

JASON A. DAVIS, ESQ.

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF FRESNO

-oOo-

EDWARD W. HUNT, in his official capacity)
as District Attorney of Fresno County, and in)
his personal capacity as a citizen and taxpayer,)
et. al.,)

Plaintiffs,)

vs.)

No. 01CECG03182

STATE OF CALIFORNIA, WILLIAM)
LOCKYER, Attorney General of the State of)
California; CALIFORNIA DEPARTMENT)
OF JUSTICE; Does 1-100;)

Defendants.)

Fresno, California

April 24, 2008

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DEPOSITION OF BARRY BAUER

-oOo-

Reported By:
Kimberly Thayer
C.S.R. No. 8725



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)	
Defendants.)	

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Fresno, California April 24, 2008

The deposition of **BARRY BAUER** was taken in the above-entitled matter pursuant to all of the provisions of law pertaining to the taking and use of depositions before Kimberly Thayer, CSR, with offices at Fresno, California, commencing at the hour of 10:00 a.m. at the office of the California Attorney General, 2550 Mariposa Mall, Room 5090, Fresno, California.

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15 BY: MARK R. BECKINGTON
16 Deputy Attorney General

17 ---oOo---

18 BARRY BAUER,

19 called as a witness herein, having

20 been heretofore duly sworn,

21 testified as follows:

22 ---oOo---

23 EXAMINATION BY MR. BECKINGTON

24 Q. Good morning, Mr. Bauer.

25 A. Good morning.

Q. We were introduced before we began the deposition,
but I'm Mark Beckington, I'm a deputy attorney general with
the State Attorney General's Office, and I'm representing the
State of California and the Department of Justice and the
other defendants in this case. And my purpose here is to ask

1 you just a few questions about the fact that you are -- just
2 a few questions about this case in which you are a plaintiff,
3 and also the company Herb Bauer Sporting Goods is a
4 plaintiff.

5 First, let me ask -- and, again, to have this on
6 the record -- there were two notices sent out, one for you in
7 your individual capacity as a plaintiff and one for Herb
8 Bauer Sporting Goods, for the person most knowledgeable of
9 that corporation. And in discussions with counsel, we've
10 agreed that this deposition will be both your individual
11 deposition and you appearing in your capacity as the person
12 most knowledgeable for Herb Bauer Sporting Goods. Is that
13 your understanding?

14 A. Yes.

15 Q. Before we get into the specifics, I would like to
16 perhaps go over the deposition a little bit with you. Did
17 you have the opportunity to speak with Mr. Davis before -- or
18 to meet with Mr. Davis before you came to the depo today?

19 MR. DAVIS: Objection, attorney-client privilege.
20 You can answer the question.

21 THE WITNESS: Yes.

22 BY MR. BECKINGTON:

23 Q. What I'd like to do is just go over some things
24 that Mr. Davis may have discussed with you just as some of
25 the ground rules of a deposition.

1 The first matter is that the court reporter has
2 sworn you in as a witness here today and placed you under
3 oath. And that essentially means that the testimony you give
4 here today would have the same force and effect as if you
5 gave it in a court of law during a trial. Do you understand
6 that?

7 A. Yes.

8 Q. And the most important part of that is it has the
9 same effect of an oath in court, which is that you are
10 obligated to tell the truth here today in response to my
11 questions and that you are placed under penalty of perjury.
12 Do you understand that?

13 A. Yes.

14 Q. At the conclusion of the deposition today, the
15 court reporter will prepare a transcript of everything that's
16 said here, my questions, your answers, any comments by
17 counsel, any other comments on the record, and you will have
18 the opportunity to review that and make corrections. But
19 there are two cautions I would like to give you. First, if
20 you make corrections to the transcript, an attorney can
21 comment on that to the judge or the jury at the time of
22 trial, and that could possibly affect your credibility to the
23 judge or the jury. Do you understand that?

24 A. Yes.

25 Q. And that emphasizes that it's important that you

1 give your best and most accurate testimony here today and not
2 rely on the fact that you will have the opportunity to review
3 and correct the transcript.

4 Secondly, if you testify at trial differently than
5 you testify here today, again, an attorney can comment on
6 that at trial. It can be both embarrassing and affect your
7 credibility at trial, again emphasizing that you should give
8 your best and most accurate testimony here today and not rely
9 on the fact that you might have the opportunity to testify
10 again in this matter at trial. Do you understand that?

11 A. Yes.

12 Q. Now, I'll be asking you questions on matters
13 relating to this lawsuit. You are not required to speculate
14 as to the answer to any question, but I am entitled to your
15 best estimate or your best recollection as to the matters so
16 that if you have some basis on which to answer a question,
17 you should go ahead and answer the question to that extent.
18 Do you understand that?

19 A. Yes.

20 Q. Now, I'd ask -- and so far this is going fairly
21 well -- that each of us wait until the other has finished
22 speaking so that only one person speaks at a time. The most
23 important reason for that is the court reporter can only take
24 down one person at a time. So I'll do my best to wait until
25 you finish your answers before I ask my next question and

1 then I would ask that you wait until I have phrased my
2 question before you give your answer. Do you understand
3 that?

4 A. Yes.

5 Q. Also, if you don't understand a question that I ask
6 or you don't hear a question that I ask, I would ask that you
7 stop and tell me and ask me to repeat the question or
8 rephrase the question. If you don't do that, then the court
9 reporter will take down my question, will take down your
10 answer, and it will appear in the transcript as if you
11 answered it the way it was heard and phrased in this session.
12 Do you understand that?

13 A. Yes.

14 Q. Is there any reason why we can't go forward with
15 this deposition today and why you wouldn't be able to give
16 your best and most accurate testimony about this matter?

17 A. No.

18 Q. Have you ever had your deposition taken before?

19 A. Yes.

20 Q. Just approximately how many occasions? Your best
21 recollection of how many times you've had your deposition
22 taken.

23 A. Well, it's probably been two or three times in my
24 lifetime.

25 Q. Have you ever testified in a court trial before?

1 A. No.

2 MR. BECKINGTON: I'd like to mark a couple of
3 exhibits here. First, as Defendants' Exhibit 1, I'd like to
4 mark a document entitled, "Notice of Deposition of Plaintiff
5 Barry Bauer and Notice to Produce Documents at Deposition."

6 (Defendants' Exhibit 1 was marked for
7 identification.)

8 MR. BECKINGTON: Next I'd like to mark as Exhibit 2
9 a document entitled, "Notice of Deposition of Plaintiff Herb
10 Bauer Sporting Goods and Notice to Produce Documents at
11 Deposition."

12 (Defendants' Exhibit 2 was marked for
13 identification.)

14 BY MR. BECKINGTON:

15 Q. Mr. Bauer, first focusing on what we marked as
16 Exhibit 1, Notice of Plaintiff Barry Bauer. Have you seen
17 this document before?

18 A. Yes.

19 Q. You'll notice, starting on page 3, there is a list
20 of three requests for productions, do you see them?

21 A. Yes.

22 Q. Have you seen those request for productions before?

23 A. Yes.

24 Q. Let me ask you this, then. Let me also focus
25 separately on Exhibit 2, Notice of Deposition of Plaintiff

1 Herb Bauer Sporting Goods. Have you seen that document
2 before?

3 A. Yes.

4 Q. And you'll note that on page 4 of that document,
5 there, again, is three listed requests for production. I
6 believe they're the same as -- at least in terms of the
7 wording -- as the ones on your deposition notice. Have you
8 read those requests for productions before?

9 A. Yes.

10 Q. Have you produced any documents here today or
11 brought any documents with you today with response to that?

12 MR. DAVIS: I'd like to go on the record right now
13 to say that we have asserted objections with regard to these
14 requests for production of documents, but we have brought
15 some documents with us as well, and, basically, incorporate
16 all those objections that we have served defendants' counsel
17 with into this deposition.

18 MR. BECKINGTON: Why don't we go off the record for
19 one second.

20 MR. DAVIS: Sure.

21 (Off the record.)

22 MR. BECKINGTON: We're back on the record.

23 BY MR. BECKINGTON:

24 Q. With respect to -- well, first, let me just state
25 for the record. Plaintiffs' counsel, Mr. Davis, has handed

1 to me a stack, approximately maybe a little less than an
2 inch, or maybe an inch, of documents that are responsive to
3 the document demands for the deposition notices. Is it your
4 understanding, Mr. Bauer, that the documents your counsel has
5 handed me are the documents that are responsive to the
6 deposition notice that were in your possession, custody or
7 control?

8 A. Yes.

9 Q. Okay.

10 MR. DAVIS: Those including the ones that have
11 already been provided in previous discovery requests.

12 MR. BECKINGTON: Fine.

13 BY MR. BECKINGTON:

14 Q. And did you personally do anything to search for
15 documents in response to the document demands?

16 A. Yes.

17 Q. And what did you do?

18 A. Well, myself and my staff pulled together these
19 documents that represent our understanding of your request.

20 MR. BECKINGTON: And, Jason, maybe I can just ask
21 on the record. I did receive your objections, are there any
22 documents that are not being produced in response --

23 MR. DAVIS: Anything relating to attorney-client
24 privilege, just payments for this case and other documents
25 that, again, fall under the attorney-client privilege.

1 MR. BECKINGTON: Okay.

2 MR. DAVIS: Outside of that, no.

3 MR. BECKINGTON: Okay.

4 MR. DAVIS: Not that we know of.

5 MR. BECKINGTON: Then I want to go through these
6 with you just to mark them for the record. The first
7 document that was handed to me I'll mark as Exhibit 3 in
8 order. It's a document entitled "Flash suppressor" from
9 Wikipedia. It appears to be a three-page document.

10 (Defendants' Exhibit 3 was marked for
11 identification.)

12 THE WITNESS: Do you want to keep those?

13 MR. BECKINGTON: I'm going to mark all the
14 documents that were given to me and attach them to the
15 deposition transcript.

16 THE WITNESS: Naturally. As we go forward, should
17 I keep my copy of the documents I have in front of me so I
18 can refer to them as you ask questions?

19 MR. BECKINGTON: Yes, I would like you to do that.

20 THE WITNESS: Thank you.

21 BY MR. BECKINGTON:

22 Q. And this document that I marked as Exhibit 3, Flash
23 Suppressor, would you tell me what's your understanding of
24 what this document is?

25 A. This document was prepared yesterday afternoon by

1 one of my employees to provide the clearest understanding
2 that we have of what a flash suppressor is.

3 Q. Would it be accurate to say one of your staff
4 members went to Wikipedia on the Internet and printed off
5 their article for flash suppressor?

6 A. Correct.

7 MR. BECKINGTON: The next document is a document
8 that also appears to be a printout from Wikipedia entitled
9 "Muzzle brake," and appears to be a five-page document. And
10 we'll mark that document as Exhibit 4.

11 (Defendants' Exhibit 4 was marked for
12 identification.)

13 BY MR. BECKINGTON:

14 Q. And, again, with reference to Exhibit 4, document
15 entitled "Muzzle brake," Mr. Bauer, what is your
16 understanding as to what this particular document is?

17 A. Again, that was pulled by -- off the Internet by
18 one of my employees yesterday afternoon to make sure we had a
19 clear definition of what a muzzle brake was.

20 Q. And let me ask you this. My understanding of
21 Wikipedia is that it is an on-line encyclopedia that's
22 drafted by the general readership, that anybody can submit
23 articles or add to articles or edit articles, so to speak,
24 although I'm not an expert on Wikipedia at all. Is that your
25 understanding, your general understanding, of what Wikipedia

1 is?

2 MR. DAVIS: Objection, calls for speculation.

3 You can answer if you know it.

4 THE WITNESS: I'm with the plaintiffs' attorney, I
5 am under the understanding that there's a certain amount of
6 information that may or may not be accurate in Wikipedia.
7 But in lieu of other definitions, except ones provided by
8 manufacturers, which are also contained in the packet that
9 we're reviewing today, this is one of the layperson's
10 sources -- and when I refer to "layperson," I'm referring to
11 my customers -- sources of information on what a flash
12 suppressor is and a muzzle brake. And we, being the sporting
13 goods store, the FFL holder, have to be able to approximately
14 delineate the definitions between muzzle brakes and flash
15 suppressors to our customers to help clarify for them and to
16 help clarify for our staff, you know, what they are and what
17 they aren't. These are some of the sources that we use on a
18 day-to-day basis to establish a general understanding of
19 these two products.

20 BY MR. BECKINGTON:

21 Q. You mentioned the term "FLL holder," what does that
22 stand for?

23 MR. DAVIS: Just a minute, FLL?

24 BY MR. BECKINGTON:

25 Q. I may have misunderstood you, did you say FFL or

1 FLL?

2 A. I said FFL.

3 Q. Oh, okay, I'm sorry. What does FFL stand for?

4 A. Federal Firearms License. That's my license from
5 the federal government to sell firearms.

6 Q. Have you, as to either of these articles marked as
7 Exhibit 3 and 4 as flash suppressor and muzzle brake, have
8 you contributed to these articles in Wikipedia?

9 A. No.

10 Q. To your knowledge, has any member of your staff
11 contributed to any article in Wikipedia?

12 A. I'm quite sure no one on my staff has.

13 Q. Have you read through the flash suppressor article
14 on Wikipedia?

15 A. Yes.

16 Q. Do you consider this to be an accurate description
17 of your understanding of what a flash suppressor is?

18 MR. DAVIS: Objection, vague and ambiguous as to
19 the term "flash suppressor." Are you referring to the legal
20 definition in California or just generally-accepted
21 terminology of the term "flash suppressor"?

22 MR. BECKINGTON: I'm just using the term "flash
23 suppressor" in its generally understood usage.

24 THE WITNESS: I agree, that that is a reasonable
25 representation of a definition of a flash suppressor from my

1 personal perspective.

2 BY MR. BECKINGTON:

3 Q. And with respect to the article on the muzzle
4 brake, do you consider this to be an accurate article
5 discussing and describing the term "muzzle brake"?

6 A. From my perspective, it's a reasonably accurate
7 description of a muzzle brake and a definition of a muzzle
8 brake. Having said that, in both cases, the industry as a
9 whole, I believe, has varying definitions of both of those
10 two products, okay. This is a reasonable representation of a
11 definition of those two products.

12 Q. Just for the record, have you also read through
13 Exhibit 4, the muzzle brake article?

14 A. Yes, I have.

15 Q. Was there anything in the flash suppressor article
16 that you saw that you disagreed with?

17 A. Well, I can't recall on a sentence-by-sentence
18 basis, and I guess you would have to identify which
19 paragraphs you would be concerned about, and I'd be happy to
20 reread them and see if there's anything that I disagree with.
21 But, generally, in an overall point of view, both of those
22 articles are reasonable representations of those products and
23 I generally agree with all the statements in there.

24 A. Okay.

25 Q. So that would be the same with respect to the

1 muzzle brake article?

2 A. That's true.

3 MR. BECKINGTON: Next in order is a one-page
4 document which appears to be a printout from a website
5 relating to .303 British Jungle Carb. I'd like to mark that
6 as Exhibit 5.

7 (Defendants' Exhibit 5 was marked for
8 identification.)

9 BY MR. BECKINGTON:

10 Q. Mr. Bauer, I think, was drawing my attention to the
11 website at the bottom indicating it's printed out from www
12 dot angelfire dot com. Do you have that document in front of
13 you, Mr. Bauer?

14 A. Yes, I do.

15 Q. Could you explain to me what your understanding of
16 what this document is.

17 A. I brought this document to illustrate the
18 definition of a flash suppressor flash hider from a period in
19 time of 50 years ago. This was my first introduction to
20 flash suppressors when my father purchased two cases of
21 Cosmoline-filled .303 British Jungle Carbines, and my job was
22 to clean the Cosmoline out and make them ready for a rental
23 and sale. And I was told -- when I asked what the thing at
24 the end of the barrel was, I was told that was a flash
25 suppressor.

1 So that was the first indication that a flash --
2 for a young man that a flash suppressor even existed. And
3 that is why I brought that, is to show the difference between
4 that period's definition of a flash suppressor and today's
5 version of flash suppressors that are probably in contention
6 in terms of defining this one's look, feel and shape compared
7 with the ones of today's vintage. And so I brought that to
8 illustrate the original version of a flash suppressor.

9 MR. BECKINGTON: Very well.

10 The next document that I've been provided here by
11 your counsel is another -- appears to be another printout
12 from a website, and it is headed "Springfield Armory Rifles."
13 I'd like to mark that document as Exhibit 6.

14 (Defendants' Exhibit 6 was marked for
15 identification.)

16 BY MR. BECKINGTON:

17 Q. By the way, before I go to Exhibit 6, just getting
18 back to Exhibit 5 for just one moment. Did you or a member
19 of your staff print this out from the website?

20 A. That was mine personally, I produced that.

21 Q. And then referring to Exhibit 6, could you tell me
22 what's your understanding of this particular document.

23 A. I pulled this document also off the Internet for
24 the purpose of being able to illustrate the difference in the
25 products that this company manufactures for this deposition.

1 They manufacture products that are flash suppressors and they
2 manufacture products that are muzzle brakes, and for
3 pictorial purposes, I brought these so we could discuss the
4 difference between the flash suppressor, the muzzle brakes of
5 this generation and, apparently, approved as such by the
6 Department of Justice, and the one from 40 years ago on the
7 previous document, which was a verbal designation that
8 that -- the British .303, that that was a muzzle -- a flash
9 hider, excuse me. So I brought this to illustrate examples
10 of approved facilities on M1A rifles and Socom rifles.

11 Q. And when you say "approved by the Department of
12 Justice," are you talking about the Federal Department of
13 Justice or the State Department of justice?

14 A. I guess maybe I misstated that. Let's go back
15 to -- my staff and myself have learned via the manufacturer,
16 Springfield Armory, that the guns that I'm currently
17 stocking, which have little round holes in the device
18 attached to the end of the barrel, those are, I've learned,
19 muzzle brakes. And as a result of them being designated
20 muzzle brakes, we sell them, and they're legal in California,
21 and I assumed that someone has approved that that represents
22 a muzzle brake. I have no documentation to that effect
23 except the manufacturer's materials.

24 I also see on this document that there is a flash
25 suppressor designation and a product with -- not holes in it,

1 but has slits in it attached -- the second diagram down. You
2 see the longitudinal slats in the end of the device there as
3 opposed to the holes here. This is, by someone's definition,
4 a flash suppressor. And, again, it appears to be
5 Springfield's definition of a flash suppressor.

6 Back when our lawsuit was filed, the things I just
7 explained to you were very unclear and not definable and we
8 had no knowledge of which was a flash suppressor and which
9 was a muzzle brake. And even today as we sit here it's very
10 difficult to discern why one is and one isn't either a muzzle
11 brake or a flash suppressor except by some arbitrary comment
12 by the manufacturer, who I guess got it approved by the
13 Department of Justice in Sacramento. Otherwise, they
14 couldn't make that statement.

15 Q. Just so we have a clear record. You were pointing
16 to some illustrations on page 2 of Exhibit 6, and the first
17 one you were pointing out was at the top of the page where
18 it's stock MA9101; is that correct?

19 A. That's correct.

20 Q. And that's the one that you understood had the
21 muzzle brake at the end?

22 A. Yes. Because as I see in the picture, there seems
23 to be little holes in the muzzle brake, okay.

24 Q. And then the one that you were saying had the flash
25 suppressor attached was MA9222, which is the second

1 illustration?

2 A. That's correct. And I see that that appears to
3 have about two and a half inch longitudinal cuts in the
4 protrusion.

5 Q. Now, may I ask, as to the -- maybe to focus on
6 the -- those are the M1A's that are -- before you reached the
7 Socoms; is that correct?

8 A. Those are two illustrations of M1A's, yes.

9 Q. But are all the rifles that are depicted here above
10 the line that indicates Socom at the bottom of that page, are
11 those all M1A's above that?

12 A. Yes, they're designated there by the manufacturer
13 as M1A's.

14 Q. Right. And the devices that are illustrated as
15 being attached, are those removable from the barrel?

16 A. Yes, I believe they are. We removed one yesterday
17 and saw that it was threaded and so forth.

18 Q. When the manufacturer, Springfield, ships these, do
19 they ship them with the attachment?

20 A. Let's refer to the front page of this document,
21 bottom of the front page.

22 Q. Sure.

23 MR. DAVIS: Objection, calls for speculation.

24 You can answer if you know.

25 THE WITNESS: Based on this document, it says,

1 "Sometimes, the only rifles available have a flash hider but
2 certain areas or states require stabilizers." It turns out
3 that you can buy the stabilizer you see there for \$85. The
4 original factory flash hider is placed in the rifle box for
5 you to keep. So all I can do is key off of their advertising
6 material and their explanation to answer your question.

7 BY MR. BECKINGTON:

8 Q. But is it your understanding, at least as to the
9 items depicted here for the attachments, the manufacturer has
10 designated the attachment either a flash suppressor or flash
11 hider or as a muzzle brake?

12 A. That is correct. We will see in some of the
13 further documentation copies -- we haven't gotten to yet
14 today -- copies of documents contained in the box that is
15 shipped with the gun that give it that designation, so let's
16 continue.

17 Q. Now, do any of the other items shown here following
18 the M1A's have any depiction of flash suppressors or muzzle
19 brakes?

20 A. Yes, they do.

21 MR. DAVIS: Objection, vague and ambiguous with
22 regard to the definition of flash suppressor. Are you
23 referring to the definition under the regulations or the
24 general use?

25 MR. BECKINGTON: I guess I'm just asking for the

1 witness' understanding.

2 THE WITNESS: My understanding is that Springfield
3 has in their product line M1A created a flash suppressor and
4 a muzzle brake and in their Socom product line created a
5 flash suppressor and a muzzle brake product. And, certainly,
6 the muzzle brake product is available for sale in California
7 and the flash suppressor model is not. But it's the
8 manufacturer's definition that we're keying off of here.
9 "We" meaning the retailer, Herb Bauer Sporting Goods.

10 MR. BECKINGTON: Okay. The next document in order
11 that I've been provided with is a two-page document entitled
12 "Fax." It appears to be from the Springfield Armory, and
13 we'll mark that as Exhibit 7.

14 (Defendants' Exhibit 7 was marked for
15 identification.)

16 BY MR. BECKINGTON:

17 Q. And, Mr. Bauer, could you tell me what this
18 document is.

19 A. This document was faxed to me yesterday upon my
20 request from Springfield Armory asking them for a copy of the
21 little label that they put on products that I had seen
22 before. But, in fact, this is what they put on products that
23 are flash suppressors by their definition and do not -- this
24 does not appear on products, rifles, that I receive, because
25 mine are legal for sale in California and they have the

1 muzzle brake and not the flash hider. So the flash hider
2 is -- this is what they put on the boxes when they ship them
3 out of their factory. And there's a very specific story
4 associated with this that we may choose to get into, may
5 choose not to get into.

6 Q. Just so I'm clear, then. The second page of the
7 document where it has the copy of the label "Not Legal in
8 California if Purchased after December 31, 1999," it's your
9 understanding that that is something that Springfield Armory
10 will place on a box containing a flash suppressor or flash
11 hider?

12 A. That's my understanding.

13 Q. If they ship it to California?

14 A. They don't ship them to California. They put that
15 on everything, okay. And I have a specific example of that
16 later if we choose to talk about it, okay.

17 Q. Okay. Well, since you've mentioned that, why don't
18 you tell me what you're referring to.

19 A. Early on, shortly after this law went into effect,
20 a box arrived on my doorstep, a rifle that we did not
21 order --

22 MR. DAVIS: By "doorstep," you're referring to Herb
23 Bauer Sporting Goods?

24 THE WITNESS: Yeah, it came to Herb Bauer Sporting
25 Goods, delivered to Herb Bauer Sporting Goods. And it had a

1 label very similar to this label on the box. The difference
2 is between what was on my box and what was in this label is a
3 razor blade had been used to cut off the word "Not" on the
4 box I had. So the label read, "Legal in California if
5 Purchased after December 31st, 1999."

6 Well, I opened the box, examined the weapon, and
7 there was this flash hider or muzzle brake or something on
8 the end of the barrel. I had never seen one before. We
9 didn't stock these kinds of guns in my store. As a matter of
10 fact, this gun was purchased by one of my customers from --
11 purchased it out of state and it came from a gunsmith in
12 Texas.

13 So I called the customer and I said, What's this?
14 And he said, Well, I ordered this gun from out of
15 state and I'm having it delivered and you can register it to
16 me.

17 And I said, Well, I don't believe I can accept this
18 gun inbound -- I have seven days before I have to turn
19 something around and send it back out of the state -- because
20 I don't know that this is a flash hider or a flash
21 suppressor -- or a muzzle brake. And I told that to the
22 customer.

23 And he says, Well, the gunsmith in Texas converted
24 it so that even though it says "Legal in California," and
25 clearly the original sticker said "Not Legal in California,"

1 he converted it so that it's legal in California.

2 And I said, What did he do to it?

3 And he said, Well, he fixed the unit on the end of
4 the gun, referring to the muzzle brake, or flash suppressor,
5 whichever it is, okay.

6 And I said, Well, I have no idea what that thing
7 is.

8 So I called the Springfield Armory factory, and I
9 gave him the serial number of the gun. And I said, Is that
10 gun legal for sale in California? And the Springfield Armory
11 said, No, it's not legal for sale in California as it was
12 shipped from our factory.

13 So here I am in a quandary. A virtually new
14 product arrives on my doorstep. Some guy in Texas, a
15 gunsmith, says that it's been modified legal in California,
16 but I don't know it's legal in California. I have no way of
17 determining whether this is a legal gun.

18 So at that point I called my district attorney,
19 Ed Hunt, Fresno County District Attorney. And I said,
20 Mr. Hunt, I have a weapon here. Business has been
21 transacted, the cash has flowed, the product has arrived at
22 Herb Bauer Sporting Goods, and I'm inclined to send it back
23 to where it came from because I can't tell, and nobody on my
24 staff, I have ten people in my gun department, probably with
25 an average longevity of ten years in terms of professional

1 experience average, okay, and nobody can tell whether it's a
2 flash suppressor or flash hider or a muzzle brake.

3 Well, Ed Hunt said to me -- because I asked someone
4 from the District Attorney's office to come over and evaluate
5 it and tell me whether it's legal in California. And he
6 said, I have nobody who knows that stuff. He said, Call the
7 Department of Justice.

8 So I called Randy Rossi. I said, Randy, I've got a
9 gun -- Randy and I are on close speaking terms, we consulted
10 on a number of issues. I said, Randy, I've got a gun in
11 front of me. Springfield said it's not legal in California,
12 there's a gunsmith down in Texas that said he made it legal
13 in California, how do I determine if I can deliver this gun
14 to a customer? I said, Will you give me a determination on
15 it?

16 He said, No, we don't do that sort of thing.

17 I said, Well, it looks like I've got no choice but
18 to send this thing back to its original source and let my
19 customer worry about unwinding his financial transactions and
20 everything.

21 And he said, Yeah, that's probably the best way to
22 go.

23 Well, I skipped the part when I was talking to Ed
24 Hunt. I said, Ed, what do you think I ought to do with this?
25 And he said, Well, you probably ought to send it back to

1 where it came from.

2 So with some professional guidance and none of us
3 know what a flash suppressor or a flash hider is or a muzzle
4 brake, we sent the gun back.

5 It turns out, after the fact, and after the
6 knowledge clears, that this particular unit that was screwed
7 on the end of this particular Springfield appeared to be a
8 muzzle brake because it had round holes in it, but that's in
9 five years of retrospect and thinking back on the original
10 incident that that's probably what it is. But there was no
11 way at the time to determine whether it was a muzzle brake or
12 a flash suppressor, because when it was shipped from the
13 factory, apparently, it was not legal for sale in California.

14 BY MR. BECKINGTON:

15 Q. When you looked at it, though, why was it that you
16 felt you could not determine whether it was a flash
17 suppressor or a muzzle brake?

18 A. Nobody on my staff had seen a flash suppressor or
19 muzzle brake by the standards of the State of California.
20 You see, we didn't stock black guns and on-the-edge type guns
21 at Herb Bauer Sporting Goods store previously, and this was
22 some of our first introduction to muzzle brakes and flash
23 suppressors.

24 Q. I'm sorry, you didn't stock what before? I didn't
25 hear you.

1 A. We didn't stock -- I call them black guns, assault
2 weapons, guns that had muzzle brakes or flash suppressors on
3 them. We had none of those in stock at our store. And so
4 this was, shall we say, a new determination, a new thing. It
5 was right after the law was passed. We had -- just didn't
6 know.

7 And even today it's only the manufacturers' say-so
8 that designates the difference between the two. So if anyone
9 was to walk into our store -- and that's why I brought the
10 example of the .303 British -- and they could say, Is this a
11 flash suppressor or a muzzle brake, it becomes only hearsay
12 that that happened to be a flash hider because it was
13 designated a flash hider back when the gun was made.

14 Q. Now, in the case of the example you were talking
15 about, is it your understanding, then, that the owner of the
16 weapon who was bringing it to you to get registered in
17 California had had a gunsmith in Texas modify the attachment
18 to turn it from the original equipment that came from the
19 factory into something that he believed was a muzzle brake?

20 A. That's my understanding from the customer. Now,
21 whether -- certainly, you'll have to take this into account,
22 whether the customer was telling the truth or the gunsmith
23 was telling the truth that it was modified. We didn't know,
24 but we weren't going to take a chance.

25 Q. You mentioned also that -- you were talking about

1 the time that you started selling the flash suppressors.
2 When did Herb Bauer Sporting Goods begin selling -- let me
3 break it down.

4 When did Herb Bauer Sporting Goods begin selling
5 flash suppressors?

6 A. You know, I cannot give you an accurate answer to
7 that, I didn't research that for today's meeting, but I'm
8 sure it was after this period of time we received some of our
9 first weapons for resale, but I can't answer the question
10 accurately.

11 Q. So your best recollection is it was after -- let me
12 give you some dates here. Senate Bill 23, which, if you're
13 familiar with that, passed the generic definition of assault
14 weapon, I believe went into effect January 1, 2000. Are you
15 familiar with that?

16 A. Yes.

17 Q. Was it -- just in relation to that effective date
18 of January 1, 2000, did Herb Bauer Sporting Goods begin
19 selling flash suppressors after that date?

20 MR. DAVIS: Can we take a quick break?

21 MR. BECKINGTON: Sure.

22 (Recess taken.)

23 THE WITNESS: Please ask the question again.

24 MR. BECKINGTON: Sure. Let me see if I can
25 rephrase it better.

1 BY MR. BECKINGTON:

2 Q. Just in relation to the effective date of Senate
3 Bill 23, which was January 1, 2000, did Herb Bauer Sporting
4 Goods begin selling flash suppressors before or after that
5 date?

6 MR. DAVIS: Objection with regard to the definition
7 of "flash suppressor," whether or not it relates to the
8 California definition or to the general term.

9 BY MR. BECKINGTON:

10 Q. Well, just your understanding of what Herb Bauer
11 Sporting Goods was doing, whether they were selling items
12 that they marketed and considered to be flash suppressors.

13 A. Let me capsulize it this way. Certainly, Herb
14 Bauer Sporting Goods sold .303 British flash suppressor
15 weapons prior to the implementation of SB 23 simply because
16 they were generic, available, and there was no law against
17 it. When SB 23 went into effect, certainly we sold very,
18 very few guns, probably no guns with flash suppressors at
19 that point, because we couldn't tell what flash suppressors
20 were. So we avoided any black guns or any other guns that
21 had instruments attached to the end of the barrel because we
22 were -- it was very difficult to get it -- no, it was
23 virtually impossible to get a definition of what a flash
24 suppressor was. The District Attorney wouldn't tell us, the
25 State of California wouldn't tell us, Department of Justice,

1 and my staff was reluctant to commit to whether a device,
2 anybody's device, either a gun we had or a customer's gun,
3 had a flash suppressor, muzzle brake or whatever on it,
4 because it was an undefined area.

5 Q. What, then, changed after the adoption of SB 23 in
6 terms of the sale of flash suppressors or muzzle brakes at
7 Herb Bauer Sporting Goods?

8 A. Well, not until the manufacturers came out with a
9 clear delineation of which products were muzzle brakes and
10 which ones were flash suppressors did we begin to bring them
11 into the store for resale. And part of the documentation in
12 front of you that we haven't gotten to yet illustrates the
13 manufacturers' claims from the Springfield company as well as
14 from the Browning company on some of their current product
15 line, and that was our basis for making decisions to bring
16 those guns into our store for sale.

17 Q. So is it your understanding that following passage
18 of SB 23, that manufacturers began to make a designation of
19 whether the attachment was a flash suppressor or a muzzle
20 brake?

21 A. That's my understanding.

22 Q. Did you have an understanding that that was in
23 response to SB 23?

24 A. You know, I can't answer that for the
25 manufacturers. I don't know why they started to put that on

1 there. But maybe for the same reason Springfield put the
2 sticker on there not eligible for sale in California, to keep
3 themselves out of trouble and maybe us dealers out of
4 trouble, they started to designate which guns had it and
5 which guns didn't have it, and that's what allowed them to
6 start to market product in California.

7 Q. And I have to say I've never actually seen the
8 devices in the stores. When you sell a device that a
9 manufacturer has designated as a flash suppressor, does that
10 come in a box marked as a flash suppressor?

11 A. No, no, no. All of them officially come in place
12 on the gun when the gun's in the box. It's not a separate
13 device that the person screws on and that kind of stuff.
14 With the exception of what we just learned on the Springfield
15 Armory cover page where the flash suppressor is actually in
16 the box. Generally, the gun is ready to take out of the box
17 and begin to shoot it with the approved legal device on it.

18 Q. And in the case of the M1A, the device could be
19 unscrewed --

20 A. Yes.

21 Q. -- by the owner?

22 A. Yes.

23 Q. And another device could be screwed back on?

24 A. And, apparently, they ship that other device in the
25 box with the original gun.

1 Q. But at least, for example, in the case of
2 Springfield Armory, they are -- when they ship out a device,
3 say, to California, they'll ship a device --

4 A. That's legal in California.

5 Q. -- that's legal in California. For example, that
6 they've designated the attachment device is a muzzle brake
7 and they may put the flash suppressor as a separate item in
8 the box but not attached to the weapon; is that correct?

9 A. That's my understanding.

10 Q. Are there any other manufacturers that you're aware
11 of, say, for example, that Herb Bauer Sporting Goods does
12 business with that does something similar to that?

13 A. None that I am aware of.

14 Q. Are there any other -- let me ask. At Herb Bauer
15 Sporting Goods, then, do you sell flash suppressors
16 separately from the weapon?

17 A. No.

18 Q. Do you sell muzzle brakes separately from the
19 weapon?

20 A. No.

21 Q. Are you familiar with the term "compensator"?

22 A. What do you call a compensator?

23 Q. Well, it was just a foundational question. Do you
24 distinguish between muzzle brakes and compensators?

25 A. I asked you what is a compensator.

1 Q. Well, you know --

2 A. From your perspective.

3 Q. I guess my question is, do you have an
4 understanding of what the term "compensator" means?

5 A. No, I guess I don't.

6 Q. Okay. Well, just for a clear record, then, does
7 Herb Bauer Sporting Goods sell anything that it markets and
8 designates as a compensator?

9 A. Not that I'm aware of.

10 Q. And I apologize if I asked you this question
11 before, but does Herb Bauer Sporting Goods sell muzzle brakes
12 separate from the weapon?

13 A. No.

14 Q. So in each case, if Herb Bauer Sporting Goods sells
15 something to a customer that -- where the customer walks out
16 the door with something that is either a muzzle brake or a
17 flash suppressor, it is either attached to the weapon by the
18 manufacturer and sold that way or it's been placed separately
19 in the box with the weapon; is that correct?

20 A. That's correct. And I would say 99 percent of all
21 weapons we sell would fall under the category you just
22 mentioned only have them attached to the weapon when they
23 come in. And I think Springfield is the only exception where
24 there may be a flash suppressor in the box.

25 Q. Do you sell any other -- let me back up.

1 Is it your understanding, for example, that M1A
2 would be the type of weapon mostly described as a
3 semiautomatic center fire rifle with a capacity to accept an
4 attachable magazine?

5 A. I would have to say it falls under that category,
6 yes.

7 Q. Do you sell any other type of rifles at Herb Bauer
8 Sporting Goods that would fall into that category?

9 A. Yes.

10 Q. And are those other rifles -- I take it those are
11 rifles by other manufacturers?

12 A. Yes.

13 Q. When those rifles are sold, are they sold with
14 muzzle brake attachments?

15 A. The only -- let me see. We've already reviewed the
16 so-called Michaels manufactured by Springfield, so that is
17 one that has a muzzle brake associated with it when we sell
18 it. There may be one or two other models that meet that
19 criteria but, unfortunately, I can't tell you the names of
20 those models.

21 Q. And by one or two that meet that criteria, you mean
22 meet the criteria semiautomatic center fire rifle with a
23 capacity to accept an attachable magazine?

24 A. Exactly. There's a couple of other weapons we
25 sell, bolt action types, specifically a Browning bolt action

1 that has a muzzle brake on it called a Boss, it's a B-O-S-S
2 system. So I sell other types of guns and other
3 manufacturers' guns that don't meet the original criteria,
4 but I can't recall the manufacturers' names of the couple of
5 other types of guns that meet your criteria of a
6 semiautomatic detachable magazine.

7 Q. And in the case, for example, of the Browning Boss,
8 it's your understanding that's a muzzle brake?

9 A. That's right. You'll find in the documentation we
10 haven't gotten to yet the manufacturer's designation to that
11 effect.

12 MR. BECKINGTON: Let me move forward, then. Our
13 next exhibit will be the next document in order of the
14 documents your counsel has provided, and that's another
15 document with the face page indicates something connected to
16 the Springfield Armory related to the M1A rifle, and it's a
17 multi-page document which we'll designate as Exhibit 8.

18 (Defendants' Exhibit 8 was marked for
19 identification.)

20 BY MR. BECKINGTON:

21 Q. Mr. Bauer, could you explain to me what the
22 significance -- first, tell me what this document is.

23 A. This document ships in the box with an M1A rifle.
24 It's part of the manufacturer's documentation. It includes
25 topics of loading, unloading, disassembly, a parts explosion

1 of all the parts in the gun, and general care and maintenance
2 and safety.

3 Q. Is there anything in here you can point me to that
4 would indicate how Springfield designates the attachment on
5 the barrel of the rifle?

6 A. Yes. Seven pages from the end of the document
7 there's a parts explosion.

8 Q. Okay.

9 A. Refer to item 34 in the parts explosion.

10 Q. Okay.

11 A. If you look up item 34, you can see it's an MA0313
12 flash suppressor. Does that answer your question?

13 Q. And that indicates that item, to your
14 understanding, in the exploded view of the standard model is
15 a flash suppressor?

16 A. Correct.

17 Q. This indicates it's the standard model. So when
18 the rifle is shipped by the Springfield Armory to California
19 for sale, is it your understanding that that item, number 34,
20 the flash suppressor, is not attached but it's put separately
21 in the box?

22 A. It cannot be attached. And it is my understanding,
23 based on their documentation, that it's in the box. Now, I
24 cannot verify for you as we sit here today that every M1A
25 that comes into California has a flash suppressor in the box,

1 but according to their documentation, they say it is.

2 Q. And at least the ones that are coming into Herb
3 Bauer Sporting Goods, if they have the flash suppressor in
4 the box -- well, let me ask you. At Herb Bauer Sporting
5 Goods, have you gotten them from the Springfield Armory with
6 the flash suppressor separate in the box?

7 A. Yes.

8 Q. And do those come with a muzzle brake attached in
9 place of that flash suppressor?

10 A. Correct.

11 Q. On the exploded view here on this page, do they
12 show the muzzle brake anywhere to your understanding?

13 A. No, I don't see the muzzle brake on this diagram.

14 Q. So at least the standard model of the M1A would
15 come with a flash suppressor around the United States?

16 A. That's my understanding. And this document appears
17 in the box that has the muzzle brake on it for California.
18 They include a flash suppressor diagram and document. You
19 see where there can be some confusion?

20 MR. BECKINGTON: Let's go to the next document in
21 order, then. We'll mark that as Exhibit 9. And this on the
22 face page has a reference to the Browning Boss.

23 (Defendants' Exhibit 9 was marked for
24 identification.)

25 / / /

1 BY MR. BECKINGTON:

2 Q. And, Mr. Bauer, what is this particular document?

3 A. This is a document that comes attached to the
4 trigger guard of the bolt action Browning rifle that we were
5 speaking of moments ago. And it's their advertisement that
6 explains what the Boss system's functionality is on a
7 Browning rifle.

8 Q. And what is your understanding of the significance
9 as to the reason you brought this here today?

10 A. Well, it appears this product, in addition to being
11 a muzzle brake, has the functionality of a 30 to 50 percent
12 recoil reduction associated with this product.

13 Q. And, again, I apologize if I asked you this
14 earlier, but does Herb Bauer Sporting Goods sell the Browning
15 Boss?

16 A. Yes, we do.

17 Q. Do you sell that separately from the rifle or only
18 attached?

19 A. Only attached.

20 Q. And so that would become -- what type of rifles
21 would that come attached to?

22 A. It tends to be attached to larger caliber rifles,
23 ones that are used for Safari hunting or super big game of
24 North America, you know, grizzly bears, elk and so forth.

25 Q. Is it your understanding that the -- what's your

1 understanding of the purpose of the Boss, then?

2 A. The purpose of the Boss gun is to reduce recoil.

3 Q. Would your understanding a person purchasing a
4 Boss -- let me go back. And I know I asked you this
5 question, but I want to make sure I have it.

6 Do you sell the Boss separately from the rifle?

7 A. No.

8 Q. Is it your understanding when someone purchases a
9 rifle with a Boss attached, that the typical purpose of
10 somebody doing that would be for, say, hunting or sporting?

11 A. Oh, yes, for sure.

12 MR. BECKINGTON: Then the next document in order,
13 which we'll mark as Exhibit 10, is a document also indicating
14 it's relating to Browning, and it refers to a free Boss
15 video. Again, we'll mark that as Exhibit 10.

16 (Defendants' Exhibit 10 was marked for
17 identification.)

18 BY MR. BECKINGTON:

19 Q. And, Mr. Bauer, could you explain to me what this
20 particular document represents.

21 A. Yes. This is a video available from Browning.
22 It's attached to the trigger guard of each weapon we deliver,
23 and it is -- this video teaches the customer how to tune his
24 Boss based on his requirements, the caliber of the gun, the
25 amount of recoil, the distance he's going to be shooting it

1 and stuff, so they teach how to maximize recoil reduction
2 with the Boss in this video.

3 Q. And in terms of your reason for producing it here
4 today, what did you understand the significance of this
5 document to be?

6 A. Oh, simply to assist in clarifying muzzle brakes
7 versus flash suppressors and stuff. The two have very
8 similar characteristics from the perspective of Herb Bauer
9 Sporting Goods, myself and my employees, okay. And to
10 product differentiate between these two requires the
11 manufacturer to explain the functionality, okay. And we, we
12 and my customers have no idea of whether these products are
13 flash suppressors or muzzle brakes. And the only way we know
14 is if the manufacturer tells us they are, because there's no
15 measuring criteria for anybody to determine what they do.

16 Q. And, again, your understanding is that Browning
17 considers the Boss to be a muzzle brake?

18 A. That's what I read. Let me say -- I don't believe
19 we marked that exhibit. No, this one coming up.

20 MR. BECKINGTON: Actually, could we go off the
21 record for one quick second.

22 (Off the record.)

23 MR. BECKINGTON: The next document, and it appears
24 to be the last document in order, which we'll mark as
25 Exhibit 11, on the first page indicates that it's the owner's

1 manual for the Boss Ballistic Optimizing Shooting System.

2 (Defendants' Exhibit 11 was marked for
3 identification.)

4 BY MR. BECKINGTON:

5 Q. And, again, with reference to what we just marked
6 as Exhibit 11, Mr. Bauer, could you explain to me what is the
7 significance of this particular document.

8 A. This is the non-video version of what's on the
9 video. This teaches the customer how to establish what they
10 refer to in the document as the sweet spot for adjusting the
11 Boss system. It teaches people how to calibrate it and test
12 fire and adjust via the tool that they provide, the Boss
13 system, for optimum performance.

14 Q. So if someone bought a Browning rifle with a Boss
15 attached, this would be like the Boss owner's manual they
16 would receive with that?

17 A. It's in the box with the gun, yes.

18 Q. And is there anything in here that, to your
19 knowledge, refers to flash suppressors by any chance or the
20 suppression of flash?

21 A. You know, I personally have not read this document
22 in detail and cannot answer that question.

23 Q. And then just so we have a complete record, then.
24 I've marked as Exhibits 3 through 11 all of the documents
25 that were provided to me by your counsel other than any

1 documents that would have been not produced based on
2 attorney-client privilege? Are there any other documents
3 that you've brought here today in response to the document
4 demands for either yourself or Herb Bauer Sporting Goods?

5 MR. DAVIS: Also, anything that -- what we brought
6 today does not include documents that are equally available
7 to the defendants or that have previously been produced, but
8 do you want to bring that out?

9 THE WITNESS: Okay.

10 MR. BECKINGTON: Let the record reflect that your
11 counsel has handed to me a one-page document which makes a
12 reference to Alliant Powder Bullseye smokeless pistol powder,
13 and we'll mark that as Exhibit 12.

14 (Defendants' Exhibit 12 was marked for
15 identification.)

16 BY MR. BECKINGTON:

17 Q. And, Mr. Bauer, could you explain to me what is
18 being depicted here on Exhibit 12.

19 A. Flash suppression, flash hiders are of concern and
20 part of the topic of today's conversation in deposition. A
21 technique for implementing flash suppression that doesn't
22 include raw mechanical means, which is what we've been
23 addressing so far, but is a tool available to the public to
24 suppress flash is the ability to reload ammunition that
25 generally does not produce flash.

1 So without a mechanical device, one can create a
2 flash suppressor equivalent environment by using the
3 technique I'm about to explain. Which is if one loads --
4 reloads ammunition or if it's manufactured by a common
5 ammunition manufacturer and they use in the cartridge a very
6 fast burning powder, a powder that is completely burned
7 before the bullet leaves the end of the barrel, there is no
8 flash. So that the implementation of flash suppression can
9 be done by other than a mechanical means in a very easy way.
10 By getting powder, reloading cartridges that burns very
11 quickly so all the burn, therefore the flash, is gone before
12 the bullet leaves the barrel.

13 Q. You mentioned the term "reloading." What's your
14 understanding of what's involved in the process of reloading?

15 A. Well, many, many, many people try to save money by
16 getting empty brass, punching the primer out, putting new
17 primer in, filling that cartridge up with powder, and putting
18 a bullet in it, and they can do reloading for approximately
19 one-third of cost of manufactured ammunition. So it's a very
20 attractive way of developing ammunition for high-volume
21 shooters. And let me suggest that assault weapons can tend
22 to be high volume weapons, okay, whether it's a ten round
23 click and you go boom, boom, boom, boom, or not, because it's
24 a light caliber, minimum recoil and so forth. So to reload
25 cartridges and use smokeless powder and a fast burning powder

1 like this pistol -- this is pistol powder here, you can put
2 that in a rifle cartridge and create the same effect as
3 having a flash suppressor.

4 Q. Is this a copy -- is this a container placed on a
5 copy machine?

6 A. That's exactly. This is -- I believe it's a
7 one-pound container, approximately 3 inches in diameter and
8 approximately 12 inches high. I physically brought one
9 today, but I thought it was inappropriate to bring into the
10 state building, and I brought the picture instead.

11 Q. Okay. And would this be something that would be
12 for sale at Herb Bauer Sporting Goods?

13 A. Yeah, this particular powder is for sale at
14 virtually every gun store in California.

15 Q. And other than the documents, then, we've marked,
16 are there any other documents you brought here today in
17 response to the document demands for either yourself or your
18 sporting goods company?

19 A. No.

20 Q. Just to follow up on a few of your answers to my
21 questions. Do you have an understanding as to whether any
22 manufacturer has set up a testing program for flash
23 suppressors?

24 A. To the best of my knowledge, no manufacturer has.
25 And the manufacturer that might be most inclined to do that,

1 Springfield Armory, specifically does not have a facility. I
2 verified that with them yesterday in preparation for this
3 meeting. Because I asked them how do they determine if it's
4 a flash suppressor or a muzzle brake, and they say, We follow
5 the federal guidelines.

6 I said, Where do you find those?

7 Well, ATF has got them.

8 So I went to ATF's manual yesterday, the 2005
9 version of ATF's manual --

10 MR. DAVIS: Let the record show that by the 2005
11 version of the ATF's manual he's referring to the Federal
12 Firearms Regulations Reference Guide.

13 THE WITNESS: This is the Bible for FFL dealers,
14 federal firearms licensed dealers. We're supposed to find
15 all the answers to all of our questions in this document,
16 and, yet, there is no mention of flash suppressors in here.
17 And so when Springfield says they refer to the ATF standard,
18 I cannot find the ATF standard and don't know what it is.

19 BY MR. BECKINGTON:

20 Q. Well, is this a Springfield employee you talked to
21 over the phone?

22 A. Yes, the person that faxed me the resource
23 documents. That person, her first name is Dawn, checked with
24 their technical staff and made an effort yesterday to get my
25 answers.

1 MR. DAVIS: By "resource documents," referring to
2 Exhibit 7?

3 THE WITNESS: Let's find Exhibit 7.

4 MR. DAVIS: Right here.

5 THE WITNESS: Yes, Exhibit 7.

6 BY MR. BECKINGTON:

7 Q. Well, other than Springfield, then, do you know of
8 any other manufacturer that has set up any type of testing
9 program to determine whether something is a flash suppressor
10 as opposed to a muzzle brake?

11 A. I know of no other manufacturer.

12 Q. Do you have an institute that might have been set
13 up -- let me rephrase that.

14 Do you know of any institute, not necessarily a
15 manufacturer, that conducts testing to determine whether
16 something is a flash suppressor?

17 MR. DAVIS: Objection, vague and ambiguous as to
18 the definition of "institute" and as to the use of the term
19 "flash suppressor," whether or not that's relating to
20 California's legal definition or the general usage.

21 THE WITNESS: No.

22 BY MR. BECKINGTON:

23 Q. Do you know of anyone who has -- and I use that in
24 its broadest sense, it could be a professor, it can be a gun
25 enthusiast, anyone who has made an effort to set up some type

1 of program to test whether a device is a flash suppressor or
2 a muzzle brake?

3 A. I --

4 MR. DAVIS: Again, the same objection with relation
5 to the definition of flash suppressor.

6 THE WITNESS: I have heard, but don't have personal
7 knowledge of, the fact that someone at ATF has done a study,
8 but the results were ultimately interpreted as swag.

9 BY MR. BECKINGTON:

10 Q. I think I know what "swag" means, what's your
11 understanding of what "swag" means?

12 A. I've drawn a blank on it myself.

13 MR. DAVIS: I'm going to object to the extent that
14 your answer is actually referring to attorney-client
15 communications. But if it's anything not relating to the
16 attorney-client communications, go ahead.

17 BY MR. BECKINGTON:

18 Q. Well, let me rephrase my question, then. Setting
19 aside any information that was disclosed to you by your
20 attorney, do you know of anyone who has set up a testing
21 program to test -- to determine whether a device was a flash
22 suppressor?

23 A. Simple answer, no.

24 Q. To your knowledge -- let me -- and let me first
25 focus on Herb Bauer Sporting Goods. And, again, I apologize

1 if I'm sort of plowing through, I want a clear record.

2 At Herb Bauer Sporting Goods, when devices are sold
3 attached to rifles which are going out the door designated as
4 muzzle brakes, in each case, the manufacturer has made that
5 designation; is that correct?

6 A. That's correct.

7 Q. And as those devices go out the door, they have
8 some designation if it has a muzzle brake?

9 A. Yes.

10 Q. To your knowledge -- let me ask you this.

11 Do you feel you have some reasonable knowledge
12 about the custom and practice of other sporting good stores
13 or other gun dealers in California as to what their custom
14 and practice is with selling guns with muzzle brakes
15 attached?

16 A. Yes.

17 Q. Is it your understanding that their custom and
18 practice is similar to what the custom and practice of Herb
19 Bauer Sporting Goods is in regard to when a weapon is sold
20 with a device attached as a muzzle brake, they're relying on
21 the manufacturer's designation?

22 MR. DAVIS: Objection, calls for speculation.

23 To the best of your knowledge.

24 THE WITNESS: Oh, yeah, this is an easy answer.

25 All of us dealers have to remain compliant with all local,

1 state and federal laws to maintain our licenses. Every one
2 of us has a best effort, make a best effort, to stay within
3 those parameters and would not think of delivering anything
4 that doesn't fall within those categories of laws.

5 Now, people make mistakes. And without a clear
6 definition, it's easier to make a mistake about what a flash
7 suppressor is. And on occasion, I might speculate that
8 another sporting good store, either with a gunsmith present
9 or without a gunsmith present, or with a super sales job done
10 on them at maybe an industry show, might be enticed into
11 taking a product that nobody knows whether it's a muzzle
12 brake or a flash suppressor, and at some point, either his
13 customer or he, gets caught selling that product. But it's
14 certainly without conscious knowledge that the product is a
15 flash suppressor unless he's just a bad dealer.

16 And, of course, you have people that break the law
17 periodically just to make money or something like that. But
18 besides that, there's too much at risk for almost every
19 sporting good store in California to break the law.

20 BY MR. BECKINGTON:

21 Q. Right. So focusing just on reputable dealers who
22 are making a good faith effort to comply with the law. The
23 typical custom and practice is that the manufacturer has
24 designated the device attached to the weapon as a -- as
25 whatever it is, for example, a muzzle brake, and then the

1 dealer is relying on that in marketing and selling that to
2 the customer?

3 MR. DAVIS: Again, I'm going to object that the
4 question requires speculation or calls for speculation.

5 But if you know the answer, go ahead.

6 THE WITNESS: It turns out most of the
7 manufacturers are very sensitive to California requirements.
8 And it's my understanding that most of the manufacturers
9 submit their products to California for approval before
10 putting such a designation on them and making all of us, the
11 manufacturer, the dealer, and the customer criminally liable
12 for having the wrong products. Now, what standards and who
13 approves those things in Sacramento, I have no idea how
14 that's accomplished.

15 I think you'll find that was a very key point I
16 just made.

17 BY MR. BECKINGTON:

18 Q. Let me just --

19 MR. DAVIS: Can we take a break?

20 MR. BECKINGTON: Sure, why don't we take a
21 five-minute break.

22 (Recess taken.)

23 MR. BECKINGTON: Back on the record.

24 THE WITNESS: And I'd like to make a couple of
25 clarifying statements relative to your last question.

1 MR. BECKINGTON: Sure.

2 THE WITNESS: When I said that manufacturers
3 regularly submit things to the State of California for kind
4 of initial approval, I was referring globally to all
5 firearms, that is the safety of pistols, the drop testing and
6 that law, as well as the suppression, flash suppressor and
7 muzzle brake. I only know of one manufacturer in the flash
8 suppression and muzzle brake area that I believe has
9 consulted extensively with the State of California and
10 provided documentation, evidence, whatever the State
11 requires, and that would be Springfield Armory. It's my
12 understanding that there was a collaboration of some form to
13 arrive at the fact that that was a flash suppressor or a
14 muzzle brake. But how that is determined, that is for the
15 experts to decide. And I guess that's the only addition I
16 want to make.

17 BY MR. BECKINGTON:

18 Q. Let me ask you, are you currently the -- well, let
19 me ask you this. What's your current employment?

20 A. I'm president for Herb Bauer Sporting Goods.

21 Q. Are you the sole owner of Herb Bauer Sporting
22 Goods?

23 A. No. I'm 50 percent owner. I'm the principal.

24 Q. And how long have you worked for Herb Bauer
25 Sporting Goods?

1 A. Ten years.

2 Q. Was Herb Bauer your father?

3 A. Yes.

4 Q. And in connection with sale of firearms, is your
5 primary experience having been president and an employee of
6 Herb Bauer Sporting Goods, or do you have other experience in
7 the firearms industry, whether in marketing or manufacturing?

8 A. No, Herb Bauer Sporting Goods is my only
9 involvement in the firearms industry in my entire life.

10 Q. You indicated you've worked for Herb Bauer Sporting
11 Goods for ten years. Prior to that, did you have some other
12 type of employment?

13 A. Yes.

14 Q. Just briefly, if you can just give us your
15 employment history.

16 A. Very simply, I worked for IBM for 25 years and
17 retired from IBM.

18 Q. So when you retired from IBM, you then came to work
19 for Herb Bauer Sporting Goods?

20 A. I had an intermediate company that provided
21 services to the IBM corporation for about six years, and then
22 purchased my parents' sporting goods operation.

23 Q. I wanted to ask you a couple of questions, just
24 shift gears here somewhat. Well, let me ask you this. To
25 your knowledge, Mr. Bauer, do you own a flash suppressor?

1 A. No.

2 Q. Do you own a muzzle?

3 MR. DAVIS: Objection to the definition of "flash
4 suppressor," whether or not you're referring to the legal
5 definition or the common usage.

6 MR. BECKINGTON: Well, let me try to make this a
7 little simpler.

8 BY MR. BECKINGTON:

9 Q. Do you own any device that you would consider to be
10 either a flash suppressor or a muzzle brake?

11 A. No.

12 Q. And using the term "compensator" which I used
13 earlier, do you own any device that you would consider to be
14 a compensator?

15 A. I don't know what a compensator is, so I'm going to
16 say no.

17 Q. This hasn't come up at least in terms of documents
18 you produced, but are you familiar with the phrase
19 "permanently altered" as it's used in the Assault Weapons
20 Control Act for permanently altered feeding devices?

21 A. I'm familiar with the terminology, yes.

22 Q. Do you own any feeding devices or devices,
23 magazines, that in your mind have been permanently altered?

24 A. No.

25 Q. Do you personally own any semiautomatic center fire

1 rifle with the capacity to accept an attachable magazine?

2 A. No.

3 Q. Do you have any weapons that have been registered
4 under the Assault Weapons Control Act?

5 A. No.

6 Q. Do you own a Browning Boss?

7 A. No.

8 Q. Do you own a Springfield muzzle brake?

9 A. No.

10 MR. DAVIS: Objection, are you referring to him
11 personally?

12 MR. BECKINGTON: I'm referring to Mr. Bauer
13 personally.

14 THE WITNESS: Yes, all of these questions have been
15 me personally. No.

16 BY MR. BECKINGTON:

17 Q. One of the allegations in the complaint is that, I
18 believe, this is my understanding, that you're bringing this
19 lawsuit as a plaintiff, probably in your capacity as a
20 taxpayer. Now, that's an allegation of the complaint. I
21 realize you're not a lawyer, you're not the one who drafted
22 the complaint. But are you personally aware of any
23 expenditures of tax money that the State is spending as a
24 result of any regulation drafted relating to the definition
25 of flash suppressor?

1 A. Ask the question again.

2 MR. DAVIS: Objection, calls for speculation.

3 THE WITNESS: But ask the question again, I don't
4 even think I understand the question.

5 BY MR. BECKINGTON:

6 Q. Let me try to rephrase it slightly and -- let me
7 back up.

8 My question pertains to the -- well, are you
9 familiar with the regulation -- regulatory definition
10 prepared by the State of -- by the Department of Justice as
11 to the meaning of the term "flash suppressor"?

12 A. I'm aware that one of the criteria for determining
13 if a weapon is an assault weapon, one of the criteria is
14 whether it meets the standard of having a flash suppressor.
15 To that extent, I'm aware that it exists, yes. But the
16 definition of a flash suppressor is clearly not available.

17 Q. Are you familiar with the regulation adopted by the
18 Department of Justice defining the term "flash suppressor"?

19 A. No.

20 Q. Well, assuming that the Department of Justice
21 adopted a definition of the term "flash suppressor," are you
22 aware of any tax expenditures that are being incurred in
23 connection with that regulatory definition?

24 MR. DAVIS: Objection, calls for speculation and
25 legal conclusion.

1 THE WITNESS: No.

2 BY MR. BECKINGTON:

3 Q. Turning to the phrase "permanently altered," as in
4 permanently altered feeding devices as used in the Penal Code
5 or the Assault Weapons Control Act, are you aware of any tax
6 expenditures being incurred in connection with the term
7 "permanently altered feeding devices"?

8 MR. DAVIS: Objection, calls for speculation and
9 legal conclusion.

10 THE WITNESS: And let me say I don't understand the
11 first part of your question. What do you mean "expenditures
12 incurred"? There's been a ton of money expended trying to
13 figure out -- I mean, inspected on these issues, they've got
14 inspectors coming down to find them. I've spent a ton of
15 money asking questions of State people and taking their time,
16 so clarify your question, please.

17 BY MR. BECKINGTON:

18 Q. Well, I guess the question I have is, you've
19 indicated you're familiar with the fact that the Assault
20 Weapons Control Act has that phrase relating to permanently
21 altered feeding devices, correct?

22 A. Right, major area of contention, we don't
23 understand it.

24 Q. My question is, are you aware of any expenditures
25 of tax money that arise out of that phrase being in the Penal

1 Code in the Assault Weapons Control Act?

2 MR. DAVIS: Same objections.

3 MR. BECKINGTON: I'm just asking for your
4 understanding.

5 THE WITNESS: Can I talk to him for a minute?

6 MR. BECKINGTON: If you want to take a break, sure.

7 THE WITNESS: Yeah.

8 (Off the record.)

9 THE WITNESS: The answer to your question appears
10 to be yes, the State of California has spent a ton of money
11 implementing parts of this regulation, many parts of this
12 regulation. I've been in five hours worth of public hearings
13 with a complete staff of state employees, okay, in the
14 process of trying to develop these regulations. And there's
15 been inspectors from multiple levels of government come to my
16 store, from law enforcement to state inspectors to federal
17 inspectors, because we have to meet all state, local and
18 federal laws. Everybody wants to see what we're doing. And
19 so there's been a great deal of money spent relative to
20 implementing this regulation and taxpayers' money.

21 BY MR. BECKINGTON:

22 Q. Other than what you've mentioned -- the meeting,
23 was that a public hearing meeting?

24 A. It was a public hearing meeting, uh-huh, in
25 Sacramento.

1 Q. Are you referring to the meeting where -- the
2 public hearing where the regulations were being -- where
3 there was public comment on the regulations that were being
4 considered?

5 A. That's what I'm referring to, they were videotaped,
6 those meetings.

7 Q. So other than the things you've mentioned, the
8 public hearings, the inspectors, the law enforcement, state
9 and federal laws, is there anything else you can think of
10 that would relate to tax expenditures arising out of the
11 phrase "permanently altered feeding devices"?

12 MR. DAVIS: Again, objection, calls for speculation
13 and legal conclusion.

14 THE WITNESS: I have spent time on the phone with
15 Randy Rossi, the -- who was the prior legal counsel back when
16 this law was --

17 BY MR. BECKINGTON:

18 Q. Are you thinking of Mr. Tim Rieger?

19 A. Tim Rieger. I spent a great deal of time talking
20 to Tim Rieger about some of these issues, so I'm personally
21 aware of those expenditures of time and effort by the State.

22 Q. Anything else?

23 A. Not that I know of.

24 Q. And I'm not trying to intrude on your privacy
25 unreasonably here, but, again, since your allegation is that

1 taxpayer's standing, this lawsuit was filed in 2001, in the
2 years 2000 and 2001, did you pay California income taxes?

3 A. Oh, yes.

4 Q. Did you pay other California taxes?

5 A. Oh, yeah, sales taxes.

6 Q. I take it at that time you were a resident of the
7 state of California?

8 A. Yes. Back to your question about the financial
9 involvement relative to this law and regulation. Think of
10 all the money we spent just on legal fees for the Department
11 of Justice defending it.

12 Q. Did you have anything to else?

13 A. No.

14 Q. After -- and I want to refer back. You mentioned
15 the public hearing on the regulations, and I believe those
16 public hearings took place in the year 2000. After the
17 regulations were adopted by the Department of Justice, in
18 your experience, did that have any impact on sales at Herb
19 Bauer Sporting Goods?

20 A. Well, yes, it took away a whole class of products
21 that we were eligible to sell previously.

22 Q. I'd like to distinguish between Senate Bill 23.
23 Was -- the class of products that were taken away to sell was
24 due to Senate Bill 23?

25 MR. DAVIS: Do you understand the question with

1 regard to Senate Bill 23?

2 THE WITNESS: Well, yes, but, of course, there was
3 no implementation of 23 essentially until the regulations
4 came out which started to delineate the items that we
5 couldn't sell and stuff like that.

6 BY MR. BECKINGTON:

7 Q. How did -- what's your understanding of how were
8 sales impacted?

9 A. The chronology goes something like this. Senate
10 Bill 23 was passed, but not implemented. Everybody wanted
11 one because they were going to become illegal. So there was
12 a whole class of weapons that was going to become illegal.
13 Everybody else in the country could own them but Californias
14 couldn't, and many people were very upset about that. So I
15 sold a large number of what are now considered assault
16 weapons prior to the implementation on January the 1st.
17 Those sales pushed forward were clearly lost sales after
18 January the 1st. In other words, while some people took
19 advantage of the law as it previously existed, my sales, and
20 sales tax revenues for the State of California, were impacted
21 on all following years as a result of the implementation of
22 Senate Bill 23.

23 Q. But -- and correct me if I'm wrong -- based upon
24 what you've been saying, has Herb Bauer Sporting Goods ever
25 sold altered magazines or feeding devices to -- let me be

1 more specific -- altered in the sense that they were altered
2 so that they could not accept more than ten rounds of
3 ammunition?

4 A. Has Herb Bauer's ever sold? And the answer to that
5 question is, we had a gunsmith on the premises long before my
6 time that may have done that. In the near term, the period
7 of time you're talking about, starting in the year 2000, the
8 answer is no, we have not modified any gun or any magazine to
9 the degree your question asked.

10 Q. Would it be accurate to say, based on your answer,
11 that prior to 2000, Herb Bauer Sporting Goods was not doing
12 that at that time since the time that gunsmith had left the
13 employ of Herb Bauer Sporting Goods?

14 A. No.

15 Q. My question was badly phrased, I'm sorry.

16 A. And, generally speaking, the answer is no. Did it
17 occur maybe once or twice in the prior 40 years? Yes. Did
18 it occur on a regular basis? Absolutely not.

19 Q. So in terms of impacting sales on permanently
20 altered devices, Senate Bill 23 actually had no impact on any
21 sales at Herb Bauer Sporting Goods; is that correct?

22 A. We used to sell large capacity magazines, and so we
23 were no longer able to sell large capacity magazines. From
24 that point we were impacted, okay, and all of my customers
25 were impacted, so...

1 Q. So certainly you were impacted on the ability to
2 sell large capacity magazines, but I take it that there was
3 actually no change in a category that might be called
4 permanently altered magazines since you were not, in fact,
5 selling those; is that correct?

6 A. There was no such thing as permanently altered
7 magazines prior to the invention of it in Senate Bill 23.

8 Q. And then with respect to flash suppressors, prior
9 to the enactment of Senate Bill 23, was Herb Bauer Sporting
10 Goods selling flash suppressors?

11 A. We never -- and I guess "never" is the big word
12 here. I mean, we virtually never sold, as in it wasn't
13 common practice to sell, either a muzzle brake or a flash
14 suppressor separately. We didn't sell them separately, we
15 always -- if we sold any at Herb Bauer Sporting Goods prior
16 to Senate Bill 23, and we probably did sell a few, but they
17 were as a part of the gun, and they were probably not unlike
18 the British .303 that I talked about earlier that we did sell
19 prior to 23, and we were no longer able to sell guns that had
20 flash suppressors on them after 23.

21 Q. Do you know of any rifles that have a permanently
22 built-in muzzle brake, that is a muzzle brake that cannot be
23 removed?

24 A. The .303 British example I brought. Oops, no, that
25 was designated as a flash hider. The answer to your question

1 is I don't know of any.

2 Q. Do you know of any weapons that have permanently
3 built in flash suppressors or flash hiders? And by that I
4 mean would not be able to be removed by unscrewing them.

5 A. Yes. The one I brought as an example, the British
6 .303 Jungle gun. That doesn't fall into the category of
7 assault weapon. So that's the only one I know of personally.

8 Q. That particular weapon is not a semiautomatic
9 center fire rifle?

10 A. That is not.

11 Q. Do you know of anyone that has been charged with
12 possession of an assault weapon where the determining
13 characteristics of whether it was an assault weapon was an
14 attached flash suppressor?

15 A. No.

16 Q. Same question, do you know of anyone who's been
17 charged with possession of an assault weapon where one of the
18 factors making it an assault weapon was an issue of whether
19 or not it had been permanently altered?

20 MR. DAVIS: Objection with regard to the term
21 "permanently altered."

22 MR. BECKINGTON: Let me rephrase the question.
23 You're right, that was a poorly-phrased question.

24 BY MR. BECKINGTON:

25 Q. Do you know of anyone who was charged with an

1 assault weapon where the person raised -- the person charged
2 raised the issue of whether the feeding device had been
3 permanently altered to accept ten or fewer rounds?

4 A. No.

5 MR. DAVIS: Just to clarify, I don't think that a
6 firearm can be an assault weapon where the feeding device has
7 been altered -- strike that, strike that.

8 BY MR. BECKINGTON:

9 Q. My point, Mr. Bauer, was to ask if you know of
10 anyone who was charged with -- maybe this will rephrase --

11 MR. DAVIS: Sale of transfer.

12 BY MR. BECKINGTON:

13 Q. Well, was charged, anyway, with violating a law
14 relating to a sale or possession or ownership of an assault
15 weapon where that person claimed it was not an assault weapon
16 because he had permanently altered the feeding device to
17 accept ten or fewer rounds?

18 A. No, I don't have any personal knowledge of any
19 person's prosecution.

20 Q. And that would include any customers of Herb Bauer
21 Sporting Goods?

22 A. That's correct.

23 Q. Have you ever personally made an attempt to alter a
24 feeding device to a rifle so that the feeding device would
25 accept ten or fewer rounds?

1 A. No.

2 Q. Do you know of anyone who's made an attempt to do
3 that?

4 A. I know of a generic class of people, I don't know
5 of any one person in particular. A number of my customers
6 has said, I'm going to go ahead and modify the magazines I
7 have in my shop.

8 Q. You're not thinking of a group, just some of your
9 customers have said that?

10 A. Over the course of the last eight years,
11 occasionally I've been in a conversation where, I'm going to
12 modify it so that I can use it, you know, in my registered
13 assault weapon or whatever.

14 Q. Have any of your customers explained to you how
15 they intended to go about modifying them?

16 A. No.

17 Q. Hypothetically speaking, if you were to attempt to
18 alter a feeding device, say a large capacity magazine, so
19 that it would no longer accept more than ten rounds, and you
20 wanted to do this so that it would qualify as a permanently
21 altered feeding device, in your own mind, how would you go
22 about doing that?

23 MR. DAVIS: Objection, calls for a legal conclusion
24 and speculation.

25 THE WITNESS: It turns out that my opinion is that

1 nothing can be permanently altered not to accept, you know,
2 more rounds of ammunition. Because if it initially had the
3 capacity to do it, and it was permanently changed not to have
4 the capacity to handle the rounds, clearly you could change
5 it back to permanently altered so that it could accept the
6 rounds. So, in my opinion, it's a very poor set of words in
7 definition and I think it's an impossible thing to comply
8 with.

9 BY MR. BECKINGTON:

10 Q. Does Herb Bauer Sporting Goods provide any kind of
11 service at all to permanently altered feeding devices?

12 A. No.

13 Q. Mr. Bauer, if you could take a look at Exhibit
14 Number 2. If you can turn to page 2 of that document.

15 A. Yes.

16 Q. This is -- Exhibit Number 2 is the notice to Herb
17 Bauer Sporting Goods. And there are, on pages 2 through 3, a
18 list of 14 topics that I would ask that -- that we indicated
19 Herb Bauer Sporting Goods would be deposed upon. And I
20 believe we've covered most of this through your testimony, so
21 let me shortcut this and get to a couple of these.

22 If I could ask you to take a look at number 5, any
23 and all circumstances in which Herb Bauer Sporting Goods, its
24 employees and/or its customers have addressed whether a
25 device was a flash suppressor as defined in the California

1 Code of Regulations, and it gives the code section, other
2 than what you've testified to -- you testified about the
3 manufacturer -- is there any other information you would be
4 able to provide to me, any situations which Herb Bauer
5 Sporting Goods has had to address whether a device was a
6 flash suppressor or not?

7 MR. DAVIS: Objection, calls for a narrative.

8 THE WITNESS: To the extent that this covers an
9 eight-year period of time, seven-year period of time, there
10 have been multiple discussions with customers and my staff
11 over the definition of flash suppressors with never a
12 conclusion being arrived at because no one can define what a
13 flash suppressor is. How do you tell a person what a flash
14 suppressor is?

15 BY MR. BECKINGTON:

16 Q. Well, have any of these conversations taken place
17 in the context of the customer bringing a device to Herb
18 Bauer Sporting Goods and asking -- other than that one
19 incident that you talked about earlier -- and asking whether
20 that device was a flash suppressor?

21 A. Oh, yes, that's happened many times over the course
22 of this time. I mean, while they verbally describe things to
23 you, they also bring in examples and say is this one or not
24 one.

25 I was involved in the one I described earlier in

1 this deposition personally and to a great depth. And after
2 that, early on, I asked my employees not to make a
3 determination, because there's just no way we can make a
4 determination. We can't get help from anybody to make a
5 determination, and that's part of what perpetrated this
6 lawsuit.

7 Q. So if a customer were to come to Herb Bauer
8 Sporting Goods, let's say today, with a device and say, I'd
9 like to know from your opinion, is this -- say your most
10 knowledgeable staff person, is this device a muzzle brake or
11 a flash suppressor, if that hypothetical situation came up,
12 how would your most knowledgeable employee be trained or
13 instructed to respond?

14 A. They have industry generic definitions, as I
15 provided in some of the earlier exhibits, of what a flash
16 suppressor is and what a muzzle brake is. And other than the
17 fact that holes -- round holes seem to represent muzzle
18 brakes and longitudinal slashes in the device tend to
19 represent flash suppressors, that is the basis of a
20 determining factor of my lead employees in terms of giving
21 some counsel and guidance to a customer, because those are
22 examples of ones that have been approved by the State. But
23 in the purest sense of the word, there is no test that the
24 customer can do, the law enforcement can do, that I can do at
25 Herb Bauer Sporting Goods to determine if it's a flash

1 suppressor or muzzle brake if it is not specifically
2 designated by the manufacturer.

3 Q. So if someone came in with a device and asked you
4 is it a muzzle brake or a flash suppressor, you or one of the
5 members of your staff would have to ask whether the
6 manufacturer had designated it as such?

7 A. Correct.

8 Q. Otherwise, you wouldn't express an opinion?

9 A. We would express an opinion, because we have a
10 couple of examples. The Springfields are the best example.
11 It seems like the industry has accepted little round holes as
12 the muzzle brake and these longitudinal cuts in the device as
13 flash hiders.

14 Q. So if someone came in with a device which appeared
15 to be identical to the muzzle brake or substantially
16 identical, you would view that as a muzzle brake?

17 A. We would suggest to the customer it's a high
18 probability it is a muzzle brake but we can't make a final
19 determination.

20 Q. Mr. Bauer, do you know who is paying the legal fees
21 in this lawsuit?

22 MR. DAVIS: Objection, attorney-client privilege.
23 I'm going to instruct the deponent not to answer that.

24 BY MR. BECKINGTON:

25 Q. Are you paying any of the attorney fees in this

1 lawsuit?

2 MR. DAVIS: Same objection.

3 Don't answer it, please.

4 MR. BECKINGTON: Jason, I beg to differ. I don't
5 think that that's attorney-client. I think we would have a
6 right to know who's in a sense funding the lawsuit. That's
7 not an attorney-client communication.

8 MR. DAVIS: I think that's something we can take up
9 later, but at this point I'm going to instruct him not to
10 answer that question.

11 MR. BECKINGTON: Mr. Bauer, your attorney has
12 instructed you not to answer questions as to who is paying
13 the fees and costs in this litigation. Are you going to
14 comply with your attorney's instructions?

15 THE WITNESS: Yes.

16 MR. BECKINGTON: Can we just take one short break?

17 MR. DAVIS: Sure.

18 (Off the record.)

19 MR. BECKINGTON: I don't have anything further at
20 this time.

21 **EXAMINATION BY MR. DAVIS**

22 Q. Mr. Bauer, are you an expert in firearms?

23 A. No. I'm familiar with firearms.

24 Q. Do you know if the Springfield Armory muzzle brake
25 actually functions to reduce or redirect flash?

1 A. No.

2 Q. Do you know if it's been tested to determine
3 whether or not it functions to reduce or redirect flash from
4 the shooter's field of vision?

5 A. Ask the question again.

6 Q. Do you know if the Springfield Armory muzzle brake
7 has been tested to determine whether or not it functions to
8 reduce redirect flash from the shooter's field of vision?

9 A. I have no personal knowledge of that procedure at
10 Springfield.

11 Q. Mr. Beckington asked you when Herb Bauer Sporting
12 Goods began selling firearms with flash suppressors. Do you
13 know when Herb Bauer Sporting Goods began selling firearms
14 with muzzle brakes?

15 A. No, but it was probably before my time. I took
16 over in 1998. I cannot be sure what was done prior to 1998.

17 Q. 1998, when you took over, you were selling -- Herb
18 Bauer Sporting Goods was selling firearms with muzzle brakes?

19 A. Probably so, but I can't tell you what particular
20 manufacturer.

21 Q. Do you know if customers add devices to the
22 firearms after they purchase them from Herb Bauer Sporting
23 Goods?

24 A. Yes.

25 Q. Do you know if that would include muzzle brakes?

1 A. Yes.

2 Q. Does it include muzzle brakes?

3 A. Yes.

4 Q. Do you know of any manufacturers that have actually
5 submitted a device to determine whether or not the device is
6 a flash suppressor, submitted to the DOJ?

7 A. No, I know of no one that has specifically done
8 that.

9 Q. And earlier you were talking about making the
10 comparison based on the fact that some devices have round
11 holes and some devices have long holes, and you said you
12 assume that the long-holed -- the slotted devices are flash
13 suppressors and the round hole cuts through a device indicate
14 that it's a muzzle brake?

15 A. That seems to be the commonly-accepted industry
16 standard.

17 Q. And where are you getting that commonly-accepted
18 industry standard?

19 A. When one looks at a book, like a catalog, and the
20 page is covered with muzzle brakes, that's the add-on type of
21 muzzle brake, you know, the one where I would thread the end
22 of the barrel and put on, a gunsmith might install that or a
23 technical person, they all seem to have round holes in them.
24 Whether any of them have been tested by anybody remains to be
25 seen. I would speculate that none of them had been tested.

1 Then you turn to another page in a catalog -- and
2 we can specifically use the term, Brown L's was a very common
3 gun parts distributor. They have a whole page with
4 longitudinal slots in the devices, and everybody calls those
5 flash suppressors.

6 But in my personal opinion, I consider the muzzle
7 brakes to have more flash suppression associated with them
8 than the flash suppression page, because there's less square
9 inches of holes exposed for blast than there is on the actual
10 flash hider. They've got more ventilation and possible flash
11 ability than a muzzle brake.

12 So as a layperson, one might -- if you put the two
13 pages in front of someone and asked which is the flash
14 suppressor and which is the muzzle brake, you could say that
15 the one with the little holes in it cuts down the flash more
16 than the one where the big long longitudinal holes are.

17 Q. So you don't know if any of those are devices that
18 have been tested?

19 A. I don't believe any of those devices have been
20 tested, because they're all OEM add-on products.

21 Q. And you're basing it purely upon the designation
22 provided by Brown L's catalog?

23 A. Exactly. It's the manufacturer that says it's
24 either a muzzle brake or a flash suppressor, but it would --
25 my staff would never recommend to somebody that, Oh, it will

1 be no problem to put one of these on the end of your gun and
2 you can skate on the flash suppressor issue, because there's
3 no way to measure, there's no way to determine if it works.

4 MR. DAVIS: I think that's it.

5 MR. BECKINGTON: I would propose as a stipulation
6 that we agree to relieve the court reporter of her statutory
7 duties. Since we have a trial date of May 27, I would ask
8 that Mr. Bauer review the transcript and that his counsel
9 provide any changes that Mr. Bauer would make within 14 days
10 of receipt or five days before trial, whichever is earlier.
11 Five working days before trial, whichever is earlier. And
12 that the certified copy can be used in lieu of the original
13 for any reason the original cannot be produced at the time of
14 trial.

15 MR. DAVIS: So stipulated.

16 COURT REPORTER: So who do I send the original to?

17 MR. BECKINGTON: Send the original to me, send a
18 certified copy to Mr. Davis. And since we're relieving you
19 of your statutory duties, the witness can review the
20 certified copy and Mr. Davis can indicate to me -- in the
21 manner appropriate under the Code indicate to me in writing
22 whatever changes that the witness is making to the transcript
23 which I can keep with the original.

24 ----oOo----

25 (The deposition of BARRY BAUER was concluded at

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12:05 p.m.)

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at _____, California on _____, 2008.

BARRY BAUER

1 STATE OF CALIFORNIA)
2 COUNTY OF FRESNO)
3

4 I, KIMBERLY R. THAYER, Certified Shorthand Reporter
5 licensed in the State of California, License No. 8725, do
6 hereby certify that the foregoing proceedings was reported by
7 me and was thereafter transcribed under my direction into
8 typewriting; that the foregoing is a full, complete and true
9 record of said proceeding.

10 I further certify that I am not of counsel or
11 attorney for either or any of the parties in the foregoing
12 proceeding and caption named, or in any way interested in the
13 outcome of the cause named in said caption.

14 In witness whereof, I have hereunto set my hand and
15 affixed my seal this day.

16 Date: May 12, 2008
17
18

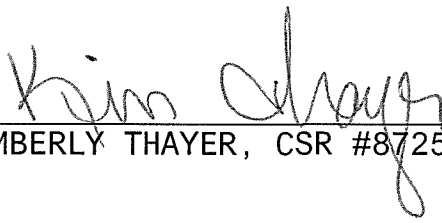
19
20 
21 _____
22 KIMBERLY THAYER, CSR #8725, RPR, CRR
23
24
25

Exhibit 1

1 EDMUND G. BROWN JR.
Attorney General of the State of California
2 CHRISTOPHER E. KRUEGER
Senior Assistant Attorney General
3 STEPHEN P. ACQUISTO
Supervising Deputy Attorney General
4 MARK R. BECKINGTON, State Bar No. 126009
Deputy Attorney General
5 300 South Spring Street, Suite 1702
Los Angeles, CA 90013
6 Telephone: (213) 897-1096
Fax: (213) 897-1071
7 E-mail: Mark.Beckington@doj.ca.gov
Attorneys for Defendant

Pif's Def't's Ex
Depo of Barry Bauer
Date 4-24-08
KIM THAYER, CSR

8
9
10 SUPERIOR COURT OF CALIFORNIA
11 COUNTY OF FRESNO
12

13 **EDWARD W. HUNT, in his official capacity as**
14 **District Attorney of Fresno County, and in his**
15 **personal capacity as a citizen and taxpayer, et al.,**
16
17 **STATE OF CALIFORNIA, et al.,**
18
19
20

Plaintiffs,

v.

Defendants.

Case No. 01CECG03182

**NOTICE OF DEPOSITION OF
PLAINTIFF BARRY BAUER
AND NOTICE TO PRODUCE
DOCUMENTS AT DEPOSITION**

Date: April 24, 2008
Time: 10:00 a.m.
Location: 2550 Mariposa Mall,
Room 5090, Fresno,
California 93721
Judge: Hon. Alan Simpson
Trial Date: May 27, 2008
Action Filed: September 18, 2001

21
22 TO EACH PARTY AND TO EACH PARTY'S ATTORNEY OF RECORD:

23 PLEASE TAKE NOTICE that Defendants State of California, et. al., will take the
24 deposition of Plaintiff Barry Bauer at the Office of the California Attorney General, 2550
25 Mariposa Mall, Room 5090, Fresno, California 93721, commencing at 10:00 a.m. on April 24,
26 2008, and continuing from day to day thereafter. The deposition shall be taken before a Certified
27 Shorthand Reporter.

28 \\\

1 PLEASE TAKE FURTHER NOTICE that the deponent, who is a party to this action, is
2 required to produce at the deposition the documents, records or other materials designated in
3 Attachment A.

4 A list of all parties or attorneys for parties on whom this Notice is being serviced is shown
5 on the accompanying proof of service.

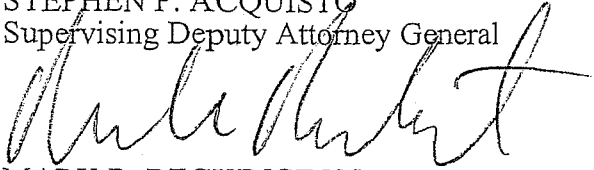
6 Dated: April 8, 2008

7 Respectfully submitted,

8 EDMUND G. BROWN JR.
Attorney General of the State of California

9 CHRISTOPHER E. KRUEGER
Senior Assistant Attorney General

10 STEPHEN P. ACQUISTO
Supervising Deputy Attorney General

11 
12
13 MARK R. BECKINGTON
14 Deputy Attorney General
15 Attorneys for Defendant
16
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1 ATTACHMENT A

2 **DEFINITIONS**

3 The term "DOCUMENT(S)" shall include all materials covered by the definition of the term
4 "writing" in California Evidence Code section 250, which states: "'Writing' means handwriting,
5 typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail
6 or facsimile, and every other means of recording upon any tangible thing, any form of
7 communication or representation, including letters, words, pictures, sounds, or symbols, or
8 combinations thereof, and any record thereby created, regardless of the manner in which the
9 record has been stored."

10 **REQUESTS FOR PRODUCTION**

11 1. Any and all DOCUMENTS in your possession, custody or control that support your
12 second cause of action for declaratory and injunctive relief, as alleged in the First Amended
13 Complaint filed in this action.

14 2. Any and all DOCUMENTS in your possession, custody or control that support your fifth
15 cause of action for declaratory and injunctive relief, as alleged in the First Amended Complaint
16 filed in this action.

17 3. Any and all DOCUMENTS in your possession, custody or control that support your sixth
18 cause of action, claim 1, as alleged in the First Amended Complaint filed in this action.

19 50246471.wpd
20 SA2001CV1744

DECLARATION OF SERVICE BY OVERNIGHT COURIER

Case Name: **Hunt, et al. v. State of California, et al.**

Case No.: **01CECG03182**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is: 300 South Spring Street, Suite 1702, Los Angeles, CA 90013.

On April 8, 2008, I served the attached **NOTICE OF DEPOSITION OF PLAINTIFF BARRY BAUER AND NOTICE TO PRODUCE DOCUMENTS AT DEPOSITION** by placing a true copy thereof enclosed in a sealed envelope with the **Golden State Overnight**, addressed as follows:

C.D. Michel, Esq.
Trutanich Michel, LLP
TUYET T. TRAN
BRUCE E. BARTRAM
180 E. Ocean Boulevard, Suite 200
Long Beach, CA 90802

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on April 8, 2008, at Los Angeles, California.

Angela Artiga
Declarant

Angela Artiga
Signature

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **Hunt, et al. v. State of California, et al.**

Case No.: **01CECG03182**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is 300 South Spring Street, Suite 1702, Los Angeles, CA 90013.

On April 8, 2008, I served the attached **NOTICE OF DEPOSITION OF PLAINTIFF BARRY BAUER AND NOTICE TO PRODUCE DOCUMENTS AT DEPOSITION** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Mail at Los Angeles, California, addressed as follows:

Don B. Kates
BENENSON & KATES
22608 North East 269th Avenue
Battleground, WA 98604

Stephen P. Halbrook
Law Offices of Stephen P. Halbrook
10560 Main Street, Suite 404
Fairfax, VA 22030

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on April 8, 2008, at Los Angeles, California.

Angela Artiga
Declarant


Signature

Exhibit 2

1 EDMUND G. BROWN JR.
Attorney General of the State of California
2 CHRISTOPHER E. KRUEGER
Senior Assistant Attorney General
3 STEPHEN P. ACQUISTO
Supervising Deputy Attorney General
4 MARK R. BECKINGTON, State Bar No. 126009
Deputy Attorney General
5 300 South Spring Street, Suite 1702
Los Angeles, CA 90013
6 Telephone: (213) 897-1096
Fax: (213) 897-1071
7 E-mail: Mark.Beckington@doj.ca.gov
Attorneys for Defendant

Plf's Def't's Ex 2
Depo of Herb Bauer
Date 4-24-08
KIM THAYER, CSR

8
9
10 SUPERIOR COURT OF CALIFORNIA
11 COUNTY OF FRESNO
12

13 **EDWARD W. HUNT, in his official capacity as**
14 **District Attorney of Fresno County, and in his**
15 **personal capacity as a citizen and taxpayer, et al.,**

15 Plaintiffs,

16 v.

17 **STATE OF CALIFORNIA, et al.,**

18 Defendants.

Case No. 01CECG03182

**NOTICE OF DEPOSITION OF
PLAINTIFF HERB BAUER
SPORTING GOODS AND
NOTICE TO PRODUCE
DOCUMENTS AT DEPOSITION**

Date: April 25, 2008
Time: 10:00 a.m.
Location: 2550 Mariposa Mall,
Room 5090, Fresno,
California 93721
Judge: Hon. Alan Simpson
Trial Date: May 27, 2008
Action Filed: September 18, 2001

19
20
21
22 TO EACH PARTY AND TO EACH PARTY'S ATTORNEY OF RECORD:

23 PLEASE TAKE NOTICE that Defendants State of California, et. al., will take the
24 deposition of Plaintiff Herb Bauer Sporting Goods, a California corporation, at the Office of the
25 California Attorney General, 2550 Mariposa Mall, Room 5090, Fresno, California 93721,
26 commencing at 10:00 a.m. on April 25, 2008, and continuing from day to day thereafter. The
27 deposition shall be taken before a Certified Shorthand Reporter.
28

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1 PLEASE TAKE FURTHER NOTICE that the deponent, who is a party to this action, is
2 required to produce at the deposition the documents, records or other materials designated in
3 Attachment A.

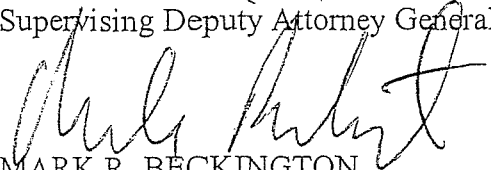
4 PLEASE TAKE FURTHER NOTICE that the matters on which the deponent will be
5 examined are as follows:

- 6 1. Any and all facts and circumstances supporting plaintiffs' second cause of action for
7 declaratory and injunctive relief, as alleged in the First Amended Complaint filed in
8 this action.
- 9 2. Any and all facts and circumstances supporting plaintiffs' fifth cause of action for
10 declaratory and injunctive relief, as alleged in the First Amended Complaint filed in
11 this action.
- 12 3. Any and all facts and circumstances supporting plaintiffs' sixth cause of action, claim
13 1, as alleged in the First Amended Complaint filed in this action.
- 14 4. The organization, business and management of Herb Bauer Sporting Goods, a
15 California corporation.
- 16 5. Any and all circumstances in which Herb Bauer Sporting Goods, its employees, and/or
17 its customers have addressed whether a device was a flash suppressor as defined in
18 California Code of Regulations, title 11, section 5469(b) (formerly section 978.20(b)).
- 19 6. Any and all circumstances in which Herb Bauer Sporting Goods, its employees, and/or
20 its customers have addressed whether a feeding device had been "permanently altered"
21 within the meaning of Penal Code section 12276.1, subdivision (d)(2) and/or Penal
22 Code section 12020, subdivision (c)(25)(A).
- 23 7. Any and all circumstances in which Herb Bauer Sporting Goods, its employees, and/or
24 its customers have addressed the manner in which a feeding device could be
25 "permanently altered" within the meaning of Penal Code section 12276.1, subdivision
26 (d)(2) and/or Penal Code section 12020, subdivision (c)(25)(A).
- 27 8. The purchase, sale, and/or marketing of flash suppressors, muzzle brakes, and/or
28 compensators by Herb Bauer Sporting Goods from January 1, 2000 to the present.

- 1 9. The purchase, sale, and/or marketing of permanently altered feeding devices by Herb
2 Bauer Sporting Goods from January 1, 2000 to the present.
- 3 10. The purchase, sale, and/or marketing of the Springfield Muzzle Brake and/or the
4 Browning BOSS by Herb Bauer Sporting Goods from January 1, 2000 to the present.
- 5 11. The purchase, sale, and/or marketing by Herb Bauer Sporting Goods from January 1,
6 2000 to the present of semiautomatic, centerfire rifles that have the capacity to accept a
7 detachable magazine.
- 8 12. Any and all communications, written or oral, by customers of Herb Bauer Sporting
9 Goods relating or referring to flash suppressors, permanently altered feeding devices,
10 the Springfield Muzzle Brake, the Browning BOSS, and/or semiautomatic, centerfire
11 rifles that have the capacity to accept a detachable magazine.
- 12 13. Any and all facts and circumstances that support your standing to bring this suit,
13 including standing to sue as a citizen or a taxpayer.
- 14 14. The payment of fees and costs incurred by plaintiffs in this action.

15 A list of all parties or attorneys for parties on whom this Notice is being serviced is shown
16 on the accompanying proof of service.

17 Dated: April 8, 2008

18 Respectfully submitted,
19 EDMUND G. BROWN JR.
Attorney General of the State of California
20 CHRISTOPHER E. KRUEGER
Senior Assistant Attorney General
21 STEPHEN P. ACQUISTO
Supervising Deputy Attorney General
22 
23 MARK R. BECKINGTON
24 Deputy Attorney General
25 Attorneys for Defendant
26
27
28

1 ATTACHMENT A

2 **DEFINITIONS**

3 The term "DOCUMENT(S)" shall include all materials covered by the definition of the term
4 "writing" in California Evidence Code section 250, which states: "'Writing' means handwriting,
5 typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail
6 or facsimile, and every other means of recording upon any tangible thing, any form of
7 communication or representation, including letters, words, pictures, sounds, or symbols, or
8 combinations thereof, and any record thereby created, regardless of the manner in which the
9 record has been stored."

10 **REQUESTS FOR PRODUCTION**

11 1. Any and all DOCUMENTS in your possession, custody or control that support your
12 second cause of action for declaratory and injunctive relief, as alleged in the First Amended
13 Complaint filed in this action.

14 2. Any and all DOCUMENTS in your possession, custody or control that support your fifth
15 cause of action for declaratory and injunctive relief, as alleged in the First Amended Complaint
16 filed in this action.

17 3. Any and all DOCUMENTS in your possession, custody or control that support your sixth
18 cause of action, claim 1, as alleged in the First Amended Complaint filed in this action.

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DECLARATION OF SERVICE BY OVERNIGHT COURIER

Case Name: **Hunt, et al. v. State of California, et al.**

Case No.: **01CECG03182**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is: 300 South Spring Street, Suite 1702, Los Angeles, CA 90013.

On April 8, 2008, I served the attached **NOTICE OF DEPOSITION OF PLAINTIFF HERB BAUER SPORTING GOODS AND NOTICE TO PRODUCE DOCUMENTS AT DEPOSITION** by placing a true copy thereof enclosed in a sealed envelope with the **Golden State Overnight**, addressed as follows:

C.D. Michel, Esq.
Trutanich Michel, LLP
TUYET T. TRAN
BRUCE E. BARTRAM
180 E. Ocean Boulevard, Suite 200
Long Beach, CA 90802

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on April 8, 2008, at Los Angeles, California.

Angela Artiga
Declarant

Angela Artiga
Signature

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **Hunt, et al. v. State of California, et al.**

Case No.: **01CECG03182**

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Don B. Kates
BENENSON & KATES
22608 North East 269th Avenue
Battleground, WA 98604

Stephen P. Halbrook
Law Offices of Stephen P. Halbrook
10560 Main Street, Suite 404
Fairfax, VA 22030

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on April 8, 2008, at Los Angeles, California.

Angela Artiga
Declarant


Signature

Exhibit 3

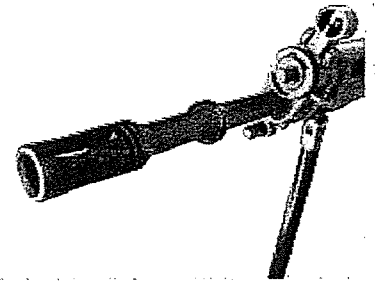
Flash suppressor

Plf's Dept's Ex 3
Depo of BARRY BAUER
Date 4-24-08
KIM THAYER, CSR

From Wikipedia, the free encyclopedia
(Redirected from Flash hider)

A **Flash suppressor**, also known as a **flash hider**, **flash guard**, **flash eliminator**, or **flash cone**, is a device attached to a rifle or other gun that directs hot escaping gases from the barrel end. It reduces the visibility of the blazing muzzle flash which occurs upon firing to the shooter and or other individuals.

Muzzle flash is especially visible at night, making it easy to see the location of the shooter, and at the same time interfering with the shooter's night vision. It is caused by incandescence of the expanding gases produced by burning gunpowder. Even during the day, the flash obscures the target view.



Close-up of the flash suppressor on a SIG SG 550.

Two common types of flash suppressors are the duckbill and birdcage suppressors. Duckbill flash suppressors have upper and lower "prongs" and direct gases to the sides. Early Mk 43 and some early M16 models featured this type of flash suppressor. One disadvantage is that the prongs can become entangled with vines or other natural vegetation and objects in the field. Birdcage types still have prongs, but also feature a ring on the front to prevent vegetation from entanglement between the prongs. Another type of flash suppressor is a flash moderator, such as used on some XM177 models. An example of a cone-shaped hider is on the Bren machine gun.

Earlier rifle designs from the 19th century tended to have longer barrels than modern rifles. A beneficial side effect of the long barrel is that the gunpowder is completely burnt before the bullet leaves the barrel, usually resulting only in a puff of smoke from the muzzle. However, if the same weapon is "cut down", as is common in cavalry and jungle-combat adapted versions, the bullet would often leave the barrel before the powder was completely consumed. In this case, the still burning powder would emit a bright flash from the muzzle.

When barrel lengths were dramatically decreased with the introduction of various assault rifles, this flash became a serious problem in terms of preserving night vision during combat. Originally limited to "special purpose" roles, it was now expected that all infantry weapons would have short barrels with this problem, and thereby be of limited use in night combat. Flash suppressors became common on late-World War II and later assault rifle designs, and are almost universal on these weapons today.

It is commonly thought that they are used on military rifles to reduce visibility to the enemy, but the size of a device necessary to hide the muzzle flash from an enemy during night fighting would be prohibitively large. Military flash suppressors are designed to reduce the muzzle flash from the shooter to preserve the shooter's night vision, usually by directing the incandescent gases to the sides, away from the line of sight of the shooter. Military forces engaging in night combat are still quite visible at a distance when firing, and must move quickly after firing to avoid receiving return fire.

Limiting the amount of powder to what the length of a barrel can burn is one possible solution, but differences between individual cartridges mean that some cartridges will always have too much powder to be completely consumed, and the reduced powder load produces a lower projectile velocity. Muzzle

flash can also be controlled by using cartridges with a faster-burning gunpowder, so that the propellant gases will already have begun to cool by the time they exit the barrel, reducing flash intensities. Faster-burning powders, however, produce less projectile velocity, which reduces the accuracy due to introducing more of a parabolic bullet flight path in place of a "flat" trajectory while also reducing lethality of the weapon through reducing energy delivered on target.

Flash suppressors reduce, or in some cases eliminate, the flash by rapidly cooling the gases as they leave the end of the barrel. Although the overall amount of burning gunpowder is unchanged, the density and temperature are greatly reduced, as is the brightness of the flash.

A number of different flash hider designs have been used. The simplest is a cone placed on the end of the barrel, which was used on the late-World War II jungle-combat versions of the Lee-Enfield, the No. 5 variant, intended for use in the Pacific. More modern solutions tend to use a "basket" with several slits or holes cut in it, as seen on the M16 and other small-bore weapons. Cone-shaped flash eliminators are also evident on the Bren LMG and on the turret-mounted aircraft machine guns of British WWII heavy bombers, which were used mostly at night.

Flash hidere are often used as a muzzle brake as well by symmetrically cutting slits near the top, but not the bottom, of the hider, which then provides some downward-force on firing as the gases escape upwards, thereby reducing muzzle climb, as well as dust kick up.

Legality

United States

Flash suppressors, and barrel shrouds were seen as 'military' features, and were on the list of Federally defined features that, provided enough features were also present on the semi-automatic rifle, then the rifle was defined as illegal, if manufactured after the effective date of the Federal assault weapons ban that went into effect in 1994 in the United States. Muzzle brakes, on the other hand, were ruled "legal" by the BATF. This meant, in practice, muzzle brakes had to be certified by the BATF to prevent end-users from accidentally violating the law and installing a device that could later be found to be defined legally as being more of a flash suppressor than a muzzle brake, even if marketed and sold as a muzzle brake, if incidental flash suppression was deemed to be 'significant' by the BATF. The Federal laws governing this sunsetted in 2004, and are no longer of concern, except in those few jurisdictions in which specific state laws still retain certain provisions of the earlier and now defunct Federal law.

See also

- Suppressor

Retrieved from "http://en.wikipedia.org/wiki/Flash_suppressor"

Categories: Firearm components

Hidden categories: All articles with unsourced statements | Articles with unsourced statements since February 2007

-
- This page was last modified on 3 April 2008, at 20:28.
 - All text is available under the terms of the GNU Free

Documentation License. (See **Copyrights** for details.)
Wikipedia® is a registered trademark of the Wikimedia Foundation, Inc., a U.S. registered 501(c)(3) tax-deductible nonprofit charity.

Exhibit 4

Muzzle brake

From Wikipedia, the free encyclopedia
(Redirected from Muzzle break)

Plf's Def't's/Ex 4
Depo of Barry Bauer
Date 4-24-08
KIM THAYER, CSR

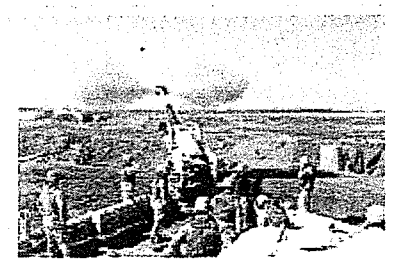
Muzzle brakes and **recoil compensators** are devices that are fitted to the muzzle of a firearm or cannon to redirect propellant gases with the effect of countering both recoil of the gun and unwanted rising of the barrel during rapid fire^[1]. Muzzle brakes are very useful for combat and timed competition shooting, and are commonly found on rifles firing very large cartridges (often big-game rifles), as well as some artillery and tank guns. They are also commonly used on pistols for practical pistol competitions, and are usually called compensators in this context^[2].



The muzzle brake of the 105 mm gun on an AMX 10 RC fighting vehicle.

Contents

- 1 Terminology
- 2 Concept
- 3 Construction
- 4 Utility
 - 4.1 Advantages of muzzle brakes
 - 4.2 Disadvantages of muzzle brakes
- 5 Legality
- 6 See also
- 7 References
- 8 External links



The muzzle brake of an M198 howitzer venting propellant gas sideways.

Terminology

There are a large number of terms, including *muzzle brake*, *recoil compensator*, *compensator*, *recoil brake*, *recoil check*, *hybrid compensator*, *Mag-na-port*, and more, which all refer to devices that serve to direct propellant gases upwards, outwards, or rearwards to reduce muzzle climb and recoil. These range from the simple slotted barrel of the original Mag-na-porting to the Schuemann "hybrid" system, which mates a specially ported barrel and slide with a threaded compensator for maximum reduction of muzzle rise. With the exception of names for proprietary systems, such as Mag-na-porting and hybrid compensators, and brand names such as *Muzzle Tamer*, the various terms are used interchangeably.^{[3][4][5][6][7][8][9][10]}

Concept

Muzzle brakes are simple in concept. One of the simplest designs can be found on U.S. 90 mm tank guns. This consists of a small length of tubing mounted at right angles to the end of the barrel. Brakes most often utilize slots, vents, holes, baffles, and similar devices to redirect and control the burst of combustion gases that follows the departure of a projectile. Another method, called **porting** involves ports or holes in the barrel near the muzzle that vent gas prior to the departure of the bullet. A third method involves slowing the departure

of combustion gases rather than redirection. Slowing of the gases is the method used on suppressors and *linear compensators*^[11]. In conventional designs, combustion gases depart the brake at an angle to the bore. This counteracts the rearward movement of the barrel due to recoil as well as the upward rise of the muzzle. The effect can be compared to reverse thrust systems on aircraft jet engines. The mass and velocity of the gases is significant enough to move the firearm in the opposite direction of recoil. On the AKM assault rifle, the brake is angled slightly to the right to counteract the sideways movement of the gun under recoil.



Prominent muzzle brake of the PGM Hecate II.

Construction

Construction of a brake or compensator can be very simple; the AK-47, for example, some models used a diagonal cut at the muzzle end of the barrel to direct some of the escaping gases upwards. Another simple method is porting, where holes or slots are machined in the barrel near the muzzle to allow the gas to escape^[12].

More advanced designs use baffles and expansion chambers to slow down the escaping gases; this is the basic principle behind a linear compensator. Ports are often added to the expansion chambers, producing the long, multi-chambered recoil compensators often seen on IPSC raceguns^[2].

Utility

There are advantages and disadvantages to muzzle brakes. Recoil is a subjective concept. One shooter may perceive it as pain, another as movement of the sights, and another as rearward thrust. Recoil energy can be **sharp** if the impulse is fast or may be considered **soft** if the impulse is slower, even if the same total energy is transferred.^[13]



The S&W Model 500 features a muzzle brake.

Advantages of muzzle brakes

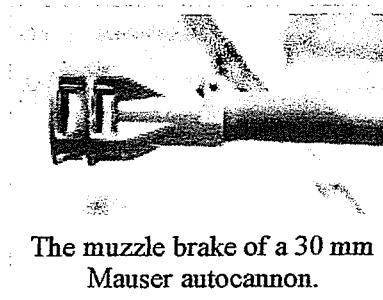
Though there are numerous ways of measuring the energy of a recoil impulse, it's generally true that between 10% and 50% reductions can be measured. There are however muzzle brake manufacturers that claim greater recoil reduction percentages.^[14] Muzzle brakes need sufficient propellant gas volume and high gas pressure at the muzzle of the gun to achieve good measured recoil reduction percentages. This means cartridges with a large bore area to case volume ratio combined with a high operating pressure benefit more from recoil reduction with muzzle brakes than smaller standard cartridges.

Besides reducing felt recoil one of the primary advantages of a muzzle brake is the reduction of muzzle rise. This allows a weapon's sights to be realigned more quickly. This is relevant particularly for fully automatic weapons. Muzzle rise is often entirely eliminated by an efficient design. Because the rifle moves rearward less, the shooter has little to compensate for. This is particularly true of rapid-fire, fully-automatic fire, and large-bore hunting rifles. They are also common on small-bore varmint rifles, where reducing the muzzle rise allows the shooter to see the bullet impact through a telescopic sight. A reduction in recoil also reduces the chance of undesired (painful) contacts between the shooters head and the ocular of a telescopic sight or other aiming components that have to be positioned near the shooters

eye. Another advantage of a muzzle brake is a reduction of recoil fatigue during extended practice sessions, enabling the shooter to consecutively fire more rounds accurately. Further, flinch (involuntary pre trigger release anxiety behaviour resulting in inaccurate aiming and shooting) caused by excessive recoil may be significantly reduced or eliminated with certain shooters.

Disadvantages of muzzle brakes

The advantages of brakes and compensators are not without cost, however. The most obvious of these to the shooter or gun crew is the increase in sound pressure level as well as the increase in muzzle blast for the shooter or gun crew. This occurs because the sound, flash, and pressure waves normally projected largely away from the shooter are now partially-redirected outwards to the side or even at backward angles towards the shooter or gun crew. While eye and ear protection should always be used when shooting, this is not even enough to avoid hearing damage with the muzzle blast directed back towards the shooter or gun crew.



The muzzle brake of a 30 mm Mauser autocannon.

"Recorded noise levels (on certified audiological instruments) at the muzzle of a magnum or high velocity rifle with a muzzle break normally exceed 160 decibels. Permanent ear damage occurs at 120 decibels. If you read the fine print on the finest set of ear plugs and ear muffs available, you will find the total noise reduction only between 22 and 31 decibels. This means that on a rifle with a muzzle brake, even if you are wearing hearing protection, you are suffering permanent damage."^[15]

Measurements indicate that on a rifle a muzzle brake adds 5 to 10 dB to the normal noise level, increasing total noise levels to 160 dB(A) +/- 3 dB.^[16] Painful discomfort occurs at approximately 120 to 125 dB(A),^[17] with some references claiming 133 dB(A) for the threshold of pain.^[18] Active ear muffs are available with electronic noise cancellation that can reduce direct path ear canal noise by approximately 17-33 dB, depending on the low, medium, or high frequency at which attenuation is measured.^[19] Passive ear plugs vary greatly in their measured attenuation, ranging from approximately 20 dB to 30 dB, depending on whether or not they are properly used.^[20] Using both ear muffs (whether passive or active) and ear plugs simultaneously is a practice that is often used for obtaining the maximum protection, but the efficacy of such combined protection relative to preventing permanent ear damage is not conclusive, with evidence indicating that a combined noise reduction ratio (NRR) of only 36 dB (C-weighted) is the maximum possible using ear muffs and ear plugs simultaneously, equating to only a $36 - 7 = 29$ dB protection against a 160 dB(A) noise level.^[21] Relative to a noise level of 160 dB (A), this means that even using ear muffs and ear plugs simultaneously cannot protect a shooter against permanent ear damage when using a muzzle brake, through leaving a shooter exposed to noise levels of approximately 131 dB(A) that is 11 dB above the point where permanent ear damage occurs.

In the European Union (EU), employees are protected by law against impulsive or impact noise exposure over 137 dB(A), with an absolute limit of 140 dB(A).^[22] Individual member states often define even lower levels by national law; the United Kingdom, for instance, opted for 120 dB(A), which is where many references indicate that permanent ear damage occurs. The duration of exposure is likewise limited, for environmental noise above 90 dB(A) in the United States by OSHA rules, and for environmental noise above 80 dB(A) in the European Union, for exposure over an entire work day. The EU legislation demands the noise has to be reduced at the origin in the technically best possible way. Professional small arms and artillery users such as military and police personnel, etc., have to be issued

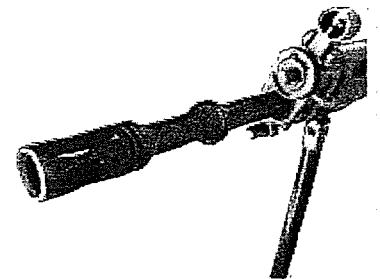
with adequately working suppressors or hearing protection to reduce noise to levels as defined by law, since an employer has to anticipate legal action and compensations in cases where an employee that used the provided protective gear suffers work-induced health damage.

Brakes and compensators are additionally often quite bulky, adding length, diameter, and mass to the muzzle end of the firearm, where it will most effect its handling. Further, flinch caused by blast induced sinus cavity concussion discomfort experienced by the shooter can become a problem for anti-materiel rifle shooters due to the big cartridges these rifles fire.

A serious tactical disadvantage of muzzle brakes on both small arms and artillery is that, depending on their designs, they may cause escaping gases to throw up dust and debris clouds that impair visibility and reveal one's position. Troops often wet the ground in front of antitank guns in defensive emplacements to prevent this, and snipers are specially trained in techniques for suppressing or concealing the magnified effects of lateral muzzle blast when firing rifles with such brakes. **Linear compensators** and suppressors do not have the disadvantages of a redirected muzzle blast; they actually reduce the blast by venting high pressure gas forward at reduced velocity.

Legality

Muzzle brakes were ruled "legal" by the ATF in the United States a short time after the now defunct Federal assault weapons ban went into effect in 1994. These muzzle attachments were legal to attach to a threaded barrel, so long as they were welded in place on certain firearms (silver solder also sufficed). On the other hand, flash suppressors, and barrel shrouds were seen as 'military' features, and were on the list of features that, provided enough features were also present on the semi-automatic rifle, then the rifle was defined as illegal, if manufactured after the effective date of the ban. This meant, in practice, muzzle brakes had to be certified by the ATF to prevent end-users from accidentally violating the law and installing a device that could later be found to be defined legally as being more of a flash suppressor than a muzzle brake, even if marketed and sold as a muzzle brake, if incidental flash suppression was deemed to be 'significant' by the ATF. The Federal laws governing this sunsetted in 2004, and are no longer of active concern, except in those few jurisdictions in which certain provisions are still retained in specific state laws.



Flash suppressor of the Sig 550 rifle. Flash suppressors are often designed to work as simple muzzle brakes.

See also

- Muzzle booster

References

1. ^ Muzzle brake (<http://www.nraila.org/issues/FirearmsGlossary/>) in the NRA Firearms Glossary
2. ^ *a b* STI article (<http://www.stiguns.com/USPress/gungames/limcat.html>) on Limcat Undergas Bypass Turbo System recoil compensator
3. ^ SAAMI Glossary, Compensator (<http://saami.org/Glossary/display.cfm?letter=C>).
4. ^ Definition for "compensator" (<http://www.midwayusa.com/guntecdictionary.exe/showterm?TermID=1860>). MidwayUSA GunTec Dictionary.

5. ^ Definition for "muzzle compensator" (<http://www.midwayusa.com/guntecdictionary.exe/showterm?TermID=3448>). MidwayUSA GunTec Dictionary.
6. ^ Definition for "recoil brake" (<http://www.midwayusa.com/guntecdictionary.exe/showterm?TermID=3997>). MidwayUSA GunTec Dictionary.
7. ^ 1911 AUTO .355" THREADED HYBRID BARREL (<http://www.brownells.com/asp/NS/store/productdetail.aspx?p=12689>).
8. ^ The Mag-na-port Process: Handgun Porting (<http://www.magnaport.com/hgun.html>).
9. ^ Thompson/Center Custom Shop, Barrel Configurations (http://www.tcarms.com/customShop/chart_options.php).
10. ^ Recoil Check (<http://www.biggerhammer.net/stoner/sr25var10/ar10vsr25.html>)
11. ^ LeVang linear compensator (<http://www.brownells.com/asp/ns/store/ProductDetail.aspx?p=5594&title=AR-15+LEVANG+LINEAR+COMPENSATOR>)
12. ^ Mag-Na-Port (<http://www.magnaport.com/hgun.html>) handgun porting information
13. ^ A muzzle brake manufacturer on pros and cons and recoil reduction of muzzle brakes (<http://www.jprifles.com/instructions/Website%20Shipping%20Instructions/RE%20Selection%20Guide1.pdf>)
14. ^ PGRS-1 muzzle brake article
15. ^ Alphin, Arthur B. (1996). *Any Shot You Want*, First edition, On Target Press, pp. 174-175. ISBN 0-9643683-1-5.
16. ^ Summary of a Finnish government report (1992) on silencers, muzzle brakes and noise levels (<http://www.lima-wiederladetechnik.de/PDF/Finnish-Government-Silencer-Summary.pdf>)
17. ^ (German) and (English) Schalldämpfer = Gehörschützer für Jäger, data collected on noise levels (<http://www.lima-wiederladetechnik.de/Schalldaempfer/Schalldaempfer.htm>)
18. ^ Hearing Protection Basics ([>](http://earplugstore.stores.yahoo.net/gennoisprot1.html#))
19. ^ Peltor Active Muffs data sheet (<http://www.peltor.se/Admin/files/20051211214726.pdf>)
20. ^ Finnish Research paper (<http://annhyg.oxfordjournals.org/cgi/reprint/46/6/527.pdf>)
21. ^ Hearing Protection Basics ([>](http://earplugstore.stores.yahoo.net/gennoisprot1.html#))
22. ^ Acoustic Regulations (<http://www.com-solutions.co.uk/compdf/GNAcousticRegulations.pdf>)

External links

- Chuck Hawks' (http://www.chuckhawks.com/muzzle_brakes.htm) article on muzzle brakes
- Pictures of various muzzle brake types (<http://www.lima-wiederladetechnik.de/Englisch/Muzzle-Brake.htm>)
- Adventures with muzzle brakes (<http://www.rvbprecision.com/articles/10/adventures-with-muzzle-brakes>)

Retrieved from "http://en.wikipedia.org/wiki/Muzzle_brake"

Categories: Firearm components

Hidden category: Articles to be merged since September 2007

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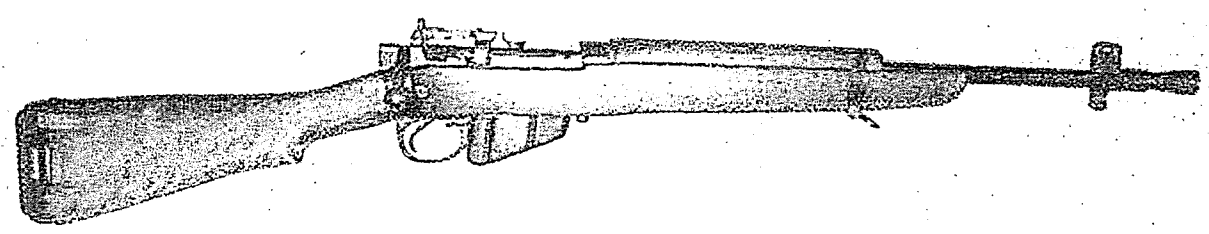
Exhibit 5

Search: The Web Angelfire Report Abuse << Previous | Top 100 | Next >>

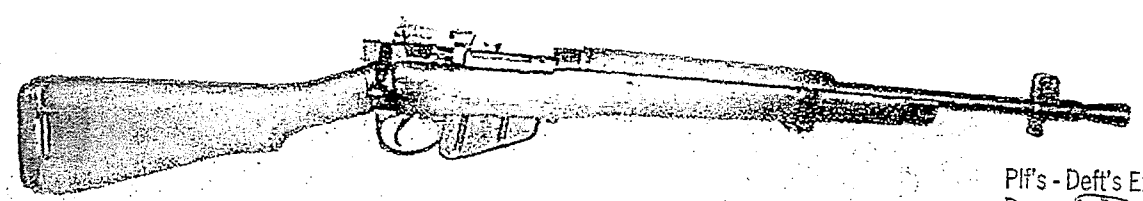
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Jungle Carbine Prices We Have Millions of Products Jungle Carbine for Sale. Reviews www.NexTag.com	303 Enfield Save on Military Memorabilia Compare & Buy from 1000s of Stores www.Shopping.com	303 Enfield Bargain Prices. Smart Deals. Save on 303 Enfield! Shopzilla.com	Military Jungle 10+ Military Jungle Boots S Compare and Save at Pron Boots.Pronto.com

ENFIELD NO.5 JUNGLE CARBINE CAL. 303 british.



Enfield No. 5 Jungle Carbine.



Plf's - Deft's Ex 5
 Depo of Barry Bauer
 Date 4-24-08
 KIM THAYER, CSR

This variation of No.5 Enfield Jungle Carbine was manufactured with a steel non-wood stock.

Exhibit 6



Springfield Armory M1A Rifles

ARMALITE BERETTA BROWNING BUSHMASTER CMMG COLT CZ DPMS
 DSA FN H&K HUGLU MOSSBERG OLYMPIC REMINGTON ROCK RIVER SABRE
 SPRINGFIELD ARMORY STAG ARMS STEYR WEATHERBY WA15LE® Series

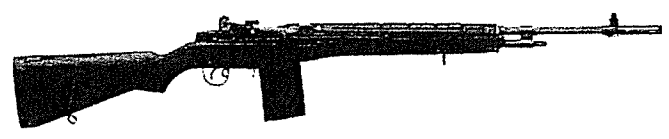
Complete Upper Assembly Pistol Calibers for your AR-15 Scopes Sights & Lasers

Accessories

Springfield Armory Rifles

Springfield Armory's Website




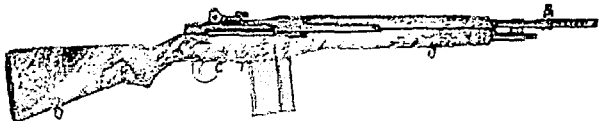

National Historic Site

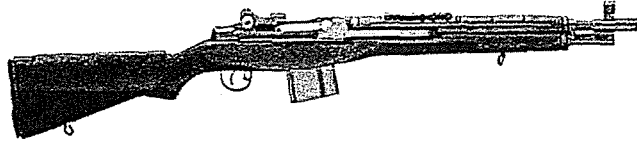
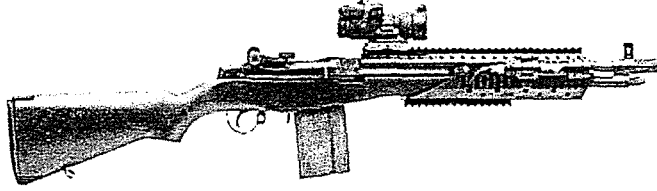
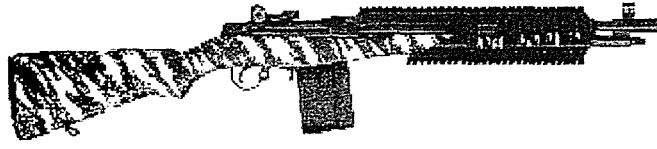





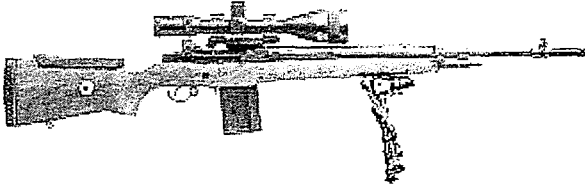
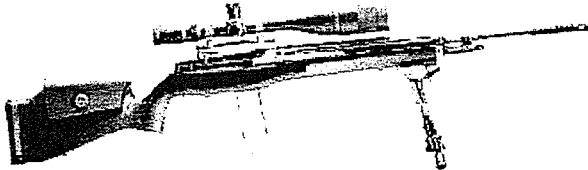
Free ground shipping in the US states

Plf's - Deft's Ex 6
 Depo of Barry Bauer
 Date 4-24-08
 KIM THAYER, CSR

Sometimes, the only rifles available have a flash hider but certain areas or states require the Springfield Stabilizer. The MA5049 Stabilizer & installation is \$85. The original factory Flash Hider is placed in the rifle box for you to keep.
If the rifle we have available already has a Stabilizer, you will not need this installation.

Stock #	Description	\$PRICE \$
MA9101	 MIA STANDARD 7.62mm, Carbon 22" Bbl, Walnut Stock Collector edition with standard contour barrel and USGI wood stock	1353.00
MA9102	MIA STANDARD 7.62mm, Carbon 22" Bbl, Walnut Stock information	1435.00
MA9103	MIA STANDARD 7.62mm, Carbon 22" Bbl, Birch Stock, 10rd magazine Collector edition with USGI barrel and USGI birch stock	1355.00
MA9104	MIA STANDARD 7.62mm, Carbon 22" Bbl, Mossy Oak Stock	1370.00
MA9106	MIA STANDARD 7.62mm, Carbon 22" Bbl, Black Synthetic Stock	1365.00
MA9222	 MIA LOADED STANDARD 7.62mm, Carbon 22" Bbl, Walnut Stock information	1565.00
MA9226	MIA LOADED STANDARD 7.62mm, Carbon 22" Bbl, Synthetic Stock	1477.00
MA9822	 MIA LOADED STANDARD 7.62mm, Stainless 22" Bbl, Walnut Stock	1663.00
MA9826	MIA LOADED STANDARD 7.62mm, Stainless 22" Bbl, Synthetic Stock	1550.00
MA9827	MIA LOADED STANDARD 7.62mm, with Extended Cluster Rail, Black Fiberglass Stock, National Match, Stainless Steel Barrel	1835.00
AA9104	 MIA Bush Rifle 7.62mm, Carbon 18" Bbl, Mossy Oak information	1375.00
MA9102	 MIA STANDARD 7.62mm, Carbon 22" Bbl, Walnut Stock information	1550.00
MA9103	MIA STANDARD 7.62mm, Carbon 22" Bbl, Mossy Oak	1490.00
MA9106	MIA STANDARD 7.62mm, Carbon 22" Bbl, Black Synthetic Stock only one left	1455.00
AA9626	SOCOM 16 information	1550.00

		
AA9627	<p>SOCOM II information</p>  <p>with Cluster Rail System red dot sight not included</p>	1730.00
AA9628	<p>SOCOM II Urban Camo information</p>  <p>with Cluster Rail System</p>	1750.00
AA9629	<p>SOCOM II information</p>  <p>Shown with Optional Accessories</p> <p>with Extended Cluster Rail System red dot sight not included</p>	1810.00
NA9102	 <p>M1A NATIONAL MATCH 7.62mm, Carbon 22" Bbl, Walnut Stock information</p>	1850.00

NA9802	M1A NATIONAL MATCH 7.62mm, Stainless 22" Bbl, Walnut Stock	1890.00
SA9102	 <p>M1A SUPER MATCH 7.62mm, Douglas Carbon 22" Bbl, Oversize Walnut information</p>	2300.00
SA9802	M1A SUPER MATCH 7.62mm, Douglas Stainless 22" Bbl, Oversize Walnut	2420.00
SA9804	M1A SUPER MATCH 7.62mm, Douglas Stainless Heavy 22" Bbl, Synthetic Stock	2787.00
SA9805	 <p>M1A SUPER MATCH 7.62mm, Douglas Stainless Heavy 22" Bbl, Cameo</p>	2787.00
SA9121	 <p>scope and bipod not included</p> <p>Purchased from Web Arms by the Lawrence Livermore National Laboratory, U.S. Dept of Energy Swat Team.</p> <p>M1A M21 TACTICAL 308 10RD, Adj Walnut Stock, Blued, 22" Bbl information</p>	2725.00
SA9131	M1A M21 TACTICAL 308 10RD, Adj Walnut Stock, Krieger S.S. 22" Bbl	3028.00
NA9802	 <p>scope not included</p> <p>Comes with factory installed Bipod mount, Bipod, Picatinny scope rail, Guard Force metal rimed hard case with latches & combination lock.</p> <p>M1A M21 TACTICAL WHITE FEATHER 308 Win Krieger Carbon 22" Heavy Match Bbl information</p>	4250.00

Prices may change without notice

Springfield Armory Rifles from Web Arms

Department Purchase - a Department letter and a Tax Exempt Statement required (if tax exempt).

Individual Officer's purchase when using the Department to receive your firearm - Department letter required.

<http://www.webarms.com/Gun%20Suppliers/Springfield%20Armory/Springfield%20Arm...> 4/23/2008

You may use any FFL you choose but we require a signed copy of their license either mailed or faxed.

Example letters found here for department purchase or individual purchase when using the department to receive for you.

Exhibit 7

7
Pris - Det's Ex
Depo of Boyer
Date 4-24-08
KIM THAYER, CSP

Thanks!
Down

MESSAGE: Mr Barry:
Here is a copy of the sticker we
use.

TO: Barry

CO./DEPT: _____

PHONE: _____

FAX: _____

DATE: 4-23-08

FROM: Down

of pages: 2



SPRINGFIELD ARMORY
The Oldest Name in American Firearms
Springfield Inc. • 420 West Main St. • Canton, IL 61234
Toll Free 800-680-6866 • Phone 309-944-5631 • Fax 309-944-3676
www.springfield-armory.com

FAVX

If Purchased after December 31, 1999

NOT LEGAL IN CALIFORNIA

Exhibit 8

The First Name In American Firearms
SPRINGFIELD ARMORY.

www.springfieldarmory.com



M1A™ RIFLE

DO NOT ATTEMPT TO LOAD YOUR M1A UNTIL YOU HAVE READ THIS MANUAL!

REVIEW THE SAFE HANDLING RULES PRIOR TO EACH USE

IMPORTANT SAFETY INFORMATION INSIDE

Keep this manual with your rifle and review it before each use. Do not allow others to handle or fire your rifle until they have read this manual. Transfer this manual with the firearm upon ownership change.

Be a responsible gun owner. Use it safely, store it securely, and always transfer a gun responsibly and legally.

Pf's - Deft's Ex. 8
Depo of Barry Bauer
Date 4-24-02
KIM THAYER, CSR

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Before loading and firing this rifle read and understand the information in this manual.

This is an auto-loading rifle. It is immediately loaded and ready to fire again after each shot until all shells loaded in the magazine have been fired. The rifle is able to fire both with and without the magazine in place. **Removing the magazine does not unload the rifle nor engage the safety. The rifle is not unloaded until the chamber is empty.**

About your owners manual

This is an instruction booklet on how to operate this firearm with some basic safe handling rules. It does not attempt to provide information about using a gun to defend yourself, how to hunt, or for competitive or target shooting. It is important to get instruction from a competent instructor prior to engaging in any of these activities. The National Rifle Association, your local or state authorities or your gun dealer may provide information regarding available instructors or training courses. Using a gun for self defense is a complex subject with dangers and risks for which you must be properly trained. **Know and understand the laws regarding self defense.**

Gun safety is no accident

Every safety rule has a reason behind it - read the rules carefully and understand why the rule is important for safety.



It is recommended that every person receive instructions from a competent firearms instructor before handling this or any other firearm.

Know and obey all gun laws. Do not give a gun to someone who is not allowed to own a gun or who may use it for a criminal purpose.

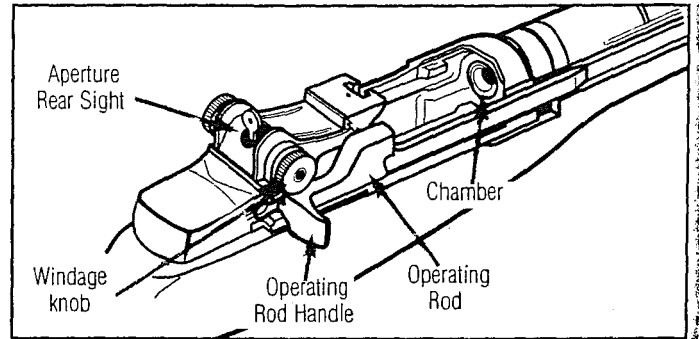
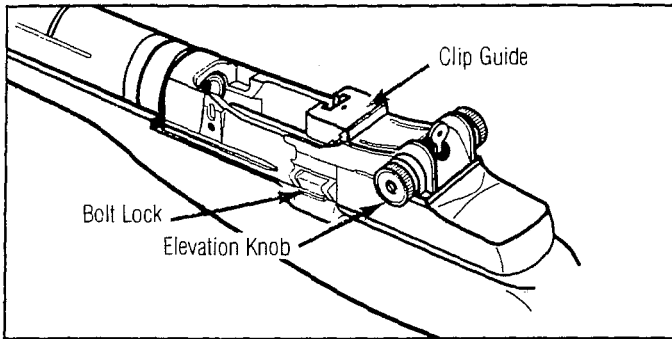
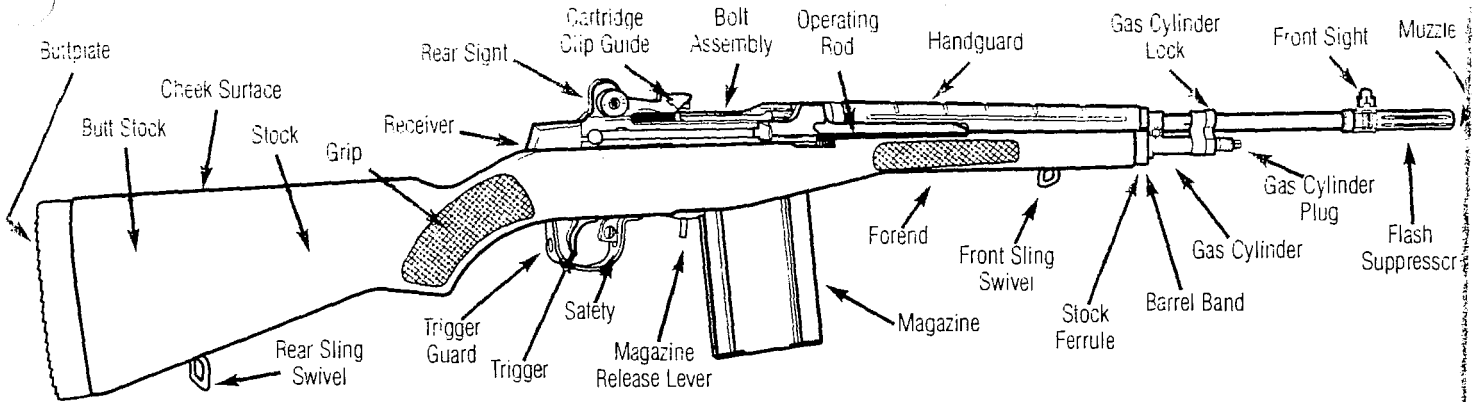
Used guns

If you purchased this firearm as a used gun have it inspected and tested by a competent gunsmith before you use it. Guns are sometimes altered and may require repair before they can be used safely.

Store guns safely in the home

Store guns unloaded, locked and in a secure place. Obey gun storage laws. Store guns and ammunition separately. Because your children may be in other homes where guns are stored, you should show them what to do if they see or find a gun by showing them the Eddie Eagle video available from the NRA by calling (703) 267-1000.

NOMENCLATURE



USE OF THE M1A™

Before handling or using your M1A inspect the chamber to make sure the gun is unloaded.



1. Your firearm is delivered factory packaged and preserved with a light coating of protective grease and oils. Before loading make certain that all packing grease and oil has been cleaned from the bore and exposed mechanism.
2. Your firearm comes equipped with an effective, well-designed safety device. **HOWEVER, NEVER RELY COMPLETELY ON ANY SAFETY MECHANISM.** It is **NOT** a substitute for cautious gun handling. **NO** safety, however positive or well-designed, should be totally trusted. Like all mechanical devices, the safety is subject to breakage or malfunction and can be adversely affected by wear, abuse, dirt, corrosion, incorrect assembly, improper adjustment or repair, or lack of maintenance. Moreover, there is no such thing as a safety which is "child-proof" or which can completely prevent accidental discharge from improper usage, carelessness, or "horseplay". The best safety mechanism is your own good sense; **USE IT!** Always handle your firearm as though you expect the safety **NOT** to work!

AMMUNITION

3. The M1A is designed and built to specifications to shoot standard factory military 7.62 NATO ammunition. The specifications for standard military ammunition include harder primers to withstand the slight indentation from the firing pin when the bolt chambers a cartridge. This slight indentation is normal. The use of civilian ammunition with more sensitive primers or handloads with commercial primers and/or improperly seated primers increase the risk of primer detonation when the bolt slams forward. This unexpected "slam fire" can occur even if the trigger is not being pulled and if the safety is on. Use of military specification ammunition will help avoid this. Every

shooter should use extreme caution when loading this or any other firearm. See page 15 for instructions on proper loading to help avoid a "slam fire". Also see enclosed article on "Slam Fire" written by Wayne Faatz.

4. Use only recently made high quality, original military or factory-manufactured ammunition of 7.62 caliber. Old ammunition may deteriorate from age causing it to be dangerous. Do not use cartridges that are dirty, wet,



corroded, bent or damaged. Do not oil cartridges. Do not spray aerosol-type lubricants, preservatives or cleaners directly onto cartridges or where excess spray may flow into contact with cartridges. **Defective ammunition is the primary cause of mishaps and can cause injury or death to you and bystanders.**

Lubricant or other foreign matter on cartridges can cause potentially dangerous ammunition malfunctions. Store ammunition in a cool dry place to prevent contamination and deterioration of the primer and powder. Use only ammunition of the caliber for which your firearm is chambered. The proper caliber is permanently engraved on your firearm; never attempt to use ammunition of any other caliber. **Defective ammunition can create excessive pressures resulting in an explosion and cause injury or death to you and/or those nearby. You must assume responsibility for using proper and safe ammunition.**

Keep ammunition separated by caliber at home and on the range. This can be done by keeping it in the original box. Throw ammunition away that has been dented or deformed, shows signs of wear such as split or cracked necks, cratered or flattened primers, or punctured cases. If you have any reason to question the safety of any cartridge do not use it and safely discard it immediately.

DO NOT UNDER ANY CIRCUMSTANCES USE OLD OR RELOADED AMMUNITION PURCHASED AT GUN SHOWS, ESTATE SALES OR AUCTIONS.

5. **The use of reloaded, "remanufactured", hand-loaded, or other non-standard ammunition voids all warranties. Reloading is a science and improperly loaded ammunition can be extremely dangerous. Severe damage to the firearm and serious injury to the shooter or to others may result. Reloaded ammunition that may function in a bolt or slide action firearm may not properly function and may even explode in a semi-automatic.** The risk of a mishap is reduced by using current clean military ammunition or ammunition that complies with the industry performance standards established by the Sporting Arms and Ammunition Manufacturers' Institute, Inc. of the United States, (SAAMI).
6. **Firearms may be severely damaged and serious injury to the shooter or to others may result from any condition causing excessive pressure inside the chamber or barrel during firing.** Excessive pressure can be caused by obstructions in the barrel, propellant powder overloads, or by the use of incorrect cartridges or defectively assembled cartridges. In addition, the use of dirty, corroded, or damaged cartridges may cause personal injury from the sudden escape of high-pressure propellant gas within the firearm's mechanism.
7. Immediately stop shooting and check the barrel for an obstruction whenever:
 - You have difficulty in, or feel unusual resistance in, chambering a cartridge
 - A cartridge misfires (does not go off)
 - The mechanism fails to extract a fired cartridge case
 - Unburned grains of propellant powder are discovered spilled in the mechanism
 - A shot sounds weak or abnormal. In such cases it is possible that a bullet is lodged part way down the barrel. Firing a subsequent bullet into the obstructed barrel can destroy the firearm and cause serious injury to the shooter and to bystanders.
8. Bullets can become lodged in the barrel:
 - If the cartridge has been improperly loaded without propellant powder, or if the powder fails to ignite. (Ignition of the cartridge primer alone will push the bullet out of the cartridge case, but usually does not generate sufficient energy to expel the bullet completely from the barrel.)



- If the bullet is not properly seated tightly in the cartridge case. When such a cartridge is extracted from the chamber without being fired, the bullet may be left behind in the bore at the point where the rifling begins. Subsequent chambering of another cartridge may push the first bullet further into the bore.

9. **If there is any reason to suspect that a bullet is obstructing the barrel, immediately unload the firearm and look through the bore. It is not sufficient to merely look in the chamber. A bullet may be lodged some distance down the barrel where it cannot easily be seen.**

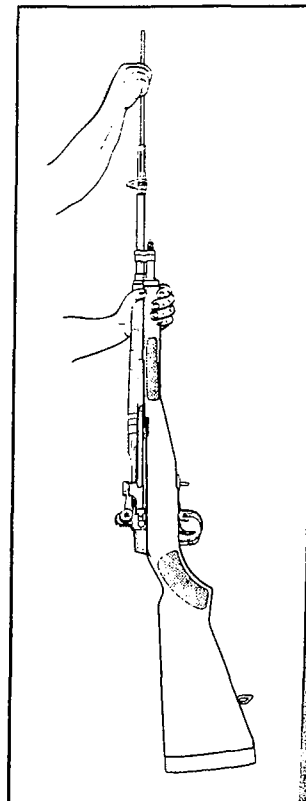


IF A BULLET IS IN THE BORE, DO NOT ATTEMPT TO SHOOT IT OUT BY USING ANOTHER CARTRIDGE, OR BY BLOWING IT OUT WITH A BLANK OR ONE FROM WHICH THE BULLET HAS BEEN REMOVED. SUCH TECHNIQUES CAN GENERATE EXCESSIVE PRESSURE, DESTROY THE

FIREARM AND CAUSE SERIOUS PERSONAL INJURY TO YOU AND BYSTANDERS.

If the bullet can be removed by pushing it out with a cleaning rod, clean any unburned powder grains from the bore, chamber, and mechanism before resuming shooting. If the bullet cannot be dislodged by firmly tapping it with a cleaning rod, take the firearm to a gunsmith.

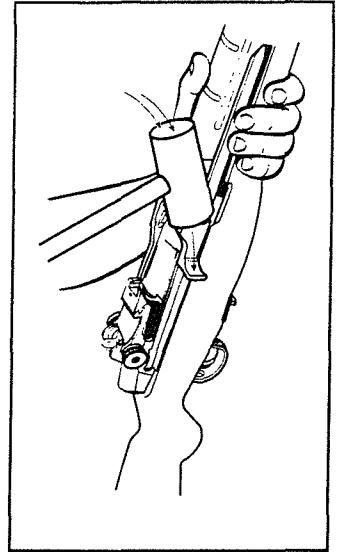
10. While shooting any semi-automatic firearm, an unfired cartridge or fired cartridge case may occasionally become jammed between the bolt and the barrel. Clear the jam as



follows, WHILE KEEPING THE MUZZLE POINTED IN A SAFE DIRECTION:

Remove the magazine, then pull back the bolt and hold or lock it to the rear. The jammed cartridge or case now can be removed by shaking it out or by picking it out with the fingers. When the bolt is jammed closed put the safety "ON", remove the magazine and point the gun in a safe direction. Place the butt of the rifle on a hard surface and strike the bolt handle to the rear using a wooden or plastic mallet to open the bolt. **If this fails to open the bolt take the gun to a gunsmith immediately. Determine what caused the jam before resuming shooting.**

11. Dirt, corrosion, or other foreign matter on a cartridge can impede complete chambering and may cause the cartridge case to burst upon firing. The same is true of cartridges which are damaged or deformed.
12. Do not oil cartridges, and be sure to wipe the chamber clean of any oil or preservative before commencing to shoot. Oil actually interferes with the friction between cartridge case and chamber wall that is necessary for safe functioning, and subjects the firearm to stress similar to that imposed by excessive pressure.
13. Use lubricants sparingly on the moving parts of your firearm. Avoid excessive spraying of any aerosol gun care product, especially where it may get on ammunition. All lubricants, and aerosol spray lubricants in particular, can penetrate cartridge primers and cause misfires. Some highly penetrative lubricants can also migrate inside cartridge cases and cause deterioration of the propellant powder, and on firing the powder may not ignite. If only the primer ignites there is danger that the bullet may become lodged in the barrel.



14. Never fire any semi-automatic firearm with your finger, hand, face, or other part of your body over or adjacent to the ejection port, or in any position where you may be struck by the reciprocating movement of the operating rod or bolt. Both the ejection of empty cartridge cases and the movement of the operating rod and bolt are part of the normal operating cycle of semi-automatic firearms and pose no safety hazard to the shooter if the firearm is held in a normal grip and fired at arms' length as intended by its design.

All firearms require periodic maintenance and inspection which may reveal a need for adjustment or repair. Have your firearm checked by a competent gunsmith annually even if it seems to be working well, since breakage, improper functioning, undue wear, or corrosion of some components may not be apparent from external examination. If you notice ANY mechanical malfunction, DO NOT continue to use the firearm. UNLOAD the firearm and take it to a competent gunsmith immediately. Similarly, if water, sand, or other foreign matter enters the internal mechanism, the firearm should be dismantled for complete and thorough cleaning. Failure to keep your firearm clean and in proper working order can lead to a potentially dangerous condition.



Always wear eye and ear protection when using any firearm.
Safety and instruction manuals are available from Springfield, Inc.

ALWAYS POINT YOUR GUN IN A SAFE DIRECTION.

**BEFORE USING OR HANDLING REVIEW THE
FOLLOWING RULES FOR SAFE SHOOTING.**

**ALWAYS FOLLOW THESE RULES TO BE A
SAFE SHOOTER!**

READ THESE AND BE A SAFE SHOOTER

ACCIDENT (AK' si dent) N. 1. An unintentional or unexpected happening that is undesirable or unfortunate, esp. one resulting in injury, damage, harm or loss.

Don't be the cause of an accident!



A responsible gun owner is safety minded and always handles guns in a safe manner by following the basic rules of safe shooting and using common sense in the use of a firearm.

BE A RESPONSIBLE GUN OWNER...

Read these rules! Use common sense!

- Always keep the muzzle pointed in a safe direction.
- Keep your finger off the trigger until you are actually aiming at the target and ready to shoot.
- Treat every gun as if it is LOADED...ALL THE TIME!
- Be sure of your target and backstop before you shoot. Ask yourself what your bullet will hit if it misses or goes through the target. The bullet can travel over a mile.
- Place the safety ON when not shooting.
- DO NOT DROP YOUR GUN. If it falls, it may fire even with the safety on. If you do drop it, unload it and check if it works correctly before using it again. When firing this or any other high power rifle always keep a firm hold on the gun. Anticipate the noise and recoil.
- Never put your hand over the muzzle of a gun.
- Never rely on a gun's "safety" to protect you from unsafe gun handling. A safety is only a mechanical device, not a substitute for common sense.
- Be sure the barrel is clear of obstruction before shooting.
- if anything does get into the barrel, remove cartridges and clean bore immediately before attempting to shoot. Obstructed barrels can burst and injure you or bystanders.

BE A SAFE SHOOTER...

- Never let water, snow, mud or other material enter the barrel.
- Never pull a gun towards you by the muzzle. Do not climb a tree or cross a fence or ditch with a loaded gun.
- Guns and alcohol or drugs do not mix. Do not use them before or during shooting activities.
- Get instructions from a competent firearms instructor before using any gun.
- Always keep and carry your rifle with an empty chamber until you intend to shoot.
- Firearms should be unloaded when not actually in use. This means the chamber is empty and the magazine is removed.
- When receiving a gun always open the action and check that it is unloaded.
- Load the gun only when on the range preparing to fire, and unload it before leaving the range.
- Load and unload with the muzzle pointed in a safe direction.
- Be certain the gun is unloaded before cleaning.
- Always empty guns before entering a house, car, truck, boat, RV, camp or any building.
- Never leave a loaded gun unattended.

- Store guns and ammunition separately beyond the reach of children.
- Never place a gun where it could fall and fire.
- Children do not really believe that guns can kill. Keep every gun secure so kids can not get to it. If a child finds your gun and plays with it, tragedy may result.
- Use a rifle case with safety flap or strap when transporting your M1A.
- Old or reloaded ammunition may be dangerous. Use only clean, dry, original, high-quality, commercially manufactured ammunition.
- Many ammunition identifications sound similar. Make sure you use the right size ammunition in your gun.
- If a gun fails to fire when the trigger is pulled, keep it pointed at the target for at least 10 seconds before removing the cartridge from the chamber. Sometimes slow primer ignition will cause a "hang-fire" and the cartridge will go off after a short pause.
- Spectators should be 10 feet behind and away from the shooter while loading, firing and unloading.
- Always wear protective eyewear when shooting or near shooting activities.
- Always wear hearing protection when shooting, at a shooting range, or near shooting activities.
- Never shoot at hard flat surfaces, the ground, water or rocks...bullets will ricochet unpredictably.
- Do not alter or modify your gun, and have guns serviced regularly.

- Do not attempt to change your gun's trigger pull, because alterations of trigger pull usually affect sear engagement and may cause accidental firing.
- Stop using your gun if it fails to function properly. Have the gun examined by a competent gunsmith.
- Do not "horseplay" with a gun. Your gun can not think...but you can. Firearm safety depends on you.
- Use a gun lock when gun is not in use and store firearms in a secure place.
- Never assume or take someone's word that a gun is unloaded. Always check it yourself.
- Always carry a gun so you can control the direction of the muzzle in the event you fall or stumble.
- Never transfer a gun to someone who is not legally permitted to possess it or who might use it unlawfully.
- Know and obey all laws of firearms ownership.
- Write to Springfield concerning any items which you do not understand and which might relate to your safety and the operation of any of our products.



Always wear eye and ear protection when using any firearm.
Safety and instruction manuals are available from Springfield, Inc.



WARNING: WHEN THE TRIGGER IS PULLED YOU MUST EXPECT THE GUN TO FIRE, AND YOU MUST TAKE FULL RESPONSIBILITY FOR FIRING IT.

WHEN YOU PULL THE TRIGGER AND NOTHING HAPPENS

You can expect your M1A to fire when you pull the trigger, but there may be times when you pull the trigger and the gun does not fire. When this happens it is important to understand the various conditions that could cause this to happen. **In every instance it is important to keep the muzzle pointed in a safe direction while you identify what happened.** Wait 10 seconds in case there is a "hang-fire"- where the primer delays igniting the powder. After 10 seconds you can begin to take corrective action.

WHAT TO DO

First look at the bolt. If the bolt appears to be closed pull the bolt back by pulling rearward on the operating rod handle. If no shell is ejected and the chamber is empty there was a failure to feed. Release the bolt then pull back on the operating rod handle just far enough to allow you to see if a shell was chambered. If there is a shell in the chamber the gun is ready to fire. If there is no shell in the chamber check the magazine to make sure it is properly inserted. Then pull the operating rod handle back and release it. If the magazine is properly seated the gun should be ready to fire. If there is another failure to feed, remove the magazine and insert a different one. If there is a continued failure to feed, unload the gun and take the gun to a competent gunsmith.

If there is a cartridge in the chamber, remove the magazine and release the operating rod handle smartly and open the bolt again. If the cartridge continues to remain in the chamber pull the operating rod handle back and lock it open. Point the gun in a safe direction and insert a cleaning rod in the muzzle. Keeping your hands away from the muzzle, tap the cartridge until it comes out. Check the extractor and clean the chamber. If this problem repeats itself, unload the gun and take it to a gunsmith for inspection and repair. Do not use the gun if this problem persists. Safely dispose of the cartridge.

If an unfired cartridge is ejected, unload the gun and inspect the primer on the cartridge. If there is a small or faint indentation, the bolt may not have been fully closed. If the primer mark is deeply indented the primer is defective. Both cartridges should be safely discarded. Reload the magazine and chamber a cartridge. Check the bolt to see if it is fully closed. If not, unload the gun and inspect the ammunition and chamber to see if they are clean. A dirty chamber or deformed ammunition will prevent the bolt from properly closing. Properly loading the first cartridge from the magazine requires you to properly insert the magazine and to pull the operating rod handle back fully and release it smartly to allow the bolt to slam forward and strip the cartridge from the top of the magazine. If the bolt continues to not close fully, try a different magazine. Take the gun to a competent gunsmith if the problem continues.

If a cartridge is ejected without the bullet **DO NOT ATTEMPT TO RELOAD THE GUN UNTIL YOU HAVE LOOKED DOWN THE BARREL AND DETERMINED THAT THE BARREL IS FREE FROM OBSTRUCTION.** A bullet stuck somewhere in the barrel will cause the gun to explode if another shell is fired. You can only remove a bullet stuck in the barrel by pushing it out with a wooden dowel or cleaning rod. Do not try to remove the bullet any other way.

Always load the M1A from the magazine. Laying a shell on the magazine without placing it in the magazine or by placing the shell directly in the chamber allows the bolt to slam forward harder than it would if the shell had to be stripped from the magazine. When this occurs the inertia firing pin can come in contact with the cartridge primer with sufficient force to cause a "slam fire". A "slam fire" can occur even if you are not pulling the trigger and even if the safety is on. The use of handloads increase the chance of a "slam fire" and should not be used. When releasing the bolt to place a cartridge in the chamber you should always hold the gun firmly and keep it pointed in a safe direction.

NOTE TO LEFT HANDED SHOOTERS

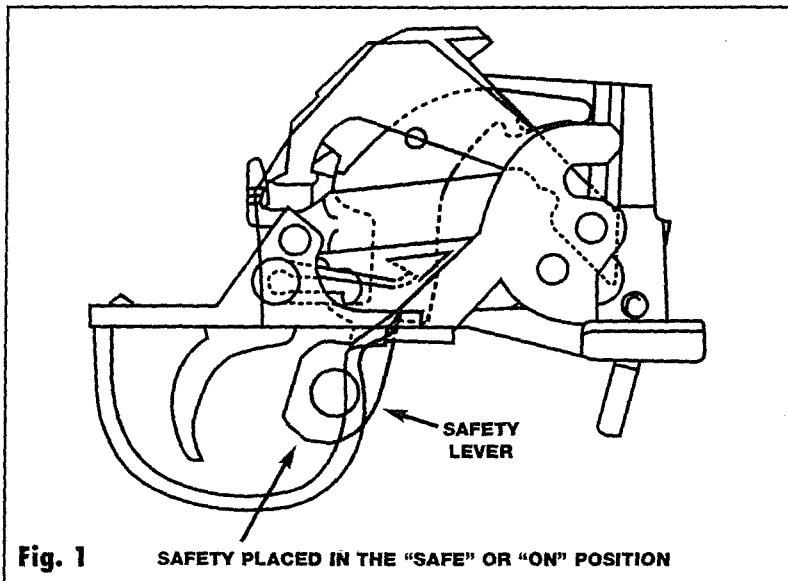
The M1A was designed to be operated and fired right handed. That's the way Uncle Sam wanted it and that's the way instructions on use were given. If you are left handed and normally shoot left handed take the time to practice using the M1A right handed. If this does not work for you, you must develop safe handling procedures that work for you.

OPERATION OF THE SAFETY

When the hammer is cocked the gun may be placed on "SAFE". To do this press firmly on the safety lever until it snaps rearward into the trigger guard to put the safety "ON" [see figure 1]. When the safety is "ON" the trigger cannot be depressed because the trigger is blocked and the hammer is locked in place.



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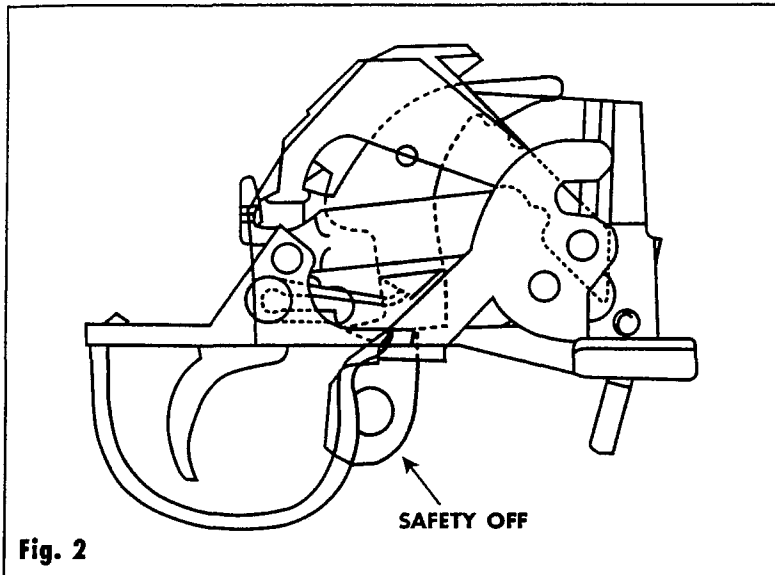


Fig. 2

To take the safety "OFF" place your finger inside the trigger guard and press the safety lever firmly forward until it snaps in place in front of the trigger guard [see figure 2]. When the safety is "OFF" the gun will fire when the trigger is pulled.

The rifle should be unloaded with the safety "ON" by removing the magazine and ejecting the cartridge in the chamber by pulling the bolt to the rear.

The rifle should always be loaded and unloaded with the safety "ON".

WARNING: THE SAFETY IS SIMPLY A MECHANICAL DEVICE AND CAN BE BROKEN OR MALFUNCTION DUE TO BREAKAGE, IMPROPER ASSEMBLY, WEAR OR ABUSE. THE SAFETY DOES NOT REPLACE SAFE GUN HANDLING PROCEDURES.



LOADING AND UNLOADING



CAUTION: WHEN LOADING AND UNLOADING ALWAYS PREPARE THE RIFLE BY HAVING THE SAFETY ON AND THE RIFLE POINTED IN A SAFE DIRECTION.

1. Load the magazine by inserting the cartridges one at a time into the magazine [see figure 3]. **Place the rifle on safety and point it in a safe direction.**
2. Insert the magazine into the magazine well with the rear of the magazine slightly lower than the front. When the front of the magazine is fully inserted, firmly rock the magazine up and to the rear until it locks [see figure 4]. You may have to push hard to accomplish this. When the magazine is properly in place it cannot be removed without pressing the magazine release.
3. Pull the operating rod handle and thus the bolt, fully to the rear and release it smartly. If done properly a cartridge should be in the chamber and the rifle ready to fire after the safety is moved to the off position. Do not touch the operating rod while it moves forward, as it needs the fast forward movement to strip a cartridge from the magazine, push it into the chamber and lock up.

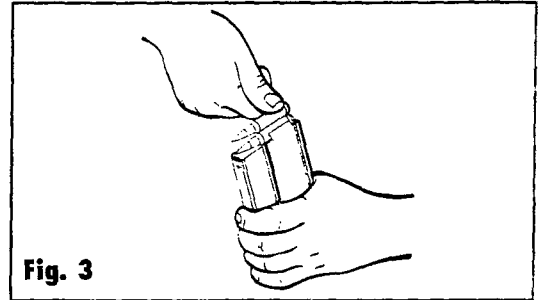


Fig. 3

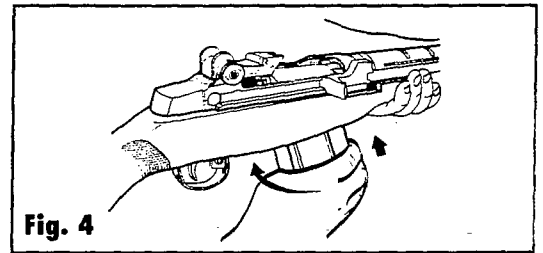


Fig. 4

TO UNLOAD

1. Place the gun on safety, point it in a safe direction, and remove the magazine. Push the magazine release with your thumb and rock the magazine down and forward [see figure 5].
2. If the operating rod handle is not already locked back and the chamber empty, pull the operating rod handle fully to the rear to eject the shell in the chamber.

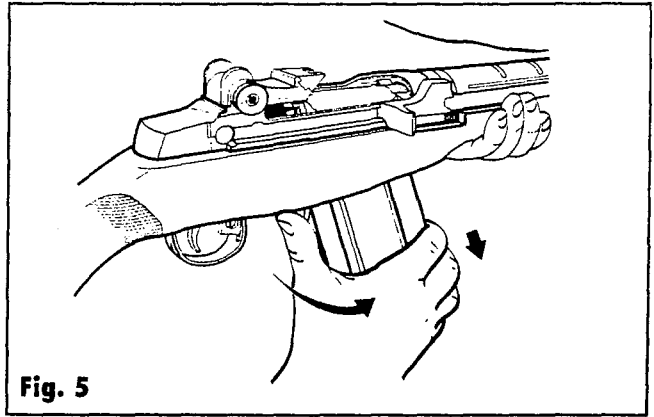


Fig. 5



WARNING: REMOVING THE MAGAZINE DOES NOT UNLOAD THE RIFLE. YOU MUST ALWAYS PULL THE OPERATING ROD HANDLE TO THE REAR AND LOOK INTO THE CHAMBER TO MAKE SURE IT IS EMPTY. PRACTICE THIS UNTIL IT BECOMES A HABIT.



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LOADING AND UNLOADING



CAUTION: WHEN LOADING AND UNLOADING ALWAYS PREPARE THE RIFLE BY HAVING THE SAFETY ON AND THE RIFLE POINTED IN A SAFE DIRECTION.

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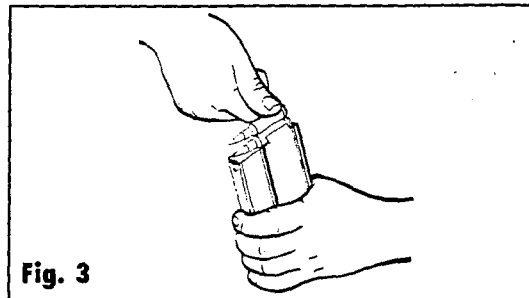


Fig. 3

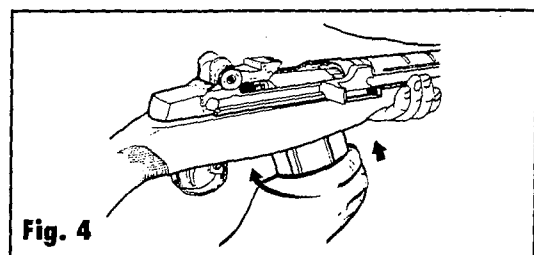


Fig. 4

TO UNLOAD

1. **Place the gun on safety, point it in a safe direction,** and remove the magazine. Push the magazine release with your thumb and rock the magazine down and forward [see figure 5].
2. If the operating rod handle is not already locked back and the chamber empty, pull the operating rod handle fully to the rear to eject the shell in the chamber.

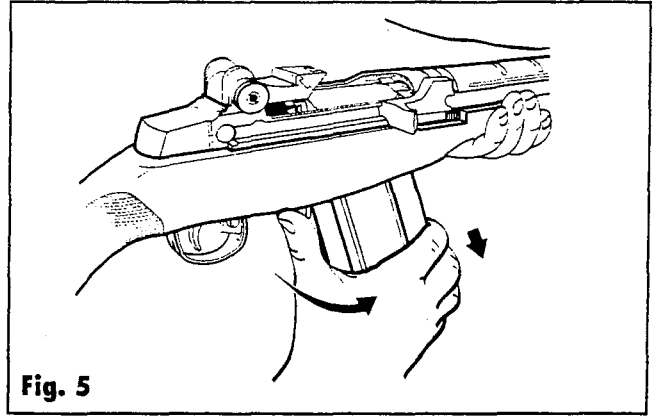


Fig. 5



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FIRING THE RIFLE

WARNING: BEFORE AIMING AND FIRING YOUR RIFLE BE SURE IT IS SAFE TO DO SO. KNOW WHERE YOUR BULLET WILL BE STOPPED.

When the rifle is loaded and you intend to fire, aim at your target, move the safety to the off position and pull the trigger. Expect the gun to fire loudly and recoil. Do not drop the rifle. The M1A will automatically chamber a live round from the magazine after each shot until the magazine is empty. When through firing put the safety "ON" and unload the gun. Always keep the muzzle pointed in a safe direction.

A rifle may be fired from various positions. [See illustrations at the back of the manual.] If you are unfamiliar with shooting a rifle you should get instructions from a competent instructor before attempting to fire your rifle.

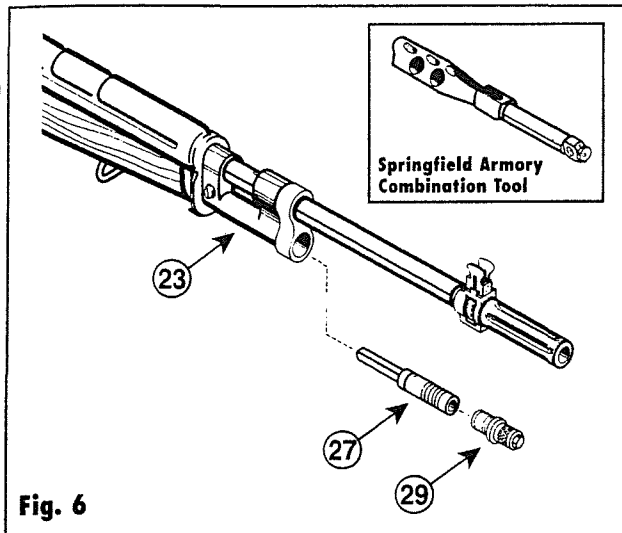
This manual does not attempt to provide instruction on marksmanship, hunting, self defense or the many other uses of a rifle. Each firearm discipline requires training and practice from a competent instructor. Do not attempt to use any high power rifle such as an M1A for home or neighborhood defense without prior training and consideration of other options.



MAINTENANCE

Your M1A rifle is one of the finest military-type rifles ever built. Very little maintenance is needed to keep your M1A in superb condition. Disassembly should be kept to an absolute minimum. This is especially true with National Match and Super Match rifles, whose actions are glass bedded to their stocks. Unnecessary removal promotes wear, sloppy fit, inaccuracy and defeats the purpose of the bedding. Please do not field strip your match rifle unless it is absolutely necessary.

GAS SYSTEM



The only normal maintenance procedure requiring any disassembly pertains to gas system care [see figure 6]. After clearing the action, making sure the rifle is unloaded and safe, remove gas cylinder plug (29) using a Springfield Armory combination tool or a socket wrench by turning it counter-clockwise and withdrawing it from the gas cylinder (23). Tilting the rifle muzzle down, remove the gas piston (27), clean with bore solvent and wipe dry. Clean the inside of the gas cylinder and wipe dry. Use a #15 aircraft length drill bit and a letter "P" standard drill bit to remove carbon from inside the piston and plug. Use 3M Scotch Brite (green scuff pad) to remove build-up on the outside of the piston. Insert the piston into the gas cylinder with the flat side up toward barrel. Make sure the piston is completely below the threads in the gas cylinder before replacing plug. Re-assemble dry - apply a SMALL dab

of grease to the threads on the plug. **CAUTION: The gas piston was designed to operate dry.**

CLEANING

The bore and chamber should be regularly cleaned using proper equipment. Modern barrels shoot better when clean. To properly clean the barrel you should remove powder fouling and gilding metal from the bore, clean the flash suppressor and clean various residue from the chamber. When cleaning the barrel, place the rifle upside down to prevent solvent, oil, etc. from entering the stock and the gas system.

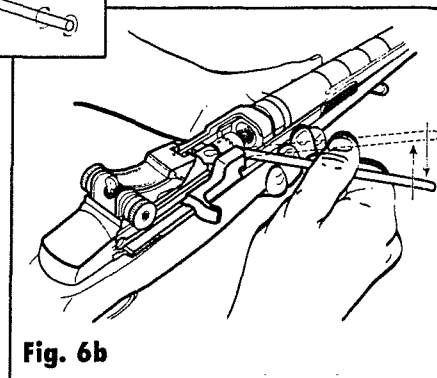
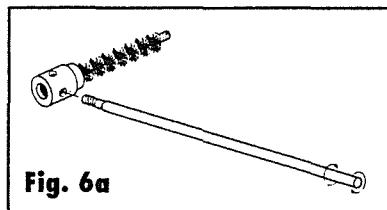
CLEANING THE BORE

Bore solvent such as Shooters Choice[®] or Hoppe's Bench Rest[®] (not regular) is recommended when cleaning your M1A bore. Place rifle with sights down and run wet patch through the bore. Let soak for 20 to 30 minutes then run dry patches through bore until patch comes out clean. Use bronze bore brush sparingly to help loosen particles.

NOTE: Put solvent on brush - **not brush in solvent!** Clean brush thoroughly afterward with gun scrubber, lighter fluid, etc. Good solvent will attack the brush.

CLEANING THE CHAMBER

The chamber should be cleaned periodically with the chamber cleaning brush. The following procedure is used with the rifle ASSEMBLED and the magazine removed and the safety on. Screw the threaded end of the cleaning rod section into the ratchet base of the brush [see figure 6a]. Pull the operating rod handle rearward and engage the bolt lock to hold the bolt back. Apply a light coating of bore cleaner in the chamber. Insert brush into chamber. Pull the operating rod handle rearward to release the bolt lock and slowly allow the bolt to move forward to push the brush into the chamber. Move the rod section up and down several times to scrub chamber interior [see figure 6b]. Lock the bolt to the rear. Grasp the brush handle next to the receiver and remove the brush from the chamber. Use a clean patch to wipe the chamber. Repeat with clean patches until patches come out clean. Do not oil chamber as chamber was designed to operate dry.



STOCK

Once a year, on oil-finished stocks, a light coat of tung oil or boiled linseed oil applied to the exterior wood surface is favorable but not necessary. After applying, immediately wipe wood dry with paper towel.

STORAGE

Consideration toward safety is paramount in storing your M1A. The rifle should be unloaded with the safety on. A very light film of high quality oil should coat the bore and all metal surfaces. Periodic inspection of your M1A should be performed, especially in environments where high or fluctuating temperatures and/or humidity is present. Use a gun lock when the rifle is stored [see figure 7].

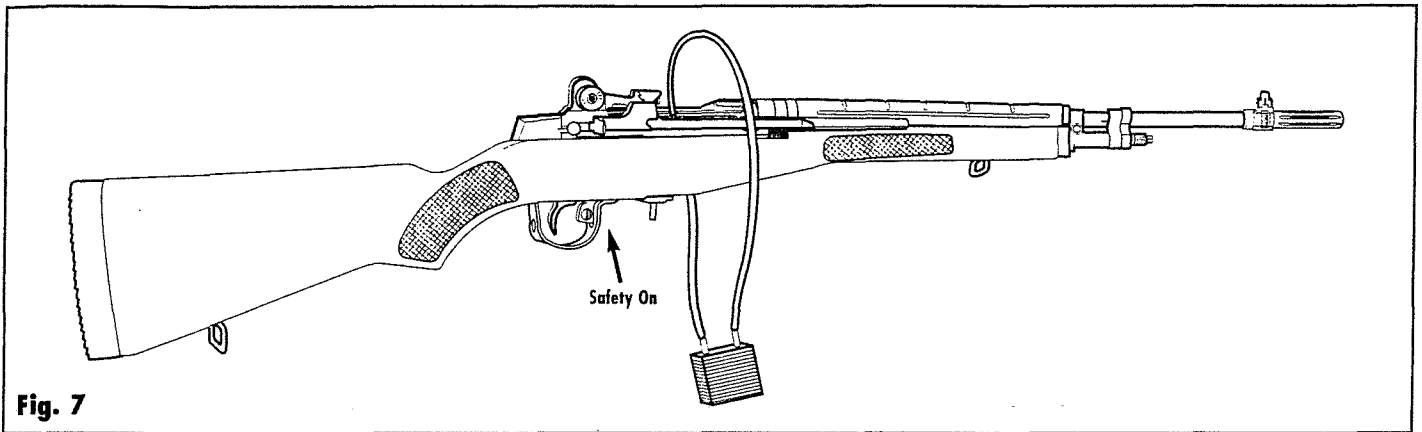


Fig. 7

MUZZLE PROTECTOR

Springfield Armory strongly suggests their muzzle protector, [see figure 8], as a useful addition to M1A storage. NOTE: Not available for muzzle brake equipped M1A rifles. This low cost cover not only keeps dirt, moisture and particulate matter from damaging the rifle bore, but also protects the front sight, bayonet lug and flash suppressor from "dings" and mild shock.

A clean, dry area, secure from children's curiosity, is ideal for safe storage of your M1A rifle. Always use a gun lock when not in use.

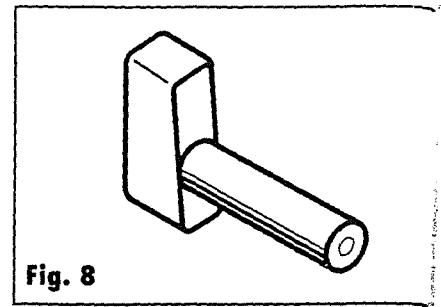


Fig. 8

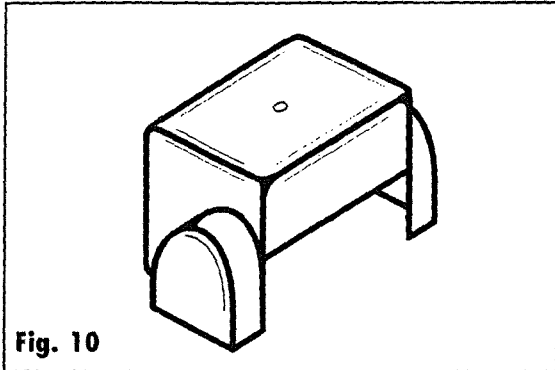


Fig. 10

REAR SIGHT PROTECTOR

A rear sight protector, [see figure 10], is available to protect the rear sight aperture and adjustment knobs and is recommended by Springfield Armory.

Springfield Armory offers a complete line of options and accessories to accommodate your M1A. Please refer to our general catalog and current price list. Write Springfield Armory, 420 West Main Street, Geneseo, IL 61254, or visit our website at www.springfieldarmory.com.

SIGHTS

CAUTION: The sights are not zeroed at the factory. All sights should be "adjusted and sighted in" immediately in order to shoot accurately. A standard sighting in procedure is set forth in the article by Duff and Miller enclosed with your rifle.

Note "V" notch at rear edge of hooded aperture. When notch is turned from the "down" position to the up position, your zero will move up 1/2 minute. When the notch is turned to the "down" position, your zero will move down. Most shooters sight in with the notch down. The M1A standard rear sight does not have a hooded aperture

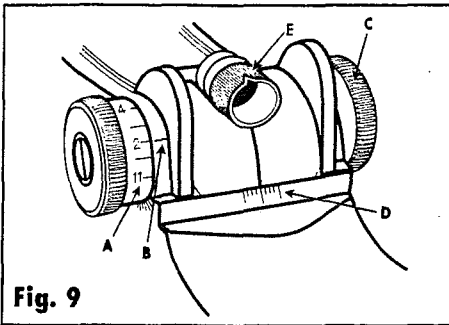


Fig. 9

MATCH SIGHT FINE ADJUSTMENT

Your National Match rear sight, (found only on National Match and Super Match rifles), has a 1/2 minute of angle elevation adjustment feature built into the hooded aperture eyepiece [see figure 9].

- A. Elevation Knob
- B. Elevation Reference Point
- C. Windage Knob
- D. Windage Reference Point
- E. Hooded Aperture Eyepiece



Always wear eye and ear protection when using any firearm.
Safety and instruction manuals are available from Springfield, Inc.

DISASSEMBLY/ASSEMBLY

The Standard M1A has been designed to be taken apart and put together easily. No force is needed if it is disassembled and assembled correctly. However, the frequency of disassembly and assembly should be kept to a minimum. Constant disassembly causes excessive wear of the parts and leads to their early unserviceability and to inaccuracy of the rifle.

This is especially true with National Match and Super Match rifles, whose actions are glass bedded to their stocks. Unnecessary removal promotes wear, sloppy fit, inaccuracy and defeats the purpose of the bedding. Please do not field strip your match rifle unless it is absolutely necessary.

THE THREE MAIN GROUPS

The three main groups are the trigger housing group, the barrelled receiver group, and the stock group.

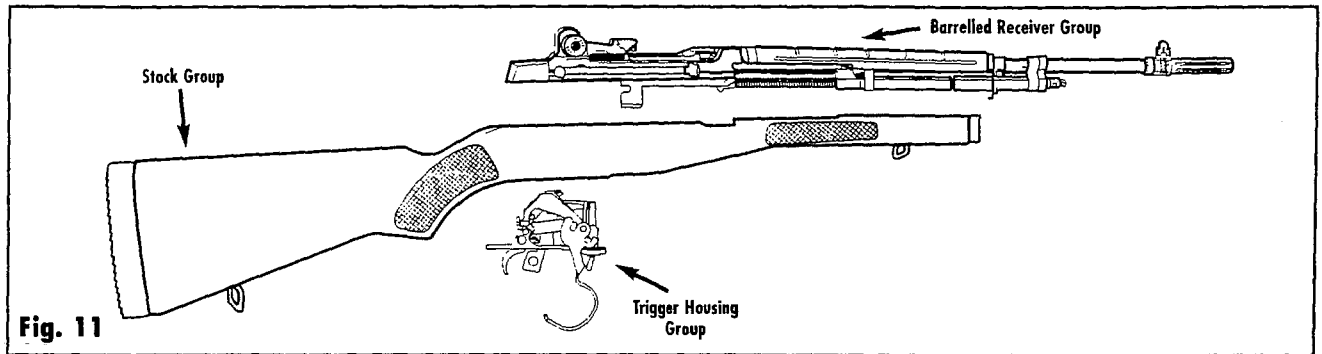


Fig. 11

Prior to disassembly, put safety on and unload the rifle!

DISASSEMBLY

After the rifle is unloaded, remove the magazine and close the bolt prior to disassembly. To do this, pull back on the operating rod handle and allow the bolt to go forward [see figure 12].

To remove the trigger housing group place the rifle upside down with barrel pointing away from you. Grasp the forend with your left hand. Grasp the rear of the trigger guard with the thumb and forefinger of your right hand and pull upward and outward until the mechanism is released. Lift out the trigger housing group [see figure 13].

To separate the barrel and receiver from the stock, lay the rifle on a flat surface with the sights down and muzzle to the left. Grasp the top of the grip of the forend with the left hand and with right hand grasp the rear sights/receiver and pull down. With a standard rifle the stock should separate easily. If not, or for a match rifle, with the rifle in this upside down position, raise the buttstock and strike down firmly on a hard surface against the stock's cheek surface while pulling the receiver down with right hand [see figure 14].

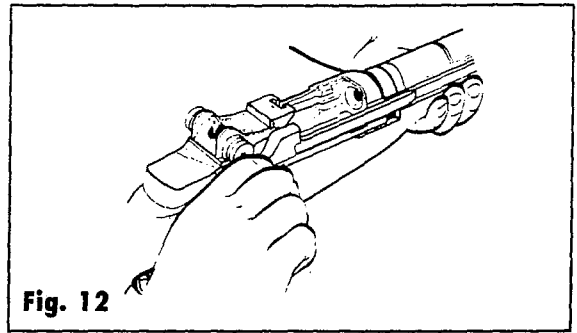


Fig. 12

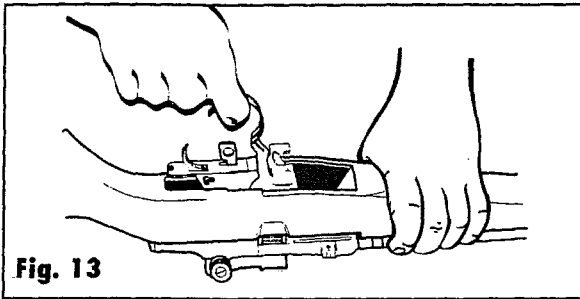


Fig. 13

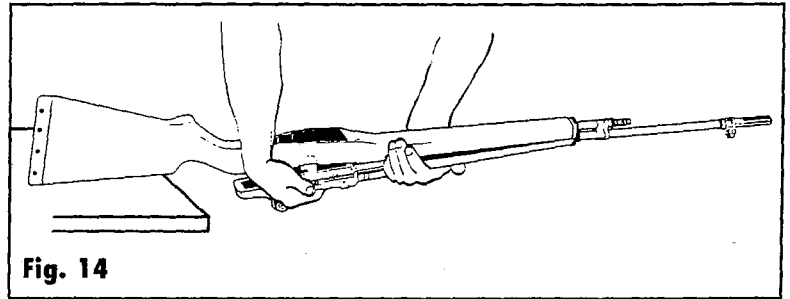


Fig. 14

DISASSEMBLY OF BARREL AND RECEIVER GROUP

REMOVING THE OPERATING ROD SPRING AND OPERATING ROD SPRING GUIDE



Warning: Removing the operating rod spring is a dangerous procedure. If not properly held, the spring will eject the operating spring guide and could injure you or a bystander. Wear eye protection at all times.

Place the barrel and receiver group on a flat surface. sights down, muzzle to the left. With your left hand, pull toward the muzzle on the operating rod spring and spring guide to relieve pressure on the connector lock [see figure 15]. With your right forefinger pull or slide the connector lock toward the operating rod handle side of the rifle [see figure 15]. Allowing the operating rod spring to expand slowly, disconnect and remove the operating rod spring and operating rod spring guide [see figure 16]. Separate these two parts.

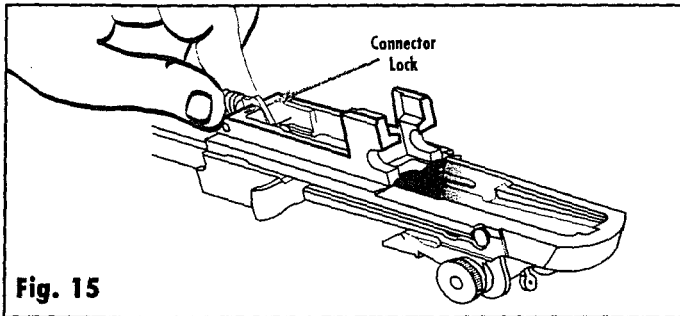


Fig. 15

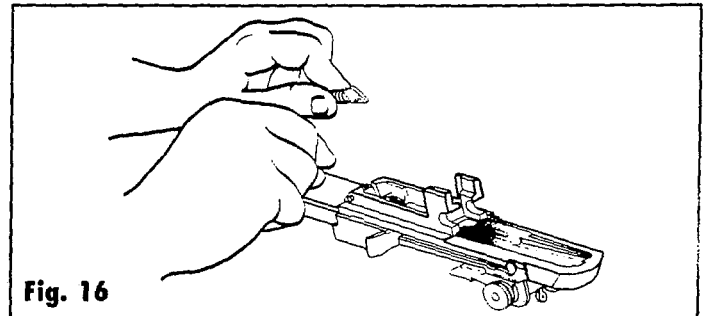
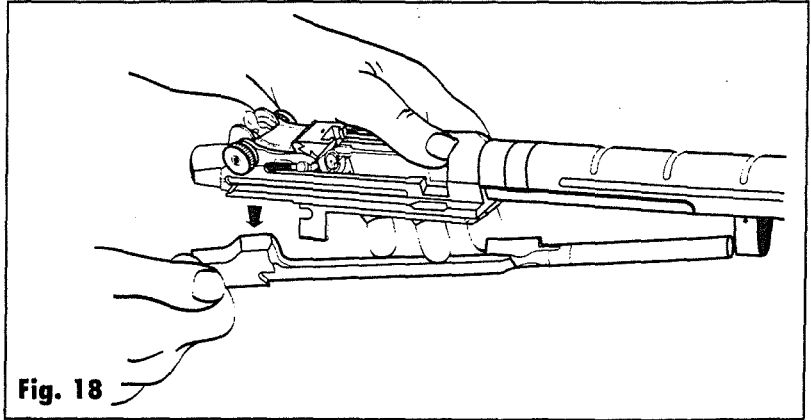
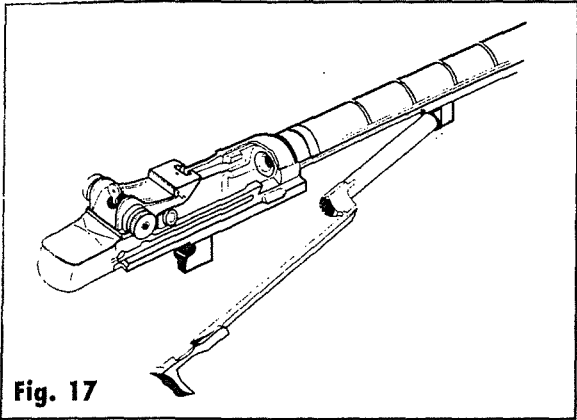


Fig. 16

REMOVING THE OPERATING ROD

Point the barrel and receiver group so the sights are up and the muzzle is pointing away from you. Pull back the operating rod handle until the guide lug in its inside surface is aligned with the disassembly notch on the right side of the receiver [see figure 17]. Rotate the operating rod upward and outward, then pull it to the rear disengaging it from the operating rod guide [see figure 18].



Always wear eye and ear protection when using any firearm.
Safety and instruction manuals are available from Springfield, Inc.

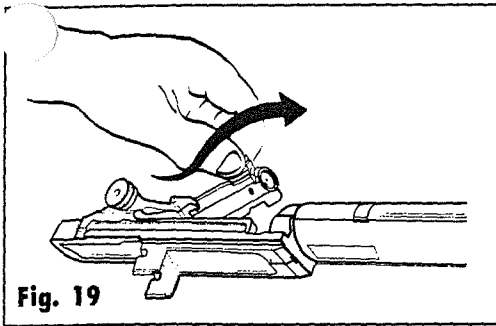
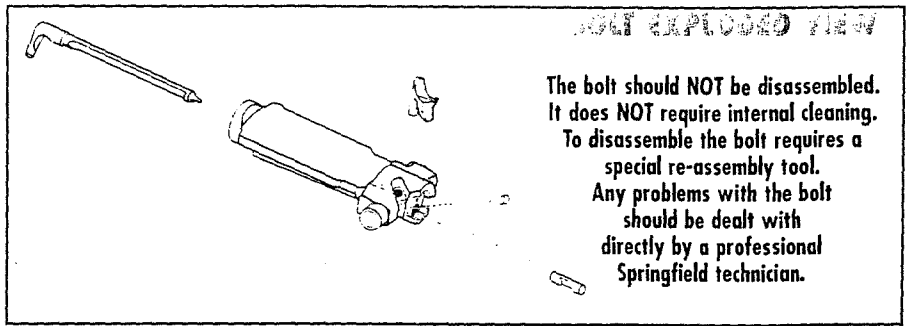


Fig. 19



The bolt should NOT be disassembled. It does NOT require internal cleaning. To disassemble the bolt requires a special re-assembly tool. Any problems with the bolt should be dealt with directly by a professional Springfield technician.

REMOVING THE BOLT

Grasp the bolt roller and, while sliding it forward, lift it upward and outward to the right front with a slight counter-clockwise rotating motion [see figure 19].

ASSEMBLY OF BARREL & RECEIVER GROUP REPLACING THE BOLT

Place the barrel and receiver on the table, sights up, muzzle pointing away from you. Hold the bolt by the roller and locking lug and place the rear of the bolt on the bridge of the receiver, with the firing pin tang pointed down. Turn the bolt slightly clockwise until the tang of the firing pin clears the bridge. Guide the left locking lug of the bolt into its groove in the left slide of the receiver. Lower the right locking lug on its bearing surface and slide the bolt halfway to the rear.

IMPORTANT: Because of the close tolerance of headspace critical to safe function and accuracy, it is imperative that bolts **NEVER** be exchanged from rifle to rifle. Never dry fire or pull the trigger when bolt is not completely closed. (out of battery condition), as this could result in serious damage to your rifle.

REPLACING OPERATING ROD

Holding the operating rod at the handle, place the front end into the operating rod guide, and position the rod so that the recess in the operating rod hump fits over the bolt roller. Move the operating rod handle to the left until the operating rod guide lug fits into the disassembly notch on the receiver. Then push the operating rod forward until the bolt is closed.

REPLACING THE OPERATING ROD SPRING GUIDE

Turn the barrel and receiver over so the sights are down and muzzle is to the left. Place the operating rod spring guide with hump up into the operating rod spring, and feed the loose end of the spring into the operating rod. Grasp the spring and guide with the left hand and compress the spring until the hole in the guide can be aligned with the connector lock. Lower the guide and push the connector lock in with your right thumb.

ASSEMBLY OF THE THREE MAIN GROUPS

Place the barrel and receiver group on a flat surface, sights down. Pick up the stock group and engage the stock ferrule in the barrel band, then lower the stock group onto the barrelled receiver group.

Open the trigger guard and place the trigger housing group straight down into the stock, making sure that the guide rib on the trigger housing group enters the slot in the receiver. Place the buttplate of the rifle on the left thigh, sights to the left, insuring the trigger guard has cleared the trigger. With the palm of your right hand, firmly strike the trigger guard fully engaging it to the receiver.

REFERENCE MATERIALS INCLUDED

1. DATM 9-1005 - 223-12 (1963)
2. Zeroing M1 & M1A service rifles by Scott Duff & John Miller.
3. Article on Slam Fire by Wayne FAATZ.

If a copy of these articles are missing or additional copies are desired send request to Springfield, Inc., 420 West Main Street, Geneseo, Illinois 61254. with name and address for a free copy.

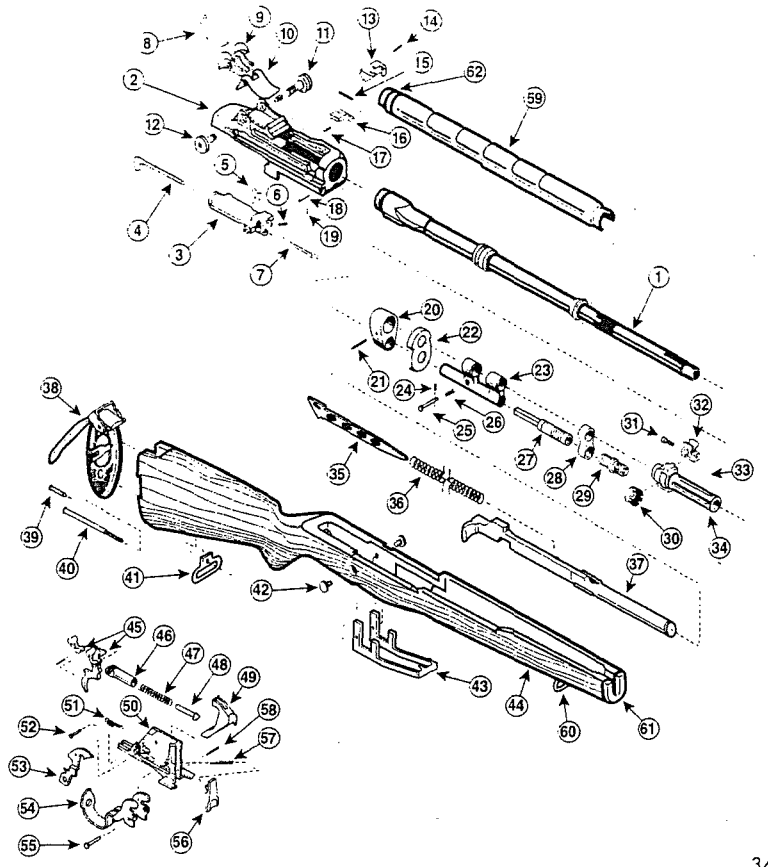


Always wear eye and ear protection when using any firearm.
Safety and instruction manuals are available from Springfield, Inc.

14" STANDARD MODEL EXPLODED VIEW

- MA0301 - .308 Cal. Chrome Lined Barrel
- MA0302 - Receiver
- MA0303 - Bolt with Roller and Clip
- MA0306 - Firing Pin Chrome Plated
- CO0405 - Extractor
- CO0406 - Extractor Spring
- CO0407 - Extractor Plunger
- MA0405 - Ejector Spring
- MA0405 - Ejector
- CO0407 - Aperture Rear Sight
- CO0505 - Rear Sight Base
- CO0504 - Rear Sight Cover (Metal)
- CO0501 - Elevation Knob
- CO0502 - Windage Knob (Complete)
- MA0504 - Clip Guide
- MA0502 - Clip Guide Pin 3/32x5/8
- MA0504 - Bolt Stop Pin 3/32x1"
- MA0503 - Bolt Stop
- MA0505 - Bolt Stop Spring
- MA0506 - Connector Lock
- CO0507 - Connector Lock Pin 5/64x5/16
- MA0501 - Op Rod Guide
- MA0302 - Op Rod Guide Pin 1/8x3/4
- MA0303 - Barrel Band
- MA0304 - Gas Cylinder
- MA0207 - Spindle Valve Pin 5/64 x 5/16
- MAC306 - Spindle Valve
- MAC308 - Spindle Valve Spring
- MA0309 - Piston
- MA0310 - Gas Cylinder Lock
- MA0311 - Gas Cylinder Plug
- MA0312 - Castle Nut
- MA0512 - Front Sight Set Screw
- MA0510 - Front Sight
- MA0513 - Castle Nut Set Screw (Capsocket)
- MA0313 - Flash Suppressor

- 35. MA0317 - Cp Rod Spring Guide
- 36. MA0316 - Cp Rod Spring
- 37. MA0315 - Cp Rod
- 38. MA8007 - Complete Butt Plate Assembly
- 39. WS0711 - Butt Plate Wood Screw
- 40. CA0702 - Butt Plate Machine Screw
- 41. CAC701 - Rear Swivel
- 42. SL0717 - Stock Liner Screw
- 43. SL0716 - Stock Liner (Not sold separately)
- 44. NXC802 - New Walnut Stock w. Liner/Ferrule
- 45. CO0612 - Trigger & Sear Assembly
- CO0609 - Trigger Stripped
- CO0610 - Sear
- CO0611 - Trigger:Sear Pin (Small)
- 46. CO0605 - Hammer Spring Housing
- 47. CO0603 - Hammer Spring
- 48. CO0604 - Hammer Spring Plunger
- 49. CO0602 - Hammer
- 50. MA0601 - Trigger Housing
- 51. MA0603 - Safety Spring
- 52. CO0607 - Trigger Pin
- 53. CO0608 - Safety
- 54. MA0602 - Trigger Guard
- 55. CO0606 - Hammer Pin
- 56. MA0604 - Magazine Catch
- 57. MA0605 - Magazine Catch Spring
- 58. MA0606 - Magazine Catch Pin
- 59. MA0722 - Handguard, Solid Fiberglass (Comes with #62 C00701 Handguard Clip)
- 60. FS0712 - Front Swivel
- FS0713 - Front Swivel Rivet
- FS0714 - Front Swivel Washer
- 61. FU0715 - Front Ferrule
- 62. C00701 - Handguard Clip



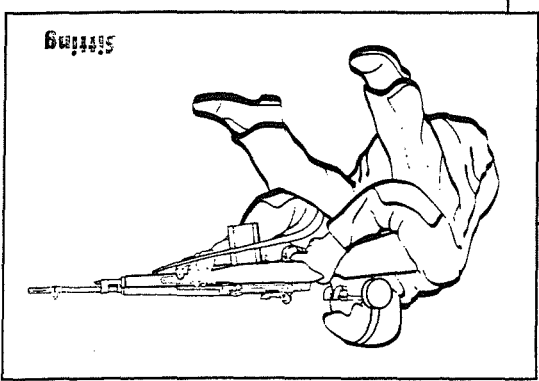
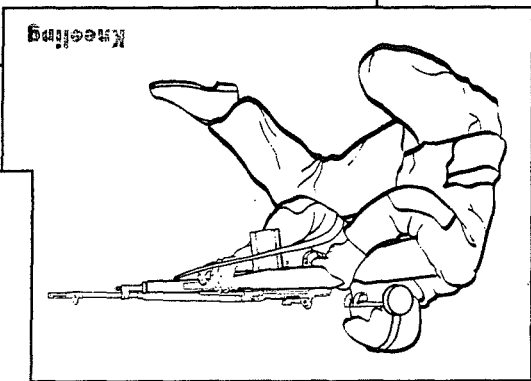
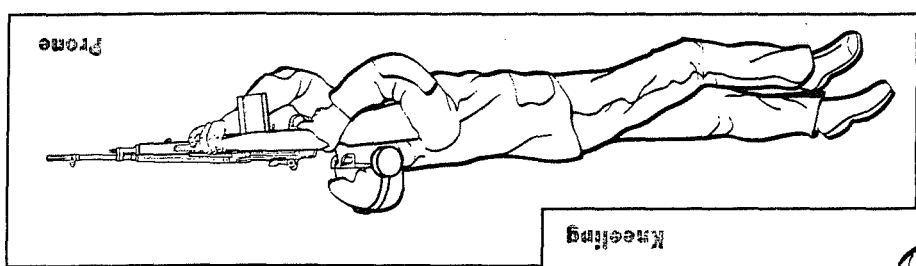
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2. Zeroing M1 & M1A service rifles by Scott Duff & John Miller.
3. Article on Slam Fire by Wayne FAATZ.

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Safety and instruction manuals are available from Springfield, Inc.



THE FOUR BASIC SHOOTING POSITIONS



A series of 18 horizontal lines for writing, contained within a rectangular border.





Be a responsible gun owner.
Use it safely, store it securely, and always
transfer a gun responsibly and legally.



Always wear eye and ear protection when using any firearm.
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Exhibit 9

BOSS



**MAKE SURE YOU READ THE OWNER'S MANUAL
FOR THE BOSS AND YOUR NEW RIFLE**

If you are missing your owner's manual, call or write:

Browning Consumer Information
One Browning Place, Morgan, Utah 84050-9326
(801) 876-2711

KP950510-95134

9
Pff's - Deft's Ex
Depo of Kerry Bauer
Date 4-24-08
KIM THAYER, CSR

WARNING: The BOSS™ includes a recoil reducing muzzle brake which provides substantial increased noise/muzzle blast. Always wear hearing protection to prevent hearing loss or damage.

Never before has any device so dramatically improved rifle performance. The Browning BOSS™ allows you to actually fine-tune rifle accuracy — to a degree unparalleled in the industry. Additionally, the BOSS substantially reduces recoil. Accuracy with shooting comfort. The BOSS does it all.

The ultimate solution to precision accuracy.

- Precision accuracy with any brand of ammunition, any weight bullet and in any rifle caliber.
- Unequaled "out-of-the-box accuracy". BOSS equipped rifles are capable of 100-yard, one-hole groups with some loads and brands of ammunition.
- Recoil reduction from 30-50%. Magnum calibers shoot like standard calibers. Recoil on smaller calibers is hardly noticeable.
- The BOSS adjusts barrel vibrations to allow a bullet to leave the rifle muzzle at the most advantageous point in barrel oscillation — every time and with every single shot.
- The BOSS™ is optional on all BAR Mark II Safari rifles and A-Bolt II's (excluding Micro-Medallions and 375 H&H). Standard on A-Bolt II Varmint.
- U.S. Patent No. 5,279,200.

BALLISTIC OPTIMIZING SHOOTING SYSTEM

Exhibit 10

10
Pitts-Dett's Ex
Depo of Barry Bauer
Date 4-24-08
KIM THAYER, CSR

QUALITY SINCE 1878

FREE BOSS® VIDEO

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The free BOSS® video contains:

- Instructions to adjust your BOSS® rifle for pinpoint accuracy in three easy steps.
- How to maximize recoil reduction with BOSS®.
- Testimonials from satisfied gun writers on the benefits of BOSS®.



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BROWNING CANADA: Browning Canada Sports Ltd./Ltée, St-Laurent, Quebec, H4S 1W6

BROWNING INT'L: Parc Industriel des Hauts-Sarts, B-4040 Herstal, Belgium

KP010210/00516

Exhibit 11

BROWNING

QUALITY SINCE 1878

VERY IMPORTANT:
SAVE THIS BOOKLET. Carefully read this entire
manual before using your new Browning firearm.

OWNER'S MANUAL

BOSS (BALLISTIC OPTIMIZING SHOOTING SYSTEM)

Plf's - Deft's Ex 11
Depo of Barry Bauer
Date 4-24-08
KIM THAYER, CSR

New Gun Owner's Record

KEEP THIS RECORD FOR FUTURE REFERENCE

Model: _____

Serial Number _____

Gauge/Caliber _____

Purchase Price _____

Purchased From _____

Date of Purchase _____

These are additional instructions specific to the BOSS, which is installed on your new A-Bolt II or BAR Mark II rifle. You must read and understand the cautions and proper handling procedures outlined in this booklet *and* in the manual received with your rifle before using your new BOSS equipped rifle. If you are missing the operating manual for your rifle, we will send you a free manual on request.

CAUTION: THE THREADING ON YOUR BARREL IS FOR BROWNING BOSS COMPONENTS ONLY. DO NOT INSTALL ANY OTHER DEVICE ONTO THE BROWNING BOSS BARREL. DO NOT INSTALL THE BOSS DEVICE ON ANY RIFLE WHICH IS NOT DESIGNED AND FITTED FOR THE BOSS BY BROWNING. DOING SO MAY CAUSE SERIOUS INJURY OR DEATH TO YOURSELF OR OTHERS.

The BOSS on your new A-Bolt II and BAR Mark II is a revolutionary patented achievement in firearm ballistics. Never before has any device so dramatically improved the overall performance of a rifle. The Browning BOSS gives you excellent "out-of-box" accuracy along with significant recoil reduction. It sets a new standard of rifle performance.

General Operation

The BOSS (Ballistic Optimizing Shooting System) allows you to fine tune accuracy by modifying the

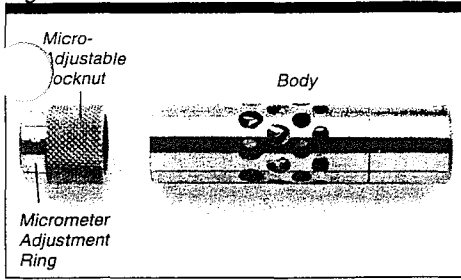
vibrations of your rifle's barrel using an adjustable weight system.

Every time a rifle is fired, barrel vibrations are set in motion. These vibrations occur in all directions, even back and forth along the axis of the barrel. Browning research has confirmed that barrel vibrations are the primary cause of inaccuracy. Barrel vibrations are influenced by many factors such as bullet type, bullet weight, primers, different powders and barrel configurations.

Printed in Japan 050225

BOSS (BALLISTIC OPTIMIZING SHOOTING SYSTEM)

Figure 1



The BOSS adjusts timing of barrel vibrations so the bullet consistently leaves the rifle muzzle at the most advantageous time. Once the BOSS is adjusted to this "sweet spot" for a given ammunition, your rifle will consistently deliver extraordinarily tight groups. With precision ammunition, BOSS equipped rifles of many calibers are capable of 100 yard, one hole groups. The smallest 3-shot group obtained during the BOSS development measured an incredible .051" at 100 yards, using factory loaded hunting ammunition. No longer will

you need to try a variety of ammunitions to obtain acceptable accuracy. With the BOSS you can tune your rifle to get the optimum accuracy for all available factory loads.

When adjusted to the "sweet spot" the BOSS will compensate for slight deviations in ammunition velocity. The BOSS will not, however, compensate for poor shooting or flyers caused by low quality loads and ammunition.

OBTAIN THE HIGHEST LEVEL OF ACCURACY FROM YOUR RIFLE IT IS RECOMMENDED THAT THE RIFLE BORE BE CLEANED EVERY 12 TO 15 ROUNDS. SEE "CLEANING THE RIFLE BORE" SECTION OF THIS BOOKLET FOR CLEANING PROCEDURES.

Muzzle Brake Feature

WARNING: THE "BOSS" INCLUDES A RECOIL REDUCING MUZZLE BRAKE WHICH PROVIDES SUBSTANTIAL INCREASED NOISE/MUZZLE BLAST. ALWAYS WEAR HEARING PROTECTION TO PREVENT HEARING LOSS OR DAMAGE.

The unique exhaust hole pattern on the BOSS provides considerable recoil reduction. Recoil reduc-

tion of the BOSS ranges from 30% to 50% — depending on caliber, weight of rifle, etc.

You will experience an increase in noise and concussion (muzzle blast) when a BOSS equipped rifle is fired. Hearing protectors (shooting ear plugs or muffs) should always be worn to guard against hearing damage when shooting a BOSS equipped rifle. Wear shooting glasses to protect your eyes from flying particles. Always keep a safe distance between the muzzle of your firearm and any persons nearby, as muzzle blast, debris and ejecting shells could inflict serious injury.

BOSS Specifications

The BOSS body length is 2 inches for all calibers. The size of the gas vent holes and hole pattern is the same for all calibers. The size of the bullet exit hole is the same for all calibers except for the 338 Win. Mag. and 375 H&H. The thread system for the 338 Win. Mag. and the 375 H&H is different from other calibers to rule out the possibility of accidentally switching components and creating an unsafe combination.

Each BOSS consists of a micro-adjustable locknut and body (See Figure 1). The body of the BOSS consists of a weight and muzzle brake. The weight and muzzle brake are affixed by LOCTITE®. The micro-adjustable locknut has a micrometer adjustment ring.

To obtain the utmost accuracy from your BOSS equipped rifle it is very important that the micro-adjustable locknut and body are always tight.

The "Sweet Spot"

Precision accuracy from the BOSS system is achieved by calibrating your rifle caliber and ammo with a "sweet spot" setting. The "sweet spot" chart in this manual lists average or suggested "sweet spots." These settings were determined through extensive testing by the Browning Research and Development staff. "Sweet spots" may vary between rifles of identical specifications with a given ammunition. Even one quarter of a turn away from the "sweet spot" can cause a group to spread as much as one inch or more. We suggest you use our listed "sweet spot" setting as a starting point in determining the exact "sweet spot" setting for your particular

Figure 2

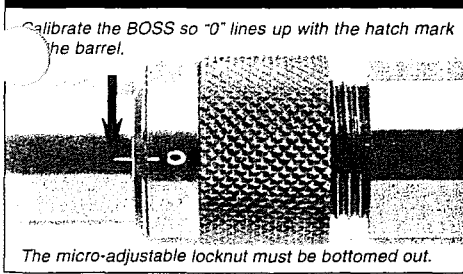


Figure 4

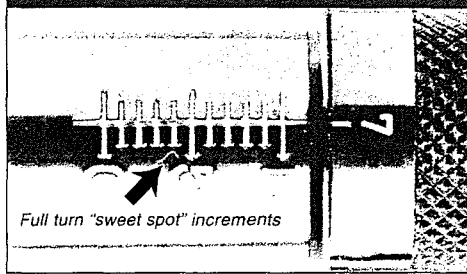


Figure 3

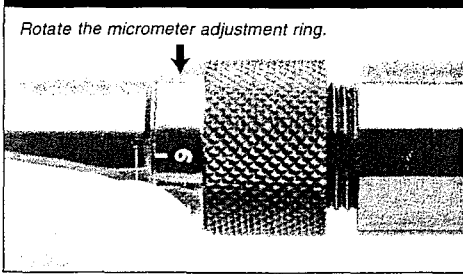
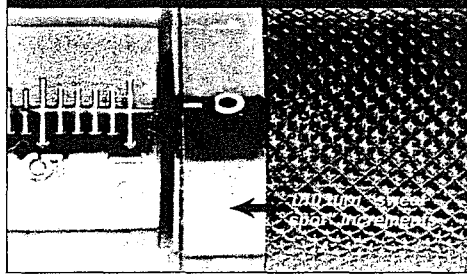


Figure 5



rifle and make adjustments accordingly. **NOTE: ANY CHANGE IN BOSS SETTING MAY SLIGHTLY ALTER YOUR RIFLE'S POINT OF IMPACT.** It's recommended you set the BOSS "sweet spot" setting before sighting in your rifle for windage and elevation. The BOSS was tested in full turn, 1/2 and 1/4 turn increments. Tighter groups may be achieved with the BOSS tested in other positions. On the next page, found later in this manual, "sweet spots" are determined by both ammunition and model. Settings not listed either do not apply or are for ammunition not yet tested.

Preliminary Adjustments

Before setting your "sweet spot," it is important that your BOSS is calibrated with the barrel. This will ensure that your rifle is consistent with those tested by Browning Research and Development when BOSS "sweet spots" were determined.

To find out if your BOSS needs to be calibrated, loosen the micro-adjustable locknut and turn it until it bottoms out on the threads of the BOSS — or will not loosen any further. If your BOSS is calibrated, the "0" on the micrometer adjustment ring will line up with the longitudinal hatch mark on the barrel (See Figure 2).

If the "0" isn't aligned with the longitudinal hatch mark, you will need to calibrate your BOSS. Move the micrometer adjustment ring on the bottom of the micro-adjustable locknut so that the "0" is aligned with the longitudinal hatch mark. To adjust the micrometer adjustment ring, insert your finger nail or a small pointed object in the split of the ring and rotate the ring (See Figure 3).

Setting your Rifle to the "Sweet Spot"

Full turn "sweet spot" settings or graduations are numbered 1-10 and inscribed on the barrel of your rifle (See Figure 4). Smaller, 1/10 turn increments are inscribed on the micrometer adjustment ring (See Figure 5). To set the "sweet spot," the micro-adjustable locknut is turned either clockwise or counterclockwise until it is aligned with the desired "sweet spot" number inscribed on your rifle's barrel. One full revolution of the micro-adjustable locknut indicates one full change in setting or one index mark on the barrel. 1/10 turn increments are set by rotating the micro-adjustable locknut until the desired setting lines up with the hatch mark on the barrel.

Figure 6

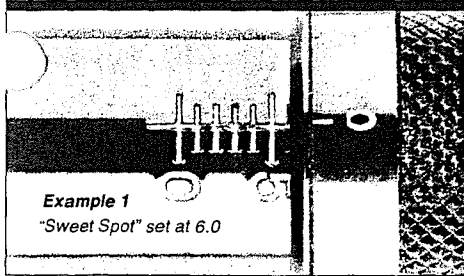


Figure 8

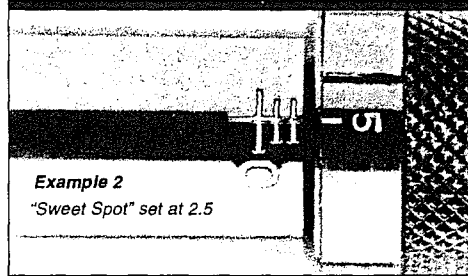
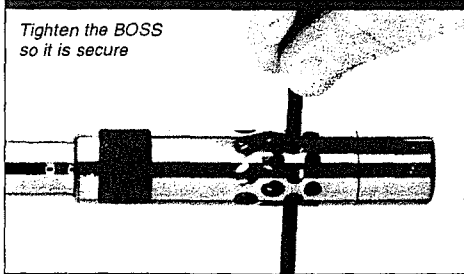


Figure 7



NOTE: It is not necessary to calibrate your BOSS on the barrel with each change in "sweet spot" setting. However, you should check the BOSS periodically to assure proper alignment.

- 3 Since the "sweet spot" is listed at 6.0, the 0 inscribed on the micrometer adjustment ring should line up with the hatch mark or longitudinal line on the barrel (See Figure 6).
- 4 Tighten the body of the BOSS so it is secure against the micro-adjustable locknut. Use the special wrench supplied with your rifle. Insert

the wrench through one end of an exhaust hole and out through another. It is recommended to insert the wrench through the smallest set of holes possible. Turn clockwise until the body and micro-adjustable locknut are tight (See Figure 7).

CAUTION: REMOVE THE WRENCH FROM THE BOSS EXHAUST HOLES BEFORE FIRING YOUR RIFLE. FAILURE TO DO SO CAN CAUSE INJURY TO YOURSELF OR OTHERS.

EXAMPLE 2 —

- 1 Suppose you have a 300 Win. Mag. BAR Mark II rifle with Federal 180 gr. cartridges. Referring to the "sweet spot" chart you will find the average "sweet spot" is 2.5.
- 2 Calibrate your BOSS and rotate the micro-adjustable locknut counterclockwise until the edge of the micrometer adjustment ring lines up or rests on the marking for 2 on the barrel.
- 3 Since the "sweet spot" is listed as 2.5, the 5 inscribed on the micrometer adjustment ring should line up with the hatch mark or vertical line on the barrel (See Figure 8).

IMPORTANT: When adjusting the "sweet spot" make sure you grip the knurled surface of the locknut. The knurled portion of the micro-adjustable locknut and micrometer adjustment ring must rotate together to ensure a precise "sweet spot" setting and retention of proper calibration.

CAUTION: WHEN SETTING THE "SWEET SPOT" ON YOUR RIFLE MAKE CERTAIN YOUR RIFLE IS FULLY UNLOADED AND THAT THE RIFLE'S SAFETY IS IN THE "ON SAFE" POSITION AND YOUR RIFLE IS POINTED IN A SAFE DIRECTION.

EXAMPLE 1 —

- 1 Suppose you have a 270 caliber A-Bolt II rifle and are sighting in with 150 gr. cartridges. Referring to the "sweet spot" chart you will find the average "sweet spot" is 6.0 for a 270 A-Bolt II with 150 gr. ammo.
- 2 After having made sure your BOSS is calibrated properly on the barrel, rotate the micro-adjustable locknut counterclockwise six full revolutions. The edge of the micrometer adjustment ring should line up or rest on the marking for 6 on the barrel of the rifle.

Figure 9

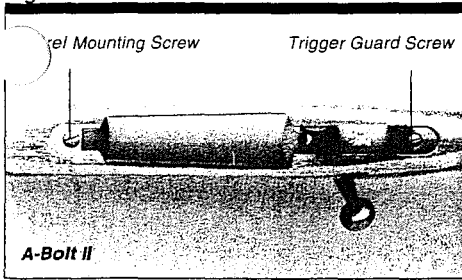


Figure 11

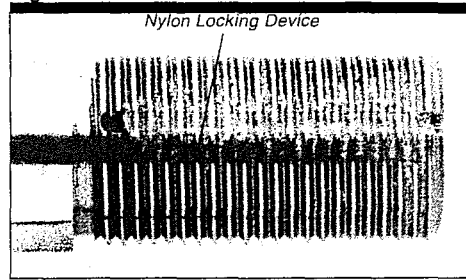
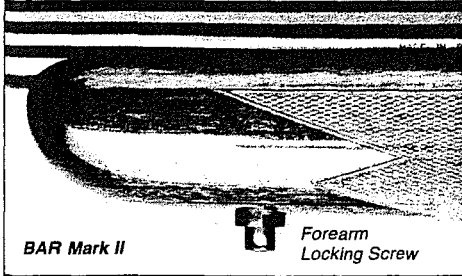


Figure 10



CAUTION: WHEN ADJUSTING THE SWEET SPOT NEVER SET THE BOSS BEYOND THE 10 SETTING.

With the BOSS set beyond 10, the BOSS could become loose, misaligned or fall off when firing the rifle. This could result in serious injury to yourself or others.

IMPORTANT: Each time you set the "sweet spot", the body of the BOSS must be tight against the micro-adjustable locknut. Failure to keep the components tightly locked will adversely affect

- Using the special wrench, tighten the body of the BOSS so it is secure against the locknut. Your BOSS system is now calibrated for Federal 180 gr. ammo using a 300 Win. Mag. BAR Mark II.

More Precise Adjustments

If you desire to further experiment and possibly obtain even tighter groupings, turn the micro-adjustable locknut 1/4 of a turn clockwise, and fire your rifle at your target. If groups open up, turn the micro-adjustable locknut counterclockwise and sight-in at different 1/4 turns until you are satisfied with your groupings. Again, "sweet spots" may vary between rifles of identical specifications with a given ammunition. As in any sighting-in process, best results are obtained through trial and error. You may need to retune the BOSS should you decide to shoot different brands, lots and types of ammunition.

Be sure to keep a record of your rifle's "sweet spots," especially if you use your rifle for different game and shoot different loads.

accuracy. **NOTE:** The barrel mounting screw and trigger guard screw on the A-Bolt rifle should also be fully tightened (See Figure 9). If the barrel mounting screw and trigger guard screw are loose on your A-Bolt II, tighten the barrel mounting screw before tightening the trigger guard screw. On the BAR Mark II, the forearm locking screw should be kept fully tightened (See Figure 10) to obtain and retain the best possible accuracy from your rifle.

Nylon Locking Device

A strip of nylon in the threaded portion of the barrel helps keep the "sweet spot" positioned. This locking device keeps the components tight to the barrel, which is essential to optimum accuracy (See Figure 11). The nylon may become worn with prolonged use and may require replacement. Replacement nylon locks are available from the Browning Parts Dept. in Arnold, Missouri.

Care of your BOSS equipped rifle.

The BOSS is a precision instrument. **IN ORDER FOR THE BOSS TO OPERATE EFFECTIVELY IT IS VERY IMPORTANT YOUR RIFLE REMAINS IN THE SAME CONDITION IT WAS PURCHASED. IT IS ABSOLUTELY NECESSARY FOR YOUR RIFLE'S BARREL TO REMAIN FREE-FLOATING AND THE ACTION PROPERLY BEDDED.**

This holds true for either the A-Bolt II or BAR Mark II. To check for adequate clearance, it is recommended that a piece of paper, folded once, be able to pass between the barrel and stock *without* any interference. If the barrel is not free-floating, take your rifle to a competent gunsmith or send it to the Browning Service Facility in Arnold, Missouri. Special rubber bedding in the barrel mounting screw area and magazine well area of your BOSS equipped A-Bolt II rifle is installed at the factory and aids greatly in improving accuracy. (Rubber bedding not needed for the BAR Mark II.) If you have any modifications done to your stock, make sure the rubber bedding has not been al-

tered. If the rubber bedding on your rifle has been modified send your rifle to the Browning Service Facility in Arnold, Missouri.

Cleaning the Rifle Bore

To maintain utmost accuracy from your BOSS equipped rifle, or any rifle, extensive testing has shown that the rifle bore must be cleaned every 15 rounds.

CAUTION: BEFORE CLEANING YOUR RIFLE MAKE CERTAIN YOUR RIFLE IS FULLY UNLOADED, THE MAGAZINE IS REMOVED, THE SAFETY IS IN THE "ON SAFE" POSITION AND YOUR RIFLE IS POINTED IN A SAFE DIRECTION.

We highly recommend that your rifle be cleaned with the BOSS installed on your barrel. On the A-Bolt II, remove the bolt and clean from the breech end.

The BAR Mark II, by design, must be cleaned from the muzzle. Use extra care in cleaning to avoid damaging the muzzle crown.

Modern cartridge jackets are made mainly of copper and zinc. These metals glide easier and

increase barrel life, however, residues from copper and zinc also stick to the barrel and require more frequent cleaning. As top benchrest shooters have known for decades, copper solvent is the key to cleaning a barrel for optimum accuracy. The recommended cleaning procedure is as follows:

- 1 Clean the bore with a good powder solvent to remove all traces of powder residue. Performing this step before the application of a copper solvent will prevent the bore from refouling with copper so readily.
- 2 Swab the bore with a good copper solvent using the manufacturer's recommended procedure. After neutralizing the solvent, generally with oil, it is important to swab the bore dry. Swabbing the bore dry will reduce copper buildup.

NOTE: DO NOT USE SOLVENTS OF DIFFERENT MANUFACTURERS CONCURRENTLY. A CHEMICAL REACTION MAY RESULT THAT WILL CORRODE EVEN STAINLESS STEEL BARRELS. IT IS IMPORTANT TO FOLLOW THE MANUFACTURERS RECOMMENDATIONS EXACTLY.

- 3 If absolutely necessary, the BOSS may be removed to facilitate cleaning your rifle.

IN CLEANING THE BAR MARK II WITH THE BOSS REMOVED, THE PLASTIC CAP (CROWN AND ACCURACY PRESERVER), PROVIDED WITH THE BAR MARK II, SHOULD ALWAYS BE USED TO PRESERVE THE MUZZLE'S CROWN.

NOTE: WHEN CLEANING THE BAR MARK II ALWAYS MAKE SURE THE CAP USED MATCHES THE CALIBER OF THE RIFLE BEING CLEANED. THE CALIBER IS MARKED ON THE END OF THE CAP.

Clean the BOSS by unscrewing the body and micro-adjustable locknut from the rifle. With the components disassembled, wipe each component with oil. Browning Oil is excellent for this application. Lightly oil all threads and make sure the exhaust holes are free of obstructions.

REMEMBER TO REMOVE THE PLASTIC CAP WHEN REASSEMBLING THE BOSS ON THE BAR MARK II.

- 4 Reassemble your BOSS by screwing on the micro-adjustable locknut and then the BOSS body. After taking apart the BOSS it will be necessary reset the "sweet spot."

MAKE CERTAIN ALL CLEANING PATCHES ARE REMOVED FROM THE BARREL AND EXHAUST HOLES IN THE BODY OF THE BOSS BEFORE FIRING YOUR RIFLE.

- 5 When firing for extreme accuracy, after cleaning the bore it is recommended two fouling shots be fired before firing for accuracy. Additionally, it is recommended the rifle be allowed to cool every three rounds.

A-Bolt II BOSS Parts Listing

Caliber	Locknut	Body	Weight
22-250 Rem. Hunting	X	F	M
22-250 Rem. Varmint	E	K	V
223 Rem. Hunting	X	F	M
223 Rem. Varmint	E	K	V
243 Win.	X	F	M
25-06 Rem.	A	F	M
270 Win.	A	F	M
7mm-08 Rem.	X	F	M
280 Rem.	A	F	M
308 Win.	Y	G	N
30-06 Sprg.	Z	G	P
7mm Rem. Mag.	C	G	N
300 Win. Mag.	C	G	R
338 Win. Mag.	D	H	T

BAR Mark II BOSS Parts Listing

Caliber	Locknut	Body	Weight
243 Win.	B	F	M
270 Win.	B	F	M
308 Win.	C	G	N
30-06 Sprg.	C	G	P
7mm Rem. Mag.	W	G	N
300 Win. Mag.	W	G	R
338 Win. Mag.	D	H	T

When ordering parts, please list the part name and letter designation, caliber, the model and the serial number.

Sweet Spots

	Bullet Wt. Grains	Ammo Mfr.	A-Bolt Setting	BAR Setting
.22 Rem Mag	180	Fed		5
.22 Rem Mag	168	Hrndy		3
.22 Rem Mag	165	Fed	6.5	6
.22 Rem Mag	162	Hrndy	5.75	5.75
.22 Rem Mag	150	Fed	3	2
.22 Rem Mag	139	Hrndy	2.5	2.5
.22 Rem Mag	120	Hrndy	1	1
.338 Win Mag	250	Fed	6.75	4.25
.338 Win Mag	230	Win	5.25	
.338 Win Mag	225	Fed	5.25	0.5
.338 Win Mag	210	Fed	4	1
.338 Win Mag	200	Win	3.25	3.25
.308 Win	180	Fed	5.25	
.308 Win	168	Hrndy	4	
.308 Win	150	Fed	2.5	
.300 Win Mag	220	Win		6
.300 Win Mag	200	Fed	3.5	3
.300 Win Mag	190	Win		4
.300 Win Mag	180	Win		4
.300 Win Mag	180	Fed	8.5	2.5
.300 Win Mag	178	Rem	1	
.300 Win Mag	165	Hrndy	1	1
.300 Win Mag	150	Win	9	9
.30-06 Sprg	220	Win	10	7
.30-06 Sprg	180	Hrndy		5.25
.30-06 Sprg	180	Fed	5	5
.30-06 Sprg	175	Fed	7.2	
.30-06 Sprg	165	Win		2.5
.30-06 Sprg	165	Hrndy		3
.30-06 Sprg	150	Hrndy	3	2.25
.30-06 Sprg	150	Fed	1.5	2
.280 Rem	165	Rem	6	
.280 Rem	150	Fed	5	
.280 Rem	140	Fed	4	
.270 Win	150	Fed	6	4
.270 Win	140	Rem	3.5	3
.270 Win	130	Fed	2.5	2
.270 Win	100	Rem	3.5	1
.25-06	117	Fed	6	
.25-06	110	Hrndy	3.5	
.25-06	90	Win	2.25	
.243 Win	100	Win	5	2.5
.243 Win	80	Fed	3	2.25
.223 Rem	55	Fed	7	
.223 Rem	53	Fed	7	
.223 Rem Vmt	53	Fed	5	
.223 Rem Vmt	40	Win	4	
.223 Rem	40	Win	2	
.22-250 Rem	52	Win	4	
.22-250 Rem Vmt	52	Win	5	
.22-250 Rem Vmt	40	Fed	4	
.22-250 Rem	40	Fed	2.5	

Premium grade ammunition of the same load requires a different sweet spot setting than standard grade ammunition

Only commercially available hunting ammunition complying to Sporting Arms and Ammunition Manufacturers' Institute (SAAMI) specifications was used throughout testing of the BOSS. It is unknown what group sizes may be possible with the BOSS using match grade ammunition.

Service or Repair

If your firearm should require service or repairs, we suggest you first contact a local recommended Browning Firearms Service Center. Contact your Browning sporting goods dealer or call our Service Department for the address or the Service Center nearest you. Otherwise, you may send your firearm directly to our own Service Department. For technical questions about your firearm or service, call our Service Department.

***Browning Service Department
One Browning Place
Arnold, Missouri 63010-9406
Phone: (800) 322-4626***

Canadian customers call or write:

***Browning Canada Sports Ltd./Ltee,
5617 Chemin St-Francois
St-Laurent, Quebec H4S 1W6
Phone: (514) 333-7261***

When returning your firearm for servicing, you must do the following:

1. Be sure it is completely unloaded.
2. Package it securely in a cardboard container.
3. Enclose a letter with your firearm that clearly describes the trouble experienced and the repairs or alterations desired. Be sure to include your name, address and a phone number where you can be reached.
4. Though not required, we suggest sending a copy of the letter to us separately.
5. Never return ammunition with your firearm. It is against postal and most commerce regulations.

If you have any questions about this manual or about any other Browning product, call or write our Consumer Information Department:

***Browning Consumer Information
One Browning Place
Morgan, Utah 84050
Phone: (801) 876-2711***

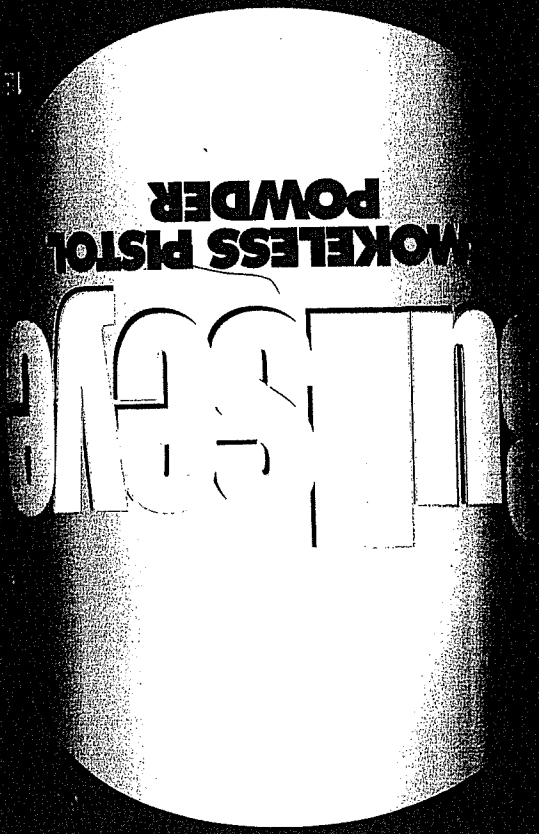
0009/00387
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