



Written by [Bob Adelman](#) on November 11, 2013

Students Sanctioned for Defending Themselves in College-owned Apartment

At 10:15 p.m. on Thursday, October 24, Erik Fagan, a senior attending Gonzaga University (GU) in Spokane, Washington, [heard a knock on his apartment door](#). Thinking it was a friend coming by to pick up some of his things, Fagan opened the door. Standing there instead was John Taylor, a six-time convicted felon, who told Fagan he had just been released from prison, showed him his ankle bracelet, and demanded cash.



At that moment, [said Fagan](#):

[Taylor] starts coming more in the doorway, and I yell for my roommate Dan [McIntosh]. This was going somewhere that I didn't want it to go. I was starting to be afraid and fearful and when he starts threatening me and trying to come in the doorway, that's when I called for my roommate Dan.

McIntosh, licensed to carry concealed, immediately assessed the situation and drew his pistol, causing Taylor to run off. McIntosh [said](#), "I feel like I restrained myself from using the force in a correct manner. I used enough force to persuade Mr. John Taylor to leave."

Fagan and McIntosh called the Spokane Police Department, as well as campus security. The police left after determining that McIntosh had acted within his rights, while campus security continued their investigation. At 2 a.m. campus security returned, opened the front door of the college-owned apartment using a master key, entered, searched, and confiscated McIntosh's pistol, along with a shotgun they found during their search.

[As explained by NWCN.com News](#):

The [students] called the Spokane Policy Department and Campus Security. Police told them they did the right thing, according to the roommates. Campus Security came back hours later. Security officers said they knocked but nobody answered. The roommates said that is when the security guard used a master key and came into their apartment.

Campus Security officers told the roommates they had violated GU policy and took the pistol. They also confiscated a shotgun the roommates had in their apartment.

According to GU policy, students are not allowed to possess handguns on campus or in university-owned property. On Sunday afternoon Fagan and McIntosh were notified by the university that they [had been placed on permanent probation](#) for the rest of their time at GU.

It could have been worse. Said McIntosh: "Well ... [at least] they didn't give us the big chicken dinner of expulsion or suspension, but they gave us something that will follow us." Fagan added:

It's now on our education record and it's going to follow us around: job interviews, anything like that. People who look at our transcripts are going to see that we've been charged with violating



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weapons policies on Gonzaga's property, so that's something we would like not to have on there, because we didn't feel like we did anything wrong.

We were just defending ourselves.

Taylor was later arrested for violating his parole. And Fagan and McIntosh are appealing the university's decision, hoping to "open up dialogue about these policies because ... they are ineffective." Although their weapons haven't been returned to them, Fagan and McIntosh have succeeded in opening up that dialogue. In a letter to the student body, president [Thayne McCulloh](#) wrote:

I have asked our Vice President for Student Development ... to facilitate a campus dialogue on this issue.

In the meantime, the Student Handbook and its Code of Conduct are in effect and all students are obligated to know their rights and acknowledge their responsibilities as established within them.

And there's the rub: When students such as Fagan and McIntosh know their constitutional rights, and are prepared to defend them, why should GU, or any university for that matter, punish rather than applaud them? Declaring a campus to be a "gun free zone" doesn't make it so. As Mark Noble, [writing for the Buckeye Firearms Association](#), said: "The reality is that all students have an inherent right to be armed — it cannot be forcefully removed from a determined student." He added:

The matter boils down to a simple question: Why should people who have proven themselves competent and trustworthy in safely using firearms in the rest of society be refused that same ability within the imaginary lines that represent the confines of college campuses?

Surely felons and those bent on murder pay no attention to such distinctions....

The fact is that college campuses never have been and never will be gun-free zones. The best we can do is trust responsible adults with their freedom to defend themselves when administrative efforts fail.

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