



Understanding Blunt Force Trauma Lethality

An Interview with Dr. Robert Margulies

by Gila Hayes

The long-time standard for self defense allows use of force proportional to that used by the attacker. A common misunderstanding arising from this general guideline is the very real danger of crippling or even lethal outcomes from blunt force injury inflicted during a purely physical attack. Can the armed citizen justify defensive display of a firearm or shooting to stop a physical beating?

It is not hard to find reports of deaths from blunt force trauma. In 2011, a 25-year old man took a \$5 bet to be punched in the face by a woman. The autopsy showed that an artery burst in his neck and that he died from brain hemorrhage caused by blunt force trauma. At 5'5", 142 pounds, the woman was reportedly not a bodybuilder nor was she trained in martial arts nor did she possess any extraordinary fighting skills.

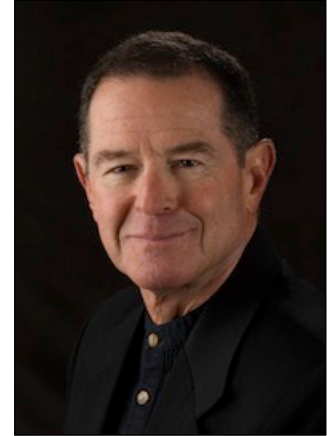
Another well-publicized case from 2011 tells of a tourist in Las Vegas who was punched, fell to a tile floor and hit the back of his head. At trial, a Clark County, NV forensic pathologist identified the cause of death as blunt-force trauma from hitting his head on the floor.

In 2013, a large, 17-year old player punched a soccer referee in Utah in the face. A week later the ref was dead, having gone into a coma with swelling in his brain.

North of Seattle, WA in 2014, two teens agreed to resolve a fight by allowing one to punch the other in the face; he died from blunt force trauma to his head, after being hit in the face with a closed fist.

These are only a fraction of the many anecdotal reports of death from an empty hand attack. Still, society and the criminal justice system are eager to prosecute those who use guns to defend against ostensibly unarmed assailants. To offer just two examples, in Wyoming, a murder conviction was overturned in late 2013. The Wyoming Supreme Court found that a Freemont County prosecutor's closing statements to the jury were

inaccurate, asserting in part, "In the state of Wyoming, there is a law against shooting an unarmed man." (<http://www.courts.state.wy.us/Documents/Opinions/2013WY118.pdf>) Oregon courts also have sometimes failed to acknowledge fists as dangerous weapons. (<http://law.justia.com/cases/oregon/court-of-appeals/1975/540-p-2d-394-2.html>).



All across the country, armed citizens face punishment for justifiable use of countervailing deadly force, and they are jailed, often prosecuted, and face a very difficult, uphill fight to prove the necessity of their use of force against an assailant's fists, feet, knees and elbows. A big part of defending use of force is being able to document knowledge of the danger prior to facing the threat.

With that in mind, we called on long-time emergency medicine physician and Network member Robert A. Margulies, MD, MPH, FACEP to explain blunt force trauma injuries in this first segment of a two-part study of defending against physical attack. In addition to a long career in emergency medicine, Dr. Margulies is a skilled lecturer whom I was privileged to question at length on this topic recently. We switch now to an interview format to share his words with readers.

eJournal: Cases in which people died after a single punch bring us to a surprising conclusion about the human body's fragility! To get us started, could you identify areas of greatest vulnerability to blunt force trauma of the sort an empty-handed aggressor could inflict with such immediacy as to result in death or such disability that we would be unable to seek out and benefit from medical intervention?

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Dr. Margulies: The real answer is, "It is anywhere." The fact that a blow to the nose can produce tearing, as it almost always does, means that you can't see what is coming and that puts you at a tremendous disadvantage for the rest of the attack. Once you are tearing, you don't know whether the aggressor is reaching for a weapon of any kind, so a blow to the nose, certainly a blow to the eyes, would render one at a great disadvantage.

There are places that are more likely to produce devastation from the initial blow, and those would include again, that blow to the nose. If it is properly delivered, an aggressor can break the nose bone and drive it up into the brain.

A blow to the temple area where the skull is relatively thin can actually cause a fracture in that area and tear the underlying artery. This can produce permanent disability, and can cause death.

A blow to the back of the neck can dislocate the spine and cause paralysis or death. These are things that one does not really have to be a trained martial artist to do. Blows to the nose, to the back of the neck, to the throat are examples of "empty hands" that can produce disability or death.

Head and face trauma has an interesting aspect to it. It is not just that somebody has been hit in the face, but bleeding and swelling of tissues can also lead to airway blockages. Bleeding in the mouth can lead to swallowed blood, which is very irritating and can cause vomiting which puts somebody at a disadvantage, but also leads to the risk of aspiration. That is, the vomit is trying to come up and out, and you're trying to breath in, and you suck some of this stuff down into your lungs. All of these things can become fatal, even though this was just a broken jaw and a little bleeding.

A blow to the ribs can cause injury to the liver or the spleen, both of which, in the vernacular, bleed like ink. Surgery is extremely difficult because the liver and the spleen are not like muscle where you can isolate a blood vessel and get control, they're spongy and trying to suture is like trying to sew gelatin—it is difficult! It requires a highly trained team to be able to salvage somebody who has a shattered liver or spleen. Spleens can be removed and the patient can survive. Humans do not do well without a liver.

eJournal: Do we no longer have the luxury of using the word, "just" when discussing physical attack? We want to deny our vulnerabilities, so we use words like "only"

when the domino effect you just described can kill. The direct damage, plus the potential for additional effects, is profound.

Dr. Margulies: Most people are mis-educated by what we see in the movies and on television. Just as a bullet from a handgun does not pick people up and throw them against the wall, in the real world, one does not sustain a blow to the head, the kick to the chest, and then stand up and produce his magic fight-ender. That's fantasy! That's not the real world. It doesn't happen that way. You get hit in the head, you go to the ground, and you are badly hurt.

eJournal: Returning to something you said earlier, are these injuries that do not require training or any particular expertise to inflict?

Dr. Margulies: Unequivocally not. I consider hands and feet, knees, elbows and shoulders, to be deadly weapons. Once that first blow is delivered and once you go to the ground, the kick to the head, the knees in the chest, may produce permanent injuries and fatalities. I'm going to give you a reference to an article in the *Journal of Head and Face Medicine*, published in October 2005 (see [http://www.head-face-med.com/content/1/1/7 - B10](http://www.head-face-med.com/content/1/1/7-B10)). One of the comments in it is that as of 2005, we in developed countries have a level of facial injuries caused by interpersonal violence exceeding those from motor vehicle crashes. This is not a new concept or a new problem.

eJournal: Some of the deaths I've read about appear to be caused by what you might call the secondary injury resulting from a blunt force attack, the head injury suffered when the victim falls down. What is the physical cause?

Dr. Margulies: The brain is gelatinous and is not a very strong structure, not like a muscle. This gelatinous structure rests inside the bony vault and it is bathed in fluid. Around the age of 40, the brain actually begins to shrink. The skull does not. We now have this gelatinous structure in more fluid. That means it can move and it displaces the fluid as it moves.

A blow produces an acceleration force and so if you're struck—let's just pick a spot—in the forehead, the skull begins to move backwards while the brain lags. It sits there and first, the forehead bone actually strikes the brain, then, in many cases, there is the secondary acceleration and the brain moves away and now strikes

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the back of the skull and there's additional injury at the other end. The technical term is contra-coup. It is the secondary injury due to the brain's movement within the skull.

If that initial blow to the forehead drives the head back into a wall or the head restraint of the car seat, the skull stops and the brain continues now to bang into the back of the skull, we have two points of injury.

If you fall and you have the gravity effect in addition to the impact effect, and the head now hits a hard surface—and by the way, that could be a grassy field—that secondary impact brings the skull to a sudden stop. There's been the additional time and energy developed by the movement of the skull and brain between the initial impact and now when it hits the ground, the concrete, the post or the fence, that exacerbates the secondary injury.

The injury may not be something that we see with the naked eye. We know that a concussion, for example, which renders a football player, a boxer or any martial artist dizzy, light headed, having difficulty focusing—both with the eyes and the brain—frequently does not produce an injury that is seen on a CAT scan. The injury is within the blood supply and neurons themselves and they lose the ability to transfer information. That is what the nerve cells do: they move information from one place to another. So the concussion without a visible, anatomic injury is a disabling injury.

eJournal: What losses should we expect from injury to different parts of the brain?

Dr. Margulies: The lower portion of the back of the brain is where we see. The information is transmitted through what appears to be a fairly long channel from the eyes to the occipital lobe at the back of the brain where we have our visual cortex, the part that interprets the electrical and chemical impulses that are generated. It is not the eye that sees, it is the impulses from the eye that are interpreted in the visual cortex, so striking the back of the head can render someone temporarily unable to see clearly. That is a disabling injury.

As I mentioned earlier, other areas that are more easily damaged are the temporal areas just above and slightly forward of the ears. An injury there can produce an electrical storm in the sense that bony fragments penetrate the brain. Though there is no pain involved—the brain itself does not have sensory nerves—the impact and the fragmentation produce an electrical shock wave

through the brain. That's in addition to the bleeding if the temporal artery is torn. Again, that renders the individual disabled in terms of mounting a reasonable defense.

eJournal: Would a victim injured in that way by an attacker who didn't stick around, be unable to seek medical assistance or provide self-care to mitigate the damage?

Dr. Margulies: The point that has been all too long ignored in the justice and legal system is the unprovoked attack puts one in a very dangerous situation. In a dark alleyway, or a subway station after the train has pulled out and very few people are there, that initial impact can produce injuries that without immediate care can be fatal.

eJournal: If victims realize they've suffered a head injury, what should they do?

Dr. Margulies: If the individual is awake, breathing and talking, there needs to be an evaluation. It is not the same urgency as a cardiac arrest or someone who is not breathing, but I go back to the concussion: we have raised a generation of athletes who have long term permanent disabilities as a result of repeated concussions. In the State of Washington, several neurosurgeons and others involved in this kind of thing were responsible for the passage of the Lystedt law. Zackery Lystedt was a young football player who was badly concussed, went back into the game and received a second injury, and now has permanent disability. Anybody who receives a head injury that, in the vernacular, "rings the bell" or "sees stars," should be evaluated.

eJournal: Is there a "golden hour?" What's the timeline?

Dr. Margulies: The brain itself does not have any ability to store oxygen or glucose, the energy fuel. The muscles, the liver and some other organs have the ability to store glucose at least as glycogen, and they can then maintain themselves even in the absence of blood flow for a certain amount of time. A little bit of a digression: we know that we can put a tourniquet on in the operating room for surgery and we have five to six hours before there's permanent damage in skeletal muscle. That is not true in the brain! In the brain, 20 seconds without oxygen is about all we can get.

If there is bleeding into the brain, the bleeding—aside from the injury that resulted in the bleeding—produces

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pressure. That increased pressure causes a loss of circulation in the surrounding tissues and widens the injury. If a victim can be brought to a place where the diagnosis and then the surgery can be performed promptly by removing that blood or stopping the bleeding and reducing the internal pressure, the brain function can be preserved. So, yes, if there is an injury where there is bleeding, time is of the essence.

eJournal: And there are diagnostic tools to show the bleeding?

Dr. Margulies: Oh, yes! The CAT scan is remarkably sensitive for that, so we can see bleeding promptly, but you have to be someplace where a CAT scan is available, and then you have to have the surgeon and anesthesia and team to proceed to do what needs to be done. Receiving such an injury, and being left to lay in that subway station or a dark alley for an hour or two hours, may produce irreparable damage or death.

eJournal: That explains many of the anecdotal reports we study in an attempt to define the seriousness of a physical attack.

Dr. Margulies: The body is really quite fragile. Someone who has any training in the martial arts can break bones or dislocate joints rapidly. There are lots of places where the injury renders you unable to defend yourself. There are lots of places on the body where a blow produces that level of disability. If one is, in the vernacular, kicked in the nuts, that in and of itself produces a fair amount of pain and results in what most people would refer to as going into a defenseless posture. If the blow is delivered properly, and the testicle itself is actually shattered, not just bumped, the body's response is a collapse to the knees and vomiting.

A blow to the mid back that strikes the kidney produces the same kind of response, perhaps not the vomiting, but a collapse to the knees and a defenseless position. The bare hand or the foot or a knee or an elbow, can produce that disability that leads to an inability to defend yourself. And it only takes one blow!

eJournal: Are these results physiological, or is the victim too weak to work through the pain or failing to "man up?"

Dr. Margulies: These are physiological responses. They are not a result of intellectual, emotional, psychological or physiological weakness. These are blows that produce an inability to defend oneself. You're

on your knees, you are trying to grasp the area that's been hit, and your head and face and neck are defenseless.

eJournal: You mentioned blows to the chest in some of our initial discussions. You cited one case in which a young female athlete was struck in the chest. What happened?

Dr. Margulies: She had an enzyme and electro-cardiogram proven heart attack. We call that a cardiac contusion. Actually, it is more common in the elderly because we do not have the flexibility in our chest walls. The cartilage becomes calcified, the ribs become more rigid, things break more easily, and the sternum itself loses some of its flexibility at its joints. The sternum is not a single bone: it has three separate sections. A properly delivered blow to the sternum can shatter it and lacerate the heart.

eJournal: That echoes concerns over disparity of force for the elderly.

Dr. Margulies: As we get older, we lose our flexibility. Our joints aren't as limber. There are very few 70 year olds who can do what a 30 year old can do. We lose muscle mass as we age; we have decreased responsiveness in our hearts and our lungs. Even our adrenaline reaction goes down as we grow older. There is a significant disparity of force between your 60 year old and your 30 year old, even if the 60 year old does not have a heart condition or lung condition or preexisting medical problems: a healthy 60 year old is at a disadvantage physiologically against a healthy 30 year old.

I think that from our mid-sixties, the average individual really has to appreciate that it is the rare individual who gets past their mid-sixties and does not have some physiological changes. All of those physiological changes in aggregate produce a greater risk of injury. There is also the psychological component: people don't want to appreciate this!

eJournal: After a long career in emergency medicine, do you view the threat of empty handed assault differently than most citizens? How does that factor in to your decision making as an armed citizen?

Dr. Margulies: I think I do look at it differently than the average person. I am a little stranger than the average bear. I never go through a door without looking up and in
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all directions, including up. I don't think about it anymore, but I know I do it.

I pay very, very close attention to people's faces and hands. I think that people need to learn to read that clenching fist, that lifting eyebrow, that cold stare. I learned that lesson very, very young. I was a senior medical student doing a psych rotation at a VA hospital and I approached a drunk carelessly and he managed to clip me. Fortunately, there was an aide in the room who saw it coming, blocked some of it and was able to take care of the problem very effectively. I can honestly say I have been studying this since 1968.

I think people really do need to pay attention to what is going on, on the other side of the street as you are walking. I think you need to pay attention to the rear view mirror when you are driving. What is going on back there? Is traffic parting and cars speeding? I want to get out of there. Is it a couple of drunks racing or are the police chasing an armed perp? I do not want to be sitting in the middle lane at the speed limit when there's high-speed stuff going on around me. I want out of there. You have got to watch your rear view mirror: look at it, pay attention!

The world is a beautiful place, but a cobra is beautiful, too! I think we need to be careful. I think we need to understand that if somebody is approaching you and they've got clenched fists, you need to be prepared. I think that Marc MacYoung is a wonderful resource. At my age, I need to be prepared to give them a "Don't move!" I need to be prepared to present my firearm because if their fists are clenched, the question is "why"

and I can't wait until I get hit. I'm not prepared to let somebody use me as a punching bag.

My explanation? If I ever have to, I can and I will describe what I saw, what it was that triggered my response, and I have the benefit of being able to explain that I know how dangerous a fist or a foot is. It doesn't even have to be a fist. There are open hand blows that are very dangerous. There is a whole vocabulary of strikes from fingertips to open hand to edged hand to forearm, to elbow, to shoulder, to knees to feet...and I know how dangerous they all are. My hope is that other people are motivated on the basis of what you're going to write to do some study about this, so they are prepared to say they understood what this was. If you can't explain it, you are going to get hung.

eJournal: You have given us an excellent foundation from which to pursue further study, and I promise we will do exactly that. Thank you so much for sharing your expertise and knowledge with us.

Dr. Robert Margulies and his wife Sara Baron, RN, MS teach firearms safety and use, personal safety in both armed and unarmed environments, as well as wilderness survival and other safety topics through International Emergency Consultants in Richland, WA. To learn more about their work see <http://i-e-c.org/instructors/> or get to know them on Facebook at <https://www.facebook.com/InternationalEmergencyConsultants/>.

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President's Message

by Marty Hayes, J.D.

Before I get into the details of a major announcement, I wish you all a very happy holiday season. We are all healthy and happy here at the Network, and life is good.

Network Dues Increase

First, a little history: In 2008, we started the Network offering membership for \$85 per year. With that payment, members received three educational DVDs and a promise from the Network to pay up to \$5,000 retainer so our members could afford to get immediate representation. We also promised to start funding a separate Legal Defense Fund, taking 20% of that \$85 per year and putting it away into a separate bank account. By the end of that first year, we had 600 members and about \$10,000 in the Legal Defense Fund.

As we continued to grow, we found that we could put another 5% of member's dues into the Legal Defense Fund (up from 20% to 25%), which helped out in that department. We also started making more DVDs, recruiting more attorneys and members, and in May of 2011, increased the attorney retainer to \$10,000, and gave members five DVDs—still at the \$85 per year price.

In January, 2013, we saw our first dues increase in the form of a fairly hefty increase, from \$85 to \$125 for new members' first year dues, primarily to help pay for the ever increasing number of educational DVDs we were producing and mailing to our members. The dues increase was necessary then, even though we knew we would limit participation in the Network by some people—those who did not understand the value of the educational package. With the first year dues rate set at \$125 and renewals still costing \$85 per year, we have held that fee schedule until the present. But, as the saying goes, "all good things must come to an end."

Starting January 1, 2016, we will be increasing the dues for membership in the Network by \$10 per year for both new and renewing members, meaning that new members will pay \$135 to join, and renewing members

will pay \$95 per year to renew. Each additional household member will pay \$60 per year, up from \$50. This approximately 10% increase is required for several reasons. First off, we now have a larger payroll to meet. Our member education package has grown to eight educational DVDs (with one more on the way), along with supplying Massad Ayoob's book "Deadly Force" to our members. Not only does each part of that educational package have a price, we also have to pay to mail it to the member. We recently added an additional but very important member benefit—bail assistance up to \$25,000. (See Network *eJournal* <http://armedcitizensnetwork.org/october-2015-presidents-message> for more information).

In addition to this, we are working on bringing to our members a training program, which will be extremely valuable for those who choose to participate. I cannot expose the details yet, but suffice it to say, it will be a fantastic addition to our educational effort. Of course we continue to build up the Legal Defense Fund (now over \$600,000), and if needed a member could tap into that Legal Defense Fund to pay for their defense and bail assistance. This makes membership so much more valuable than it was at the beginning.

And lastly, we have found it necessary to venture out into the world of paid advertising, as the marketplace for aftermath of self-defense programs has gotten pretty crowded and competitive. In fact, one competitor gives away guns and ammo to entice new members! And, even though we believe the value of being a member of the Network is enticement enough, we still need to make sure our name is out in the market place.

Before this new rate increase kicks in, we do have an offer for you. If you want to take advantage of the old rates, we will renew your membership for one, three or 10 additional years for the price of \$85 per year for one year, \$75 per year for three years (total \$225), and \$65 per year for 10 years (total \$650). Please call and talk to Gila or Melissa before the 31st of December, 2015 to add additional years to your membership at the old dues rates. Even if you just signed up and your renewal is not yet due for several months (or even additional years) we will be happy to extend it on into the future for you if you want. Nobody likes surprises, and this way you have the option of extending your membership at the current rates.

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Attorney Question of the Month

Our Network Affiliated Attorneys have been discussing protecting your rights after self defense while calling 9-1-1 for law enforcement assistance. The responses to the question we asked were so numerous that the commentary on this subject has run for several months. We wrap up this portion of the discussion this month with the following comments. The question is—

Assuming the immediate violence is over, the armed citizen and his or her family is safe, should the armed citizen call 9-1-1, and if they do, what should they tell the police dispatcher?

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I would most emphatically say yes, the armed citizen should call 911 as soon as it is possible after ascertaining that the situation is safe. The first person to call the police is going to be noted on the police report as “victim one,” whereas the second person to call the police will be noted as “suspect one.” Thus, the nightmare begins.

I would add that, if at all possible, it is a good idea to have someone other than the shooter actually make the call. Let's say you're out with your wife when the situation occurs. I would prefer to have your wife call the police rather than you. That call will be recorded and, in almost all states, and most definitely my home state of Arizona, it is statutorily admissible at any trial. It is much easier for me to explain any inconsistencies in my client's spouse's statement than it is to do the same with my client him or herself. After all, the spouse didn't fire the shot(s) and didn't have the same sensory input as my client.

I've had clients who did everything perfectly, by the book, except they did not call the police after the confrontation (usually where shots were not fired, where it might be even more important to be the first caller because of the lack of other evidence). When they returned home later in the evening, there were squad cars full of police officers waiting to arrest them. If they had only called the police at the scene, I am certain they would have

avoided the problem in the first place. Let's make sure we start off with the best possible first impression in such a horrifying situation.

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There is no “one size fits all” response here and members need to know and understand that. If, e.g., there's a home invasion at 3 a.m., and there's a shooting response, one should call 911 immediately as there may be other perpetrators still in the area, and request assistance ASAP. When the 911 operator asks “what happened?” the answer – if any – will depend on what the law of self defense / justification is in that particular jurisdiction. If deadly force is authorized inside of one's personal dwelling for a home invasion, then there's little harm (generally) in responding.

If however, the shooting took place in a public area, e.g., a parking lot, the client should first see if a bystander can (if anyone already hasn't) make the call. But I would counsel against saying anything about what happened. As I tell my clients, “it's better to spend a few hours in jail until I can figure things out, than you spending years in prison because something you said was misconstrued.”

The best example of this was and remains the movie, *My Cousin Vinny* – the two “yutes” in an effort to explain the truth, talked themselves into a murder rap!

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I would say as little as possible. Call 911 and say that an intruder has been shot. Give the address.

Unfortunately, the police responses are as varied as the range of personalities. The police officer whose parents' home was invaded and mother raped will respond very

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differently from one raised in an atmosphere where guns should be owned only by law enforcement.

For that reason, and also because most people will be traumatized if they have to shoot someone to defend their home, I would defer saying much else until speaking to an attorney, but more importantly until such time has passed when you can discuss the incident without passion. For some this might be an hour; for others, a week.

Even if that week is spent in jail, it is better than stumbling over your words in a gush of emotion, when those words may be turned against you on the witness stand.

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There is no question that calling 911 is the appropriate thing to do, once one is physically safe. The reasons are many, but I will offer two:

1) Calling the police to report a shooting might or might not put one in the position of being the "good guy" in the eyes of the police, but NOT calling will surely result in the police, prosecutor, judge and, if there is one, the jury looking upon one who gets into a shooting and walks away as irresponsible at best. More likely they will think at the time one knew he had something to hide. I have represented individuals who drew weapons in self defense, did not shoot anybody, and who did nothing wrong, but who were charged with serious crimes simply because an overwrought bystander or hysterical putative "victim" reported things they may have believed they saw, but which never in fact occurred. I am completely convinced these people would never have been charged with any crime if they had reported the incidents in which they were involved; if they had just called and said "this is what happened, I wanted you to know." That way, when the authorities got the call, the report from the "victim" would have been received with an appropriate measure of skepticism by the authorities, and been better investigated.

2) In some circumstances, where someone has been seriously injured during an incident, and our hypothetical citizen defending himself had a hand in inflicting those injuries, that individual may be charged with a crime if he

fails to summon help when he can safely do so.

All of the arguments I have heard about waiving constitutional rights and incriminating oneself strike me as highly theoretical and improbable, particularly if one exercises any common sense when making the report. While these arguments make interesting (to some) gun board fodder, they simply do not stand up as a practical matter.

In my opinion, the time spent masticating the limits of one's supposed rights not to call is better spent understanding when to call and what to say.

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I think it is pretty straightforward, but difficult to do under stress. The basics must be provided. Name, location, your identifying characteristics, and that you were attacked and had to defend yourself are what needs to be heard. The police need to know what you look like when they arrive.

I would tell the police only the basics upon their arrival, and the firearm used for defense should of course be secured or you risk being shot. The more detailed version should be done with the help of counsel. I would note that the standard, "I was in fear for my life!" is not particularly effective in my view. It sounds "canned." More natural language like "That guy was trying to kill me!" in the more likely natural and honest response.

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Absolutely dial 9-1-1. Not only will your failure to do so possibly be construed as an attempt to conceal a crime, but if you shoot at, wound, but do not kill an attacker who subsequently flees, and said attacker dials 9-1-1, you become by default the assailant in the eyes of the responding law enforcement officers.

Things to say: Someone attacked/assaulted/ broke into my home/ tried to kill me. I shot him.* I need medical

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assistance.** Please send the police and an ambulance.

*If you acted in self defense, acknowledge the shooting. The last thing you want is for law enforcement to respond to a burglary call and trip over a body.

** You've just been involved in severe emotional and possibly physical trauma. You may need medical attention and not even realize it. Get checked out by the EMTs. Insist on that.

Things not to say: I wasn't really sure what he was doing, but I shot him anyway. The punk had it coming. Send the coroner. He shouldn't have brought a knife to a gun fight, etc., etc.

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I feel that you should call 911 immediately. You should tell the dispatcher that you are the victim. You should also give the physical address of your location, a description of yourself and any family members present, as well as a description of your assailant.

Stay on the line until the officers arrive. Please remember that home invasions, robberies, et cetera, are priority calls for law enforcement. The responding officers may be plain clothes if no patrol units are nearby, so staying on the line with the 911 dispatcher can prevent misidentification by either party thereby saving not only your life but the life of the first responder.

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If at all possible, they should call their attorney and explain what occurred, and the attorney can summon the police. If the involved gun owner calls, they can bet on the 911 call being played in court, and they may not be in the best state of mind, and their statements may significantly damage their case.

Their attorney, on the other hand, cannot be compelled to divulge anything said in the attorney-client call, and the attorney, who makes a living out of the careful choice of words, can convey the necessary information

to emergency personnel, without risk of incriminating their client.

Should the attorney be unreachable at the critical time, the involved gun owner should ask someone else to make the call. In any case, the only information offered should be the location, that, (if true) a person is injured, (if true) emergency medical services are required, and (if true) that there has been a disturbance but everything is calm now. 911 operators will pepper the caller with lots of questions, so the less they know, the better their answer: I don't know. It may not be a bad idea to plan with close friends on possible scenarios, so that after an incident, should the attorney be unreachable, a friend not at the scene is asked to place the call and provided only the bare minimum information required to summon emergency medical help.

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You should certainly call police if you're forced to shoot someone. If you don't it's certainty that you will be arrested when the shooting is discovered. Unless you live in remote area, the shot(s) will be heard and others will call. It's a good idea, even if you're not the first caller to have it on record that you called as soon as possible. I would recommend that the armed citizen calmly explain that they won't make a statement until they consult with an attorney. Not making any statement will probably result in at least an initial arrest. However, after legal consultation and an assurance that your self defense claim is on firm ground, you should be cooperative and talk—with your lawyer present.

If one feels confident about the shooting being legitimate—e.g. an armed burglar who broke into your home—you may want to give the police a basic version of what happened, especially if there are other witnesses to support what you say. However, you can still defer detailed questioning until your lawyer is present. This may (possibly) forestall an arrest. However, if the circumstances are murkier, I think it's probably better to wait for an attorney, even if you are initially arrested.

A big "Thank you!" to all of the Network Affiliated Attorneys who responded to this question. Please return next month for a new question about the next step in post-incident concerns.

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Book Review

Fighting Smarter: A Practical Guide for Surviving Violent Confrontations

By Tom Givens

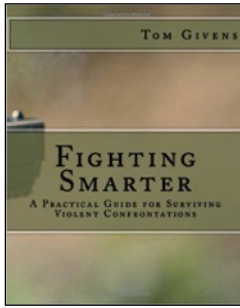
318 page, illustrated, full color, softbound, 8"x10"

Third edition, published Jan. 26, 2015

ISBN-13: 978-1506027579

List Price: \$39.95

<http://www.rangemaster.com/fighting-smarter/>



Reviewed by Gila Hayes

One of the first books I reviewed for this journal back in 2008 was an earlier edition of Tom Givens' *Fighting Smarter*. It was an impressive instructional tome that made a difference in my thinking on personal defense. Givens has now rewritten, updated and revised *Fighting Smarter*, and it is even better this time around.

By way of introduction, Givens comments that there are many, many books about shooting, but "darn few about fighting with a gun to save your life or that of a loved one." His impressive bona fides to teach this topic include 25 years work in law enforcement and specialized security, nearly 20 years teaching the art to a diverse student body. Of those thousands of students, he cites 60 who have applied what he taught them to save their lives, so, he notes, "We have a lot of feedback on and validation of our training techniques."

In keeping with the introduction's promise to keep the focus on how to fight, the book is broken into two sections with the first 19 chapters committed to mindset, or as Givens puts it, "software." Thereafter, he addresses hardware—equipment selection and shooting technique. The first chapter addresses the very real threat to personal safety present in modern life. To restate these facts here would be preaching to the choir. His second chapter addresses legalities, including his preference for concealed carry over open carry. The higher standard to which the armed citizen is held is acknowledged, and he gives a much-appreciated endorsement of the Network and its member benefits. This chapter ends with excellent advice on the necessary judgment, restraint and tolerance required of the armed citizen, recommending avoiding intoxicants, keeping your pistol a secret, ignoring minor provocations, keeping ID and carry license easily at hand, and these he follows with illustrative "what if" scenarios.

Justifications for use of deadly force are the focus of the next chapter. In it, Givens outlines factors contributing to what will be objectively judged as reasonable use of force, illustrating ability, intent, imminent jeopardy and preclusion. After discussing each element, Givens concludes that while many ask, "When can I shoot him?" that is the wrong question. Instead, ask, "Do I have to shoot him?" he urges.

Fighting Smarter's next chapter uses the seven principles of personal defense Col. Jeff Cooper spelled out in his small handbook of that title. To these key principles, Givens adds explanations and illustrations drawn from modern realities. Cooper's color codes of awareness receive the same illumination in the following chapter. "There is a sliding scale of readiness, going from a state of being oblivious and unprepared to a condition of being ready to instantly do lethal violence if forced," Givens introduces. The normal person faces "enormous difficulties" in generating that response, he continues, accounting that the first challenge is recognizing the presence of the predator, "realizing, internalizing and accepting" that another person intends to kill you and overcoming inhibitions to killing a fellow human.

These mindset factors are rarely discussed so frankly and with the clarity that Givens provides in *Fighting Smarter*. The question of "why," while common to victims, is inconsequential and a dangerous distraction, he asserts. Overcoming the human disinclination to kill is another stumbling block. He relates that viewing threats through Cooper's system of shifting mental states as dictated by circumstances has saved his life, and he recommends it to readers, with commentary to help readers grasp and apply the concepts.

In his discussion of the heightened state of alertness that Cooper dubbed "Orange," Givens explains how to assess a perceived but unconfirmed threat. "About 80% of human communication is through body language," he writes. "Predators display subtle pre-aggression indicators, which are obvious once you learn to look for them." Next, asking "What if?" encourages a review of possibilities and response options before action starts. This he calls "the mental preparation vital to winning the conflict." Coupled with a predetermined "mental trigger" that initiates physical action, mental preparation is

[Continued next page...]

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essential if one is to act with the speed needed to survive, Givens explains, adding, "Your main enemy is reaction time."

Next, Givens discusses controlling and overcoming fear, explaining, "Panic is simply the lack of a pre-programmed response." Preparation includes visualization, and he recommends reading crime reports and thinking through the responses an armed citizen may implement. "Very soon you will learn to recognize the behavior or activity on the part of the victim that facilitated or even precipitated the crime," teaching yourself what to avoid. Over time, he concludes, the effort produces a database of most of the "likely forms of street crime, and...pre-programmed responses filed away in the back of your mind (the subconscious) ready for deployment if faced with a similar circumstance."

Awareness, Givens writes, is "the most important element in your survival," adding we must both "see" and "observe." Only about a tenth of what we see makes it into our consciousness, he cites. The depth of instruction in this and the following chapter on developing intel about criminals cannot be encapsulated in a review, and readers are strongly advised to get *Fighting Smarter* and take the time to study it well.

The armed citizen needs to prioritize training and preparation to counter criminal threats. Conclusions from Givens' own students' shootings, discussed at length in his lecture on DVD, *Lessons from the Street*, are synopsized in *Fighting Smarter*. He emphasizes awareness, preparation and proximity. Later chapters summarize violence in the workplace and in places of worship, all with the goal of urging the reader to be always vigilant, always armed and prepared.

The chapter on post-incident management will be familiar to Network members, including advice to limit post incident communication to the barest of details about your identity, that you were attacked, locations of critical evidence, and a request for your attorney's counsel before answering further inquiries. I appreciated Givens' endorsement of the Network in this chapter, too.

The mental aspects of self defense consume more than one-third of *Fighting Smarter*. The equipment does matter, though so with Chapter 19 Givens starts to address hardware—sidearm selection, with priorities of reliability, effective caliber, hand fit and related issues discussed at length. Additional details appear toward the end of the book when Givens analyzes malfunctions in both revolvers and autoloaders. Holster design receives a similar analysis, with the recommendation to carry

consistently in the same position, plus analysis of the many holster variations sold, including inside the waistband, belt holsters, appendix carry, strong side carry, ankle holsters, pocket holsters, and shoulder holsters, as well as belly bands and off-body carry.

Givens introduces ammunition choices with the simile that the ammunition is the heart of the defense system, much as the engine is the heart of an automobile. He outlines stopping power, explaining the need and means to cause sufficient damage to an attacker "that will cause him to cease his actions as quickly as possible."

The final segment of *Fighting Smarter* synthesizes shooting technique, including a stable, flexible and mobile firing platform, grip, sight picture, trigger control, draw stroke and related skills. This Givens concludes with good instruction on dryfire practice. Additional discussion points include reloading, malfunctions, real-world ready positions, low light firearms use, training and practice, competition, tactics including cover and concealment, and movement before, while or after shooting.

Addressing gun safety, Givens reports that in his long career, he has investigated over 200 unintended discharges, of which he characterizes only one as a true accident, resulting from mechanical failure. The rest were negligent discharges that occurred out of ignorance or carelessness. More than just a recitation of gun safety rules, this chapter explains how and why armed citizens must internalize and adhere to the four cardinal rules of gun safety. These he distills even further into muzzle discipline and trigger finger discipline, asserting that those two safeguards alone, "all by themselves will prevent most problems."

When I finish a long book like *Fighting Smarter*, I like to look back to the introduction to see what the author said he set out to accomplish. In his introductory pages, Givens wrote, "I sincerely hope that this book will make you think about your personal security and how to achieve it. The mental skills involved in gun fighting are more important than the physical skills, and mental skills require personal effort, just like learning physical skills. The end result of this effort is, of course, peace of mind, which is well worth the time and effort invested." Having read *Fighting Smarter* from cover to cover, I believe Givens exceeded his goal. The time spent studying and thinking about his instruction was time well spent. I highly recommend *Fighting Smarter* to our members.

[End of article.]

Please enjoy the next article.]

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News from Our Affiliates

Compiled by Gila Hayes

The name of Affiliated Instructor Laurie Winslow's business would be a good motto for all of us in these post-Paris terrorism days: Keep Calm and Carry. We recently sent this instructor a resupply of our Foundation's booklet, *What Every Gun Owner Needs to know About Self-Defense Law*. Keep Calm has a full slate of Oregon CHL training slated for December, and can provide a good variety of pistol, gun safety, child gun safety, gun selection, and personal safety classes upon request. Check out the full array of classes at <http://www.keepcalmandcarry.net/keep-calm-and-carry-class-schedule> and get to know more about Laurie at <https://www.facebook.com/KeepCalmCarry/> and at <http://www.keepcalmandcarry.net/about.php>. It is a very full website, so plan to spend some time there learning.

Network Affiliated Instructor Nick Pratt of MP Training keeps busy teaching firearms classes and making custom Kydex® holsters. See his very attractive work at <https://www.facebook.com/NorthcentralIllinoisCustomKydex/>. Nick also teaches the IL concealed carry class, plus NRA pistol courses. For more information, see <http://nickydex.com/firearms-training/>.

Did you know that the Network also provides membership benefits to our citizens in U.S. Territories? We here in the states tend to forget about our armed citizen family in Puerto Rico and the Virgin Islands. The Network has members, Affiliated Attorneys, Affiliated Instructors and Affiliated Gun Shops in Puerto Rico, including Bull's Eye Gun Shop in Fajardo, PR. When I checked in with Juan and Evelyn to see how their supply of our booklets was holding up, they responded with a picture of a nice display containing *What Every Gun Owner Needs to Know About Self-*



Defense Law right by their shop's front door. Thanks, folks, for spreading the word in a distant location we would have trouble reaching ourselves!

We extend a warm Network welcome to our newest Affiliated Instructor, Todd Fossey of Integrated Defense Strategies, Independence, MN. Todd's well rounded instructional program includes concealed carry instruction, MN CCW application and renewal training, ground fighting, women's self defense, firearms maintenance seminars, a survival program teaching about "wild edibles" and Krav Maga. His website cites five "core" elements of his concealed carry class, to wit: legal education, mental and behavioral preparation, hand to hand combative training, firearm implementation and simulated scenario exercises. Read more at <https://gunclasses.net/about-us/philosophy-methodology/>.

You've got to love the philosophy expressed by Affiliated Instructors, Tammy and Todd Smith of GunStart in Wasilla, AK. "Our goal isn't to train for the zombie apocalypse or jump out of flaming helicopters – we'll leave that to the military and swat teams. The reality is that civilians face completely different threats than military or police and as such, need skills geared toward the situations they will most likely face." Read about their classes at <http://gunstart.com/ccw-classes/>.

They also work to build community with their graduates through GunStart Gatherings described at <http://gunstart.com/gunstart-gatherings/>. Todd and Tammy are a great resource for armed Alaskans! Learn more at <https://www.facebook.com/gunstartalaska>.

In addition to a nice selection of rifles, pistols and shotguns, our Affiliate Jim Dooley of Middleboro Gun Shop is reaching armed citizens in Massachusetts with the Network's message through his gun safety classes. See his class information at <http://www.middleborogunshop.com/sclasses.html> and bear in mind that for gun sales, as well as firearm cleaning and repair, the Middleboro Gun Shop has got you covered.

[Continued next page...]

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In Philadelphia, PA, the crew at The Gun Range has kept the Network's materials in front of range visitors and students in firearms classes at that facility for a number of years.

We appreciate how hard it is to keep a range going in such a heavily urban environment. Formerly Colosimo's Target Range, The Gun Range is Philadelphia's oldest indoor shooting range. Get to know them at <http://www.phillygunrange.com>.

We became acquainted with Affiliated Instructor Chris Ashworth when he was teaching gun safety and concealed carry courses in WI. While his professional life has taken a new direction, Chris continues to talk about the benefits of Network membership when he teaches from his new location in TX. Interestingly, in comparing our convention calendars, Chris let slip that he is also part of the Gunwerks team putting out high-end precision rifles as well as teaching the skills to get the most out of these working pieces of art. Learn more at <http://www.gunwerks.com>.

Affiliated Instructor Richard Barbaras operates Riclin Firearms Training in Alamogordo, NM. He teaches pistol, shotgun and carbine skills, including a low light class that includes realistic scenario training, special programs for disabled shooters, private and small class lessons, as well as the NM CCW course. His blog at <http://riclin.net/news/> is a fun mix of current events commentary and skill builder hints. For more information on his classes, visit his website <http://riclin.net>, or call Richard at 575-430-3040

Become a better shooter, get a handle on what to expect after a shooting, and learn Minnesota gun law when you train with Jim and Lynne Fleming at Mid-Minnesota Self-Defense, Inc. Class descriptions are at <http://www.midmnselfdefense.com/classes-and-training-jim-fleming---mid-mn-self-defense.html> so look them over and then give the Flemings a call to schedule training. Owners/instructors Jim and Lynne Fleming are long-time Network supporters, with Lynne participating as an Affiliated Instructor, and Jim serving on the Network Advisory Board.

In Rochester, IL, our Affiliated Instructor Jim West <https://www.facebook.com/siddensindoorshootingrangeandconcealcarryclasses/?fref=nf> is handing each student a copy of our Foundation's booklet, so when he asked for more, we happily sent enough for both his students and to be sure there are enough copies to share with the range's clientele, too.

Affiliated Instructor Alecs Dean in Ft. Myer, FL is a very busy NRA Counselor, meaning that he teaches the firearms instructors. Alecs has a full slate of NRA instructor and shooter courses scheduled for December and January. These range from range safety officer courses, instructor programs to become certified to teach Refuse to Be A Victim, Personal Protection Outside the Home, Pistol and Home Firearms Safety and a lot more. In addition, he's scheduled a Women On Target AR-15 day in Naples, FL for February 22. To learn more, phone 239-357-3437 or Email Alecs at alecs@internationalfirearmsafety.com for schedules, costs, locations and other details, or see <https://www.facebook.com/InternationalFirearmSafetyInc> and check out his website at <http://www.internationalfirearmsafety.com/home.html>.

This is only a smattering of the affiliates we're in touch with weekly, providing copies of the Armed Citizens' Educational Foundation's booklet *What Every Gun Owner Needs to Know About Self-Defense Law* and our tri-fold brochures. Affiliates and members, you can also get these materials by calling me at 360-978-5200 or emailing ghayes@armedcitizensnetwork.org.

We always enjoy reading about our Affiliated Instructor's programs! Affiliates, please send me an email if you have any special events like open houses, special classes or other interesting tidbits that we can announce for you in this column. If announcing an event, about 60 days advance notice is best since we publish only once a month.

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



Editor's Notebook

by Gila Hayes

What are the chances? It is surprising how often we try to guess the likelihood of facing that for which we strive to prepare. The question arose a couple of times this week. The day before Thanksgiving,

I was visiting with a former student who owns a couple of champion Buhunds, a Scandinavian spitz-type dog of moderate size. Showing the dogs entails some long trips, including a cross-country trek to a competition in Orlando next month. She explained that while worried about travel safety, she has worked hard to attain this standing and will not stop out of fear of terrorism. Well, I replied, obliterating the famously pleasant Western way of life is part of the enemy's objective. Knuckling under advances the terrorists' agendas, and this woman, for one, had no intention of doing that! Instead, we talked for awhile about what she could do to increase her personal safety in large public venues, and after the conversation was over, I continued to ponder the challenges of living in this world without falling prey to its monsters.

Over the years, Marcus Wynne has written several outstanding blog posts about preparation to survive a terror attack and one was quoted recently in Ralph Mroz's Street Standards blog. After the Boston Marathon bombing, Wynne wrote, "The purpose of terrorism is to terrorize, to get us to stay home and watch events on TV, to live in fear and demand that the government do *whatever* to make this stop...Let's not do that. Let's get on with our lives and refuse to be cowed, refuse to allow others to rob us of joy and the simple pleasures of going about our lives."

While armed citizens talk about concealed carry's role in surviving a terror attack, recent lessons from Paris underscore more than ever that our key job is protecting family members, and getting the heck out of the danger zone. A pistol is a poor offensive tool against terrorists who bring rifles and explosives to the scene. In fact, while no one will deny the value of being armed, much of the solution is not gun-oriented at all. Wynne wrote that prior planning calls for knowing what to do if the phone service is interrupted, loading maps and other tools that function without a cell signal on your smart

phone, having alternative meeting points established amongst family members, picking out cover and areas of temporary safety when you are out and about, and knowing several ways to depart the immediate area fast! First Aid training and basic gear and being dressed so your shoes and clothing do not greatly inhibit your ability to get out of Dodge, are just a few other facets we now need to work into daily safety.

In training circles, much is preached about awareness, but little specific instruction in the "how" and "what" aspect is given. The broadcast news last night featured a segment on a cell phone app on which citizens are to photograph and send information about suspicious characters to authorities. I found the whole idea a little chilling! Still, looking beyond Big Brother's corruption of personal safety principles, we do need to pay more attention to items that don't belong, persons who are dressed wrong, out of place behavior, and we must not be embarrassed to leave the area if a credible threat comes up on radar.

This is just the beginning of safer living in today's world. <https://marcuswynne.wordpress.com/2014/09/06/repost-random-thoughts-on-what-to-do-if/> is a better starting place to review or begin your personal preparation.

In addition to our psychological resistance to admitting how vulnerable we are (something Dr. Margulies briefly addressed in our lead interview), we also fight the temptation to "play the odds." Last week, I had a nice phone discussion with a man who became one of our newest members at the end of our chat. One of his questions arose when a friend opined that using a gun in self defense was a one-in-a-million likelihood, so he should not waste his money on a post-incident protection plan. I was happy to suggest instead that the Network gives members a solid value for their dues by sending each new member eight lectures on DVD and a book, this journal, as well as access to our ever-growing Legal Defense Fund, to defray member's legal expenses and bail after self defense. I commented that the twelve members who have had self-defense incidents probably didn't expect to be attacked either, but that didn't reduce their need for an attorney's counsel after the threat was gone.

*[End of December 2015 eJournal.
Please return for our January 2016 edition.]*

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In addition, material presented in our opinion columns is entirely the opinion of the bylined author, and is intended to provoke thought and discussion among readers.

To submit letters and comments about content in the **eJournal**, please contact editor Gila Hayes by e-mail sent to editor@armedcitizensnetwork.org.

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We welcome your questions and comments about the Network.
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