



## Lessons in Preparation An Interview with Erick Gelhaus

Interview by Gila Hayes

*In 2013, an on-duty shooting by a California sheriff's deputy was sensationalized by news and social media to the extent that protestors blocked traffic on highways and a multi-year investigation and civil rights lawsuit against the deputy ensued. The same incident was simultaneously the subject of intense concern of another nature amongst armed citizens who participated on Internet forums. While armed citizens often follow police shooting cases, this case had a higher level of investment for most because Erick Gelhaus, the deputy involved, moderated and posted to firearms boards, wrote for gun magazines, taught at Gunsite and was respected for over two decades of law enforcement and military service.*

*While Erick Gelhaus' story is compelling on its own, it contains lessons critical to armed citizens. Now that the civil case is settled, several federal agencies closed investigations, clearing him of wrongdoing and he has retired, he is free to discuss those lessons. We switch now to Q&A format to learn from Erick Gelhaus in his own words.*

### The Incident

**eJournal:** Erick, I appreciate your willingness to talk with us and draw out lessons from what happened to you. Since your story evolves out of a police duty shooting that took place some years ago, our readers may not be familiar with the facts. Could we start with a briefing about what happened?

**Gelhaus:** It was the afternoon of Tuesday, October 22, 2013 in a neighborhood that, at the time, was our county's highest crime area. Murders, attempted murders, stabbings, narcotics trafficking had all happened there. The year before, I had been involved in serving a 30-plus-location search warrant in that neighborhood. I had worked in the community-oriented policing program there and been a part time school resource officer at the elementary school that served that neighborhood. I knew the neighborhood really well.

It's 3:15 P.M. A couple of hundred yards away, a continuation school (high school) is getting out and another high school about three quarters of a mile away and an elementary



school are all getting out at roughly the same time.

A trainee, a lateral from another agency with about 10 years in the business, is with me. We are driving up to this neighborhood's main North-South street when I see an individual wearing dark-colored clothes holding what appears to be an AK-47 in his left hand by the pistol grip. He is on the far side of the intersection, heading north, like us. I can see the wood stock by his arm and an AK standard capacity magazine coming out of the receiver; I can see the receiver, the wood forearm, the barrel and the gas system going out the front.

I get my trainee's attention and I get on the radio to put out our location and a help call. My trainee hits the siren. The siren is clearly heard on the recorded radio traffic, but I never heard it. My attention is not on what my trainee is doing, it is on what is going on with that man and what was in his hand. That is one of the things that is applicable to everybody, not just cops.

**eJournal:** Absent experience with life-and-death dangers, few people have experienced the phenomenon known as auditory exclusion, yet it is a documented response when facing extreme danger. What happened next?

**Gelhaus:** The individual, identified afterwards as Andy Lopez, turns and looks at my trainee. I don't see him turn and look over his shoulder. We pull through the

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intersection, stop, and ultimately end up about 23 yards away from him.

I bail out of the car and get in a kneeling position behind the car door, using the V of the car for cover. According to all the witnesses, I yell, "Drop the gun" twice. I only remember yelling it once, but everyone else remembers hearing it twice.

He responds by turning to his right, towards me, and as he turns, the gun in his left hand comes up. When he breaks 180 on the turn, and the gun is coming from pointing at the ground to rising upwards, I shift my focus to my sights and shoot eight rounds. There were seven hits.

I get on the radio quickly. I let dispatch know that we had a shooting, that we need other deputies and medical attention for the subject I shot. It probably takes about five minutes to get enough people there to do what we need to do, because it is the start of the afternoon commute.

When we approach Lopez, the AK-47 is at his feet and I want to move it so that we can handcuff and search him. I see that the bolt on the AK-47 is wrong, it's too shiny. When I reach down to pick it up, it is too light. That's when I realize it was not a real AK-47.

It was several hours into the night before I gave my interview, probably around 11:30 PM. They had interviewed my trainee about 30-45 minutes before. They asked me to describe the whole event, what I saw, and I described exactly what I saw, what I did, and why.

In my interview, I didn't talk about seeing the front sight or the muzzle of the AK. It took me months to process why: my brain had not processed what I didn't see. I did not see a front sight assembly and the muzzle, because they were not there. That was where the orange safety markings should have been, but they had been broken off.

Only months later was I able to understand why I saw what I saw, and why I did not see what I did not see.

It was not until the end of my interview, close to 1 o'clock in the morning, that I learned Lopez's age – that he was 13.

So that is the event. I think what you are interested in for the members and readers is what came next.

**eJournal:** Yes, you are right, there is much to be learned from how your training and preparation guided your legal defense and ultimately led investigators, attorneys and the district attorney to recognize the deadly peril you perceived when the gun barrel began to come up toward you and the other officer. To better understand the ensuing aftermath, may I ask if you had previous experience with lethal force incidents?

**Gelhaus:** At that point, I had been in law enforcement for 23 years. I had been the use of force instructor for our office. I had deployed to Iraq in a leadership position as part of a ground combat element in 2005. This was my first domestic law enforcement shooting of another human being, but it was not the first shooting I had been in.

**eJournal:** You had other preparatory experience, as well.

**Gelhaus:** I had been on staff at Gunsite for about 12 years, taught for a couple of other organizations and I'd written for *SWAT Magazine* for seven or eight years and I was on another website blog after about 2010. I had been active on the Internet firearms boards since the late '90s and I always posted under my real name. Things I said on that board and had written, especially an article I wrote about surviving ambushes, were used to attack me in both the media and during the legal process in the aftermath of the shooting.

**eJournal:** Sadly, that is not too surprising.

**Gelhaus:** But because I always posted under my real name, I made an effort not to post things that either I or others would consider questionable, yet things I had said were taken out of context and very definitely used against me.

## Media Firestorm

**eJournal:** What was picked out and spun out of context?

**Gelhaus:** I had written that policing was a calling. I had also written that police work was a contact sport. In hindsight, that was not good, but it was common in the era in which I came up.

There had been a discussion on one board in 2005 about using lethal force then finding out that the person you shot had a BB gun. The discussion was still running

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in about 2007. I was a moderator on that board and I made the comment along the lines of, "Ultimately, it is going to come down to your ability to explain to the police and the courts why you did what you did. You are going to have to be able to articulate your reasons." That was portrayed as premeditation.

**eJournal:** The sensationalized reports spread fairly quickly, as I recall.

**Gelhaus:** My name was leaked to the media two days after the shooting. They got my LinkedIn page, found my posts on *The Firing Line*, and all of my magazine articles. There was an article I'd written on surviving ambushes in which I had addressed the mind set to respond to and survive an ambush attack. I'd written nothing that was not said in the police academy nor in any other class.

The local paper had a large article that appeared the Monday after my shooting about what a horrible human being I was because I had written posts on this firearms board, I had written for gun magazines, I was a firearms instructor, and I was a combat veteran who had deployed to Iraq.

**eJournal:** That negative article quickly spread beyond your local community, did it not?

**Gelhaus:** First, it was in the local paper, and then it hit several online news sources. I could track how the story was moving around the country based on who was calling to check on me. I saw that even the BBC covered it.

**eJournal:** Well, if the Associated Press picked it up, then it went all over.

**Gelhaus:** Yes, it went all over. I get it! I was getting hammered because of the two things that I could not have known: his age and that it was a replica firearm. It was absolutely tragic that a 13-year old kid with very high levels of delta 9-tetrahydrocannabinol (THC) in his system was now dead because he had made a poor decision.

It was difficult to process how the things that I had done that I thought were good were suddenly being portrayed as bad. Being in the military was bad; being a writer was bad; having been an instructor and trainer was bad. In the aftermath, all of these things were now bad.

**eJournal:** Is the alternative not sharing your knowledge and convictions with those who may benefit—even to the extent of helping others avoid being killed?

**Gelhaus:** When I go back over it now, I can't see anything I wrote as inflammatory or negative. I mean, you could consider my characterization of police work as a contact sport a poor choice, but that was two or three out of about 5,000 posts I made on *The Firing Line*. So, I don't think what I posted was that bad.

My participation on the Internet boards had given me access to a number of subject matter experts. One was Doug Mitchell in Kittitas County, WA. Doug is a former reserve police officer who has been a prosecutor for a number of years. He has been heavily involved in writing about Terry stop issues. Doug was a big help.

I knew Dr. Gary Roberts very well because of my involvement on some of those Internet boards. Gary had previously invited me to ballistics testing and body armor testing. Through those contacts I had been exposed to armor and wound ballistics concerns well beyond the knowledge of most cops.

Having deployed to Iraq, I understood very well what centerfire rifle ammunition would and would not do to vehicles and body armor. It is going to go right through soft armor. It is going to go right through car doors. Besides, soft armor only covers so much of you, and that was an issue at one point in the District Attorney's review of the case. People asked, "Well, he was wearing a vest. Why was he scared of being shot?" There is a whole lot of you a vest doesn't cover!

**eJournal:** Besides, the type of ammunition common to the AK-47 is much more penetrative than the more common 5.56x45mm.

**Gelhaus:** That is something we were able to get into my initial statement the night of the shooting in the interview, but it still became an issue later and we had to show what I knew through my training and experience.

## Investigations, Charges and Lawsuits

**eJournal:** What was the process to decide if you should face criminal charges?

**Gelhaus:** The shooting took place toward the end of October and the agency that investigated it finished their investigation and submitted it to the District Attorney's

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Office, our county prosecutor, right about the end of January. I have no complaints about how the investigative agency handled it. The agency's investigator had just come back from a Force Science class only days before the shooting. This may have been the first case for Force Science Institute where both the cop and the investigator were graduates.

The District Attorney decided to have her office re-investigate the case. I think that was because of local politics and the media spin. She assigned a prosecutor who had come from Southern California, and a district attorney's office investigator who had done a number of officer-involved shootings over the years for another agency in another county. The two of them worked on the case for several months, basically re-investigating everything.

They requested my training records and we had no problem turning those over. The one request I fought was for my military medical records. We all thought they were hunting for a PTSD diagnosis from my time in Iraq. While I knew there was nothing like that in my records, I didn't like setting a precedent it was okay to treat veterans differently. Ultimately, I gave them my Veterans Administration records, showing compensation for orthopedic and other injuries.

**eJournal:** While you were the subject of not one but two criminal investigations, were you concurrently being investigated for violation of civil rights? Were you fighting multiple legal battles simultaneously?

**Gelhaus:** The shooting happened on Tuesday. The family's attorney filed a federal [civil rights violation] lawsuit the following Wednesday. The civil suit was stayed while the investigation went forward. Ultimately, July 7, 2014, the district attorney came out and announced that she was not charging me and laid why she was not charging me. She then sent the police department's investigation as well as her agency's investigation to both the California Attorney General's Office and to the FBI.

The FBI had gotten involved within a few days of the shooting and announced they were investigating me for federal civil rights violations. They said they had received a call requesting that investigation, but later backed off from that claim and said, "No, we are just going to help the local agency." I did not know that both the FBI and the Department of Justice civil rights division had taken it upon themselves from mid-2014 to

mid-2015 to investigate me. Until I got the clearance letters, I did not know that was going on.

**eJournal:** For clarity, let's acknowledge that as a law enforcement officer, the legal processes used against you after use of force were considerably different than a private citizen's defense against criminal charges and the threat of a lawsuit seeking damages.

**Gelhaus:** I don't know how much you know about a USC § 1983 action.

**eJournal:** Only enough to know that the question was whether you had deprived a person of their civil rights under color of law. While the same situation or circumstances could certainly befall a private citizen, the legal fallout is different, but because it's the setting for how your training and expert knowledge served your defense, let's take a few minutes to learn what happened in the civil rights case. What happened next?

**Gelhaus:** The expert witness reports came in, and my attorneys were starting to prepare for the court hearing to ask for summary judgment and qualified immunity, but they did not depose the plaintiff's use of force expert. A number of things in his expert witness report were not factual. Going through his deposition about eight months later, I was able to piece together that he had not been given all of the information by plaintiff's counsel, so he "supposed" things.

He said there had never been an incident involving an AK-47 in my county, therefore I had no reason to be fearful of an AK. He had not received the deposition from one of our gang experts about the number of AKs and other firearms I had seized in that neighborhood, and a local shooting the summer before in which several ICE agents were shot by gang members with AKs.

**eJournal:** Were his statements treated by the court as authoritative? Did his assertions become part of the legal record?

**Gelhaus:** Yes.

**eJournal:** What happened when the court had to decide?

**Gelhaus:** They had the hearing for qualified immunity and summary judgment. While the trial judge granted partial summary judgment on some of the issues, we did not get it on everything, nor did we receive qualified

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immunity. She did not believe the muzzle of the AK had risen far enough for me to have considered it a lethal force threat.

We appealed to the 9th Circuit Court and got a three-judge panel where one of the judges said on the record that he was sick and tired of cops shooting kids with toy guns. It was pretty easy to figure out which way he was going to go. Another judge asked plaintiff's counsel if they should consider the number of AKs I had seized in that neighborhood and plaintiff's counsel said no, they should not.

We lost our appeal to the 9th Circuit and appealed to the US Supreme Court. After four weeks in that process, they denied our petition for certiorari. We asked, "Well, what are we going to do?"

Doug Mitchell came to California for a week. He and I went through the entire case and wrote a detailed critique of how it had been handled. I don't think any of our attorneys had ever seen a client do that. We talked about things like the use of force training perspective, how plaintiff's experts should have been attacked, and how the case needed to proceed.

In December 2018, while we were getting ready to go to trial, we had a final mediation session. We were \$2 million apart at the end of it. It looked like it was going to go to trial. Two days later, the attorneys reached a settlement and the day after that I got a phone call telling me that the county and the Lopez family had settled.

## Interaction with Attorneys

**eJournal:** In light of the report you and Mr. Mitchell wrote, we need to ask how well were you able to work with your county-provided attorneys and what would have made it better.

**Gelhaus:** There were times that I think—no, I know—that I was a real pain for my attorneys. None of the four attorneys that I had were prior cops; only one had handled police use of force issues.

The lead was a really good, local civil defense attorney, and he was willing to listen to me. He had done shooting cases, but never one at this level. He was willing to listen, but I know there were times I was a pain when I was really hammering on getting him better educated on some things.

**eJournal:** Seriously, how receptive are attorneys to a client trying to redirect their attention to critical facts?

**Gelhaus:** Steve, my original attorney, was receptive. His office was between my house and the law-enforcement agency I worked for, so I was able to stop by any time something came up in the case. Generally, we interacted really well. We didn't always agree on things, and there were times that we kind of slammed heads together, but we could talk. Unfortunately, he died two years into the case. The attorneys who took over for him were not local to me and we never developed anything close to a similar relationship.

**eJournal:** Oh no! That's a stumbling block no one could have predicted. Were the attorneys defending you assigned by your law enforcement agency? Did you have control over attorney selection?

**Gelhaus:** They were selected by the county. I had no say in attorney selection. I asked for certain expert witnesses and was in essence told "you won't get them." I knew the type of experts I wanted from taking classes: current use of force instructors and trainers and officers at sergeant level. I wanted people who had been on the street recently who were current on their training and experience and knew what was going on. I did not get them.

I asked for a couple of sergeants who were supervising use of force training programs in large urban agencies, but what I got was a retired chief who had been a defensive tactics instructor early on in his career. He had been in administrative positions and removed from the street for the last 10 or 15 years. If the question was, "When was the last time you encountered an armed subject while you were driving a patrol car?" I don't know how he could've answered. It would have been quite a few years back.

**eJournal:** I'm a little surprised that a large California sheriff's department wouldn't have more experienced legal counsel available.

**Gelhaus:** My initial legal defense fund attorney is a very nice human being, but not someone I consider competent in use of force matters like this one. After my shooting, they handled two other cases in our agency, one in which I was primarily involved and one to which I was peripheral. I was underwhelmed by that attorney.

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That just has to do with the perspective that the attorney brought to the event.

Kicking it around with Doug Mitchell, my civil attorneys, and some other cops around the country, we think at best there are maybe 1,000 attorneys, that actually understand use of deadly force issues. That may be overbroad. I am sure if you looked in some city and county attorney's offices, you'd find people who understand use of deadly force at least from an LE perspective. I do not know how many understand it from the citizen's side.

**eJournal:** There just isn't that much experience in the criminal bar defending innocent people.

**Gelhaus:** I would not turn to a criminal defense attorney who's used to defending criminals. I have really offended a couple attorneys when I've commented, "You guys are really good at plea bargaining. I don't say this to make you mad, but how many times do you actually go to trial to defend your client instead of pleading him out?" Plea bargaining is not what a decent, normal human being needs when they have tried to save their life, or the life of a loved one.

**eJournal:** The need goes beyond attorneys who understand justifiable use of force; the legal team needs expert witnesses to explain, as you have identified, elements like auditory exclusion or how the human brain identifies information gathered visually.

**Gelhaus:** I think law-enforcement has the experts; I just don't know if they are the right experts for decent, normal human beings. I am surprised I have not seen greater use of the human factors material by Force Science Institute and similar entities used in civilian defense. What scares me is that the criminal defense bar will figure out the human factors stuff and start to use it to defend their suspects. I do not know how we get one in without risking the other. I am hoping that kind of support could be out there for the public.

**eJournal:** For many years Force Science Institute was completely closed to the private citizen, and only recently have students from the private sector been allowed in their classes. That expertise, however, is only one factor, the larger being minimal motivation for defense attorneys because most deadly force litigation does not involve innocent people.

**Gelhaus:** Do you take someone from the law enforcement world and try to get them to think "decent,

normal human?" Who is out there has the subject matter expertise to understand the legal issues, the human factors, the training?

**eJournal:** The good news is that much of the LE-private citizen cross over talent is represented on the Network's Advisory Board, and your comments underscore just how much we appreciate them because they are, indeed, uncommon. Another issue that doesn't come up in this story because you did not have to go to trial, although you came close: judges have control over whether an expert is recognized and whether their expert knowledge will be allowed in trial. As vital as having the right experts can be, as you wrote in that *Firing Line* post all those years ago, ultimately, your legal survival comes down to being able to explain why you did what you did.

**Gelhaus:** It was frustrating, because my attorney would say, "Hey, look, you can't be the expert on this case." I would say, "I get it! I can't be the guy giving expert testimony, but I am telling you who you need to go talk to and why you need to listen to them." Sometimes, the attorney and I would see things in completely different ways because of our perspectives and our experiences. As the guy it was happening to, the way I looked at it was completely different from the view of the attorney who was strategizing about how he was going to defend the case.

**eJournal:** Being lied about and publicly accused of planning murder is an emotional burden that has to be acknowledged.

**Gelhaus:** I could not speak for myself publicly. Anything I said to the media was never going to be conveyed in context. I had to sit there and take the punches. I knew that whatever I wanted to do or say, I would not be allowed to respond. I only could fight it through my attorneys, to the extent they did.

## Defendant's Experience and Training

**eJournal:** Your extensive training explained the decisions you made during the incident and guided your actions both during and afterwards. This is one aspect of your experience that can and frankly *should* be mirrored by armed private citizens. How did your own expertise help you and how did you help your legal team understand its importance?

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**Gelhaus:** I had trained extensively with Gunsite, Louis Awerbuck, Bill Jeans, Pat Rogers, Scotty Reitz and others multiple times before my shooting. I was teaching at Gunsite. Fortunately, I had been to enough classes, that I understood the mechanics of shooting. Additionally, just the year before, I had been through the full 40-hour Force Science Institute class, so I understood all the human factors involved.

I understood ballistics. I knew what bullets really do when they hit things; what does and what does not stop rounds. I understood body armor pretty well; not so much from having worn it, but from having been involved in several issues that had come up over time where I had to take deep dives into learning what armor really did and how it did it. That served me well.

Ultimately, my attorneys realized that they did not know what I was trying to tell them. That led to the attorneys and experts in the case going to the range. In the court documents we have video of them shooting up a car with body armor on a stand behind the car door. In the video, there are rounds going through the car door, through the vest, and exiting the vest's back panel.

**eJournal:** You were well prepared and hadn't just said, "The agency will take care of me." You had rigorously pursued your own training and taken it so seriously that when the success of your legal defense depended on identifying issues that had to be explained, you compensated for your legal team's failure to see details from your shooting that absolutely had to be addressed.

Realistically, I don't know how many private citizens can achieve your level of preparation, but I do believe some will face serious problems like mistaken identity shootings, or other hard-to-explain facts like shots in the back that happen in fast-moving defense situations and will have to explain why force used in self defense is reasonable.

**Gelhaus:** Your training will help you explain why you did what you did. To me as an instructor, that means that while I understand the cop world really well, and I have been teaching decent, normal human beings at Gunsite for quite a few years, too, now, I am really making an effort to understand more of these things from the citizens' context. For example, *Graham v. Connor* is great when you need to explain to cops how to evaluate when to use force. Cops initiate or respond to events, trying to get to the result of a person being arrested and going to jail. Decent, normal human beings do not have to close the distance and take folks to jail.

As an instructor, I am now paying more attention to that realm. I would urge people to pay attention to the things Claude Werner is writing; pay attention to the people who have a more normal, decent human being-centric view. There is a big difference between being in the military doing stuff overseas, being a cop doing stuff domestically, and being a decent, normal human who is just trying to break contact and get away. Some things carry across, but they are more of the mechanical skill set, not necessarily the legal side.

In cop classes I teach, I really emphasize case law. Now, as I am developing classes for decent, normal human beings, for citizens, I am including the criminal code citations and the jury instructions in the class and talking about the case law of justifiable homicide by a citizen, not just by police. We have to have more instructors who understand that view.

**eJournal:** Your point is well taken and suggests that we include understanding case law and jury instructions in the criteria by which we select our instructors.

## Coping

**eJournal:** It is impossible to tell this story without touching on the personal aspects of what was done to you. Your agency's administrators were unsupportive, which is ironic, because you wouldn't have been in the shooting had you not been working for your agency that day. What happened at work as the legal process unfolded?

**Gelhaus:** My co-workers were very supportive; the elected head of the office was not. The county's board of supervisors was openly hostile, but very supportive of defending the case behind closed doors. While a couple of the supervisors publicly wanted me fired or kept off of patrol; they would ask about my well-being.

I had come out number one on the list for promotion to sergeant the day of the shooting. The admin captain spoke to me a few days afterwards and asked me to withdraw from the promotion process. He said, "Hey, we can't promote you right now, so why don't you just pull out of it?"

Hold on; wait a minute! I am being destroyed by the media, I am having to take my wife and move out of my house and go into hiding because of the death threats, and you want me to walk away from trying to get promoted at work? It took another 2½ years to get

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promoted. I had internal support, but not support from the boss, who seemed to base his decisions not on whether it was right or wrong, but on the political ramifications and fallout.

I was stuck there for the duration of the lawsuit, so I re-applied for promotion.

**eJournal:** Of course, they wanted you to just go away, but with the lawsuit unresolved, you couldn't go anywhere else! I think part of the damage, though, is having to keep going to work knowing that the administration wished for nothing more than your departure. How does one deal with that kind of abandonment?

**Gelhaus:** Leaving would have made them ecstatic. I decided early on that no matter how dark it got, "They" were not going to win. I will not say that there weren't some dark nights, dark weeks, dark months for me. I saw a counselor on and off throughout most of it.

After we settled the lawsuit, I did a residential post-traumatic stress treatment program for public safety to deal with the aftermath. The event was tragic, but what I had to deal with was everything that happened afterwards.

Early on, my doc, Joel, recognized that I knew how to communicate. I had been a trainer for several years; I had been a published writer. He was not trying to pile extra bricks in my backpack, but Joel made it very clear to me that if I got through this, on the other end I would have the ability to talk to others about it. One of my goals became getting to the point of being able to communicate about what happened to practitioners, other officers, and to decent, normal human beings.

**eJournal:** You mentioned those very black times when it must have seemed that before you could recover from one blow, you were hit with something else. What carried you through?

**Gelhaus:** First, I knew I had not done anything wrong. I had dealt with the situation as best as I could. The things that made it tragic were things that I could not have known until afterwards. I could not have known it was a replica firearm. I couldn't know his age or that his THC levels were off the charts from smoking marijuana several times that day. Again, I did not know any of that ahead of time.

I *did* know that I'd done nothing wrong; based on all of my training, I responded correctly and reasonably to the situation that I encountered.

Next, I decided, "You guys are not going to get a win. I am not going to give you a win by hitting the 'eject' button." Although I had no intentions to, the thoughts in my head were, how would that be portrayed if I were to go down that road? How would that be portrayed and reported for months and years to come? What would my wife, my family and my friends have to deal with? My touchstone was, "I cannot let them go through even more."

Oh, there were bad times! I can remember one night early on, walking up and down a ridgeline, just looking out across the valley and thinking, "I can't take anymore. I cannot take another hit." I wasn't thinking, "What am I going to do if that happens?" I just thought, "I can't take any more. My reserves are gone." Well, the sun came up the next morning, and with the exception of during the 2017 wildland fires here, the sun has come up every morning after that.

One thing we have not mentioned is the expense. I was represented by our state law enforcement association legal defense fund. I have seen some of the bills and they were large. That was all paid for by the association's legal defense fund and the county and its insurance carrier.

**eJournal:** What goals and aspirations emerged intact after your ordeal?

**Gelhaus:** I am very fortunate that Gunsite kept me on staff and continued to let me teach. Some doors that I had hoped would be open to me, are closed in retirement. I have a graduate degree and I wanted to teach in the academic world. That does not look like it will happen. I'm blackballed at the local academies; I can't teach at either of them. Now, my goal is to teach in other venues to be able to share some of this information.

While I haven't resumed writing again for magazines, I did a research paper that is being used in training programs across the country. It does not have anything to do with my shooting; it has to do with vehicle stops.

I have made presentations to both agency peer counseling programs and administrator groups. I've

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spoken about how an agency deals with the guy or gal who is going through this and how to deal with their partners. I have been able to help in those realms.

I've talked openly about what happened to me, without trying to eviscerate my former boss. He was not cut out for the position in which he found himself. It took me years to process that. We are never going to break bread together, but I don't hate him anymore. That was a significant emotional step.

**eJournal:** What a burden that must have lifted from your shoulders.

**Gelhaus:** [sighs] It took a while. A few weeks ago, I was asked to talk to a cop who has been in a similar situation. When we were done talking, he called the doc who had reached out to ask me to talk to him, and he said, "Man, if he can get through all that, then I can get through this."

**eJournal:** We can all learn from your strength and resilience, because your ordeal was about as grim as it gets.

**Gelhaus:** Yeah, it was. Looking back, there were times that I don't think I realized just how really bad it was! I am thankful for the things that I get to teach. I have my own training company and there is a local training company that has contracted me to do a number of classes teaching both low-light and CCW related classes. I am grateful to be doing lesson plan development for agencies, too.

What I think is important for the people reading this, though, is: don't just focus on how to use whatever tool you are going to use. If you are going to use OC [pepper

spray], learn the laws about using OC. If you are going to use a firearm, learn the laws that relate to using a firearm. Learn the laws so you know what you can and cannot do and when.

I have used the phrase, "You are probably going to need to be your own expert." I am not talking about testifying, but you are going to have to be able to explain why you did what you did, not just to the cops, but there is a really good chance that you are going to have to explain to both criminal defense counsel and a civil defense attorney, why what you did is reasonable and why it is within your state's standard and the national standard.

Understand that you may very well have to go talk to counselors afterwards, not because of the event, but because of the aftermath of the event. I didn't have problems with the shooting itself. I found out in the residential treatment I did afterward, that I had a pretty bad moral injury from the aftermath over who I ended up shooting. So, just accept that you may need counseling. Not everybody who uses force needs counseling but be accepting of help if you need it.

Know as much as you can know about what you plan to use to defend yourself, not just the mechanics of it, but also the legalities. Know that you may have to be your own expert to explain why and how you did what you were trained to do and why that was reasonable under the circumstances. Help your attorneys know what experts they may have to go get to help.

**eJournal:** Those are powerful lessons, and all the stronger for coming in the words of the man who went through it and came out the other side. Thank you for your candor and generosity in sharing these lessons.



## President's Message

### Insurance Commissioner Fight Update

by Marty Hayes, J.D

Several members have asked what is going on with our legal battle with the Washington State

Insurance Commissioner (OIC). For new members not familiar with this fight, for well over a year, we have been countering arguments from the OIC that the Network's assistance to members constitutes insurance and that we are subject to that agency's regulation. Because the Network has never had an insurance component, we have, of course, argued vigorously that their charges were groundless. Undeterred, in the spring the OIC imposed a cease and desist order prohibiting enrollment of Washingtonian (this only affects Washington State), although renewals of existing members are allowed. That, in a nutshell, is the situation.

For a couple of months at least, we have been in a sensitive phase of the battle, and while it is not over as of this writing—and we do not expect it to be over any time soon—I figured it was time to update everyone. (Including of course, anyone reading this from the Office of the Insurance Commissioner!)

First off, we are waiting for a ruling from the Presiding Officer, who is an employee of the Office of Insurance Commissioner (OIC) who has been appointed to preside over our appeal. She has issued two rulings so far, the first one denying our motion for a stay of the cease and desist order, which we chose not to appeal, and the second motion being a final order on both our motion for summary judgment and the OIC motion for summary judgment. To no one's surprise, she also ruled in favor of her employer. We have filed a motion for reconsideration, believing her ruling to be illogical. Let me explain.

She has found our program to be insurance, because she has determined that we pay money to cover legal and bail costs upon the occurrence of a determinable contingency. Interestingly, she actually agreed with us that self defense is an intentional act, not a contingent

act, but, in order to find in favor of her employer, she proffered the argument that while the act of self defense may not be a contingent act, the circumstances which lead up to a person making a voluntary decision to use force in self-defense were the contingent act. By the way, all this is public record, and for those who would like to follow the entire argument, I will post the link at the end of my narrative here.

Here is how the OIC's presiding officer framed it:

*"Upon further analysis, the event that is covered is the act of self-defense. But self-defense is really a hybrid of a contingent act and an intentional act. It is true that using force to defend yourself from another is an intentional act. However, self-defense is contingent upon a third-party attack...So while the decision to use self-defense and act accordingly is intentional, the circumstances that precede such a decision are necessary and contingent, and thus even use of self-defense is a 'determinable contingency.'"*

We have filed a motion for reconsideration, pointing out to her the "reasonable belief" aspect of self-defense law. One does not have to be attacked to use force in self defense, but instead, simply have a "reasonable belief" that an attack is occurring.

Secondly, in order for our benefits to be considered insurance (according to WA Law, RCW 48.01.040) "Insurance is a contract whereby one undertakes to indemnify another or pay a specific amount upon determinable contingencies." The word determinable is a modifier to the word contingency and means the ability to be determined. If a reasonable belief is the contingent act, then how does one (ahead of time), determine what that reasonable belief will be?

That is the question before the OIC's Presiding Officer in our motion for reconsideration, and we should know soon what her answer to that question is.

### What Next?

If we are not happy with the ruling on our motion for reconsideration, we can then finally appeal the ruling to a superior court, where an independent judge will review the record and decide if the insurance commissioner employee was correct in her ruling.

*[Continued next page]*

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This will of course take another several months I suspect, so when I said that we were in this for the long haul, you can see I meant it.

Now you are up to date regarding our fight. If you want to read all the bloody filings of the case, go the insurance commissioner website, make a pot of coffee (one cup will not do it) and read away. Here is the link for the filings:

<https://www.insurance.wa.gov/hearings/armed-citizens-legal-defense-network-inc>.

## Hail to the Chief!

Thank-you President Trump for following through on your promise to appoint Supreme Court justices who will interpret laws taking into account the intent of the writers of the US Constitution. With this promise, he has now appointed three justices who, it is likely, will be strong pro-gun votes on the court, joining Alito, Thomas and Chief Justice Robert in a strong majority. We can expect to see some 2nd Amendment cases heard, with the likelihood of strengthening the rulings the Court has previously issued, Heller and McDonald cases. It was a pleasure to listen and watch Justice Amy Coney Barrett parry and joust with the Senate Judiciary Committee members during her confirmation hearings. What an intellect! This appointment is, so far, just about the only positive event to occur in 2020. I think we will all be happy to bring in 2021.

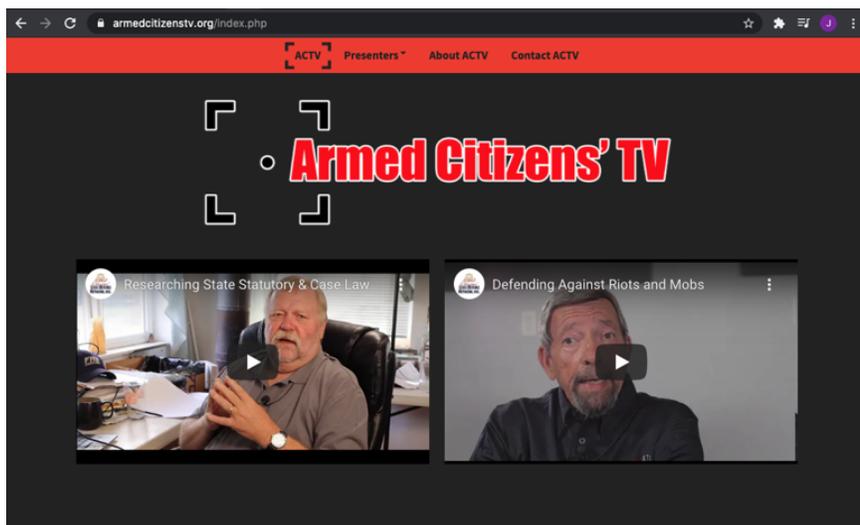
## Membership Continues to Grow

I am pleased to announce that active Network membership is now over 19,000. That is great! Thank-you to all the new people who have joined, of equal importance, thank you to all the people who have remained members over the years. I know other companies boast membership numbers up in the hundreds of thousands, but I doubt if those companies

are any happier than we are. With the increase in numbers, our Legal Defense Fund is over 2.5 million dollars, which is also the highest that has been. (Not a coincidence!)

## Have You Seen Our New YouTube Channel?

Recently, we made the decision to start making YouTube videos and getting them out for the education of millions of gun owners in the U.S. We have a Massad Ayoub video on defending yourself during a mob/riot situation, and I recently filmed on how to search your own case-law and statutory law. We're just getting started, but in light of the current unrest, Massad's video is turning out to be very popular. View it and my recent addition to the video library at <https://armedcitizenstv.org>.



## Marty's New Column

Our friends at *Gun Digest Magazine* recently approached me to write a monthly column regarding the legalities surrounding the incidents of self defense you see in the press. I have written one column so far (that should be out in the next issue of *Gun Digest*), and I will continue to write more articles addressing self defense issues you see in the news. With that in mind, I am approaching a deadline for that next column, so I will sign off for now and get busy.



## Attorney Question of the Month

This month's column continues a discussion started in October with our Network Affiliated Attorneys based on these questions—

***What legal repercussions would result if an innocent motorist, threatened by a mob they see harming motorists pulled from cars or threatened directly by a violent attempt to break into their car while they are inside, drives deliberately through the area with flashers and horn active but hits and injures a person as they attempt to drive to safety?***

***How does the motorist's responsibility change if the person hit is actively involved in the rioting or if it is another innocent person also attempting to get out of the danger area?***

***Does the motorist's responsibility change if they hit a protestor blocking an onramp, offramp or city street who is not immediately threatening violence against them or other drivers? What, if any, role does fear of being blocked in and later harmed contribute to justifying a motorist endangering the lives of pedestrians blocking roads or freeway ramps during violent protests?***

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The answer to this question is contained in three sections of Maine's criminal code - sections 108, 101 and 35. Section 108.

Section 108 permits a person to use deadly force to protect an innocent third person from imminent use of unlawful deadly force, on a "reasonable belief" basis. Section 101 cautions that use of deadly force that "recklessly" harms or creates a risk of harm to innocent third persons is not justified, as to prosecution for that harm or risk to others.

Section 35 defines "recklessly." It includes many limitations on its otherwise straightforward admonition.

"A. A person acts recklessly with respect to a result of the person's conduct when the person consciously disregards a risk that the person's conduct will cause such a result. [PL 2007, c. 173, §8 (AMD).]

"B. A person acts recklessly with respect to attendant circumstances when the person consciously disregards a risk that such circumstances exist.  
[but]

"For purposes of this subsection, the disregard of the risk, when viewed in light of the nature and purpose of the person's conduct and the circumstances known to the person, must involve a gross deviation from the standard of conduct that a reasonable and prudent person would observe in the same situation."

Thus, the factfinder would be instructed about, and the jury would consider, details about the number of persons threatened, the ease of identification of those threatened and threatening, the likelihood of serious injury (given the driving attributes of the defendant), the nature of the harm, if any, that had already occurred and the foreseeability of significant harm to innocents.

Ultimately, the justification, or not, for deadly force would require lots more facts than those provided here.

The first and most obvious point to make is that avoidance of these situations is the ultimate goal. So, if possible, change directions to avoid the situation. Keep in mind, hitting a person with your car (even a slight bump or nudge) to simply clear a traffic obstruction is not recommended and could result in charges to include battery, aggravated battery, criminal recklessness, or even much worse, if your actions arguably result in the death of an individual. However, things change when there is an attack on your occupied motor vehicle.

Unfortunately, we cannot predict how all prosecutors or juries will view every possible scenario. However, we can give you some guideposts to keep in mind.

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With respect to the law in Indiana, our “Castle Doctrine” would be applicable to many scenarios involving a person’s occupied motor vehicle. Although many people understand Indiana’s castle doctrine to be applicable to your home, it also has application to your occupied motor vehicle. Indiana’s “Castle Doctrine” is at IC 35-41-3-2(d), and indicates, in part, that a person is justified in using reasonable force, including deadly force, against any other person; and does not have a duty to retreat; if the person reasonably believes that the force is necessary to prevent or terminate the other person’s unlawful entry of or attack on the person’s dwelling, curtilage, or occupied motor vehicle...

Also, Indiana’s general self-defense statute at IC 35-41-3-2 should be another guidepost to keep in mind. It provides, in part, that a person is justified in using reasonable force against any other person to protect the person or a third person from what the person reasonably believes to be the imminent use of unlawful force. However, a person is justified in using deadly force, and does not have a duty to retreat, if the person reasonably believes that that force is necessary to prevent serious bodily injury to the person or a third person or the commission of a forcible felony.

Indiana law does provide for the lawful use of reasonable force, and in some circumstances deadly force might be considered reasonable. Ultimately, your actions may be judged by a jury as to whether they were reasonable under the circumstances. If you have to use your car to move through a crowd, use the least amount of force necessary to clear the scene. Greg Ellifritz has an excellent article we would suggest you review that may help you visualize various scenarios and appropriate responses. His advice can be found here: <https://www.activeresponsetraining.net/surviving-mob-attacks-on-your-vehicle>.

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*What legal repercussions would result if an innocent motorist...drives deliberately through the crowd with flashers and horn active but hits and injures a person while attempting to drive to safety?*

As always, a lot depends on the circumstances, but based on my experience there would almost certainly be an arrest of the driver (on charges that might vary but

would likely be assault with a deadly weapon or vehicular assault or the specific state equivalent) and a long and very excruciating process where the criminal culpability of the driver is examined by lots of investigating entities, from social media, to the local and state and national media to the local police to the state police to the local prosecutor to the state prosecutor to the federal prosecutor and all the executive branches in between. In short, it would be a hellacious circus that would hinge on a very detailed and specific factual analysis and process.

*How does the motorist’s responsibility change if the person hit is actively involved in the rioting or if it is another innocent person also trying to get out of the danger area?*

The specific details would obviously matter as I explained above, but so would the number of other people in the riot, the number of people in the car, the reason the car was where it was, the reason the rioters are where they were, where did the specific accident take place (in the intersection, as a turn was being made, as the car was thrown in reverse attempting to back up) and many others, each having an effect on the calculus of who is being charged with what crime, if any.

*Does the motorist’s responsibility change if they hit a protester blocking a roadway who is not immediately threatening violence against them or other drivers? Does fear of being blocked in and later harmed justify driving through and endangering persons blocking roads or freeway ramps during protests?*

Absolutely. A pedestrian almost always has the right of way vs. a car. And no one has the right to use force against someone who is not a justifiably imminent threat to that person or others. Every use of force must be justified not just by subjective fear but by reasonably subjective fear. If you were afraid under X circumstances, but a reasonable person would not be in fear, there is no lawful basis for self defense. Motive of the motorist will also be examined, as well, for example a driver going to a dental appointment who takes a path unknowingly through an out of control street protest has a different perspective on fear than a person driving to a protest to counter protest and it just got out of hand.

*A big “Thank You!” to our affiliated attorneys for their very detailed contributions to this interesting discussion. Please return next month when we ask our affiliated attorneys for their thoughts on a new topic.*

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# Attorney Affiliation Campaign

by Josh Amos, Network Affiliates Manager

This year has been full of challenges! When Covid-19 began its disruptive influence on all of us, we decided it was a good time to undertake our annual affiliated attorney check in campaign because I wasn't able to come to the office to do my normal work. The first step we took was to reach out to each of the Network's existing affiliated attorneys. We appreciate each attorney who expressed his or her desire to remain affiliated with the Network and took the time to respond to our phone calls, emails and letters. Their participation gives us continued confidence in our attorney affiliation program and provides a great base for us to build on as we expand this resource.

## The Next Steps

Now that we have confirmed our existing Network affiliated attorneys' contact details, we are redoubling our efforts to expand that base by affiliating with more attorneys who share our commitment to defending the right to self defense. To that end we are involved in the following:

1. We are cold calling law firms in our underserved areas;
2. we are asking our Network affiliated attorneys and affiliated instructors for referrals to attorneys we have not yet met from our current affiliates;
3. and most importantly, we are asking for and following up on attorney recommendations we receive from our members.

Please help us with this part of the campaign! If you know of an attorney who is supportive of gun ownership and is interested in representing his or her fellow armed citizens after legitimate use of force in self defense, please introduce us. Perhaps you have met attorneys through your personal contacts, through your work, from the gun club or at gun rights events. We will greatly appreciate a call or email from you sharing their name and contact details so we can reach out to them. Please call me at 360-978-5200 or drop me an email to [josh@armedcitizensnetwork.org](mailto:josh@armedcitizensnetwork.org). It will mean a lot to me!

If you're close to the attorney you're recommending, please let him or her know that you are a Network member and why you value your participation in the

Network. Your positive message about the Network paves the way for us to contact the attorney and invite him or her to also participate. You would not believe the difference between a solid referral from you, a respected member of the community, compared to a cold call from me when I'm striving to get our invitation to affiliate in front of a busy lawyer. We provide complimentary membership to affiliated attorneys—their assistance is *that* important—we also encourage our members to consider turning to Network affiliated attorneys when they have more mundane legal issues, be that a traffic citation they need to fight, a property line dispute, wills and trusts, or other more routine legal needs.

## Our Goals

Our ultimate goal is to have an affiliated attorney representing every county in the country. In this, we have set for ourselves a high bar, indeed! We are confident we can accomplish our goal through the power of networking with all of our members, affiliated instructors, affiliated attorneys and friends of the Network spread across the nation. We humbly ask your help in this important effort.

## Final Note

At the Armed Citizens' Legal Defense Network, we never tell you which attorney you must use (we think that's a lot like telling someone which dentist to use). After a self-defense situation we will fund the attorney you designate, even if they are not affiliated with the Network. We run into some attorneys and law firms that choose not to affiliate for political or personal reasons but are still good choices for members needing representation. No matter who you choose to be your attorney, I'd strongly recommend that you reach out to them and ask the following questions:

1. Are you available to come if I call?
2. How do I reach you after normal business hours or on the weekends?
3. What do you as my first call attorney, need to know from me?

We appreciate your assistance and your support as we continue to progress and improve this resource for our members.

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## Book Review

### Fortitude

By Dan Crenshaw  
Released April 4, 2020  
Grand Central Publishing  
Paperback: 256 pages \$29  
Hardcover; \$13.99 eBook  
ISBN-13: 978-1538733318

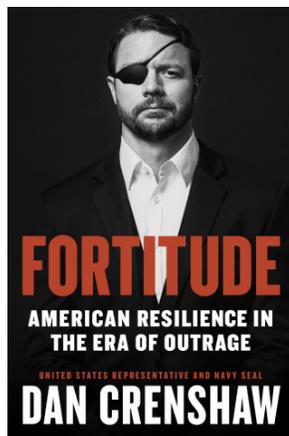
Reviewed by Gila Hayes

Texas Congressman Dan Crenshaw, like many in political life, raises hackles on both sides of the political spectrum with his public statements reflected, inevitably, through the echoes of his comments as filtered by news reporters and social media. All that chatter moved me to read Crenshaw's book, *Fortitude*.

*Fortitude* inspired me to check my own blind spots through its analysis of the "outrage culture." Crenshaw's premise is that society has grown increasingly petty, reveling in emotional outbursts instead of working toward positive growth and concrete accomplishment. "If you're losing your cool, you are losing. If you are triggered, it is because you allowed someone else to dictate your emotional state. If you are outraged, it is because you lack discipline and self-control," he writes.

In the introductory pages, Crenshaw suggests that when faced with disagreement, many people misinterpret opinions that differ from their own for actual, physical danger. They justify striking back with genuine violence and destruction, encouraged by "opinion journalism," social media and educators, he explains. The emotion of outrage has replaced taking action to correct wrongs.

"Outrage is weakness," Crenshaw asserts. "It is an emotion to overcome, not accept, and overcoming it requires mental strength. This book is about acquiring that necessary mental fortitude." Later he suggests, "these days, too many people are overcoming their knowledge deficits with passion, and too many more people are mistaking 'passion' and 'authenticity' for righteousness and sophistication." We would do better, he comments, to pause before reacting, to consider opposing viewpoints by asking questions and exercising curiosity. "Be still; delay your reaction. Be skeptical and consider alternate possibilities. Hold multiple potential scenarios in your head at the same time," recommends Crenshaw.



Inner strength embodies, "Acceptance for what you truly can't control, but responsibility for what you can control," Crenshaw writes. He discusses the relationship between inner stillness, outrage, and personal responsibility. Whether faced with a threat to life or an angry verbal barrage, skill at accessing inner stillness prevents panicked responses that waste energy and do nothing to solve the problem. Stillness is a practiced skill, he stresses.

To get that practice, he suggests, "mentally walking through various scenarios and then imagining your ideal reactions to those scenarios...So when it does happen, you've already thought through the action and it comes with ease. You are better prepared. Your mind is freed to embrace new, unexpected challenges...Imagine how you would want to be seen reacting to a difficult situation, and simply think about reacting that way. You will be amazed at the effects." Practice on small problems, he recommends, noting that if you practice inner stillness and control emotional reactivity, your inner strength will be available when needed for larger, more threatening situations.

We live in a golden age, but many people suffer from anxiety. "With many big problems cured, reduced, or eliminated, our small problems have been elevated remarkably in our public discourse," Crenshaw observes. "The miracle of modernity has done some amazing things, but it has also softened us a great deal. The likelihood of experiencing a truly harrowing situation, let alone many of them, is near zero and our resilience has suffered for it. This means you'll never know how you would react, and it means you have very few opportunities to practice for it when the time comes."

Crenshaw wonders if today's Americans could survive problems faced by past generations. He writes, "There was once a time when we were occupied by a seemingly indomitable monarch, there was a time when the White House burned and the flames could be seen from the Potomac River. A time when we split ourselves in two over the great moral injustice of slavery, when a depression laid waste to our land, and when Nazi and Communist thugs were stopped from world domination only by the courage of our Greatest Generation."

What would it take to regain the fortitude of past generations? Crenshaw suggests that people are inspired by stories and look to heroes for examples of good character. He writes that humans are designed to "think in narrative, bringing to bear the full range of our

*[Continued next page]*

God-given reason and emotion” to understand “ourselves and our place in the world.” Commentary follows about developing the traits of humor, productivity, reliability, temperance, self-discipline, even-temperedness, humility, and listening to points of view outside our own. “Stories are practice runs for the mind. We hear them, we read them, and we act out our own role within them,” he writes. We chose whether to cast ourselves as victims or as responsible victors over hardship in our own stories, he teaches.

Crenshaw’s list of desirable traits is daunting, so he recommends achieving small goals moment-to-moment. Overcoming hardships both large and small yields self-confidence and the mindset of, “If I can do this one hard thing, maybe I can also do the next hard thing.” Pursue excellence in small details, he urges. If you aspire to stop losing your cool, adopt a detail-oriented approach to your day. Use sarcasm and humor to defuse the little stressors. “We allow ourselves to sweat the small stuff because we strive to be detail oriented. Details matter. Paying attention to detail is an absolute must for performing successfully in life, whether in the life-and-death situations of combat or doing payroll for your business...blow off steam in a healthy way so that when bigger problems arise, you are more emotionally capable of dealing with them,” he writes.

Crenshaw doesn’t demand perfection, only responsibility and accountability. “The road to mental toughness is paved with the knowledge that we don’t always do what is right, but we are willing to take responsibility for it, humbly correct it, and be stronger as a result. A mind that cannot bend to admit wrongdoing is easily broken. Don’t be breakable. Live with fortitude.”

Embrace challenges, Crenshaw urges, citing studies that suggest inner strength can grow out of traumatic events. “This type of change is known in the psychological literature by a number of labels: posttraumatic growth, stress-related growth, positive adjustment, positive adaptation, and adversarial growth,” he quotes. “You have control over your thoughts, and your thoughts are more powerful than you may realize. Healthy habits create a healthy mind, and a healthy mind creates healthy people. Doing something hard is the habit of building mental calluses so that when life happens, you are better prepared for it.”

What happens if failure strikes? Examine your perception of events and actions leading to failure, Crenshaw challenges. “After every failure, after every hardship, we create a personal narrative to account for

that moment. We tell ourselves a story. We may not control the event itself (though we probably have more control than we think), but we certainly control the story that comes out of it.”

“When failure comes, there are a series of questions we have to ask ourselves: ‘Which actions of mine caused this? What could I have done differently? What will I do when and if it happens again?’ Note something important about these three questions: They’re all inwardly focused. They’re all about personal responsibility. They all accept and face circumstances.” Blaming others robs you of the one factor that you can control: yourself and your choices. Ask instead, what did I do to cause this? Crenshaw notes, “This is a necessary exercise, because you will encounter failure at some point in your life. And having a mind properly disciplined to learn from that failure is vital to self-improvement, growth, and earning the respect of your peers.”

Taking responsibility is hard but leads to stronger character if we nurture self-talk that require us to be better people. “At first it may be an internal narrative, but that narrative eventually makes its way into reality,” he states, concluding with the message that, “The pinnacle of failure is the refusal to take responsibility for mistakes and transgressions, and instead blame external factors.”

Political leaders have to think beyond the individual, but change starts with each of us. Crenshaw explains, “When one person stops taking responsibility for their actions, the unspoken implication is that they are expecting others to take responsibility for them. This is a toxic mentality...as responsibility is slowly diffused until there is none at all.” Each citizen is a thread in the “larger fabric of our culture,” he writes, so it is essential that each shoulders responsibility for their own happiness and success. Will we decide that we are not victims of external forces? The answer is in the stories we tell ourselves, according to Crenshaw. “We must decide to tell the story of America that embodies the founding ideals and gave us the miracle of opportunity that we have today. We must tell a story that we are proud of.”

Crenshaw closes with a call to embrace ideals of never quitting, never justifying taking the easy way out, realizing that even small actions matter, developing strength by going through hardship, being grateful, and practicing stillness in the midst of chaos. In spite of my distaste for partisan politics, I was inspired by this politician’s message. The time I spent reading *Fortitude* was time well spent.



## Editor's Notebook

by Gila Hayes

I miss hunting. There was a time when work was less pressing and it was entirely practical to announce that I'd be out of touch for the morning, sitting in the woods or up a tree with a rifle

across my knees. Oh, the abdication of certain morning duties wasn't always met with cheer and approbation, but there was a certain acceptance that hunting season was the one time of year that it was OK to go missing for half a day because, well, hunting season only comes around once a year, and no one in my house criticizes hunting.

It is likely an understatement that not all Network members are in favor of going out into nature and killing an animal to eat. After all, it has been many a decade since most Americans had to harvest wild game to avoid starvation. Today, more than preventing starvation, hunting accomplishes game management and allows humans to participate in the cycle of life with awareness. You see, we need to acknowledge the brutal fact that nature isn't a Disney movie script. Life's realities are more in line with Lord Alfred Tennyson's word picture, "nature, red in tooth and claw."

Frankly, death delivered by a skilled and conscience-driven hunter likely creates less pain and suffering than nature's cycle of life, if the hatred some express for hunting comes from a wish to minimize suffering by animals. That's not the larger point, though. Hunting indelibly teaches us that death is just as integral to our life cycle as conception, gestation, birth and the allotted time that follows. No matter how much we wish to ignore it, death is part of the cycle and we are better able to face all the challenges life entails if we are at peace with that eventuality.

Dystopian themes are popular in entertainment, be that books, TV or movies focusing on the end of civilization as we know it. Because I maintain sufficient resources to weather supply line disruptions, I don't spend a lot of

time worrying about "what if" scenarios. Some years ago, however, I began to ask if I possessed the internal fortitude to reduce game or farm animals to edible food portions. It is one thing to say, if we're in a TEOTWAWKI scenario, we will hunt and live on that protein supplemented by home-grown fruit and vegetables. I realized that if you have never taken apart a steer for beef or an antelope or deer for venison, the absence of even rudimentary skills would be a very real impediment. I hunted that fall, and fortuitously, after several weeks of tromping the woods after work and on weekends, a spike buck presented itself. The hunt was over, and the real work began.

The book I reviewed this month, Dan Crenshaw's *Fortitude*, created a pang of regret that I haven't had time to participate in fall hunting for several years because the woods are a wonderful place to fall into inner stillness and bring that mental state back out into the daily hustle and bustle. Crenshaw talks about cultivating inner stillness: backing off the natural emotional response to challenges and letting rational questions and explorative mental processing replace knee-jerk reactions. I strive to minimize emotional responses, so Crenshaw's observation that inner stillness is a practiced skill resonated.

Crenshaw's book was, to me, an echo of a book I'd read earlier this summer, Rory Miller's *Living in the Deep Brain: Connecting with Your Intuition*. This isn't the time to delve into Rory's book – it is complex and challenging in its own right. Suffice it to say, it is all too easy to get swept up in pressing tasks that "have" to be done and forget to pursue stillness.

Stillness is accessible anywhere, and perhaps going into the woods in the fall has been my crutch to reconnect with the well of quiet that resides inside each of us. Still, I miss hunting season. Whether we knew it or not, many of our older American traditions, farming or on a smaller scale keeping home gardens and hunting or animal husbandry, all created opportunities for reflection, worship and recharging. We've lost much—and the next generation coming up behind us has lost even more—by giving up that connection to the cycle of life.

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## 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.

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In addition, material presented in our opinion columns is entirely the opinion of the bylined author and is intended to provoke thought and discussion among readers.

To submit letters and comments about content in the **eJournal**, please contact editor Gila Hayes by e-mail sent to [editor@armedcitizensnetwork.org](mailto:editor@armedcitizensnetwork.org).

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

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We welcome your questions and comments about the Network.

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