

Choosing an Instructor *An Interview with Massad Ayoob*

by Gila Hayes

Several months ago, Massad Ayoob was in town, and he agreed to answer member questions that come up every now and again about finding good instructors. We encourage members to invest in documentable, professional training. We beat the drum for getting good training all the time! Often folks react by saying, "I agree! I want to take classes, but I don't want to choose the wrong class! I don't want to learn wrong ideas; I don't want to waste my money."

I'm sympathetic when folks express those worries. I told the last member who posed that question, "I know exactly who to ask!" After all, who better to discuss choosing an instructor than Massad Ayoob, who has been teaching firearms, survival tactics and the legal issues associated with use of force in self defense for nigh on to five decades? Now, we switch to interview format and learn from Massad in his own words. For those who prefer video, there's an informal, longer video of our interview at <https://www.youtube.com/watch?v=m7-H3lJoz44>.

eJournal: Mas, could you start by telling us about your teaching history and then I'm going to ask you about your history as a student. First, though, please tell us about yourself.

Ayoob: The two run together. If you don't read, you can't write. If you're not a good subordinate, you won't be a good supervisor and if you don't learn, you can't teach.

I started in 1972 when I was assigned as police department firearms instructor. I went on a crash binge, going to every class I could take. I wound up going through Smith and Wesson Academy six or seven times, for example, and I spent some time studying under Ray Chapman, with Jeff Cooper and I had the privilege of spending some time with Bill Jordan. Over the years, I have trained with a great many of the champion shooters and learned a lot.

I try to put as much of that as I can in the funnel to share with my students. It's been a long run. I've been teaching private citizens since 1981.

Right now, we're living in the golden age of defensive firearms training. We have more good training available than ever. Unfortunately, there's also more crap than ever. But back to the good news: we're also in the age of information. It's a whole lot easier to get some background before you commit a week of your life and maybe a lot of travel to get there and all the tuition, the ammo, and hotel expenses. It's a whole lot easier to get some reports from others who've been to that school and help confirm whether or not it's the right choice for you.

The first thing you want to look at is curriculum. It's really easy to get an excellent instructor in the wrong topic. That's on you; do your research. If you want to learn geometry, don't go to a history teacher!

Now, there's a lot you can find online, particularly now, as after-action reports. Google your instructor. See what feedback there's been from people who've been through the class. Often there will be descriptions of the class. For example, if you're going to go to Bill Rogers' excellent [Rogers Shooting School](https://pistol-training.com/articles/school-review-rogers-shooting-school/) in Ellijay, Georgia, go to <https://pistol-training.com/articles/school-review-rogers-shooting-school/>. The late Todd Lewis Green pretty much wrote much the Consumer's Guide to taking Bill Rogers' class. It'll give you a leg up on the program when you get there.

Now, decide what you need. Are you new to the gun? You want to start with basic classes, obviously not advanced classes. Most instructors will have a website. Some of the things to look out for: if they tell you, "Our instructors are all master gunfighters and trained SEALs and Rangers," and they don't give their names. This a red flag.

When you get the instructors' names feel free to call the school and ask, "Could I get a copy of the instructor's CV, their curriculum vitae?" Ask for their résumés. Now, when you get their résumé, use it for what it's really for. The résumé is not just a brag sheet; it's a guide for the prospective employer, which, as the customer, is you! The résumé is for the prospective employer to check and see if those people really have been the places they say they've been and done the things they say they've done.

What Do You Need?

See if their curriculum is what you feel that you need. Don't go to a deadly force instructor to learn how to win a pistol match. If you want to learn how to win a pistol match, we have great instructors who are former world champions – not only former world champions but former world champions who can teach. [Karl Rehn](#) in Texas is a master instructor and a grand master in USPSA. There's also [Robert Vogel](#), for example, or [Ben Stoeger](#), people at that level.



[Continued next page]

One real good vetting procedure would be to go to Range-master.com which is Tom Givens' website. Tom is one of the all-time great master instructors himself. He teaches around the country, and he has a cadre, a collective if you will, of people he's trained to teach. They're probably teaching somewhere near you.

Finally, when you're at the Range Master website click the [tab for Tac-Con](#), the Range Master tactical conference. It's a gathering of probably 40 master instructors and a couple hundred students most of whom are pretty much well along and heck, you can learn from some of the classmates, as well as the designated instructors. In three days, you'll have a smörgåsbord of master specialists and in two hours with this one, four hours with that one, you can get a really good taste of what they teach. That will help you decide if you want to commit to a couple of days or a week with one of them.

You'll find people who teach everything from combatives – hand to hand fighting with a gun involved – to Brazilian jiu-jitsu. If you're looking for general safety advice, even for the people in your life who don't carry guns or haven't made that decision yet, you've got instructors like [John Murphy](#) who can give you an overview on patterns of criminal behavior. For recognition of assaultive behavior indicators, [Craig Douglas](#) known as Southnarc, at Shiv Works, is a retired undercover cop, a master instructor in hand-to-hand fighting, but also in the psychology of de-escalation, recognition of threats, etc. The [TacCon presenter list](#) is kind of like a list of vetted experts in all the different fields, whether you want to focus on deadly force, tactics, pistol, carbine, shotgun, hand to hand, or whatever.

Armed self defense is really a multi-dimensional discipline and every one of those dimensions is a lifetime study in and of itself. These are people who have spent their lives learning how to distill the key elements into a couple of days of training, maybe a week of training, maybe longer.

eJournal: People like Massad not only teach, but also are students in the TacCon classes, standing shoulder to shoulder with the other students because these guys keep learning, too. That's so important!

I would have never had the opportunity to meet the late William Aprill had I not been in one of his classes at a TacCon. I'm thankful for the experience of listening to him lecture before he left us.

Ayoob: He was a wonderful man, and his tradition now is being carried on by another master instructor, [John Hearn](#). John has recently retired from a career in federal law enforcement and is now teaching full-time. He is on my recommended list for any of you who are serious about self defense. He's one of the people you want to train with.

What you can also do if you're thinking about taking a class is simply call the school and ask to speak to the instructor in question. Let them know your background and what you're

looking for, and ask, "What would you recommend from your curriculum?" Most of us will tell you, "If this is your background, with our stuff, I'd start here. With somebody else, you might want to start there." They might recommend that for what you were particularly looking for, you go to another instructor.

One other thing to ask about, particularly in deadly force, first aid or emergency driving – what we call high-liability topics where there's a high likelihood that even if you do the right thing you're going to end up explaining it in some kind of a courtroom – ask your instructors if it's their policy to come in and speak as material witnesses for their students and for their graduates. Will they testify how the graduate had been trained?

Now, as an expert witness, I do a lot of cases for both police and private citizens and we're by and large winning them. We win them with a two-pronged strategy. We show that the defendant did what they were trained to do and that what they were trained to do was, in fact, the right thing to do. That means we have to establish for the jury – with material testimony that we, their instructors, come in and testify – what we taught the defendant to do, why we taught him to do that, and from where the principles we taught came. That allows the defense team to put it all together and at the end, the jury realizes he did what he was trained to do. He did what he was supposed to do, and, they wonder, "What the hell is he even on trial for? Not guilty!"

There are a whole lot of instructors out there who won't testify. I know one whole school where their policy is, "We don't get involved with that." I know of another school with an instructor who won't do that because if he's on the witness stand, it's going to come out that he's a convicted criminal. Another says, "Yes, our policy is that we're happy to testify for you for \$3,000 a day." It would be kind of nice to know beforehand whether or not the people who are training you to do what you should do will stand up for you when you actually do so.

eJournal: The instructor's curriculum vitae is going to suggest strength or weakness, either by a dearth of trial experience or – thinking of yours, which is a book in itself – the cases on which you've been an expert, where you've testified on behalf of people and to good effect, I might add. There is a related question the potential student must ask themselves. This is kind of ugly, so please bear with me. As a student, I must consider a person's appearance, their demeanor, and the way they speak – are they prone to speak in wild, extravagant terms or are they measured and erudite? I must ask myself, "Do I want that person in front of the people who are judging me?" That's an ugly question, but I think we need to ask it.

Ayoob: I agree.

eJournal: I would like to return to a factor that you referenced fleetingly at the beginning. People start this journey from a wide variety of experiences. Some had some training, perhaps a military background or a little police work or their dad taught

[Continued next page]

them how to shoot. Others will become gun owners with little grasp of gun safety or how to shoot accurately.

Not all shooting schools teach to that beginning level and for an individual getting started, the question often is, "How do I get the chops to go on to the more advanced school?" Will any instructors let me start at the intermediate level?" What do you say if someone comes to you and asks, "I've never picked up a gun. I've got to choose one, can you help me out?"

Ayoob: I'll give them what advice I can over the phone, but I suggest that they call the National Rifle Association and get a referral for an NRA basic firearms and safety instructor near them. There are many thousands of NRA instructors around the country. They teach from the same program. You have got to start with the basics of safety, the basics of competent gun handling, then once you've got that down, you're ready to work on speed, greater accuracy, the rapid draw from concealment, start getting into tactics, and making the deadly force decision.

eJournal: Yes, and there, more than ever, we need to think about our instructors' background, credentials, and how well they'd serve, if called to testify about what they taught. Life experience is also a qualification. Do I want to learn from a military veteran whose wartime rules of engagement might have been a little bit different than what mine are likely to be? Do I prefer an instructor with a police background? What about the opinion that an instructor must have, as it is sometimes expressed, "Seen the Elephant," meaning they have killed in war or shot criminals in the performance of police duties. How should we prioritize an instructor's experience?

Ayoob: First, ask yourself what you want to learn, whether you want to be a recreational target shooter or learn self defense for you and your family. Everybody has a piece of this very complicated puzzle.

The combat soldier certainly has different rules of engagement than you have as an armed citizen. At the same time, they've fought for their lives. They can tell you a lot about the mindset of doing that and coming back from it and certainly will be quite skilled generally in weapons handling.

By the way, tell the instructors what sort of weapon you have and find out whether they're comfortable teaching you its use.

A few years ago, a very big entity which shall remain nameless started a firearms training program that was staffed almost

entirely by ex-military and, I think, one cop. They said, "Do not bring a 1911 pistol or a revolver to class." Immediately, the gun world started laughing, "So, the instructors don't know how to run a revolver or a 1911?" I was told they actually sent some of their instructors to [Thunder Ranch](#) for Clint Smith to teach them to run those guns. If you have a double-barreled shotgun, you will be slowing the class down if you take a tactical shotgun class where everyone else is using a slide action or semi-auto.

You've got to tailor the tool to the task and in the same way, tailor the instruction to your needs. People may tell you, "Well, cops have different rules of engagement than private citizens." Actually, it's not as different as you think. Although the cops ride to the sound of the guns that the private citizen is supposed to avoid, there's a lot you can learn from police, particularly in your community because they are the resident experts on dealing with exactly the same violent criminals you've armed yourself to protect against.

Everyone has something that they can share with you. It's up to you to determine what is and is not relevant to your particular needs. When in doubt, put it through the filter of common sense and your personal experiences. Read the after-action reports on the internet. If the instructor has a reputation for acting like a drill instructor or something and you're not comfortable with that, fine. There are other instructors to go to. A whole lot of females who pick up the gun for the first time do so because they've been brutalized by some alpha male. If they are more comfortable taking their training from a female with whom they can identify, that makes perfect sense to me. We have many, many highly competent females teaching today.

Do your homework; do your research. What do you need? Find out what different instructors have that, just as you would with any other major purchase. If you had medical issues, you might start first with a general practitioner to figure out where you need to go. They'll pick what specialists you may need.

Do the same here. Get basic gun-handling safety training, which you can get anywhere with good quality, generic NRA training, and go from there. Go in the direction where you feel you need to work.

eJournal: I was going to ask you about women training women. Back when I was teaching, I offered some women's only classes and there were ladies for whom it seemed important. I also

appreciate what you said about the applicability of the police experience. That may help folks make a better decision.

[Continued next page]



Ayoob: If you think about it, the armed citizen and the cop are natural allies and should be. We have, after all, the same common enemy: the violent criminal.

eJournal: When we've had a less than wonderful experience, we seem to want to run it past the next person we want to help us. Do students come to you and talk about sub-optimal classes they've taken? What's the biggest problem area and, from your deeper experience, what instructor behavior would cause you to give a thumbs-down?

Ayoob: It is hard to say. There is at least one instructor out there who's very much a misogynist and I would never recommend a woman go to him. There are a few that have lots of war stories that they'll spend about half the class talking about and telling you how great they are. Really, the student comes to us to find out how great they can be. The class is there for us to perform a service; they're not the audience for our greatness. Bob Lindsay, one of the all-time great instructors and one of the few true super cops I ever met said, "We've got to remember, we're not God's gift to the students; the students are God's gift to us."

eJournal: That's touching. "Coach" Lindsay was a wonderful person.

Ayoob: Still is! Although he's retired, he's still around.

eJournal: I'm glad to hear that! I haven't run into him for decades. Let's say that a student starts a course and perhaps one of the problems you've mentioned arises. They're uncomfortable and don't know what to do. I think everyone who's taken training has wondered when we should just stiffen our spine and get through the course and conversely, under what circumstances it might be okay to leave. Where is the "go/no-go" line?

Ayoob: That depends on the concern. If it's a safety issue, a) I would walk out the door, but b) I would discuss it with the lead instructor. On the street, if you had a mugger come up to you, pull a knife, and when you drew your gun and he ran away, wouldn't you report that? You're not going to leave him out there when you could call the police, give a description, and maybe save his next victim from being stabbed. The same would be true if you see something unsafe at a class.

It could be that an assistant instructor made a mistake, and the lead instructor needs to know about that, remediate the problem and remediate the assistant instructor who caused it. Perhaps they can put that assistant in a different role elsewhere.

Sometimes it's language. We have people who think if the instructor says, "Damn it, don't do that!" that he took the Lord's name in vain. I take the middle ground on language. There are also some people who use enough F-bombs that they sound like a chicken with a hair lip [*laughing and clucking like a chicken*]. That gets in the way of the learning experience for a whole lot of people. I will drop the occasional F-bomb: if somebody's

done something careless a second time it'll be, "Get that effing finger off that trigger!" You can't be abusive to the student; at the same time, you cannot tolerate unsafe behavior just because they gave you money.

We make it clear that after one safety violation, you're off the range for the day. You may observe but not participate. If you cross somebody with that gun a second time, you're out of the class. Go to the parking lot and drive away. No, you're not getting a refund. We cannot endanger 20 or 30 other people to indulge your arrogance while you sit there living in your bubble, not caring that you endangered other people.

eJournal: That's a line neither instructor nor students may cross.

Ayoob: If you have a problem and you're hearing too much profanity, let the instructor know on break. Don't stand up in the midst of the class screaming, "Thou shalt not take the Lord's name in vain," but cut them out of the herd and express your concern privately.

If it's a safety concern, express it immediately because it can keep someone else from getting killed later that day.

eJournal: Okay – that's a tough position for the student, and yet, we all have that responsibility for safety.

Ayoob: We are talking about deadly weapons! We tell our students, look, you're all safety officers and if you see a muzzle stray, you're expected to yell, "Muzzle," and if you see a finger in the trigger guard when it's inappropriate, you're expected to yell, "Finger!" We are talking about safety with lethal weapons. It is really a duty, not a choice.

eJournal: Well put! We need to hear that every now and again! It takes some courage to speak up when you're the subordinate student.

Moving forward, ammo prices are high and don't seem to be coming down, so that increases the cost of taking a class. As an instructor, how would you react if a student said, "I just couldn't afford all 500 rounds on the equipment list. May I shoot four rounds for drills on which you specify six?" Is asking for that flexibility reasonable, or if we can't afford the ammo, should we just wait until next year?

Ayoob: I would let them do four instead of six, although I couldn't change that on the final qualification. I had a student in a recent class for whom it wasn't the cost, but for medical reasons, she couldn't handle anything but a .22. I said, "Shoot a .22 caliber Glock 44," and she did fine, rather than struggling with a gun that was going to hurt her every time she fired because of her medical condition. Sure, we make allowances just as we make allowances for the student in the wheelchair. For the student who has a hearing disability, we make sure they're at the center of the line closest to the microphones or

[Continued next page]

the speakers so they can hear the commands and the range of officers watch to make sure they're getting the safety commands.

Students, please, do not be reticent about your medical issues. If your condition may cause dizziness or passing out on the line, the instructors need to know. You don't need to tell the whole class, but if, for example, you're not feeling well and you wander off out of sight to the parking lot and have a heart attack in your car, we're not going to find you in time. If you're feeling the least bit dizzy, holster the gun, raise a hand. Tell the nearest assistant instructor, "I'm not feeling well," and take it from there. Don't be handling lethal weapons when you might get dizzy, you might get brain fog, or you might pass out.

If you're outdoors and there are bugs and you're subject to anaphylactic shock, we need to know where your epinephrine auto-injector is; if you've got a heart condition, we need to know where the digitalis is; if you're a brittle diabetic, we need to know that and make sure we have everything in place accordingly. We're prepared for the trauma, but you need to warn us about pre-existing medical conditions.

eJournal: You're sympathetic to students who can't do it all, so even someone with limited stamina might sit out a few drills as opposed to pushing too hard and not being able to finish class the next day.

Ayoob: That happens all the time. We just want you sitting it out behind the line, where we can keep an eye on you and make sure you're okay.

eJournal: It would be nice if folks took advantage of this kind of flexibility and got essential training. What if a student has trouble making enough time for the whole program? Harking back some decades to when I taught, people would miss the last two hours to catch a flight. I felt bad, like, "Dang it, the good stuff's coming and you're leaving before we get to it?" Do you withhold a certificate, for example, for early departures?

Ayoob: For Heaven's sake, don't assume the class is going to end at noon on the last day. Find out what the scheduling is beforehand. Some classes and seminars end early, but if it's a course like ours, we have to shoot a qualification at the end. I can't give you the certificate if you haven't stayed to shoot the qualification. Get a flight out the next morning, not a flight an hour or two after class is scheduled to be over. We make what allowances we can, but if you've taken that whole week out of your life, you can take one more evening and make sure you get the completion certificate. Remember, a whole lot of the class is at the very end. That's when you take the final exams that we have in some of our courses, and take the final qualification we have in virtually all our shooting courses.

Don't do it halfway! If you've made a commitment that requires air travel or several hours of automobile travel, you want to get the whole experience, for Heaven's sake. You've paid maybe four figures for the class; you want to get your money's worth. Don't economize in the wrong places.

eJournal: Network members often say having to travel makes the expense of getting instruction too high. Can we talk a little about local experts and what training might be available without a trip to Gunsite or to a range that's hosting the Massad Ayoob Group?

Ayoob: There are a lot of great instructors. You don't have to come to me or to others who teach on a national level. Someone near you knows what you need to know. For example, in law enforcement some of the greatest instructors never left their home department. Frank McGee, the legendary instructor who changed New York City Police Department firearms training unit into a firearms and tactics unit, greatly increased the survivability of thousands of officers. Once a year, he would teach at Camp Perry, Ohio at the National Match championships and he indulged himself in that because his daughter lived near there and it gave him an excuse to visit. He'd say, "My job is these guys here in New York. That's all I can handle."

Another legendary instructor was Bill Groce of the Ohio Peace Officer Training Academy. His weapon techniques and his tactics were at least a decade ahead of his time. He was too busy in Ohio to find time to teach anywhere else. For police training, OPOTA was, and still is, like a little Athens.

You're going to find people like Bill Groce or Frank McGee somewhere near where you are. Maybe they don't like to travel; maybe they have other commitments that keep them from traveling. Ask around at the gun shops who are the best local trainers. There's going to be someone who can give you what you need.

Beyond Physical Skills

eJournal: A huge piece of training, I believe, is guidance toward developing the mindset to carry us through an attack, to help us deal with the world as it truly is. How much of that must be taught in person? How much can one get through indirect instruction? I ask because we think so highly of your book *Deadly Force: Understanding Your Right to Self Defense* that we give a copy to new Network members when they join. How much mindset instruction needs to be in person and how much might we be able to learn through online lectures or through reading?

Ayoob: Some of what I teach needs to be in person because we require students to show us concealed carry permits or other proof that they've passed a criminal record background check. We don't want what we teach in the wrong hands. Some of our instruction would be a guide on how to commit murder and get away with it. We can't let that out, so I've never put that in any of the books, TV shows, or any of my YouTube training videos. That said, there's a great deal that you can get by reading or on video.

[Continued next page]

You mentioned William Aprill. For those who don't know, picture Stanton Samenow with a gun. Samenow was the first of the clinical psychologists to really probe the criminal mind, thinking and patterns of behavior. William Aprill took that to the next level. He was a master shooter and a master in hand-to-hand fighting. *[Smiles sadly]* We begged him to write a book. He didn't. The best I could do is get him to do was one chapter in my book [Armed Defense: What the Experts Want You to Know](#).

The good news is that he allowed himself to be videotaped when he gave lectures and if you Google William Aprill, you'll find a ton of videos of him giving his lectures and they are literally priceless. Not to be missed! Those of you who have people in your family, in your ambit, in your circle that want self-defense training, but they're terrified of guns, he shows how to recognize an assault beginning to happen, and how to present yourself in such a way that the predator says, "Whatever this is, it's not prey. It might bite back. I'll go elsewhere." It doesn't cost you a penny to watch William Aprill's videos yourself and share them with your family.

eJournal: Check out the collection of William Aprill's videos on a Personal Defense Network tribute page dedicated to his memory at <https://www.personaldefensenetwork.com/post/williamaprill> where the viewer can freely absorb hours and hours of his instruction on video.

Ayoob: Google the names of all of us who teach, and you'll find video of lectures that we've given, perhaps cases we've been involved in, and other material in which we explain the actual dynamics of a violent encounter. You can learn a great deal from YouTube where there are gold nuggets and a whole lot of crap. The more you learn, the better you'll be at sorting the crap from the gold.

eJournal: Refining the gold is a tough issue that can come up even during classes. Thinking back many years, I clearly remember being in class taught by a person who suggested after a home-defense shooting taking your family into the "green room" and telling them what to say. By that time, most students in that room had graduated from your training. There was a collective gasp and a lot of whispering started.

Now, if we had not had your training, and if we had been over-awed by that instructor's forceful personality, I wonder if we would have been smart enough to think, "Oh, we're not sure if this happens that we're going to do that with our kids!" Whether we are, as you said, sorting the dross out of the gold on YouTube or if we're in a classroom, we sure would like to know what red warning flags tell us, "Hey, I do need to get a second opinion?"

Ayoob: Always, always apply common sense. The instructor

in question seems to think he can suspend the time-space continuum. While he is telling his family what to say, doesn't he think that neighbors heard the gunfire? Their calls to 9-1-1 will be timed and from the first responding officer to the lead investigator to the folks on the jury, people will be wondering what went on during all those minutes between the shootings and when the homeowner called the police with what turned out to be a prepared statement. I consider that horrible advice.

I'm told there are still instructors out there who tell you that when you draw a gun you should yell, "Police!" even when you're not police. They are telling you to impersonate a police officer, which is a crime. All you need is three IQ points and you're going to figure out this is not the best advice.

You know, the ancient ones had a saying, "Falsus in uno, falsus in omnibus" meaning if you bullshit me a little, I've got to assume everything else you're telling me is bullshit, too. Trust

your bullshit detectors; trust your common sense. My definition of tactics is common sense applied with a specific knowledge of the relevant disciplines. Trust your common sense.

eJournal: There's a lot to unpack here. What's the takeaway? What do we need to leave here knowing more than anything else?

Ayoob: The training is there. Check around with others who've been through the training. Make sure you know what you want. Before you go to the auto dealership, you've decided whether you need a sedan, a van, or a pickup truck. Decide what you feel you need for training. Reach out to the trainers ask them what they offer. Tell them what your level of experience, expertise and training is as of right now and ask them for their guidance on what in their curriculum they

think would be the best for you.

eJournal: Thank you, Mas, for all the good advice, and as always, thanks for sharing with us.

Ayoob: It's a pleasure.

Network Advisory Board member Massad Ayoob is author of [Deadly Force: Understanding Your Right to Self Defense](#) which is distributed in our new member education package that's sent to all new Network members. He has additionally authored several dozen books and hundreds of articles on firearms, self defense, and related topics. Since 1979, he has received judicial recognition as an expert witness for the courts in weapons and shooting cases, and was a fully sworn and empowered, part-time police officer for over forty years at ranks from patrolman through captain. He serves as president of the Second Amendment Foundation. Ayoob founded the Lethal Force Institute in 1981 and now teaches through Massad Ayoob Group of which he is the director. Learn more at <https://massadayoobgroup.com> or read his blog at <https://backwoodshome.com/blogs/MassadAyoob/>.

2024 in Review

The Principles that Guide Us

by Gila Hayes

Network President Marty Hayes and I sat down in the video studio in the final days of 2024 to compile the very last piece of our January 2025 members' journal. There's an informal video version at <https://www.youtube.com/watch?v=tJ8nqpHOtOI> or click on the picture if you prefer video format. We waited as long as we could this year, because last year we'd already recorded our Year in Review when two men in the Midwest robbed a Network member. He handed over his wallet and ran to cover. One robber pursued. With a bullet literally whizzing by and nicking his ear, the member applied his training and shot his attacker.

We paid the member's attorney for a late-night visit to the jail and because that jurisdiction holds anyone involved in a shooting overnight, our member was released the next day, at which time law enforcement told him they did not expect any charges. They were right, but we were all relieved to know that the member, as counseled by his attorney during their late-night consultation, quietly waited for the system to run through its process.

What We Do

I was thinking that because a tenth of our active members came to us as new members between last January 1 and today, it would be useful to write briefly about what we do for members and why we do it the way we do.

Let's begin by outlining what we do for members, starting with what may be the least recognized, but in reality, the most important: our member education. That starts with over a dozen video lectures and a book by Massad Ayoob that's more than 300 pages long, followed up monthly by video and written articles online addressing a wide range of topics. Non-members can enjoy previews at <https://armedcitizensnetwork.org/learn/member-education-commitment> and members access the full training package either by logging in to <https://armedcitizensnetwork.org/videos> or plugging the USB thumb drive we mail new members into their smart TV or computer.

Considering how much we invest in education – both for members and as separate outreach to the public to increase understanding of self-defense use of force – it's kind of sad that the reason most folks join is first focused on legal expenses after self defense. Maybe that's the worry that brings them in. I'm always happy when, as expressed by a gentleman who has been part of the Network family for about three years, members view and realize the importance of the materials we send. We appreciated a note we received recently in which a member wrote that his library is full of work by Massad Ayoob, Marc



MacYoung, and Gavin de Becker, but for him, the Network's videos "were the glue that put it all together."

"Please, members, it is so important that you view all of the videos we send on the thumb drive and stream online. Take notes while viewing, and have that material available if you're asked about your training as a defendant at trial," Marty Hayes urges. A jury in a self-defense case weighs the actions of the defendant against the "actions of a reasonable and prudent person knowing all the defendant knows and seeing all the defendant saw," he continues.

"Consequently, if you understand pre-attack indicators, you could explain your knowledge of pre-attack indicators to the jury and then explain what you observed the individual that you used force against doing that led you to a reasonable belief that your actions were justified. If you understand the law of self defense in your jurisdiction – and it's important that you have your jurisdiction's laws down – you could explain to the jury how your knowledge led you to use only the amount of force that you felt was reasonable and necessary. That should go a long way toward winning an acquittal."

Use of force education can be raised before trial, too. "Before trial, you and your attorney are going to sit down with the prosecutor and explain your knowledge of self-defense law, your knowledge of a lot of the intricacies involved in making a self-defense decision, and hopefully the prosecutor, or perhaps the grand jury if it's a grand jury state, will look at it and say, 'You know, this is more likely a reasonable case of self defense, not a crime.' That is why it's so important that you not only review the videos and take notes, and read Massad's book and highlight particular things and make notes in the margins, so you could show a prosecutor, grand jury or judge, 'Hey, I had this stuff down. I knew this ahead of time. I didn't just pick this up a week before trial and start reading it.'

"It's just so important, in fact, that we believe one of the reasons no Network member has gone to trial after an act of self defense is because of this knowledge and training. If you don't get anything else out of this video today, please remember the fact that the training is vitally important."

[Continued next page]

While I wish we saw more armed citizens avidly pursuing training to better understand the legal parameters of self defense, reality shows that often people come to the Network and to the many look-alikes that have popped up since we opened in 2008, because they want to know they'll have help with what Gunsite Academy founder Jeff Cooper called the second problem or problem two in his writings several decades ago. I worry that some of those old ways have been lost so I asked Marty to tell us a little bit about what Cooper defined as problem two.

"Jeff Cooper founded Gunsite in the mid-1970s to teach armed civilian self defense. He wanted his students trained and able to solve problem one – that was the attack against themselves. At first, that was really his whole focus," Marty relates.

"Only after he started hearing rumblings about the legal aspect of armed self defense did he started addressing it in writing. He took that a long way beyond his first few comments in his *Cooper's Corner* magazine column to later comments in his books. It was in *Gargantuan Gunsite Gossip* that he really began to acknowledge that there are both criminal and civil repercussions to use of force and self defense, as well as, perhaps psychological, societal and financial repercussions. That is what Cooper called problem two."

The need to address problem two, interacting with the criminal justice system after self defense, arose for two Network members during 2024. One incident involved a non-fatality shooting to stop a serious physical assault after being knocked down, the other was a defensive display of a knife over which no charges were filed, but in the immediate aftermath, we thought it best to have an attorney review the facts and stand by in case it mushroomed into a bigger problem. It did not.

Those incidents epitomize why we opened the Network in 2008 and why it has since grown from little more than a good idea and the investments of its founders, into the 22,000-member organization it is today. Originally, Marty sought a way to address problem two for the students trained at The Firearms Academy of Seattle.

He recalls, "When we started the Network, we had taken care of problem one. We knew how to shoot for self defense; we knew what level of force to use for self defense and at least at my own training school, we addressed the legal aspect of use of force in self defense but we really didn't have a vehicle to address the legal aftermath. In about 2003, I decided that we really needed to address this, too.

"I applied and was accepted into law school. My original idea was to become an attorney so I could help defend our students. Then I came to realize, attorneys work really hard, especially when they get a case for a person they know is innocent.

"I was already in my 50s, and I realized that I could do more good if I could guide criminal or civil defenses of people who used force in self defense. As the president of the Network, I

could pay attorneys on behalf of our members, so that is what we did. We decided to start an organization and put money aside in the Legal Defense Fund. At the beginning, I thought someday we would have enough money to help defend members after self defense. Today, we have a substantial Fund, and have helped a substantial number of members."

Over our 17-year history, the Network has paid attorneys to represent 35 members, expending in excess of \$325,000. The incidents break down into roughly a half-dozen categories. Our statistics closely mirror what we've been told for years by researchers like John Lott. Over forty percent involved defensive display of a firearm and a little under twenty percent resulted in fatality shootings. A bit more than a tenth of the time, members discharged a gun in defense of themselves or their families, and ten percent more involved physical defense against an attacker, with just a little under another ten percent involving pepper spray use. The final approximately one tenth of the times, the member neither drew nor fired a gun, but their assailant tried to get them charged with having used a gun in the confrontation.

Some of these categories seem almost trivial and the reader may wonder why is legal representation needed if a person defends with pepper spray or, for example, escapes after shoving an attacker off them then gives verbal commands that stop further aggression? What's the legal risk when an aggrieved aggressor alleges that they were threatened by a person who "might have even had a gun!"?

Marty explains that an attorney's intervention as soon as possible after a self defense incident is important. "We think it is better to play offense than defense," he observes. "Let's say you're involved in an altercation, but it doesn't come to blows. Maybe you shoved someone or displayed pepper spray or maybe you even had to fire a little shot of pepper spray to get them to back off.

"You need to let the police know that you were accosted. You are the victim of a crime and so you need to report that crime for a couple reasons. First, it's in the interest of society, because the individual that your use of pepper spray made leave you alone may have committed a more serious crime an hour or so earlier. Because you reported it, now the police have someone to track down and question. More importantly, for our purposes, we need to be able to say, 'Yes, officer, I was involved this incident. It was a case of self defense and I would love to talk to you about it. As soon as we get my attorney on the phone or down here in person, we'll sit down and we'll have a chat about it.'

"That's so important! We need to make sure the police have the information necessary for them to investigate the criminal activity. The criminal activity is what was done to you. We've had many members call to whom I say, 'Call this attorney. Get him on board. Make sure you have his number,' then nothing more happened with the case. That's great! We'll gladly pay the

[Continued next page]

\$500 to \$1,000 to an attorney upfront because we'll know that will short circuit a possibly much more expensive case later."

The difficulty, of course, in most interpersonal conflict is staying "on the side of the angels," when circumstances are unclear about who started a confrontation that ended in use of force. The risk is losing the right to argue self defense in court by starting the fight. I'm continually amazed at how rapidly rude words or actions turn into exaggerated accusations and into even real violence. We asked Marty about situations in which being found to be the one who provoked the fight prevented the defendant from showing they acted in self defense.

"I don't see the initial aggressor issue really discussed too much in classes I've attended, nor in the discussions on the internet about the legalities of use of force," he noted. "The initial aggressor issue will come up in a closed conference with the judge and the other side's attorney before the trial begins. They will claim, 'Listen, this individual was the initial aggressor. The case law here in this state says that if a person started the fight, then he or she cannot argue self defense.'

"Well, in order to argue self defense you have to say, 'I did it, but I was justified and here's why.' If you can't argue the 'here's why' part of self defense then all you can do is just say, "Yep, I did it.' If you did it, then that's likely enough information for the prosecutor to convince the judge or jury that you committed a crime. It is so important that you not be viewed by the judge as the initial aggressor.

"Statements may be made to police, perhaps by the guy you shot justifiably or by his buddies who were standing in the background. They start complaining to the police, 'My brother didn't do anything to that guy. The other guy started the fight. He threw the first punch. He was the one that was road raging.' They'll convince the prosecutor that the defendant – that's you – started the altercation.

"That can happen in a number of ways. Probably the most common one is in a road rage situation. Two people are driving down the road when one guy cuts off the other person. One says, 'Oh my! I can't believe he has offended me that badly!" and so the guy that gets cut off starts honking his horn and screaming. He drives up beside the other car and flips the driver off.

"The good guy decides, 'I can't handle this! I'm going to stop and discuss things.' Pretty soon it just turns into a big mess. The guy that was initially cut off pulls a knife. Well, you know what happens when somebody pulls a knife on you? You pull your gun and then pretty soon you've shot someone.

"If you had just let it go after he cut you off, nothing would have happened, but you had to get pissed off and honk your horn and tell him what a bad person he is. Do that and a judge will likely view you as being the initial aggressor in the confrontation. Sometimes cutting somebody off simply happens acci-

dentally. I was driving the other day and all of a sudden I saw headlights right in my rear view mirror. The other car was like 10 feet off my rear bumper. I thought, 'Did I just pull out in front of somebody?' and realized it was quite likely that I had. I thought I'd looked both ways before pulling out, but maybe I didn't look to the right long enough. I just pulled over and let the guy go by, trying to be the good guy. If I would have made him stay behind me and get more upset and more angry than maybe we would have turned up in a road rage situation. Instead, I thought, 'Just let this guy go,' so I pulled over.

"Don't do anything that will make someone believe that you started the whole altercation. If something happens that could be perceived in a way that shows you were the initial aggressor, why not say, 'Hey, guy, I'm sorry! I didn't mean to pull out in front of you, okay? Please forgive me. Let's just go our own separate ways.'"

There's tremendous power in an apology, even with the tightly-wound people one encounters these days.

I'd like to close out this part of our year in review with the observation that the Network would not have grown into the exclusive member assistance group that we are if we refused to help members who had justifiably used force to stop threats to life. I mention that because it is a concern we frequently address with first-time callers. One man insisted that he had to have the names of some people in his city who had used our services. We declined out of respect for our members' privacy. Without naming names, we report on the Network's service to members periodically, usually in Year in Review reports like this one, and previous years articles under the "The Network in Action" heading in the right side menu at <https://armedcitizensnetwork.org/our-journal/2024-journals> all of which are public.

Marty expresses concern about YouTube videos touting competitors' "success" stories. "They put their newly-acquitted defendant/victim of the criminal trial in front of a camera and basically say, 'Tell us your story and how awesome it was that we got you off,' and I get it, they get to pat themselves on their backs and the defendant gets to feel like the 'hero' for a while, so he's happy to do it.

"The Network has had 35 members involved in self-defense incidents, and about half of them were pretty serious. We don't talk about their cases publicly, and you don't see videos with our members speaking. We have had members we helped want to tell their stories. We've only published stories with names a couple of times. One involved a non member after there had already been a trial so the information was public; we published the other story after the statute of limitations had run out. Neither could have been sued by their attacker or the family.

"Most of the time, when members have wanted to tell their stories, we have had to say, 'We can't do that,' because it would not be in the member's best interests, legally.

[Continued next page]

“Depending on the jurisdiction, a person can be sued for up to two or three years after one of these incidents. If you have just been acquitted, you need to keep your mouth shut and if someone wants to publicize your story, say, ‘I need to talk to my attorney first,’ and the attorney is going to say, ‘We are not going to talk about this.’”

More commonly, we’ve interviewed attorneys who represented members, and several of those stories, which are full of important learning points, are also found under the “The Network in Action” menu linked earlier. In the final accounting, actions always speak louder than words, and our record of service for members who used force in self defense does just that.

Marty adds, “There’s been social media about other companies that failed to assist after self-defense acts, and they have been castigated by others in the community of armed citizens. We’ve been doing this for nearly 17 years, and don’t you think it would be all over social media if we failed to assist a member?”

“On the other hand, since we’re not insurance, it is also important that we retain the ability to not help someone if we don’t think we should – if the situation showed that it was not a legitimate act of self defense. Maybe if someone used excessive force. Say there was a pushing and shoving incident, and someone grabbed a baseball bat and beat the other guy to death. We’re probably not going to go to their defense but it has to be clear cut, so we’re going to help members if at all possible.”

The calls that come in to the Network office suggest that people think we’re fielding a dozen such calls for help every week. In reality, Network members are probably the least likely people in the world to get into fights. I would like to talk a little about our Network members – maybe even brag a little about the men and women who are our members.

Who Are Network Members?

17 years of “Referred By” tracking tells an interesting story. When we ask new members how they learned about us, their responses credit recommendations from people they trust, often their instructors. Now, I admit that we “cherry pick” the best of the best armed citizens to be Network members. We enjoy gun shows as much as the next hobbyist, but we don’t market there.

We have an education-focused Internet presence, but we don’t hard-sell membership online or anywhere else with enticing offers to “win a free gun,” or “buy now and be entered in a drawing for something really big.” Overwhelmingly, from the beginning, our introductions to members have come from trusted instructors, many of whom also serve on our [Advisory Board](#) – Massad Ayoob, John Farnam, Tom Givens, Karl Rehn, Dennis Tueller, and attorneys who also teach Emanuel Kapelsohn and Marie d’Amico.

Outreach by recommendation, while not resulting in explosive growth or brags of millions of members, has resulted in very stable membership with high renewal rates year to year and a number of our members have been with us from our very first years. More importantly, we associate with like-minded men and women who came to us because they share our goals. While members sometimes quip that they hope and pray they never have to call us “for real,” they also share the satisfaction we all feel in knowing that for the few members that do need our help over the course of the year, each Network member has contributed to and been part of the relief given to that individual.

I think we are fortunate to enjoy the stability – both financially and by reputation – to operate the Network at a size that lets us best serve the members, so we’re not expending all our energy constantly beating the bushes for new sales.

The reason we’re not doing the hard sell is because our member-assistance organization is well capable of fulfilling its mission for a select group of members, and, while we don’t mean to be harsh, the Network is actually better off without poorly trained or uncommitted gun owners who don’t put in the study and invest the effort to learn and practice their responsibilities as armed citizens.

At the heart of the Network’s mission statement is this: What is practical; what is needed? As a result, the Network is a down-to-earth, basic, no-frills organization of like-minded men and women joined together to make sure none of our own people face the criminal justice system alone after doing nothing more than stopping a deadly attack against themselves or their families. It is nothing more than that; it is all that and nothing less.



President's Message

by Marty Hayes, J.D.

I spent the morning watching YouTube videos about the Daniel Penny trial, and in case you have already forgotten about it, it is the New York subway case where Marine veteran Penny was riding the subway when a mentally ill individual, a 30-year-old black man named Jordan Neely came

into the subway car where Penny was and started threatening the riders. He was threatening to kill, and stating he did not care if he went to jail. Browse to this link for a good overview of the incident **EXCLUSIVE: What Really Happened Between Daniel Penny and Jordan Neely** (<https://www.youtube.com/watch?v=PzjNNqv0jBY>) and a narrative about how commentators immediately portrayed the incident as a racially-motivated murder.

Penny, as confirmed by his Not Guilty verdict on manslaughter and criminally negligent homicide charges, reasonably believed that Neely was an immediate threat to the bystanders.

Another video which I found educational is **The BLACK Daniel Penny | Similar Story, Different Outcome** (<https://www.youtube.com/watch?v=XLEV9TVOk9o>). It details a very similar event, but this time the roles were reversed. A black man used force in defense of someone making threats against others.

My Thoughts

I have a couple of comments regarding Daniel Penny's defense, but first, if he had been a member of the Network, he would have received a more complete defense. The glaring issue I saw was that the forensic pathologist was, as far as I could tell, uneducated about the phenomenon of sudden death due to "excited delirium." You can browse to the following link for a pretty good explanation <https://pmc.ncbi.nlm.nih.gov/articles/PMC3088378/>.

My education in this area came from a law enforcement *Sudden In-Custody Death Instructor* course I took a couple of

decades ago when I was still active law enforcement. There are many law enforcement experts available who could have testified as to this alternate theory of the cause of death, as opposed to the forensic pathologist's theory of suffocation as the cause of death.

Then, I would have also used the many experts available to discuss the "choke hold" theory. If properly applied, Lateral Vascular Neck Restraint, also known as a "sleeper hold" would have rendered Neely unconscious in 5-10 seconds, after which he could have been restrained before he came to. As it was, Neely struggled for over five minutes, before finally passing out. Good expert testimony on the part of the defense would have clarified these issues for the jury.

Lastly, as seen with the George Zimmerman prosecution and subsequent acquittal, Daniel Penny did not testify at this trial. The good news is that apparently his recorded statement to police detectives was sufficient to convince the jury that he reasonably believed he had to act to protect innocent life in that subway car.

By not putting him on the stand, the defense did not expose him to cross examination, but from what I saw, I think Penny would have easily handled the prosecution's cross examination, especially if he would have been properly prepared ahead of time. Most of the time, the defense's preparation of witnesses is lacking, probably due to the time required to do it, and lack of funds for the defense. Fortunately, with several million dollars in our Legal Defense Fund, this will not be an issue if one of our members is in the same predicament.

Another thing that would work in favor of our members is the educational package sent to our members. From pre-attack indicators, to understanding that excessive use of force is not justified, members who take our member education offerings seriously would be able to explain this to the jury. That will work wonders.

As welcome as the acquittal was, let's not forget that Daniel Penny is not out of the woods. He is facing a civil suit for wrongful death. I sincerely hope he has the resources to fully defend himself.



Attorney Question of the Month

State to state, laws vary about using deadly force in defense of one's home and its occupants. We recently queried our affiliated attorneys about how broadly the principle allowing defense of one's home is applied in the various states in which they practice. We asked—

Does your state require citizens to retreat before using deadly force in self defense inside the confines of their homes?

How stringently or expansively does your state define one's dwelling, habitation, or abode as regards home defense rights? (Does it extend onto the home's porch or steps? Attached garage? The yard?)

Some have asserted that laws allowing defense of dwellings extends to tents and automobiles (and indeed some do live in cars and tents). Is that true in your state?

When citizens in your state discuss lawful defense of the home, what mistaken beliefs most often need to be corrected?

The attorneys' responses were many and lengthy. If you missed last month's installment, please browse to <https://armedcitizensnetwork.org/december-2024-attorney-question> and enjoy the commentaries. As the month drew to an end, we received one final response, and it was so complete that we held it back for this month to give it the attention it deserves.

DEFENSE OF HABITATION IN TEXAS

Menashe Sasson, Esquire

NRA-Certified Instructor: Rifle, Pistol, CCW, Range Safety Officer (RSO)

Managing Attorney
Lapin Law Group, P.C.
Dallas, Texas

<https://www.ArmedDefenseLaw.com>

I. WHETHER TEXAS REQUIRES DEFENDERS TO RETREAT BEFORE USING DEADLY FORCE INSIDE THE CONFINES OF THEIR HOME

Texas is a "Stand Your Ground" state. As long as a defender "has a right to be present at the location where the [sic] deadly force is used,"* and the use of deadly force is otherwise lawful, no distinction is made in Texas state law between one's "home" or any other location. The relevant statute provides:

A person who has a right to be present at the location where the deadly force is used, who has not provoked the person against whom the deadly force is used, and who is not engaged in criminal activity at the time the deadly force is used **is not required to retreat before using deadly force** as described by this section.

Texas Penal Code § 9.32(c) (emphasis added).

Furthermore, "(f)or purposes of Subsection (a)(2), in determining whether an actor described by Subsection (c) reasonably believed that the use of deadly force was necessary, **a finder of fact may not consider whether the actor failed to retreat.**"

Texas Penal Code § 9.32(d) (emphasis added).

* As of this writing, no reported appellate case has been found in which the prosecution has argued that a person is not entitled to the protection of section 9.32(c) if that person is not lawfully present in the United States.

II. WHETHER TEXAS DEFINES THE TERMS "DWELLING," "HABITATION," AND "ABODE" BROADLY OR NARROWLY

- A. Defense of "Traditional" Homes
- B. Defense of "Non-Traditional" Homes

Texas statutory law explicitly allows for the use of force, including deadly force, to defend against certain violent crimes committed against a defender or third-parties, where the crime is committed in the defender's "**occupied habitation, vehicle, or place of business or employment.**" Arguably, the protections contained in the statute include what is referred to in legal parlance as the "curtilage" of the property (a home's porch, steps, garage, or yard), as the statute specifically refers to the use of deadly force to protect against someone "**attempting to enter unlawfully and with force.**" One must, by definition, be physically present in the curtilage of a property in order to "attempt to enter" the property.

Likewise, the statute's explicit protection of "occupied habitation" and "vehicle" would seem to protect non-traditional "homes," such as automobiles, tents, and the like.

The Texas statute relating to **the use of (non-lethal) force** states:

(a) Except as provided in Subsection (b), a person is justified in using force against another when and **to the degree the actor reasonably believes the force is immediately necessary to protect the actor against the other's use or attempted use of unlawful force. The actor's belief that the force was immediately necessary as described by this subsection is presumed to be reasonable if the actor:**

(1) knew or had reason to believe that the person against whom the force was used:

[Continued next page]

(A) *unlawfully and with force entered, or was attempting to enter unlawfully and with force, the actor's occupied habitation, vehicle, or place of business or employment;*

(B) *unlawfully and with force removed, or was attempting to remove unlawfully and with force, the actor from the actor's habitation, vehicle, or place of business or employment;* or

(C) was committing or attempting to commit aggravated kidnapping, murder, sexual assault, aggravated sexual assault, robbery, or aggravated robbery;

(2) did not provoke the person against whom the force was used; and

(3) was not otherwise engaged in criminal activity, other than a Class C misdemeanor that is a violation of a law or ordinance regulating traffic at the time the force was used.

(b) The use of force against another is not justified:

(1) in response to verbal provocation alone;

(2) to resist an arrest or search that the actor knows is being made by a peace officer, or by a person acting in a peace officer's presence and at his direction, even though the arrest or search is unlawful, unless the resistance is justified under Subsection (c);

(3) if the actor consented to the exact force used or attempted by the other;

(4) if the actor provoked the other's use or attempted use of unlawful force, unless:

(A) the actor abandons the encounter, or clearly communicates to the other his intent to do so reasonably believing he cannot safely abandon the encounter; and

(B) the other nevertheless continues or attempts to use unlawful force against the actor; or

(5) if the actor sought an explanation from or discussion with the other person concerning the actor's differences with the other person while the actor was:

(A) carrying a weapon in violation of Section 46.02; or

(B) possessing or transporting a weapon in violation of Section 46.05.

(e) *A person who has a right to be present at the location where the force is used, who has not provoked the person against whom the force is used, and who is not engaged in criminal activity at the time the force is used is not required to retreat before using force as described by this section.*

(f) *For purposes of Subsection (a), in determining whether an actor described by Subsection (e) reasonably believed*

that the use of force was necessary, a finder of fact may not consider whether the actor failed to retreat.

Texas Penal Code § 9.31 (emphasis added).

The Texas statute relating to *the use of deadly force* builds on section 9.31 (use of non-lethal force), stating:

(a) A person is justified in using deadly force against another:

(1) if the actor would be justified in using force against the other under Section 9.31; and

(2) when and to the degree the actor reasonably believes the deadly force is immediately necessary:

(A) to protect the actor against the other's use or attempted use of unlawful deadly force; or

(B) to prevent the other's imminent commission of aggravated kidnapping, murder, sexual assault, aggravated sexual assault, robbery, or aggravated robbery.

(b) The actor's *belief* under Subsection (a)(2) that the *deadly force was immediately necessary* as described by that subdivision *is presumed to be reasonable if the actor:*

(1) *knew or had reason to believe that the person against whom the deadly force was used:*

(A) *unlawfully and with force entered, or was attempting to enter unlawfully and with force, the actor's occupied habitation, vehicle, or place of business or employment;*

(B) *unlawfully and with force removed, or was attempting to remove unlawfully and with force, the actor from the actor's habitation, vehicle, or place of business or employment;* or

(C) *was committing or attempting to commit an offense described by Subsection (a)(2)(B);*

(2) *did not provoke the person against whom the force was used; and*

(3) *was not otherwise engaged in criminal activity, other than a Class C misdemeanor that is a violation of a law or ordinance regulating traffic at the time the force was used.*

(c) *A person who has a right to be present at the location where the deadly force is used, who has not provoked the person against whom the deadly force is used, and who is not engaged in criminal activity at the time the deadly force is used is not required to retreat before using deadly force as described by this section.*

(d) For purposes of Subsection (a)(2), in determining whether an actor described by Subsection (c) reasonably believed

[Continued next page]

that the use of deadly force was necessary, a *finder of fact* may not consider whether the actor failed to retreat.

Texas Penal Code § 9.32 (emphasis added).

III. COMMON – BUT MISTAKEN – BELIEFS ABOUT HOME DEFENSE IN TEXAS

A. Misconception: Texans should feel free to take advantage of Texas’ permissive (as compared with many other states’) laws relating to the use of deadly force.

Attorney Opinion: Regardless of how “permissive” a state’s use of deadly force laws may appear, the best course of action is to always avoid the use of deadly force if such avoidance can be accomplished without unreasonably exposing the defender or third-parties to life-threatening harm. “Permissive” use of force laws were enacted not to encourage avoidable uses of deadly force but, rather, to protect an individual from criminal liability if the individual finds himself in a situation in which the use of deadly force cannot reasonably and safely be avoided.

B. Misconception: Criminal defense attorneys understand

how to best handle a self-defense case.

Attorney Opinion: See our recent article *How NOT to Hire a Criminal Defense Attorney for a Self-Defense Case*. <https://www.lapinlawtx.com/firearms-blog/2024-001>

C. Misconception: The defender believes he “didn’t do anything wrong” and therefore will not be charged with a crime or civilly sued for damages or, similarly, the judge/jury will understand that the defender acted in self-defense and I will not be convicted.

Attorney Opinion: There are never any guarantees when a case goes to trial. That’s a primary reason why an overwhelming majority of cases – both criminal and civil – settle before trial.

A big thank you to Attorney Menashe Sasson for this month’s discussion and to the affiliated attorneys who provided answers last month for generously sharing their experience and knowledge. Members, please return next month when we have a new question for our affiliated attorneys.

Video Review **Make Ready** **with TacMed Solutions:** **Concealed Carry Medical**

Presented by Dan Stout, training manager
for Tactical Medical Solutions

<https://www.makeready.tv/en/watch/tutorial/details/make-ready-with-tacmed-solutions-concealed-carry-medical/5676>

Reviewed by Gila Hayes

When I need to do mindless tasks, it's easier to stick with the job if there's a video or audio lecture playing to teach me a thing or two. Streaming video is great in those circumstances, with the opportunity to be exposed to new material, benefit from reminders of past instruction and get motivated to go to training. I'm picky about instructor qualifications and while it can be amusing to watch a wanna-be make a fool of himself or herself, really, best use of time requires that before committing time, I need to know that the presenter is competent to teach the material.

Panteao Productions' Make Ready TV has presenters with the chops to teach the topics under consideration with authority. Recently, I watched their *Concealed Carry Medical* program, and think it is well worth discussing in our review column. At the time, I wondered if I'd subscribed and forgotten about it, because the content streamed with no paywall to work through. Later, when I complimented Panteao head Fernando Coelho on a well-done program, he explained that he is switching to advertising-supported programming. That's a huge change, and Network members should bookmark <https://www.makeready.tv/> for video instruction. Let's run up the viewer numbers and let those advertisers know we appreciate these lectures and demonstrations.

Life comes with many risks, requiring many responses, of which the need for deadly force comprises only a tiny fraction. The self-defense training community supports that premise and has done an admirable job of adding emergency medical and first aid to class offerings. The video I watched was a great refresher.

After introducing himself and his experience, instructor Dan Stout comments that although retired, he carries emergency response supplies with him everywhere. His law enforcement and military training in emergency medical treatment is useful both in public and at home. Even in communities where emergency medical services are nearby, medics have to wait for police to clear the scene before starting to work. The time lost waiting can cost lives. Likewise, a shooting range accident or a serious injury during outdoor recreation can kill before emergency medical teams can reach the victim. Acknowledging



that this video compresses into an hour a subject on which he could teach a week long course, Stout's intent, he explains, is to give an overview of practical solutions. Don't mistake the video for training, he warns. He can only describe and illustrate the basics which he hopes will motivate the viewer to get formal training.

Stout cites the 1999 Columbine school shooting as the wake-up call that made him look beyond his duties as a Gainesville police officer and train to become an EMT and become his SWAT team's medic. Columbine emphasized the necessity of immediate care as soon as the threat is neutralized, but before ambulances arrive.

Stout translates military terminology used and often parroted in training, commenting that tactical combat casualty care would, for the private citizen, mean tactical emergency casualty care. Accurate terminology for private citizens recognizes that the private citizen operates without being able to call for back up teams, as police or military units could. As a result, he says, our response to a medical emergency is, "What can we do, with what we have, right here and now?"

Immediately rendering medical aid may not be the most effective ways to keep people alive, he continues, noting that hazards like gunshots or natural disaster not only endanger the first responder but also everyone else present. The greater danger must be addressed first. Make sure, he emphasizes, that it is safe to stop and help the fallen. He later gives a good briefing on awareness, avoidance, and remaining alert to risks even while deciding what you can do to help others who have been hurt.

When triage is taught, numerous acronyms are used. For example, A-B-C can teach to prioritize assuring that the victim's airway is clear, and that they're breathing, and have blood circulating. Those priorities may be taught in different orders, Stout acknowledges, but he thinks that may not make a lot of difference, so long as all the acronyms make sure we don't forget something. His guiding principle which he hopes to imprint on his viewers is, "We are in a 'find it, and fix it' mode."

You need to determine the cause of injury, he continues. Next, assessing severity of injury and the victim's level of alertness gives not only an indication of their condition, but also directs the haste with which that person requires treatment over, perhaps, another victim or moving them to a less dangerous location. Stout identifies four categories, starting with fully alert. Less alert might find the victim capable of speech – "verbal," he terms it, but adds that at this stage, a person's communications are less clear than in the first. In the condition termed "painful," the victim isn't communicating verbally, but is responsive to minor pain you create to assess their condition. At the fourth

[Continued next page]

and lowest level, the victim is unresponsive, does not react to the rescuer's attempts to get their attention verbally or by creating minor pain. "If they're drifting into unresponsiveness, you better do something now," he adds.

The right attitude is all-important in find it and fix it mode, Stout teaches. When reacting to an emergency, the urge is to go too fast, and that is dangerous. You need to "slow your roll," he emphasizes, and take time to be a medical detective to determine what put the victim on the ground. Look for deformity, a bump or abrasion; an open injury from gunshot, a puncture from a stab or other injury that opened the flesh; look for tenderness or swelling that might lead you to discover a fractured bone.

Having found the cause, offer help "to the best of your abilities," he continues, "with what you have, where you're at, and how you've been trained." Stout teaches that the minimum load out carried on body is a tourniquet, "the #1 thing we have to have," and a hemostatic agent for places a tourniquet won't work. Those supplies need to be carried on-body, he explains, "It's got to be on me in order for it to make a difference." In his waist-pack, Stout also carries gloves and other supplies. Although retired, he equips his cars with a bigger kit to allow him to use his higher level of training, and it includes chest seals, tape, bandages, and more. He carries trauma shears, leading him to discuss the risks of a pocketknife pressed into service to cut clothing away from an injury.

Stout's long segment on tourniquets is a great refresher. First, Stout emphasizes, tourniquets are safe. He debunks the old belief that amputation may be required if you cut off circulation to stop bleeding. Next, he urges, practice applying TQs on oneself and on others, but practice realistically, adding that no one who's injured an arm will stick it out straight away from their body or the end of the limb may be trapped, and you may not be able to slip the TQ over the hand or foot. He demonstrates solutions, explains why to apply tourniquet pressure "high and tight," shows how to wind the windlass if you have trouble gripping it, and a variety of other tricks of the trade to

make applying a tourniquet smooth and speedy. There's a lot more in this segment that makes the time spent watching the video well worthwhile.

Stout demonstrates use of various hemostatic dressings for bleeding that can't be stopped by tourniquets. He gives a little history, harking back to the granular clotting agent once poured into wounds and the gauze that's now infused with the clotting agent. He demonstrates rolling the tip of the hemostatic gauze into a little ball, packing that into the wound, then maintaining pressure while aggressively packing in sections of the rest of the gauze until the wound is tightly filled, all the while consistently maintaining firm pressure, so bleeding doesn't start again.

Did it work? If blood is still flowing, you'll have to tear it all out, pack it in again, and keep the pressure on. He warns that if the victim is conscious, they may pull away from the pain of packing; a second person may be needed to control them.

He shows packing in the gauze firmly, maintaining pressure with the heels of both hands, then wrapping bandages to maintain compression. If blood is no longer seeping beneath your hands after three minutes of pressure, you can wrap it tightly with a compression bandage, he teaches. He gives a shout out for the Olaes® Modular Bandage to keep compression on a packed wound.

In addition to discussing and demonstrating stopping bleeding, Stout shows stabilizing spinal injuries, preventing shock, includes a good chapter on CPR, demonstrates practical ways to move victims out of danger and to evacuation areas and a lot more. More than once, his explanation was so much clearer than previous instruction I'd received that I thought, "Ah, ha! That is what the instructor meant." Still, Stout repeats that he doesn't intend for the video to serve as training. It is a reminder of the need to stay current on our training. I found the presentation very useful and hope our members will take advantage of this resource, as well as other videos at [Make Ready TV](#).



Editor's Notebook Not Under the Radar

by Gila Hayes

Members of unpopular minorities have long struggled with the need to show others that people of their persuasion are mainstream, are contributing citizens, and are regular working guys and gals just like everyone else. The

older among our readers will remember that in its heyday, the National Rifle Association urged their members to display NRA bumper stickers, suggesting that hoplophobes would give up their hatred of gun owners and their irrational fear of firearms if their neighbors self-identified as gun owners.

Stickers and signs also identify the "tribe" to which we belong, or as they say in the Westens, "the brand you ride for." Having just survived a hotly contested general election, we still see plenty of examples of signs and stickers expressing allegiance to one party and its candidate or to the other. Favorite sports teams, one's religious practices (ranging from Christianity to paganism), and even tourist attractions show up on stickers, sometimes seasoned with humor ranging from self-deprecating to insulting. We humans have strong needs to belong, as Maslow taught and as has been carried forward in later years by Baumeister and Leary who identified the need for affiliation as a facet of this fundamental human motivation.

From these and likely from other causes, many people today still fall prey to the temptation to plaster on bumper stickers or display yard signs or stickers in their front window. These range from warning tailgaters that the driver is reloading or displaying yard signs or stickers in their front window threatening to shoot trespassers once and survivors again.



When the Network was getting started, requests for bumper stickers and window stickers came frequently. We never went that route, since part of our advice to Network members, credited to our mentor and advisory board member John Farnam, is to adopt the stealth lifestyle, not drawing attention to oneself through ostentatious behavior or appearance, and not displaying gun company logos or other signs pledging affiliation to one cause or another. Bumper stickers and window stickers epitomize that kind of signaling.

For the Network, once the sticker is out in public, control of where and how our name is displayed is lost, so we avoid the whole risk. I was reminded of that decision recently when I saw a competitors' logo displayed in association with the flag of the sovereign citizen movement, a matched set of frowning skulls, several Gadsden flags, part of a gun manufacturers' logo, and a sticker warning, "I Hate Stupid People." The individual right to self-expression is held in high regard and, for that matter, Americans revere our freedom to express allegiances and emotions of all sorts, even those that raise concerns about one's peaceful nature.

Personal decisions about public displays like this have nothing to do with free speech. At question is whether the attention attracted is, to quote Farnam, "in your best interest." Is it in your best interest to make others wonder if your actions express your hatred toward them because you believe they're stupid?

Is it in your best interest to create concern in the mind of the highway patrol officer who stops to warn you that a mechanical problem of which you were unaware has made your taillights go dark? Walk a mile in those uniform boots and imagine contacting a stranger without knowing which anti-government faction that sovereign flag sticker promotes.

If freeway traffic is bumper to bumper and some ultra-sensitive driver thinks you unfairly cut him off, will the snarling skull stickers communicate you behave angrily in general when really, you're just another harried guy trying to merge into heavy traffic during rush hour?

In conjunction with all those questions, what does your gun insurance sticker suggest if things go wrong and the driver of the car you hit in an unavoidable fender-bender wants to teach you a lesson? As Farnam teaches, "What is in YOUR best interests?"

Unfinished Business

Feedback from members about my interview with John Farnam in the December journal included a reminder that not all the old familiar phrases are entirely accurate. I had asked Farnam about trouble communicating with immigrants who hadn't mastered English yet, with the observation that we live in "a nation of immigrants." Our member in the heartland state of Oklahoma countered

[Continued next page]

with, "I contend that America is not a nation of immigrants, rather we are a nation of settlers.

"Our forefathers were settlers who came to this land and founded this nation. They did so by declaring our independence and drafting a constitution that made us a unique nation. Those who arrived after we became a nation are immigrants. The majority of Americans are the descendants of those original settlers."

Forward into 2025

Optimism is breaking out all over, even in the columns of several dour opinion writers I read at the Wall Street Journal. For peaceable, middle-class men and women, however, reality is a bit different. The professional victim class is rallying the troops, stirring the pot, and preparing every tool imaginable to tear down America. To cite only one example, Black Lives Matters has asked Biden to "issue proactive pardons for all peaceful protesters who may face federal charges while resisting the incoming administration's attacks on racial justice, democracy, climate action and other critical issues." Proactive, really?

Concurrently, we're hearing warnings about international terror attacks on American soil. Sadly, the foreign powers will have no trouble recruiting local help since home-grown anarchists have had four years to recharge and grow stronger with little fear of prosecution. Whether the flash point turns out to be depor-

tations of people illegally in the United States, or if resisting a return to law and order ends in police shootings to enforce the law, groups that benefit from anarchy are poised to use any excuse to reignite their violence.

Then there's local politics. Despite all the crowing about the president-elect's "landslide" victory and Republican control of the House and Senate, the margins are in reality, very thin. In "blue" states, almost two dozen governors have aggressively pledged to work without ceasing against the reforms Trump promises. Whether your concern is better health care, environmental law, self-defense rights, or enforcing immigration law, you can bet there will be people who strongly oppose your viewpoint and some of those opposing voices will actively incite violence and destruction.

I think we would be wise to study where we go and identify where our needs take us and whether that overlaps with likely protest areas. For example, during the worst of the Portland, Oregon antifa violence four or five years ago, I stopped going to an art glass company I patronize until a back route opened up that didn't require going through the city's congested downtown core. We have a little time now to study ways to avoid or escape situations that expose us to renewed violence. Now is also a good time to check our back up supplies of water, stored emergency food, and ways to keep our homes habitable if terrorism takes down the power grid or destroys the water system.

About the Network's Online Journal

The *eJournal* of the Armed Citizens' Legal Defense Network, Inc. is published monthly on the Network's website at <https://armedcitizensnetwork.org/our-journal>. Content is copyrighted by the Armed Citizens' Legal Defense Network, Inc.

Do not mistake information presented in this online publication for legal advice; it is not. The Network strives to assure that information published in this journal is both accurate and useful. Reader, it is your responsibility to consult your own attorney to receive professional assurance that this information and your interpretation or understanding of it is accurate, complete and appropriate with respect to your particular situation.

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.

The Armed Citizens' Legal Defense Network, Inc. receives its direction from these corporate officers:

Marty Hayes, President

Gila Hayes, Chief Operating Officer

We welcome your questions and comments about the Network.

Please write to us at info@armedcitizensnetwork.org or PO Box 400, Onalaska, WA 98570 or call us at 888-508-3404.