be held in Tucson. See you there!



Harold Fish Remembered

(Continued from page 2)

following the appointment of current Governor Jan Brewer, that we were finally able to get such a bill signed into law.

In June 2009, the Arizona Court of Ap-

peals reversed Mr. Fish's conviction and he was released from prison in July 2009.

We are deeply saddened by the passing of Harold Fish. We are indebted to him because his act of self-defense and the resulting trial sparked the restoration of

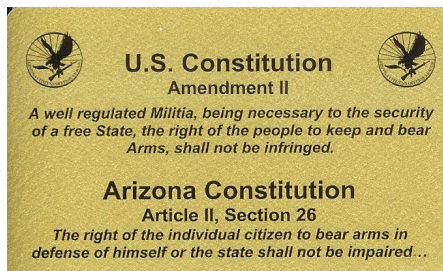
"innocent until proven guilty" in Arizona that protects anyone who is faced with defending himself. For those of us who knew him, he was also just a nice guy who got a raw deal, and yet he remained determined to see that justice prevailed for the rest of us. Mr. Fish, we salute you.

Making A Difference

On November 6, 2012, Barack Obama was reelected as President of the United States. This means we have four more years of a President and his supporters in Congress who share the ideological belief that your right to keep and bear arms is a bad thing.

On the plus side, in his first term, President Obama did not overtly pursue any "gun control" legislation, and even signed a bill that included language lifting the ban on carrying on federal land. However, on the minus side, he also stated he was going to covertly pursue "under the radar" gun control (e.g. Fast and Furious?).

During the Presidential debates before the election, President Obama revealed that he supported banning "assault weapons" and targeting "cheap hand guns", and shortly after winning the election, the Obama Administration once again indicated its strong support for the United Nations small arms treaty, whose progress had recently been stalled.



Despite an uncertain future at the federal level, we are still the United States of America. Arizona is a state whose voters overwhelmingly supported an AzCDL-requested Constitutional Amendment in the 2012 election to protect crime victims from being sued by their attackers. After the election, Arizona still has a solidly pro-rights legislature.

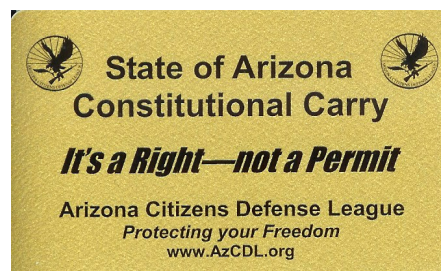
More importantly from AzCDL's perspective, the election brought a shift in the Arizona House and Senate leadership to one that is more supportive of your right to bear arms. When others see defeat, we see opportunities.

AzCDL is here to continue the fight to restore and preserve your right to bear arms in Arizona. As we learned from the 2012 election, if you are not on the steam roller, you become part of the road. Not getting involved is the same as supporting those who want to take your rights away. We ALL need to work together to get strong pro-rights bills through the Arizona legislature.

The 2013 Arizona legislative session gets underway in January. As bills progress we will be sending out Legislative Alerts via email. Many of those will have a link to our Legislative Action Center where a letter has been prepared and is waiting for you to email to committee members or your legislators. Sending these emails takes less than a minute and only about two or three mouse clicks. Constituent correspondence means a lot at the legislature, and the larger the numbers, the greater the effect. The letters you send from AzCDL's Legislative Action Center can mean the difference between a bill passing or failing to move.

Your participation in the legislative process is critical to our right to bear arms in Arizona.

Can we count on you to make a difference?



WHICH WOULD YOU RATHER USE TO DEFEND YOUR RIGHTS?



PROVE IT. GET ACTIVE.