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12 FIREARMS POLICY FOUNDATION,  
and SECOND AMENDMENT FOUNDATION

13  
14 UNITED STATES DISTRICT COURT

15 FOR THE EASTERN DISTRICT OF CALIFORNIA

16  
17 WILLIAM WIESE, et al.,

18 Plaintiffs,

19 vs.

20  
21 XAVIER BECERRA, in his official capacity as  
Attorney General of California, et al.,

22 Defendants.  
23  
24

Case No. 2:17-cv-00903-WBS-KJN

**DECLARATION OF D. ALLEN YOUNGMAN IN  
SUPPORT OF PLAINTIFFS' MOTION FOR  
TEMPORARY RESTRAINING ORDER AND  
ISSUANCE OF PRELIMINARY INJUNCTION**

**[FRCP 65; E.D. L.R. 231]**

Date: TBD  
Time: TBD  
Courtroom 5  
Judge: Hon. William B. Shubb

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DECLARATION OF D. ALLEN YOUNGMAN

I, D. Allen Youngman, declare as follows:

1. I am and have been the Executive Director of the Defense Small Arms Advisory Council (“DSAAC”) since its founding in 2004. I have personal knowledge of the facts stated in this declaration, and if called as a witness, could competently testify thereto.

2. This declaration is executed in support of plaintiffs’ motion for the issuance of a temporary restraining order, and issuance of a preliminary injunction, made pursuant to FRCP 65.

3. I served in the United States Army for more than 34 years in a variety of assignments including Infantry, Special Forces, and Armor units and retired from active duty, at the rank of Major General, in 2003. I am a graduate of the Army War College and hold a B.A. in Political Science from the University of Kentucky and a J.D. from the University of Kentucky College of Law. Prior to returning to full-time active duty with the United States Army, I practiced law in Owensboro, Kentucky and served as a prosecuting attorney there from 1981-85.

4. The DSAAC is a 501(c)(6) trade association comprised of U.S.-based military and law enforcement small arms manufacturers. DSAAC represents the small arms and light weapons segment of the defense industry with the Department of Defense, the Department of State, and international fora including the United Nations and is a UN-recognized Non-Governmental Organization (NGO) providing technical advice on all aspects of the global firearms trade.

5. As part of my professional responsibilities and training in the military, and within this industry, I have necessarily become familiar with modern firearms, small arms, and the firearms trade. I am also a senior firearms instructor for the Daviess County Sheriff’s Office, and a graduate of the Kentucky Department of Criminal Justice Training Law Enforcement Firearms Instructor Course.

6. Modern, semi-automatic firearms today are designed to be used, and are sold with ammunition feeding devices, called ammunition magazines (or simply, “magazines”). A

1 magazine is simply “a receptacle for a firearm that holds a plurality of cartridges or shells under  
2 spring pressure preparatory for feeding into the chamber. Magazines take many forms, such as  
3 box, drum, rotary, tubular, etc. and may be fixed or removable.” See: <http://saami.org/glossary/>.  
4 A vast majority of the firearms sold at retail to law enforcement and to the civilian markets today  
5 are semi-automatic, particularly handguns, and which contain removable magazines.

6 7. Even though magazines are generally removable, that is not to say that they are  
7 separate artifacts from the firearm itself. In fact, a magazine is considered to be an inherent  
8 operating part of a functioning firearm. Semi-automatic firearms are basically inoperable  
9 without them. Ammunition should not generally be loaded into a firearm chamber without a  
10 magazine, and in fact, California’s requirement for a “magazine disconnect mechanism” on all  
11 new handguns sold by retailers in California (see Cal. Pen. Code § 31910(b)(4)-(6)), means that  
12 such firearms are literally incapable of being fired without a magazine inserted. Modern semi-  
13 automatic firearms sold at retail to civilian and law enforcement markets include at least one  
14 magazine intended to be used as a part of that pistol.

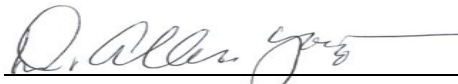
15 8. The term “large capacity magazine” is not generally used outside of those states  
16 which limit firearm magazine capacity. In most other states, firearms, including many of the  
17 most popular pistols and rifles, are sold with *standard* capacity magazines. As examples, such  
18 firearms include: the Glock 17 pistol (with 17-round magazines); the Glock 19 pistol (with 15-  
19 round magazines), the SIG Sauer P226 pistol (with 15-round 9mm magazines), and the Beretta  
20 92-series pistol (with 15, or 17-round magazines). In 2017, the U.S. Army announced its  
21 intention to replace the Beretta 92F (M9) pistol as its standard sidearm with the SIG 320  
22 (designated M17 pistol), which is designed to carry magazines containing either 17 rounds of  
23 9mm ammunition, or 14 rounds of .40 S&W ammunition. These and many other examples  
24 demonstrate that the standard capacity of these popular firearms, in both law enforcement and  
25 civilian markets, are generally greater than 10 rounds, and there is nothing “unusually large”  
26 about those capacities.  
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1           9.       It is generally well-known, well-accepted, and generally indisputable that so-  
2 called “large capacity magazines” are commonly owned by millions of persons in the United  
3 States, for a variety of lawful purposes, including recreational target shooting, competition, home  
4 defense, collecting and hunting.

5           10.       From my experience in this industry, I am aware that there is no market, or would  
6 be no market, for the purchase and sale of used ammunition magazines that are 17 years old or  
7 older. Law enforcement agencies are largely permitted to purchase new replacement magazines  
8 for their officers. These new magazines are relatively inexpensive, and are inherently reliable.  
9 However, used magazines, from unknown sources, may suffer from defects such as worn  
10 springs, followers and feed lips, which may greatly impair their reliability. Furthermore, with  
11 literally tens of millions of new standard-capacity magazines on the market nation-wide, many of  
12 them reflective of advances in materials and design over the past several years, there is no reason  
13 for someone, law enforcement or civilian, to buy older ones from unknown sources. For these  
14 reasons, there is or would be very little demand for magazines sold by retailers, re-selling 17+  
15 year old magazines, especially much older ones, within the United States generally.

16           I declare under penalty of perjury that the foregoing is true and correct. Executed on  
17 June 11, 2017.

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Maj. Gen. D. Allen Youngman (Ret.)

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Attorneys at Law

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