

EXHIBIT A

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.	:	

DECLARATION OF MARK OVERSTREET

I, Mark Overstreet, do hereby swear or affirm:

1. I am employed as the Research Coordinator for the National Rifle Association of America, Inc., in Fairfax, Virginia. My duties include collecting data, primarily from United States government sources, but also from consumer reports and market surveys such as the National Shooting Sports Foundation (*NSSF*) *Modern Sporting Rifle Comprehensive Consumer Report*¹, on the production and availability of firearms in the United States, and on numbers of firearm-related background checks conducted through the National Instant Criminal Background Check System (NICS). I offer the following information and data, which is true, accurate and complete according to the best of my knowledge, information, and belief.

2. The following addresses estimated production of AR-15 type rifles from 1986 to the present, annual NICS check numbers and trends, and production of detachable ammunition magazines.

¹ Available online at http://www.nssf.org/MSR/PDF/NSSF_MSTR_Report2010.pdf

AR-15 Type Rifle Production

3. The term "Colt AR-15 series" refers to different models of a rifle manufactured by Colt's Defense and its predecessor companies. "AR-15" is commonly used as a generic term to describe the same or similar rifles made by other manufacturers.

4. AR-15 type rifles are semiautomatic, meaning that they are designed to fire only once when the trigger is pulled. They have the capacity to accept a detachable magazine. (Standard magazines hold 20 or 30 rounds of ammunition, but magazines of other capacities are also available). They also have a grip typically $\frac{3}{4}$ to 4 inches in length that protrudes at a rearward angle beneath the action of the rifle.

5. Colt's introduced the AR-15 SP-1 in 1963. Production figures for AR-15 type rifles, for years 1963-1985, are unavailable. However, since 1986, at least 3.97 million AR-15 type rifles have been manufactured in the United States for the commercial market. The basis of this estimate is set forth below.

6. 1963-1985. Data for these first 23 years of AR-15 production are not reflected herein. Colt's and other manufacturers produced AR-15s in this time frame.

7. 1986-2011. The Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") has published annual firearm manufacturing and export statistics for the years 1986-2011.² In those years, over 3.3 million AR-15s were made and not exported by AR-15 manufacturers whose production can be identified from government data sources.³ The

² The annual reports for 1998-2011 are available at www.atf.gov/statistics/index.html. Reports for 1986-1997 are available in hard copy from ATF.

³ See attached spreadsheet for annual production per manufacturer. ATF reports do not show model names, but show firearm types (rifle, shotgun, pistol, revolver, and miscellaneous). Manufacturers listed are known to make only or primarily AR-15 type

following manufacturers, whose rifle production is limited exclusively or almost exclusively to AR-15s, reported the following numbers of rifles produced during years 1986-2011:

Aero Precision	116,045
Armalite	158,643
Bushmaster	771,492
Colt's	586,258
CMMG	50,473
Daniel Defense	14,163
Double Star	45,396
Del-ton	31,936
DPMS	438,607
Eagle Arms	7,107
Essential Arms	31,552
LMT	10,858
LWRC	23,665
Noveske	3,767
Olympic	129,186
Patriot Ordn.	15,816
PWA	33,807
Rock River	204,215
Sabre Defense	16,373
Sendra	3,301
Smith & Wesson	430,208
Stag Arms	188,703
Yankee Hill	1,230

8. 2011: Proportion of AR-15s Compared to All Firearms and to All Rifles. In

2011, there were 6,244,998 firearms (excluding fully-automatic firearms, i.e., machineguns) made in the U.S. and not exported. Of these, 2,238,832 were rifles, including 408,139 AR-15s by manufacturers whose production figures could be

rifles. The total is an underestimate, in that it does not include AR-15s made by two major firearm manufacturers—Remington and Sturm, Ruger—whose AR-15 production cannot be distinguished from their total rifle production within the ATF reports, nor does the estimate include the production of smaller manufacturers of whose AR-15 production we are not aware.

discerned from the ATF reports. Thus, AR-15s accounted for at least seven percent of firearms, and 18 percent of rifles, made in the U.S. for the domestic market that year.

9. From 1986 through 2011, U.S.-made firearms accounted for 69 percent of all new firearms available on the commercial market in the United States. Even with the inclusion of imported firearms into the above calculations, AR-15s would account for a significant percentage of new firearms available in the United States.

10. 2012-2013 Estimates. The FBI reports that background checks processed through the National Instant Criminal Background Check System (NICS), most of which are conducted for retail purchases of firearms by consumers, increased 14.2 percent in 2011 as compared to 2010, 19.1 percent in 2012 as compared to 2011; and 44.5 percent during the first three months of 2013 as compared to the same period in 2012.⁴

11. If the 2011-2013 trend for AR-15 rifle production was identical to that for NICS checks, it would mean that nearly 660,000 AR-15s were made in the U.S. and not exported during 2012 and the first three months of 2013. That figure, added to the over 3.3 million noted earlier, implies a conservative estimate of 3.97 million AR-15s for the period 1986-March 2013, excluding production by Remington and Sturm, Ruger. See attached spread sheet.

Magazine Production

12. The following addresses certain aspects of the manufacture and importation of ammunition feeding devices for firearms. Ammunition feeding devices that have a

⁴ FBI monthly and yearly NICS transaction data are available online at http://www.fbi.gov/about-us/cjis/nics/reports/nics-firearm-background-checks-1998_2013_state_monthly_totals-033113.pdf and http://www.fbi.gov/about-us/cjis/nics/reports/total-nics-background-checks-1998_2013_monthly_yearly_totals-033113.pdf, respectively.

capacity of more than 10 rounds of ammunition are primarily detachable box magazines designed for semiautomatic rifles or semiautomatic pistols, or tubular magazines designed for .22 rimfire caliber rifles.

13. *Pistol Magazines*. Annual firearm manufacturing and export statistics released by the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") indicate that semiautomatic pistols rose as a percentage of total handguns made in the United States and not exported, from 50 percent of 1.3 million handguns in 1986, to 82 percent of three million handguns in 2011.⁵

14. Standard magazines for very commonly owned semiautomatic pistols hold up to 17 rounds of ammunition. In 2011, about 61.5 percent of the 2.6 million pistols made in the U.S. were in calibers typically using magazines that hold over 10 rounds.

15. In recent decades, the trend in semiautomatic pistols has been away from those designed to hold 10 rounds or fewer, to those designed to hold more than 10 rounds. This tracks with trends among law enforcement personnel. In the days before the widespread adoption of semiautomatic pistols by law enforcement agencies, most law enforcement officers carried five- or six-shot revolvers. Today, police departments typically issue pistols the standard magazines for which hold more than 10 rounds, such as the Glock 17, the standard magazines for which hold 17 rounds.

16. The same trend has developed relative to pistols issued in our armed forces. The standard magazine for our military's Beretta M9 9mm service pistol holds 15 rounds. The M9 replaced the M1911 .45 caliber pistol, the standard magazine for which holds seven rounds.

⁵ 1998-2011 annual reports available online at www.atf.gov/firearms/stats/index.htm. Reports for 1986-1997 were provided in hard copy form by ATF.

17. Rifle Magazines. Beginning with the M1 Carbine, introduced in the 1940s, rifles equipped with detachable magazines holding more than 10 rounds have been increasingly common. There are about two million privately owned M1 Carbines, the standard magazines for which hold 15 or 30 rounds. As noted above, there are roughly 3.3 million AR-15 type rifles. They are typically sold with between one and three 30-round magazines. Ruger Mini-14 series rifles, which may outnumber M1 Carbines and AR-15s combined, have the capacity to accept magazines that hold more than 10 rounds, and many are equipped with such magazines. Numerous other rifle designs use magazines holding more than 10 rounds.

18. Magazine Production Data. It is not known how many magazines are made or imported each year. No law or regulation requires that manufacturers report magazine production. In addition to magazines sold with firearms, additional magazines are widely available on the open market.

19. Estimates are set forth in Christopher S. Koper, *An Updated Assessment of the Federal Assault Weapons Ban: Impacts on Gun Markets and Gun Violence, 1994-2003* (Report to the National Institute of Justice, U.S. Dep't. of Justice 2004), available at http://www.sas.upenn.edu/jerrylec/research/aw_final2004.pdf. Koper reported that, as of 1994, 18 percent of civilian-owned firearms, including 21 percent of civilian-owned handguns, were equipped with magazines holding over ten rounds, and that 25 million guns were equipped with such magazines. *Id.* at 1. Some 4.7 million such magazines were imported during 1995-2000. *Id.*

20. Koper further reported that, as of 1994, 40 percent of the semiautomatic handgun models and a majority of the semiautomatic rifle models manufactured and

advertised before the ban were sold with, or had a variation that was sold with, a magazine holding over 10 rounds. *Id.* at 6.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.


MARK OVERSTREET

Date: June 27, 2013