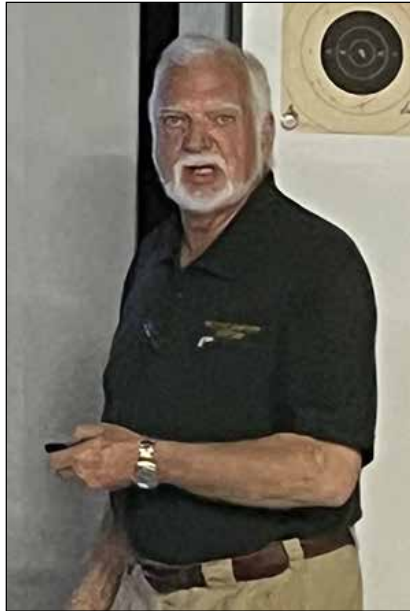


Shooting With X-Ray Vision

by Marty Hayes, J.D.

Last November, I attended the [Pat Rogers Memorial Revolver Round-Up](#) held at Gunsite Academy, and one of the multitude of training sessions offered was a two-hour block of instruction taught by an emergency room physician, Dr. James Williams.

You have probably heard the term “tactical anatomy.” The phrase is the creation of Dr. Williams to describe his philosophy of using firearms to instantly stop a murderer who is in the middle of attempting to kill someone. For several years I had heard the phrase and had hoped one day to learn more about his teachings. While attending his brief seminar at the Round-Up, I learned that he was teaching a two-day instructor certification course in May of 2024 in Oklahoma. I instantly signed up for the *Shooting with X-Ray Vision Instructor Certification Course*, and I am glad that I did. This article details the contents of the course, and expands upon the philosophy of Dr. Williams’ teachings.



autumn of his career both as an instructor and a doctor, by teaching and certifying others in this discipline, he is ensuring that his teachings will survive beyond his own first-hand involvement.

What Did I Learn?

The *Shooting with X-Ray Vision Instructor Certification Course* did not lack in content, that is for sure. This course consisted of classroom lecture using a vibrant PowerPoint presentation, which included shooting recipient photos presented to illustrate points Dr. Williams wanted to make regarding bullet effectiveness. Also discussed in classroom lecture was instructional doctrine and how to communicate this information along with, of course, plenty of Q & A sessions. Before I go on, I should mention the lavish classroom facilities of the Mead Hall Training Facility, located just outside of Oklahoma City, in the rural community of McLoud, OK. Owner Bill Armstrong has spared no expense to create one of the best training ranges in the country, and each year he hosts several of the most well-respected trainers in the nation.

The classroom part of Dr. Williams’ two-day course included several practical exercises, one of which saw the students donning white t-shirts and drawing the major organs and vessels of the human body on a fellow student

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Of course, when considering a specific training course, there are several reasons one should research the background of the instructor. The first reason is to give you confidence that the instructor is well-versed in the field he is teaching. As I did my due diligence, I learned that Dr. Williams’ background is very similar to my own. First, one of his mentors in the discipline is none other than Massad Ayoob. “Doc” Williams is a Massad Ayoob Group Staff Instructor, as am I. Knowing the effort that entails gave him instant credibility in my eyes. He also had a background as a competition shooter, winning championships in IDPA a decade or two ago. This, to me, means he had performed at a high level under stress and came away victorious. While this was not a shooting course, if it had been, the students would have been in good hands.

Lastly, Dr. Williams’ education, training and experience as an emergency room doctor instantly gives him the “chops” to talk about what bullets do to people, and how the armed citizen can increase the odds that the outcome of an armed encounter will see the armed citizen shooting to save his life or the life of another innocent. As Williams is now in the



with a felt-tip pen. The point of this exercise was to involve the students in a hands-on exercise, to prepare them to visualize the points of aim on the human body for which the defender/shooter should aim. It may sound simple, but those aiming points depend on the angle and how much of their body the attacker presents to the shooter. The bullet placement goal is not simply the “center of mass” or even the chest, brain, and pelvis, but the individual parts of those organs and bone masses.

Why Is This Important?

The history of gunfighting is filled with reports of people who, having been shot, continued to attack, and went on to kill others. The goal of defensive shooting is to immediately incapacitate the killer – to stop the action. Unfortunately, the trend in defensive handgun training is to put as many bullets on target as rapidly as possible, expecting the aggregate of bullet wounds to stop the attacker. While that outcome is certainly likely, it is not foolproof. The human body can live and return fire despite multiple gunshot wounds, as long as the gunshots do not shut down the central nervous system or immediately reduce blood flow to the brain. In this course, Dr. Williams teaches where to put the bullet or bullets to increase the odds in your favor.

The other reason this is important is that the fewer bullets the good guy fires, the less likelihood he or she will miss the target and strike a bystander or hostage. Students watched a video

of an incident in which a police officer, when facing a man who had taken a baby hostage, quickly aggressed upon the hostage taker and shot him in the deep brain. Sometimes it is necessary to close the distance and fire instead of seeking cover and negotiating.

Additionally, I view all training conducted through what I believe are the eyes of a prosecuting attorney. I ask, “Is there any material being presented that would come back to haunt the students in court?” I have seen a lot of training presented in my lifetime that might just be a problem, especially if the student followed the instructor’s teaching. Fortunately, this class was not one of those, which pleased me.

One last thought about the training Dr. Williams presented: we instructors need to be teaching more of this type of shooting. We need to teach pinpoint accuracy under stress, with less emphasis on two-tenths of a second splits. (A split is the time between shots in a multiple shot string of fire, for which .2 seconds is considered good.) It is too easy to put shots in a person’s back as they twist and fall from the effect of the first shots, and if there is one thing that gets people prosecuted, it is the shot in the back.

During the second day of training, the class was treated to a ballistic gelatin shoot, managed by renown instructor Chuck Haggard. Wound ballistics was a large part of the classroom lecture, to assure that students understood that bullet penet-

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ration – but not too much penetration – is paramount in good wound dynamics. The bullet must penetrate deeply enough in the body from all angles to hit the intended targets, and with enough force to do significant damage.

Additional tactical exercises saw the class participating in video simulators designed to have the student make shooting decisions about shot placement in keeping with the theme of the doctrine, after which we went to the live fire training range, where we replicated the incident I mentioned earlier, in which a police officer saved a baby that was taken hostage. The class also shot three-dimensional mannequin targets, from different distances and angles, using our newly developed x-ray vision.

In summary, it was a pleasure to study for two days with a group of professionals, starting with “Doc” Williams, host Bill

Armstrong, and Instructors David Maglio, Chuck Haggard, and Dr. Troy Miller, along with the student group who were all advanced-level professionals in their own right. The *Shooting with X-Ray Vision Instructor Certification Course* was what I would expect in high-level instructor training. If you want to make the class next May contact Dr. Williams through his website <https://tacticalanatomy.com/>. When I checked just prior to article publication, the class was not listed yet, but an e-mail to Dr. Williams should get you on the notification list.

Marty Hayes, J.D. is president and a founder of Armed Citizens' Legal Defense Network. He brings 30 years experience as a professional firearms instructor, 30 years of law enforcement association and his knowledge of the legal profession both as an expert witness and his legal education to the leadership of the Network.



President's Message

by Marty Hayes, J.D.

I wish I could report that the NRA Annual Meeting in May was a roaring success, but alas, I cannot.

The show was lightly attended, and consequently new sign-ups for our program were few. Gratefully, a lot of current members stopped by the booth and renewed, as they likely

signed up at a previous NRA meeting, and these meetings occur at the same time each year. But, we soldier on, remember the good parts of the meeting, and forget the disappointments.

One interesting part of the meeting was getting to know the competition a little better. The CCW Safe booth was nearby, and so at one point I wandered over to say hi and chat a little. I have always said that it were not for the Network, I would be a member of CCW Safe.

They had been the subject of a similar smear campaign by some attorneys selling retainers, and so we chatted about that a little along the lines of, “The enemy of your enemy is your friend.”

Also, at one point during the show, one of the attorneys who defended George Zimmerman stopped by our booth specifically to meet me and chat. You will probably recognize the name of Don West. It was a pleasure to meet him in person and find out from him that he likes the Network and what we do.

One of the great benefits of Network membership is your ability to choose your own attorney, and if you are a member in Florida, you could possibly choose Mr. West and his firm to represent you after an incident.

This message will be a short one, and I also am tasked with writing the lead article this month, and must get on that.

Gun Curious: A Conversation with Dr. David Yamane

Interview by Gila Hayes

Gun owners make up a unique community that embraces people from all walks of life, a fact that's illustrated by the many and varied backgrounds of Network members.

One Network member has been building bridges between people of differing opinions for over a decade and has written a book that will challenge the prejudices of gun owners and those favoring gun control alike. We met with author and sociology professor Dr. David Yamane last month and discussed his new book, Gun Curious. Because our backgrounds and politics are so different, it was quite a conversation, and one I think Network members will enjoy, either in the edited version that follows or the longer video at <https://www.youtube.com/watch?v=L5TaIWj0Od4>

eJournal: This interview takes place at the NRA Annual Meeting where we are privileged to talk with Dr. David Yamane, author of *Concealed Carry Revolution* and now, a new title, *Gun Curious*. When is this, your latest book, due to be released?

Yamane: *Gun Curious* will come out officially on June 1.

eJournal: That coincides nicely with this edition of our *eJournal*, also released on June 1. I appreciate being able to talk with you in person today. While reading an advance copy of *Gun Curious*, I couldn't help but think of the final line of that ironic [Robert Burns poem](#) that wished for the ability to see ourselves as others see us. I think I'm fairly open-minded, but your book showed me my blind spots and some big divides between my beliefs and those of others. Your background is a lot different than mine! Can we work together across that chasm?

I ask that, because the week I read an advance copy of *Gun Curious*, I also read a long feature in the LA Times about a man who built his firearms instruction business exclusively for progressives. He stressed how he did not want the stereotypical gun

owner in his classes. I'm going to read his description calling out the "male-dominated gun world" because it hit me so hard: "Conservative, nationalistic, right-wing, homophobic, transphobic, and misogynistic" I thought, "Oh, my, I don't think that's the world I live in!" It was awful how badly put off that gentleman and apparently his clientele are by the milieu that I've moved in my whole life. Does his experience mirror your own?

Yamane: While I see that element within the gun culture, I don't think it's the main element. Chapter one of my book is called *Guns Are Normal and Normal People Use Guns*. This came from a podcast several years ago when the interviewer asked, "What's one of the surprising things you've learned about guns and gun owners in your time and your studies?" I said, "Well, probably the biggest thing I learned as someone who came from outside of gun culture, is that gun owners are people, too."

Gun owners have families, they care about the country, and they want to have a strong society. They care about safety, and they want to protect children. All the things everybody wants for their families and their communities, gun owners also want.

If you come to the gun culture from the outside as I did, and as I think Tom Nguyen from LA Progressive Shooters does, often times you tend to see the worst in other people. I feel much more comfortable in gun culture today than I did 12 years ago, but there are still parts of gun culture that I just am not going to fit into and that's okay.

eJournal: That hurts my heart.

Yamane: There are probably parts of gun culture where you're not totally comfortable either and that's alright. I'm drawn to people and organizations like Armed Citizens' Legal Defense Network, which I think represents the best of gun owners, the best of gun culture. I focus a lot on defensive gun culture and what it means to be a defensive gun owner in a morally, ethically, and legally responsible way. Coming from outside of gun

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Photo courtesy of Sandra Yamane

June 2024

culture is useful. I have one foot in the gun culture, the other in my everyday life, sitting in my university office, teaching in my classroom at an elite, private university, which is basically synonymous with liberal.

eJournal: Please tell us about your career at Wake Forest University, your profession, and the many other books you've published on topics that have nothing to do with guns.

Yamane: I'm a professor of sociology. I've been doing sociology since 1988 when I was an undergraduate, then I went to graduate school and right afterwards, got a job as a professor. Sociology is the systematic study of society. We look at all sorts of different things. I used to study religion.

I was looking for a new project around the same time I met my wife Sandy, who carried a gun as a member of the Coast Guard. Many other people in North Carolina were gun owners – people I played tennis with, IT professionals, and my real estate agent. I thought I must be the only person in North Carolina that didn't own a gun or know anything about guns!

That was my entry into the field, both personally and professionally. *Gun Curious* in the title really is speaking to the personal curiosity I had about guns and also to my professional curiosity to know more about guns. It really is sociology.

I saw some recent data that 99% of all sociologists identify as Democrats if you ask them, "What's your political party affiliation?" In my everyday life, the people I know and work with are pretty liberal, probably weighted toward those who consider themselves progressive. I consider myself liberal, meaning center left.

Coming to the issue of guns from that perspective, I shared a lot of the misunderstandings of who gun owners were, what gun ownership was about. My book tells the story of how I became a gun owner and matured and continue to mature as a gun owner.

eJournal: It is a story of personal growth. At the university, do other professors share your enjoyment of shooting?

Yamane: When I came out as a gun owner, people from the university would contact me very quietly, off the record, who'd say, "Oh, by the way, I'm a gun owner, too," or who said, "I'm really interested. I've been thinking about getting a gun. Can you advise me or take me to the range?" It was very much on the downlow. There are good reasons for people in the university setting not to openly identify as gun owners.

When I started my project, I had tenure. I was almost fully promoted, so I was in a very safe position. When I advise graduate

students who are thinking about studying guns, I say, "I don't think writing anything not critical of guns is a good idea if you're a graduate student or an untenured faculty member." I have a student who took my sociology of guns class as an undergraduate. She's a graduate student now, doing a project on gun shows. She submitted an application for research funding and one response to her proposal was, "This isn't critical enough." I was sorry, but I wasn't surprised.

It's very unfortunate because we need more scholarship that looks at the full spectrum. People should study violence and negative outcomes that involve firearms. That's a very small but important part of the whole overall reality of guns in America.

eJournal: When you started studying guns, you were already a published author. What was your focus before guns?

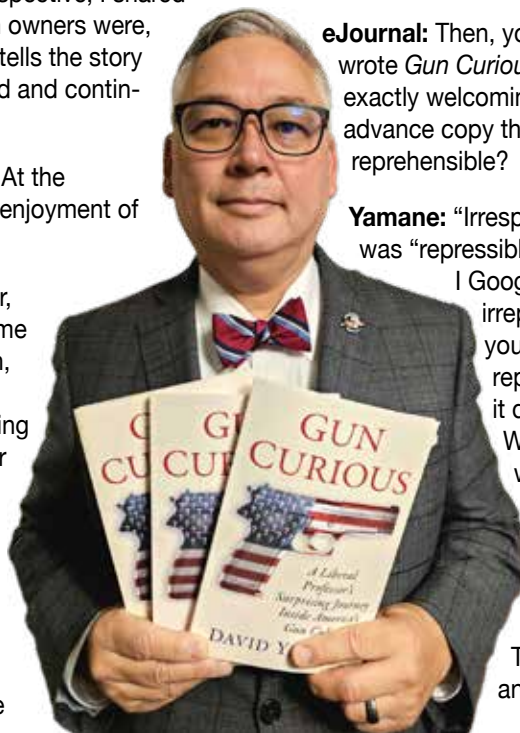
Yamane: I studied American religion. My first job was at the University of Notre Dame, so I have some work on American Catholicism. I had published, edited, or co-authored six or seven books and was editor of a couple of major journals in the field of the sociology of religion. I was known and respected and that helped when I transitioned over to studying guns.

I had been working as a sociologist for 20 years and my first publication was in 1994, but I had no standing in the gun community. I was fortunate that the first gun training course I took was Massad Ayoob's MAG-40. After the course, Mas was good enough to write a letter of introduction for me. When I contacted Tom Givens at Rangemaster or Ken Campbell at Gunsite, I sent Massad's letter. I'm sure they did their own due diligence, but Massad's letter opened a lot of doors. At some point, I didn't need to continue sending the letter because I got a reputation as someone who was going to treat people fairly.

eJournal: Then, you, a published, respected sociologist, wrote *Gun Curious* and the publishing industry wasn't exactly welcoming. Do I remember from reading the advance copy that one publisher called your manuscript reprehensible?

Yamane: "Irresponsible" and the other word they used was "repressible." I thought it was actually a typo until I Googled it! Repressible is the opposite of irrepressible, so if something is irrepressible, you can't put it down, but if something is repressible, it means you can and should put it down. The word was very carefully chosen. What basically followed was that my work was built on the lives of children who were sacrificed. I don't think all of the acquiring editors thought that, but it captured the sentiment among part of the New York publishing industry.

That was the 33rd rejection of *Gun Curious* and I had one of the best non-fiction agents
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in New York at one of the biggest literary agencies. This guy is not used to rejection at all. He said, "I'm really sorry. There's nothing more I can do." I said, "Okay, well, I either have to redo the whole project along the lines of what these editors are looking for, or I have to self-publish." As I was reviewing my options, I got a LinkedIn message from an editor at McFarland, a family-owned independent academic publisher. She's a Wake Forest University graduate and she wondered if I'd written a new book.

I told her I had, and what the book is about and that there'd been a lot of bias against it. She said, "Well, look, I'm from North Carolina, my grandparents are gun owners, my parents are gun own owners, I'm a gun owner, everybody around here is a gun owner and we don't have any problem with a book that isn't fundamentally critical about guns. We just want a book that is interesting, that tells the truth and that we can sell."

eJournal: As a published academic, it's got to be really different to bare your soul in this book. You tell us about your boyhood in Northern California, about yourself as a liberal professor and other personal things. How did it feel, writing so frankly about yourself?

Yamane: It was very different. When I first tried to publish this book, a long time before this last series of rejections, I thought I was going to write another academic book and 400 people would buy it and it would go into some libraries. That's contributing to your field and is something with which I was comfortable.

Shortly after that, in 2019, I was invited to present at the NRA National Firearms Law Seminar. I thought, "I have to talk to a bunch of gun lawyers on their lunch break. How can I keep their attention?" I decided to just tell the story of how I became a gun owner and what I learned in the process. The reception was so positive that, at that moment, I thought, that's what the book has to be!

It was not comfortable. I had to learn how to write in a different way. There are things as a writer that I just can't do that professional writers can. I hope people feel the authenticity.

eJournal: Speaking for myself, I certainly did. *Gun Curious* is not an autobiography but contains autobiographical elements. Sometimes, the sociologist surfaces and teaches lessons, which I loved. Reading it made me nervous for you because it opens you to personal criticism. Have there been personal attacks against you?

Yamane: The thing that is most disappointing to me comes from the gun side. Some see "liberal" in the title and that's the end of it. There are people from the gun side who don't want to hear anything about how a liberal professor became a gun owner. At the same time, people outside the gun culture are fine with the "liberal professor" in the title; they're just not happy about the "gun" part. I'm trying to appeal to my gun skeptical friends and colleagues and invite them to be curious to learn

something that they don't know about guns. It is frustrating when you're trying to be a moderate voice, to speak the truth, to invite people into a conversation and people don't want to engage. That's probably the biggest frustration I have.

eJournal: [chuckling] I admit, I, too, have questions about "liberal!"

Yamane: We went back and forth about putting either "liberal" or "professor" – that might be redundant – in the subtitle, but I wanted transparency. I wanted truth in advertising on the cover. I didn't want someone to pick up the book and go, "Whoa! Wait a second! That's not what I thought this book was going to be about." It really is the story of how a liberal professor became a gun owner.

eJournal: I see *Gun Curious* as an extension of your *Gun Culture 2.0* [blog](#) which has for many years publicly chronicled your journey. I also follow your [Light Over Heat](#) videos, but the book made a deeper impression.

You wrote that you're not necessarily pro-gun; you're pro-understanding. I confess that made me think of the many ways I wish the people who want to take away my self-defense rights would understand me. Now that I'm over that knee-jerk reaction, I wonder, what do armed citizens fail to understand about the gun skeptic?

Yamane: Having come from outside of gun culture, one thing I know is how much we just don't know about guns or self defense. We outsource our violence to law enforcement. If we have a problem, we pick up the phone and call 9-1-1 and hope someone comes to help us.

A lot of misunderstanding about what it means to be a defensive gun owner comes when terrible instances of criminal violence are cast as self defense. It becomes the standard model for self defense when it really is the exception. Most defensive gun owners don't want to use their firearms to defend themselves and are judicious about the use of lethal force. They have ethical concerns about taking human life. I'm trying to convey all of those things to people who really have no idea or visceral sense that they might have to harm another person to help themselves or a loved one.

One of my pivotal changes came when I tried to be a Good Samaritan and step in and help my neighbor who was being accosted in a parking lot. I put myself in the middle of something that could have gone horribly wrong, and I had my two little kids with me! I fortunately got out of the situation unharmed, but inside, I had a visceral feeling that I would do anything to protect my kids. I never before in my life thought that I would ever use violence.

I was in my 40s and I really never had any experience of violence in my life. I lived the peaceful life most Americans do: we don't look for trouble, we don't get in trouble, and trouble,

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fortunately, doesn't come to us. You can live a lot of your life in the United States without ever having to confront the real potential for violence. That's one of the things I try to appreciate about people who don't understand defensive gun culture. They don't have any need for violence until they really do and then it may be late.

eJournal: Frank Rizzo, a cop who became mayor of Philadelphia, was credited with saying, "A conservative is a liberal who got mugged the night before." I don't wish a violent experience on anyone, but I wonder if we know the meanings of the words we use. When I think "liberal," I envision the opposite of how I oppose the heavy hand of government, opposite of my fiscal conservativeness, opposite of the work ethic that's driven me to accomplish what I have done, such as it is, so I have to ask what does it mean to be a liberal professor?

Yamane: There are many definitions of liberal. There are libertarian forms of liberal, with which people we think of as conservative would probably be more comfortable. For me, part of liberalism is the impulse to feed the hungry and clothe the naked and welcome the refugee. I do see a role for the government to help do some of those things. I see "liberal" as being a very big proponent of defending our civil rights. We have the court system to defend our civil rights when the government overreaches. For me, those are the keys to being a liberal.

Probably the biggest difference between you as a conservative and me as a liberal would be the role of the government. Where do we draw the line for government involvement? I think we would agree on a lot of things, especially on civil rights, about wanting to have a better society, right? We all want to feed the hungry and clothe the naked and be welcoming to the stranger, but we have different ways of realizing it.

eJournal: Our paths to accomplish the same good might be wildly different.

Yamane: ... which is okay! Having come so far in my own life with respect to guns helps me realize we don't all have to agree on everything. Part of being an American, one of 340 million people from all sorts of different backgrounds in a pluralistic democracy, is that we're never all going to agree on everything. We have to agree on certain fundamental rules of the game, but sometimes we have to say, "Hey, it was great talking to you. We don't agree, but I respect the fact that you're a fellow citizen; you respect the fact that I'm a fellow citizen and that's okay.

eJournal: Respect! That's the ideal I was looking for. Obviously, I very much feel respect for you. In other circumstances, if I feel misunderstood, if another feels that I do not act understanding, I need to look for common ground. Maybe that's the bridge across the chasm of our different beliefs.

Yamane: If we start our conversations with what we have in common rather than where we differ, it sets a different tone. When I speak to diverse groups of people, sometimes I'll just start by saying, "Everybody who's in favor of gun violence,

raise your hands. Whoever is opposed to gun safety, raise your hand." We are all for gun safety; we're all against gun violence. How we may get there differs, but we may also find points of agreement if we start by recognizing that we have many of the same desires.

Tony Simon said it first: instead of trying to meet people halfway, go 60%. Say, "Hey, I want you to try to understand why gun ownership makes sense to me; I want to understand why guns don't make sense to you." Empathy can be a healing balm in the sense that there are many people who are opposed to guns because negative things are all they know about guns. If guns tear apart your community and harm your children, why would you have positive feelings about guns if that's your entire experience? I say, "I understand that you don't like guns, but please understand why guns make sense to literally tens of millions of people who are gun owners and whose guns will never hurt anybody."

eJournal: Another problem is one of language. I am deeply troubled by the term "gun violence." I firmly believe that there's an awful lot of human violence and has been for millennia and will be long after I no longer walk this earth. How is "gun violence" not inflammatory?

Yamane: I use it as shorthand to refer to negative outcomes that are committed with firearms. I totally understand there are many ways that you can commit violence. The other side of me recognizes that guns are particularly good at doing it and, as Tom Givens said, if they weren't, they wouldn't be of any use to us. Guns are particularly lethal for good and for bad. It is not accidental that most people who are murdered are murdered with guns. A lot of people who commit suicide, commit suicide with guns.

I would never tell someone that they were wrong for objecting to the term gun violence, but those reasons are why I haven't stopped using it. It is common ground for me to engage people who are outside of the gun culture because that is a term they use. If I started every conversation with those people by saying gun violence isn't a thing, we're not going to get anywhere. Homicide by any means is terrible, and guns are a lot of that. Suicide with firearms is terrible; it's a very effective means. Children accidentally shooting themselves or someone else is terrible and you don't often see children knifing each other to death or accidentally bludgeoning each other to death. If I accept those terms of the debate with those who are skeptical about guns, maybe they can come at least some of the way or maybe they'll come 60% of the way and they will hear me.

eJournal: I have a hard time getting past it, but I know you are a deep thinker and that you dig deeply into what separates us.

Yamane: I think it's a totally fair question. This is like my book's chapter on the AR-15, which was really wrenching for me to write because it's such a fraught issue in our society. I ended up saying that I just don't believe we would not have

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mass shootings if we banned and eliminated all AR-15s. Mass shootings would continue. If we took away all the guns, then we'd go back to mass bombings or driving trucks into crowds. If you think that controlling guns is going to reduce or eliminate all these problems, you're just wrong.

eJournal: That's the hard thing about compromise: one thing I'm really sure about is that violence would continue even if all the guns were thrown in the ocean. There are so many ways to do violence. I appreciate your kindness about the issues on which we differ because I'm not a debater, I'm not an academic and I stumble and bumble over words ...

Yamane: Hold on, I don't mean to interrupt you, but if we think of us ourselves as being in a debate, that's a dead end, because in a debate someone wins and someone loses. We should always enter thinking we're in conversation because you can't win a conversation, you can only try to gain understanding.

eJournal: That is a principle our listeners, readers, and I, myself, will take away and into conversations wherever we are exposed to people who don't think as we think.

Yamane: With the political polarization we have – and social media makes it worse – we often have anger or frustration or want to win. We get much further if we try to understand rather than try to win. I have a certain level of understanding based on the work I do, and there are things that you know better than I know, and we come to appreciate both.

eJournal: It is a great privilege to share knowledge, and your book shared a lot of very cool things with me – things from the social sciences to which I would have never been exposed. Now, I have curiosity! You wrote an interesting few pages about the role of projectile weaponry in dominant societies that really piqued my interest. Now I've got to find more reading on that because that was fascinating.

Yamane: I talk about the normality of guns in contemporary society, but it really is deeply rooted in human history, rooted in *Homo sapiens* history. If we didn't have a proficiency with making tools and making weapons and using weapons, we would not be the dominant species on the planet. There has to be projectile weaponry to maintain society as a coherent entity. If you take away the projectile weapons, then the strongest people who have the impact weapons are going to take over society. That reality is pretty significant.

When people say, "We can just get rid of guns," they almost never mean to get rid of guns entirely. What they really mean is getting rid of civilian ownership of guns and a government monopoly on guns. Voluntarily or not, most countries in the world have taken that option. The uniqueness of the United States is that we've never had that government monopoly.

eJournal: *Gun Curious* is a fascinating book. What would you like us to take away from the time you've so generously given us today?

Yamane: You didn't ask me to say this, but I've been a Network member since June of 2012. I've been a gun owner since 2011. I was fortunate to take MAG-40 with Massad Ayoob and he emphasized the importance of having some sort of legal protection or legal defense in the terrible and unlikely event that you have to use lethal force to defend yourself. I appreciate the work you do, and I appreciate the opportunity to talk to you and your open-mindedness. You are a gun owner and you've always been a gun owner, but you want to understand what it's like to be a gun skeptic.

There are a lot of gun curious people who don't currently own guns, but they're interested. Since 2020, we've seen a lot of those people go from being gun curious to being gun owners. Hopefully, people like that who are thinking about guns or who are new gun owners can see what it takes to go from being a new gun owner to being what I like to think of as a more mature, but still growing, gun owner.

eJournal: I hope we are all still growing. When growth stops, we stop asking these questions and we stop bridging what divides us. I just had an idea listening to you. If our listeners and readers have family members that are skeptical, share this video. Dr. Yamane, thank you so much for this time and for your book.

Dr. David Yamane's latest book is [Gun Curious: A Liberal Professor's Surprising Journey Inside America's Gun Culture](#), published by Exposit Books, an imprint of McFarland & Co., Inc. A 213-page paperback, it retails for \$19.99 at <https://mcfarlandbooks.com/product/gun-curious/> or on Kindle for \$13.99. Follow Professor Yamane on <https://gunculture2point0.com/> and on Twitter at @davidyamane. In 2022, he launched a YouTube channel, "[Light Over Heat with Professor David Yamane](#)," on which he posts weekly short videos about issues related to his scholarship.



Attorney Question of the Month

This column focuses on demystifying legal defense issues so members better understand what they may face

if they use force to defend themselves or their families. This month, we discuss trial testimony.

Traditionally, criminal defense attorneys suggest clients should not testify in court, hoping instead that the presumption of innocence and holes in the State's case will lead to acquittal. When an armed citizen uses force in self defense, he or she has committed elements of a violent crime, and justification for those actions needs to be explained to a jury's satisfaction. We asked-

When representing a client who has used force to defend themselves, what has been your experience if the defendant testifies or does not testify at trial?

Our affiliated attorneys had much to say, so we ran the first half of the responses in our [May journal](#). The second half of their commentaries run this month.

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This question requires that the reader consider that there are many different types of self-defense laws in this nation. In Tennessee, for example, the law of self defense is primarily classified as an "affirmative defense" that is a "justification" which can excuse criminal responsibility if the elements of the statutory defense are met. In Tennessee, that defense and its elements are primarily contained in Tennessee Code Annotated §39-11-611.

Tennessee law does not require that the issue of self defense be considered by the arresting officer, prosecuting attorney or even the trial judge. It is only required to be considered by the jury since it involved predominately factual issues. Now, that does not mean that an officer or prosecuting attorney is prohibited from deciding whether to prosecute based on the self-defense issues but they are not required to do so.

Under Tennessee's self-defense law and depending on the circumstances, the burden is on the accused to raise the issue

of self-defense in the criminal trial. That does not require that the accused be the witnesses introducing such testimony or evidence but the defense attorney would be tasked with presenting a witness or other evidence to establish the factual basis for the self-defense claim. Of course, if there are no witnesses or other evidence (e.g., video) then it is sometimes necessary for the accused to testify.

In situations that I have handled, the individual who was forced to use self defense has testified in every case so far. It is not required, but depending on that individual and their ability to testify, it can be powerful and effective testimony. It also eliminates the question that some jurors may have of "If it was really self defense, why didn't he testify?"

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As a former prosecutor and currently acting on behalf of defendants, I believe that one who uses deadly physical force should testify to explain why the force was used. Declining to testify will leave the jurors or the judge on their own to try to figure out what was going through the mind of the defendant.

On the other hand, if the defendant has a criminal history of any kind I would consider the nature of the criminal history, how recent it is and if it will damage him in cross-examination.

In either case the defendant needs to be properly prepared. It is my belief that silence is treated as an admission of guilt in many cases.

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When I studied at the Trial Lawyers College, Gerry Spence always told us to never, ever let your client testify. Yet in self-defense cases, often your client is the only other witness and the only one who can tell the story. In these cases, it takes lots of preparation before you can allow your client to get on the witness stand. These are done on a case by case basis. A good prosecutor can do a lot of damage with a scared defendant once they take the stand. Yet, juries want to know what really happened; you need the jury to place their self in the client's shoes and say, I would have used my weapon, too.

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There are some clients who just make horrible witnesses and every effort is made to keep them off the stand. If your client does not come across as credible then the decision becomes even harder.

The truth is most self-defense cases are resolved in Grand Jury. There your client almost always has to testify to get no billed, but there are those that do go to jury trial.

In Texas, once we put on any evidence of self defense, the burden shifts to the prosecution to prove beyond a reasonable doubt that your client was not justified in using force including deadly force. As stated earlier, sometimes your client is the only witness who can raise the issue of self defense and they must testify.

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Typically, having a client as a criminal defendant excludes his/her testifying. It is too easy to be abused by the prosecutor. While prosecutors are called to do justice, often, they are hired guns who attempt to win at all costs.

We must remember though that many of our clients are law enforcement. *Garrity* allows us some flexibility to protect a client, but if your client chooses not to talk, he often joins the ranks of the unemployed. So, what to do?

If your client is looking at incarceration, he should choose his/her family and freedom over being an officer. I am a former officer. Too often, when I made an arrest, I was able to quickly rid my case of such meaningless issues like *Miranda* and presumption of innocence. In fact, the 4th, 5th, 6th & 14th amendments were much ado about nothing.

After all, I said the *Miranda* warning: You have a right to shut up and plead guilty. Anything you say will not matter because I know you did it. If you want a lawyer and are too poor to pay for one, we will give you a very experienced but tired and overworked lawyer with a drinking problem and no friends.

Why would I carry this attitude? Because I knew the government paid for the prosecutor, the cops, judges, buildings, law schools, crime labs, and all the time and resources possible. Sadly, that's how it still works in many jurisdictions.

What does the defendant have? They have US and the Constitution. One person against the government which should be marginalized at every opportunity. In fact, I believe every prosecutor should be a public defender before joining the ranks of lordship. But I digress.

Every case is different, but I begin representation with the simplistic proposition that, "If no one talks, everyone walks." All juries want to hear from the accused but that's not how the law works. The government bears the sole burden to prove their case. Make sure you hammer that throughout your case. And remember that even when your client does not take the stand, he is still testifying!

Spend lots of time getting your client prepped for the hearing. Jurors are watching your every move. They will see your client on the phone, eating, how he talks, walks, drives, hair length, tattoos, facial hair and his hands and nails. Old clothing is fine. Dirty clothing is not. Slumping is avoided. Quiet confidence is expected.

Remember that jurors want a show. You must be the star attraction. On your words alone, you command compliance. Your confidence is soothing. You should have a tailored suit that fits. Your shoes should be clean and shined. Long hair is for hippies. You should look professional and traditional. No facial hair is necessary. You should have clean and white teeth. Your nails should be manicured. Your jurors expect to see what they will never be: prepared and confident. Speak clearly and with authority.

Even though your client will not take the stand, he will nonetheless testify. And you should be the confident, professional instructor and guide that everyone in the court will be watching.

Love being a part of ACLDN. Each of us should read the oath we took to become a lawyer regularly and read Armed Citizens every month. We are brothers and sisters. Without defense attorneys, there is anarchy.

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Vehemently, yes! Most criminal defense lawyers are loathe to put their client on the stand in most cases — the fifth amendment is generally NOT number five in order of usefulness! Self-defense cases, however, are different. Despite the fact that the State (here in Arizona, thanks again to the late Harold Fish) has the burden of proving a defendant with a colorable self-defense claim was NOT acting in fear for the imminent loss of a human life, I still feel adamantly that it is hard to expect a jury to understand that was exactly what faced my client unless we can get my client to patiently and honestly explain that to the jury in his or her own words (and often, tears). This requires a significant amount of time to prepare the client — what we often refer to as "sandpapering." Smoothing out and de-splint-

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tering if you will. This will also involve some very aggressive faux cross-examination from other role-playing attorneys hell bent on preparing the client for the worst on the stand as inoculation against the worst-case scenario: real-life prosecutor's best efforts. We will make sure you are ready by the time of trial to tell your story in a believable, and hopefully impenetrable manner.

If you don't take the stand, and you lose, you will have a LOT of time on your hands to Monday morning quarterback the decision. I, for one, would not want to look back on that decision with that regret.

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Each case is unique and different. That being said, in almost every self-defense case, I would advise my client to take the stand and testify in his own defense. The one exception might be if he has criminal history of violence in other cases that may come in to impeach his credibility if he were to testify.

Batting Clean-Up

The Attorney Question of the Month column in March and April journals generated one final response that arrived after our May publication deadline, so we'll fill the balance of this page with this commentary. If you missed the original question, it was an interesting one and we suggest you return to the March and April editions to study all of the responses.

Before posting the question, we had been told of instructors advising students to divest themselves of knives, pepper spray, second or back up guns and entrust them to another person before police arrive and, worried that divesting oneself of other weapons would likely result in obstruction or tampering with evidence charges, we had asked –

How does your state law or case law address removing weapons that were not used in the self defense act but that were carried on one's person?

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First, it is important to note that the issue of removing weapons in self-defense cases is highly fact sensitive and each case is evaluated individually. However, there are some general principles that apply in Indiana's legal system.

According to Indiana state law, individuals have the right to use reasonable force, including deadly force, if they believe it necessary to protect themselves or others from imminent threat or harm. This includes the use of weapons that one may possess on their person. In such cases, it is crucial for individuals to act swiftly and decisively in order to neutralize the threat.

However, as mentioned in the question itself, removing weapons after a self-defense act can raise suspicion among law enforcement officials. They may perceive it as an attempt to cover up evidence or justify one's actions retrospectively. Therefore, it is advisable for individuals not to remove any weapon used or carried during a self-defense situation unless absolutely necessary.

In fact, not removing any weapons post-incident and allowing them to be seen by law enforcement officers can actually strengthen one's case for self defense. It serves as tangible evidence that shows all possible precautions were taken before resorting to using deadly force. It also proves that there was no premeditated intention or malicious intent on behalf of the individual involved.

Moreover, "heat-of-the-moment" situations where an individual believes their life or safety is at risk may not allow for a lot of time for rational thinking and meticulous actions such as carefully removing weapons post-incident.

In conclusion, Indiana's approach towards removing weapons in a self-defense situation – it is better to let law enforcement officials see all weapons present at the scene, even if they were not used during the act of self-preservation. This can serve as crucial evidence in showing one's innocence and justifying their actions under the state law. Remember, self defense is a fundamental right, but it comes with a great responsibility to act wisely and swiftly in life-threatening situations.

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



Editor's Notebook

by Gila Hayes

Our Network team is back from the yearly trek to the National Rifle Association Annual Meeting, an event we began attending in 2009 because it introduced us to fellow armed citizens who shared our concern about the legal aftermath of using force in self defense.

For many years, even when the NRA aggressively began selling insurance to compete with the Network's member assistance program, we continued to attend the Annual Meetings, and paid to have a booth in the exhibit hall. It was expensive, but we benefited from the face-to-face conversations with long-term members and appreciated the opportunity to enroll new members.

Attendance at the first annual meeting we went to in Phoenix reportedly exceeded 60,000 and the highest attendance reported was in 2018 in Dallas, where over 87,000 were said to attend. I was part of the Network team attending the 2018 show, and I can attest that at the end of a day in the exhibit booth, we often felt we had met a goodly percentage of those 87,000 attendees and if they didn't stop by our exhibit, we'd rubbed shoulders pushing through the packed lobby, in the jammed aisles and queued up by the hundreds to buy lunch at midday!

Fast forward to 2024, where, as exhibitors, we walked unimpeded through the lobby and into the exhibition hall shortly before opening time, walked empty aisles en route to the restrooms, or when we went to buy lunch for our staff. The drop off in attendance in 2024 was alarming! Ironically, the sales pitches to sign up exhibitors for the April 25-27, 2025 Annual Meeting in Atlanta, GA are already piling up.

I am astonished to see claims that more than 72,000 NRA members attended the 2024 Annual Meeting (<https://www.nra-la.org/articles/20240520/bob-barr-elected-nra-president-doug-hamlin-elected-to-serve-as-nra-executive-vice-president-ceo>). Like others exhibiting at the 2024 event, along with gun media, bloggers and commentators, we cannot resolve the empty exhibit hall aisles we encountered against NRA claims of 72,000 attendees. As the NRA tries to survive the LaPierre corruption conviction, lying about attendance is a horrible decision.

More Than Charts and Colorful Graphs

Early last month, a Network member wrote that our website was inadequate compared to competitors' because we don't sell our services in at-a-glance charts, schedules, lists of exclusions and stated limits on our assistance to members. He's right, we don't.

The Network wants members who will invest the time to study the issues involved in the legal defense of self defense, not surface thinkers who scan bullet-points and charts on which

assistance is distilled into several words and a green check box or a big red X if not offered. Instead, the Network wants members who will absorb the hours of video instruction on use of force that we provide, who will read this monthly journal, who independently pursue their continuing education by attending training beyond the basic permit-level requirements.

The complaint highlighted the extreme difference between competitors selling self-defense insurance and the Network's supportive membership organization of like-minded men and women joined together to assure that none of our fellow Network members are harmed in the courts after defending themselves or their families. Our individual concerns are mirrored in high-profile cases like the prosecution of George Zimmerman, Kyle Rittenhouse, and when police line of duty shootings go to trial.

The Network was created, grew and developed over the past 15 years, and today continues to pay the legal expenses members face after use of force in self defense. Funding starts as soon as possible after self defense when an attorney, investigators and experts most effectively prevent criminal charges and discourage civil litigation. The speedy representation of armed citizens who are trained in justifiable use of force in self defense works! Though several have come close, none of our members have yet gone to trial. Charges are not brought, are dropped, or in a few instances reduced to a favorable plea voluntarily accepted. Some of those pre-trial fights were expensive, but they cost less in emotional damage to members and their families and the expenses of going to trial were less than extended litigation that can arise when facts and evidence of solid self-defense decisions aren't clarified and emphasized as strongly as possible and as soon as possible after self defense.

The Network focuses on the big dollar expenses that without post-self-defense support, armed citizens who've lost at trial when tried for doing nothing more than defending themselves and their families have lacked. We focus on the big concerns and do not subject members to arbitrary exclusions or try to draw attention away from weaknesses by throwing in a dozen distractions like crime scene clean up, or your own personal benefits coordinator. It is all too easy to be distracted from issues like having the freedom to choose the best attorney to defend you or having to pay back the insurance company if you accept a favorable plea offer, as is the harsh reality with several of the Network's more aggressive competitors.

Online research is a great boon, but Internet-users want complex topics chewed up, pre-digested and distilled on charts, outlines or bullet point lists. It is risky to believe we have a full understanding of a complex, multi-faceted concern based on a chart of check boxes, single words or short phrases. Here's a big thank you to our Network members who understand that serious matters require serious study, and what is more serious than training and understanding when you may choose to use deadly force – potentially to kill a person – in defense of yourself or your family.

About the Network's Online Journal

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

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

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

To submit letters and comments about content in the eJournal, please contact editor Gila Hayes by e-mail sent to editor@armedcitizensnetwork.org.

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

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We welcome your questions and comments about the Network.

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