



## Signs Subject to Misinterpretation

### An interview with Massad Ayoob

by Gila Hayes

from humorous signs and slogans?

*A few years ago, a prominent firearms school offered their students a yard sign with a message "Nothing in this House is Worth Dying For..." printed over the graphic of a tight shot group on a target along with the school logo. It was a variation on an old theme: over the years, we'd seen a variety of similar messages like, "If You Can Read This, You're Within Range" with a drawing of a rifle, along with many variations, often sold at gun shows.*

*The Network has always advocated living below the radar and not drawing attention to the fact that we own guns, if for no other reason than to avoid attracting burglars seeking guns when your home is empty. Beyond this practical advice, there are additional reasons not to advertise your self-defense preparations, as detailed in the Network's fifth educational DVD, Additional Considerations for Armed Citizens, John Farnam speaks persuasively about what he calls, "the stealth lifestyle."*

*Perceptive Network members have to balance this advice against the funny yard signs they were given as gifts or got at the gun show. These members continue to ask, "Why shouldn't I hang this funny poster in my house or put this sign in my front yard?" They want to know if our advice is based on generalities or if there are cases on record to show that courts, judges and juries misinterpret this kind of humor as proof of bloodthirstiness.*

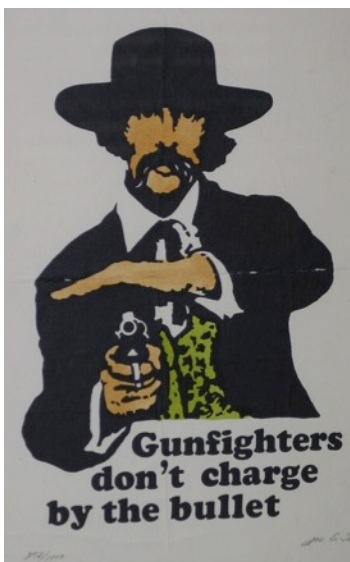
*With nearly 40 years experience working as an expert witness in self defense and use of force cases, who better to ask about reasons to avoid this kind of humor than Massad Ayoob? Let's switch now to our familiar Q&A format, to preserve the clarity of his responses.*

**eJournal:** Can you give us some history that may help us understand the risks

**Ayoob:** In the late 1980s, there was a murder trial involving an attorney who had to shoot and kill someone in his law office. It was self defense, but the moment you shoot somebody the premises become a crime scene. The police photographed every inch of the law office. The office was lined with plaques and awards and diplomas that tracked many achievements of this good man's life. He had gotten a lot of awards for public service and that sort of thing.

Of all the pictures they took, there was only one that they blew up, put on a giant easel and put in front of the jury. It was a little wood cut of a cowboy with a big bushy mustache and a Colt 1873 Peacemaker and what was engraved on it was, "Gunfighters Don't Charge by the Bullet."

I wound up having to deal with that on cross examination. They were trying to say that it showed that he had an aggressive mentality, that he saw himself as a gunfighter, and that he wanted an excuse to kill somebody. I was asked on the witness stand while being shown the picture, "Mr. Ayoob, gun fighters don't charge by the bullet. Is that a saying in your business?"



Fortunately, with that particular phrase, I was able to say, "No, counselor, that's a saying in YOUR business." Of course, I got to explain that for people in the different professions—accounting, law, whatever—what you are paying for is the individual's knowledge. The old joke goes that a guy goes to an attorney and says, "I have a problem; can you help me?"

And the attorney says, "No sweat, I'll fix your problem with one letter." He writes the letter and it fixes the guy's problem. The bill he sends is written, "One Letter...\$5,000"

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The client comes back and says, "That's absolutely outrageous! I will not pay \$5,000 for one letter." The attorney says, "You're right. I'll give you a modified bill." The new bill said, "Writing letter: \$5; knowing what to say in letter: \$4,995." So I said, "Well, counsel, you see that among people who sell their knowledge more than they sell anything else, and it has nothing whatsoever to do with the topic here."

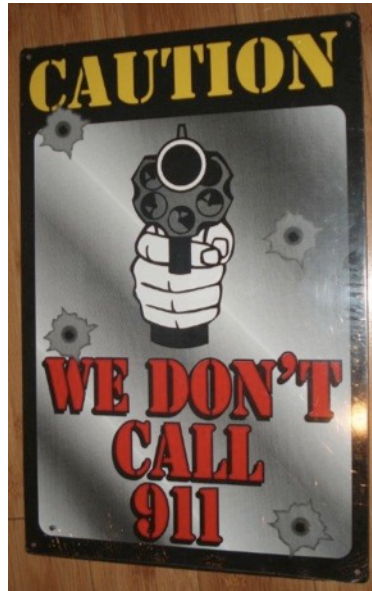
**eJournal:** Fortunately, in that situation, you knew how to diffuse the misrepresented humor.

**Ayoob:** Yeah, it would have been kind of tough if he'd had something up on the wall that said, "If you are found here tonight, you will be found here tomorrow" or "We don't call 9-1-1, we use 9mm."

**eJournal:** Does that lesson extend to the self-defense training books on our bookshelves or the gun magazines beside our easy chairs? How guarded are you about what you will leave discoverable in your home?

**Ayoob:** When my kids lived at home, if you came into my house, there would be no visible indication that anyone there owned firearms. The magazines you would see would be *Time*, *Newsweek*, *Vanity Fair* or *Forbes*. The only trophies on display were my then-wife's bowling trophies or generic Winged Victories. Today, my girlfriend and I live on a pistol range where I don't even try to disguise it any more. That is the path my life has taken. Anybody who is in my house is going to be armed and ready if someone chooses to attempt to invade it. Now, I'm not putting helpless kids or unarmed family members into the line of fire.

**eJournal:** If, based on the content of your bookshelves, a DA wants to allege, "Gee, you had all these books about using guns, you must have been waiting for the poor deceased to come through your door to try out the techniques!" Then what?



**Ayoob:** Well, in my case, I'm going to say that I've been in the firearms industry and part of the law enforcement profession for over 40 years. If I'd been an engineer, you'd probably have found a lot of engineering books, but I'm a firearms professional with a firearms school named after me, so, duh, there was gun stuff in my house.

**eJournal:** If you were an expert on a case defending the self-defense actions of, let's say, an engineer, how would you explain a collection of gun books and shooting magazines?

**Ayoob:** I would say that the individual takes care of his family. The local police department has a crime prevention bureau that teaches exactly what these books teach. A huge number of people in this particular community own and even carry firearms. I would research whether anyone had ever done a poll for that particular county or state on the density of firearms ownership. Normally, how many concealed carry permits are issued is a matter of public record, so I would bring that in, as well.

**eJournal:** Another popular gun logo item is the ball cap or t-shirt. Some are printed with the same "We don't dial 9-1-1" type of message that I think you've pretty much shown to be a bad idea. What about

simply gun logo clothing? Can that cause legal trouble?



**Ayoob:** For many years, my signature dog—and the best dog I ever owned in my life—was a 210-pound Great Dane. Damn near everybody who looked at it sent a t-shirt or a plaque or a sign that said, "Never mind the dog, beware the owner." I always gave those away to other dog owners, preferably Chihuahua owners, because I've been swimming with the sharks too long to put up something on my premises or wear a t-shirt on my body that declares me to be more dangerous than what the public

perceives as a vicious animal.

**eJournal:** Good point, and that didn't even specifically mention guns, which seem to ignite a lot more prejudice.

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**Ayoob:** I did another case, this one in MA with Penny Dean as the attorney of record, who did a wonderful job of it. The individual has a Glock t-shirt on when he gets in a road rage thing that is totally triggered by the other man. The other guy follows him into a parking lot and sees our guy picking up his cell phone. Well, the guy who had actually acted out the road rage whips out his cell phone first, calls in the description of our guy, and says, "He pointed a gun at me; I think it was some kind of a Glock." They search the car and guess what they find? A Glock. All it took was a good guess. It has been some years, so you can check the exact details with Penny, but I clearly remember that it was the Glock t-shirt that caused the other guy to fabricate his story.

**eJournal:** Let me insert here: in 2009, Penny and her client helped us write up that trial as a two-part article for this online journal. Readers can download PDFs of those journals at <http://www.armedcitizensnetwork.org/images/stories/journal/2009/Network-2009-12.pdf> and [http://www.armedcitizensnetwork.org/images/stories/Network\\_2010-1.pdf](http://www.armedcitizensnetwork.org/images/stories/Network_2010-1.pdf) and the lessons contained are well worth the reader's time.

**Ayoob:** Penny did a great piece of lawyering there, but my point is that without that Glock t-shirt, it probably would not have happened at all. People only wear things on their clothes or put bumper stickers on their cars that they feel strongly about. If you have a gun-related sticker on your car, it means you feel strongly about guns, which means there is a strong likelihood that you are carrying a gun or you have one in the car. If somebody wants to make a false complaint against you, you could end up like this poor guy, charged with felony aggravated assault. It probably cost him a good fifty grand before Penny won the acquittal for him.

**eJournal:** Now this is starting to strike awfully close to causes that we love! Would you estimate that there is the same degree of risk from putting an "I'm the NRA" sticker on the car bumper?

**Ayoob:** Oh, absolutely. If you didn't feel strongly about it, you wouldn't literally wear the opinion on your sleeve with the t-shirt and semi-literally with the bumper sticker. It means you probably own guns, it probably means you own more than one gun.

Guns and prescription drugs are about the only things criminals can steal from you that they can fence to the underworld for more than their intrinsic value rather than a nickel or a dime on the dollar. When they find your car parked unattended, the ones who need instant gratification will pick up a brick and smash your window. If they don't find a gun they will steal something else. In any case, your car has been damaged.

The ones who can delay their gratification a little bit, figure out you probably have a lot of guns or you wouldn't have that sticker, so let's just delay briefly, then we will follow this car back to where it lives and then we will find the Mother Lode. Someday, when you're not there, but your mom or your grandma or your kid is home alone, they are going to come.

**eJournal:** That is a high price to pay for trying to show solidarity for gun rights.

**Ayoob:** People tell me their bumper sticker is their way of doing their part. They say, "I'm showing my commitment to the Second Amendment movement." Well, a \$1 bumper sticker is a pretty cheap cop-out because I never in my life met anybody who changed their opinion about a candidate or a political issue because they saw a bumper sticker and said, "Wow! The light bulb has come on! The bumper sticker has given me an epiphany. I will change my values now!"

If you are serious, get involved. Get out there and work at the local level with your grass roots gun owner organizations. Join the NRA; join the Second Amendment Foundation. Don't kid yourself that a \$1 bumper sticker pays your dues.

**eJournal:** That is a difficult lesson, but one to which we need to listen carefully. Thank you for shining the harsh light of reality on this common practice among gun owners. Fortunately, talking directly to people is likely more effective, and has a lot less risk than signs or bumper stickers! Once again, you've given us valuable information, and I appreciate it! Thank you!

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Please enjoy the next article.]*



## President's Message

### What's In Your Wallet?

by Marty Hayes, J.D.

During the last month, two more Network members were involved in self-defense incidents. While I will not discuss the specifics of either incident, I will say that

both members were arrested and later released on bond and personal recognizance. Neither incident bore any similarity to the other, except that both members encountered some difficulty arranging for legal representation while they were in jail. Why? Because neither had taken the steps in advance to secure an attorney to act as their legal representative, and so neither had an attorney's number available to call.

While members are free to use any attorney they wish, the Network had affiliated attorneys in the locales of each of these incidents. Unfortunately, our members had not met with an affiliated attorney or other lawyer nor taken steps to obtain a lawyer's after hours contact information so they or a family member could call an attorney. When the Network was finally notified of the members' needs, we went to work to arrange legal representation, although we were not able to put an attorney immediately in touch with either member.

I have been thinking about solutions to this problem a lot. I am reflecting on the fact that in the Network's five-year history, none of the six members who have needed legal services after using a gun, had an attorney's phone number, despite there being Network affiliated attorneys nearby.

In one instance, we acted as conduit to put the member in contact with his attorney; in four cases, we connected the member with a Network affiliated attorney; and in one situation, the member declined to engage the Network affiliated attorney but eventually found an attorney he preferred. In the long run, the Network paid for the initial representation of each member. We only wish it could have been done more quickly.

When a member is in jail after a self-defense incident, it is impossible for us at the Network to speak directly to the member. We end up getting information from family members or friends, and then we go to work to engage the services of an attorney who can help the member. In all of our member's incidents, attorneys were eventually found and a retainer paid for by the Network, but the process would have been much more efficient, cleaner and quicker if the member had met with an attorney ahead of time, and asked how to get their help outside of regular office hours.

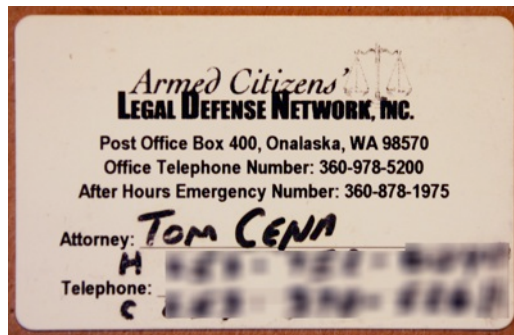
In working through this problem, I realized that in many instances, even I do not have the after hours contact information for many of our Network affiliated attorneys. I recognize this as a hole in our process, and am getting to work to plug that hole by personally contacting each affiliated attorney to ask that they entrust me with their private contact information so, if nothing else, I can place a call on behalf of an incarcerated member and get legal assistance to them. We have over 300 attorneys affiliated with the Network, and while I know I won't be successful with all the attorneys, I think I can do some good on this. I wish I had thought of it sooner and will give you progress updates in my future columns.

Understanding that members need to know how to call their attorney is nothing new.

On the back of your Network membership card is a blank line on which you should write the name and phone number of an attorney, so you have someone to call from the police station, or for someone to call on your behalf. The picture (left) shows the back of MY PERSONAL membership card, with the

name of Network Affiliated Attorney Tom Cena and his home phone number, and cell phone number. Tom, a graduate of my shooting school and several classes with the Lethal Force Institute instructor Massad Ayoob, has agreed to come to my aid if I am involved in an incident. Now, I must ask you, our members, is the back of your card filled out? If not, why?

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## Growing This Resource

Please, do yourself a favor and seek out a local attorney, so you can fill in the blank on the back of your membership card. As I study the question of attorneys for Network members, it is hard for me to believe that with a 7,800-member organization we cannot fill in blanks on the attorney list.

We have a wall map in the Network office on which pins show where we have Network affiliated attorneys. The empty spots, of course, show where we do not have affiliated attorneys. Please take a look at the map, and see if your geographic region is represented. How about trying to add a pin or two to the map? Now, if your eyes, like mine, are going bad and can't see the pins on the map, I will tell you that we badly need attorneys in the following states:

- Delaware
- Maine
- North Dakota
- Vermont
- Wyoming

In addition, some of our larger states have gaps in which the nearest affiliated attorney is hundreds of miles from our members. These areas include:

- Southern Alabama
- Southern Arizona
- Southern Arkansas
- Northern California
- Central Panhandle of Florida
- Southern Georgia
- Southern Indiana
- Western Kentucky
- Northeastern Louisiana
- Michigan's Upper Peninsula
- Central and Southern Missouri
- Eastern Montana
- Northern Nevada
- Upstate and Southern New York
- Southeastern North Carolina



- Eastern Oregon
- Northern Pennsylvania
- Southeastern South Carolina
- Central South Dakota
- Northern and Western Texas
- Southern Utah
- Northern Virginia
- Northern Wisconsin

Members, if you know of a local defense attorney who is sympathetic to gun owners and would make a good Network Affiliated Attorney, especially if your location falls within the list above, please e-mail me directly at [Mhayes@armedcitizensnetwork.org](mailto:Mhayes@armedcitizensnetwork.org), and I will attempt to contact him/her and get them involved in the Network. Let's start filling in the map, and get the nation covered.

## Gun Rights Policy Conference

In September, I attended the Gun Rights Policy Conference for the first time. In case you are not aware of it, the GRPC is a pro-gun "info-rally," an event sponsored by the Second Amendment Foundation and the Citizens' Committee for the Right to Keep and Bear Arms. The event consists of a combination of informative speeches discussing what is happening in the world regarding the push to take away our right to keep and bear arms, along with motivational speeches that served as rallying cries for the attendees to keep fighting.

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I try not to blur the lines between what we do here at the Network, and fighting for our gun rights, but sometimes the two lines can overlap a little. My trip to the GRPC was a solid two days of networking: hallway conversations and listening to informative speeches, with a couple evening cocktail parties thrown in. One of the highlights was listening to Emily Miller (pictured to the right) author of *Emily Gets Her Gun*, who discussed what she went through to buy a handgun in Washington D.C. Along with Emily, we heard from some of the great movers and shakers in the run rights cause—Alan Gottlieb from the Second Amendment Foundation, <http://www.saf.org/>, Larry Pratt (pictured, center, right) from Gun Owners of America, <http://gunowners.org/>, Charles Heller from Jews for the Preservation of Firearms Ownership <http://jpfo.org/> and many others.



a coffee with Dave Workman, editor of *The GunMag*, <http://www.thegunmag.com/>. I also got to catch up with industry luminary Tom Gresham of GunTalk Radio

(photo at bottom of page) <http://www.guntalk.com/>. I spent most of the time at the conference sitting next to Gail Pepin and her significant other Massad Ayoob master instructor, famous author, and, we're proud to say, Network Advisory Board member. In addition, I got to speak to a lot of fellow armed citizens. If you were among those I met, thanks for being part of the conference.

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Please enjoy the next article.]*



I was also given a speaking role at the conference, sharing a block of time with Massad Ayoob and Chris Bird. When our time on the schedule came up, the program was running late, with Alan Gura waiting to speak immediately after me. Instead of making him wait, I simply thanked Alan and Julie Gottlieb for the opportunity to speak at the GRPC, and then ceded my time to Mr. Gura so we could get back on track and give him all of his assigned time to address the 400 conference attendees.



Gura was the lead attorney in *Heller v. Washington D.C.*, so I certainly wanted to hear everything he had to say about gun rights litigation that is shaping up in the courts. Along with several other speakers, Gura explained that the court battles have certainly shifted to our favor, and they are expected to keep winning these Second Amendment fights. Of course, that optimism presupposes that we can keep the same five pro-Constitution justices on the United States Supreme Court. Pray for the health of Justices Kennedy, Scalia, Thomas, Roberts and Alito!

When I attend events like the GRPC, I always enjoy seeing old friends in the industry. This time, in addition to the aforementioned folks, I got to sit down and share

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## Attorney Question Of The Month

This month's Attorney Question of the Month is the final installment of answers to a question we first asked in September. This line of inquiry, posed by Network President Marty Hayes, asked—

*For the most part, jury selection is glossed over in law school (or not discussed at all), even though the jury is the trier of fact. With this in mind, this is a two-part question. First, as the attorney handling a self-defense shooting, what type of people would you want on a jury? Next, what steps can the armed citizen take ahead of time to ensure that they do not alienate a jury?*

Our affiliated attorneys' responses follow—

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In answer to the first question, I do not think there is a stock answer. It depends on where the incident happened, who the people are, and how the incident occurred. As an example, while I might want CWFL holders on most self-defense juries, I also have seen people who carry be the most critical of mistakes by fellow carriers.

If the defendant made any mistakes, a question about making errors under pressure may be more important than a person's belief in self defense. After all, the judge will give them the law, but people who believe themselves infallible are more likely to take any error of action the state can show and use it as an excuse to convict.

Alienating a jury can be very easy. Gun owners must be careful what they say online and what messages they put on their car. For example, if you have a bumper sticker that says "Keep honking, I'm reloading," expect the prosecutor to use that against you to show the jury you are prone to road rage, especially if the facts of your case involve an incident on the road. Any posts on forums or social media will also likely be exploited. In

short, live a clean, non-controversial life, and do not look like a troublemaker.

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The questions this month actually deserve a chapter each. Here are my brief answers to them.

Jury selection, a process formally called voir dire, is part art and part science. Both sides attempt not only to seat jurors favorable to their case, but also to remove jurors they feel will be good for the other side. Every prospective juror gets asked if they understand the concept of innocent until proven guilty beyond a reasonable doubt, if they believe police never lie (or always lie), if the person at the defense table must be guilty or he wouldn't be there and other stock questions. Those who fail these simple introductory questions are immediately dismissed. Those that remain are asked more penetrating questions by both the prosecutor and the defense. Rarely is any one juror trait perfect for either side, however, in self-defense cases there are certain traits I look for during voir dire.

First and foremost I want jurors who believe the Second Amendment grants us the right to possess firearms for personal defense and that the right to personal defense is one every person enjoys. I want jurors without a religious objection to killing, who have a strong protective nature and an open mind. I also want long-term locals and will usually avoid potential jurors who recently relocated from a historically "anti-gun" jurisdiction.

In the end we will be stuck with a jury of 12 people from a prospective pool of about 50. We may not get exactly what we want, and in fact, rarely do. A borderline juror may be swayed by my client's appearance, demeanor or history. For that reason I advise those who chose to carry to follow a few simple rules to increase their odds of success should they ever be charged after a self-defense shooting.

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Watch how you appear in public. The jury will probably see images of you at the scene, or shortly thereafter, and your clothing may work against you. A vulgar phrase or image on your t-shirt will likely work against you in the eyes of even a sympathetic jury. Likewise, looking like an average Joe or Jane will probably help as jurors put themselves into your shoes. Regardless of how you chose to dress in everyday life, dress for court like your life depends on it, because it does. That means a conservative suit and tie for the men and a very conservative dress for the ladies. Tattoos on the face, neck and hands are a bad idea. Even in this day and age some very parochial opinions are held about body art, including facial piercing. More than one juror has informed me my client's body art factored into the jury's deliberation.

Finally, avoid participating in inflammatory language or activity (on social media or otherwise) that could be discovered by the prosecution and possibly be presented to a jury. It may seem innocent when you post a picture online, put a bumper sticker on your vehicle or make a statement in public, but think how a jury might see it. Remember the Internet and Twitter are forever. Think before you post.

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What type of people on a jury?

Cases are won and lost in jury selection. The process of selecting a person that has an open mind, is sympathetic to your client, and will understand and consider all of the nuances and intangibles that are presented in a case cannot be understated. Nor does it lend itself to a one-sentence answer. As much as every reader hates to hear this, the answer is, "It depends." It depends on the client, the community, the guy who got shot and a host of other factors that are too numerous to list here.

For example, if the client is a 42-year-old woman, clad in her nightgown and armed with her .38, who shot an intruder, armed with a knife and clad in a ski mask, in her bedroom after he made forced entry into her home at 2:30 a.m., I would opine that there is no juror in the community that could not see the justification in the shooting. It is highly doubtful that a District Attorney

would file charges in light of such facts. But those are not the facts that lead to an armed citizen to being prosecuted for a defensive shooting, are they? No, what is far more likely is a vast sea of "gray area" that must be explored before arriving at the correct juror for the case.

Bottom line: a jury is tailor made for each case as the facts, circumstances, and issues dictate. There is no single answer. Be wary of those that operate with a preconceived notion of the "perfect" juror as they have a preconceived theory of the case that may not fit the facts.

How not to alienate the jury before prosecution—

Remain calm and be polite. I know how woefully inadequate that is, but it is very, very important. After a shooting where the adrenaline is pumping, the shock of fighting for your life is wearing off, and the gravity of your decisions are rapidly weighing on your mind, being polite is not high on the priority list and remaining calm is almost impossible. Prepare yourself now. Know what you will say before you have to say it.

Think of it this way, a year or more after the event, a trial will commence. Days of sterile jury selection pass. Motions are made and ruled upon. Opening statements are given and witnesses are called. The prosecution opens its case with its first witness, the 911 operator. After the quiet dignity of the court proceedings begin, the prosecutor will professionally introduce the 911 operator who will calmly, and with great deliberation, detail the call and its subsequent events after which, the call will be played for the jury. What do you want them to hear? A panting near hysterical person rambling a profanity laced narrative while still under the stress of the event? Or the recorded interview of the first police officer at the scene who obtains a statement from the emotionally exhausted and mortally terrified defensive shooter who can barely stammer out a semi-coherent fact?

Ideally speaking, the 911 call should be short and concise. "I've been attacked, send police and an ambulance." This advice comes from the book *After You Shoot* by Alan Korwin. This is great advice.

When the police arrive say, "Thank God you are here. I'm the one who called." This establishes that you are the victim and the one who notified the police. This sets you in the mind of the police as the one who needs

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protecting, as the bad guys don't call the cops. Again, I cannot claim credit for this advice, it comes from James Yeager of Tactical Response. But it is great advice.

Show the police the evidence that may disappear if it is not collected. Point out witnesses that the police should interview before they go on with life and disappear. Preserve your crime scene as best you can. **Then ask for a lawyer. Do not make a statement.** Be polite. Remain calm. You will be arrested; it is a fact. Remain calm and treat the police with courtesy, as they will be more on your side if you act politely. By failing to give the police your statement, this forces a more detailed investigation where witnesses have to be interviewed, evidence has to be photographed and collected and the scene has to be preserved as one person is dead, and the other is not talking. This is good for the defensive shooter as the more investigation goes on, the better it will be for the armed citizen.

Bottom line: remain calm and be polite. Ask for a lawyer after you have pointed out important evidence and witnesses. Do not make a statement. Help yourself by deciding what to say before you need to say it.

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Jury selection is not taught in law school and many courts, especially federal courts, are limiting jury selection. It is becoming a dying art form. It does not help that jury selection is one of the most difficult aspects of trial work, in part because there are few areas of the trial that are more personal or dependent upon instinct or feeling. It takes time to develop that feeling.

Some commentators say that you do not so much pick whom you want as you de-select those you don't want. What kind of person you select or de-select really varies from case to case. If the case involves self defense against law enforcement, I probably do not want someone who is really pro law enforcement. On the other hand, if law enforcement experience will support my client's story of innocence, I do want someone more sympathetic to law enforcement. Essentially, I want a juror whose philosophy, life experiences, and

perspective will resonate with my client's theory of innocence. That will vary from case to case.

As far as what you can do to not alienate the jury, that varies a bit between locations, but there are a few things I would recommend. First, prior to going to trial, don't give the prosecutor ammunition, so to speak, to inflame the jury against you. This means do NOT use hand-loaded cartridges for any gun you keep for self defense. Do not use hot loads. Do not use exotic bullets.\* Keep your cool. Make sure you have taken training courses from a properly certified instructor. You do not want the prosecutor to be able to argue something like, "Ordinary deadly bullets weren't enough for Dan Defendant! No! He had to hand load Teflon-coated hollow points to the maximum speed possible." Or he might say something like, "Listen to what he told the police. He was not a citizen in fear for his life. He was a lone wolf Dirty Harry just waiting for the opportunity to kill." Use factory loads, keep your calm and get a lawyer from ACLDN at your earliest opportunity.

Second, treat the case seriously. You shouldn't be laughing it up during court proceedings or otherwise demonstrating anything that can be viewed as disrespect to the jury, the court, the prosecutor or the system. If witnesses change their story (and they frequently do), keep a straight face. Believe it or not, a changed story can frequently be beneficial to your case.

Third, do not react if the judge rules against you in objections. You will not have all objections go your way. That's just the nature of the game. Be professional and be calm. This is the biggest poker game of your life so keep your poker face. The jury will generally view the judge very favorably so your complaints will be seen as sour grapes, not the image you want to convey when your freedom is on the line.

Finally, in any self-defense case you are probably going to have to testify. I cannot think of a case of mine involving self defense where my client did not testify. You should listen to your attorney about how to testify. Your attorney will get a second attorney to come and cross-examine you. That is, the other attorney will play the part of the prosecutor and get you ready for questioning.\*\* Keep your composure. Being angry at the prosecution is a sure way to give the jury the wrong impression. After all, if the prosecutor can get you mad by just asking questions, maybe you got really mad at the dead guy/accuser as well.

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Murray Richman, a great NY lawyer and a good friend, once said that he loved murder cases because there was one fewer witness. While that is true, it makes your own version and appearance all the more important. The jury will not have the opportunity to see the negatives of the aggressor. You need to remember that when you are in trial you are constantly under surveillance. Twelve pairs of eyes will watch everything you do. Behave as if you are at your mother's funeral with your grandmother sitting next to you.

\*The one exception if you use a pistol might be Glaser safety bullets. I say "might" because the one benefit to those bullets is that they do not over-penetrate. If you live in an apartment, or you live in an area with many people living nearby behind thin walls, such as in row housing, that may be a legitimate reason to use such bullets. I'd be prepared, though, to pay for someone from the company to come and testify about what those bullets are, how they work and why in such limited, particular circumstances, they are actually safer than a 230 grain ball fired from a .45 ACP and its risk of over-penetrating.

\*\* As an aside, this is something you can bring up with your attorney during your first meeting. Your attorney should immediately be able to name two to four lawyers who will do this. You should check out those lawyers, as well. Good lawyers will use good lawyers. Bad lawyers will use bad lawyers if they use anybody. So if you don't know your lawyer, one way to determine whether he's good is to see what you know about any lawyers he would have to cross-examine you as you prepare for trial. If your lawyer says he will use lawyers who have a good reputation, it's a pretty good bet your lawyer is good, as well. If your lawyer suggests using lawyers who have a bad reputation, go somewhere else.

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*The Network is very grateful for the participation of our affiliated attorneys and their contributions to these discussions. Check back next month for a new question with answers from our Affiliated Attorneys.*

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

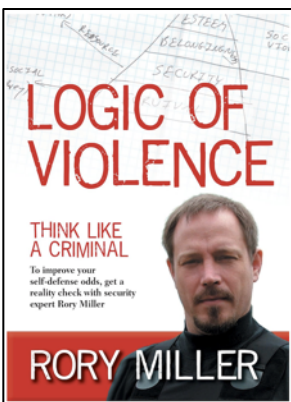
## DVD Review

### The Logic of Violence: Think Like A Criminal

175 minutes, DVD presentation  
Release Date: May 2013, by YMMA,  
\$29.95

ISBN: 978-1-59439-2351

[http://ymaa.com/publishing/dvd/martial\\_arts\\_teaching/logic\\_of\\_violence\\_DVD](http://ymaa.com/publishing/dvd/martial_arts_teaching/logic_of_violence_DVD)  
1-800-669-8892



*Reviewed by Gila Hayes*

This month, we review a program on DVD by Rory Miller, an author we've discussed in this column before. Although Miller's lecture *The Logic of Violence* is formatted as instructor development, it contains many valuable insights anyone can use to increase personal safety. Besides, aren't we all teachers? Caring about others means encouraging them to exercise caution, alerting them to dangers and often introducing them to self-defense techniques. What if the defense methods we always thought worked actually prevent only a small percentage of crimes?

Most of us are so insulated from genuine, life-threatening need that we cannot understand the motivations fueling predatory crime, states Rory Miller, instructor and narrator of *The Logic of Violence*. Miller has considerable insight into criminal motivation, having worked for 17 years in corrections, honing and applying his martial arts skills to the way real humans attack. Author of *Meditations on Violence*, *Facing Violence*, co-author of *Scaling Force* and other DVDs and books, Miller now teaches defense skills and strategies full time. His latest DVD, *The Logic of Violence*, compresses a multi-day seminar into an intensive three-hour program defining types of violence and strategies to defuse, avoid or survive it by understanding how criminals justify and execute violence.

Using Maslow's hierarchy of needs as a useful model, Miller shows how violence is employed to attain survival, security (providing food and shelter for coming days), being part of a group, esteem and self-actualization. Modern people don't deal with the basics of survival and security at the primitive level of starvation, being eaten

by wild animals or freezing to death, he comments. We address these needs through social services, then erroneously assume survival concerns no longer exist, because we are motivated primarily by social priorities. Attempting to address social needs like belongingness and esteem when the criminal is acting from the survival or security level is disastrous, he warns.

### Motivating Factors

In desperate straits, humans can justify violence, often by creating differences between you and them. "Othering," Miller explains, increases the amount of violence justifiable. Rationalization is universal, he adds, asking, "Has anyone ever been arrested for a crime where they didn't have a good explanation of why they did it?"

Miller draws comparisons between drug addiction and Maslow's two basic priorities, survival and security. Because most have not experienced the desperation of drug addiction, he asks viewers to compare the need for drugs to what they would do to get food for their children if facing imminent starvation. Before letting your children die, would you steal, commit prostitution, or kill? he asks. The drug addict experiences that immediacy, he stresses. Appealing to social priorities fails badly when the criminal is operating at the survival/security level, desperately needing drug money, for which you may look like a good source.

Miller explains how aggressive panhandling, like violent mugging, is coercive predation, but with very low risk. The criminal weighs risk against reward. What can I get? What are the chances something bad is going to happen to me? Does reducing the apparent reward take you off the target list? No, he answers, adding that robbery is not a matter of social justice, either. Homeless people rob bag ladies because the risk is so low, he illustrates.

Raising the risk may work against predators at the survival and security levels, he continues, although, "I don't like people to know I am packing a gun, because guns are so valuable, it can be something to take away." Miller's recommendations are subtler and focus on suggesting that attacking you may result in identification and arrest. He demonstrates feigning a cell phone

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conversation giving a description of the person and surrounding circumstances, or asking, "Is that the third unmarked patrol car in the last block? Is something going on?"

Process predators—rapists, serial killers and con men—operate at the self-actualized level of Maslow's hierarchy, Miller teaches. These are sadists who like violence because it makes them feel good and alive. They are fully self-actualized, he postulates. "They don't feel bad about it at all." Negotiations do not work, nor do efforts to "make him a better person", Miller exclaims. "Their self identity is as a rapist, as a killer. They are doing what they love." Because they need to be in control and avoid pain or fear, Miller suggests tactics that raise the perceived risk and show that they may not succeed. "You can see people who are very good at acting crazy who will get very sane when there is a gun in their ear. These guys are very functional," he relates.

## Social Conflict

Next, Miller outlines the predictable, scripted patterns of violence used to establish social position. Human behavior has not advanced far beyond pack dominance like that seen within chimpanzee communities, he posits, so dubs displays made to establish rank as "monkey dances." These highly predictable patterns establish boundaries, are played out for group bonding, to punish group betrayal, to enforce rules, and cement group hierarchy, he defines.

Having established the "why" of violent crime, Miller moves into recognizing situations in which violence is predictable. He creates a grid, asking students to think like a predator to identify "who, what, where and when" violence occurs. This is a revealing exercise and teaches much. A written summary cannot do justice, so we won't even attempt it in this limited space. I urge you to get the video and complete the learning exercise.

## Strategies Discussed

How can you avoid looking like an easy victim? Do not appear to have what they need, raise doubts that they can quietly execute the crime, and increase likelihood they will be caught or harmed, Miller suggests. Avoid giving offense through undue confidence, whether in foreign locales or by blustering your way in where you have no right to be, like college kids going to a biker bar. Learn how to never appear on the predator's radar

screen because once you are working to overcome an underway attack, the percentage of success is awfully low.

We know all the big gains in personal safety are in awareness and avoidance, Miller acknowledges. When avoidance fails, what can be done? The intended victim needs to respond by moving quickly. Know where the exits are so you know where people should be coming from and where you can escape. Use peripheral vision to check for approaches. You may see feet too close before you detect the arms or body; use reflective surfaces like window glass to spot someone coming into a dangerously close range, Miller teaches, adding, "There is no reason to ever be surprised approaching a car. You can just see too much." If you let a predator get close enough to touch, there are not any magic techniques to get away. "Don't stop to try to figure out if it is OK. This is not OK. You need to be moving that second," he stresses. Recognize an unwelcome touch and do not delay reaction. Almost everyone indexes before they grab, so immediately moving may allow escape before the predator latches on, he illustrates.

Run to safety, not away from danger, Miller continues. If you need help, actively select whom you will ask instead of waiting for a predator to sniff out vulnerability and give a false offer of assistance. Avoid obvious tips offs like going to the bank on Social Security check day, he illustrates. Don't handle valuables, like money in public view.

Criminals have more experience attacking than you have countering, Miller explains. Use role-play to learn to recognize the patterns of common criminal approaches and practice breaking contact. Criminals are good at camouflage, so he encourages students to study their patterns. "Criminals are more used to dealing with you than you are used to dealing with criminals," he asserts, adding, "Criminals have been conning and tricking people their whole lives." Study so you will recognize the patterns, since criminals use a nearly endless variety of approaches. Not all will lead with, "Do you know the time?"

*The Logic of Violence* shows how successfully thwarting violence is really about understanding the steps from the need to its fulfillment, instead of applying physical skills to all situations. Analyze defense methods against crime using Miller's grid outlining what most criminals have as

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a goal, parameters like who makes a good victim, location, victim behaviors, how the criminal isolates the victim, psychological domination, and physical attacks. These differ depending on what the predator needs and wants, especially between resource predators and process predators.

Studying patterns helps the intended victim apply an appropriate response, Miller urges. Without the tools to recognize what type of predation it is, you may make the wrong defensive response. For example, a resource predator asks for what they want while a process predator is more vague. Resource predation is a business deal, because the robber wants your wallet, so "do the deal" to avoid injury, he illustrates. Psychological domination remains more common than physical attack.

By recognizing the tactic, you can reserve physical combat for personal survival, not to protect mere property.

You can't tell a victim not to be the victim, Miller concludes, but anyone can recognize factors that increase vulnerability. Most self-defense discussions teach the physical skills when, indeed, the highest gains in personal safety come from recognizing the predator's needs and priorities, what puts the victim on their radar and their hunting grounds, Miller emphasizes. Fighting always has a price; *The Logic of Violence* teaches how to avoid it.

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



## Networking

by Brady Wright

We are almost through the fall and the holiday decorations are already in most stores. As I've noted before, there are more and more reasons to celebrate and I wish you the best in whatever way you choose to do it!

Many of the conversations I've had recently are about current political upheavals and disappointments. Former Representative and Marine Colonel Allen West had a great post the other day on *Facebook* that I took to heart. "You know you're close to the target when you start taking flak." Our rights to carry and use arms are taking a lot of flak and that has been the gist of what our members and Affiliates have been talking about.

We've heard from our "Johnny Appleseed" member, Phil Smith, who is always quick to tell new acquaintances about the Network and its resources. While shopping at the local Wal-Mart he met a young couple purchasing ammo and learned that the young man was excited about the purchase of his first AR. Learning that both have carry permits, Phil passed along a Network card and an extra for the young lady's father. It's just that easy! It was a discussion of the crazy gun laws that started the conversation, Phil explains.

Many of our Affiliates, like Chad Haase in WI, average one to two gun shows a week and many more are show promoters where they talk with a great cross-section of the shooting community. In the Northwest, I heard from Glenda, the co-owner of Friday Harbor GunRunners. She and JB, her other half, have had booths in the Lynden Fair, Evergreen Fair, Puyallup State Fair, Everett Home Show and a Washington Arms Collectors Gun Show. They have also held concealed permit classes, gun laws classes and private range tutorials. They hand out Network tri-folds and pamphlets everywhere they go. All of this, and she is recovering from surgery! Last week was the first opportunity to shoot she's had since the operation. That's quite the recovery therapy!

I got a note from Larry Pyzik, who is a shooting instructor and a chiropractor in IL, operating Palatine

Chiropractor. Larry is very active in the teaching and local political scene. He distributes Network materials at whatever CCW classes he holds and also at Illinois Gun Owners Lobby Day (IGOLD) each year. He thinks that, based on the number of anti-CCW legislative bills already introduced, the fight is just starting. Thanks for stepping up to the line, Larry.

Several members shared information with me about the approval of the new concealed carry law in Illinois. Approximately 60,000 Illinois residents per month have applied for FOID cards so they can legally purchase and own a firearm. Legislators have also learned that almost 1,000 people statewide have been legally approved to instruct FOID cardholders in how to apply for the right to carry a concealed weapon. These instructors will offer courses ranging in length from 8 hours to 16 hours to certify an applicant as qualified to apply for a concealed carry permit. That will likely mean many new Network members in Illinois, since many of our members and Affiliated Instructors are gearing up to teach these classes.

Many readers know that John Farnam is on the Network's Advisory Board. If you are not already signed up to get his Quips on line feed, you should check it out. The direct link is here <http://www.defense-training.com/quips.html>. John endorsed the Network at the end of one of his most recent Quips. I mention this to you in case you are not a Quips subscriber. John's kind of like E.F. Hutton...when he talks, people listen. Look for the Quip with the headline, *Shooting Burglary Suspects!* in which he closes his commentary by writing, "When you adhere to the foregoing, you'll probably be on pretty solid ground. But, there are no guarantees! In the aftermath, make sure you have competent representation, an attorney who knows how to make things go your way. Join ACLDN (Armed Citizens Legal Defense Network)! You'll be way ahead of the game!" Many thanks for the recommendation, John, and for all the support you've given the Network over the years.

As always, if you have news to share, just call me at 360-623-0626 or email [brady@armedcitizensnetwork.org](mailto:brady@armedcitizensnetwork.org). If I receive your information, celebration or brag by the 20th of the month, you have a great chance of getting in the upcoming column. Stay safe out there!

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

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## Editor's Notebook

### To Stop School Shootings

by Gila Hayes

Much hyperbole will be trumpeted in the wake of the Sparks, NV school shooting about the need to arm teachers, in light of the courageous intervention by teacher and USMC and National Guard veteran Mike Landsberry, who witnesses said approached the shooter and tried to make him put down the gun. Landsberry's heroic intervention protected others at the school, and was given at the cost of his life.

Without knowing the math teacher's political leanings, much will be written in the days, weeks and months to come about how a gun would have let Landsberry, a veteran who served in the Nevada Air National Guard in Afghanistan, stop the 12-year old shooter and come out of it alive. We agree—qualified educators who wish to carry concealed handguns for defense certainly must not be denied the most basic human right of preserving one's own life and the lives of those in his or her care.

Perhaps some long-term good can be drawn from Landsberry's sacrifice, if more states can be convinced to join the few that have successfully legislated procedures allowing teachers to go to work armed. Arkansas, Texas, Utah, Kansas and South Dakota come immediately to mind, though legislative efforts have been introduced in additional statehouses, and in the wake of the Sparks, NV shooting, are nearly certain to be reenergized.

Any steps undertaken to genuinely protect teachers and students deserve our support. There is, however, one sadly neglected aspect of responsible gun ownership that too many do not practice. You know the four universal rules of gun safety and practice them, but can you guarantee that none of your firearms will be accessible to anyone other than yourself or responsible adult family members? Do you ever leave a gun unattended by your bed, in your briefcase or purse, or somewhere else in the home? Do you believe your gun-

hiding place is secret from your children and subsequently, from their friends? Really?

At the time of this writing, little has been released about the Sparks, NV shooter. Even if we did know his personal history, I would not give it publicity for fear of encouraging other immature attention-seekers to follow the same route. At the time of this writing, all we know is that a 12- year old did have access to a handgun. As gun owners that should be all we need to know to collectively change the irresponsible mistakes we make when we fail to lock up any handgun not under our immediate control.

Our part of the solution is real simple: Get a gun safe or lock box. When you are not in immediate control of your guns, lock them up. Do not leave guns laying on the bed's headboard, hidden under the couch cushions or beneath the car seat, in your brief case in your car while you run in to the courthouse, or any of the other lazy gambles made when we do not believe we are part of the problem.

Do not believe you are not at risk to become part of the school shooter problem because your home is in a remote area, because you have "good" kids or grandkids, because none of your guns have ever been stolen, or because of any other excuse you use to dodge your responsibility as a gun owner to lock up guns over which you do not have immediate control.

Just because your car or house has not been broken into before now, does not mean it cannot happen. It only means that a thief – possibly a young one who will take your gun to school – has not realized that your home or car contains something they would find very desirable: a gun.

Gun safes are sold in a wide variety of sizes, security levels, and prices. Lock boxes to bolt to wall studs or car floorboards are even less costly and work for those owning only one or two guns. However, most gun owners are enthusiasts who own several firearms, often a couple of handguns—maybe a .22 and a larger, center-fire caliber pistol, and often a shotgun or rifle is added to a personal collection. If you own only a single pistol, a solution as inexpensive as a \$100 mini vault bolted to the floor or wall is an affordable protection. If you don't

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have \$100 bucks to buy one, brew your own coffee and stay away from the latte stand this month or cut out another convenience for a little while so you can afford to lock up your gun when you are not carrying it.

If you own multiple guns and are likely to buy more, stop, do not buy another gun until you own a safe in which to responsibly secure them. If you're financially tapped out, sell one or two of your guns to buy a gun safe in which to keep the remaining guns in your collection secure.

We loudly bemoan the societal problems creating school shooters, and rightly look for ways to raise better

citizens, keeping pernicious influences away from their developing minds. We promote legislation to allow teachers the fundamental right to defend themselves and their students. Pursuing larger corrective goals is good, but does not provide an immediate solution. That is why we must not fail to embrace the personal responsibility that falls on every gun owner. If your gun is not in your immediate control, lock it up. Please enact this immediate solution.

*[End of November 2013 eJournal.  
Please return next month for our December edition.]*

## About the Network's Online Journal

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Marty Hayes, President  
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