

Your Courtroom DEFENSE TEAM



Get the skills and “the Network” you need to survive!

By Ed Lovette

“**B**elieving that armed self-defense is a legal and moral right, the Armed Citizens Legal Defense Network exists to aid, educate and support lawfully-armed Americans who are forced to defend against criminal attack.”

Such is the mission statement of the Armed Citizens Legal Defense Network, or “the Network.” The Network is the result of a lot of hard work by Marty and Gila Hayes, the owners of the Firearms Academy in Seattle, Washington. They believe so strongly in this effort that Marty went back to school and got a law degree. That level of commitment is rare these days, but it is a clear indicator of the dedication and vision that the Hayes bring to the Network.

If you read this far, by now you’re probably asking, “What’s in it for me?” Membership benefits include education, legal support and access to Network-affiliated attorneys and experts in addition to the Network’s Legal Defense Foundation, whose Advisory Board members include Massad Ayoob, John Farnam, Marty Hayes, Tom Givens, Dennis Tueller and Jim Cirillo, Jr.

I don’t have enough space in this column to discuss each of these benefits in detail, but you can check them out for yourself on their website. My focus will be on the DVDs. But before I discuss them we need to put what membership in the Network is really offering you in perspective. Consider that if you want current information on guns, ammo, holsters, and so on, updated on a monthly basis all you need do is subscribe to this magazine.

But if you also need to stay current with the legal aspects of lethal force issues involving the armed citizen, updated on a monthly basis, who do you call? What if you are involved in a shooting and suddenly find yourself

desperately in need of a good lawyer? Who can you contact with specific legal concerns you might have on this issue that won’t send you a bill for answering your questions? And if we really cut to the chase, who do you know that is seriously concerned about what could happen to you in the aftermath of a shooting?

I want to clarify a few things: The Network is not an attorney referral service. If you ever contact them because you need an attorney, it is probably too late for them to help you. One of the major benefits of membership in the Network is to help you avoid an armed confrontation through a better understanding of all that’s involved. Also the Network is not an insurance agency.

Network DVDs

Now we can look at the DVDs, which are tangible proof of how seriously the Hayes view this undertaking. As a new member you receive three DVDs. These DVDs are clear, concise and useful. The Network encourages you to show them to family, friends, students and others who may have need of this valuable information. I have been a firearms instructor for a good many years and can state without hesitation that these are the user-friendliest DVDs on the subject of the legal aspects of deadly force use that I have seen. They should be mandatory viewing in each state’s CCW permit classes.

The first one is entitled *Use of Deadly Force in Self-Defense* and is hosted

by Marty. He does a first-rate job of giving the viewer the basic tools for confronting a complex situation while noting that what’s discussed in this DVD, and the following DVDs should be considered legal education, not legal advice. He begins with the Reasonable Man Doctrine as the basis for all of your actions with emphasis that this is the filter through which a jury of your peers will review your actions.

He then discusses the key elements of self-defense: Ability-Opportunity-Jeopardy, which many of us were taught in a police recruit class several decades ago. Consequently, we have learned over time that these elements make an excellent decision-making tool because once you learn them (and practice them in role-play scenarios), you can apply them quickly in a

lethal force situation requiring you to make the shoot/don’t shoot decision. Also, your understanding of these three elements, how they interact with each other and how they mutually support tactics, mindset and the other self-defense requirements you must master, is a real aid in helping you to explain your actions after the incident. Ability-Opportunity-Jeopardy helps you to understand and clearly articulate the difference between being fearful (not sufficient justification to allow you to use deadly force) and being in fear of death or serious bodily injury.

For what it’s worth, watching this DVD was also a reminder that I find the law much easier to understand when someone conversant with it can define it for me rather than trying to digest it while reading case law, codes, statutes, etc. on my own.

The second DVD is entitled, *Handling the Immediate Aftermath of a Self-Defense Shooting* and it is an interview with Massad Ayoob by

Marty. When I first watched this DVD I was elated to see that Massad had been reading my notes. After watching Marty’s first DVD I had scribbled a question regarding the pretty much standard advice of not talking with the cops at the scene until you have a lawyer present.

As a result of studying shootings involving armed citizens for the last several years I had become increasingly dissatisfied with this advice mainly because it did not coincide with what I was learning.

In many of these incidents the armed citizen never received a day of training. If he had acted appropriately, when he told the cops at the scene his side of the story, they might take his firearm for evidence, he might have to go downtown with the police but were frequently allowed to return home after talking with them. This seemed to be especially true of shootings that took place in the citizen’s

home. Not to mention the fact that this advice doesn’t take into consideration that you might not have a lawyer on retainer, you might have been out of town when the shooting took place and so forth.

Massad’s advice on what to say to responding officers changes all this. By telling us what to say he gives us the ability to deal with the on-scene investigation that strikes a happy medium between saying nothing and babbling ourselves into a corner as a result of the stress we just experienced. By giving us a way to talk with the officers we can early on begin to establish ourselves as the victim in the incident.

Massad tells us we play only two roles, victim or perpetrator. By not talking at the scene we lose the best chance to establish our role as a victim. I found the “Five Point Checklist” that Massad gives us in this DVD to be much-needed advice. By recognizing how important what we say to the police can be in the immediate aftermath of a self-defense shooting, Massad, with his extensive hands-on knowledge of police and the courts, has given us an alternative to what we are usually told (and that I am much more comfortable with).

The late Jeff Cooper used to tell us that we had to survive an armed confrontation in two parts. Problem one was the confrontation itself.

Problem two was surviving the issues that the courts would confront us with following the shooting. Cooper gave us the Modern Technique of the pistol that deals with Problem One. I see what Massad has given us as the Modern Technique of Dealing with Responding Officers, which is a major improvement in how we manage Problem Two.

Massad also makes a final point that I think is especially helpful in defining the service that the Armed Citizens’ Network provides. The Network offers us what he calls an affirmative defense—the Network is by nature

designed to work towards helping you verify your innocence rather than to prove you guilty, certainly an ally that I want in my corner.

The third DVD is entitled *Defending a Self-Defense Shooting*. In this DVD Marty interviews two Seattle-based practicing attorneys who discuss the intricacies of criminal and civil self-defense cases. They give us a

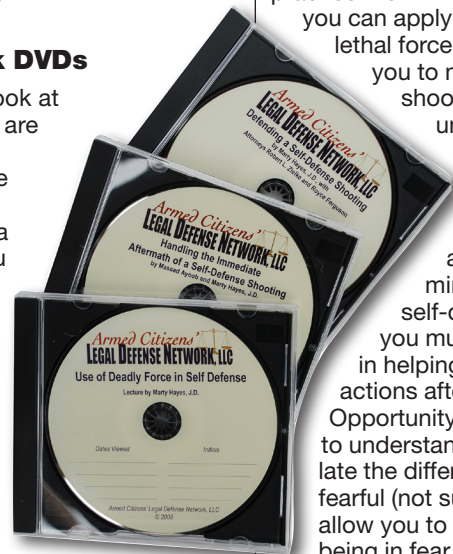
mini-course on the legal process that takes place following a shooting. This is the longest of the three DVDs and it is due to the detail in which they cover the topic—especially their comments at the wrap-up of their discussion. They advise you to get the very best firearms instruction you can afford and to save your class notes. They also suggest that you need to be mindful that comments you have made in the past can come back to help or hurt you following a shooting.

Final Notes

We frequently read or hear the question, “What is your life worth?” It is usually asked in regards to equipment designed to help you through a lethal force encounter. I will suggest that we need to ask ourselves the same question regarding the value to us of the information contained in these three DVDs. We need to ask ourselves this question regarding the importance to us of becoming a member of the Armed Citizens Legal Defense Network. Your decision is as critical to your prevailing in the before-during-and-after of an armed confrontation as any piece of gear you think you might need that will give you an edge.

For more information contact: PO Box 400, Dept CH, Onalaska, WA 98570; 360-978-5200; www.armedcitizensnetwork.org

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