



Understanding Defensive Display of Firearms **An Interview with Massad Ayob**

There is a long-standing myth that if an armed citizen draws a gun for self defense, firing that gun is the only outcome. It's been disproven by research as far back as the 1990s by Kleck and Gertz and subsequent research by John Lott and Clayton Kramer identifying how frequently only the display of a firearm aborts a crime in progress. We went to master instructor and renown author Massad Ayob to get his take on non-shooting defensive display of a firearm, hoping to learn from cases he has helped defend as well as ask how he trains armed citizens to deal with what may happen when they introduce a gun into a self-defense situation.

eJournal: Thank you for talking with us today, Massad, because it would be nice to resolve conflicting messages that armed citizens get about drawing firearms before shooting is absolutely required. One extreme says, "Draw only if you intend to shoot," while others suggest that the threats may be defused bloodlessly when the drawn gun shows you can fight back.

Ayob: As you well know most people have an incomplete understanding of deadly force law. I think that's where a lot of the misunderstanding came from. They are aware that there is such a thing as justifiable homicide, but there's no statute for justifiable brandishing, although interestingly enough, Florida recently passed a law to clarify that. You will find a discussion of that on Andrew Branca's websites <http://www.lawofselfdefense.com> and at <http://www.legalinsurrection.com>

eJournal: About brandishing?

Ayob: I believe the term is "defensive display."

eJournal: Yes, that is better. I think "brandishing" suggests aggression or makes it sound like the person defending him- or herself was somehow out of line.

Ayob: Historically, the term brandishing has meant waving it around recklessly, so I think defensive display is the proper terminology.

eJournal: Using the wrong words can trip us up, so it's good to have a more accurate term. Now, getting back to *defensive display's* role in self-defense strategies: Where's the middle ground between it and drawing only to shoot?

Ayob: Really, the middle ground is just knowing when you can do either one. I teach that if you are certain to a preponderance of evidence, you're more than 50% sure you are in deadly danger from this guy, go ahead and take him at gunpoint. Not until you are certain beyond a reasonable doubt that there is no other way to stop him do you pull the trigger.

eJournal: Do you have an example?

Ayob: Basically, the attack is underway. If the guy is coming toward me and I can't see a weapon, but he is saying, "I will cut your head off!" I am taking him at gunpoint right now. If he lunges at me or I see him reach for a weapon, I start shooting.

eJournal: Let's say that you are threatened to the extent that defensive display of a firearm is indeed reasonable. The assailant may run away, or may react differently upon seeing your gun. What are some possible outcomes?

Ayob: If he has run away, the immediate danger has passed but now there is a new danger. If you as the victim don't immediately call it in, he is going to call in, "Some guy ran up and pulled a gun on me for nothing," and now you are way behind the curve. Our members need to always remember, who ever calls 9-1-1 first gets to be the victim/complainant. Who ever calls in second is already the suspect.

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eJournal: Well, that's an unexpected consequence: being portrayed as the offender because of being armed.

Ayoob: There is still a prevalent belief even among many prosecutors and cops that armed people can't pull guns on unarmed people, and it needs to be explained, sometimes in court, sometimes at trial, that a) you didn't know he was unarmed, and that b) the disparity of force in the case was such that you knew if this went "hands on" you were going to be killed or crippled with his bare hands. There's a lot to this. You need to be able to fully explain what it was that he did.

eJournal: We want Network members to be already thinking in accurate terms before having to make self-defense decisions or give statements to authorities. From your experience and any of the available studies, can you estimate if most defensive gun uses simply stop at the defensive display and do not require shooting?

Ayoob: Yes, it has been my experience. I have probably pulled guns on 30 people and every single one of them has either become instantly compliant or has fled. None of them attacked.

eJournal: How can we prepare to make that outcome more likely?

Ayoob: My MAG-20 and MAG-40 courses each include over an hour of instruction on the subtleties of taking people at gunpoint. You need to understand how to project command voice and need to understand body language. The predator may not use the term body language, but he is generally very fluent in it. If you think about it, part of his job description is "expert in prey selection." I always make this point with students: the predator is not afraid of your damned gun; they are from an armed subculture themselves. They are afraid of strong-willed people shooting them.

Did they see a person who is prepared to shoot them if they attack? It is not about your gun—not about how big or shiny it is. If I see a rabbit with a gun, I am not worried. If I don't think you are going to pull the trigger, why should I fear your gun? On the other hand, if you are going to shoot me with a .25 caliber Browning, I am going to say, "Excuse me, ma'am, I do not know what came over me! With your permission, I am going to leave now."

eJournal: [chuckling] What are some resources from which we can learn more about the body language of a predator or one who is getting ready to attack?

Ayoob: See Marc MacYoung's Network DVD *Recognizing and Responding to Pre-Attack Indicators* that all Network members receive. I recall that it is quite good. You can go to Backwoodshome.com and click on my name for archives, and you will come up with my photo-illustrated article on some of the aggression cue signals. There are also some of those in my new *Deadly Force* book, of which I believe all members now have a copy.

eJournal: Is there another potential—that the assailant may not run away or surrender? He may escalate verbally or physically. Now what?

Ayoob: I am doing a case now that is essentially a road rage thing. The good guy accidentally bumped the bad guy's vehicle without causing any damage. The bad guy is running on cocaine and alcohol and screams that the guy better &*\$#@ stop. Our guy stops. He gets out of his car. He figures he is going to see if there is any damage and exchange paperwork.

The other guy—a much bigger, stronger man—comes up to him and starts shoving him. Our guy says, "Stop! Leave me alone!" The guy smashes him full power in the face and sends the good guy staggering back. Our guy ends up toward the door of his car. He reaches into his vehicle and pulls out a pistol and tells the other guy, "Stay back! Stay away from me." The guy pauses, so our guy puts his gun back in his waistband, and then this guy lunges for the gun. Our guy shoots him twice and kills him. Our guy is charged with murder.

eJournal: Was the bigger, aggressive man ostensibly unarmed? Is that what they are hanging the murder charge on?

Ayoob: Yes, but the initial assault was disparity of force. Our guy was badly shaken by the violent punch in the face, the serious assault and battery. Badly hurt, the guy realizes he can't take another punch like that without going down helpless and very likely being stomped to death. That warranted him drawing the gun and telling the guy to stay back.

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The second escalation—the guy going for the gun—is what we are going to have to get across to the jury. If you are close enough to reach my gun and if you are reaching for my gun, it is the same as reaching for your own. You are reaching for a gun and putting me in deadly danger.

eJournal: Good point. Add in mental illness, drug use or intoxication, and rage and now the attacker may not stop upon seeing your drawn gun.

Ayoob: We have found that with alcohol and cocaine in particular. Twenty-five years ago, the lab people would have said they don't mix. Well, they don't mix in the laboratory, but they DO mix together in the presence of an enzyme secreted by the human liver. That was determined conclusively about 1990 in what was then the Metro Dade Medical Examiner's office in Miami. They were seeing a definite spike in cases of bizarre, berserker rage, guys doing things they knew would get them killed, and the autopsies showed both cocaine and alcohol.

The term for it is cocaethylene and it is associated with extreme rage and kind of a Superman complex—the guy is doing things that a reasonable person would know, "I could get killed doing this but I'm doing it anyway." The term in the trade is "beer muscles." So you get the guy on drugs, the guy with beer muscles, the guy who wants to show off for the other guys in the bar or his girlfriend, when he sees the gun, he may attack.

We had the Pennington case in New York where I was called in one day after the murder verdict, as if there was anything I could do about it by then! But it was very similar. There was a fender bender accident when Pennington clipped the other guy's car, which was backing out of a parking space. The bad guy is at .18 blood alcohol content and cannabis, according to the evidence found at autopsy. He is also about to go in front of a grand jury for aggravated assault. He got pissed at his boss, knocked him out and beat his head against a concrete floor in the workplace, fracturing the boss's skull. So this is the guy that our fellow is dealing with.

Our fellow is short, morbidly obese, couldn't fight his way out of a sandwich bag. The bad guy gets out of the car, screaming epithets at him as Pennington has opened the door of his little pick up truck and has one foot on the door sill and one on the ground. The guy

comes up and slams the door on our guy's leg causing massive bruising. If he hadn't been as big through the legs as he was, it probably would have broken his leg. It would have on me.

The witnesses have him with his hands up in a conciliatory fashion saying, "Sir, calm down! I am sorry I hit your car; I'll pay for it" or words to that effect. As he is staggering back away from the guy, still with his hands up in a placating gesture, the wind catches the nylon jacket Pennington is wearing.

The other guy sees the shoulder holster and goes absolutely ballistic, screaming that he is going to take the gun, and in words much more explicit than mine, says he is going to stick it where the sun doesn't shine and pull the trigger. Pennington draws the gun, off safes, and tells him, "Stay back!" The guy lunges for the gun, and bang, bang, bang: three shots, three hits. Done deal.

Pennington wound up convicted of murder, in part because he and his wife swore an affidavit under oath after his attorney told him that his only hope was to say that all three shots went off by accident. He duly swears an oath and testifies to that.

We were unable to do anything for him on appeal, because as you well know, the appeal only examines, "Did he get a fair trial?" If you commit perjury knowingly, whether or not your stupid attorney suborned your perjury, you still got a fair trial. Pennington got life without parole and I think he is going to die in the New York State penitentiary.

eJournal: How best can we avoid being portrayed as using deadly force inappropriately if the aggressor doesn't have a gun?

Ayoob: Being able to articulate from the beginning why we made the decision we did; why we believed ourselves to be in sufficiently serious peril to draw a gun and warn the guy off. Always remember, when they say, "So, you admit that you threatened him..." to be able to say, "Sir, I WARNED him."

Words mean things! Bad people threaten; good people warn.

eJournal: You mentioned earlier teaching students how to take people at gunpoint: verbalization, projecting

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determination and other aspects concurrent with the display of the firearm. It is a lot more complex than just pointing the gun.

Ayoob: That is the reason in classes I spend more than an hour on just gunpoint. Everybody thinks gunpoint is just like shooting, only that you just backspace to the instant before you pull the trigger. It is a totally different dynamic; it is a game all its own. If you have already decided, I am going to have to shoot this guy, there is no point in wasting time attempting verbal intimidation and things of that nature.

eJournal: Maybe that is the misunderstood element in armed self defense that spawned the myth we started this conversation with.

Ayoob: It is ironic that the people say, "Don't draw until you have to shoot" don't realize that they are contradicting themselves. If I wait until his gun has come out, I am far enough behind the curve that unless I am ready to win a quick draw contest against a drawn gun that day, I have already pretty much guaranteed I am going to take a bullet. If you wait until you know you have to shoot to get the gun out, you've lost any chance of controlling it without bloodshed and you are so far behind the curve that you are likely to come out of this with some holes in you.

eJournal: Is there another side to this coin? Are you concerned about a too-aggressive response, a gun drawn too soon?

Ayoob: Oh, absolutely: if you pull a gun on a guy who calls you an @%\$ or gives you the bad eye, or happens to be walking in your direction down the city street...there are a whole lot of folks out there who look scary but are harmless. Each of us has to apply what knowledge we have and the more knowledge we have, the better off we are, and that brings us back again to body language. I think the whole verbal judo thing is very worthy of study. It is a multi-dimensional discipline, but people try to draw it as a two-dimensional cartoon of the good guy meeting the bad guy on the street at high noon.

eJournal: Anyone who has studied with you knows just how much perspective and depth of field you've added to our view of armed self defense. Thank you for teaching us more today, and explaining aspects of the subject of which we may have been unaware.

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Please enjoy the next article.]*



President's Message

by *Marty Hayes, J.D.*

Recently, my home state was targeted by the anti-gun crowd (most of whom enjoy the relative peace and comfort of armed body guards) through a very restrictive and poorly worded

initiative to implement universal background checks within our state. Well, thanks to the millions and millions of dollars poured into misleading and outright false advertising bought and paid for by a few moneyed elites, the initiative passed.

Now, I am not a constitutional scholar, but even so, I believe the wording of the initiative, which will become law on Dec. 4th, 2014, is patently unconstitutional. At least most of it is. So, here in WA we are bracing for both the implementation of the law, and the court challenge, which is surely coming. And make no mistake, WA is the test case for this new attack on our gun rights, both at the polls and in the courtroom. If you live in a blue state but also enjoy relatively lax gun restrictions, as did WA, then you can be assured you are being eyeballed for the same type of activity. It is such a waste of money and time. But, it IS the reality we now face, and I am anxiously waiting for the details of the lawsuits and who is working for us here in WA. I will be supporting them with my dollars, and when that occurs, will let you know where you can join the fight, if you so desire.

Network Member Case #9

We recently had a Network member involved in a self-defense case. I would like to tell you about the Network response. The member called from the hospital, where he was recovering from a gunshot wound. The shooting happened in his home, and while the bad guy got away the police tracked him down, and he is being prosecuted for shooting our member. Our member defended himself with deadly force against the criminal but was not arrested. On his police report the boxes marked "victim" and "witness" were both checked.

As soon as we were called, the Network sent money to this member's attorney to cover his legal fees. The member followed the advice given in our educational DVDs and declined to give a formal interview right after the incident. Instead, he told the police that he had been attacked and that he would sit for an interview when his attorney was available. The member then contacted us here at the Network office. I asked what attorney he wanted to represent him, and I then contacted the attorney and made arrangements to cover the costs of service to his client. It all went very smoothly. Later, the member wrote, in part—

Mr. Hayes:

I was recently involved in a self-defense shooting. I thank God for leading me to your website and I thank Him for you and your team.

The educational videos were the most helpful; especially the part that discussed the after effects and the emotional roller coaster I and my family would have to deal with. I was so relieved to hear your voice on the other end of the phone telling me that you were going to do all that your brochure had promised.

Even though I was attacked on my own property and was the only one with a gunshot wound, the police roped off my property and my truck for three days calling it a crime scene, which hindered my transportation and work.

Up until yesterday rumors were out that the police intended to charge me with aggravated assault, which had me slightly concerned until they returned my weapon and holster to me yesterday afternoon.

Thank you so much for all that you do.

The most common question people ask when they join the Network is whether or not we will actually do what we will say we will do. Well, in answer to that, we are now nine for nine. Nine members so far involved in incidents, and nine times we have provided money to their attorneys.

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Network Member Case #10

Oops... Guess I spoke too soon. Right after writing the above, I received another call, with details about another member-involved incident. There was no arrest, and none anticipated, but the Network still paid the member's attorney \$1,000 to interact with police and prosecutor on the member's behalf and to secure the dispatch audio tape which will help defend the member if a complaint for damages is filed in civil court. It is nice to have that Legal Defense Fund in place to provide this support for our members.

Why We Are Different

Recently, we were made aware of yet another competing product, this one pure insurance. So, I went on-line to check them out, as I normally do. What I found was ghostly. What do I mean by "ghostly?"

Well, there was no indication of who are the principles of this company or any other details about the company. There was no mailing address or other indication of where they are headquartered. They also were only licensed to sell insurance in a couple of states, so I tried to find out from those state's insurance commissioners who the business owners were. Nothing. So, as far as I know, they are ghosts.

That experience prompted a little discussion between Gila and me about why we have been so successful. We agreed that our success rests upon the reputation we have in the industry, and the reputation of our advisory board members, our Network affiliated attorneys, instructors and gun shops, and lastly, the reputation of our members. When a member of the Network tells his friend about the Network, that friend listens, and many times joins on the recommendation of this connection. And, if they are smart, they go on-line and check out our website. They see who we are, real people with names, pictures and addresses, they can research to learn about our reputation in the industry, and frankly, as human beings. We would like to think we are pretty transparent in who we are and what we do. So, if you are reading this *eJournal* for the first time and you are not a member, check us out. Spend an hour or so perusing these pages, and do a little Googling. I think you will learn what you need to know to make an informed decision.

About Ferguson, MO

As November winds down and I get ready to submit this column to the editor, the Grand Jury in St. Louis County, MO has released its findings. No indictment for Darren Wilson. But, it is not over for him. He faces the unsure future of whether or not the U.S. Department of Justice will decide to try him on civil rights charges. If you remember the Rodney King incident, the officers were acquitted of the state criminal charges, but found guilty of federal civil rights charges. Because this case is a police use of force, it is easier for the federal prosecutors to take him to criminal court.

It is also likely that civil action will follow. There are two possible avenues for civil charges against Officer Wilson and the City of Ferguson. The first is a simple wrongful death/excessive force claim. I think that claim would have some traction, because as I understand it, there were basically two incidents of use of force in this case. The first occurred at the patrol car, when Wilson fired his gun as Michael Brown had reached inside the car and assaulted Wilson. The forensic evidence showed a close contact wound to Brown's hand (meaning the gun and Brown's hand were close together). This would seem to indicate that Brown was making an attempt to disarm Wilson, and in any court, Wilson's use of deadly force would be justifiable. But what about the second altercation, the one which took place, according to St. Louis County Prosecuting Attorney Bob McCulloch, approximately 150 feet from the patrol car?

Officer Wilson fired 12 shots during the incident: two inside the patrol car and another ten as Brown charged at Wilson from a distance. According to the St. Louis County Medical Examiner, the last shot Wilson fired was the fatal one, to the top of the head as Brown was falling forward after he had been already shot a half a dozen times or so. Brown was falling forward; apparently out of the fight. Was that last shot, the one that killed him, justified? According to Wilson's grand jury testimony, it was. Students of the gun need to read all the grand jury testimony of Wilson and look at the evidence. I know I will be reading it closely in the coming days.

I have been preaching about the hazards of "shooting him to the ground" for some time now. I will continue to preach against this doctrine, because at times it can

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make a perfectly justified act look unjustified. I wonder how Officer Wilson had been trained? This is the second area of attack in a civil case and would be a "failure to train" case, alleging that the City of Ferguson failed to train Officer Wilson sufficiently in firearms and use of force, resulting in a violation of the civil rights of Michael Brown. There is a long history of these types of cases being successful against the police agencies. For the sake of the City of Ferguson, I hope they gave Officer Wilson good, modern, up-to-date training and properly documented that training, as that is the key to fighting a "failure to train" lawsuit.

I once quit a police department because of the actions of an officer that I had worked with, after, in his words, he

"popped a couple of caps" at a fleeing felon after a motorcycle chase. Although, I was the department firearms instructor, being a relative neophyte in the field, I was not sufficiently educated to put together remedial use of deadly force training for the department. I figured the best course of action was to eliminate myself from the chain of liability, before I ended up being sued because of the actions of the other cops.

We can expect to see a civil suit in Ferguson. In fact, if I were a betting man, I would lay down some money on that action.

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Please enjoy the next article.]*



Attorney Question of the Month

This month we wrap up attorney responses to a somewhat hypothetical question about lawsuits and insurance. That one product invites the other action is an idea we hear now and then. We thought it was time to go to the litigators and find out if it is true. We asked—
It has been said that insurance invites lawsuits. Do you believe this is true? Have you any direct experience showing whether or not those with insurance are more likely to be sued for damages?

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Insurance does not invite lawsuits. Injuries invite lawsuits. Indeed, in a shooting case, an injured party will not likely even know whether a prospective defendant has applicable insurance until after a suit has been filed.

It is true that after an injured party has consulted with counsel, the absence of insurance may well either dissuade a plaintiff from pursuing the matter further, or cause counsel to recommend settling a claim for less than would be demanded from an insurance company. This will be the case, however, only when the defendant is without assets or is otherwise “uncollectable.” If the defendant has any substantial assets which may be attached to satisfy a judgment (e.g.: a home or other real estate; bank accounts; stocks; expensive firearms; ownership of a business; payments coming in from royalties or on a contract) the plaintiff is likely to pursue the matter and hope to collect out of the personal assets of the defendant. This puts the defendant’s entire estate at risk.

If an individual either has nothing or has taken legal steps to put his assets beyond the reach of creditors, the existence of insurance might cause a plaintiff to pursue a matter the plaintiff would not pursue in the absence of insurance. But that will have no economic effect upon the “uncollectable” defendant; if he has nothing he will pay nothing whether he is sued or not, and if he has insurance the insurance company will pay (up to the limits of the policy), and still the “uncollectable” defendant will pay nothing out of his own pocket.

There are many reasons to purchase or forego insurance. In 34 years of my litigation practice, I have never found “inviting law suits” to be among them.

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You ask if insurance invites lawsuits. In respect to self-defense insurance it would have no effect since the “insurance” covers only the defense of the case, and not any “damages” as ordinary insurance would. Perhaps, it might be a deterrent to a protracted civil suit as the “insured” party now has a financial ability to defend themselves. However, this fact would not be known until after the suit was filed.

From the standpoint of suing someone, the proverbial “you can’t get blood out of a stone” rules. If they don’t have money or insurance to pay a judgment, why bother? In fact, try finding an attorney to sue someone if the defendant doesn’t have the ability to pay a judgment.

The question in that instance to most personal injury attorneys is whether homeowners’ insurance or third-party coverage would cover the claim, or whether the potential defendant has sufficient assets to make a lawsuit worthwhile. That can normally be determined through an assets search. Hope that answers your question.

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First, if a person is uninsured and otherwise without assets, it does not mean they could not be sued; it just means if the plaintiff prevails against them in a lawsuit, receiving a judgment in their favor, the plaintiff would have a devil of a time ever collecting the judgment. The old saying, “you can’t get blood out of a turnip,” immediately comes to mind.

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Second, insurance by itself does not invite lawsuits. For until some event occurs forcing disclosure of the fact that you are insured, no one knows if insurance is available or not. The mere fact of being insured does not open you up to being sued. The action which opens the door to being sued could, for example, be shooting someone entering your home at night without your consent. Once the action occurs, disclosure of the fact you are or are not insured may soon follow.

Third, those who have insurance may be more likely to be sued for damages. An attorney representing an injured party would certainly look for insurance coverage at the outset to avoid being involved in litigation with little chance of financial remuneration. However, just because a person may not be insured, if they still have assets such as real estate, stocks, bonds, bank accounts, etc., they could still be sued and their assets put at risk or lost if the plaintiff prevails.

Under certain circumstances, persons without assets may be sued by an injured plaintiff if they can find an attorney sympathetic to their situation, perhaps an anti-second amendment or anti-concealed carry lawyer who is interested more in getting the judgment against you and pursuing you for years trying to collect. He or she knows he or she may never collect a dime, but makes it a mission to make an example of you for other people who carry guns, that if they shoot someone, they will pay.

While insurance is a very important thing to have, it, like the weapon you carry for self defense, is something you hope to never need, but will be glad you have it if the need arises.

Warren Stephens
Retired Affiliated Attorney

In 33 years of practice in Maryland and Washington, DC I have not found the premise of insurance attracting lawsuits to be true. I have handled many cases, and know of many cases where the opposite is true: that is, lawsuits have been brought and prosecuted through trial when there was either no applicable insurance coverage or the available coverage was woefully inadequate. Some people just sue to make a point.

With respect to firearms specifically, the majority of the cases I have handled were on the defense of firearms dealers, manufacturers and importers. There is not an issue of insurance coverage for most businesses. In the small handful of suits defending individuals—a relatively uncommon experience—the cases all involved accidental

shootings, with only one resulting in a death. While the individuals bringing these suits are obviously interested in the amount of available coverage, almost exclusively through the defendant's homeowner's policy, it has never appeared to me that the decision to file the lawsuit was based upon the existence or amount of insurance.

We live in a very litigious society. While I am sure that there are some suits that are brought for the purpose of trying to collect insurance proceeds, it has not been a meaningful motivation in the vast majority of the cases I have handled or that I am aware of.

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Those individuals with assets that can be used to satisfy a judgment or settlement for damages are more likely to be sued. If an individual has their assets protected through legal entities which make it harder for a judgment against an individual to be executed against the assets, a plaintiff's lawyer is less likely to pursue a lawsuit.

The amount of potential recovery is generally directly proportional to the amount of work a plaintiff's attorney, working on a contingency fee arrangement, will put into a case. Insurance sometimes offers the "deep pocket" that plaintiff's lawyers require to expend their time and resources on a case where recovery is not certain.

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While the big motivator for most personal injury based claims is the recovery of monetary damages, it is far from the only reason people sue. Injunctive relief, infliction of reciprocal monetary loss and to "prove a point" all play into the decision. The last one is especially problematic because they don't care if there is money at the end of the suit so long as they get their day in court. If you are the defendant in such a claim you still have to defend against it with whatever resources you have available. A plaintiff willing to throw money at a case to prove a point is truly scary indeed.

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On the other side of the ledger I have advised many potential litigants that the person who injured them has nothing in the way of assets, and no insurance, and therefore they would have to pay the cost of litigation up front. Because a settlement or monetary award was unlikely I could not take the case on contingency. Law is after all still a business and few attorneys can afford to take "cause cases." I can only think of one client who actually agreed and paid me to pursue the claim on principle.

So, will a big fat insurance policy draw a lawsuit like flies to honey? It certainly can, and it will definitely increase the number of attorneys willing to take the case on contingency. But there is one very important issue to remember. When discussing potential lawsuits resulting from the use of deadly force we can never ignore what I call the "make 'em pay" factor. Assuming there is a deceased individual means the family is very likely to move heaven and earth to make the "shooter" pay, especially if they are not charged criminally. In addition, there are several special interest groups willing to assist with and even underwrite such litigation because it plays into their personal cause. Also, while most attorneys won't take a non-paying case, there is always one out to make a name, prove a point or simply advance a cause who won't care if you can pay or not.

In the end it is a wash. Could your lack of insurance (assuming you are not otherwise independently wealthy

or in possession of substantial assets) keep someone from suing you, even if only because they can't afford an hourly attorney? Yes. I have no hard and fast proof of what that percentage is, but, from personal experience, I think any model would be skewed so far out of whack as to be meaningless. The reason is most insurance-based suits are negligence-based car crash or slip and fall type incidents. When a shooting is factored in I think the emotion factor will play a bigger role in the decision to sue, insurance or not.

In the end do I think it is worth taking that risk and not purchasing some sort of insurance? Or preemptively finding out if your homeowners policy will cover you and, if not, then seeking out one that will? No. People suffering a big loss are not rational and your lack of insurance most likely means you are simply stuck footing the bill for a legal defense after prevailing in the physical defense.

A big "Thank you!" to all our Network affiliated attorneys who sent in responses to this question. Readers, please come back next month when we plan to present our affiliated attorneys' responses to a new "ripped from the headlines" question.

Book Review

Prepper's Home Defense: Security Strategies to Protect Your Family by Any Means Necessary

Jim Cobb

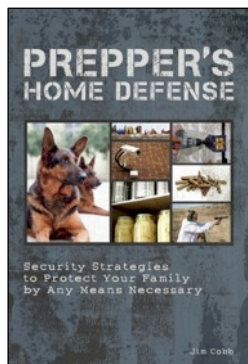
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\$15.95



Reviewed by Gila Hayes

Preppers—folks who lay in supplies, learn how to be self-reliant, and practice emergency drills—share many parallel interests with armed citizens and indeed the overlap between the two demographic groups is substantial. Just as we have a broad selection of literature about armed self defense, prepping has stimulated a vigorous selection of instructive books on getting ready for hard times.

Interested in what was being taught beyond storing food, I recently read Jim Cobb's *Prepper's Home Defense* book this month. Cobb establishes that his book is intended to address "the time frame that begins with the disaster and ends with order being restored," because his recommendations include protecting property: one's home or place of retreat during the emergency as well as defending essential supplies. Under current conditions, using deadly force to protect property is unjustifiable. He adds that his most sincere hope is that his readers never need to implement the solutions he outlines.

While planning is good, Cobb advocates practice runs on strategies going beyond acquiring supplies. Escape routes and slipping away from a retreat that has become untenable is discussed as is setting up hard-to-breach perimeters and patrolling and protecting those lines. He offers specifics for shoring up weak doors, windows, walls and the outer perimeter, as well as some creative thinking about obstacles and detection systems. Cobb is no fan of the safe room concept applied to long-term emergencies because retreat to an enclosed area depends on eventual police rescue. "In most situations I can envision occurring in a world without the rule of law, I believe safe rooms would become nothing more than convenient death traps," he stresses.

Defense plans are introduced with the order of "Deter, Delay and Defend," as Cobb points out that the awareness needed to avoid falling prey to roving predators "extends to communication with neighbors and other trusted people in your area." He also discusses operational security in depth, noting that keeping your prepping activities secret begins now, to avoid being targeted for theft as hunger and desperation sets in within a day or two after an emergency disrupts services. "Reduce the motivation and you'll reduce the risk," he comments. During an emergency, additional steps to avoid standing out as a rich resource for predators include blocking light, noise and even odors that would tell the world that you are eating well and living in reasonable comfort, he teaches.

With many of Cobb's strategies based on strength of numbers, he advocates forging alliances with like-minded neighbors, while taking care not to invite trouble from those who only want access to food and supplies without contributing anything to group well-being.

Teamwork also relies on communication, and Cobb gives advice on hand-held radios and their capabilities. For wider communications—listening to news and weather, or transmitting via shortwave radio or citizens band radios—he offers pro and con analysis of various radios. Scanners to monitor emergency services channels get his nod of approval, too. All require power, though, so early on he suggests that solar power charging equipment is worth the investment, too.

If planning to use radios to communicate conditions, needs or locations among family or neighbors, bear in mind that the communications will not be private, Cobb writes. He recommends codes for both protection and to send out a message that can be "clearly understood... with a minimum of words." In addition, he lists common police and emergency services codes in current use for those using a scanner to monitor conditions.

I was interested in the viewpoints of one outside the firearms industry on stocking the armory. Bearing in mind that Cobb's target audience is likely new to guns, I wonder if the book's advice to buy used guns to save money is particularly sound. On the other hand, as Cobb discusses both bladed weapons and improvised weaponry, he comes into his own, with good discussions of turning plowshares into swords, so to speak.

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I was distressed to read his advice that hornet spray can substitute for pepper spray, which I thought rather harmed his credibility as did an overgeneralized evaluation of stun gun effectiveness. Cobb gets back on track as he moves into unarmed defenses noting, "When considering all the different types of defense weapons available to the survivalist, remember that the best weapon on the planet resides between your ears. Use common sense, logic and your ability to think on your feet to make the necessary decisions..."

The varied roles of dogs in home defense are outlined, with Cobb distinguishing between watchdogs that are valued for barking out an alarm but not expected to take protective actions compared to working guard dogs. "A watch dog will tell you about danger, whereas a guard dog is going to do something about it," he quips. He analyzes desirable traits for both types, discussing common breeds that fill the job descriptions well. How the animal fits into the family is another issue, especially with serious protection-trained canines. There are, however, "several dog breeds that naturally move to physically protect their 'pack' and have the muscle to back that up while at the same time are welcome additions to homes with children." Most homes are "best served" by this variety, he recommends. Cobb touches on dog training, especially about excessive barking.

Securing food supplies, firearms and ammunition, both in the home and in offsite caches is discussed, with secrecy again emphasized. Both rural and urban dwellers are offered interesting solutions, including Cobb's suggestion that in heavily urban areas rental storage units are unlikely to attract looting so offer good offsite caching options. Still, items you cannot afford to lose need to be kept at home under your control, he adds.

In addition to stored items, Cobb itemizes realistic contents for the much-vaunted bug-out bag. Water and water purification, food, hygiene products, fire starting supplies, first aid supplies, shelter, dry socks and more are all evaluated from the view point of bulkiness and weight, as well as their utility.

Prepper's Home Defense ends with a short list of recommendations for further study including a strong recommendation for *The Doom and Bloom Survival Medicine*, several websites and blogs, and a book we reviewed several years ago, Amanda Ripley's *Unthinkable: Who Survives When Disaster Strikes*, a book on mindset that deserves rereading. (See our review at www.armedcitizensnetwork.org/images/stories/journal/Network_2011-02.pdf)

One of the most useful chapters in *Prepper's Home Defense* was Cobb's discussion of survival activities that under normal conditions most of us would not pursue. Is scrounging for and carrying home supplies looting or scavenging, he asks rhetorically, then identifies differences between taking food compared to the despicable looting seen in the wake of Hurricane Katrina, for example. It is looting if the material goods taken are simply valuables like large screen TVs, he defines. He also broaches, but does not attempt to judge, interacting with strangers who ask for food and assistance when you may not have enough to feed your own family.

Mental preparation is just as important as having sturdy doors, windows and plenty of storage-friendly food put away. Cobb's book on home defense for preppers gets the thought processes going. I'm glad I read it.

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

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News from Our Affiliates

Compiled by Gila Hayes

In contacting Network affiliated instructors and gun shops about supplying our booklet *What Every Gun Owner Needs to Know About Self Defense Law*, I hear all kinds of interesting news. Here are some highlights—

Affiliated Instructor Alex Haddox and his training company Security Training Center, LLC. have had a busy 2014. They just opened a “terrestrial school” in Camarillo, CA, Alex writes. The facility boasts two huge classrooms, a lounge, self-study cubicle, and an on-site, three-lane airsoft simulator range. They offer Red Cross CPR/First Aid certification and California CCW courses. Chief Instructor for the Camarillo facility is Dave Bunch. Mr. Bunch is a POST certified Police Firearms Instructor, Glock Instructor/Armorer, licensed California security guard firearms instructor, licensed Ventura County CCW instructor, NRA Instructor/Chief Range Safety Officer and has over 25 years of experience working with and managing uniformed security operations. Security Training Center has many other projects in the works and 2015 looks to be busier than 2014. Their online California security guard certification program sold over 1,100 courses this past year, they published a 430-page California security guard training manual and just launched the first approved online security guard certification program for Arizona. Learn more about Alex and Dave at <http://www.VenturaGuardCard.com/>

Shipping another box of booklets to Chris Zeeb, our affiliated instructor in NE, tickled my curiosity about his current class schedule. (Members will remember Chris from our interview with him in our May, 2011 journal http://www.armedcitizensnetwork.org/images/stories/journal/Network_2011-5.pdf) A quick browse of <http://www.neccwtraining.com/id13.html> showed a great class line up through the first quarter of 2015. In addition to state concealed carry licensing classes, Chris offers a 4 ½ hour seminar on *Legal Aspects of Lethal Force* teaching about “actual Nebraska self defense cases, calling 911, talking to the police, hiring an attorney, aftermath of a self-defense shooting, castle doctrine, stand your ground, and take an in depth look at Nebraska’s use of force laws.” Good job, Chris, in helping gun owners understand there’s so much more to armed self defense than just the gun.

Jeff Howell in Jacksonville, FL recently ordered more booklets to give to his students and asked for information about the Armed Citizens’ Educational Foundation, which provides the booklets. He teaches a lot of NRA classes, the FL concealed carry license class and offers one-on-one coaching for armed citizens wanting to improve their shooting skills. Learn more at <http://www.learnshootingjax.com/index.html>.

In north Seattle, WA, Lance Chaar is teaching about 40 students per month, bringing them in for Utah’s concealed carry licensing class, defensive handgun courses, basic first aid and CPR and AED training, hunter’s education classes as well as a full array of NRA courses. Learn more at <http://www.chaartactical.com/>.

A number of our firearms industry friends include a copy of our educational booklet in each order they ship out. Leading participants in this outreach are Recluse Holsters (www.recluseholster.com), Blade-Tech Holsters (www.blade-tech.com) and Gum Creek Customs (www.gumcreekcustoms.com). Bert and Jimmy at Gum Creek are putting on a prize-heavy Christmas promotion including several Network memberships given to the first three places awarded. Check out their efforts at <https://www.facebook.com/gumcreekcustoms>.

In November, I also received booklet orders from a lot more of our gun store affiliates than usual. Hearing from these good folks reminds me that we should be Networking with fellow members in our home areas, so if you need something from a gun store, please drop in and get to know these fellow Network members—

- Norma and Tomas at Guns ‘N’ Things, McAllen, TX
- Fred at House of Guns in Linton, IN
- Bob at The Gun Sight in Dallas, TX (<http://www.tgunsight.com>)
- Harry and Retta at Harry’s Gun & Supplies in Pleasant Hill, MO
- Allan at Lee’s Arms & Ammo in Rogers, OH
- Travis at Eddings Firearms in Winslow, AR
- Martin at Guns, Ltd. In Granada, CO
- Vincent at C & B Sales in Naples, FL
- Jean and Quan at JT Sports in Copperas Cove, TX
- Westy at Yeager’s Sporting Goods in Bellingham, WA <http://www.yeagerssportinggoods.com>
- John at Frazer’s in Andover, MN
- Bill at HFCO in Bala Cynwyd, PA
- Ben at Ben Wilcox Gun Sales, Port Neches, TX
- Paul at Hanceville Guns & Ammo, Hanceville, AL

Continued...

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James and Thomas at Grice's Gun Shop in Clearfield, PA get in touch with me every now and then to order more booklets or make a contribution to the Educational Foundation funding the booklets. They operate a busy gun shop with a full line of sporting goods so if you need ammo, gunsmithing, scopes, binos or other shooting accessories, you should get to know these Network members. They are promoting Network growth in PA, so it would be nice if you would drop in, buy a little Break-Free, a bore brush or what ever else you need and let these gentlemen know that we support them, too.

In Quakerstown, PA, our affiliate Joe Smalley keeps busy with gun auctions. He told me that he has been branching out and selling more on Gunbroker.com and that decision has been a good one. With his business on an uptick, Joe asked for more booklets because he provides one to everyone who buys a gun from him.

Let's not forget our gunsmiths! In North Idaho, see our affiliate Hunter at Brown Dog Gunsmithing for FFL transfers, gun repairs and refinishing, stock work, scope mounting and a host of other upgrades that are beyond most end-users. More info is at www.browndoggunsmithing.com. For gunsmithing and repairs around Wilburton, OK, see our affiliate Richard Sharp at Beaver Creek Sport Shop www.beavercreeksportshop.com who just got more booklets to give his customers. Around Spring Mills, PA, see our affiliate Ted Ulmer for gunsmithing work. He doesn't sink his time into a website, but you can call him at 814-364-9230.

Use of the booklet goes beyond instructors and gun shops as proven by our peripatetic friend and long time member Phil Smith who always carries a few copies of the booklet in his brief case for days like his recent business leadership meeting near Philadelphia. "I was the first arrival," Phil explains. "The second person came in the door with a leather jacket displaying his NRA Life Member patch. It did not take me long to get a conversation started.

"When the instructor asked about what we like to do in our spare time, I was honest. As people introduced

themselves one gentleman stated he was formerly a Marine who served in the Stan for a year and was firearms instructor and still maintains his skills." Phil introduced himself and the Network to both men and a few days later one emailed him, "I wanted to drop you a line to say 'Thank You' for the Armed Citizens' booklets that you provided...I gave them to some coworkers that carry, and/or have weapons in the home for defense and they were all appreciative for the resource. Some are passing them on to others that they know as well. One was especially thankful since she just got her first revolver for home/family protection and was asking me questions that I could only give the 'it depends' answers for. Of course my first comment to her was to make sure it was kept locked from her daughter and to take some training classes, then introduce her daughter and have her trained to respect the gun as a tool. De-mystifying firearms goes a long way in keeping kids from trying to sneak around and investigate on their own. That leads to fewer accidents and less bad publicity. Concealed carry class is how I received a good bit of my knowledge, with the appreciation and introduction coming from my grandfather."

I get these kinds of stories from Phil once or twice a month and am always inspired by his willingness to risk "outing" his beliefs about guns and self defense in public. I suspect his business travels are more interesting when he meets new people who share his interests in guns, and more importantly, Phil is regularly introducing armed citizens to the Network. Thank you, Phil!

As you can see from the length of this column, Networking is growing. Are you telling armed citizens about the Network? I'd love to send you a supply of booklets or brochures to support your outreach efforts. All it takes is a quick phone call to 360-978-5200 or email me at ghayes@armedcitizensnetwork.org and I will make sure you get the materials you need.

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

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Editor's Notebook

by Gila Hayes

It is with a sense of relief that I format the final page of this month's journal. We worked awfully long hours during November getting the 2014 educational premium, the book *Deadly Force*, out to all of our members, then, of

course, getting caught up on the back log that built up while we were in the shipping room packaging, addressing and sorting the books for a bulk mailing.

Several gracious emails and phone calls I've received recently fall under the heading of "Makes It All Worthwhile." Network members are very impressed with Massad Ayoob's book, *Deadly Force*. An affiliated instructor in MN wrote that she was so impressed with it that she thought we should have asked members to contribute half of the book's list price as she would happily have done so. Another instructor sent "a huge thank you for the *Deadly Force* book by Massad Ayoob. I just finished my first reading of it, and truly, it was A PAGE TURNER! I love Mas' teaching/writing style, and have read a number of his books. He truly knocks it out of the ballpark with this one!! Perfectly and concisely written to communicate with 'laymen' who may not be immersed in legal language. Wow.

"I actually interrupted another book I am reading, Marc MacYoung's *In The Name of Self Defense; What it Costs, When it's Worth It* when Mas' book arrived, because I cracked it open and started reading, and just couldn't stop! I wish I could make this book required reading for all my students, as many of the topics covered in the book are discussed in my classes."

Another member wrote, "Just wanted to express my thanks to you and Marty for the *Deadly Force* book by Massad Ayoob. It arrived in yesterday's mail and I can't wait to dive into it. You guys are doing a great job and I continue to encourage my friends to join the ACLDN."

Thank you for the encouragement, and thank you to all the rest of our members who confirmed that the books are being delivered. I am also so pleased with the studious attitudes expressed by our members. These are armed citizens who take their responsibilities very seriously and spend time studying and absorbing critical

knowledge about when, how and why we may use force justifiably to defend ourselves—time that others might spend in front of the TV! Our members are the best!

I traveled out of state to visit family for a few days as soon as the last books were taken to the Post Office, and knowing that there would be a free evening or two, took along a couple of educational DVDs a production company had recently provided for my review. I'm always pleased when solid educational materials come out so I can urge our members to continue to learn, practice and increase their defense skills.

On the last night before we got home, I popped a DVD about concealed carry into the DVD player, prepared to take notes, and on the strength of the presenter's reputation was ready to learn a thing or two and come away with a good DVD review for our journal. Initially, only the gun muzzle control was sloppy. Several times, I wished the presenter had chosen to demonstrate with Ring's Blue Guns or similar castings. I kept watching until the presenter recommended a mode of concealed carry that required putting the hand in front of the muzzle to get the gun out of deep concealment. Once, twice, multiple times, this was demonstrated and excused as not unnecessarily dangerous. I cannot remember the last time I gave up on a DVD lecture or a book without giving the author or presenter the benefit of completing their presentation, but this time I just could not continue watching.

Armed citizens—whether in positions of influence or simply folks who keep guns available daily for their own defense—absolutely must practice demanding gun safety procedures and may never excuse unsafe behavior as necessary or "not too risky." Not only is individual safety at stake, our reputation as a misunderstood segment of society must be one of strict adherence to gun safety. Offering excuses for unsafe behavior with guns gives traction to restrictions on private ownership of guns, fueling arguments that even our experts can't practice safety. I doubt unsafe gun handling can ever be entirely eradicated from TV and video. That makes it just that much more important to resolve gun safety problems at the individual level. How good are your gun safety protocols?

[End of December 2014 eJournal.
Please return for our January 2015 edition.]

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About the Network's Online Journal

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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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