

Legal Self-defense: A Layman's Guide for Non-specialists

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"For what reason do you come?" the master asked. "I have come to learn the art of self-defense," I replied -- as if in the question, the answer was also contained. "And which self do you wish to defend?" He responded as if still the question had not been answered.

-- Thomas M. White, *Three Golden Pearls on a String: The Esoteric Teachings of Karate-Do and the Mystical Journey of a Warrior Priest* [[FNL](#)]

Introduction;

Most martial art and self-defense classes teach you how to kick, punch, and scream. Most help you learn balance and self-confidence. And some even show you ways of blocking and moving. But few help you wrestle with the really hard questions, things like what are you willing to die for, kill for, and live with afterwards.

For example, what are you willing to die for? The twenty dollars in your wallet and your watch? A dance with some stranger at a bar? A dispute over a parking spot? Your job? Your religion? Your mother-in-law?

What are you willing to kill for? The twenty dollars in your wallet and your watch? A date or marriage gone sour? Your child's virginity?

And what are you willing to live with afterwards? What happens if you said that you would rather die than be raped, then panic when the time comes and get raped without being killed? During World War II, for instance, United States Army research that almost half of American combat infantrymen wouldn't shoot their rifles at another human being, even to save their own lives. Besides, if you are a shooter, what happens if you shoot at a suspected burglar and then discover that it was your son sneaking in after a hot date?

The possibilities are endless.

Yet a total self-defense program must encompass all these questions, and more. So see your spiritual advisor. Read your scriptures. Do some serious thinking about a serious subject. And decide in advance what are you willing to die for, kill for, and live with afterwards.

To help you avoid doing anything illegal, I have chosen to provide you with a brief look at American criminal law. The following discussion is based on an informal study of American legal history and the United States military's Uniform Code of Military Justice. Although it has been reviewed by some attorneys, it does not accurately describe the laws of any particular jurisdiction. Neither does it substitute for the services of a licensed attorney specializing in criminal jurisprudence. It is simply information. Treat it accordingly.

Definitions of Key Legal Terms

Bench trial: A bench trial is a trial held by a judge alone, without recourse to jury. Except for cases where the prosecution is demanding the death penalty or life imprisonment, most trials are bench trials.

Crime: Crime consists of disobeying some local law. Since local laws are written by people instead of God, law enforcement generally has more to do with protecting the wealthy people in a community than it has to do with justice.

Criminal justice: Criminal justice is a euphemism for the delicate balance between state power and individual rights. In pre-modern societies, criminal justice was the purview of priests and princes, while in the modern United States, it is the purview of lawyers.

Cultural norms: Cultural norms describe what people do when they think that no one is looking, and are what keep most people acting decently toward one another. When individuals or cultures have conflicting norms, then the criminal statutes invariably favor the rights of the politically dominant individuals or cultures.

Deadly force: In North American jurisprudence, deadly force is defined as being an amount of force that can be expected to cause death or serious bodily harm. This includes the use of improvised weapons such as skillets and hammers as well as the use of obvious weapons such as firearms and knives. Attacks by boxers and other trained martial artists are generally construed as being sufficient to cause death or serious bodily harm. Courts usually allow people to use deadly force in self-defense when all three of the following conditions are met:

- All means of non-violent and non-lethal means of self-defense have failed.
- Death or serious bodily harm will result if you do nothing.
- The use of deadly force does not significantly increase the risk of injury for innocent bystanders. This third requirement usually precludes the use of firearms. For bullets travel miles unless stopped by something, and only 16 percent of the shots fired in combat by trained shooters, such as New York City police officers, ever hit their intended targets. The rest end up zinging around the neighborhood, and you are legally responsible for any damage they do.

Excessive force: Excessive force refers to the use of more force than a judge decides was necessary to have caused an altercation to end. While this involves considerable armchair-quarterbacking, most judges consider it excessive if you keep hitting someone after he or she has fallen to the ground, or if you use weapons or unarmed combat skills in response to simple assaults. And as most criminal trials are ultimately tried by a judge without recourse to jury, the judges' opinions matter a great deal.

Lesser included offense: Lesser included offenses are minor crimes included in a larger crime. For instance, aggravated assault is a lesser included offense within a charge of homicide, while breaking and entering is a lesser included offense within a charge of burglary. Lesser included offenses become important when the prosecution cannot prove the original, more serious, charge, or when the defense is trying to trade a guilty plea for probation.

Plea bargaining: Plea bargaining is admitting guilt to a lesser included offense in order to escape punishment for a more serious offense. The process became standard practice in Federal courts around 1916, and was common throughout the United States by 1927.

Self-defense: It is generally a legal defense to a charge of homicide, assault, or battery to show that you had reason to believe that you were about to become the victim of serious bodily harm. However, you must simultaneously prove that you tried every other reasonable way of avoiding the situation. This includes running away and calling 911. You also lose this right to self-defense if you started the fight, chose to engage in mutual combat, or committed the defense solely in the protection of property. Errors in judgment don't count, either. So if you get into a fight on behalf of someone else, and that person is later found to have been the legal aggressor, then you become the aggressor's accomplice, and risk conviction for assault, battery, or manslaughter, as appropriate.

Self-incrimination: Under current United States law, you cannot be required to incriminate yourself. So when the police ask you what happened at a crime scene, you are under no obligation to tell them. This right against self-incrimination does not extend outside the United States, and for poor people and minorities, did not exist even in the United States until 1966.

Crimes Involving Assault

Assault: Assault occurs when you offer to commit unlawful violence on someone else. This offer does not have to be completed. Saying "I'm going to break your face" constitutes assault, as does threatening to punch someone in the nose or to have your dog bite him.

Battery: Battery occurs whenever you touch someone in a way that the other person doesn't like. No force is required. So spitting on someone is chargeable as battery.

Breach of the peace: Anything that disturbs the public tranquility or the community morals constitutes a legal breach of the peace. Due to the difficulty of getting acquaintances to testify against one another, fist fights and domestic violence are frequently charged as breaches of the peace.

Grievous bodily harm: If an attacker uses sufficient force to blind, cripple, or disfigure his victim, then the attack is judged capable of causing grievous bodily harm. This increases the severity of the crime from battery to **aggravated assault** or **mayhem**. Since males are the perpetrators of most aggravated assaults, the use of the male pronoun here is intentional. (The main exception lies in the blinding, crippling, and disfiguring of infants, where the children's mothers lead the way.)

Manslaughter: Manslaughter is charged after accidental killings. For example, if you punch someone in the nose and he dies, then you may be charged with **involuntary manslaughter**. You didn't mean to do it, and the attack shouldn't have been lethal, but there you are with a stiff on the floor. Or, if after being raped, you run to your purse, draw your .22 pistol, and shoot your attacker seven times and kill him, then you could be convicted of **voluntary manslaughter**. For your life was no longer in danger, but you chose to use deadly force anyway. And, if you wait a few hours or days before shooting that attacker, then you risk conviction for **first-degree murder**. For your physical well-being was no longer at risk, while your timing suggested planning and premeditation.

Provoking words or gestures: Upraised digits are provoking gestures, while shouts of "Your mother wears combat boots" are provoking words. Truth is not necessarily a defense to the charge, especially if the court can be convinced the words or gestures were intended to provoke anger or violence, or otherwise disturb the public tranquillity.

Willfully discharging a firearm, thereby endangering human life: This is a lesser included offense within the charge of **assault with a weapon**. It is what homeowners who shoot at burglars are often convicted of. However, those homeowners are probably lucky at that. For should they miss the burglar but kill their neighbor, who had come outside to see what all the commotion was about, then they face conviction on the charge of negligent homicide, or **second-degree murder**.

Crimes of a Sexual Nature

Assault with intent to commit rape: Men are charged with this crime following violent attacks on women and girls committed for the sole purpose of gratifying lust. The key elements in proving the charge are showing that the attack was sexually and not economically motivated (e.g., a robbery) and that the attacker intended to use force to overcome resistance.

Indecent acts: Indecent acts are acts of a sexual nature that offend community standards. This is an admittedly fuzzy definition, since Hollywood and Las Vegas have different community standards than rural Utah. Still, the indecent acts charged under these statutes are usually more than peccadillos. For example, child pornography, spousal rape, and child molestation are frequently charged under these statutes.

Indecent assault: Indecent assault involves physically assaulting someone other than your spouse for the purposes of gratifying lust. (The idea that a husband could sexually assault his wife was not seriously considered by North American courts until 1977, when Oregon dropped the husband's immunity to prosecution.) Indecent assault does not require the use of force and does not require heroic levels of resistance. So date rape, which offers the prosecution the problem of proving degrees of consent and resistance, is generally charged as indecent assault instead of rape.

Forcible rape: Forcible rape involves direct genital contact between an adult male and a female that is brought about following the use or threat of violence or force. For conviction on this charge, the victim must normally come from a higher social class than the attacker, have resisted the assault to the point of unconsciousness or death, and have a previously unblemished moral reputation.

Statutory rape: In modern legal usage, consensual sex between an adult and a minor is termed statutory rape. Originally statutory rape laws were used to protect girls aged less than ten to twelve years of age. However, the idea of consensual teenage sex began to bother lawmakers during the 1880s. So the age of female majority was gradually raised to sixteen to eighteen years of age. (Tennessee went so far as to make it twenty-one.) These turn-of-the-century laws still stand in most jurisdictions, and are occasionally enforced when high school teachers or clergymen (male or female) are caught having affairs with their charges.

Sodomy: Sodomy describes genital contact between the mouth or anus of two people. In theory, it does not matter if these people are male or female, married or unmarried. However, there are no known convictions for female homosexual activity in the United States before World War II, and it is extremely unlikely that a conviction could be gotten for consensual sodomy between a man and a woman married to one another. So the law applies mostly to male homosexual activity. Sodomy charges also can be brought in cases involving genital contact between people and animals, or in cases involving the forcible introduction of foreign objects into the vagina or anus. However, as these latter acts do not carry the threat of unwanted pregnancy, lawmakers historically have not treated them as seriously as rape.

Crimes against Property

Breaking and entering: This is what you will be charged with if your neighbor calls the police to complain about your entering his garage to recover your lawn mower without his permission. It is also charged following burglary arrests where there is not sufficient evidence to prove housebreaking or burglary.

Burglary: Burglary involves forcibly entering a building after dark with the intent of burning the building, or robbing or assaulting its occupants. To prove the crime, it is necessary to show forcible entry and to prove that the perpetrator intended to commit an assault or a robbery while on the premises. When these standards cannot be met (such as when the perpetrator entered through an open door or window), then the crime is charged as some lesser crime, such as **entering, breaking and entering, or criminal trespass.**

Criminal trespass: Criminal trespass involves being caught on someone else's private property without the prior consent of the owner or his authorized agent. The crime is a convenient catchall frequently used by the police for the purposes of intimidation and social control.

Housebreaking: Housebreaking involves forcibly entering a building during the day with the intent of burning the building, or robbing or assaulting its occupants. It is necessary to prove both the forcible entry and the criminal intent to prove the charge. As the penalties for daylight break-ins are less than those for nocturnal break-ins, professional burglars tend to operate during the daytime instead of the nighttime.

Larceny: Larceny involves taking something of value without any intent of returning it. Unlike robbery, larceny does not involve the use or threat of force. So smash-and-grab jewelry raids, shoplifting, and car theft are chargeable as larcenies, not robberies. The difference between grand larceny (a felony) and petit larceny (a misdemeanor) is the dollar value of the property stolen.

Robbery: Robbery involves taking something of value through the use or threat of violence. Knocking someone unconscious, then stealing his money, is robbery. However, taking the wallet from an already unconscious person is only larceny. So you or a witness have to see your assailant hit you for him to be convicted of robbery.

Wrongful appropriation: Wrongful appropriation means taking something of value with the intent of temporarily depriving the owner of its use. Joyriding is a commonly charged example of wrongful appropriation. However, using company-owned office machines for personal use is the most common example.

Potential Punishments

If you decide to resist criminal acts using violence, then I recommend using a degree of violence that will send you to jail for less time than the crime that you chose to resist. In other words, do not assault a minor to prevent a larceny, or discharge a firearm in response to provoking words or gestures.

The following table, which lists the maximum sentences possible under the United States military's Uniform Code of Military Justice, is provided to help you make these determinations. Check with your attorney to learn the comparable statutes and punishments for wherever you live, work, or travel.

Crime Maximum sentence

(click and open the frame to the left to get proper alignment)

Simple assault	3 months
Assault consummated by battery	6 months
Breach of the peace	6 months
Provoking words or gestures	6 months
Willfully discharging a firearm	1 year
Assault on a minor	2 years
Assault with intent to commit injury	3 years
Assault with dangerous weapon	3 years
Involuntary manslaughter	3 years
Aggravated assault	5 years
Assault that results in maiming	7 years
Assault with a firearm	8 years
Voluntary manslaughter	10 years
Assault with intent to commit murder	20 years
Premeditated homicide	Death
Indecent acts	5 years
Indecent assault	5 years
Assault with intent to commit sodomy	10 years
Assault with intent to commit rape	20 years
Sodomy, forcible	20 years
Rape, forcible	Death
Wrongful appropriation, item under \$100	3 months
Wrongful appropriation, item over \$100	6 months
Breaking and entering	6 months
Larceny, item under \$100	6 months
Wrongful appropriation, vehicle	2 years
Larceny, item over \$100	5 years
Housebreaking	5 years
Arson	10 years
Burglary	10 years
Robbery	10 years
Robbery with a firearm	15 years

How to Avoid Becoming a Victim of Violent Crime

Although there is much to be said for being aware of your surroundings and who is in them, the best ways to avoid becoming the victim of violent crime involve giving equal respect to everyone and avoiding alcohol, firearms, narcotics, and the men and boys who abuse them. (Men and boys are responsible for nearly 90 percent of all crimes involving physical injury to others. When women are the perpetrators of physically violent crimes, it is generally as the vengeful victims of sexual abuse or as the batterers of their own infant children. This isn't to say that the women and girls may not incite the violence through their behavior, mind you, only that the people they physically abuse are generally not healthy adult males but instead children under the age of five, the elderly, and the physically and mentally disabled.)

The following are some additional suggestions concerning ways to reduce your risk of being the victim of violent crime.

- Vote for judges and legislators who are more interested in justice than maintaining their own privileged status.
- Pay attention to how your police act, and complain to your lawmakers when they do not act appropriately.
- Don't shirk jury duty.
- Get a job. For one thing, most robbery victims are unemployed. And for another, the police often respond faster to complaints from wealthy people than they do to complaints from poor people.
- Get a new job if your current one requires you to publicly handle cash, firearms, liquor, or prescription drugs.
- Use all available safety equipment, to include impact-resistant glasses, fire or bullet-resistant body armor, seat belts, and non-slip safety shoes.
- Pay attention to your surroundings. For if something looks wrong, then it probably is. Be sure to locate fire escapes, burglar alarms, and back doors, and know how and when to use them.
- Plan ahead. For example, plan on pulling fire alarms if you are attacked in a hotel hallway, or pushing elevator alarm buttons if attacked in an elevator. Know where the fire stations and all-night businesses are located on your route to and from work or play. Fuel and service your automobile regularly. Stock emergency supplies in your house and car. Etc.
- If you are physically battered by someone with whom you live, move out and don't come back. A study done in Kansas City in 1971 showed that 40 percent of homicides involved a previous history of domestic violence.
- Be blunt about what sexual acts you will and will not perform, and with whom. Studies have shown that sexual predators easily confuse any qualifiers to the word "No" to mean "Yes."
- Consider using violence to resist sexual predators. Studies have shown that sexual predators are more excited by your fear than by your genitals. So sustained physical resistance frequently deters them.
- Don't be too proud to call for help. Nine-One-One is only three digits away, and paying false alarm fees to police departments and fire companies is cheaper than paying emergency room bills and better than paying mortuary expenses.
- Avoid promiscuity. This reduces your risk of assault, robbery, and extortion, improves your chances of securing the conviction of men who rape you, and lowers your risk of acquiring a sexually-transmitted disease. (The latter, by the way, ruin the lives of more North American adults than do street criminals.)
- Don't sexually or physically abuse your children. Also seriously investigate your children's claims about others abusing them. For this greatly lowers the risk of your children running away from home, and then becoming criminals or dead.
- Don't flash cash or flaunt expensive watches and jewelry. Be particularly careful around banks, convenience stores, and cash machines.
- Don't open your doors to strangers or to people or whom you have reason to fear. Drunks, former spouses, and known drug dealers are examples of people to avoid.
- Live within your means and pay your debts on time. This keeps you safe from stock-market crashes and shylocks.
- Finally, quit trying to get something for nothing. This protects you from swindlers and stock-market frauds and simultaneously reduces the demand for stolen goods.

How to Avoid Crime in Your Home

- Know who belongs in your neighborhood.
- Report suspicious activity to the police.
- Avoid living in faceless suburbs and apartment houses, or in any buildings built along major thoroughfares. Instead, choose to live in quiet residential neighborhoods that have long-established families living in them. The race, gender, and income level of the people living in a neighborhood are much less significant than their long-term stability.
- Arrange to have housemates with schedules opposite yours. The goal is to have a responsible adult whom you trust inside your home as much of the time as possible.
- Know your neighbors.
- Install strong frames around all your windows and doors. Also replace the cheap locks and doors your builder used with higher quality hardware.
- Install smoke detectors in your bedrooms, a heat sensor in your kitchen, and put a burglar alarm decal on every window.
- Don't leave valuables lying about. Valuables include firearms, liquor, and pharmaceuticals (both licit and illicit).
- Don't leave loaded firearms lying about. You are legally responsible for those weapons, and whatever damage they do.
- Don't leave keys under the mat or on top of the ledge.
- Finally, keep a metal flashlight and a telephone next to your bed, and a well-stocked emergency kit in your closet. This emergency kit should include clothes, blankets, food (don't forget your pets!), water, fresh batteries, a battery-operated radio, and emergency medical supplies, to include all current prescription medications.

How to Protect Yourself While in Your Automobile

- Pay attention to your surroundings, and immediately report suspicious activities to the police. For once again, if something looks wrong, then it probably is.
- Always roll up your windows and lock your doors when you are not in your car -- even for a moment. If somebody waves you to pull over, check the mirrors and the gauges. Is the car on fire? If not, then don't stop for the guy waving, go to the nearest gas station instead. The reason is that rapists and carjackers like waving people over.
- When driving about town, also lock your windows and doors when in your car. This may require that you buy models with air conditioning, but that seems a small price to pay for increased security.
- Always have your car keys out before you get to the door.
- Keep your car in good mechanical condition, and check its fluids regularly.
- Don't leave unattended valuables in your car. This includes cellular telephones, cassette decks, and firearms under your seat.
- Don't buy a vehicle that is frequently stolen or that has a poor safety record. Your insurer will tell you which models these are, either through a phone call in advance or through higher premiums following purchase.
- Park your car only in well-lighted and well-frequented garages and parking lots. If the lot does not seem safe, then avoid using it if you can. And if you cannot avoid using it, be sure that you know where the fire alarms and exits are before entering and have a friend, store clerk, or security guard go with you to your car with you when you return to it.
- Check your car for signs of tampering -- to include people hiding in the back seat -- before you get into it.

- Don't get out of your car following a traffic accident if the other party seems belligerent or drunk. Instead, stay in your still-running car and trade information through a window opened just a crack. Also stay inside your car if the traffic is heavy, or if the visibility is impaired. Many motorists are run over while standing in the street looking at the damage, or while lying alongside their car trying to fix their flat tire.
- Keep a well-stocked emergency kit in your car. This kit should include recent maps; a fire extinguisher; a flashlight with fresh batteries and extra bulbs; bottled juice or water; antifreeze; motor oil; an empty fuel can; flares and warning triangles; jumper cables; pliers; screwdrivers; tire chains; an air compressor that plugs into your cigarette lighter; a hydraulic jack rated to three or more tons; a lug wrench with a cheater bar; a small shovel; an extra fan belt; a roll of duct tape; warm clothes or a blanket; rain gear; walking shoes; and a first aid kit designed to treat severe trauma. Also know how to use these items.
- Finally, wear seatbelts, drive soberly and courteously whenever possible (turn signals are there for a reason), and if some fool threatens to shoot, drive like hell.

Weapons;

Weapons are proven equalizers during fights. However, one problem with weapons is having them in hand when you need them. Another problem with weapons is that you must practice regularly with them to maintain any degree of confidence or skill. And a third problem is that your weapons must not routinely put you, your friends and loved ones, or the community into particular danger, or turn you into a criminal.

Given these parameters, cellular telephones are the best self-defense devices available. Not only are they relatively inexpensive, but they are usable for many purposes and are legal almost everywhere.

Anodized aluminum flashlights are also well worth having. Not only do they scare away the dark, but they also make dandy clubs. AA and AAA lights are my favorites, mainly because they are small enough to carry in your pocket or purse. (I mean, the six-cell lights are great, but they wear such nasty holes in your clothes.)

Pepper sprays come highly recommended by many authorities. However, I am not so sure. For example, no spray works well against upwind attackers. Furthermore, they are frequently illegal to own or operate. Their propellants expire. And worst of all, their dispensers leak. This said, the devices that deliver their sprays along a flashlight beam seem practical. (By the way, should you get an accidental discharge, or discover yourself downwind from the attacker you meant to spray, immediately wash yourself and your clothes with plenty of cold water, then avoid touching your eyes or genitals for several hours afterwards.)

And of course there are always firearms. If you can get a concealed weapon permit and practice, practice, practice, then probably these are okay. But leaving a loaded gun in the sock drawer for twenty years "just in case" is ludicrous.

Violent Self-defense

Most self-defense classes and books teach fantasy violence. The reason is that no class or book is going to give you much protection against the neighborhood bully, let alone a serious hunter.

Even firearms are not an aegis, and for that matter even professionally operated Aegis systems sometimes shoot down unarmed jetliners. Therefore avoidance followed by seeking help (to include dialing 911 on your cellular phone or setting off fire alarms) is better for almost all purposes than violent self-defense, and simpler, too.

That said, the law rarely denies your right to use lethal force in defense of human life. In practice, however, remember that laws reward submissive self-defense rather than violent self-defense. You doubt this? Then look at the American Indians. They fought for their rights, and the US, British, Mexican, and Russian governments spent 300 years exterminating them. On the other hand in 1942 the Japanese Americans went peacefully into concentration camps. Fifty years later they received \$20,000 apiece and a grudging apology from the US government, and in 1999 a Japanese American was Chief of Staff of the Army. Been to an Indian reservation lately?

Let me repeat this: governments, like parents, reward submissive behavior, and as a result there is much to be said for avoidance as a method of long-term survival.

Anyway, caveats and warnings aside, let's say that you really screwed up. You failed to plan. You failed to avoid. And now you just failed to extricate yourself from a really bad situation. So now you're seriously considering the use of violence in physical self-defense. Well, since you're wrong already, you might as well go for it. The key here is to remain outwardly a victim as long as possible. That way the attacker will pay less attention to you and thereby increase your odds of making a successful attack.

For example, if attacked by multiple assailants, give some thought to the vampire defense. You use this to resolve the problem posed by that so-called deadly fighting art whose publicists ask what you'd do if you and a female companion are attacked by four unpleasant men. Your companion is evidently a bimbo, because she does nothing. You meanwhile can't figure out how to get more than one of the heavies before the other three get you. My solution is the vampire defense. You take hold of the one you can get, and rather than attempting to strangle him instead you rip his throat out with your teeth. Then as he flops around spraying blood you start advancing on the second one, saying with your bright red smile, "God, I love oral sex. But once is never enough."

Likewise, if attacked in your car, remember that the car is a 3,000 pound weapon. Hit an abutment at 90 miles an hour and the guy in the passenger seat is going to look at least as bad as you. (As a general rule, psychotics really hate dealing with other psychotics.)

In short, plan ahead. But if you screw up, then do what you must. In the process, keep in mind that all laws of human combatives boil down to just three fundamentals. To quote Captain Thomas Dicken, writing in Marine Corps Gazette in May 1995:

If it needs to be killed, kill it.
If it doesn't need to be killed, don't kill it.
If you see somebody killing something that doesn't need to be killed, try to stop them.

Any questions?
Didn't think so.

What to Do if Arrested

If you choose to engage in violent self-defense, expect to get arrested afterwards. The following is advice concerning what to do when the police come for you.

- Stay calm.
- Be polite, and don't resist arrest. For your resistance only encourages the arresting officers to spray you with chemical irritants, shock you with stun guns, beat you with sticks, and then charge you with resisting arrest.
- Remember that everything you say to the police can and will be used against you in a court of law, and that your rights against self-incrimination don't mean much unless you can afford good lawyers. So don't volunteer any information except your name, address, and telephone number unless your lawyer is present. This includes volunteering information to cell mates or friends. For the police often bug their jail cells and telephones, and use cell mates as informers.
- Use your one phone call wisely. Your best bet is your mother or your spouse. After all, you want to reach a person, not an answering machine.
- If you have a VISA or a MasterCard, consider using it to post your bail. The reason is that bail bondsmen keep a substantial percentage of your posted bail even if the police admit that they made a mistake and let you go scot-free. And if you are guilty as sin, and decide to skip town immediately after posting bail, then the bondsmen will take your mother's house or whatever else it was that you or she used as collateral, then send gorillas looking for you. On the other hand, the bank that owns the credit card company could care less what the postmark says, so long as your monthly payment reaches its offices on time.
- Regardless of whether you are innocent or guilty, always hire the best criminal lawyer that you can find. Check with your state bar association and see who this is; you want a local Perry Mason if you can get one. (This lawyer needs to be local, too. Otherwise he or she may offend local political sensibilities.) While said lawyer's fees will cause you to sell your car and refinance your house, most people agree that this is preferable to spending long sentences in squalid, overcrowded prisons where aggravated assault, homicide, and homosexual rape are commonplace.
- Finally, unless you are charged with homicide, take your lawyer seriously if he or she suggests plea-bargaining or a bench trial. Judges are more predictable than juries, and once your case goes to the jury, then even the most expensive lawyers cannot guarantee your absolution.

What to Do during a Medical Emergency

Win, lose, or draw, somebody usually gets hurt resisting violent crime. You obviously want to treat your own injuries, and you have a legal obligation to treat the injuries of the people that you caused to become injured, even if they were feloniously assaulting you at the time. So the following are suggestions concerning how to respond to the resulting medical emergencies.

The most important advice is to stay calm. About a quarter of the people involved in a medical emergency react appropriately. Just over half wander about in a daze, waiting for someone to tell them what to do. And the rest respond hysterically. To make sure that you are part of the first group, keep your first aid card current and practice your reaction drills at least two times a year.

The next most important advice is to choose a course of action that minimizes the risk to everyone concerned. In other words, don't do anything foolish. While every situation requires action, few situations require immediate action. Many would-be rescuers rush unprotected into fires, traffic, or enclosed spaces, and then get burned, run over, or suffocated in the process. The original victim, meanwhile, survives. So think first and act second.

If you don't know what to do, then content yourself with notifying the authorities and guarding the victim until help arrives. Further, if someone incompetent has taken charge, don't argue with that person. Instead, immediately telephone for competent help, and then hold the victim's hand until that help arrives. Remember: The only thing more frightening to a victim than being alone is being left with an incompetent rescuer!

Before beginning first aid, always ask the victim if he wants you to give him first aid. Not all victims will. And if the victim doesn't want your help and you give it to him anyway, then he or his survivors can sue you for very large sums of money. However, the victim's refusal of aid does not relieve you of your duty to notify the authorities, or to prevent the victim from injuring himself further. Nor does it preclude you from holding his hand, or serving as his official comforter.

If you have the victim's consent and choose to begin first aid, try to find out what happened, and, if you can, the victim's previous medical history. That way you'll have a better idea of whether you are dealing with a heart attack or an epileptic fit. Then set your priorities. The idea is to treat the most important injuries first. After all, the most obvious or most painful injury may not be the most important injury. For example, a bleeding ear is messy. But it is not as serious as a spinal injury or an exit wound that you can't see. This sounds obvious, but it is something that is often overlooked, even by trained emergency room technicians. The point is to take your time and to be systematic about your procedures. You want to identify and treat every injury, and to do it right the first time. After you have identified the problems and prioritized them, then you are ready to begin treating them. The following are the steps to take, in the order of priority recommended by the American Red Cross. If any of these steps are new to you, then I recommend that you get proper first aid training immediately and certainly before attempting any rescues! [FN2]

- **Step 1: Stop any life-threatening bleeding.** Don't use tourniquets, as they cause irreversible damage to the bound limbs. Instead, use hand pressure and dressings made from clean clothes, plastic shrink wrap, or women's sanitary pads. Also do not remove anything sticking out of a wound. Instead, bandage around these protrusions, and let the surgeons worry about removing them later. Finally, treat any bleeding that refuses to stop after a couple of minutes as a life-threatening emergency.

- **Step 2: Clear the airway.** Use your finger and sweep the throat to clear away debris, such as broken teeth and dentures, vomit, or the tongue itself. Then keep that airway clear by having the victim lay on his side with his head facing downward. If unconsciousness prevents the victim from doing this, then consider sticking a large safety pin through the victim's tongue and taping it to his chin. It sounds and looks horrible, but it won't hurt the victim until he wakes up, and by then the life-threatening situation has passed.

- **Step 3: Treat for shock.** Deep shock, which can be lethal, is rare among combat infantrymen and other people who reasonably expected to be injured. However, it is very common among motorists and others who were not expecting to be injured. The readily observable symptoms of

deep shock include abnormally cold hands, pale skin, abnormal thirst, and dizziness. To prevent shock from happening, or to minimize its spread, have the victim lie down. If there are no spinal injuries to worry about, elevate the victim's feet ten or twelve inches. (However, if there are suspected spinal injuries, skip this step.) Then have the victim loosen or remove constricting clothing, such as belts, neckties, or shoes, and then cover him with a blanket or a coat. For one thing, this preserves his dignity, and for another, people in shock cool rapidly. Finally, hold his hand and keep him talking until help arrives.

Regardless of what you do or don't do at the scene, don't neglect to plan for the aftermath. For the threat of stress disorders (including depression and suicidal tendencies) is particularly high when the victim dies despite your best efforts, or when your reactions to the situation were controversial or ill-considered. Possible self-treatments include humor (there is evidence to suggest that laughter releases biochemicals related to pain reduction) and vigorous aerobic activities, while possible group treatments include sharing your experiences with a support group and obtaining counseling from medical or religious professionals.

Footnotes

(hit the BACK button to return to the text)

FN1. Thomas M. White, *Three Golden Pearls on a String: The Esoteric Teachings of Karate-Do and the Mystical Journey of a Warrior Priest* (Berkeley, CA: North Atlantic Books, 1991). Copyright © 1987, 1991. Reprinted by arrangement with North Atlantic Books.

FN2. For a detailed discussion of emergency trauma treatment, see *Medicine for Mountaineering and Other Wilderness Activities*, edited by James A. Wilkerson, M.D. (Seattle: The Mountaineers, 4th edition, 1992).

JNC Nov 1999.