

THE IMMORALITY OF NOT DEFENDING YOURSELF AND YOUR FAMILY

Recently, I visited a lifelong friend who had moved he and his family from South Alabama to the mountains of North Georgia. They refer to their small town as "Mayberry". The crime rate is low, relative to cities like Atlanta, income is high, poverty seems non-existent. They also live far enough from their neighbors (and certainly the sheriff) that it is doubtful that help would ever reach them if they needed it. Like the old movie promotion said: "No one would hear them scream."

Because of my concern over his and his family's safety, I gave my friend a 9mm Beretta CX4 Storm carbine last year. I knew the Beretta Storm carbine was easy to use, because I have one. They had no firearms in their home and no young children to be worried about. The Beretta carbine sits unloaded, under their bed, in its case.

My friend is suffering from the same delusion that many Americans suffer from. In spite of being raised with firearms in a rural setting, he and his wife think that their "Mayberry" is so safe that all they have to do in the unlikely event that they are threatened is to call 9-1-1. After that, the "government" will rush to their aid.

You saw this same mentality during Hurricane Katrina. People could not make decisions on their own regarding the safety of themselves and their family, but waited to be instructed as to what to do by the "government". In spite of being in Katrina's bull-eye's, most in New

Orleans waited until the Mayor had issued an evacuation order. Naturally, the government failed them, as that is not the proper role of the government.

We are very blessed in this country. Few people in America are exposed to violence, death and mayhem. When it happens, it is fast, ugly, terrifying and leaves an indelible mark on your soul.

I presided over a trial a number of years ago of a serial rapist. The Defendant was alleged to have raped upwards of 100 women. In every case he entered the woman's residence through an unlocked door or window. This really isn't rocket science. A locked door can keep most stupid criminals out. Few criminals are lock pickers. If the door is locked then a kick to the door is usually the next move. If that doesn't work, they usually move on to another target that is easier.

Back to my friend; there are three problems with his plan or lack of a plan.

First, when seconds count, the police are minutes away. He has also misunderstood what a cell phone is. It is to call people; it is not a weapon. If we were in 1990 he could use that cell phone as a weapon but not our phones of today. Even the best emergency responder cannot save you in the event of a home invasion, especially if you live in an isolated area.

Second, under well established American law, the government, whether it be federal, state or local, has no duty to provide protection to the individual, only the public in general. There is no duty for the sheriff or police to even respond to my friend's call for help. There is no legal recourse available if you call 9-1-1 for help and that help never comes.

Surely, somebody might be disciplined for not responding, but that would not help a family that has lost a father do to a criminal assault.

Thirdly, is it not immoral to totally disregard the protection of your home and family, then call for help from a police officer or sheriff's deputy who may make 25% of what my friend does, and ask him to risk his life to my friend's when my friend has not even made the slightest effort to protect himself, his family?

Let's think about each proposition for a minute.

How easy would it be for my friends to spend a little time taking some training on the use of their carbine and the lawful use of deadly force? Depending on the course, with 12 to 24 hours of training, they would be equipped to deal with about any situation.

They have fire extinguishers in their home and know how to use them. They have smoke detectors that work. Yet, nobody accuses them, as they do gun owners, of harboring a secret desire for the outbreak of a fire so they can fight it. If a fire erupts, they will call 9-1-1 and, if possible, attempt to control it with their fire extinguishers until the fire department arrives.

Yet, my friend's burglar alarm remains un-activated, carbine unloaded, and house unlocked much of the time. But, at the first sign of trouble, they will call the 9-1-1 center and beg a underpaid, overworked public servant rush to their house and risk his or her life to respond to the call.

They will complain even if the SWAT team arrives in 5 minutes. It is the intellectual equivalent of a non-swimmer swimming out into the Gulf of

Mexico on a \$5 Wal-Mart raft, then panicking as it deflates, then becoming angered when a lifeguard doesn't arrive immediately.

If he has a genuine moral objection to using deadly physical force, which he doesn't, that doesn't mean they should be the example of the modern day Mohandas Gandhi. There are plenty of martial arts courses which teach self defense, in addition to non-lethal weapons options such as police grade pepper spray, beanbag rounds, rubber buckshot, Tasers, and FN's new F303 kinetic energy gun.

They do not have to be helpless and submit. The F.B.I.'s uniform Crime Statistics show that submission, unlike previously thought, is the most dangerous option when confronted with violent attack. Depending on which report is correct there are between 108,000 and 1.5 million of defensive uses of firearms by citizens a year.¹

We are blessed with an efficient and highly trained police department in most areas of the United States. Almost every officer on any police force would be willing to risk his or her life to save a citizen under criminal attack. While the moral underpinning of most police departments, is "To Protect and Serve" that is a worthy goal, but legally it means nothing. They have no obligation to you, as an individual, to help you. They were primarily established to assist in prosecuting defendants and in deterring crimes.

Under a long line of case law, the police owe no duty to the individual citizen to help or even respond to an emergency. The duty is owed to the public as a whole. Some of these cases are quite horrific. One, in the District of Columbia where the 9-1-1 operator, while eating lunch, doesn't

¹ <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=733>

even consider it an emergency when two co-eds call to report a home invasion. Then, she writes down the wrong apartment number and when police finally discover them they had been raped, sexually tortured for a day and then murdered. This was the Warren v. District of Columbia, 444 A 2d 1 (U.S. App. D.C. 1981)² case in which the U.S. Court of Appeals Held: “Accordingly, courts have without exception concluded that when a municipality or other governmental entity undertakes to furnish police services, it assumes a duty only to the public at large and not to individual members of the community.” (quoting the Opinion of the U.S. District Court). 444 A 2d 1, 4.³

In other words, the Jack Nicholson character in *The Shining* could be chopping through your door with an axe and screaming he is going to kill you and the 9-1-1 dispatcher could tell you "we have a car 60 seconds away" when, in fact, they never sent a car. Your heirs can do nothing but file a disciplinary complaint about the lack of response. A lawsuit will go nowhere.

My friend has not used his Christianity as an excuse for not preparing. I am afraid that some good citizens use their Christianity as an excuse for being lambs left to be slaughtered because of a mistaken belief that Christ was a pacifist.

In the Bible there is a marked difference between murder and using lethal force for self defense or for the defense of others. Both the Old and New Testaments teach that murder is wrong.

² 444 A 2d 1 (U.S. App. D.C. 1981)

³ 444 A 2d 1, 4 (U.S. App. D.C. 1981) (quoting the Opinion of the U.S. District Court).

Hopefully, everyone is familiar with the Ten Commandments. As we all know there are many versions of the Bible based on different translations. For example, the New American Standard Bible, translates Commandment Six as: “You shall not murder.” (Exodus 20:13). This version makes this Commandment easier to understand than does the poetic King James Version in which Commandment Six reads: “Thou shalt not kill.” Obviously, under Anglo-American law, murder is an intentional evil act while killing contemplates the death a person, with no judgment as to whether the act may or may not have been justified.

Biblical scholar Matthew Henry noted, the Sixth Commandment prohibits the unjust taking of a legally innocent life (murder) but does not prohibit self defense. The purpose of the commandment, says Henry, is “the preserving of life.”⁴

Lest anyone bring up the words of Jesus Christ “Did not Jesus say to ‘turn the other cheek?’ ” Absolutely, but not in the context we are discussing. What did Jesus mean when He said that? Notice the entire passage of Matthew 5:38-39, “You have heard that it was said, ‘an eye for an eye, and a tooth for a tooth.’ But I say to you, do not resist an evil person; but whoever slaps you on your right cheek, turn the other to him also.”

In Matthew 5:38-42, Jesus is indicating that the “eye for an eye” principle is not to be used for personal retaliation, as was common in the Old Testament. Jesus is not talking about a self-defense issue. He is talking about not exercising personal retaliation for an offense to oneself or one's family. That would result in chaos.

⁴ Matthew Henry, Matthew Henry’s Commentary on the Whole Bible: Complete and Unabridged in One Volume (Peabody: Hendrickson, 1996, c1991), Ex 20:12.

Christian writer Paul Ramsey wrote of the quandary between Christian beliefs or non-violence and the acts of self defense:

"A Christian does whatever love requires, and the possibility cannot be ruled out that on occasion defending himself may be a duty he owes to others. Whenever sacrificing himself, or in any degree failing to protect himself and his own, actually would involve greater burdens or injury to others. Surely then a Christian should stick to his post whether he wants to or not. In such circumstances, self-protection becomes a duty, a form of neighbor regarding love." ⁵

Ramsey further points out that it is irresponsible, if not immoral, for a father to drive intoxicated and uninsured, when the obvious result may very well be his death. As the father's and bread winner's death would leave the family destitute is entirely preventable.

If we look at history, the right and duty of self defense can easily be traced to the 4th century A.D. was authorized by Roman Law including the use of lethal force:

We grant to all persons the unrestricted power to defend themselves (liberam resistendi cunctis tribuimus facultatem), so that it is proper to subject anyone, whether a private person or a soldier, who trespasses upon fields at night in search of plunder, or lays by busy roads plotting to assault passers-by, to immediate punishment in accordance with the authority granted to all (permissa cuicumque licentia dignus ilico supplicio subiugetur). Let him suffer the death which he threatened and incur that which he intended. ⁶

I don't like people not following my advice. I have some expertise in this, the self defense field, from being a circuit judge, being a NRA firearms

⁵ Ramsey, Paul. Basic Christian Ethics (Louisville: Westminster, 1993). page 176

⁶ Codex Justinianus ("CJ") 3.27.1

Instructor, a NRA Instructor in "Personal Protection in the Home", and Director of the 13th Circuit Court Police for a Decade. Thus, it is not as if the clerk at the dry cleaners warned them that they were in danger. Somebody with some expertise warned them. Yet they made a conscious decision. A decision to do nothing, which is a decision

Once I warned my naïve friend of the danger of his course of conduct, leaving himself unprotected and relying on a government, to perform a function that they are not chartered to perform and a function cannot respond in time to save them, it is likewise just as immoral to take no action to prevent a real, although admittedly small, chance of a criminal attack, which may result in the death of the head of the household? What if the criminal attack does in fact lead to the death of my friend, a father, a bread-winner, and the family is not adequately insured? Does the family become a burden on society? Isn't that irresponsible if not immoral?

If, by some miracle, a sheriff's deputy arrives at my friend's secluded home responding to the emergency call and is killed in a failed attempt to thwart the crime, the deputy's family becomes fatherless and perhaps destitute. Is that not irresponsible if not immoral? Who will replace the deputy's salary for what would have been the rest of his life? Who will send his children to college? Who will teach them to ride a bike?

Maybe my friend believes that he is forbidden to protect himself because the police or sheriff's department is better qualified to protect him and his family, because he knows that he is only an amateur. Put aside that this is equivalent to believing that only concert pianists may play the piano and only professional athletes may play sports. Ordinary citizens stop crimes every day. Remember how a brave group of airline passengers forced

United Flight 93 down on September 11, 2001 because they feared it was targeting the White House or Capitol?

During the reporting period (1987-1992), an estimated annual average of 62,000 violent crime victims (approximately 1 percent of all violent crime victims) used a firearm to defend themselves. Additionally, an annual average of about 20,000 victims of theft, household burglary or motor vehicle theft used a firearm to defend their property.⁷

By that same token, why didn't one person attempt to stop James Eagan Holmes, the college student who systematically shot 70 movie theater patrons in Aurora Colorado? in spite of the fact he was a novice shooter, had deployed smoke, and was wearing a gas mask which obscured his vision. Fathers sat and watched their children shot in front of them and did nothing. What happened to the American spirit on that day? It is explicable except they had been conditioned not to resist, give in, the cavalry will arrive. It was inexplicable and seemed to highlight a growing trend to "call the government". A government that is neither legally chartered for that purpose nor does it especially well.

If one values his life and takes seriously his responsibilities to his family and community he plans for his family's defense, and will use force, lethal if necessary, if he or his family is threatened with death or serious physical injury. He will never be content to rely solely on others for his safety or to think he has done all that is possible by being aware of his surroundings and taking measures of avoidance. Let me be blunt.

⁷ <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=733>

He will incorporate a firearm or other weapon in his home defense plan and harden his home against criminal attack.⁸

Additionally, he will be trained in the use of his firearm (or other weapon) and will defend himself and his family when faced with the threat of imminent deadly physical force by a criminal. If necessary, he will kill to defend himself and his family when faced with the threat of imminent deadly physical force by a criminal.

If disarmed, he will keep fighting and will never beg for his life, he, especially, will never beg any man for his life while on his knees. He will either defeat the criminal and save his family or when faced with the realization that he is losing and will not survive, tell himself, "I may be dying but I am taking you with me". He will fight to his last breath, to the last beat of his heart to save his family. As Winston Churchill said, "Never give in—never, never, never, never, in nothing great or small, large or petty, never give in except to convictions of honour and good sense. Never yield to force; never yield to the apparently overwhelming might of the enemy."⁹

As long as most law-abiding citizens act like my friend in the mythical "Mayberry" and assume no personal responsibility for defending themselves, no amount of increased manpower, judicial staffs, and prison space, mandatory sentences, capital punishment, or liberal social programs will affect the crime rate.

⁸ *NRA Guide to Personal Protection in the Home.*

⁹ Speech to Harrow School; October 29, 1941 On-Line: <http://www.winstonchurchill.org/learn/speeches/speeches-of-winston-churchill/103-never-give-in>

Further, as long as the men and women of America continue to be jellyfish, hiding behind their curtains and calling 9-1-1 when four scruffy teenagers come down the street rather than telling them to leave the neighborhood, the bullies, criminals and miscreants will always rule, as they intimidate and use fear. I am not advocating vigilantism but just being a red blooded American, a responsible head of the household

Sheriff Andy Taylor and Deputy Barney Fife really don't exist and neither does "Mayberry". But lawbreakers like Ernest T. Bass and Otis the drunk sure do and can never be allowed because of fear, political correctness, laziness, or indifference to have their way. Even Aunt Bea needed to be told at times, "I will take care of this Aunt Bea."

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