

Flash Mob Survival An Interview with Michael Bane

Interview by Gila Hayes

Perhaps the latest symptom of the deterioration of law and order, is the evolution of what a Los Angeles County deputy chief termed "Flash Robs." Multiple thieves coordinate to loot stores in a matter of minutes before police can arrive. Two common variations are multiple looter smash-and-grab robberies of smaller stores like 24/7 convenience markets or the neighborhood Walgreens or CVS Pharmacy, often carried out by teens or even homeless recruited shortly before the attack or, as occurred several months ago in the Topanga Mall flash mob robbery in CA, well-organized mob crime targeting high-end merchandise, which can profitably be resold.

In response to Network members concerned about getting caught in flash rob violence, we sought the perspective of a long-time journalist and commentator, Michael Bane. We now switch to Q&A so readers can learn from him directly. Browse to <https://www.youtube.com/watch?v=VRoAPqVo2H0&t=107s> to view a lengthier video of our interview or click on the adjacent picture.

eJournal: Readers may remember you, Michael, from the Outdoor Channel's *The Best Defense* or *Shooting Gallery* television programs to which you brought a wide range of experience – from journalism, writing magazine features, to extreme sports like cave diving, mountain climbing, competitive shooting, and probably other adventures you haven't told us about.

These days, I absorb a lot of your programming on video and podcasts (<https://www.michaelbane.tv/category/podcast/>). For me, much of the value is your perspective on current events. Michael, how does today's civil unrest differ from the protests that turned violent while you were a young journalist?

Bane: There are a lot of similarities as well as differences. Over the years, I have found civil unrest riots to be absolutely fascinating. If I could put just one description on modern civil unrest, I'd say it is damn well organized. Social media serves, for lack of a better word, as an organizing engine. The demonstrations, the protests, the unrest, the riots are controlled at a level that wasn't done back in the early 60s-70s. Riots during those periods tended to be more anarchic because there was much less command and control. Social media gives the ability to have a higher level of command and control.

eJournal: The common misapprehension about "flash mobs" is that they're spontaneous. I listened with great interest to your Michael Bane TV podcast recently on the topic. I have to ask,



what motivates flash mobs to hit retail stores? Is it merely property theft – resource predation? Is it tribal violence? "Let's sack and burn the opposing tribe and obliterate them completely." Or what else is it? How does that fit in to the violence we train to defend against?

Bane: I think it's all the things that you just said, and in a sense it's also a new animal because it is an attack coordinated through social media. Initially, flash mobs were a ritual tribe members all did together. Essentially, we're in the process of retribalizing the United States. It always ends up badly, nonetheless that's the track we're on now.

When the concept of flash mobs started, it was fun. Normal people go, "That's sick. Destroying other people's property, shoving people to the ground, beating people up: that's sick." You want to find out if violence is fun? Talk to any three-year-old when they're tearing up every toy they have.

I saw that in major riots in Washington, D.C., including the uber-violent Weatherman above ground action assault on the South Vietnamese embassy, the Overtown riots in Miami, riots in LA and Memphis. I graduated from college the year Dr. King was killed and friends and I broke curfew and went into the riot zone of one of the most hellish urban riots in the United States. I consistently saw in the Washington riots and the Overtown riots that they're fun.

If the entire police department was there with sticks and beat the people involved in a flash mob robbery into the ground when they come running out, it might not be as much fun. In one of the Washington riots, I was beaten to the ground by a cop on horseback with a long stick, and I can assure you, it isn't fun.

Flash mobs became organized crime when they discovered they could make a couple of bucks off it. MS 13, Latin Kings, pick a gang, any gang, said, "Hey, when you run out of that

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store if you grab a handful of small electronic games, we will buy them from you for X dollars and you can do wherever you want with that money." You're in, then you're out, no one person has responsibility. Defunding of the police, the demoralization of the police, the absence of qualified immunity all creates a situation where flash mobs evolved into a very sophisticated armed robbery model. The police aren't coming, and I don't blame them.

eJournal: The government used to arrest, prosecute, and jail gangsters for shaking down businesses.

Bane: We are seeing civil unrest that is government-sanctioned violence at a level we have never seen before in the United States. I've seen it in Central and South America. I was in a tropical rainstorm in a South American country. It was pouring down rain and a military unit was walking down the sidewalk. A friend said, "Step off the sidewalk."

I said, "I don't want to, man. It's running like a river down there. If I step off the sidewalk, I'm going to be soaked."

He goes, "You got one of two choices. Step off the sidewalk or die. The military guys will shove you down and kill you."

I said, "But..." And he goes, "But what? Welcome to our world." The sanction delivered by the military, which was involved in smuggling drugs, was beyond the civilian authorities or was sanctioned by the civilian authorities.

With the rise of Antifa, we see what are essentially shock troops. I've talked with trainers like John Murphy and Ed Monk about this. Watch video of the first Antifa riots. They were very anarchistic, very much like you might see in 1969, 1970. More recently, I was watching one with my girlfriend and I said, "Watch that guy way over on the right-hand corner of the screen." She goes, "The guy just standing there with the headset on?" I said, "Yeah, that's command and control." That was an organized riot. He was moving troops around a prepared battlespace.

That is more sophisticated than we saw in the early days. I got to spend some time with Jerry Rubin and Abby Hoffman, who were famous figures back then. They wanted that kind of command and control of big demonstrations, because they knew that a big demonstration, like a march on Washington, was going to turn into a riot. The problem in riots is that you light the fuse and run, because it's going to go off.

Back then, you didn't have much control over the guys on the frontlines who were going to light it up. You need control or at least communications with those guys. You need communications to be able to bring in med-evac; you need communications to move troops from one area to the other. Unfortunately for us, they have all that now and it does work.

Another thing Ed Monk has talked about is that in this environment, if you have to defend yourself against a politically-sanctioned violent actor, he isn't going to jail. You are. It's terrifying.

eJournal: It certainly influences our decisions and makes recognizing and avoiding mob activity a high priority. If I miss the warning signs, I need to know how to get out with minimum damage to myself and my loved ones.

Bane: I remember a bizarre incident in the middle of a riot in Washington D.C. Police are running, sirens are going off, there's tear gas everywhere and people are screaming. A woman wearing a suit and carrying a briefcase is walking across one of the bridges into D.C. I've got a gas mask dangling and she looks at me and asks, "Is something going on?"

Number one: we need to have a level of awareness that begins by understanding what's going on in our community. We have to be aware of the news. Is there going to be a demonstration? I'm here to tell you, if there is a demonstration, it is likely to become a riot. If it doesn't, that's really a surprise because the people behind it want a riot. They're looking for news coverage, and a bunch of guys walking around with a sign that says, "Peace, love and happiness" doesn't get news coverage.

We all look at The Weather Channel and stay home if there's going to be a hurricane. It almost has to be the same. The local newspaper says there's going to be a big demonstration at the state house. My office building is next door to the state house. I'm going to call in sick. Number one, I'm not going to be there.

Second, if you are there, once you realize what's going on, you need to get out while you can. As a demonstration or a riot intensifies, a lot of people tend to get pushed together. Your immediate thought should be to get to the outskirts; get to the sides. On the side you have a chance. If you're in the middle, you're going to be pushed further toward the middle. I've heard people say, "Well, you just push your way back out." *[grinning]* Yeah, give that a try! If you're surrounded by a couple of thousand people and they're going east; you are going east!

If you try to push your way out, you now become the "other;" you become the enemy because you're trying to get out. I remember being in one situation where somebody said, "Are you with us?" I said, "Absolutely, smash the state." What do you want me to say? I'll say anything you want to not end up beaten or trampled.

Trampling is the big fear. I want to get to the outside. I want to get against buildings because buildings have doors. You need to work to the sides as quickly as you can, then use that environment. There might be an alleyway; there might be a doorway. Do anything you can do to get into it. Even if it's just a niche, you can push yourself in the niche and wait for the larger flow of the riot to move past you. You want the big crowds to move on past you.

I've been in a niche just between buildings and somebody said, "What's the matter? Are you afraid?" I'm like, "No, just catching my breath, brother." I was really waiting for them to go by so I could get out of there.

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eJournal: Is getting to the outside applicable to the smaller, perhaps more volatile, flash robbery situation?

Bane: Absolutely and those scare me more than anything else. In a larger demonstration, there's command and control. You may not think it's there, but it is. They're not necessarily wanting to give you an instructional beat down. They're there to get media.

The level of violence at a flash mob or smash and grab robbery is super high. There is less control; it's mostly, "Go," "Stop," "Run." If you're in the jewelers or the Walgreens over-the-counter drug section and suddenly people are flooding in all around you and stuffing bags, your move is to get out and you can never get out through the middle.

Ideally, you checked where the doors are when you walked in. Is there an exit, a way out the back? Is there a big sign that says, "No admittance?" That's great because it's going to lead to a door. Go there. In his studies, the late Dr. William Aprill (<https://armedcitizensnetwork.org/the-psychology-of-terrifying-attackers-part-i>) found that 75%-plus obeyed signs that said, "Employees Only," "No Admittance," "Alarm Will Sound." You don't care if the alarm sounds; you want the alarm to sound! Know where exits are.

You need to be aware of what's happening outside of the venue. If you're in a jewelry store and look out the window and see a lot of people coming from different directions, homing in on you, leave! You can always come back. You need to err on the side of caution. If I see a bunch of people angling, moving in this direction, I don't need to be here. I need to be out. I need to be gone.

If I have people under my care, children or spousal units, they have to understand that when I say, "It's time to go," it's time to go. Early on, I had this talk with my sweetie (we've been together for 30 years), "Things may happen in our life, when I'm going to say, 'We have to do X right now.' If I say that, it's only because I am aware of a situation that's potentially developing around us that I want us out of. I will never embarrass or trick you." That's a hard talk to have.

You have to be able to move very quickly without thought of, "Boy, I'm going to be embarrassed in the morning." That's cool, you get to be embarrassed and alive.

eJournal: Yes, giving ourselves permission and is related to something you talked about in a recent podcast: mental rehearsals. Now, this gets interesting because we're mentally rehearsing scenarios for things that some have called unimaginable. We're trying to imagine the unimaginable!

Bane: Absolutely right. William Aprill said that we have to make spaces in our heads for things that can happen, because unless we make a space in our head for it, we can't plan, we can't do the modeling that's necessary.

eJournal: What if our personal biases make us think we know more than we actually know? How do we build realistic mental rehearsals, what I've heard you call "modeling," so in a chaotic situation we have directions, "Leave, stage right" and we do it.

Bane: Simplicity is important. I learned in high-risk sports like cave diving, mountain climbing, jumping off things and a plethora of "stupid," that you have to be 100% right, 100% of the time. That's a phrase that I stole from my primary cave diving instructor, John Orłowski. He said, you have to understand what keeps you alive and then you have to practice until it is "100% right, 100% of the time."

To do that, you can't have 50 rules. That's the genius of Colonel Cooper's gun safety rules. It's simple, it's straightforward. There are four. The Four Safety Rules work. In cave diving, how many rules are there? There are three. You always have a line back to the surface; everything's redundant like multiple lights; and dive one third in, one third out, one third for when everything goes south, which it will sooner or later.

When we talk about flash mobs, we can't have a complex plan! I can't say, "Okay, here's what I'm going to do: I'm going to tuck and roll and then I'm going to withdraw my AR-15 from the backpack at the same time I'm drawing my Randall attack knife which I'm going to keep in my teeth." None of that stuff is going to work! What's going to work is: "Out! I need to get out. Oh, when I stepped into the room, I saw exits on the left and right. Exit on the right is closer, bye." I want to make every move that I make simple. Have you ever seen the video that came out of the Kenyan mall terrorist attacks? If you study it, the people who survived did simple things.

All violence is a chaos system. A chaos system is defined as so many factors acting on the system that it is not predictable. You don't know the factors and you don't know how they're acting on the system. They are changing as the timeline runs.

We've all been in martial arts, right? There's always that time after being in the dojo when someone says, "Now, if a guy comes into the bar and starts insulting you, are you going to do a round kick? Are you going to do a knee, a snap kick, punch him in the face?"

I say, "I'm going to leave."

"Well, why would you leave?"

"I'm going to leave because I don't want to get in a fight." I'm not looking to get in a fight because in this chaos system, it's conceivable that is Chuck Norris. Bizarrely, in one of my other lives, I have sparred with Chuck Norris and Jorge Gracie. It's like being struck by lightning. You think you're good right up until the point that you're lying on the ground going, "Wow, that hurts a lot."

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eJournal: In your bar scenario, you spelled out why you would leave, but more importantly, you acknowledged the possibility that you don't understand everything that is happening.

Bane: Absolutely. I knew that growing up. I grew up in the South, in Memphis. It was different times. A lot of my relatives were casual about their relationship with the law. They might stand with the sheriff or local marshal when he needed help, but on the other hand, they might also run whiskey, which was the family business. My grandfather and my uncles told me, "The problem is you don't know who the other guy is, and he has a say." That's a cliché we all use now: "The other guy has a say." Well, he also might have a knife or a shotgun or ten friends. You don't know; you can't know, so everything that you do has to be predicated on a worst-case scenario.

The direction the training community is pushing in right now bothers me. I understand that you may need hand to hand skills and guns, but after an afternoon or evening in the dojo fighting and you're with all your buddies in a bar, fighting is the solution all those guys have if a person comes up and insults you. Their solution is to fight because that's what we've been training to do. We have been training to fight and training to shoot.

What's that great line? When you have a hammer, everything looks like a nail. In your head, you program those responses. You have to be careful that your training doesn't program you to do something that puts you in the soup.

A lot of my early thinking was shaped by Andrew Branca's very first book. At each stage in a decision tree, I understand that I made a decision that led me to a branch that maybe I don't want to be on. On *The Best Defense*, Marty Hayes and I walked through the entire George Zimmerman event. What could he have done? What other decision would have yielded the results he wanted, which was to have the police find some sketchy guy – without ending on his back having to shoot some dude? My decision tree always, always has the opportunity to exit.

In new-product design, Hewlett Packard used something called "phases" and "gates." In a project, you work on phase one, and then there's a gate to phase two. Once you step in the gate, it shuts, and you cannot think about phase one. They wouldn't let you. That's a model that I used working with John Shaw with whom I co-wrote the very first book on practical shooting, *You Can't Miss*.

I applied it to self-defense situations. When I step through a gate, I am no longer rethinking what caused me to step through because that slows me down. Let's say I've tried escape; I've tried evasion; I've tried to do this or that but now I have to step through a gate and give some kind of response. I've gone from strategic to tactical. I don't want to think, "Oh, man, should I have turned left back there? Should I have screamed?" No, once I step through that gate, I have to wipe all other thoughts out and only work the problem in front of me.

Is this a shooting situation? If it is, I've stepped through

another gate. I'm in another phase. A guy's moving toward me; he clearly has his hand on something in his pocket. Is he an aggressor? I have now moved into a different situation and as I step through that gate, my sole concern is dealing with the tactical situation. Am I going to shoot the guy walking toward me? I know I'm going to yell. There's a whole series of things that we train to do that work.

John Shaw had a great analogy. Everybody thinks we have unlimited attention spans and can multitask, but we can't! What we have is one dollar worth of concentration, one hundred pennies of concentration. Your only choice is where you put the pennies. In the course of a day, I'll find myself with five pennies on my desk wondering why that microphone didn't recharge and I got three pennies wondering how much coffee is left.

As you move through gates into more and more dangerous situations, all your attention needs to move in that direction. Shoot, no shoot is a hundred pennies, period. It has to be, because the rest of your life, your livelihood, your family all hang on your ability to concentrate one hundred pennies worth.

If we're in the Walgreens when it gets sacked, our hundred pennies have to be on what to do. Well, best case, escape. Escape is always the best case.

Second-best case? Can I talk my way out of it? Here's another thing that worries me about training. I was recently reading about verbal de-escalation. I've taught verbal de-escalation; you have, too. Well, in the world we're in right now, does verbal de-escalation work?

If you were mugged in Mexico City would verbal de-escalation work? I think it would not because it's not your culture; the words have different connotations. The world we're in right now has a different culture.

If you try to talk down or de-escalate a multiple aggressor situation, do you know what's going to happen? You're going to be trying to de-escalate with Joe Bob, who appears to be the warlord, and there's going to be people on either side of him trying to ramp it up, trying to escalate, saying, "Hit him, hit him, shoot him, hit him, hit him, hit him!"

In this new world, it's important to understand the limitations of things that we were taught. I've verbally deescalated against an aggressor and made it work. I made him laugh and as soon as he laughed, I got to leave because essentially, I had altered the situation. Another thing I've used that has been used by a lot of others is the power of apology in bad situations. I've said, I am so sorry. I'm just sorry.

If you can do that, do it, but at the same time be aware that when you have a situation like a flash robbery, once they're flooding in, they're targeted, and they are going to complete their action. You are not going to be able to turn them from it. I believe verbal de-escalation is closed to you in that situation

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and every minute you spend trying to do that is time wasted. It's gone. You haven't used that time to its best use, which is getting out, being invisible, making sure you don't somehow stumble into the guy with the sledgehammer.

eJournal: Marc MacYoung wrote a great book about multiple attackers (<https://armedcitizensnetwork.org/december-2020-book-review>). We should be terrified by what he taught us because there's not too many wins in fighting multiple aggressors for me.

Bane: There aren't. People should read Marc McYoung's stuff. It's basic reading for what it is we do. One of the changes in the self-defense landscape is the rise of multiple aggressors. If you go back 30-40 years when I took my first self-defense classes, the single aggressor was the overwhelming threat. I remember the very first time I took LFI I back when Massad Ayoob (<https://massadayoobgroup.com/who/>) and I were both young. I remember at that point, about 70 percent of attacks were between people who knew each other either intimately or tangentially. Right now, the standard is multiple aggressors. If all you have in your head is how to deal with a single aggressor, well, best of luck!

Right now, I think erring on the side of caution is thinking there are multiple aggressors, I just don't see the others yet. My movements have to get me clear of multiple aggressors because I know from Marc MacYoung's writing and my time in the martial arts, against multiple aggressors, you can win only if the game was loaded where one would aggress, then pause and let another lead the aggression and then another. I've seen street fights and that doesn't happen in the real world.

eJournal: Mental flexibility may be the most powerful thing I see you demonstrating. It's easy to get stuck back in our salad days and say, "I know this because this is what worked for me, and I was great back then." Well, you know what? As you've said over and over this morning, the landscape is entirely different now.

Can you recommend ways to develop and keep mental flexibility and adaptability, that reality-focused awareness of what may come our way?

Bane: We have to be more humble. When I was climbing big mountains, I trained to climb Mount McKinley, which is a dangerous mountain. We saw people die on its slopes. It is scary. Steve Ilg, who was my personal trainer at the time and who worked with me for years, said, "You ain't smarter than Mother Nature. No matter what I teach you, Mother Nature can find stuff you've never seen before."

You need to be aware that Mother Nature can throw something that you don't have the index card for at you. That means that you have to have, as he said, Plan A, B, C, D, ZZ, ZZZ. When you do mental modeling, you always have to know that a chaotic situation can throw things at you that you would never have imagined.

If you train for probable, there are three circles. What's likely to happen to you is in the middle, and that's your primary training. Then there's stuff that could happen, and that's the second circle. And then there's another circle, and that circle includes ninjas dropping from airplanes. You have to say, okay, that's not likely to happen, but it could, and maybe I need to think about that. Maybe somewhere in that outer circle I need to spend more time working around a vehicle or stuff like that.

As Dr. Aprill hammered, you have to have an open mind. When something strange does happen you think, "Okay, alright, do this step by step. How do I get out of this? What do I do here?" That is a humbling experience.

You come out of the dojo with a black belt, or you have a USPSA Grand Master or an IDPA Distinguished Master rank and you think, "Damn, I'm a bad dog." Well, no, there are bad dogs out there that are really frightening. I spent some time with the FBI profiler on which Joe Mantegna modeled his character in *Criminal Minds*. I finally told him, "Brother, I am so glad that what's in your head isn't in my head." Talk to people like that and you realize there's a whole level of scary stuff out there that is beyond what you've ever thought about.

You need to be humble and the same time, you have to have your basics down. You have to know under exactly what conditions you can hit the target: what distances, how fast can you fire a second shot that's going to hit the target. You have to know that on a granular level. You don't need to find out in a worst-case scenario that you can't hit a head shot at ten yards. That is a bad time to find that out.

I come back to a story I love to tell. I was eating at a McDonald's with two SAS troopers and a guy who went on to Homeland Security and did other spooky, secret squirrel things. [USPSA](#) had just started; we'd just started "combat shooting," and I was really new. The SAS guy says, "Quick: The balloon's gone up. Here you are, who do you kill first?" I'm like, "Excuse me?" The other trooper picked it right up and gestures around the room, "One, two, three, four. Let's talk about why we're talking about this. We talk about it because you need to start thinking, well, what happens if a balloon goes up? What if there are a lot of bad people? What if this is the McDonald's from hell?" At the end, the guy said, "You see why we're doing this?" and I said, "I do," and he goes, "After a while it won't even seem weird to you." The modeling function needs to run constantly, constantly.

eJournal: You go into the Walgreens and who do you see around you?

Bane: Who do you see around you? Does anybody look scary to you? Want to see a change in the landscape? Look at the number of aggressors who are in the 11-to-14-year-old age group. Ask a carjacker, why are you stealing this car? A normal business carjacker will say, "Because I got a contract, it's going

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to be disassembled and shipped out to Matamoros tomorrow afternoon,” but the young ones might say, “It looked cool. I’d like to drive this car. It’ll be fun.”

To me, the scary one was the three women who hijacked an Uber driver. Eventually, it ended up in a car crash where the Uber driver was killed. This is a guy working a side job for extra money for his family. One of the aggressors was 17 or 18. She gets out of the car, and she goes, “Damn, I lost my phone.” The driver’s dead: he’s lying there, his head cracked open like an egg and she’s saying, “Yeah, but damn, I lost my phone.” That to me was very scary.

I believe that we have to change our lives somewhat in the world we’re in now. When was the last time you went to the mall?

eJournal: Five years ago? You?

Bane: Oh, about 2013. I don’t eat in food courts. Those things are no longer a part of my life. I don’t tend to go to things with large crowds of people, things that I might have found super appealing when I was younger. I used to live in New York City and when I was there, I loved it. But I wouldn’t do it again. When you live in a big city like New York, you have to learn the city and learn what you can get away with. I know exactly what I can get away with in 1978. Sadly, it is no longer 1978.

eJournal: We talk a lot about awareness, but I think there’s also something that you’ve hinted at here, and that’s acknowledgment. It’s acceptance. It’s accepting the level of threat we’re actually seeing and modifying what I do to accommodate it.

Bane: I so believe in reality. I really believe in reality. I think that most people don’t. I’ve discovered that most people talk about wanting to live in the present as if it’s a goal: “I want to live in the present,” but living in the present demands that I acknowledge that the universe can be a scary place. I have to acknowledge that I can’t walk around my head in the phone all the time. Sooner or later, something from reality is going to ding me. I do want to protect myself; a lot of people don’t. It’s easy to find yourself building a model in your head and then running the model as opposed to looking out your door and asking, “What’s going on out there? Wow, that doesn’t look like what’s in my head.”

eJournal: We’re blinded by our biases. The scariest thing is trying to figure out what’s real.

Bane: I was lucky enough to work with a guy named Joel Arthur Barker. He wrote a book called *The Business of Paradigms*. That book shook American business. It said at any given time we have blinders that shape what we see. In business, if you can’t get beyond the blinders, you are limited to what you can do in your own business. He gave people a test that showed

you cards, but some of the cards were the wrong color. The ace of spades would be red and things like that. Your job was to identify and describe them exactly as they were. I scored a hundred percent on that test, and he asked, “You saw the red spades?”

“Absolutely.”

“You saw the black hearts?”

I said, “Absolutely, because in my world view, I believe in reality. I will accept that most spades are black, however that spade wasn’t black.” I replicated his test with a scuba class. I dropped a Coca-Cola can down about 75 feet in the water. What color is a Coca-Cola can? 80 percent of that class said red, but no, red light doesn’t penetrate that deep. There is no red there. You have got to understand the Coke can’s not red; spades can be red, maybe yellow. You have got to see that and be able to get past what Joel Arthur Barker called paradigm paralysis.

It was great working directly with the guy. Somehow, in my life I’ve bumped into interesting people.

eJournal: Then you brought it out what you learned from that fellow and many others to the rest of us. I’m never going to meet Joel, but you’ve exposed me to his thinking. You’ve carried forward some of William Aprill’s principles, although he’s now gone. How touching is that?

Bane: The opinions of Marty Hayes, Ken Campbell, Gunsite, Lou Gosnell, the late Ed Head, my late mentor Walt Rausch are important to me because those guys have been there, done that. Their opinions were based, not in what they read or saw, but their opinions were developed over years in the real world. We should have more of that.

eJournal: You’ve got a lot to teach us. Where can we keep up with the material you’re developing?

Bane: Everything is at Michaelbane.tv but you can find the podcast I’ve been doing for twenty years at <https://www.michaelbane.tv/category/podcast/>. Also, I do a weekly show, *Triggered*. My joke is I have a tiny following on the Internet, but the difference is I actually know what I’m talking about. Let me rephrase that: I try not to talk about things that I don’t directly know.

eJournal: That’s refreshing. Thank you for so freely sharing your knowledge and experience. It has been great talking with you today.

Take advantage of Michael Bane’s extensive online programming at the links above, and don’t miss his excellent books [Trail Safe](#) and [Over the Edge](#) which are available on Amazon or through used booksellers.



President's Message

by Marty Hayes, J.D.

In September, I had the pleasure of assisting Mas Ayoob in putting on a [Deadly Force Instructor course](#), hosted by Will Dougan at his [Top Gun Academy](#), in Memphis, TN. It was a pleasure to “get back in the saddle” after having to skip the last two offerings due to medical

issues. This class, with 18 eager students was particularly homogeneous, with folks coming from all over the country to come together to be certified as deadly force instructors. The course was developed back in about 1997, when Ayoob and I put our heads together and came up with a curriculum to train police firearms instructors in this discipline, to better advise and train their students.

Over the next few years, we held a couple more classes at the Firearms Academy of Seattle (the training range my wife Gila and I owned), then took a break for several years, and then brought the program back several years ago. With the passage of time, the curriculum changed, and instead of targeting law enforcement firearms instructors, we changed the curriculum to be more relevant to the growing industry of the concealed carry license instructors, now literally hundreds of times larger than it was in the mid-1990s.

This class is not about teaching the statutory and case law applicable to the student/instructor's individual jurisdiction. Given that there are 50 separate sets of statutory laws, along with state appellate courts and the federal courts ruling on specific self-defense issues, it is impossible to cover every

local jurisdiction. Instead, the curriculum is divided into three separate categories. The first is going through the Massad Ayoob Group teachings on when generally it is acceptable to use deadly force in self defense for the armed citizen. Secondly, there is a deep dive into what it takes for a firearms instructor to serve as an expert witness in the courts, speaking for the armed citizen being prosecuted. We really need more quality experts in our world of the armed citizen. I have seldom reviewed a self-defense case where an expert wouldn't have been helpful to explain questionable or conflicting information to the trier of fact (judge or jury).

Lastly, the class includes a full day of mock trial, in which the students play roles in the courtroom drama, to give the students an inside look into the criminal justice system trying an armed citizen accused of murder. In course critiques, the students overwhelmingly rate the mock trial as the most valuable part of the week long class.

Prerequisites call for students to be previous Massad Ayoob Group graduates, or current instructors in the discipline of teaching firearms to the armed citizen, or members of the Armed Citizens Legal Defense Network. Check the Massad Ayoob Group [website](#) for a schedule of upcoming classes.

Network to Appeal Ruling to WA Supreme Court

After studying the ruling set down by the Washington State Court of Appeals, Division II, we believe that there is good and substantial reason to appeal the ruling to the next level. At issue in our minds, is the court ruling that an act of self defense is NOT an individual choice taken by the armed citizen, but instead a hybrid act involving “determinable contingencies” (the facts and circumstances leading to the decision to use force is according to the court being the determinable part) and the contingent part being the legal consequences of pulling of the trigger. Does this sound a little sketchy? Yeah, it does to us, too. In our appeal, we will need to explain the nuances of use of force in self defense to the state supreme court, if we get a chance.

I say that because the court doesn't automatically hear appeals. They may read the ruling and decide without argument or additional briefing that the appellate court ruled correctly. We can only hope that the court will be open minded enough to want to clarify this aspect of WA state law. We expect that this process will take up to a year before we are able to get a ruling. In the meantime, we will be taking steps to modify our program to be in-line with the court of appeals ruling, after which we can then re-open for new member enrollment in WA state. Stay tuned for further developments. To read the Aug. 29, 2023 ruling, click here [Armed Citizens' Legal Defense Network v. Washington State Insurance Commissioner, Wash: Court of Appeals, 2nd Div. 2023 - Google Scholar](#)



The Deadly Force Instructor class takes a deep dive into courtroom procedures. Here, Ayoob (left) and Hayes (right) argue over an objection about demonstrating the Tueller Drill before the court. Lloyd Crawford (center), the student serving as judge, sustained Hayes' objection. The jury could not come to a unanimous verdict, resulting in a hung jury.

October 2023



Attorney Question of the Month

In the early 2000s, Glenn Meyer, PhD conducted several studies of mock juror sentencing severity affected by firearms' "aggressive or menacing" appearances compared against sporting or less militaristic guns. A recent YouTube video mention of his study has members asking whether juries still apply those prejudices to verdicts, so we asked our Affiliated Attorneys to weigh in.

In your experience, are jurors biased against self defense with a firearm that a prosecutor may say has an aggressive or menacing appearance, like an AR-15 rifle?

If choosing a jury for a trial pertaining to armed self defense, what questions, if any, would you ask potential jurors about gun ownership or experience and training with firearms?

If interested, there is background material at <https://www.thejuryexpert.com/wp-content/uploads/MeyerTJESep2009Volume21No5.pdf> which we explored with Dr. Meyer at <https://armedcitizensnetwork.org/our-journal/archived-journals/276-october-2012#Top> and the currently-circulating video is at YouTube under the title of [How an AR-15 Can Send You to Prison](#).

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I have tried several and I have a self defense killing jury trial in a few months. I never focus on the weapon.

I focus on the bad acts of the aggressor and your right to defend yourself. You will draw the anti gun people out with the right to use deadly force in self defense.

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I appreciate the article by the jury consultant on the type of firearm used in self defense. I think that article could provide a better chance of getting a judge to sustain a defense motion in limine to keep a prosecutor from showing the firearm allegedly used in self defense, especially if it is an AR-15 or other unusually "evil-looking" weapon. Not sure if the defense tried that in the Rittenhouse case, but obviously if a motion to preclude the prosecution from showing the AR-15 was attempted it was

denied. I think the prosecution even pointed the rifle at the jury during the case!

I made a motion to exclude the showing of a shotgun with a heat shield that looked like something out of the Matrix film, but it was denied.

I cringe at insignia on weapons that convey an intent to kill or maim, such as R.I.P. or a decal of "The Punisher" skull. Prosecutors seem to be intent on eroding the right of self defense anyway – no need to assist them in their quest by making your defensive weapon appear more "evil."

I had one case where the judge asked prospective jurors if they were gun owners and, if so, what kind of gun it was. Voir dire was conducted in chambers so prospective juror's answers would not taint other jurors. But asking that question in a case involving an unusually scary-looking weapon would be important.

I had one case where the prosecution improperly had my client's weapon (a short club) on his counsel table during voir dire (oral voir dire before the entire jury venire). My client had brandished the club out of the window of his vehicle when he and his girl friend were being harassed by the alleged victims occupying another vehicle. I picked up the club during my oral voir dire and ask prospective jurors if they or their family members carried such weapons for self defense in their vehicles. To my surprise, several raised their hands. One juror said he carried a pistol under his seat. I felt that took the wind out of the prosecutor's sails, so to speak, by trying to shock the jury about the use of the club during his opening statement. "Not Guilty," incidentally.

I agree with the jury consultant that the "uglier" the defensive weapon appears, the more chance of a conviction. You've got to attempt to normalize the use of such a weapon throughout the trial beginning with voir dire.

I would propose asking jurors if they own an AR-15. Here in Utah I'd be surprised if a significant number of prospective jurors didn't own one, especially in cases brought outside the Salt Lake City metropolitan area. Furthermore, the fact that a prospective juror owns an AR-15 would be a strong indicator to me that he or she would be a favorable juror in a case involving a defensive shooting with an AR.

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While I have not tried a gun case, I do explore these issues with people in the community. There is no doubt that guns by definition to some are criminal. A prosecutor argued mere

[Continued next page]

possession of a gun was threatening when I was in court two months ago on my huge gun case which was affirmed by the judge in September.

The media and the left have created this environment by prohibiting guns from being exposed to the public through prohibiting open carry, and showing criminals carrying guns. Recently while in Wyoming a man was open carrying in a resort area. No one cared, no one noticed, because it is commonplace.

If Republicans had any true commitment to the Second Amendment there would be funding for gun education in schools, and government grants that encouraged safe gun ownership. Maybe tax write offs for guns and ammo.

The reason open carry like in the Baird case in the 9th Circuit is a tremendous threat is because wherever there is open carry crime goes down. If that happens in California blind people will be able to see again.

The Baird case temporary restraining order has been ordered back to the trial judge to reconsider her order not granting a TRO because somehow Judge Mueller, the chief judge in Sacramento federal court, lacks understanding of the TRO test. She was told to expedite her ruling in light of *Bruen*. The honest result is that open carry could very soon be a reality in California and that would then educate people about good guys with guns and change the narrative which was the basis of your question.

Thank you, affiliated attorneys, for sharing your experience and knowledge. Members, please return next month when we have a new question for our affiliated attorneys.



News from our Affiliates

Pat and Norm Hood

by Gila Hayes

In this month's Networking column, the space in which we get to chat with friends and

supporters all across the nation, we speak with 11-year Network affiliated instructors Pat and Norm Hood, owners of Defensive Solutions in South Bend, IN. If you enjoy streaming video, there's a slightly longer video version at <https://www.youtube.com/watch?v=00mCxJ1xzEc>.

eJournal: Let's introduce you by asking about your backgrounds in self-defense skills and how you came to be instructors.

Pat Hood: I came to this because of Norman. As a military policeman and early-married, he introduced me to weapons and I enjoyed it, and I shot better than he did sometimes. We decided that we needed to start a business and it was important that I be a part of that because of the lady's point of view. It has been just an incredible journey. We've made a difference in people's lives and that's what's great.

eJournal: Norm, what about you, sir?

Norm Hood: I grew up shooting with my dad, as I'm sure is true for a lot of Network members. I still have my dad's .22 rifle. I joined the Army when I was 19 and they made me a military policeman. I've been carrying a gun on my hip since I was 19 years old. I'm 70 now; I've been carrying a gun on my right hip that long. We retired from the Army, and I went right to work for the Alaska State Troopers. I was also teaching firearms on the side. I have been a defensive tactics instructor and pepper spray instructor, baton instructor – all of those.

In 2011, we decided to move to South Bend. We wanted our own business and started with, "Let's just teach a couple of classes." That expanded while going to our church, when we asked, "OK, so what happens if there's a problem at our church?" We started exploring it and created our business and started teaching from there. Now it's church security teams, business safety awareness and ladies' self defense. Now, it's not only handguns, it's rifles and shotguns and I teach a martial art. We're also traveling quite a lot.

eJournal: I noticed your website's mention of "the Martial Art of Shooting," Hojutsu-Ryu what's it about and how does that influence your curriculum?

Norm Hood: We have a regular group of Hojutsu students.



Think of it as a modern martial art for modern times. Our founder was an Army vet – a Vietnam veteran, Alaska State Trooper lieutenant – now retired – and a long-time martial artist, who blended a number of things into a legitimate martial art that is based on some karate fundamentals.

Hojutsu started about 2001. The training that we do with handguns is the focus of our art. We've had 27 people involved in shootings with handguns and there have been no errant rounds.

The art has us practicing a lot and that's really the key: we practice, but the other thing that we know is a firearm is not always going to be the answer. In fact, it's probably never the answer to a self-defense situation. What we do know is you might need pepper spray, you might need other tools or better yet, we spend a lot of time talking about awareness in every class.

eJournal: Maybe we fail to define "martial arts" broadly enough. I'm wondering, how expansive can the definition of martial arts really be? The material you provided me about Hojutsu included

use of modern weapons as well as use of body weapons and TASER®s and pepper spray, whatever the person can have. How far can we stretch the definition?

Norm Hood: To show you how broad a spectrum it is, when we start a new student, they start as a white belt as they would in karate. A Stop the Bleed class is one of the first things that we teach them, along with the protocols that go with conventional martial arts (if there is such a thing). When they go to the range for the first time, they've already had some first aid training. From there, we go into drills striking a mitt and from there we get into pepper spray. We use self-defense techniques with a Jo, basically a short staff, and we incorporate a TASER®.

At the same time, we're still teaching firearms safety and fundamentals. Our first kata is done with a training pistol combining martial arts skills – striking, kicking, blocks – with drawing a pistol, pivoting, and drawing and turning 180 degrees. We include weapon retention and weapon takeaway techniques in that first kata. So that's how broad our martial art is.

eJournal: I had wondered if the Hojutsu track at Defensive Solutions runs separately from defensive handgunning. If I signed up as a student for a defensive handgun class, would I concurrently be starting in Hojutsu or could I do one or the other?

Norm Hood: You could do either. We do a regular defensive handgun, urban rifle, and shotgun classes. You can do that separately. You don't have to participate in Hojutsu. If you wanted to come in and say, "Okay, I want to just do a Stop the Bleed class," then you could join us and get that training.

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If you just wanted to learn to shoot with us, you could, or we do regularly scheduled handgun classes. I regularly schedule two-hour practice sessions. For example, we are doing one Tuesday, and that session is going to just be handguns. So long as you've had some formal training you can come in. I've been at this long enough that I know what kinds of drills we should do based on who shows up. You have a lot of different options with what we are doing.

eJournal: I'd like to hear from you, Pat, and learn more about your part in making all of this work.

Pat Hood: My part is to be eyes and ears for Norman and use my intuition because to a certain degree I can anticipate some issues. I'm there for ladies who are more comfortable speaking with another lady. We have been there; we can use the same language. What do you look for as a parent? How do I keep my child safe when there's a weapon in the house? Those kinds of things are very important to all of this. Being in a church is very important to me, as well. Keeping those parishioners safe and helping them and their children.

A long time ago when I started shooting with Norman, this wasn't my choice, but it's become my passion in some respects, in that I feel that we need to take care of ourselves. As a female, I can't always depend on someone to be there. I need to be well-instructed and capable to defend myself and my family. And it's safety, safety first, safety always.

Norm Hood: One of the things that Pat didn't mention that is extremely valuable on the range is she's left-handed. I'm right-handed. Whenever we have a left-handed person on the range, Pat's right there so she can show them how a left-handed person does it instead of someone seeing how a right-handed person is doing it. We've also done a few classes where we do team tactics. It starts with something as simple as how Pat walks on my left side since I'm right-handed and carrying a gun on my right side. She's left-handed, she's carrying the gun on her left side. We don't inhibit one another's draw stroke.

Pat Hood: We are a team. When we go to a restaurant, I know where I sit, and I know the reason for it. I know where Norman sits and the reason for that. We're all watching the door in case something happens. It's always in the back of your mind; you get to a point where you've done it for so long that it's just second nature.

Norm Hood: And it's not that Pat just defaults to my skill set ...

eJournal: No, but Pat used the important word when she said "team" because on successful teams, each player has an equally critical role that she plays, that he plays. It is not one of them telling the other one what to do. When Pat said, "I know where to sit," I'd like to emphasize that she knows the rationale

because she's been part of that decision. It's not one telling the other, "Here's what you do." It's not that at all.

Pat Hood: It's always kind of interesting because he relies on my intuition, as well. If something just doesn't feel right and I can't put my finger on it, I'll tell him, and we leave.

eJournal: It takes a lot of guts to trust your intuition enough to express I don't feel right in here when we don't know specifically what's wrong.

Norm Hood: We stress a lot of this in class. I'll tell the guys, you need to listen to the ladies in your lives because they just feel things differently than we do. Guys, you need to allow them to express that. That is addressed in every class that we do. If it is a ladies self-defense class, we tell them that; if it is a defensive handgun class and there's a couple there, we tell them that.

eJournal: What take away would you like Network members to remember from Pat and Norm Hood?

Norm Hood: Get training. A diversity in training is fine. Go to other people. See what other people are doing. Talk to people, there are so many other solid trainers out there.

Understand that you can't just go buy a handgun; that's what people seem to focus on. They don't look at other techniques. One of our Hojutsu techniques is the utilization of a cane. I can take a cane anywhere in the world, so I always have some type of tool with me. Having other tools also means we may not get in trouble by utilizing a handgun improperly.

People will buy a handgun, they'll take one class maybe, and it's like they think, "Okay, I know everything there is to know," and the gun goes in a closet or a drawer somewhere and they never do anything with it again.

Seek out training. It is not cheap, but if something goes wrong it's a lot more expensive.

Pat Hood: You need to have a plan and play the "what ifs." Talk to each other. What are we going to do if? How do we take care of this?

eJournal: Words to live by! Network members, Norm and Pat are in South Bend, IN. It's worth traveling to study with them and check [their website](#) because Norm said they're traveling, too, so they might even be coming to a community near you. It would be worth your time to get to know them. In closing, thank you, Norm and Pat, for sharing your story with Network members. We need what you're doing.

Pat Hood: Thank you. We are passionate about it.

Learn more about Pat and Norm Hood and opportunities to train with them at <http://defensivesolutionsllc.com>.

Book Review **Justice Corrupted** **How the Left Weaponized** **Our Legal System**

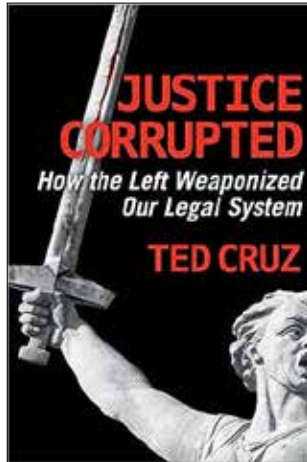
By Ted Cruz

Oct. 2022 by Regnery Publishing

ISBN-13: 9781684513611

\$14.99 hardcover or Kindle

Reviewed by Gila Hayes



“The corruption of the Department of Justice and the FBI is a terrible thing, deeply corrosive to our nation,” observes Senator Ted Cruz in his book about the devastating result of government bureaucracies persecuting opponents of the party in power. There’s no shortage of examples by both Republican and Democrat presidents.

It’s not supposed to work that way. In a democratic system, when people are angry, elected officials are supposed to listen, Cruz observes. Elected officials don’t have to agree on the substance—that’s why we have elections—but the First Amendment to our Constitution explicitly protects the right of the people to “petition their government for the redress of grievances.” He cites examples of abuse of authority from school boards up to the US Department of Justice which, he writes, acts as if it is “accountable to no one—not to members of Congress, and certainly not to the American people.”

Citing the experience of parents in Loudoun County, VA who were harassed after demanding changes from their school board, Cruz wonders, shouldn’t the US Attorney General “study the facts of the case before sending the FBI out to investigate” citizens? In this example, the Attorney General “targeted...and singled out as a potential domestic terrorist” a “courageous father” who sought the prosecution of the transgender student who raped his daughter at school.

Throughout history, citizens have tried to limit the brutality of rulers who seized unlimited power, through a variety of means including religion, powerful statements like the Magna Carta and the principles America’s Founders drew from English common law. The ideals weren’t always honored, though, and Cruz gives the example of the USSC *Dred Scott* decision. On the other hand, he continues, President Ulysses Grant’s Attorney General brought 3,384 indictments and got 1,143 convictions against the Ku Klux Klan for terrorizing freed slaves.

Cruz writes that the “Department of Justice should not be Republican or Democrat. It should be utterly apolitical, and the attorney general should enforce the law fairly and justly regardless of party affiliation.” He reviews presidential political pressure delivered by the Department of Justice, the Attorney General and the president’s chief of staff and other aides, starting with Richard Nixon. Despite Nixon’s orders, Cruz relates,

the IRS refused “repeatedly to audit and harass various political enemies” and J. Edgar Hoover’s FBI “actually refused to carry out many of the more sinister tasks assigned ... by the Nixon White House.” 50 years ago, the system worked and for the most part it continued to work until the 2008 election of Barack Obama, Cruz writes.

Even when Al Gore refused to concede the election to President George W. Bush, the system worked. While a young lawyer, Cruz was dispatched to Florida with the Bush legal team, where he witnessed the shenanigans the Gore contingent attempted. Those astonishing violations were only a hint of the blatant illegalities he would see in the Obama election eight years later. By the 2012 election, attempts to uncover voter fraud were characterized as “an attack on democracy,” as racist, or, if incontrovertible, as too limited to be of national concern.

Cruz tells the story of Catherine Engelbrecht, who volunteered as an election worker, but saw such irregularities that she became a political activist and rose to some notoriety. As her organization gained prominence, the EPA, OSHA, a TX environmental agency and the IRS attacked, investigating and fining Engelbrecht’s small business and family members after she filed for 501(c)(3) status for her organization True the Vote. Political persecution by IRS agents is nothing new, Cruz relates. In the 1930s, Franklin Delano Roosevelt sent the agency against opponents of New Deal legislation. Cruz quotes the president’s son, Elliott Roosevelt, who wrote that his father, “‘may have been the originator of employing the IRS as a method of political retribution,’ joking that ‘other men’s taxes... fascinated him’ throughout his time in office.” John F. Kennedy and his brother Attorney General Robert Kennedy distributed a memo *The Ideological Organizations Audit Project*, to deny or revoke conservative organizations’ non profit status.

Both political parties are guilty: a Nixon aide noted if the administration couldn’t prevail in “criminal prosecutions to curtail the activities of some of these groups,” an IRS investigation could be launched. The FBI, CIA and NSA were also useful tools, not only for Nixon’s vendettas, but for presidents Hoover, Roosevelt and Kennedy, too, Cruz accounts. Fast forward to the 2012 election and revenge for the Tea Party’s stance against Obama’s liberal agenda. While Obama claimed to be angry about IRS harassment of conservatives, when IRS chief Lois Lerner was investigated, she refused to answer incriminating questions and retired unpunished, with her pension intact.

Although powerful, the IRS is not the only tool: Cruz cites the FBI and Department of Justice’s inept campaign to smear President Trump with Russia-gate, which failed to earn any criticism from the courts or news media. He contrasts the anti-Trump efforts against lukewarm coverage of Hillary Clinton’s illegal private email server.

Cruz discusses politicization of the judiciary, detailing why he told Trump he would decline nomination to the Supreme Court.

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He explains, “Principled judges stay out of political and policy fights...I don’t want to stay out of political and policy fights; I want to lead them. And the elected branches of government are the proper arena to wage those battles.”

He analyzes critical race theory’s purposeful distortion of terminology to promote Marxism, and its rise through prestigious universities. Cruz recalls his studies in the 1990s at Princeton and Harvard as part of “a student body ... bitterly divided. It was during those years that another group of left-wing radicals, now obsessed with race, gender, and sexuality rather than just economics, attempted once again to re-engineer the virus of Marxism and spread it all over the world,” he writes. The theory might have taken root at Harvard, but soon teachers and administrators had the influence to teach elementary school students that America was founded to perpetuate slavery, and to make white children “acknowledge their roles as oppressors and Black children to embrace their roles as the oppressed.”

In the next chapter Cruz studies bail reform promoted through the argument “That charging money to be released from prison before trial was unfair to criminals, particularly criminals of color.” Prosecutors and district attorneys acknowledged release of criminals would harm innocent citizens, yet still they continued to turn them loose on the public. In Waukesha, WI one such offender was released again and again until eventually he drove his SUV into a Christmas parade killing six and injuring more than 60 spectators.

Often the policies that release repeat offenders are the dictates of district attorneys and prosecutors, but are not law, Cruz emphasizes. “When it comes to the prosecution of criminals, there are few elected officials with more power than your district attorney. As soon as they’re elected, district attorneys have the power to decide what crimes to prosecute in your county and whom to prosecute.” Outside money gained influence over local criminal justice in many elections during the past decade and those prosecutors “used their immense discretionary power to achieve their benefactor’s goal of remaking the U.S. justice system from the bottom up.” Examples include the Illinois State’s Attorney policy not to prosecute thefts under \$1,000; in Baltimore, the prosecutor announced the war on drugs was over; Seattle’s mayor, herself a former federal prosecutor, whitewashed pulling police out of the “autonomous zone,” and described it as a “peaceful expression” of Seattle’s desire to build a better world despite two murders, four shootings and multiple rapes.

In chapter 6, Cruz takes on a topic that, of all the national decay during my lifetime, tops my list of concerns. Addressing election fraud, he starts by outlining the push to convert to mail-in elections, and identifies the many issues afflicting the 2020 presidential election. “There are few better ways to ensure fraud—or the perception of fraud—than the widespread use of

mail-in ballots,” Cruz warns. Endless recounts, malfunctioning voting machines, interminably long lines at polling places all plagued the 2020 election, and in the end, even the Supreme Court failed voters by refusing to hear several cases about corruption of the election.

Through *Justice Corrupted* runs the theme of Department of Justice persecution of citizens who oppose the politicians in power at the time. Dinesh D’Souza is a well-known victim of political prosecution, writes Cruz, detailing a campaign funding violation D’Souza committed as a young man, and the post-conviction conditions he endured, while continuing to speak out against Obama. Cruz provides perspective by recounting events leading to conviction of the vice president’s chief of staff Scooter Libby during the Bush-Cheney presidency, and the posthumous exoneration of Alaska Senator Ted Stephens when an investigator revealed that the federal prosecutors knowingly hid evidence and allowed false testimony during trial.

Interestingly, the day I read this chapter, news reports trumpeted the indictment of New Jersey Senator Robert Menendez on federal bribery charges. Five years earlier, Menendez had been accused of criminal corruption, *Justice Corrupted* suggests in revenge for Menendez’ opposition to Obama’s Iran nuclear deal. Today’s news raised more questions about incomplete and unreliable news, why the Democrats prosecuted one of their own, and whether two years after writing this book, Cruz would have denounced Menendez. As with the late Ted Stephens’ downfall, whether there exists exculpatory evidence is unknown and unlike the Stephens debacle, may never come to light.

I appreciated the historic perspectives in *Justice Corrupted*. Cruz observes, “The Democratic Party in the United States had changed in a fundamental way. The party has been fully radicalized.” Biden’s appointees to the Supreme Court, the Justice Department and other key posts overwhelmingly went to partisan zealots, resulting in federal government interference in Georgia legislation to stop election fraud and Attorney General Garland’s pledge to oppose new election laws from other largely-Republican states. “He promised that the federal government would take action to stop these laws from being enacted,” Cruz reports. Similarly, the Justice Department warned several states against legislation empowering parents to address gender-change influences focused on children.

One can scarcely criticize a book written by a politician for being too political, so I’ll just acknowledge that with Network members spanning a broad spectrum of political, religious and personal viewpoints, Senator Ted Cruz’ third book won’t be popular with all members. Nor is it a ray of sunshine. The depth of government corruption he describes resembles metastasized cancer, but *Justice Corrupted* does provide needed perspective on the problems we face. I am glad I read it.



Editor's Notebook

News We're Watching

by Gila Hayes

U.S. District Judge Roger Benitez has once again struck down California's magazine ban as unconstitutional. His decision makes interesting reading and includes, among other noteworthy

statements, his observation on magazine capacity limits: "One government solution to a few mad men with guns is a law that makes into criminals responsible, law-abiding people wanting larger magazines simply to protect themselves."

Benitez' ruling against the magazine ban was subject to a 10-day stay for CA's Attorney General Rob Bonta to appeal to the 9th Circuit Court and ask them to again strike down Benitez' decision. As seems to be true these days, a favorable decision does not mean the fight is won yet. I have to wonder how many more hearings, stays, and appeals are required to get rid of what Benitez skewered as a law that makes law-abiding people who just want to protect themselves into criminals.

Reactions to Use of Force in Defense of Pets

The member responses have been interesting and unusually emotional about our [September lead article](#) in which Alex and Mike Ooley discussed legalities of defending – and defending against – pet dogs. First, let me acknowledge the extreme frustration some members expressed over conditions in which dogs owned by others endanger them in their own neighborhoods. The outpouring of emotion underscored the need for lawful, realistic and effective defenses for and against animals, as discussed by the Ooley law partners.

I particularly appreciated the emails "Tom" in Colorado exchanged with me, because he urged us to factor in the circumstances under which he has found attacking dogs unresponsive to pepper spray. Tom wrote–

"I've worked in sheltering environments all my life and carry pepper spray or some other spray deterrent when walking my dogs. What the public should be made aware of is that most sprays work for low to medium aggressive dogs. A dog in the red zone (think one that has fixed pupils, charging, teeth, etc.) may not stop the attack – even with pepper spray."

"So, just like other situations, protect yourself and pet and get the hell out of there but realize that the spray isn't always the end all. It can, however, give you precious seconds to retreat while the dog is disoriented."

I cited Mike Ooley's suggestion that a walking stick could be effectively used to disengage and create distance against a charging dog and asked if Tom thought that solution preferable to the mixed results he's experienced with pepper spray. One of my concerns is that carrying so many options for defense slows and confuses decision making when frightened by an aggressive dog, and is further complicated by limits on how many things we can realistically carry while still managing the dog's leash. It is important to have defense methods that are effective, safe, and appropriate. Should I drop the pepper spray canister, jam the walking stick under my arm and grab for the pepper spray, or will I just end up fighting off the dog with what ever is already in my hand? I asked. Tom responded –

"Your question is hard to answer because it may not be whether you have a walking stick or spray, it's the totality of the situation and the dog that could attack. A chihuahua can cause as much or more damage then a bully breed or it can be the other way around. On a side note, it bothers me so much when a dog is running at me and the owner is yelling: 'He's friendly,' What they don't realize is my dog may be reactive, scared, etc. and I know how he's going to react to a 'friendly dog' charging him and so it's up to me to do something to change the situation.

"When someone is walking their dog, it's their job to protect the dog and themselves (I'm one of the ones who believe my pets are family) and so surfing social media on the phone, not paying attention to what's going on around you, etc. is just setting yourself up for problems. When I've seen a person walking a dog (or in some cases, walking by themselves) and my spidey senses kicked off, I either crossed the street, went a different way, etc. Avoidance is and will always be key in both dog and human situations. When those situations become unavoidable, then using a stick, spray or whatever it is to protect yourself and pet and get out of the situation becomes the necessity."

I appreciated learning from Tom's experience and found his approach to assuring his own safety as well as that of his dog a breath of fresh air.

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