

Back to Basics: Avoiding Conflict

An Interview with John Farnam

Interview by Gila Hayes

In our Back-to-Basics series, we strive to share the knowledge from our own mentors that formed our thinking when we were new gun owners and introduce the people who taught us to today's new gun owners. Reality dictates that many of the thousands and thousands of gun owners and concealed carry licensees may never have the opportunity to absorb the wisdom of John Farnam, internalize the teachings of Massad Ayoob, be inspired by Tom Givens, or learn from other luminaries in our self-defense world. It is our goal to share what we can through the written word in our monthly members' journal.

One of the most beloved firearms instructors to ever influence armed citizens, John Farnam started teaching when he was a young Marine officer in the 1960s, then worked in law enforcement before going on the road as a full-time, itinerant firearms trainer, a career he still continues today. He and his wife Vicki Farnam still travel extensively, visiting ranges around the nation as guest instructors teaching rifle, pistol, emergency medicine and tactics. "It's a full time job," Farnam chuckles.

When armed self defense is taught, de-escalation and threat avoidance must lead the curriculum. John Farnam gets even further ahead of possible defensive gun use, teaching students to consider risks before they go to a venue, and drills include voicing polite, but no-nonsense communications to encourage strangers approaching with unknown intent to go find easier prey. If not dissuaded, the ill-intent of the approaching man or woman is clearer and can later be articulated if the armed citizen needs to justify his or her actions.

Several Farnam aphorisms are so memorable that many recite them without realizing to whom they should be attributed. His advice "Don't go to stupid places; don't hang out with stupid people; don't do stupid things" and "Be in bed by 10 p.m." has doubtless prevented uncounted problems. In the same vein, since fights that don't happen can't be counted, we'll never know how much predatory violence never occurred because the intended victim waved off the incoming threat with a firm, polite, "I'm sorry, sir, I can't help you," the classic Farnam response to a stranger closing the distance through pleas for a cigarette, a match, spare change, the time, or directions.

In addition to the classic self-defense justification of an attacker having the ability, the opportunity and creating jeopardy by

his or her actions, many trainers have added the concept of preclusion, or avoiding impending violence to the factors that justify use of force in self defense. Recognizing his advocacy for and coaching in methods of deterrence, we asked John Farnam about the importance of precluding involvement in a violent encounter.



eJournal: Thank you for talking with me about what some have called preclusion, but put more simply, we might simply call the importance of avoiding conflict so that if we must use force, it is a last resort.

Farnam: For me, a good translation of "preclusion," comes from Andrew Branca's five elements of self-defense law (see <https://lawofselfdefense.com/beginjourney/>) where I view it as part of the requirement of "reasonableness." I say that because the members of the jury and the prosecutor are going to ask, "Why didn't you just leave? Did you really have to be there? Couldn't you have just gotten in your car and driven away?" The word preclusion suggests that there were other reasonable ways of avoiding what happened were precluded for whatever reason.

eJournal: Absent the stress and fear of a dangerous situation, reasonableness sounds like something anyone would do. Like the old saying that "common sense is not so common," a study of use of force incidents by private citizens shows that walking away doesn't seem to be as easily done as said. Why is it so hard for us to walk away from hostilities?

Farnam: This came up in a class I taught in New Jersey last weekend: what I tell my students is that prosecutors are very sensitive to whether you made it worse by what you did. As an example, you're sitting in a restaurant and someone comes along and says, "Hey, you're sitting in my seat."

You say, "I don't see your name on it!"

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Then he gets mad, pulls a knife; you pull a gun and you light him up. You may claim that it was a clear case of self defense. That is the kind of thing that prosecutors don't like. You could have said, "Hey, have a seat, pal. I will find another one." Prosecutors don't like the fact that you made it worse by what you said.

eJournal: Did our smart-mouthed retort create grounds for another to resort to physical violence?

Farnam: No, he has no right to attack you, of course, but all I can tell you is that in the court cases I've been involved with recently, these are the kinds of things to which prosecutors are sensitive.

You can claim that under the immediate circumstances, you had no choice, but you will be asked to just back up a couple of seconds. Why you couldn't have said, "I am terribly sorry. I will find another seat," and why didn't you get up and leave?

Now, some people will say something along the lines of, "I should be allowed to defend my honor," or things like that. All I can tell you is that prosecutors don't have any tolerance for that. They do not like it if they think that when a shooting was unnecessary because of something you did or something you failed to do, even if under the immediate circumstances, maybe the shooting was justified. You can expect trouble with that.

If you get up, and you say, "No problem, take this seat," and he follows you and attacks you with a knife, I don't think you are going to have a problem if you draw a gun in response to that because you already demonstrated that you didn't want to fight; you didn't want to hurt anybody, but he gave you no choice.

eJournal: A common fear is that running away will stimulate the predator's prey drive, or in your hypothetical scenario, by surrendering the chair and moving away, that one communicates vulnerability. Some go so far as to say showing weakness nearly guarantees they will be violently victimized. Is that just a silly story we tell ourselves?

Farnam: *[sighs]* Yes, Gila, and this is particularly a problem in our Urban Rifle courses because now you have a weapon with which you have no trouble being effective and very precise out to 40-, 50-, or even 60-meters, far more so than you would be with a pistol. Once again, if a prosecutor looks at that, he is going to say, "Couldn't you have just gotten in your car and driven away? You could have left with a high degree of safety and no shooting would have been involved."

Now, the guy was out there 75 meters away, waving a pistol at you or something, under any legal precedence any gun is

dangerous at any range, so you don't have to think that you are safe because you are out of range. There is no such thing as "safe." Still, it is not hard for me to imagine a prosecutor saying, "I think your aggressive solution to this problem was far less desirable than another solution where no one got hurt and you could have done it with the same or greater safety.

It is a mushy standard! It is kind of hard to know, so all I can say is that in my experience recently when prosecutors see any sort of aggressiveness on your part, they are not going to like it. The jury is not going to like it.

It wasn't always that way! Emanuel Kapelsohn, my fellow Network Advisory Board member, assisted me with the course I recently taught in New Jersey and in his police-involved cases, he is now seeing police officers being charged criminally in cases that used to be handled in the civil arena. The dilemma police have, of course, is that they are paid to confront dangerous people. When you're not active as a police officer, you are not really required to confront dangerous people. You are really not expected to, and they do not want you doing that, particularly when there is an alternative. Did you really have to go over there? Did you really have to confront that person? Would it have made more sense to just stay where you were and not have gone over there?

I was involved in the case last year in Georgia, where exactly that kind of thing happened. There was a shouting match. People were very aggressive, and I am not sure it was very clear that one side was the good guys or the bad guys. A man who had a Georgia permit and was carrying a gun was friends with one of the group. He thought his friend was endangered, so he went over there, and sure enough one of the belligerents pulled a gun. As it turned out, although there were several armed people present, only one did any shooting. Under the immediate circumstances, I thought it was a pretty clear-cut case of self defense. The prosecutor found fault with him going over there in the first place. The prosecutor, I think, was quoted as saying, "Bud, you need to find better friends."

The man ended up getting convicted. As it turned out, I did not testify. I was all set to go down to testify at the trial, when the judge said, "No expert testimony is required." They are appealing the case on the basis that my testimony should have been allowed. *[chuckles wryly]* Maybe 10 years from now that will get decided.

This is something I am seeing over and over. Don't go over there! Anytime you are seen as the instigator or aggressor, all I can say is that prosecutors just do not like that at all and they are probably going to come after you.

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eJournal: The Georgia case is instructional, and I note that the trial was in a southern state where we might still expect chivalry, not up north in New Jersey or New York or on the west coast where we expect the heavier hand of government to punish someone using force in self defense. It raises the question: where is the middle ground between cowardice and acting too aggressively because we believe it is necessary to prevent harm to another person?

Farnam: That is the dilemma! I do not have a good answer. As my student you have heard me say this in class before: I am not here to tell you what to do; I am here to tell you what is going to happen if you do that.

Whether you think it is fair or not is irrelevant. When you do certain things, you expose yourself to enormous risk. I am not saying, "Don't do it." I'm just saying understand the way the system is going to look at this, and this is especially true for people who have concealed carry permits.

We have had this discussion before. You see something terrible happening, or you think you see a crime being committed. As an armed citizen, you go over and it does not have a happy ending. Then, you have a prosecutor coming after you, saying, "You should have just backed away. You should have found something else to do."

I have had students who will say, "I understand what you are telling me, but when I see something like this going on, my conscience will not permit me to remain silent."

My response is, "God bless you, Bud!" I am not here to defend the system. I am just here to tell you what is most likely going to happen. Again, if you were not a concealed carry license holder, and you just went over there unarmed, and successfully resolve the situation, it would be a misdemeanor if you were charged with anything. As soon as a gun is involved, we are in felony territory. As soon as that gun comes out and is exposed where people can see it, oh, boy, nothing good is going to happen now.

Everybody in front of the muzzle is going to claim that they were in danger, and that you committed aggravated assault, whether you intended to harm them or not. It just gets to be a can of worms. Once guns become exposed and people can see them, whether the guns discharge or not, you are probably in felony territory.

eJournal: I cannot argue with you on that point. It brings us back to the fundamental skill I had hoped to talk about. How do you preempt the risk escalating until you're injured or presenting your gun has become the only options? Humans

are extremely verbal and when tensions are high one of the dangers is the way words used under great stress can inflame hostilities. An old-fashioned description is "fighting words." How can we train ourselves to mitigate the risk of slipping into abusive language and saying things that make us look like the aggressor?

Farnam: You've heard me say before, when the fight comes to you, you are in your own home or you are going about legitimate business, and through no solicitation of your own the fight comes to you, and you take care of business, I think you are on pretty firm ground. You are not on firm ground if you go to the fight, or even if you wear a shirt or a hat with some controversial message on it. I can promise you the prosecutors are not going to like that. They'll ask, "You we're just looking for a fight, weren't you? You just hoped that someone would come up and challenge you!" That would be considered an aggravating factor. You may say, "That infringes on my free speech rights," and I suppose it does. I see people wearing shirts and hats with political messages. That is such a bad idea! You can have political opinions, but you should not wear them. Now, you are carrying a gun. That is just inviting trouble, and that is how a prosecutor is going to see it.

Once again, when the fight comes to you through no invitation or solicitation on your part, you are probably on fairly firm ground, but when you go to the fight or you somehow attract the fight whether you intended to or not, I would say you are probably going to have a problem with the criminal justice system.

eJournal: Beyond advertising our opinions, I think we face a surprising amount of risk over the things that come out of our own mouths. How many times have we heard ourselves say, "I cannot believe I actually said that!" Add to that the phenomena that we tend to repeat what we hear, and suddenly, you have someone under extreme stress parroting crude, aggressive insults that were humorous on a TV sitcom last night or sounded funny when we yelled at the dog for stealing food! The characterizations that have slipped into our vocabulary are rather horrifying. Then we end up in this stressful, frightening situation and we bellow, "Get the blank away from me, you blank blank blank" and the witnesses think we were the assailant.

Farnam: Right! That is not going to be helpful.

eJournal: How can we train ourselves not to say things that really make risky situations much worse.

Farnam: That is why during training, we actually have students recite the tape loops and say, "I'm sorry, sir. I can't help you."

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Students recite that over and over again so that tape loop comes out instead of “Get away from me, you [racial insult],” which is just exactly what you do not need!

I tell students to get those racial or sexual terms out of your vocabulary. Don't even use them casually. Get rid of them! They are not going to be helpful in any setting I can imagine.

Even then, in training, we practice our tape loops. The students say the tape loop over and over, so there is some chance that will come out when it actually has to come out.

eJournal: I really believe in practicing actually saying the phrases, because it is shocking to me how easily we can slip into saying seriously derogatory things, first in jest, and then, because it is stuck in our minds, in circumstances where an insult is really damaging. We let ourselves blow off steam verbally when someone cuts us off in traffic, thinking that the other driver can't hear us, so no harm is done. But is that true?

Farnam: Particularly in a cross-racial incident, I can promise you that in the wake of any sort of lethal force incident in which you are involved, the prosecutor and his or her office will scour the Internet. They will look at everything you have published; they will look at every email you have ever sent; they will interview people that you associate with and people that you have even sat next to in restaurants. They are looking for racial and degrading sorts of language to show that you degrade other people, to show the sort of person you are. They want to show that you are the kind of person who is given to saying derogatory things that upset other people. You are that kind of person who says things that start fights. If you had not said the things you did, the fight would have never happened. That is what you can expect.

I tell my students that the time to prepare for this is right now. Watch what you say, even in private conversation. Be careful what you publish on the Internet. You can have opinions, but even in private conversation watch the racial terms; watch the sexual terms. Just get rid of that language. It is going to come back to haunt you.

None of this language is illegal! None of this should be illegal. All I am saying is what you say is an aggravating factor, it is the kind of thing that prosecutors look for, it is the kind of thing that prosecutors can use to incense a jury. “This disgusting person used this kind of language. This disgusting person associates with other people who use this kind of language,” none of which is illegal but what you've said is raised in an effort to discredit you before the jury. This is what they are going to do! This is not justice! This is just sleazy prosecutors who have weak cases and try to shore them up with BS.

This is America and you can be a bigot if you want—bigotry is not illegal, but I am saying that it is not smart, especially, if you go armed. It is not smart, and it is not going to be something you will be happy that you did. The time to start working on modifying your language and modifying your lifestyle in general is right now. It will make all this much less likely.

eJournal: You give great advice, and I cannot see how cleaning up our language reduces our enjoyment of life in any way. You make strong arguments about how failing to clean up our language may greatly harm us.

Farnam: You know, it is easy for me to say. I'm this colossal bore who sits and pontificates. If I were good looking and 22 years old and interested in striking up romantic relationships with good looking women, I might be violating just about everything we've discussed.

eJournal: Perhaps, but I think you would probably do it with clean language, even if you went places that might raise some eyebrows [*laughing*]. Having poked fun at you a little, I would point out that readers should realize that you are someone who has lived fully and didn't just sit on the couch at home and let life pass you by. I have learned much about enjoying life without taking unreasonable risks by your very example.

Farnam: Even so, there are no guarantees. It is like playing poker. We try to stack the odds in our favor, but there are still no guarantees. In a recent Quip on the DTI website (<https://defense-training.com/quips/>), I had a quotation from *A Man for All Seasons*, where Paul Scofield played Sir Thomas More. This goes back to the 1500s when Henry the Eighth was king. “The law is not a ‘light’ for you, nor any man, to see by; the law is not an ‘instrument’ of any kind. The law is a causeway upon which, so long as he keeps to it, a citizen may walk safely,” probably.

I think over at least the next decade or so, in this country we are looking at a period of utter lawlessness, worse than we have now. A lot of people are going to carry guns. A lot of people are not going to be very well oriented toward the subjects that we have just discussed. There are going to be lots of shootings, there are going to be a lot of incidences of brandishing. A lot of people are going to find themselves in great legal jeopardy, and when they do, they are going to be flabbergasted. They'll say, “I had no idea!” Yes, that is the problem. It will then be too late to prepare.

We try to get this information to people, as the expression goes, “left of bang,” before it happens. Now is the time to understand what we have just discussed and to modify your lifestyle as appropriate, just to stack the odds more in your

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favor. There are still no guarantees, but, as you have heard me tell my students, the vast majority of lethal force incidents in which you might ever become involved during your lifetime are probably avoidable.

eJournal: Thank you for reminding us of these essentials.

Farnam: Well, we didn't discuss all the exciting topics like which round is better than another or what holster will let you have the fastest draw, but what we have discussed is the essence of the Armed Citizens' Legal Defense Network. This is essentially why the Network exists. We provide a service that you hope you never need, and we teach members how you can arrange to never have to need it.

eJournal: Here's the thing – even with the Network paying all of the legal expenses, there is little we can do to mitigate the emotional distress, the disturbing experience of being accused of a crime and perhaps even going to court to prove the justification for what you did. It is a fact that marriages and families break up and suffer after a deadly force event, jobs are lost, and promising careers destroyed. It is a fact that sleep disruption and other physical reactions to the inevitable accusations are very real. I wouldn't wish that on anyone! We could preclude a lot of that suffering.

Farnam: Just this morning, I was on the phone with a student who installs burglar alarms. He told me that 99% of his customers come to him after their houses are broken into, all their valuable stuff taken, and their lives disrupted. Wouldn't it be nice if they had come to him for an alarm system before any of that happened? It takes a disaster, sometimes, to wake people up. At the Network we are in the business of waking people up before the disaster. That is what we do, and we have done it with some success. I wish we could reach more people, but we are doing the best we can!

About John Farnam: From the Network's earliest months of operation in 2008, we were fortunate to enjoy John's guidance on our Advisory Board. He is president of Defensive Training International and has personally trained thousands of federal, state and local law enforcement personnel, as well as non-police, in the serious use of firearms. In addition, he has authored four books [The Farnam Method of Defensive Handgunning](#), [The Farnam Method of Defensive Shotgun and Rifle Shooting](#), [The Street Smart Gun Book](#), and [Guns & Warriors – DTI Quips Volume 1](#). The Farnams' teaching schedule is posted at <https://defense-training.com/schedule/>.



President's Message

by Marty Hayes, J.D.

I am writing this message on Thanksgiving Day, so happy Thanksgiving everyone! Or course, beside me is my constant companion, the Network's "Boots On The Ground" after-hours emergency cell phone. This holiday I am thankful that the phone is not ringing. In fact, it has been over a year since

we had a member-involved incident where assistance was requested. This has allowed us to keep building up the Legal Defense Fund and we are now topping 3.6 million dollars!

We are considering a small rate increase to keep up with inflation, which is eating up our operating capital. (The operating budget is separate from the Legal Defense Fund). I have a question for you, members. (If you are not a member, this does not pertain to you.) With the Legal Defense Fund doing as well as it is doing, we are in a position to add services for our members. So here is the question.

What ONE THING would you like to see added to the member benefits? Remember, I cannot read minds, so you have to take a minute and put your thoughts in an e-mail to Mhayes@armedcitizensnetwork.org.

Help out a Fellow Gun Owner?

I was notified by our Utah Network Affiliated Attorney Mitch Vilos of a case a few days ago that concerns a young man who likes to buy and sell guns. Does that sound familiar to anyone? From reading about the case (see link to the funding request in the next paragraph) and according to Attorney Vilos, the BATFE

has indicted the young man on several counts of illegal firearms transfers because he doesn't have a Federal Firearms License.

Well, this could have been me when I was in my 20s and I suspect several of our members made similar purchases and sales, too. The case is being prosecuted in Federal District Court which, in my experience, doubles the bill. The young man's mother is trying to raise \$50,000 for his criminal defense. I am asking that you all think about helping out. First, he doesn't need his life ruined over something you and I have done in the past, and second, we do not need to make caselaw and embolden the Biden Administration's BATFE to keep going after gun owners. The link to the donation website is <https://www.givesendgo.com/G9GWC?fbclid=IwAR1YwRX8Yz4ocmLDCEE-AKA49nEa1luYWDXfB0GaR012hG2X-Rla9V5LbFv0>

If you can spare even a \$5 bill, it will help the defense. Attorney Vilos has taken on the case with the promise of getting paid down the road, which tells you much about Mitch Vilos. If you look at the donors, you will see I put my money where my mouth is (that's my personal money, not Network money). Let's see if the Network members can help fight this cause during this holiday season.

Update on Our Fight with the Insurance Commissioner

Our appeal is moving along and we are currently working on our reply brief to the Washington Office of Insurance Commissioner's reply brief. Our reply should be filed in December, then we wait to get a court date on which we will argue in front of the Washington Court of Appeals. This will be a public hearing in Tacoma, Washington so anyone who is interested can come and watch. I will let you know when we get a hearing date.

And with that, I will bid you a happy holiday season, with hopes the coming year at least brings a favorable resolution to our insurance commission fight.



Attorney Question of the Month

Recently, there has been considerable discussion about the role of training for armed citizens and whether or not training could be used against the armed citizen in a court of law.

We here at the Network are intimately aware of one such case https://armedcitizensnetwork.org/images/stories/Hickey_Book-let.pdf in which an armed citizen was questioned extensively while on the witness stand about attending several military-centric training courses. Consequently, we asked our affiliated attorneys a couple of questions.

Do you have personal experience with training becoming an issue in court for an armed citizen in a self-defense trial, and if so, what was the outcome?

If a person has a strong training résumé, what steps would you suggest taking to keep their extensive training from creating a negative result in court?

Our affiliated attorneys responded:

Cole B. Combs

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This isn't an issue I've ever had the prosecution raise in exactly the same manner, but the best way I could think of to fight it is to be extremely aggressive with your cross examination of every cop who testifies, and to perhaps also call as witnesses (even hostile) the training officers for that local agency. Cops often go to the same courses, or the same type of courses. It would be pretty straightforward to get the arresting officer on the stand and ask, "Have you had training on the use of force?" "Did you take that training because you're a gun nut who wants to shoot people?" "Why do you carry a gun every day?" I'd make it plainly absurd in countering such a tactic by the prosecution. Turn their own witnesses against them.

I'd also call as witnesses the instructors for that course. The prosecution will leave the jury with an impression of nothing but a bunch of gun nuts shooting all day for multiple days, yet most modern courses have a more involved curriculum, including medical training, escalation of force, and escape instead of engagement if at all possible. If you let the prosecution control the narrative then you're screwed.

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I'd turn this into a positive on voir dire of the jury and direct exam of the defendant. The defense attorney questions the defendant first.

If the matter is solidly fixed as a positive rather than a negative during voir dire and direct exam, the prosecutor will have difficulty turning it into a negative and might even cause the jury to resent the prosecutor. I can't tell you exactly how to do this because every case and every defendant is different. But it can be vitally important for the jury to like the defendant and at least not dislike the defense lawyer. One possible strategy among many is to illustrate that police go through very similar training, but again this depends on how your jurors view police officers. In western Washington small counties where I practice, most jurors see their police as honest and honorable.

Thomas Glasgow

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I have had this experience in court. The wonderful thing is that the person who I represented had a very strong training background with respectable trainers. Because the trainers had such exceptional military and law enforcement background, they testified extremely well and were extremely persuasive. In another situation with another attorney, I have seen this go in a different direction where the trainer was the person who had to have the biggest truck, the biggest gun, the most over-the-top stories and had to embellish everything that they have done because of some need to feel accepted. Because of that embellishment, and because of their over-the-top attitude, it did not work out well for the client.

William McGinn

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I have not had a client with training where it was used negatively against him.

With regard to question two, this should be treated like a CDL driver who gets into a car accident. The standard in Iowa is what an ordinary reasonable prudent person would do. This could come into question as it would be a reasonable person

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with some training. I argue that it lends credibility to the client as getting training shows they are careful and have respect for the firearm.

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Do you have personal experience with training becoming an issue in court for an armed citizen in a self-defense trial, and if so, what was the outcome?

I have not had it come up yet.

If a person has a strong training résumé, what steps would you suggest taking to keep their extensive training from creating a negative result in court?

I would suggest the attorney highlight all of the deescalation tactics the client tried to use before using force, i.e. talking, walking away, urging the other person to walk away, etc. I would also be sure to highlight their mindset that the use of the firearm was the only reasonable way to defend themselves.

Marcos Beaton, Jr.

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I have had personal experience and heard of training/preparedness becoming an issue in self-defense trials. My own experience involved a young man who defended himself in a disparity of force situation against what appeared to be an attack by multiple men, one of whom was much larger than him. The young man was armed with both a TASER® and a handgun. He attempted to use the TASER® first, but when it was knocked out of his hand during a relentless beating, and he was bleeding and staggering, he used the handgun to shoot and kill the primary aggressor in the beating, which was also the largest of the men involved in the beating.

The young man was charged with murder. At trial, the act of arming himself with the handgun and TASER® was argued to be the actions of an aggressor looking for a fight, and indeed looking to kill someone. During the prosecution, it almost seemed like carrying the TASER® was a bigger sin than carrying the firearm. I believe we were able to show that the carrying of the TASER® demonstrated quite the opposite, that

it demonstrated an understanding of escalation of force and the conscious decision to not just carry, but initially attempt to deploy (unsuccessfully) a less-than-lethal self-defense tool. Ironically, we were able to demonstrate these concepts over and over through the questioning of the numerous responding officers who came to testify, dressed in uniform, carrying their side-arm and their TASER®.

The young man was acquitted on all counts after an approximately three-week trial.

In my opinion, there are numerous lessons to be learned from the dynamic potentially created by extensive training and/or preparedness. The first is to remember that prosecutors are human and prosecutors are lawyers and therefore advocates. As humans, if we look hard enough for things to justify a point of view in a set of circumstances we'll usually find it. When prosecutors engage in this exercise and they find that thing or things, they'll do what advocates do and make it a thing. There is often no sinister motive; I believe it has more to do with tunnel vision combined with the pop culture hatred of guns and gun culture. The more important lesson, I think, is to avoid doing, saying or associating with things that leave room for an advocate to argue that bravado or "gun-nut" mentality motivated or at least contributed to a use of force decision. The example that immediately comes to my mind are the signs that read "we don't dial 911" accompanied by the image of a firearm. This is easy pickings for a good prosecutor to argue that bravado or the "gun-nut" mentality motivated a defensive shooting, not reasonable fear.

The training or preparedness is not the problem, it's what might be unintentionally communicated that this training/preparedness could mean to the individual.

One's own desire to communicate a deeply held belief of being the protector of the home and the family should give way to a consideration of how something as silly as a sign that is meant to be sarcastic (or a social media post) might someday be used against you after a self-defense incident. I would think of it this way: we don't go around joking about dying unexpectedly and leaving our families grieving and without a provider, but we buy life insurance because we want to be prepared in the event it does happen – because the unfortunate truth is it does happen. Being prepared to defend oneself or one's family is no different.

Thank you, affiliated attorneys, for sharing your experience and knowledge. Members, please return next month when we share the second half of our affiliated attorneys' response to this question.

Book Review

Real Heroes: Inspiring True Stories of Courage, Character, and Conviction

By Lawrence W. Reed

Publisher: Intercollegiate Studies Institute, 2016
ISBN-13: 978-1610171427 Paperback, 6x9,
296 pages, \$12.99

[https://store.fee.org/collections/best-sellers/
products/real-heroes](https://store.fee.org/collections/best-sellers/products/real-heroes)

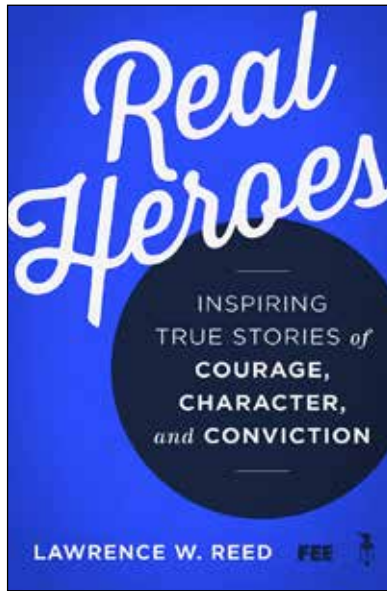
Reviewed by Gila Hayes

A few months ago, I searched the Internet for a transcript of a speech from which I wanted to quote. I found it on the Foundation for Economic Education's website. Distracted from the work I was supposed to be doing, I spent a few minutes reading the FEE.org website and found a review that inspired me to order the book *Real Heroes*, by economist and historian Larry Reed. Through much of October and into November, I was inspired by the short biographies of 40 men and women who, from ancient history to modern times, led freedom's fight, rose above terrible disadvantages, demonstrated courage, and risked everything to live according to their beliefs.

Introducing his topic, Reed explains that heroism springs not from "a single, momentary act but rather from a lifetime of choices." He believes that character and moral courage are essential to societies that revere freedom. "You can't sacrifice liberty for short-term convenience," he observes.

Reed starts his biographical sketches by introducing the reader to Cicero who was born into a Rome "rife with corruption and power lust," as it was devolving into a welfare state. He spent his life fighting for the Republic and gave his life for speaking out against the rule of Mark Antony. Cicero's speeches and writings came down through two millennia to inspire America's founding fathers' understanding of republican government. Cato and Augustine are also profiled, the first an illustration of leading from the front, the latter noteworthy for having turned his life around from one of hedonistic indulgence to a life of rectitude, love of learning and humility.

I found Reed's chapter on Adam Smith particularly intriguing. The famous Scottish "Father of Economics" defined economic theory in revealing ways. For example, the economy of his time (1723-1790) viewed precious metals and jewels as wealth, but Smith understood that except for their industrial uses, metals and gems were only mediums of exchange. "Wealth to the world's first economist was plainly this: goods and services," Reed points out. The market needed to be free and self-regulating, both in Smith's time and today. "The experience of the past 240 years has borne out the case Smith made so persua-



sively: that the 'invisible hand' of free prices, competitive markets, and self-interest (properly understood) yields far more economic good for society than the 'iron fist' of rulers and their bureaucracies," Reed writes.

That economists draw Reed's admiration should come as no surprise; the author is also an economist. In a later chapter he profiles Ludwig Erhard, architect of Germany's recovery after World War II who opined, "It is much easier to give everyone a bigger piece from an ever-growing cake than to gain more from a struggle over the division of a small cake, because in such a process every advantage for one is a disadvantage for another." While observers called Germany's turnaround a "miracle," Erhard disagreed, explaining that it was, "the result of the honest efforts of a whole people who, in keeping with the principles of liberty, were given the opportunity of using personal initiative and human energy."

Reed also lauds industrialist Vivien Kellems, a lifelong crusader against excessive taxation who railed against turning employers into tax collectors through income tax withholding. This outspoken industrialist ran for political office a number of times between 1952-1958, and while the elections didn't go in her favor, the campaigns were a great forum for her diatribes against the progressives' tax schemes. During one campaign, a Connecticut newspaper editorialized, "She understands the circumstances which gave birth to this country, the firm realization of the founders that the power to tax is the power to destroy, and the steps which they took to prevent this power from being misused."

There is much to admire amongst the abolitionists and anti-slavery activists whom Reed holds up as heroes. Thomas Clarkson, educator Prudence Crandall, and, of course, Harriet Tubman. 27 years of slavery left Tubman scarred and she never fully recovered from a traumatic brain injury inflicted when she refused to help capture a runaway slave. After she escaped to Philadelphia, Tubman returned to the slave states 13 times to bring out at least 70 slaves.

Courageous, self-sacrificing, self-reliant, and driven describe the female and black entrepreneurs Reed profiles. Each had a host of reasons they should not have succeeded, yet each undeniably made concrete improvements. Booker T. Washington is quoted as having said, "Character, not circumstances, makes the man." None of the entrepreneurs profiled expected someone else to give them a hand up. "I got my start by giving myself a start," quipped the woman who created an empire of haircare products for black women.

[Continued next page]

The same is true for Joe Louis, Althea Gibson, Jesse Owens, and other champion athletes who were denied the right to compete in major events because of race. Reed admires them for putting in the grueling work to rise to the top of sports that discriminated against them merely for “the pigmentation of their skin,” to borrow the words of women’s tennis great Alice Marble, who condemned the tennis community for not allowing Althea Gibson to play at the US National Championship.

Marie Curie’s father was a teacher and scientist who was persecuted by the Russians during the occupation of Poland. While her groundbreaking work on radioactivity took place in France, I hadn’t previously read that Marie Curie’s “undergraduate education took place at an illegal private institution” in Poland, because Russian occupation censored books, education and institutions of learning in her native country. Her life and considerable accomplishments teach perseverance and self-sacrifice. Although desperately needing radioactive material for research, neither Marie Curie nor her husband Pierre asked the government “for official credits [or subsidies],” but that did not inhibit Marie Curie’s generosity. “When World War I broke out, the two-time Nobel Prize winner developed mobile x-ray units to bring this vital medical equipment right to the front” saving many lives, Reed reports. Active in ground-breaking scientific discovery at a time when women weren’t considered capable of intellectual achievements, Curie advised believing in oneself, writing once that “we must believe that we are gifted for something.”

Another Pole whom Reed admires is Witold Pilecki, who infiltrated Auschwitz to report the horrors conducted there, escaped, then led the Warsaw uprising, later returning to Poland to “gather evidence of growing Soviet atrocities. His activities led the pro-Soviet Polish puppet regime to mark him as an enemy of the state. In May 1947, two years to the day after Nazi Germany capitulated, Witold Pilecki’s cover was blown. He was arrested and tortured for months before a sham public trial in May 1948, where he was found guilty of espionage and given a death sentence.”

The heroes Reed admires fought some of the ills that are destroying our nation today. A staunch little-L libertarian, he compares the War on Drugs to Prohibition, blaming both for stimulating artificially high profits and jailing non-violent offenders. He points out that Prohibition ended with heavy taxation on alcohol and having done nothing but create crime.

Reed observes, “My personal favorites among Prohibition’s foes were the many jurors who simply refused to convict defendants accused of buying, selling, or drinking illegal booze. They were exercising what legal scholars term the right of ‘jury nullification.’ When jurors acquit an accused person, they know is guilty of breaking the law because they object to the

law itself, at least in that individual case they are ‘nullifying’ it. Though controversial among members of the legal community, the practice commands considerable precedent in common law dating back as far as the thirteenth century. In their highly regarded and frequently referenced 1966 book, *The American Jury*, Harry Kalven Jr. and Hans Zeisel wrote, ‘The Prohibition era provided the most intense example of jury revolt in recent history.’ They reported that the acquittal rate for liquor violations for 8,078 trials in the federal system from 1929 to 1930 was 26 percent.”

Many of the people Reed admires opposed government regulation, be that Prohibition, meddling in education and child-rearing, or regulating trade and business. One result of excessive regulation was an increase in violent crime during Prohibition. He quotes former President Rutherford B. Hayes rejection of the violent tactics of the 1883 temperance movement. The former president wrote, “Personally I do not resort to force—not even the force of law—to advance moral reforms. I prefer education, argument, persuasion, and above all the influence of example—of fashion. Until these resources are exhausted, I would not think of force.”

The threat of packing the Supreme Court is nothing new, Reed reminds readers, telling of Franklin D. Roosevelt’s ill-fated attempt to seat a Supreme Court that would let him run rampant with his New Deal policies. “George Sutherland, Willis Van Devanter, James Clark McReynolds, and Pierce Butler—four justices who endured ridicule from the highest places and from men far less principled—defended the Constitution as their oaths required.” Neglected in the history of jurisprudence because they stood in the way of federal government expansion, the author names them, “four of the most principled and courageous people ever appointed to the Supreme Court.”

When the State of Oregon tried to outlaw private schools and ordered children to attend state schools, the four justices struck down the State’s power grab. They voted to overturn the National Industrial Recovery Act’s price fixing scheme and tossed out the Agricultural Adjustment Act that taxed agriculture then used the tax revenues to pay “for the destruction of healthy crops and cattle so as to raise prices.” They didn’t win all their fights, Reed reports. The hero justices fought the Gold Clause but did not prevail, with the result that citizens were denied ownership of gold for nearly 40 years.

Real Heroes profiles obscure freedom fighters as enthusiastically as it holds up prominent figures from history. With another election behind us and feeling the weariness of speaking out for changes that now appear to be consigned again to the back burner, Reed’s little biographical sketches inspire readers to keep opposing power grabs and incursions against freedom. I appreciated the encouragement!



Editor's Notebook

Thoughts on Thanksgiving

by Gila Hayes

Be thankful! How odd that in the land of plenty, we need to be reminded to practice gratitude! Emotional blows, losses and defeats tend to blind us to the huge variety of advantages we enjoy as Americans. When a loss or

defeat removes an opportunity, numerous other options spread out before us just waiting to be recognized. The secret is keeping the open mind necessary to detect the next opportunity. Feeling thankful is one of the best ways I know to fuel the creative mind that detects the many choices we have.

Thank goodness we have a national holiday to remind us of the power of thankfulness! I doubt I was alone in feeling discouraged in the aftermath of the general election last month. In a political race in which I felt personally invested, a faux-conservative congressional representative was ousted in the primary election, leading to a nasty general election runoff that should have sent a conservative Special Forces veteran to represent my congressional district in the "other Washington." Instead, after counting the votes, Washington State is trying to send another rubber stamp liberal to shore up the progressive voting bloc in Washington D.C. and will likely do just that unless the conservative can raise enough money to pay for a recount since the race is not close enough to trigger an automatic recount.

I have little faith that our votes were counted accurately, having lost that illusion in 2004 when Washingtonians' votes were counted and recounted over and over again until that year's close gubernatorial race went the way desired by those in power. I find it hard to see our blessings, advantages and opportunities while being ruled by a corrupt government.

What Zig Ziglar memorably termed an attitude of gratitude is the best medicine for such disappointments. I am fortunate,

as are all of us here at the Network, to be associated with truly stellar leaders who make up our Advisory Board and my husband Marty and our partner Vincent Shuck, with my stalwart working team and with the most generous members to ever compose any organization. As proof, I offer Exhibit A – the voluntary donations Network members frequently add to their dues to further build up the Legal Defense Fund at renewal time.

Next month, when I write the *2022 Year In Review* article that has become something of a tradition in this online journal, the Legal Defense Fund will have grown beyond the \$3.6 million-plus balance it maintains today, thanks in large part to voluntary donations members have added to dues payments, as well as the regular membership renewals sent in by women and men who have been part of our Network family for many years. With this, we combine the strong new membership growth we enjoyed throughout the fall and early winter and find even further cause for gratitude.

We have always kept tight restraints on our expenses so we can hold down the cost of Network membership. It has long been my goal that Network membership remain available to folks who earn only a modest pay check or rely on fixed retirement or disability income and who can, by prioritizing their expenses, afford membership in the Network. One of my biggest inspirations in stringently controlling our operating expenses has been the way our more financially able members voluntarily increase their dues payment with donations earmarked for the Legal Defense Fund.

I can't promise to hold the line forever, but I am proud to point out that we have not increased dues since January 1, 2016. Whether you are a member who "rounds up" your \$95 yearly renewal dues to an even hundred bucks or if you are the amazing couple that set up an autopay on their checking account to send a \$5 donation every single month or if you are the man or woman who adds an additional donation on top of your \$95 dues, you are my inspiration. Your generosity and the way you share our mission of looking out for our fellow armed citizen members drives me to work harder, smarter and leaner. I am so thankful for you, my generous Network family.

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