



# TRUCKERS & SELF-DEFENSE

**DORSEY KINDLER**





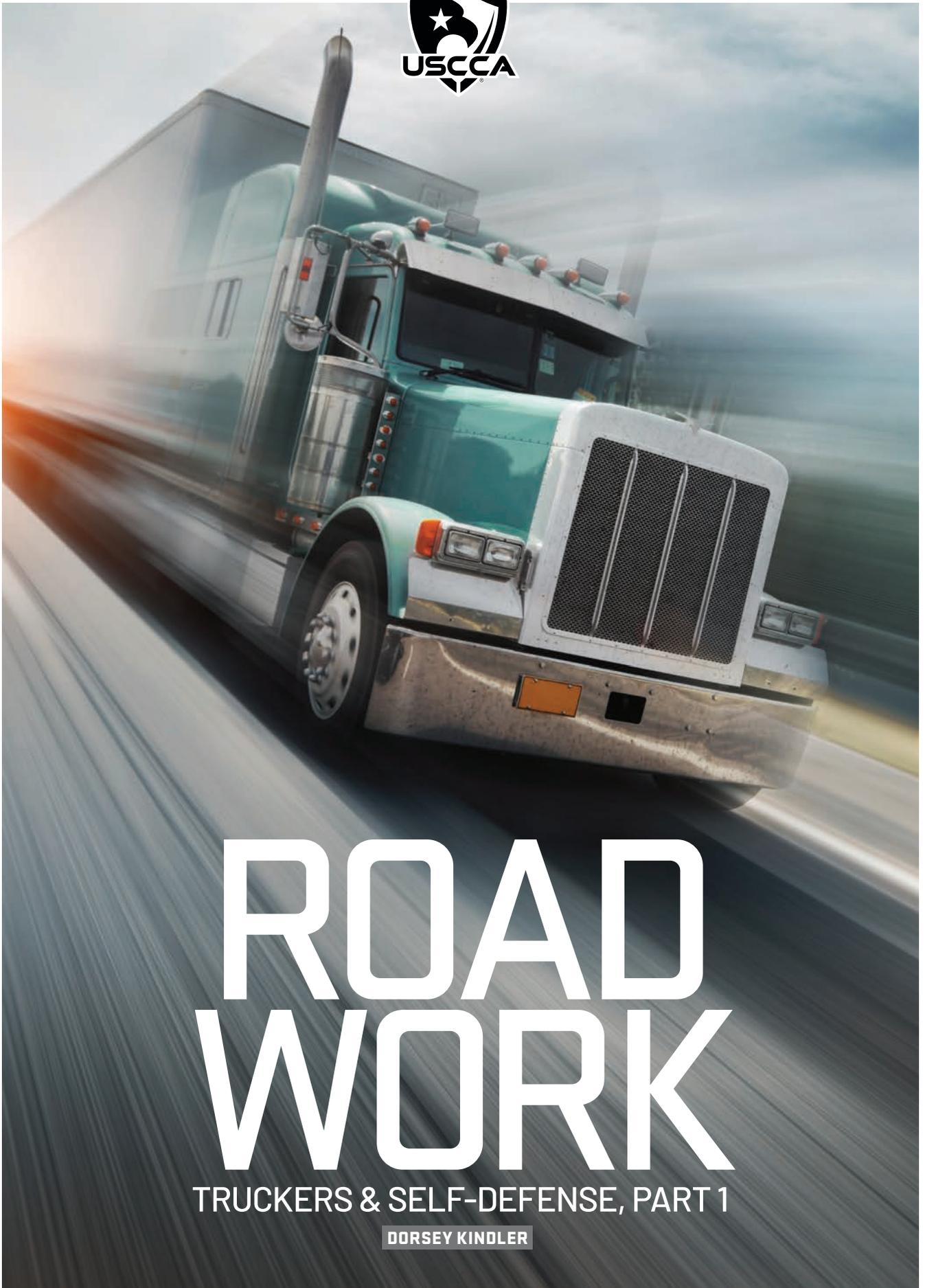
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# ROAD WORK

TRUCKERS & SELF-DEFENSE, PART 1

DORSEY KINDLER

**A**mos Phillips flipped on his right-turn signal and eased the brakes as he pulled his truck off Interstate 15 and onto the Exit 80 offramp at Fort Hall, Idaho.

It was Sept. 2, 2018 – the day before Labor Day – and the 64-year-old trucker was “empty,” having hauled a load of railroad crossing parts from Missouri to a receiver 15 miles south of Fort Hall in Pocatello, Idaho.

Multi-state drives like the one he had just completed were part of what Phillips enjoyed most about his job – seeing the country. Originally from Peoria, Illinois, he’d been to every state in the Lower 48, save for Oregon, in his 30 years as a trucker. There were hassles, of course, but the travel and the freedom of the road suited him just fine.

Phillips navigated his 2000 Freightliner Cascadia into the TP Gas & Truck Stop on the Shoshone-Bannock Tribes’ Fort Hall Reservation, backed into one of the long, narrow spaces, and took himself off the drive line. It was a pleasant evening, with temperatures in the 70s, so Phillips decided to walk to the nearby Fort Hall Casino to try his luck at the blackjack tables.

A few hours later and \$100 poorer, Phillips walked back to his sleeper cab. He doesn’t drink alcohol because of his Type 2 Diabetes, so he clearly remembers falling asleep listening to the Willie’s Roadhouse channel on SiriusXM satellite radio.

Around 2:30 a.m., Phillips awoke with a start to the sounds of a young man forcibly breaking into the cab of his truck. The intruder, holding rocks in both of his clenched fists, demanded money. Before Phillips could react, the man attacked.

“When he came at me, I didn’t really think he would do it,” Phillips said. “After he started, all I could think about was getting him the hell off my truck.”

The plan to do so very well might have involved the Ruger Security-Six revolver Phillips had previously carried for self-defense, but he stopped carrying it in his truck after he was told that truckers are prohibited from possessing firearms by federal law – an all-too-common misconception.

So instead, Phillips, who stands 5 feet, 10 inches tall

and weighs 200 pounds, tried to get at the man’s eyes. Not knowing if he was successful (and still under attack), Phillips then grabbed onto the attacker’s “privates” and pushed him out the door with his feet. The man ran off into the night.

The beating was heinous. Phillips was hospitalized at Portneuf Medical Center for three days following the attack, followed by another four days of hospitalization

back home in Missouri. He was left with a broken nose, a broken cheekbone, a seizure-inducing blood clot in his brain and thousands of dollars of medical bills for which he had no insurance.

Phillips’ trucking company, Missouri-based JWE Inc., sent a driver to Idaho to pick up Phillips’ rig. The driver found two bloody rocks that the Fort Hall Police Department had left in the cab.

## IN A NUTSHELL

For a variety of reasons, it’s difficult for over-the-road truck drivers to protect themselves with firearms:

- While no exact figure exists, the majority of trucking companies, including virtually all the mega-carriers like Swift Transportation, Schneider and C.R. England, prohibit drivers from carrying firearms.
  - Even if a driver has his or her employer’s permission (or is willing to break company rules), that driver still has to contend with a mishmash of laws that vary dramatically from state to state. Breaking the gun laws in a state like New Jersey, for example, can result in substantial prison time.
  - Many shippers and receivers, and nearly all nuclear facilities, Indian reservations, military bases and international ports, prohibit firearms.
  - Lastly, there is the persistent-yet-unfounded belief that truckers are federally prohibited from carrying firearms.
- At the same time, truck driving is one of the top 10 most dangerous professions, according to the U.S. Bureau of Labor Statistics.<sup>1</sup> The number of total fatal injuries in the category of “truck transportation” was 599 in 2017, the last year with complete data available. While the majority of those fatalities were the result of vehicle accidents, seven of them were homicides, with five of those seven being the result of shootings.



### BEATEN TO THE EDGE OF DEATH

*The gruesome aftermath of the 2018 attack on truck driver Amos Phillips is a graphic illustration of the serious risks truckers face in their travels.*



# 10-4, TRUCKERS. YOU'RE COMING IN

Self-defense options for professional truck drivers is a topic that has been suggested by dozens of our readers over the years and one that we've kicked around in more editorial meetings than I could count. On its surface, the subject seems pretty simple, but as many of you already know, there's a lot to unravel here. With every question our Customer Engagement advisors forwarded from a frustrated truck-driving USCCA Member, every email we received from a concerned family member of a trucker or every conversation we had with exasperated over-the-road drivers on the USCCA Concealed Carry Expo floor, we felt a greater urgency to provide the answers our readers were looking for.

What you're holding in your hands right now is the result of many months' worth of effort to address

those questions as thoroughly as possible: a four-part series on truck drivers and self-defense. These stories were originally published in the January, February/March, April and May/June 2020 issues of *Concealed Carry Magazine*.

In this first piece, Dorsey Kindler peels back the onion and exposes all of the layers of this very complicated issue. He thoroughly explains the safety difficulties truck drivers face on a day-to-day basis and details why there are few simple answers when it comes to viable and legal self-defense options for truckers.

In Part 2, Kindler reveals what life on the road is really like — from the allure and freedom of cross-country drives to the loneliness and separation from families that many truckers face to the compromised positions drivers often find themselves

in regardless of how many precautions they took. Part 3 is an update on the current laws affecting trucker safety and the legislation efforts that could impact drivers in the future. We wrap up the series with some proven safety suggestions from lawyers, long-time truckers, trucking company owners, self-defense experts and more.

While this series was built with truckers in mind, there are a lot of takeaways here for anyone who is serious about self-defense. You'll find anecdotes on situational awareness, state-to-state travel with firearms, conflict avoidance, the intricacies of self-defense law, vehicle security systems and much more in these stories.

So, sit back, buckle in and enjoy the ride. We've got the hammer down, a full tank of go-go juice and nothing but open roads ahead.

A December 2016 survey on truckers and personal safety by *Overdrive Magazine* found that 76 percent of respondents have felt they were in danger while parked, delivering or driving, while 35 percent reported having been forced to use a form of self-defense while truck driving.<sup>2</sup>

Despite the dangers, truck driving is also one of the most vital occupations in the country according to analyst Steve Tam, vice president of ACT Research.

"If for some untoward reason we were to shut the trucking industry down," he said, "the U.S. economy would literally come to a grinding halt. Probably within less than a week."

If you look at the dollars and cents of it, Tam said, about \$1 trillion in freight is shipped in the United States on an annual basis. Trucking handles about 80 percent — \$800 billion — of that total. In terms of weight, more than 16 billion tons of freight are shipped each year, which amounts to a little over 11.5 billion tons being moved around the country by truck.

"And as much as we love the railroads," Tam said, "I don't know about you, but I don't have a rail siding coming up to my house. Or my Kroger. Or my Walmart. Or any place that I go to get the stuff I need. I am entirely depen-

dent on the trucks' ability to deliver that freight."

The sheer necessity of the trucking industry is something most people overlook, according to Cody Willey, a 26-year-old driver with Brady Trucking, of Vernal, Utah. He said truckers are "the red blood cells of the country," willing to go anywhere, 24/7, no matter what.

"Unfortunately, there's a lot of parts of this country that are not doing well," he said. "But they still need groceries. They still need clothes, school supplies and fuel for their cars. So, truckers are still going there."

## SEEKING SAFETY

It's hard to pinpoint where a truck driver is most vulnerable. While most pickups and deliveries take place in urban areas, over-the-road drivers routinely travel through rural areas where help is nowhere near.

Consider the case of Tony McCoy, who found himself the victim of arson in August 2017. The lease operator had stopped at a small truck stop at Mile Marker 5 on I-93, just north of the New Hampshire-Massachusetts state line. He went inside to update his iPad with the complimentary Wi-Fi. When he came back outside, he found that someone had torched his \$250,000 Volvo truck.



#### **BEHIND THE WHEEL**

*Like most long-haul truck drivers who have driven for several years, Jerry Drolshagen, of Wisconsin, has faced some harrowing situations on the road – and off of it.*

"I don't know why someone would do that," the Georgia native said. "I'm African American. You hardly ever see [someone like me] driving a truck. I survived. The truck didn't. But it was insured."

Major cities with their out-of-control crime issues give truckers pause too. Several years ago, North Carolina-based Gary Harrison was driving out of downtown Chicago on the Skyway around 8:30 a.m.

"There was a small car in front of me," said the GMX Inc. company driver. "Another car passed me and got next to it. I saw a semi-auto come out. Filled the other car with bullets."

Harrison said the shot-up car bounced off a concrete wall to its right, then veered across both lanes. The side of the car was "all bullet holes and broken glass," and he could see the driver slumped over behind the wheel.

"I called 911," he said. "They asked if I knew the mile marker and didn't seem that surprised about it [after he gave them that info], which got me thinking that [the shooter] could have taken me out too because I was a witness."

Rest areas have their own set of issues. Company driver Jerry Drolshagen was using the bathroom facilities at a rest area four years ago when a man kicked in the stall

door. Drolshagen, who goes by the CB handle "Gunsmith," produced a pistol and sent the man running. The small firm that Drolshagen drives for allows firearms.

"I have no idea what he was after," said the 57-year-old Wisconsin native. "I didn't give him the chance to explain himself."

Shippers and receivers are routinely located in less-than-desirable areas. Former driver Guy Smith, also of Wisconsin, found this out the hard way when he was mugged early in his career around the age of 25.

He was delivering at a secured warehouse and facing a window of delay time. He wandered across the street to get a sandwich and was attacked in broad daylight in the parking lot of a convenience store. The muggers knew he was a driver because they had watched him pull into the facility from across the street.

"I got beat up pretty bad," said the 55-year-old. "It's the main reason I started carrying a pistol. Once you get your ass kicked and get robbed, you know you never want that to happen again."

And as for the hundreds of truck stops that dot the landscape? The Petros, Flying Js, Love's, Pilots and scores of independents? They aren't exactly safe harbors either, as Phillips can attest.

## THE PARKING ISSUE

The trucking industry has long suffered from a lack of safe parking. Without a parking spot, drivers are forced to make do with freeway ramps and abandoned lots, putting them at increased risk of accidents and crime.

And now, with government-mandated electronic logging devices monitoring hours of service, much of the flexibility of the past has been taken away. Drivers can't advance a load one minute past their allotted 11 hours of daily drive time, even to find a parking spot, without risking steep fines.

"[A lack of] parking is an epidemic in our industry right now," said Lewie Pugh, vice president of the Owner Operator Independent Driver Association (OOIDA). "If you have to stop, you have no choice now. Congress is going to have to step up and do something about it. This is beyond the private sector."

Congress did address the issue in 2012 with the MAP-21 highway bill that included "Jason's Law," named after 35-year-old truck driver Jason Rivenburg, who was shot dead for \$7 while parked at an abandoned South Carolina gas station. The inclusion, championed by Rivenburg's widow, Hope Rivenburg, required the Department of Trans-

portation to address the national truck parking shortage at public and private facilities along U.S. highways.

The first Jason's Law truck parking survey released in 2015 found that most states lacked truck parking capacity, especially states along major corridors with high truck volumes, such as I-95, I-40, I-80, I-10 and I-81. A second study is set to be released by early 2020, but according to Pugh, such studies are pretty much worthless.

"I don't know how many meetings I've been on since I came on to OOIDA," he said. "It's the same problem. The government does research and studies but never does anything with the information. We need to pour pavement. Just somewhere to park the trucks."

Florida truck driver Desiree Wood has taken up the mantle of parking activist since her friend Hope Rivenburg took a step back to focus on her young children. Wood attends meeting after meeting in an attempt to spread the message to anyone who will listen.

"We don't expect our armed service members to go fight a war for us and then go fend for themselves at night," she said. "Truck drivers serve this country every day. And they deserve a place to stop and sleep where they won't be sitting duck[s]."

**"CONSIDERING THE HIGH-VALUE LOADS AND FREQUENT TRIPS TO CRIME-RIDDEN AREAS, IT WOULD SEEM LOGICAL TO ARM OVER-THE-ROAD TRUCK DRIVERS. BUT VIRTUALLY ALL MAJOR TRUCKING COMPANIES PROHIBIT FIREARMS OUTRIGHT, AND IT'S DIFFICULT TO GET A REASON WHY."**



### **DELIVERY DILEMMA**

*Even if a driver's company allows him or her to carry a firearm for self-defense, many shippers and receivers do not allow guns on their properties.*

## **“LESS-LETHAL ALTERNATIVES TO FIREARMS, SUCH AS TASERS AND PEPPER SPRAY, AREN’T DEADLY FORCE BUT MUST NONETHELESS ONLY BE USED WHEN LEGALLY JUSTIFIED, LEST THE USER FIND HIMSELF OR HERSELF CHARGED WITH ASSAULT.”**

### **THE BIG TICKET**

It was a lack of safe parking that led to Wood becoming the victim of another trend plaguing the trucking industry: cargo theft.

On July 3, 2018, she was hauling a load of Campbell’s Soup from North Carolina to the Miami Publix distribution warehouse. Knowing there was little parking in South Florida, she called it a night in West Palm Beach, close to where she lives.

Wood carefully parked her truck at a closed Winn Dixie and went home 5 miles away to get some sleep. When she got back to her truck a little after 3:30 the next morning, she was shocked to find her \$13,000 trailer and its \$65,000 in cargo gone.

“The tractor was sideways,” she said, “and had been yanked out of the way of the trailer that weighed close to the maximum allowed with 43,000 pounds of soup product. They attempted to steal my tractor too, but my [electronic logging device] prevented it.”

DNA swabbed from the tractor’s fifth wheel led Palm Beach Police to 53-year-old Guillermo Arteaga, who was charged with larceny of \$20,000 to \$100,000, burglary of an unoccupied conveyance and grand theft of a motor vehicle.

“Law enforcement told me dealing with cargo theft is a full-time job in South Florida alone,” Wood said. “These rings are very sophisticated.”

Indeed, a Quarter 1 2019 analysis by CargoNet found that trailer burglaries were becoming the preferred method of cargo theft.<sup>3</sup> It’s a pattern that continued into the second quarter, which saw an estimated total of \$22.9 million in cargo stolen across the United States and Canada.<sup>4</sup> California, Florida and Texas were the top three states for such crimes.

### **COMPANY POLICY**

Considering the high-value loads and frequent trips to crime-ridden areas, it would seem logical to arm over-the-road truck drivers. But virtually all major trucking companies prohibit firearms outright, and it’s difficult to get a reason why.

Swift Transportation, J.B. Hunt Transport, Schneider, CRST International, Knight Transportation, C.R. England and US Xpress did not reply to interview requests. Representatives of the American Trucking Associations (ATA), an organization that represents the interests of these large firms and others, declined to be interviewed.

Sara Edmondson, the safety officer for medium-sized Great Plains Transportation out of Fargo, North Dakota, was willing to go on the record, however.

“Every trucking company has some sort of variation of

safety officer,” she said. “If a customer is looking at us to haul freight, and we have no safety structure? It’s a no. The same goes for poor safety records. We’re not going to get that business.”

Edmondson said that if her company doesn’t comply with rules and regulations, it could lose its Department of Transportation number and go out of business.

“A lot of my job is writing reports,” she said. “What was the cause of the accidents we were in? And then attacking those causes and trying to eliminate them. Every time a driver leaves our yard, risk assessment is involved.”

When asked why her company bans firearms, she mentioned the liability issues the company’s drivers face traveling between all of the lower 48 states. But she didn’t elaborate beyond that.

A commonly held belief is that trucking companies would be uninsurable if they were to allow drivers to carry firearms, but Matt Van Syoc doesn’t believe that is the case. He’s a broker with Indiana-based insurance firm Marvin Johnson & Associates, which holds a policy count of 4,000 and \$70 million in premiums.

“When we do our underwriting questions, we never have to ask about firearms,” he said. “We fall back on the policies of the motor carrier. If [it has] a policy in writing that states you have to have a permit and use your weapon responsibly? That’s up to the employer, the motor carrier.”

Drolshagen has a less charitable explanation. He believes the reason large trucking companies ban firearms is that they treat their employees so poorly. (It’s true that the annualized turnover rate at large carriers — fleets with more than \$30 million in annual revenue — stood at 83 percent, according to recent ATA reports.<sup>5</sup>)

Drolshagen also has a standing bet with anyone who will take it: \$1,000 cash to the first person who can point to the line in the Federal Motor Carrier Safety Regulations Pocketbook that bans firearms.

So far he’s kept his money.

### **OTHER WEAPONS**

Of course, firearms aren’t the only way truck drivers can fend off a burglar or would-be attacker. Tire thumpers, cans of wasp spray, tasers and pocketknives are used by truckers as self-defense weapons with varying degrees of success.

Jerry McDowell, a 78-year-old former iron worker, keeps his old iron-working hammer in the door of his truck, just in case. He also kept a tomahawk in his cab until a police officer who pulled him over told him to get rid of it.

"I bet you're going to tell me you use this for work," the officer said.

The problem is, in the eyes of the law, many of these alternatives are no different than using a handgun in self-defense. No matter what tool is used, an act of deadly force in self-defense — and any use of knives, blunt-force tools and guns would fall under this category — should be legally justifiable. Self-defense expert Massad Ayoob perhaps puts it most succinctly: "Deadly force is justified only when undertaken to prevent imminent and otherwise unavoidable danger of death or grave bodily harm to the innocent."

Less-lethal alternatives to firearms, such as tasers and pepper spray, aren't deadly force but must nonetheless only be used when legally justified, lest the user find himself or herself charged with assault. **[Editor's Note:** While wasp spray might fall under the "less-lethal" category, it is a terrible, and perhaps deadly, idea to use a product designed to kill insects to protect yourself from a violent attack. Pepper spray is a much more effective and legally defensible less-lethal self-defense option and barely more expensive.]

"Before you take physical action," said Attorney Adam H. Rosenblum, "you really have to think about if you're truly acting in self-defense or getting swept up in the emotions of the moment. What one individual might consider self-defense, a prosecutor or judge might view as aggression."

Rosenblum cited the recent example of Daniel Eric Orchard, a truck driver arrested in Laredo, Texas, for spraying insecticide in a motorist's eyes after a road-rage incident. The 48-year-old was charged with assault for the incident.

"There can be a fine line between defense and offense," Rosenblum said.

## FEDERAL PROTECTION

It's "absolutely ridiculous" to Willey that there is no federal law protecting truck drivers who wish to keep a firearm in their cabs, especially drivers with hazmat endorsements, such as himself.

"We are already fingerprinted and passed FBI and TSA checks," he said. "We're tracked everywhere we go with ELDs. We need to be medically certified every couple of years, or every year, depending on your health. We're subjected to some of the most frequent random drug and alcohol testing. Honestly, how much more could you possibly do to prove we're upstanding citizens?"

Willey pointed out that drivers of armored cars are al-

lowed to carry firearms.

"I'm sure there are some wild exceptions," he said. "But, in reality, how much money are those guys carrying around? A couple hundred thousand dollars' worth? I've hauled loads of Victoria's Secret. What's the retail value on that? It's not heavy, and it's packed floor-to-ceiling, front-to-back. That's not a cheap store."



### TOOL FOR THE JOB

Truck driver Jerry McDowell, of Texas, carries a hammer in the door of his truck for odd jobs and self-defense.

## FORCED RETIREMENT

As for Phillips, he can be found these days at his home in Missouri by the Lake of the Ozarks, wrenching on two Willys Jeep Pickups.

He lives off disability and his wife's income because he can no longer drive truck. His doctor said he had to be seizure-free for five years before getting his Commercial Driver's License (CDL) reinstated. By that time, he'll be nearly 70 years old.

"For the most part, he retired me, whether I wanted to or not," Phillips said of his attacker.

A suspect, Stormy Adakai, was eventually arrested by Tribal Police. There is more information about his case later in this series.

Phillips feels strongly that things would have turned out differently had he been carrying a firearm.

"There'd be no issue anymore," he said. "I'd have used it."

## ENDNOTES

(1) U.S. Bureau of Labor Statistics, "Fatal Occupational Injuries Counts and Rates By Selected Industries, 2016-17," Table 4, <https://www.bls.gov/news.release/cfoi.t04.htm>. (2) Carolyn Magner, "Danger zone: Truckers stick to their guns despite questions about firearm laws, Overdrive research reveals," Overdrive Magazine, Feb. 14, 2017, <https://www.overdriveonline.com/danger-zone-truckers-stick-to-their-guns-despite-state-variance-in-gun-laws-overdrive-research-reveals/>. (3) CargoNet, "First Quarter 2019 Cargo Theft Trends," <https://www.cargonet.com/news-and-events/cargonet-in-the-media/first-quarter-2019-cargo-theft-trends/>. (4) CargoNet, "Second Quarter 2019 Cargo Theft Trends," <https://www.cargonet.com/news-and-events/cargonet-in-the-media/first-quarter-2019-cargo-theft-trends/>. (5) Sean McNally, American Trucking Associations, "Turnover Rate at Large Truckload Carriers Jumped in First Quarter," July 17, 2019, <https://www.trucking.org/article/Turnover-Rate-at-Large-Truckload-Carriers-Jumped-in-First-Quarter>.





# LIFE ON THE ROAD

TRUCKERS & SELF-DEFENSE, PART 2

**DORSEY KINDLER**



**T**he “two loves pulling at a truck driver’s heart” is an old trope: There’s the family waiting at home for the driver to return, and there’s the long white lines of the road calling that driver back behind the wheel.

It turns out overused adages are usually born out of some level of truth though. If you talk to truckers who have put on some serious miles in the driver’s seat of a long-haul rig, you’ll likely find that almost all of them experience some level of this romanticized battle in their own minds. When they’re on the road, the loneliness weighs on their hearts, and when they’re home, the wanderlust is almost unbearable. They find what balance they can between the two and carve out a living.

So truck drivers, by nature, are drawn to the solitude of the road. It’s just the driver, the truck and a long black river of asphalt. While it’s easy to see why that freedom and the adventures of life on the road would appeal to some, the isolated nature of the work also leaves truckers vulnerable.

Whether criminals target a truck driver for a wallet and a wristwatch or a trailer full of valuable cargo, they do so because they know the driver is usually the only obstacle between them and a quick score. And the more-shrewd

criminals have learned that most of the larger trucking companies do not allow employees to carry guns for self-defense.

When the Concealed Carry Magazine team started discussing a series covering truck driving and self-defense, we knew we couldn’t fully explore this topic without stepping into the shoes of actual drivers. We wanted to relay what truckers face on an everyday basis — from breakdowns and microwave meals to weigh stations and real-life self-defense options.

Dorsey Kindler, the writer we tasked with this assignment, jumped at the opportunity. For the second part of our four-part series on truckers and self-defense, we sent Kindler on long-haul drives with three separate truck drivers. He passed through 20 states and logged more than 3,400 miles in the passenger seat of big rigs, and he’s learned a great deal about the harsh realities truckers face on the road and the limited options they have to protect themselves. Kindler shares these insights in the following three segments.

### JARED BLOHM

Managing Editor, Concealed Carry Magazine



## CB SLANG

Many truckers use citizens band — CB — radio to warn each other about law enforcement and road conditions and just to while away the time. It’s dying out due to smartphones and a newer generation of drivers who are less interested in tradition. But tune in anywhere near a highway and the peculiar argot of the trucker can still be heard.

Here are a few examples:

**Driver:** What a trucker calls himself/herself

**Skateboard:** Flatbed trailer

**Reefer:** Refrigerated trailer

**Parking lot attendant:** Auto transport driver

**Bedbugger:** Household moving company driver

**Bobtail:** A tractor without an attached trailer

**Deadhead:** Pulling an empty trailer

**Pumpkin:** A Schneider truck (usually orange)

**Four-wheeler:** Any passenger vehicle — car, pickup truck, SUV, etc.

**Bumper sticker:** Tailgating four-wheeler

**Bear:** State trooper (because of their “Smokey the Bear” hats)

**Bear in the air:** Law enforcement in an airplane (usually monitoring speed)

**County mountie:** Sheriff’s deputy

**City kitty:** City police officer

**Evel Knievel:** Law enforcement on a motorcycle

**Kojak with a Kodak:** Law enforcement with a radar gun

**Chicken coop:** Weigh station

**Pickle park:** Highway rest stop

**Go-go juice:** Diesel fuel

**High-speed chicken feed:** Methamphetamines

**Paying the water bill:** Stopping to use the restroom

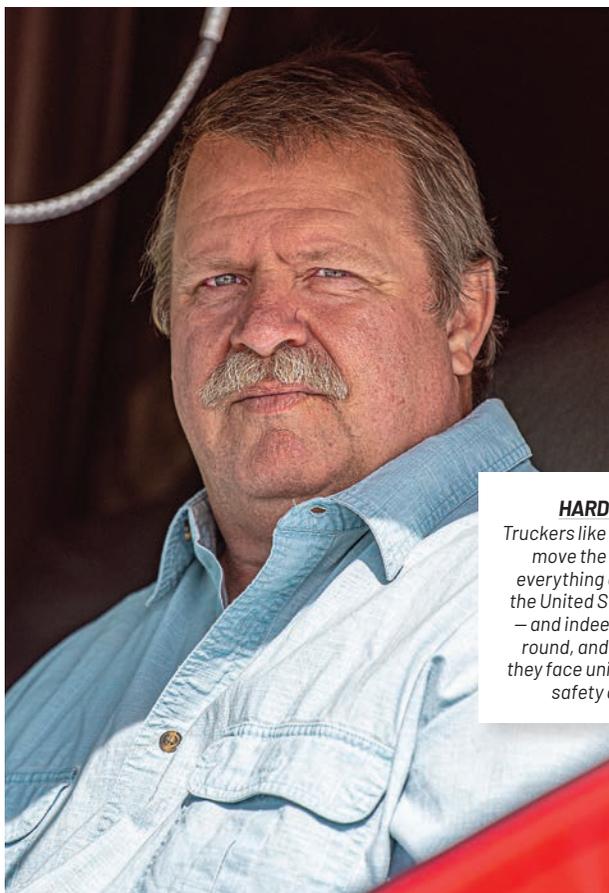
**Gator:** Hunk of blown-out truck tire on the road

**Double nickel:** 55-mile-per-hour speed zone

**Get-down lane:** The fast lane, also called the “Monfort” lane after a trucking company known for running hot

**Zipper:** The dotted line down the middle of the road

**Yardstick:** A mile marker on the highway



#### **HARD AT WORK**

*Truckers like Jerry Drolshagen move the food, fuel and everything else that makes the United States of America — and indeed the world — go round, and while doing so, they face unique security and safety challenges.*

## **WINDSHIELD TIME**

There are good days driving truck. And there are bad days driving truck. So far, Jerry Drolshagen was having a bad day.

The 57-year-old Wisconsin native blew a compressor while hauling 31 pallets of aluminum baking tins to central Alabama, which wouldn't be nearly as much of a problem if it wasn't the middle of August. He'd spent two stifling nights without air conditioning, the temperature in his sleeper cab reaching a sweltering 116 degrees.

On top of his worries, repairs to his tractor — a 2001 International Prostar Eagle — had taken longer than expected this morning. He was in danger of missing his 11 a.m. unloading at the Dollar General warehouse. I'd received a call from Drolshagen in which he told me to be on the "McDonald's side" of the Love's Travel Stop in McCalla, where we'd agreed to meet.

It was a little after 10 a.m., and the sun beat down with a Deep South intensity. AccuWeather predicted a heat index of 104 to 108 degrees. The air was thick with humidity, and the vegetation beyond the trash-strewn parking lot was lush. Cicadas called out the end of summer as a steady flow of portly truck drivers clutching outsized plastic soft drink mugs streamed into the chilled air of the truck stop.

Before long, Drolshagen's red tractor and white 53-foot box trailer turned off AL-216 into the parking lot, whipped around back and paused on the far side just long enough to take on a passenger and his duffel bag.

Drolshagen — 5 feet, 7 inches tall and thickly built — was dressed in jeans, a sleeveless black T-shirt and a camo hat. Bedecked with a hands-free headset, he was on hold with a freight broker with whom he was negotiating his next load.

"The older the truck, the bigger the breakdown factor becomes," he said upon finishing his call. "This truck has 1.146 million miles on it. You've gotta roll with the flow. Adapt, improvise and overcome."

The latter is a line from his favorite movie, Clint Eastwood's 1986 technicolor war film *Heartbreak Ridge*, which seems fitting given that Drolshagen did a stint in the United States Marine Corps after turning 17, during which he also drove truck. Originally from Fond du Lac, Wisconsin, Drolshagen was a military brat who also spent time growing up in California, Michigan and Florida. He said Orlando was a nice enough place until "the rat came to town" (Mickey Mouse and Disney) and tanked local wages.

Forty minutes later, he was admiring the spacious and open parking lot of the enormous Dollar General warehouse.

"Must be a newer facility," Drolshagen mused as he parked his rig and hustled on foot to the guard house to check in.

"Don't be late," he joked with a harried-looking fellow driver doing the same.

Drolshagen said that if you're late dropping off at Dollar General, they've been known to make you wait 24 hours for your next appointment. He used to sweat things more as a younger driver, he said, but now it's "like water off a duck's back." This is fortunate. As mentioned, this was not a particularly good day driving truck.

After five minutes of waiting, he "got a door" at the warehouse. He pulled around the side and expertly backed 70 feet of truck and trailer up to the loading dock.

"I'll try not to give you whiplash," he joked as he executed the maneuver. "Now we wait."

It can take the Dollar General warehouse workers anywhere from 20 minutes to two hours to unload a trailer. (You know they're working when the tractor-trailer starts swaying from side to side.) They call you when they're done.

Like most drivers who haul general freight, Drolshagen never lays a hand on his cargo. Instead, he passed the time by pointing out interesting things in the yard. There was a local driver, recognizable by his "day cab" sans sleeper berth, and a miniature tractor called a "yard dog" that moved around empty trailers.



**IT'S ALWAYS SOMETHING**

Compounding the difficulties inherent to the job, the tractor itself can at times seem like little more than a finicky combination of components getting ready to break. And like in a passenger vehicle, when you are not moving, you are more vulnerable to criminal targeting and attack.

## KEEPING HELL AT BAY

Drolshagen said he's seen drivers "raise hell" because they think they're not being unloaded fast enough. He drives with a SIG Sauer P938, Ruger LCP and AR-15 pistol just in case any hell spills over into his vehicle, parked in a yard or otherwise. The SIG resides in an Alien Gear holster inside the waistband on his left hip, the backup .380 sits in his pocket, and the AR pistol is within arm's reach in his berth.

There was no sign at the warehouse explicitly prohibiting firearms, so it was a "don't ask, don't tell" situation. Otherwise, he leaves his firearms in the cab when he exits his truck on a shipper's/receiver's property.

While virtually all of the "mega firms," like Swift, Schneider and US Xpress, ban drivers from carrying firearms, Drolshagen is fortunate to work for a small outfit that recognizes the dangers faced by over-the-road truckers. It's a job that's statistically riskier than being a cop, Drolshagen said.

There are too many companies out there that don't allow the drivers the means to protect themselves, he said, although he estimates that between 40 and 50 percent of mega-carrier drivers carry despite their employers' prohibitions.

## ONE MAN'S MUSINGS

Drolshagen fiddled with the switch controlling the fan and air conditioning, concerned that, despite this morning's repair in "BFE," the issue was unresolved. As the mercury continued to rise, he'd know soon enough. He took advantage of the downtime to fix himself lunch.

"Microwave cooking at its finest," he said as he munched a hamburger procured from a mini fridge a minute earlier. Drolshagen has perfected the art of nuking food. He's even been known to microwave a steak.

At one time, Drolshagen wore jeans in a size 58 waist, but he recently lost 60 pounds by cutting his calories. His wife, Gwen, is an avid canner and has been helping him make healthier choices in the truck and at their home on 5 acres in Redgranite, Wisconsin.

Two hours later and 5,600 pounds lighter, Drolshagen's truck was traversing the streets of Jefferson County, Alabama. Drolshagen took note of the different stripes of Baptist Church found in this part of the country.

"You wonder if Primitive Baptists attend service in a loin-cloth or something," he joked.

Drolshagen's mood soured when he determined that the air conditioning still wasn't working properly and his engine was running hot. He used his smartphone to search out the nearest shop, which happened to be the I-65 Truck & Auto Repair Center at the end of a gravel driveway next to a patch of piney woods in Warrior, Alabama.

## SOLID SUPPORT SYSTEM

For the rest of the day and into the evening, a group of young mechanics wrenched on Drolshagen's aging International. The crew was led by Tyler Campbell, who issued a stream of quips and one-liners at his co-workers and Drol-

shagen with perfect deadpan delivery.

"You shouldn't carry a gun. It's dangerous," Campbell drawled, straight-faced, while simultaneously producing a Taurus Public Defender in .45 Colt and a North American Arms .22 Magnum from his IWB holster and pocket, respectively.

While his younger co-workers went home for the night, Campbell stayed on the job several hours past the normal closing time. He came from multiple generations of truck drivers, which sensitized him to the plight of the broken down.

"It's the nice thing to do," he said. "I quit when the work is done."

Drolshagen was off making a phone call when Campbell said it was rare to come across old-time drivers like him anymore. The newer drivers? They didn't bother to make small talk at truck stops and didn't know basic engine repair. All they wanted from him was patchwork and quick fixes, he said with disdain.

Despite Campbell's best efforts, the engine was still running 10 to 20 degrees too hot as Drolshagen drove off into the humid Alabama night. Fearing the engine would burn up with the additional weight of cargo, he was forced to cancel his return load. Gwen dealt with the freight brokers on his behalf.

"We make it work because we've had lean times where there was nothing," she later told me. "You go with the blessings that you're given and just kind of go from there. But it gets frustrating."

## HOMEWARD BOUND

Disgusted and ready for the day to end, Drolshagen found parking at an independent truck stop with a gravel lot and minimal facilities. He scarfed down a microwaved Chinese dinner before hitting his bunk for a fitful night's sleep in what amounted to a big aluminum sauna.

Drolshagen woke up at 5 a.m. and took a long-awaited shower at a nearby Love's. With luck, he'd make the 800-plus miles home to Wisconsin with his load of "sailboat fuel" within 11 hours — the maximum daily drive time allowed by the Department of Transportation's hours-of-service rules — but it would be close.

When asked his favorite state to drive, he brushed the question aside.

"It's all windshield time," he said tersely.

As he wended his way through Tennessee, Kentucky and Indiana, Drolshagen's mood seemed to lift. Outside Chicago, he pointed to the spot near O'Hare International Airport where the incoming planes' headlights form a perfect line, stretching off into the distance. But the pattern must have been different that day because the line of descending planes was nowhere to be seen. Instead, off to the right, an enormous Boeing 747 cargo plane slowly climbed into the sky.

"I've never seen them taking off from this side," Drolshagen said, shaking his head in amazement. "With this job, you see something different every day."



**DRIVING TRUCK,  
HAULING TRUCKS**  
*Drivers like Mark Schmidt  
drive for "specialized"  
companies, or firms that haul  
one specific kind of freight.*

## SPECIALIZED DRIVER

Time off is a precious thing for an over-the-road truck driver. Mark Schmidt is no exception. When the 46-year-old "specialized" driver invited me to spend a few days with him in his hometown of Flint, Michigan, I jumped at the chance to experience the domestic side of driving truck.

We agreed to meet at a picnic for members of his Harley-Davidson motorcycle riding club. The event was held in nearby Metamora at an upper-middle-class home that was surrounded by a perfectly manicured lawn with a spring-fed lake out back. "Bring your swimsuits!" read Schmidt's invitation.

The only problem was Schmidt wasn't there, and none of the leather-clad Baby Boomers had any idea who he was. Eventually, I ran into a taciturn Vietnam vet who had a hazy recollection of recruiting him at a local dealership. Apparently, it's hard to make an impression when you're "home" a mere 30 days per calendar year.

Eventually, Schmidt roared in on his SuperLow 1200T. Hooked in behind him was Dezet, a black miniature pin-scher dressed in goggles, a helmet and a tiny leather "cut"

to match her owner's. Upon dismounting and setting Dezet free, Schmidt apologized for being late as he took in the scene.

Schmidt is a tall, slender man with a wiry beard and weathered features. Thousands of hours of windshield time have left his eyes fixed in a permanent squint. When asked a question, he pauses a beat before answering in a low voice roughened by countless Marlboros.

After a pleasant afternoon spent swimming, shucking corn and eating hamburgers, Schmidt rode the 30 odd miles to the Red Roof Inn Flint – Bishop Airport and into a different world. He rents a room in the decayed, rust-belt city because it's cheaper than the surrounding countryside. He chooses this motel in particular because its water is piped in from Detroit and is safe to drink.

### A LITTLE DOWNTIME

Banned from carrying weapons in his truck by the company he's leased to as an owner-operator, Schmidt defends himself off the job with a Glock 17 on his hip and a Smith & Wesson M&P Shield strapped to his ankle.

"You never know what's going to happen from day to day," he said. "I pray that I never have to draw my weapon. It's the last thing I want to do. But it's peace of mind."

That night, I followed Schmidt a couple exits down the highway to Scooters, a local biker bar. Helmetless, he used both blinkers and hand signals to let traffic know where he was going. Before long, we were sitting on a patio, enjoying the warm evening air, sipping draft domestic beer out of mason jars.

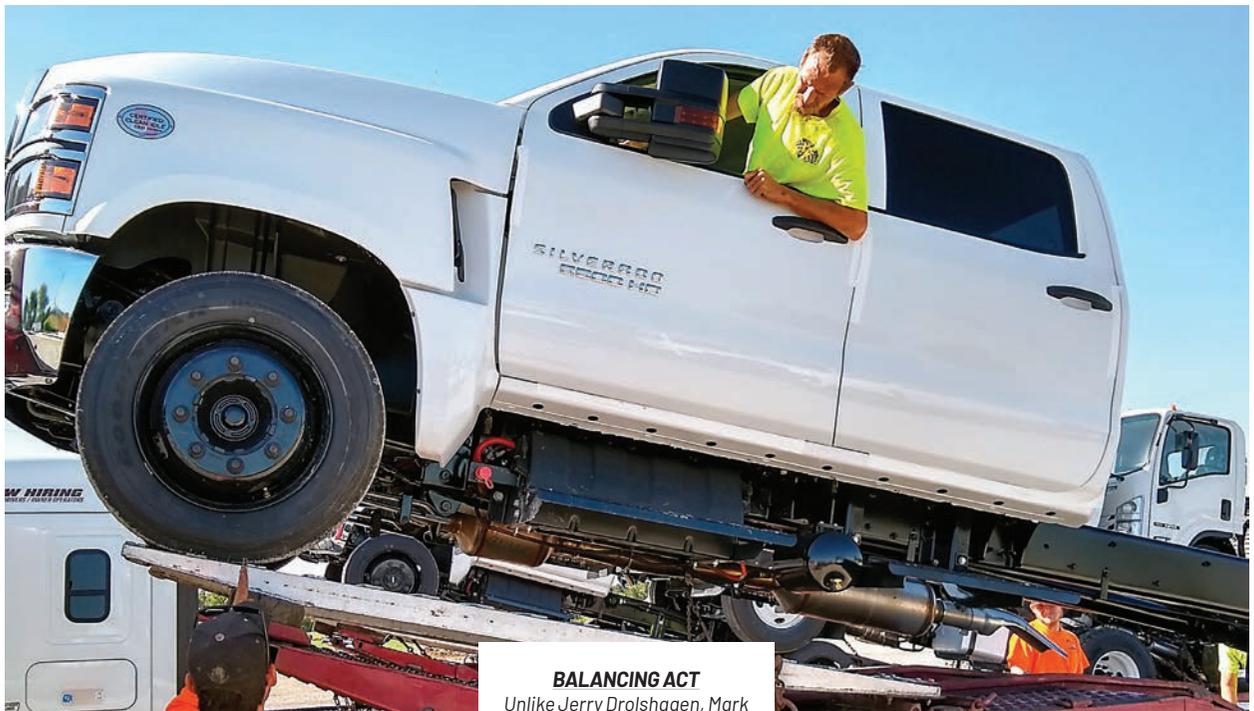
Schmidt explained that he grew up in a rural area just east of Colorado Springs, Colorado. From time to time, his family attended the Jewish service at Cadet Chapel at the United States Air Force Academy. They had so little money that they ate spaghetti most nights.

He'd been married twice – once at a courthouse and once in a Pentecostal Church – but "never again." He had driven truck in the U.S. Army and was honorably discharged. At one point in his life, he was homeless but grew weary of crashing on people's couches.

Later that night, members of an outlaw motorcycle club made their way out onto the patio. Schmidt eyed them suspiciously. He said he's polite to members of the local biker gangs, but he doesn't go out of his way to engage them.

That night, with ongoing police action behind my building, Schmidt retrieved a large black case from his car. He unzipped an AR-15 carbine and assumed a fighting stance, demonstrating the red dot and pressure-plate activated light. Mentioning the armed officers on the far side of the building, I suggested, helpfully, that maybe we should close the door.

Over the next few days, Schmidt gave me a tour of his world, driving through some of the worst neighborhoods



**BALANCING ACT**

*Unlike Jerry Drolshagen, Mark Schmidt gets quite familiar with the contents of his loads.*

in Flint. Many of the homes were merely burned-out husks. He explained that when people can't afford electricity, the candles they use for light tend to start fires.

We ate at his favorite Italian restaurant, stocked up on food for the road at Walmart (deli meat, cheese, honey buns and Neapolitan ice cream sandwiches) and bought Blue Buffalo dog food and bully sticks for Dezet at PetSmart. Before long, it was time to get to work.

**LOAD 'EM UP**

In the trucking world, the term "specialized" means that a company hauls something in particular as opposed to general freight. A company could specialize in hauling wide-load agricultural equipment, for example, or the blades for wind turbines.

In Schmidt's case, he hauls truck chassis — cab, engine and frame only — on custom-designed lowboy trailers. He travels from Flint to businesses and job sites all across the country.

He's responsible for driving the trucks — usually Mitsubishi-manufactured Fusos — onto his trailer and stacking them one against the other with an elaborate system of removable metal ramps. At delivery sites, he does the same thing, only in reverse.

It can be exhausting work, Schmidt said, but he doesn't need to join a gym. And his paycheck would be the envy of a general freight hauler.

His first run of the week was a short hop to a site in Indiana. What could have been a day trip turned into an overnight because of a late start. And so we found ourselves sitting outside a restaurant called "Souper Brew"

overlooking a pleasant little truck stop in the Hoosierland version of Amish country.

Schmidt enjoyed a paper container of cream of asparagus while horses and buggies clip-clopped along, mixed sporadically with the auto traffic. He told me that he likes his employer but doesn't like being told not to carry. He has reasons too.

"I was flat-bedding in San Francisco," he said. "A guy walked up behind me, put a gun to my back and said, 'Give me your money!' It's just not a pleasant feeling."

Schmidt gave the thief the money, he said, because money can be replaced.

"It's my life," he said. "The company is not there protecting me if someone comes up and tries to rob me."

Schmidt woke up at 5 the next morning and drove off in search of his receiver. A Marlboro dangled from his mouth, and his face was lit a ghostly blue by his Rand-McNally GPS.

Outside his window, the rolling farmland brought to mind the opening scenes of the movie *Hoosiers*. Silos stood out against the early morning sky, and some of the houses' windows glowed with cheerful yellow light.

"You know what?" Schmidt said. "I think I've been here before."

He drove down a lane that led to an industrial park and a warehouse surrounded by a sea of truck chassis. Day was just starting to break, but the site was already buzzing with activity.

Dezet stood on the empty driver's seat and barked while Schmidt removed the straps over the front wheels of the first chassis. He carefully rolled them up and put them in a built-in toolbox behind his cab.

There was a hissing, pneumatic sound as he pulled two metal ramps out from inside the rear of his trailer. He carefully climbed into the cab of the chassis, started its engine, rolled down its window and gingerly backed it off the trailer.

After the chassis was down on the gravel, Schmidt drove it down a row of similar-looking vehicles and parked it in place at the end. He would repeat this process three more times over the course of two hours. It was light out by the time he finished.

"Time is money when offloading," he said. "I have to make every step count."

There's another reason why Schmidt needs to be quick and efficient: Unloading chassis requires complete focus, making him an easy target for criminals.

## HEADED CROSS COUNTRY

Two days later, Schmidt was hauling a fresh load of chassis to Tacoma, Washington. He stopped for a break at the Bosselman Travel Center in Grand Island, Nebraska. It was a trucker's paradise, replete with a movie theater, a tattoo parlor, a chapel, foosball tables and flat-screen TVs tuned in to college football. But as Schmidt left, he shook his head and said that the place had changed.

"How so?" I asked.

He stopped to think for a moment.

"There used to be a life-sized statue of The Predator."

As the sunflowers of Nebraska gave way to the wind-swept hills of Wyoming, Schmidt caught a glimpse of the Rocky Mountains in the distance. A billboard sponsored by the Laramie County Cowbells read, "Beef: It's What's for Dinner." It made him think of a job he had while still in high school.

During summers, he "cowboyed" at a ranch in nearby Elk Mountain. He repaired fences, rode horseback and drove cattle out of a mountain pasture down onto the flatlands. It was a lifestyle he tried on for size, but the money wasn't there.

Perhaps that's why he's so appreciative of the job he has now. Of course, it has its travails, but it's something on which he can build a life. He's improving his credit score with the aim of buying a new Peterbilt. And he's considering buying property back in Flint.

When Schmidt began driving professionally in 1992, it was largely an act of defiance. He'd long been fascinated by the lifestyle and equipment, but he'd been somewhat of a hellraiser in his early days. A company in California took one look at his record and told him he'd never sit behind the wheel.

"That pissed me off," Schmidt said. "So I set forth to drive a truck."

Wyoming's famous wind rocked the cab of his Volvo as Schmidt fixed his eyes on the distant mountains.

"Nobody's going to tell me I can't do something," he said.



### BEHIND THE WHEEL AND THE MIC

*Paul Lathrop, of South Dakota, is a trucker and gun-rights advocate. He has put out more than 500 episodes of The Polite Society, a podcast about firearms and self-defense.*

## THE ROAD CALLS

"I got the grill guard for deer, but it works well on Nissan Versas too," Paul Lathrop said while doing his pre-trip check.

It was a drizzly, gray day in Sioux Falls, South Dakota. The 50-year-old over-the-road-driver-turned-gun-rights-activist was thumping his tires in preparation for a long haul to Vermont.

He was describing a November 2018 accident in Chicago where a young man in a Japanese import zoomed past him on the right, hit an icy patch, lost control and came to rest sideways, directly in Lathrop's path.

"He just ran out of talent," Lathrop said. "A truck was in the lane to my left. I couldn't move to the right. So, basically, all I could do was stand on the brakes. Luckily, I didn't kill the guy."

Indeed. Such is life for a man who drives an 80,000-pound brick wall for a living. To be fair, it's the only Department-of-Transportation-recordable crash he's had in more than 1.5 million miles of driving professionally. He's fond of his \$70,000-a-year job and takes it seriously.

"Once I found trucking, I knew I found my calling," he said.



**“LATHROP SAID HE’S ONE OF THE FEW FANS OF THE NOW-UBIQUITOUS ELECTRONIC LOGGING DEVICES THAT DON’T ALLOW DRIVERS TO FUDGE THEIR HOURS OF SERVICE. THEY LEVEL THE PLAYING FIELD AND ALLOW HIM TO COMPETE WITH DRIVERS WHO OTHERWISE WOULD BE DRIVING 24 HOURS A DAY ON METHAMPHETAMINES.”**

While Lathrop’s been an owner-operator in the past, he grew sick of the hassle of taking care of his own equipment. He currently is a company driver on a new-ish Volvo with a mere 175,000 miles on the odometer and 525 horses under the hood. Whenever he leaves the yard, he has confidence his equipment will get him to his destination sans breakdowns.

### **PHILOSOPHY FROM THE ROAD**

Hauling 35,000 pounds of plastic bags through the cornfields en route to I-90 East, he stopped at a Love’s to grab a free coffee with his fuel points. A combination of coffee, cigarettes, Diet Mountain Dew and Bang Energy Drink propels him through his day. However, being a Type 2 Diabetic, Lathrop does his best to make healthy food choices. His wife Susan manages a convenience store deli. And, together, they share a passion for the Food Network and all things cooking.

“Good food is good for the soul,” Lathrop said.

So is a strong marriage. Somewhere during the course of the morning, Lathrop used his Amazon Alexa to take the first of many calls from his wife. They have a habit of bantering about who loves who more before hanging up.

“Be well into the relationship before you go trucking,” he warned. “If you’ve got a one-year marriage and go into trucking? I give you a 5 percent chance that your relationship will stand.”

Lathrop said that trucking is worse than the military, where, despite being deployed for six months at a time,

you still get to be home with your spouse the other six months. He, on the other hand, is out six days and home for a mere 34 hours.

“If I could find a job that pays what I make now and be home?” he asked. “I’d do it in a heartbeat. They’re just not there.”

Prior to driving truck, Lathrop made his living as a collections agent, pestering people who weren’t squared away with their credit card bills. He considered himself a customer-service agent with “a bit of an attitude.”

All that changed when an over-the-road trucker friend showed Lathrop his paycheck. Lathrop’s eyes bugged, and by July 2002, he was Class-A-certified and on the path to a new and more adventurous way of life.

The miles rolled away under our feet as we pulled into Minnesota, past the billboard with a woman in a horned helmet — “Nine Out of Ten Vikings Recommend Trails Travel Center” — past the exit to the SPAM Museum — “Not a Tasteless Tourist Trap!” — and on into Iowa.

### **LATHROP’S LIFE**

Lathrop grew up in the countryside outside of Sioux Falls, where the closest neighbor was three-quarters of a mile away. He remembers selling vegetables at the farmers’ market and walking local beanfields with a machete, hacking out weeds for \$5 a day. The first gun he ever shot was a break-action, single-shot .22 rifle.

Guns simply weren’t part of his adult life, however, until the events of Sept. 11, 2001. The attacks encouraged him

to purchase a Taurus Judge and, later on, a .40-caliber Glock 22.

We passed through Iowa and descended onto surface streets, where Lathrop grumped at another truck driver's lane choice. Lathrop shared his theory that Des Moines is a gathering place for Iowa crazies.

"It's no San Francisco though," he said upon further reflection.

Lathrop has hauled a variety of general freight over the years. For a time, he picked up junked cars on the East Coast and brought them back to rebuilders in South Dakota. He's hauled new Harley-Davidson motorcycles from York, Pennsylvania, to dealerships in the Rocky Mountains. And there was the time he hauled the pallet containing \$2 million worth of cancer drugs.

We made our first rest stop in Portage, Indiana, that evening, just past the billboard advertising "Nudes-A-Poppin'" — the "most well-known nude event in Indiana."

"It's acceptable," Lathrop said of the 638.9 miles he'd covered in the past 10 hours. "I've done better. But I've done far worse."

Lathrop said he's one of the few fans of the now-ubiquitous electronic logging devices that don't allow drivers to fudge their hours of service. They level the playing field and allow him to compete with drivers who otherwise would be driving 24 hours a day on methamphetamines.

The next day, driving into the hills of eastern Ohio, south of Cleveland, Lathrop gripped the steering wheel in obvious pain. His back was giving him fits, the result of an accident suffered years earlier. He had been running loads for Petco, where, uncharacteristically, he was involved in loading and unloading. Before he could react, a 2,000-pound pallet of dog food pinned him against a wall. He was out of work for eight weeks and still hasn't fully healed.

"This is a young man's job," he said. "Not something you can make a 30-year career out of."

While Lathrop loves South Dakota, he hopes to become a snowbird when he retires from trucking and spend winters somewhere warm where he can play tennis. It could become a reality sooner than later if his gun-rights podcast, *The Polite Society*, keeps growing in popularity.

"I believe that Second Amendment new media is more effective at reaching the common gun owner than the NRA," he said.

## HASTY WORDS WREAK HAVOC

One of the things that fuels his activism is the memory of a false accusation and subsequent arrest that took place in Nebraska in February 2016. He was with a student driver en route to Ontario, California, when another driver on the fuel island at a Flying J blocked their forward progress.

"He comes storming out of his truck, walking toward my student," Lathrop said. "He put his foot on the running board and started climbing up like he was going to clobber him."

It was at that point that Lathrop said, "Dude, I've got a gun."

The irate driver vacated the lot, and Lathrop and his student were well down the road when they were pulled over by highway patrol and taken back to the scene of a supposed crime.

The man had called the sheriff and spun a fantastic yarn about Lathrop having threatened him with a chrome revolver and asking him if he wanted to die, which was especially egregious considering that Lathrop carried a standard-issue Glock while driving truck at the time.

Lathrop spent four days in jail, but with the help of Frank Fiamingo, president of the New Jersey Second Amendment Society at the time, he was able to make bail. The charges were dropped when the State of Nebraska couldn't locate the driver who made the accusation.

"The one thing he missed is the other guy got to the telephone first," said firearms instructor and self-defense expert Massad Ayoob, a longtime friend of Lathrop's. "The liar got to be the victim complainant, and the honest guy became the suspect."

Lathrop doesn't want to be known as the "gun-rights guy who got arrested," however, and at the moment, he was more concerned with getting his load to the receiver in time.

## RISE AND SHINE

It was a chilly morning at the rest stop in New Hampshire. Lathrop roused himself at 5 a.m., despite the appointment not being until 7:30 a.m. He groggily sat up in the driver's seat, smoking the day's first cigarette and fighting off what he likes to call "sleep inertia."

At 6:30 a.m., he navigated his big rig over the Connecticut River and into Vermont. He was on surface streets now, so he had to pay close attention.

"They're not the best-laid-out in New England," he crabbed.

At one point, he crossed a narrow bridge over the White River and did his best impression of a credit card going through a slot in the cash register. He made the sharp turn left off Vermont-5 onto Vermont-14.

As he traveled along the rushing mountain stream, he passed forest glens, steeped churches, clapboard homes and an ancient-looking cemetery with perfectly mowed grass. By Lathrop's estimate, the Green Mountain State has some of the best scenery in the country.

Finding the warehouse, he backed into the dock located inside a garage and said that this was where he really earned his money. Going from a brighter area to a darker area makes it hard to see in your side mirrors.

Lathrop handled it with aplomb, however. And, after 1,658 miles, the load was delivered.





# 18 WHEELS & THE LAW

TRUCKERS & SELF-DEFENSE, PART 3

**DORSEY KINDLER**

**“ONE WRONG TURN AND A DRIVER COULD END UP DEAD OR ARRESTED, EITHER LACKING THE MEANS TO PROPERLY PROTECT HIMSELF OR HERSELF AGAINST A THREAT OR, ON THE OTHER HAND, JAILED AND PAYING EXORBITANT LEGAL FEES. TO MAKE MATTERS WORSE, MANY TRUCK DRIVERS LOSE THEIR JOBS WHILE FACING THOSE LEGAL BATTLES.”**

When Cal Martin wrote the trucker anthem “Diesel Smoke, Dangerous Curves” back in 1951, the deadly bends he referenced were most likely the perilous corners of the steep mountain pass the driver was navigating. You could argue though that the “dangerous curves” in the tune later popularized by Red Simpson were those of the waitress “at the bottom of the grade,” who the driver was burning brakes, stripping gears and risking his life just to see.

In any case, the song was not suggesting another long, winding and potentially treacherous road that long-haul drivers must navigate today: the law of self-defense. But, as almost any big-rig vet could tell you, staying legal and staying safe while out on the road can be every bit as harrowing as “goin’ downhill with a heavy load.”

Consider the conundrum truck drivers face daily:

- A driver must stay compliant with laws in every state (and sometimes even every county or city) through which he or she drives while possessing firearms or other weapons.

- As the political battles for national reciprocity for concealed carry permits continue, law-abiding citizens can become instant criminals just by crossing state lines.

- Facing a serious lack of safe parking options, drivers often face harassment from vagrants and prostitutes and are exposed to criminals seeking easy targets.

- Following a violent crime, a driver is forced to navigate the criminal justice system as the victim of an attack or sometimes even as a defendant who committed an act of self-defense.

One wrong turn and a driver could end up dead or arrested, either lacking the means to properly protect himself or herself against a threat or, on the other hand, jailed and paying exorbitant legal fees. To make matters worse, many truck drivers lose their jobs while facing those legal battles.

### **MIKE’S LAW**

When driver Michael Boeglin left for Detroit to deliver a load of aluminum coils to Thyssenkrupp in June 2014, little did he know it would cost him his life.

The 31-year-old Indiana resident was found shot to death inside his burned-out Freightliner, which was parked by an abandoned building near his drop. He left behind a wife who was pregnant with their first child.

The case caught the eye of James Lamb, a former state

motor carrier investigator who founded the Small Business in Transportation Coalition – a 15,000-member business association dedicated to promoting and protecting the interests of small businesses in the industry. Lamb posted a photo of the crime scene on his Trucker Lives Matter Facebook page shortly after reports of the murder surfaced and then set about drafting “Mike’s Law.” The proposed law would have created a special type of federal firearms carry permit under the auspices of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) to cut through the patchwork of state laws that impede workers who would like to travel with defensive firearms.

“It was meant to try to widen the net as much as possible,” Lamb declared. “It wasn’t going to be just for truck drivers. In fact, it wasn’t even going to be transportation-related. It was for any American who was working in interstate commerce.”

However, when Lamb brought his bill to the National Rifle Association (NRA) with the hope that the organization would champion it, he was in for a surprise. The gun-rights-advocacy group took issue with it being a “special carveout” and the fact that it was predicated on interstate commerce as opposed to the Second Amendment.<sup>1</sup>

“And so we went back to the drawing board,” Lamb said. “What if we made this more expansive so it covers everybody?”

He drew up the “Michael’s Law Amendment” to Federal Code 18 USC § 926A. The original code declares that as long as the owner of a firearm can legally carry in the state he or she left and the state to which he or she is traveling, the firearm is unloaded and the ammunition is not easily accessible, he or she can legally cross state lines.

“We took the existing ‘peaceful journey’ statute where you’re able to carry unloaded from state to state,” Lamb explained, “and changed it to readily available and loaded to capacity.”

Convinced he’d found a backdoor route to national reciprocity that was immune to a 10th Amendment challenge, Lamb once again appealed to the NRA, even appearing with NRA commentator Colion Noir for an interview on NRATV. But nothing ever came of the discussions.

“That’s their domain,” Lamb stated. “They’re going to figure out how to solve it. They don’t need anybody’s input. And they don’t want to face the realization that some transportation trade group fixed the problem for them.”

# TRUCKER COUNTRY

■ BY JARED BLOHM,  
Managing Editor,  
Concealed Carry Magazine

The '60s and '70s saw one of the strangest music fads in modern times: trucker country. Hundreds of songs about the working-class life of truck drivers hit radio waves and jukeboxes nationwide. Song topics ranged from the dangers of trucking to the thrill of the road to CB radio chatter to the women waiting at home. Some songs were heart-warming, some were heart-breaking, and many were at least a little corny. In fact, several were downright tacky. But all of these tunes represent a slice of culture from an all-but-bygone era.

As a fan of classic country music, a vinyl record collector and a bit of a history buff with a soft spot for the odder things in life, I've developed an affinity for the trucker country sub-genre. In fact, when I'm flipping through a record bin, I almost never pass up a dusty old trucker compilation LP – the kind you'd find new in a truck-stop display in 1975. Usually for just a buck or two each, these vinyl gems almost always have offbeat cover art and usually a song or two (or at least a version of a song) that I haven't heard.

If you're interested in checking out some trucker country songs yourself, here are a few good tunes for starters. Most, if not all, are just a search away on YouTube or your favorite streaming music service.

## THE CLASSICS

These are 10 of the songs and artists that helped define the genre:

- **"Truck Driving Man"** – Terry Fell (1954)
- **"Six Days on the Road"** – Dave Dudley (1963)
- **"Tombstone Every Mile"** – Dick Curless (1965)
- **"Diesel Smoke, Dangerous Curves"** – Red Simpson (1966)
- **"Nitro Express"** – Red Simpson (1966)
- **"How Fast Them Trucks Can Go"** – Claude Gray (1967)
- **"I Ain't Never Been Passed"** – Jim Nesbitt (1968)
- **"Looking at the World Through a Windshield"** – Del Reeves (1968)
- **"White Line Fever"** – Merle Haggard (1969)
- **"East Bound and Down"** – Jerry Reed (1977)

## 6 OFF-THE-WALL CUTS

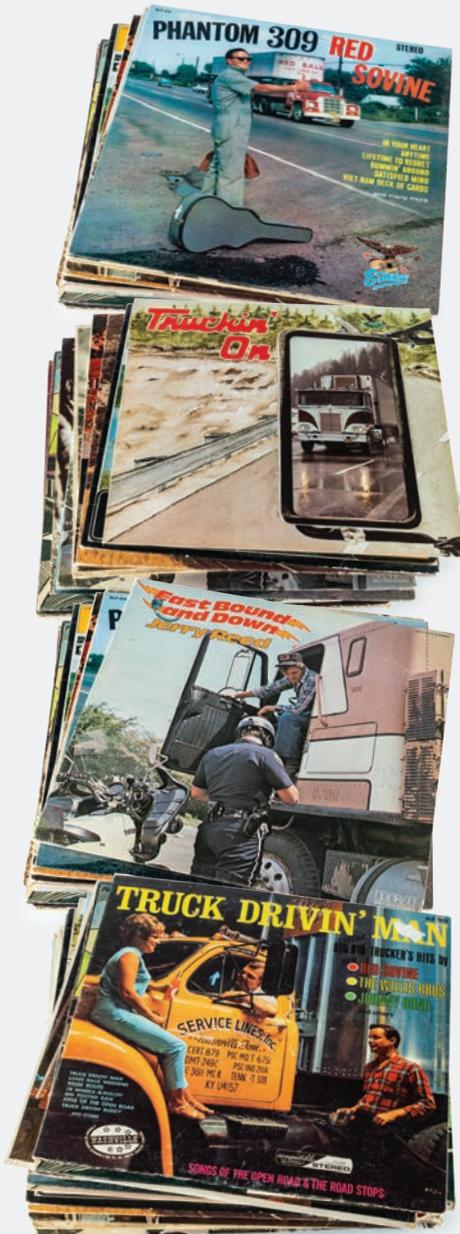
Part of the appeal of trucker country, at least for me, are the songs with stories that stretch the theme beyond the usual trucks, asphalt and truck stops. Here's a six-pack of classic trucker songs that go the extra mile:

- **"Give Me 40 Acres (to Turn This Rig Around)"** – The Willis Brothers (1964)
- **"Girl on the Billboard"** – Del Reeves (1965)
- **"That's Truck Drivin'"** – Slim Jacobs (1965)
- **"Phantom 309"** – Red Sovine (1967)
- **"Bud the Spud"** – Stompin' Tom Connors (1969)
- **"Trucker and the UFO"** – Brush Arbor (1973)

## 6 MODERN TRACKS

While trucker country doesn't typically make it onto the radio or into pop culture much anymore, there are still artists making great new trucking songs. Here are a half-dozen of my favorites that have come out in the last 25 years:

- **"Good Luck 'N' Good Truckin' Tonite"** – Dale Watson (1998)
- **"The Hammer Going Down"** – Chris Knight (1998)
- **"18 Wheeler Fever"** – Scott H. Biram (2006)
- **"Trucker Speed"** – Fred Eaglesmith (2011)
- **"There Ain't No Diesel Trucks in Heaven"** – Bob Wayne (2012)
- **"Long White Line"** – Sturgill Simpson (2014)



### PROFESSIONAL DRIVERS

While truck-driving country is certainly unique, folk music in the United States has often been inspired by occupations – cowboys, farmers, miners and railroad workers, for example.

Lamb, who is based in Florida, has lobbied Sens. Marco Rubio, R-Fla., and Rick Scott, R-Fla., to no avail. He's currently open to working with any gun-rights-advocacy group or lawmaker that will take up the fight.

Ashley Boeglin, Michael's widow, was involved in the initial push for Mike's Law before stepping back to care for her child. She believes the holdup is politics, as usual, although she maintains hope that eventually things will fall into place.

"The big thing is just trying to keep this on the forefront," she declared. "We really want to strive not only for our loved ones that are out there but also the new drivers that'll be coming on in the future. Because it's just that important."

## NATIONAL RECIPROCITY

Of course, Republican lawmakers on Capitol Hill have been pushing for national reciprocity for concealed carry permits for years. Recently, the cause has been championed by Rep. Richard Hudson, R-N.C., and Sen. John Cornyn, R-Texas, who have introduced legislation in the House and Senate, respectively.

The issue "crystalized" for Hudson after the October 2013 arrest of Shaneen Allen, a Philadelphia resident with a Pennsylvania License to Carry Firearms who was pulled over for a routine traffic stop in New Jersey. When Allen told the officer she had a handgun in her car, she was arrested, jailed and faced a mandatory prison term before being pardoned by then New Jersey Gov. Chris Christie.

When he first heard of Allen's plight, Hudson thought, "We've got to do something about this." And so he was inspired to introduce new legislation in Congress.

"It makes criminals out of law-abiding citizens who have gone out of the way to follow the law to protect themselves," Hudson said of the current mishmash of state laws. "It makes criminals out of them because they cross an imaginary state line. And I just think that's wrong."

His Concealed Carry Reciprocity Act (H.R. 38) was predicated on Article IV, Section 1 of the U.S. Constitution – the Full Faith and Credit Clause. It's the same section that allows for driver's licenses to be recognized in all 50 states. The act passed the Republican-controlled House in December 2017 and, to his surprise, went nowhere.

"We couldn't even get a hearing in the Senate, even though Sen. Cornyn, in fact, has a companion bill," Hudson said. "I had a lot of conversations with a lot of senators, including Sen. [Mitch] McConnell. But, for whatever reason, it never got scheduled for a vote."

Hudson reintroduced the bill in January 2019 but sees a formidable obstacle in Rep. Nancy Pelosi, D-Calif.

"As long as she's Speaker [of the House], I don't have high hopes," he said. "If there is a large compromise package on gun violence, I'd love to see H.R. 38 as part of that. I know it's a long shot. But that, to me, is probably the only opening in this Congress."

Sen. Cornyn declined to be interviewed about his parallel legislation (S. 69) but issued the following statement through an aide:

"As Americans, we have a right to self-defense. I have my license to carry, as does my wife and many other Texans. My legislation – the Constitutional Concealed Carry Reciprocity Act – would ensure this right will not be infringed. It should be legal for those who have a license to carry [a] weapon from state to state as long as they obey the laws in that state, like you would with a driver's license."

Cornyn's plan would grant reciprocity while still keeping intact state prohibitions on those not allowed to have gun permits. The bill awaits committee action at the time of this article's publication.

The question remains though: Why was nothing accomplished during the two years when Republicans controlled the White House and both houses of Congress? Dan Zimmerman, managing editor of *The Truth About Guns*, believes the blame lies with Republican leadership.

"I don't think [former Speaker of the House] Paul Ryan or [Senate Majority Leader] Mitch McConnell had any interest in expending one red cent of political capital," he indicated. "I don't think they see that much value in pushing gun rights. All they know is they would get a firestorm of criticism from the press for making it easier for crazies to carry guns, which is how it would be portrayed."

Dave Workman, of the Second Amendment Foundation, said he was surprised when H.R. 38 didn't sail through the Senate. Looking back, he said that lawmakers were probably focused on the budget, building the border wall and bracing for Trump impeachment hearings.

That said, Workman thinks "constitutional carry" at the state level is the path forward. The concept reflects the view that the Second Amendment does not abide restrictions on gun rights. At the time of this article's publication, 16 states do not require a permit to carry a loaded, concealed firearm for any person of age who is not prohibited from owning a firearm.<sup>2</sup>

"In an ideal world, there would be no licensing anymore," Workman said. "You'd be able to carry openly or concealed in a peaceable manner. And it would really be nobody's business."

## THE PARKING ISSUE

When it comes to fighting for more safe parking for trucks, few people are more vocal and influential than Desiree Wood, the founder of REALWomenInTrucking.org.

"The parking hasn't kept pace at all," said the Florida-based driver and activist. "Even existing parking is designed for 48-foot trailers. Those were once the norm, but haven't been for over a decade."

And while she's supportive of Jason's Law – the addition to the 2012 Transportation Reauthorization Bill that provided \$6 million in federal funding to address the nationwide truck parking shortage – she feels that more

## **“ONE OF THE REASONS MUNICIPALITIES ARE RESISTANT TO ADDING MORE PARKING IS THAT LOCAL CRIME SEEMS TO GRAVITATE TO TRUCK STOPS. [SAFE PARKING ADVOCATE DESIREE WOOD] SAID. THIS SOMETIMES NECESSITATES LAW ENFORCEMENT SUPERVISION.”**

could be done, which is why she can be found attending planning meetings from Maryland to Texas.

“A lot of it is just educating one person at a time,” Wood asserted, “and hoping [he or she gets] passionate enough to go out into [his or her] community and talk to people.”

One of the reasons municipalities are resistant to adding more parking is that local crime seems to gravitate to truck stops, she said. This sometimes necessitates law enforcement supervision.

“It shouldn’t be that way,” Wood added. “[A] truck stop should be a central point of the community, like a Starbucks, where kids know they’ll be safe in the bathrooms.”

Additionally, Wood said that the major truck stops are a driving force preventing the addition of more parking.

“They don’t want the competition,” she said. “TA, Love’s, Pilot and Flying J are the big four. They’re very influential. But their properties are in disrepair, they sell food that will give you a heart attack, and they charge you \$3 to wash your clothes.”

Another disconcerting trend Wood has noticed is the proliferation of shady towing companies partnering with the managers of formerly truck-friendly stores to shake down drivers for money. She recently became a victim herself at a Walmart in Perry, Georgia.

“They come in the middle of the night,” she reported. “They wait until you’re asleep. Then they boot your truck or they lock your air lock, and knock on your door and say, ‘I’ve been trying to wake you up for an hour now.’”

Lewie Pugh, a vice president with the Owner Operator Independent Driver Association (OOIDA), said that there is nowhere to park in the cities and that concrete must be poured on federal or state land.

“That’s where trucks go mainly. In and out of cities,” he said. “Take Pittsburgh, for example. There used to be a law that they can’t build a truck stop in Allegheny County. Now there aren’t any truck stops because of some stupid law.”

Pugh takes a dim view of Jason’s Law.<sup>3</sup> He said that much of the money has been allocated to electronic signs displaying the number of parking spots available at rest stops down the highway.

“I don’t know how many meetings I’ve been in since I came on to OOIDA,” he declared. “It’s the same problems. The government does research and studies and never does anything with the information. We need to pour pavement, just somewhere to park the trucks.”

Wood, however, said she’s starting to see signs that things are moving in the right direction, particularly in the states of Maryland, Texas and Florida. All three have recently held meetings to gather input from truckers on how to improve their respective parking situations.

“I’m just hoping that one of these states will turn out to be the flagship,” she said. “Because these are the states that are really reaching out to the drivers.”

### **WEIGHED DOWN**

Wisconsin-based driver Guy Smith was having a typical workday in June 2016 when he crossed the Illinois-Wisconsin state line going northbound on I-94. At Kenosha, Wisconsin, he pulled his big rig into the weigh station and onto the scale. Knowing he was legal, he waited for the light to turn green so he could go on his way.

Instead, an officer told Smith to pull around back. What Smith didn’t know was that an overhead camera had revealed a revolver in an open briefcase on the floor of his cab. It was the loaded Ruger Security-Six .357 Magnum that he had been carrying ever since he was mugged on the job years earlier.

“They inspected me and asked if I had a firearm,” he said. “I cooperated and admitted it.”

Smith did not have a concealed carry permit, but he was under the impression that this wasn’t a problem under Wisconsin state law, so he was confused when he was detained for an hour. Eventually, the officers let him go, but not before issuing him a citation for having a concealed weapon in his vehicle.

Just 50 minutes up the highway in Milwaukee, Nik Clark, founder of Wisconsin Carry, Inc., was looking for a test case. The Wisconsin State Legislature had passed Act 35, legalizing concealed carry, in 2011. But whether or not a resident could legally carry a loaded handgun in a vehicle without a permit was a gray area, he said.

“Guy’s case was unique in that it was clean,” Clark stated. “He was a military vet who hadn’t even committed a speeding violation. It was a perfectly clean case for us, which is why we were interested in funding representation in that case.”

Clark set Smith up with John Monroe, a well-known gun-rights attorney based outside of Atlanta, who immediately began drawing up multiple defenses.

“Part of the theory we had was that Guy, being a trucker, both lived and worked out of his vehicle,” Monroe said. “So, in addition to being a vehicle, it was both his residence and place of business — both of which are legal to carry a gun [within]. I think I would have gotten some traction, but we didn’t get the chance.”

That’s because the State of Wisconsin dropped all charges. The prosecuting attorney, Kenosha County Assistant District Attorney Thomas Binger, decided he was no longer interested in pursuing the case in August 2017. But he said it was not because he didn’t think he could win.

**TEST CASE**

Former truck driver Guy Smith found himself in the middle of a case concerning the gray area of what, exactly, counts as a "concealed weapon" and how that definition applies to the world of over-the-road trucking.



"The case was scheduled to go to trial on a date when I had five other cases scheduled," Binger said. "The way our judge was handling things was that he ranked the cases by order of priority. This case was given a higher rank than a sexual assault case that I needed to try. I needed to get that done."

Smith, who gave up trucking over the incident, admits that traveling with a loaded handgun in his cab without a permit was a risky move.

"Luckily, I got stopped in Wisconsin," he said. "If it was in Illinois, I would still be in jail. New York? They'll lock you up forever."

## HOME ON WHEELS?

Peter LaVoie, an attorney with the Truckers Justice Center, said that a semi-truck, like any commercial vehicle, is generally not considered to be a home or domicile.

"While drivers may sleep in their trucks and some even live there full time," he explained, "a commercial vehicle does not benefit from the Fourth Amendment protections against unreasonable search and seizure in the same way a residence might."

Further, he said, in the case of a company driver, the truck is owned by his or her employer, who has the right to exercise certain controls over the equipment.

"For example, a company can place restrictions on passengers or prohibit a driver from having a firearm in the vehicle even if the person is otherwise legally allowed to carry in that state."

As for what a driver should do when crossing state lines with firearms, LaVoie recommends learning the laws inside and out.

"Drivers are responsible for knowing and abiding by the laws of each state in which they operate," he said. "While there is no blanket federal law prohibiting firearms in commercial vehicles, many states have their own restrictions."

Furthermore, the driver is responsible for ensuring that any state in which he or she carries recognizes reciprocity with the state that issued his or her permit, he said.

"If the driver is not legally allowed to carry," he said, "then the firearm should be unloaded, locked and securely stored out of reach."

There are exceptions, of course. For example, New York State and New Jersey have even more restrictive gun laws.<sup>4</sup>

## OUT OF COUNTRY

Since the North American Free Trade Agreement went into effect in 1994, driving into Canada and Mexico has become commonplace for U.S.-based long-haul truck drivers.

However, transporting a firearm into either of these countries is a risky proposition, according to California attorney Matthew Cubeiro, co-author of *California Gun*

*Laws: A Guide to State and Federal Firearm Regulations.*

"As a general rule, any person traveling outside the United States with firearms or ammunition must obtain a valid and appropriate export license or qualify for an exception," he declared.

Setting aside these export requirements, he said, the U.S. Department of State notes that hundreds of U.S. citizens face arrest in other countries, predominantly on the Canadian and Mexican borders, for simply carrying firearms or ammunition.

"Handguns, for example, are generally prohibited in both Canada and Mexico," Cubeiro reported. "And while it may be possible to travel to Canada and Mexico [with firearms] for purposes such as hunting, the paperwork involved will generally preclude semi-truck drivers from simply crossing the border during routine travel."

In the pithier words of Monroe: "It is going to be generally illegal to take a gun to Canada or Mexico. I would strongly advise against it."

## RESTRICTED AREAS

A frequent complaint of lawfully armed truck drivers is that many of the warehouses and facilities where they pick up and drop off cargo post signs banning firearms.

"As with carry restrictions," Cubeiro said, "whether a 'No Guns Allowed' sign has any force of law varies with each state. Some states make it a crime to carry a firearm into any facility with appropriate signage, even if the person is otherwise lawfully allowed to carry a firearm pursuant to a valid CCW."

And while other states may not expressly prohibit the carrying of a firearm in a building with a "No Guns" sign, he said, a person can still be charged with criminal trespass should he or she refuse to leave after being asked to do so.

In order to stay compliant in facilities with posted "No Guns" signage, LaVoie said, your firearm should be unloaded, locked and stored securely.

## PULLED OVER

When it comes to what armed truckers should do when stopped by law enforcement, Cubeiro said that, again, the answer varies by state.

"For persons lawfully carrying a firearm pursuant to a CCW permit or any other means, some states require the individual to disclose to an officer that [he or she is] carrying a firearm," he said. "And while other states might not require disclosure, the policies of the individual's CCW-issuing authority may nonetheless require disclosure."

Meaning that failure to do so could result in the revocation of the person's concealed carry permit, Cubeiro said.

"For [a] person otherwise lawfully transporting a firearm unloaded and locked in a container, there is generally no requirement that the person declare to an officer that [he or she is] transporting a firearm," he said.



## ALTERNATIVE WEAPONS

With regard to the legality of weapons other than firearms, attorney Adam H. Rosenblum is considered an expert in the space. He's written several e-books and hundreds of articles pertaining to the intersection of criminal and traffic law.

"The two classic alternatives are knives and stun guns," Rosenblum said.

The tricky thing about knives, Rosenblum said, is that while there's tremendous variation in state law, there are also municipal laws that can vary just as much. There are also categories of blade length, Rosenblum explained. States such as Alaska, Arizona, Kansas, New Hampshire, Tennessee and Utah have no knife restrictions at all. And then you have states, such as Delaware and Rhode Island, that restrict you to 3 or 3.5 inches, but only if the knife is concealed. In North Dakota, the restriction is 5 inches if concealed.

What about nunchucks? Truckers thinking of going the Napoleon Dynamite route better steer clear of Massachusetts, where they are banned completely. And if you're in California, you can only use them in a martial arts studio.

"My bottom line on this is maybe you're better off stick-

ing to a baseball bat," Rosenblum said. "Baseball bats aren't illegal anywhere."

That said, the effectiveness of a baseball bat as a self-defense weapon in a space as tight as a semi-truck cab could easily be debated.

Tasers and stun guns are another option, Rosenblum said, but they're not allowed for private-citizen use in Hawaii or Rhode Island. Other states, including Delaware,<sup>5</sup> West Virginia,<sup>6</sup> Wisconsin<sup>7</sup> and New Mexico,<sup>8</sup> require a permit for stun guns. And a background check is required in Illinois, Maryland, Massachusetts and Minnesota.

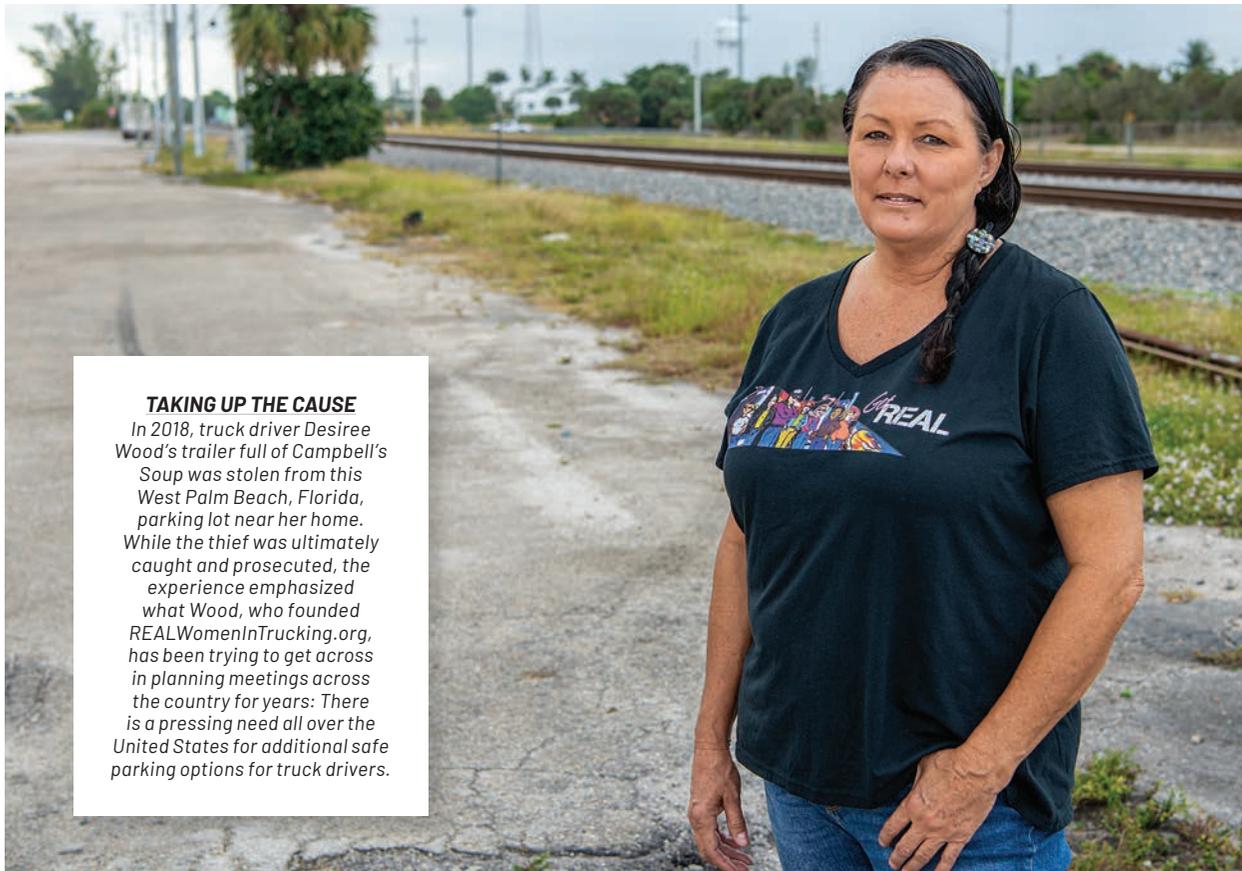
"One other tool is legal most anywhere," Rosenblum said. "Pepper spray."<sup>9</sup>

Rosenblum stressed the need to be judicious and to never get caught up in the heat of a moment.

"It's always wise to exercise caution when using any form of self-defense," he advised. "A person can end up in handcuffs. It's always best to de-escalate the situation in a nonviolent way [if possible]."

## JUSTICE FOR AMOS

The case of Amos Phillips — the elderly driver who was nearly beaten to death in Idaho and who was



**TAKING UP THE CAUSE**  
 In 2018, truck driver Desiree Wood's trailer full of Campbell's Soup was stolen from this West Palm Beach, Florida, parking lot near her home. While the thief was ultimately caught and prosecuted, the experience emphasized what Wood, who founded REALWomenInTrucking.org, has been trying to get across in planning meetings across the country for years: There is a pressing need all over the United States for additional safe parking options for truck drivers.

featured in the first installment of this series – was investigated by the Fort Hall Police and the FBI. The former arrested a suspect in November 2018.

Stormy Adakai, 24, of Fort Hall, Idaho, was charged with one count of aggravated assault and one count of robbery. Both were felonies.

The Shoshone-Bannock Tribes forwarded the case to the Tribal Prosecutor's Office for charges in Tribal Court and to the Federal Prosecutor's Office for federal charges.

Despite arresting his alleged assailant, the Fort Hall Police bungled the case, according to Phillips.<sup>10</sup>

"They didn't do the job, period," Phillips said. "I don't even think they went inside the truck because they didn't find the bloody rocks that were in his hands. They just charged him with an assault. Attempted murder is what it should have been."

Phillips also took issue with the punishment meted out by Fort Hall officials.

"The first go-around, he got a \$500 fine and six months in jail," Phillips said. "Does that sound like justice to you?"

**(3)** The U.S. Department of Transportation's second Jason's Law truck parking survey was due out in early 2020. **(4)** An excellent resource for staying legal in these states and others is the USCCA's Concealed Carry Reciprocity Map & Gun Laws website at USCCA.com/laws. **(5)** In Delaware, a permit is required to carry a concealed taser or stun gun but not to possess one. However, they are illegal in three counties: New Castle, Wilmington and Newark. **(6)** In West Virginia, a permit is required for carrying a taser or stun gun concealed unless you are on your own premises. **(7)** In Wisconsin, a concealed carry permit is required to carry a taser or stun gun, except in an individual's dwelling, place of business or on land that he or she owns, leases or legally occupies. **(8)** In New Mexico, a permit is required for concealed carry unless you are on your own premises or in a personal vehicle. **(9)** Many states do, however, have maximum-size limitations on pepper spray of anywhere from 0.5 ounces to 5 ounces. **(10)** The Shoshone-Bannock Tribes did not respond to an interview request for this story.

**ENDNOTES**

**(1)** The NRA did not respond to requests for an interview for this story. **(2)** In Idaho, North Dakota and Wyoming, this only applies to residents of each state.





#### **OUT OF WORK**

*In early 2020, Amos Phillips attended his attacker's sentencing hearing in Pocatello, Idaho. Phillips, of Missouri, has not been able to return to trucking since the attack took place in the summer of 2018.*

UNITED STATES COURTHOUSE  
ANNO DOMINI  
MCMXCIX

# ROLL ON

TRUCKERS & SELF-DEFENSE, PART 4

**DORSEY KINDLER**

## **“TARANI’S THEORY IS THAT ON AN INCIDENT TIMELINE, THINGS CAN BE RESOLVED WITH WHAT HE CALLS ‘SOFT SKILLS’ UP UNTIL THE LAST 10 PERCENT OF THE PROGRESSION. THEREFORE, IT MAKES MORE SENSE TO FOCUS ON PREVENTION THAN ON HARD SELF-DEFENSE SKILLS.”**

It was a bitter day in January 2020 when I traveled to the TP Gas & Truck Stop where Amos Phillips was nearly beaten to death in late summer 2018. The business stands on the Fort Hall Indian Reservation — more than 800 square miles of the Snake River Plain sitting north and west of Pocatello, Idaho — and is operated by the Shoshone-Bannock Tribes. The snowcapped mountains of the Portneuf Range beckoned in the distance.

A sedan marked “SECURITY” was parked outside the door. According to a story in the local media, the Tribes planned to improve lighting and add surveillance equipment to the truck stop in response to the attack. Perhaps the guard’s presence was part of that effort.

Stepping inside, it was business as usual in this part of the country. An American Indian man in coveralls and a “Vietnam Veteran” cap strode confidently to the counter. A poster of a warrior in traditional headdress encouraged the suicidal to ask for help.

### **STAYING ALERT, STAYING SAFE**

Were former Marine Capt. Patrick Van Horne there to witness the scene, he might take note of its “positive atmospherics” — a feeling of safety and no perceived threats. Van Horne, who co-wrote the book *Left of Bang: How the Marine Corps’ Combat Hunter Program Can Save Your Life*, is a leading expert on situational awareness and the subtle art of avoiding trouble.

“The three questions that I’m always asking myself when I go anywhere,” he said, “are what’s going on here? What will make someone stand out? And what will I do about it?”

Van Horne had already finished his deployments to Iraq when he was first exposed to the Combat Hunter program, which is a two-week course designed by then-Gen. James Mattis to give Marines the ability to prevent attacks instead of just reacting to them.

“That was a big problem we faced overseas,” he said. “The insurgents had taken off their uniforms and were blending in with the people in the villages we were patrolling. We waited for them to start their attack and simply responded once it began.”

The three main skills that comprise the Combat Hunter program are tracking, observation and profiling. Marines are taught to use observation and pattern analysis to be aware of dangers at all times. *Left of Bang* takes the lessons of the program and makes them available to a wider audience.

“At its core, everything we talk about in the book is just advanced people-watching,” Van Horne said. “So anyone who’s ever been to a restaurant or coffee shop or bar star-

ing at the people around them, they have done this before.”

After you’ve established the mood and normal pattern of behavior for, say, a truck stop, the trick then is to look for people or things that stick out; that set off your intuition.

“So if your baseline is people who are typically very comfortable,” Van Horne said, “you may look for a person who is very uncomfortable — something like anxious, nervous or jittery — which could be someone who is getting ready for some sort of confrontation.”

Or the opposite could be true. If you walk into a bar where the mood is argumentative and loud — what Van Horne would call “negative atmospherics” — you want to look for the person who seems uncharacteristically confident and comfortable with the situation.

The next step, after a person pings your radar, is to have a plan ready to go into action. Your internal dialogue might run something like: “If this goes bad, what will I do? If this person starts to close the distance toward me, what will I do? Or you know what? The situation is too weird for me. I’m just getting back on the road.”

“The mindset we refer to is getting into Condition Yellow,” Van Horne said. “You know there could be bad people or bad things or bad stuff out there. You’re just actively scanning your surroundings, trying to find it.”

Van Horne recommends creating a ritual of establishing a baseline every time you walk into a coffee shop or stop at the gas station to fill up your vehicle. (It doesn’t matter what the situation is so long as it’s something you do on a routine basis.) By creating a habit in one setting, it will naturally kick in elsewhere, he said.

“Sometimes people ask me does that make you paranoid?” Van Horne said. “It’s not a state of paranoia. It’s just engagement with your situation. It’s being interested in the places where you are.”

While it takes effort to hone one’s situational awareness, Van Horne said that over-the-road truckers are potentially at an advantage because of their “thick file folders” of life experiences.

“It takes energy, and it takes effort,” he said. “But it’s something people have been doing their entire lives in one form or another.”

### **FURTHER AWARENESS**

To further explore the topic of situational awareness, I traveled to Gunsite Academy in Paulden, Arizona, to chat with CEO Ken Campbell, a retired Indiana sheriff with 35 years of law enforcement experience. He too is an advocate of the color system championed by the late Col. Jeff Cooper, founder of Gunsite.



**AN AMERICAN INSTITUTION**

Sheriff Ken Campbell is CEO of Gunsite, one of the most-respected shooting schools in the world. It was originally founded in 1976 as the American Pistol Institute by the late Col. Jeff Cooper (USMC).

“When we talk about our Color Code,” Campbell said, “there is White, Yellow, Orange and Red. White is where most people spend their lives. They’re completely oblivious to what’s going on around them. They’re ostriches with their heads in the sand.”

Not paying attention to your surroundings, Campbell said, puts you at a disadvantage, because if you do have to react to a potentially violent situation, your jump to a combative state is necessarily going to be more sudden and drastic.

“We advocate what we call being in Condition Yellow,” he said. “And Yellow is a relaxed state of alert. I’m the Fox News weather forecaster and I’ve got my radar going. That’s all it is.”

To further the analogy, Condition Orange would be a “blip” on the radar, while Condition Red would be an actual self-defense situation. It could be a domestic dispute in public or something like drunken buffoons at the restaurant table next to you causing trouble.

“When something happens with that table,” Campbell said, “you’re not surprised. You already have a plan. You know where the exits are. It doesn’t necessarily mean you’re going to guns. It means maybe you’re grabbing your family and going out that exit.”

Campbell said such manner of thinking helped save

the life of a Gunsite graduate who found himself caught up in the 2017 Route 91 Harvest music festival shooting in Las Vegas.

“So he’s there with his wife and some friends,” Campbell said. “The gunfire starts happening and he takes one of the early rounds through his gut. His wife takes a round skimming her

head.”

Because of the man’s training, he knew where the exits were located and immediately turned his full attention to getting out of the venue. Once clear, he had a general idea of where the hospital was and focused on staying alive until he reached it.

“He’s been back to Gunsite three times since then,” Campbell said. “But, again, he credits his mindset, what he learned here, with keeping him alive.”

Indeed, mindset is one of the cornerstones of Gunsite training. Consider what Cooper himself had to say in his seminal work, *Principles of Personal Defense*:

Observe your cat. It is difficult to surprise him. Why? Naturally, his superior hearing is part of the answer but not all of it. He moves well, using his senses fully. He is not preoccupied with irrelevancies. He is not thinking about his job or his image or his income tax. He is putting first things first, principally his physical security. Do likewise.



**BETWEEN DRIVES**

*Sleeper cabs offer truckers conveniences like beds, refrigerators, microwaves and storage, but without safe parking, sleeping drivers can be vulnerable to opportunistic criminals.*

**FOCUS ON PREVENTION**

People have a limited amount of time and are best served by training to stay out of trouble, according to Steve Tarani. The martial arts expert and former CIA employee wrote *The Crucial Advantage: Prevent Attacks Before They Happen*.

Tarani's theory is that on an incident timeline, things can be resolved with what he calls "soft skills" up until the last 10 percent of the progression. Therefore, it makes more sense to focus on prevention than on hard self-defense skills.

When it comes to a trucker, Tarani said a natural trouble spot is the distance between the truck and the truck stop (or any other secure location).

"Inside your vehicle is a controlled area," he said. "You know where everything is. You're alone or with someone you know. And you control that space. You are most vulnerable between controlled areas — going from your vehicle to [another] controlled area, or vice versa. So that's where your awareness should be raised a couple of notches."

Tarani also advocates not looking like low-hanging fruit — what he calls a "soft target" — while out in public, as doing so naturally draws the attention of predators.

"A typical soft target indicator may be that you appear lost," he said. "Or you appear to be unaware. Or you appear to be without purpose. One or two of those things is OK. But all three of them together? It raises [criminals'] attention to you. And the object is to be as unattractive as possible to that element."

According to Tarani, it's wise to not use headphones or be locked into your cellphone while out in public.

"If you can't hear or see or smell it coming and you run right into it?" Tarani asked. "You've placed yourself at a disadvantaged position."

**REAL-LIFE SCENARIO**

Regional driver Jon Snyder, of Paulden, Arizona, said that situational awareness training helped keep him out of trouble late one night at a mom-and-pop truck stop off I-40 outside Seligman, Arizona.

"I pulled in and there was a whole bunch of guys kind of gaggled around a car on the side of the parking lot where I normally would park," said the former Army National Guard member.

Instead of going to his usual spot, he stopped 50 yards short and kept his eyes on the suspicious gathering. He did not exit his cab.

"You just get that feeling," Snyder said. "The hair stands up on the back of your neck. I was like, 'All right, something's going on over there.'"

Fifteen minutes later, law enforcement arrived on the scene.

"It was some sort of drug transaction that was going on," Snyder said. "I was glad I didn't get involved in that. I don't know if they were armed or not, but they surely could have been."

## OTHER MEASURES

Of course, it's debatable whether situational awareness would have helped Phillips. It's likely that Phillips' assailant observed him from afar that night in Pocatello, Idaho, before breaking into his truck under the cover of darkness and nearly murdering him. At this point, the conversation shifts to "hardening" the truck cab.

Missouri-based long-hauler Gary Livell is a big advocate of lights and cameras.

"I keep my truck well-lit-up," he said. "The big LED white lights you see on off-road vehicles? They face down both sides of my truck. If I hear noises outside my truck in the middle of the night, I can flip on my lights to see who's around."

Livell said he ordered his equipment — a 52-inch light bar and two 4-inch LED lights — off the internet and

installed them himself. He said the less DIY-inclined can have the work done at any small shop.

With regard to cameras, Livell started off with one manufactured by Diesel Boss but later switched to one manufactured by FalconEye Electronics.

"FalconEye is about the best on the market right now," he said. "They say the system I have is their bestseller because it's wireless. People can't cut the wires and rob you. And it's infrared, so you can see at night."

And, of course, there's always the old-school option of having a dog with you on the road. In addition to the companionship, dogs are useful in alerting their owners to trouble, as Michigan-based driver Mark Schmidt can attest.

"I have a miniature pinscher," he said. "She barks when people are around. Even when I'm laying down in the sleeper watching TV, if somebody comes around the cab, she's aware of it. She'll bark. And if someone gets really close, she'll run up to the front and really go off. She's real protective over the truck."

## SAFE PARKING

As detailed earlier in this series, adequate parking plays a large part in the safety of over-the-road drivers. And while a shortage of parking definitely exists, especially around major metropolitan areas, there are practices drivers can employ to make life easier.

South-Dakota-based driver Paul Lathrop is an advocate of never leaving one parking spot until you have another spot planned out for the end of your day. Hitting the road early is also useful, he said.

"The freight system is 24 hours," he said. "Most drivers want to drive when they feel most awake. That means that a large majority of the trucks on the road all want to be parked at about the same time — between about 7 at night and 6 in the morning."

When he was still in training and had yet to get his own truck, Lathrop decided that if he had his say in the matter, he would always start his day as early as possible so that, even if he drove a full day, there would still be convenient and safe places to park.

## STEER CLEAR

Avoiding road-rage incidents is another way over-the-road drivers can stay out of trouble. This can be easier said than done, of course, with dangerous and aggressive drivers on the highways and crowded truck stops causing friction

between professional drivers.

"What you're seeing with road rage is the recognition of the dominant cluster of behavior," Van Horne said. "Something for that driver has caused [him or her] to feel stressed or threatened. And [his or her] body has responded with aggression."

Drivers engaging in road rage are already primed for a fight, Van Horne said. It's best not to escalate things. Doing so could lead to a violent confrontation.

"Sometimes it's easier just to back up off them and give them space," Van Horne said. "De-escalate and let them get away. Avoid a situation."

These sentiments were echoed by Gunsite Academy's Ken Campbell.

"Don't get wrapped up in it," he said. "Because once that snowball starts rolling down the hill? We've all been in disagreements with folks where you say something, I say something, and it just keeps going and going. Somebody needs to be the adult here. Why don't you start?"

In dealing with a driver who persists in escalating despite your best efforts, Campbell recommends exiting



### DARKNESS HIDES DANGER

*As in other areas of self-defense and security, lighting plays a critical role in staying safe while parked.*



#### CASE IN POINT

*A handgun is a viable self-defense option for many long-haul truck drivers, but obeying laws while crossing state lines is imperative and can get a little tricky.*

*For example, in 2016, Guy Smith, of Wisconsin, faced charges for having a concealed handgun in his truck without a concealed carry permit.*



**“SOUTH-DAKOTA-BASED DRIVER PAUL LATHROP IS AN ADVOCATE OF NEVER LEAVING ONE PARKING SPOT UNTIL YOU HAVE ANOTHER SPOT PLANNED OUT FOR THE END OF THE DAY. HITTING THE ROAD EARLY IS ALSO USEFUL, HE SAID.”**

the road, parking in a public location and calling law enforcement.

#### CONCEALED CARRY

Of course, not all trouble is avoidable. And choosing to carry a concealed handgun is a viable option for drivers wishing to protect themselves from harm. It goes without saying that you need to go through the proper channels to get licensed. But your responsibility doesn't end there, according to the experts.

“Just because you own a piano, it doesn't make you a pianist,” Campbell said. “Training is critical because carrying a firearm for self-defense is truly a life-and-death matter.”

Campbell referenced the 2019 shooting at the West Freeway Church of Christ in Texas, where a volunteer security guard quickly took down an active shooter.

“Do you think the gentleman could have made a head shot on a moving target at about 12 yards without appropriate training and practice?” Campbell asked. “He did not rise to the occasion; he defaulted to his level of training.”

Tarani agrees, adding that he's 100 percent against carrying a weapon prior to receiving training.

“And I'm not talking about some two-hour CCW class,”

he said. “You should be putting in 40 to 60 hours of professional training before you put that [gun] on your body.”

Fortunately, according to trailblazing self-defense instructor Massad Ayoob, we live in the golden age of self-defense and firearms training.

“Training is the best investment,” he said. “I've seen people hammered in court because TV had told them a warning shot was cool, when a competent instructor would have warned them why it's not.”

Ayoob said that \$500 worth of training will make you a better shot than \$500 worth of ammunition, because it will show you what to do with that ammunition.

“Responsibility and power must always be commensurate,” he said, “in a dead-equal balance.”

#### LEGAL PROTECTION

Of course, drivers would be well-advised to consider membership in the USCCA. Not only are there online resources for keeping members abreast of the gun laws of the states along their routes, but it also provides peace of mind if the worst does happen.

“I'm not as scared about using my weapon in a situation because I know I'll have excellent legal counsel behind me,”



#### **ROAD TO RECOVERY**

*Amos Phillips was almost murdered in the cab of his truck in 2018 when a man broke in during the night and beat him about the face and head with rocks. While his story is disturbing and harrowing, similar experiences are far too common among truck drivers.*



said driver Gary Livell. "I'm out here earning a living for my family. And because I own my own company, if I didn't have a membership, I could lose my livelihood and everything I've built."

#### **MOVING FORWARD**

The sentencing for Stormy Adakai – Phillips' attacker – was scheduled for Jan. 22, 2020, at the federal courthouse in Pocatello. Adakai had already been found guilty in Tribal Court and served time. But his case was referred to the U.S. Attorney's Office, and the FBI conducted further investigation.

Adakai pled guilty to assault resulting in serious bodily injury in October 2019, and he would receive his sentence from Chief U.S. District Judge David C. Nye.

The doors to the courtroom opened at 2:45 p.m. and Adakai, dressed in an orange-and-white-striped shirt and pants, was seated near the front with his attorney. He seemed surprisingly at ease for someone facing up to 10 years in prison. Several members of his extended family were present.

A few minutes later, Phillips entered the courtroom with his own coterie of friends and family. His color was good and his facial wounds had healed, but he still seemed a bit unsteady on his feet. He took a seat near the back of the courtroom.

Just before 3 p.m., the bailiff said "all rise" as Judge Nye entered the courtroom. Not long after, Phillips was given a

chance to speak on his behalf.

"I just want the court to realize what this young man has done to my life," he said.

Phillips went on to say that the attack had effectively ended his career as a truck driver. Judge Nye asked him how long he had been employed as a truck driver. Phillips answered, "Most of my life."

When Adakai was permitted to address the court, he said that being drunk and high at the time contributed to his committing the crime and that he had long struggled with alcohol.

When it came time to deliver the sentence, Judge Nye said that it was Adakai who chose to drink that night and that he considered the attack to be heinous in nature. He sentenced Adakai to 57 months in federal prison followed by three years of supervised release. As Adakai was placed in handcuffs and led from the courtroom, Phillips stood at the back with his family.

When I asked Phillips if he was satisfied with the outcome, he considered the question for a beat. A troubling chapter of his life had closed. An uncertain future lay before him.

"I'll have to be," was all he said.





THIS SIGN GIVES YOU FAIR WARNING.  
**CRIMINALS DON'T.**



STAY SAFE OUT THERE

We don't have to tell you that truck drivers face some dangerous situations. As a USCCA Member, you'll have access to education and training that will help you prepare for the perils of the road, plus trusted legal protection that will help you in the aftermath if you're ever forced to defend yourself or others.

[www.USCCA.com/join](http://www.USCCA.com/join)

