

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

JUNE SHEW, <i>et al.</i> ,	:	
	:	
	:	
Plaintiffs,	:	Case No. 3:13-cv-00739-AVC
v.	:	
	:	
DANNEL P. MALLOY, <i>et al.</i> ,	:	
	:	
Defendants.	:	

SUPPLEMENTAL DECLARATION OF GARY KLECK

I, Gary Kleck, declare as follows:

1. I am a Professor of Criminology and Criminal Justice at Florida State University where I focus my scholarship and research on gun control and violence.
2. I previously submitted a Declaration in this matter on June 25, 2013. My prior Declaration addressed a range of topics relating to the issues raised in this case.
3. Specifically, in Part I of that Declaration, I outlined my experience and training as a nationally recognized expert and award winning scholar on the subjects of violence and gun control. In Part II, I summarized the changes to Connecticut law made by the Act Concerning Gun Violence Prevention & Children’s Safety (Connecticut General Assembly Bill No. 1160) (the “Act”) and discussed the consequences of those changes. Finally, in Part III, I discussed the Act’s new restrictions on the stock and grips of rifles and shotguns.
4. In Section A.1. of Part III, I noted that while “some semi-automatic firearms are banned, other semi-automatic firearms are left legally available Thus, firearms will continue to be available that function in essentially identical ways as the banned firearms—i.e., they can

accept detachable magazines (including LC [large capacity] magazines), can be fired just as fast, and can fire rounds that are, shot-for-shot, just as lethal as rounds fired from the banned firearms. Consequently, criminals can substitute mechanically identical firearms for banned [assault weapons], commit the same crimes they otherwise would have committed with the banned firearms, with the same number of wounded or killed victims.” Defendants, however, now misconstrue this statement as meaning “that there are hundreds of alternative firearms available for self-defense purposes—including, according to Plaintiffs, those that ‘function in essentially identical ways as the banned firearms.’”

5. Defendants’ interpretation grossly distorts my statement. Specifically, my statement regarding the availability of firearms that “function in essentially identical ways as the banned firearms” referenced specifically the fact that some unbanned firearms can still accept (now banned) LC magazines and be used to fire rounds that are just as lethal as those of the banned firearms. Since unbanned firearms can still be misused by criminals to accept LC magazines, the Act therefore puts a distinct disadvantage to those who would use firearms lawfully for self-defense.

6. More specifically, I wrote my Declaration in the context of a discussion concerning the significance of LC magazines being used by either offenders or crime victims, and I certainly did not state or even imply that LC magazines confer no advantages for lawful self-defense. Quite the contrary – I cited existing evidence that (1) 800,000 violent crimes are committed each year in which there are multiple offenders, and that (2) even police officers hit an aggressor with the defensives shots they fire in only 37% of the events in which they fire their guns, implying an even lower “hit rate” among ordinary civilian defenders (Kleck Declaration, sworn to April 15, 2013 at pp. 2-3). Having more than seven rounds ready to quickly fire at

multiple criminal aggressors would be essential to a crime victim being able to shoot the criminal aggressors, and thus to effectively defend themselves against an attack by aggressors who can only be stopped by shooting them.

7. Defendants' suggestion that the Act does not place law-abiding citizens at a distinct advantage in using firearms for self-defense purposes is simply not supported.

8. Additionally, I amend the first paragraph of section 3 of my initial declaration concerning bystander intervention. The following content should be deleted:

Thus, it is not surprising that victims and bystanders in mass shootings do not in fact tackle the shooters while they are reloading. I am aware of only one such incident in U.S. history – the Colin Ferguson shootings on a Long Island commuter train in 1993.⁶ Bystander intervention was feasible in that case only because of its unique location. Because train passengers could not exit the moving train car, they were forced to remain relatively close to the shooter, allowing them to quickly close the short distance between them and the shooter when he tried to switch magazines.

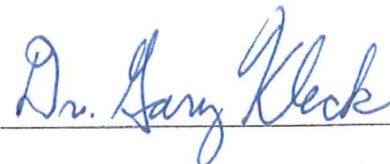
9. That passage should be substituted with the following content:

I am aware of just three such cases in the U.S. from 1984 to the present. One was the Colin Ferguson shootings on a Long Island commuter train in 1993.⁶ Bystander intervention was feasible in that case only because of its unique location. Because train passengers could not exit the moving train car, they were forced to remain relatively close to the shooter, allowing them to quickly close the short distance between them and the shooter when he tried to switch magazines. A second case occurred in a Springfield, Oregon high school on May 21, 1998 (New York Times May 26, 1998), and a third case occurred in a Knoxville, TN church on July 27, 2008 (CNN.com, 7-28-08). Thus, cases in which mass shooters (or would-be mass shooters) were stopped by bystanders while attempting to reload just once every ten years (3 times in 30 years), and therefore could be fairly described as freakishly rare, even relative to the frequency of mass shootings in general.

6. Gary Kleck, *Targeting Guns* (NY: Aldine de Gruyter, 1997).

I declare under the penalty of perjury under the laws of the United States of America pursuant to 28 USC § 1746 that the foregoing is true and correct.

Dated: December 10, 2013

A handwritten signature in blue ink that reads "Dr. Gary Kleck". The signature is written in a cursive style and is positioned above a horizontal line.

Dr. Gary Kleck