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9 *General*

10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE SOUTHERN DISTRICT OF CALIFORNIA
12

13 **KIM RHODE, et al.,**

14 Plaintiffs,

15 v.

16 **ROB BONTA, in his official capacity**
as Attorney General of the State of
17 **California,**

18 Defendant.
19

Case No. 3:18-cv-00802-BEN-JLB

**DECLARATION OF JOHN D.
ECHEVERRIA RE SUBMISSION
OF SURVEYS IN RESPONSE TO
THE COURT'S ORDER ENTERED
ON DECEMBER 15, 2022**

Dept: 5A
Judge: Hon. Roger T. Benitez

Action Filed: May 17, 2017

20 I, John D. Echeverria, declare as follows:

21 1. I am a Deputy Attorney General with the California Department of
22 Justice and serve as counsel to Defendant Rob Bonta, in his official capacity as
23 Attorney General of the State of California ("Defendant"), in the above-captioned
24 matter. Except as otherwise stated, I have personal knowledge of the facts set forth
25 in this declaration, and if called upon as a witness I could testify competently as to
26 those facts.

27 2. On December 15, 2022, the Court entered an Order providing that
28 "[t]he state defendants shall create, and the plaintiffs shall meet and confer

1 regarding, a survey or spreadsheet of relevant statutes, laws, or regulations in
2 chronological order.” Dkt. 77. The Order provides:

3 The listing shall begin at the time of the adoption of the Second
4 Amendment and continue through twenty years after the Fourteenth
5 Amendment. For each cited statute/law/regulation, the survey shall
6 provide: (a) the date of enactment; (b) the enacting state, territory, or
7 locality; (c) a description of what was restricted (e.g., dirks, daggers,
8 metal knuckles, storage of gunpowder or cartridges, or use regulations);
9 (d) what it was that the law or regulation restricted; (e) what type of
10 weapon was being restricted (e.g., knife, Bowie Knife, stiletto, metal
11 knuckles, pistols, rifles); (f) if and when the law was repealed and
12 whether it was replaced; (g) whether the regulation was reviewed by a
13 court and the outcome of the courts review (with case citation).
14 Defendants may create a second survey covering a time period following
15 that of the first list. If opposing parties cannot agree on the inclusion of a
16 particular entry on the survey, the disagreement shall be indicated and
17 described on a separate list.

18 3. The parties have met and conferred by email, as required by the
19 December 15 Order. In compliance with the Court’s Order, Defendant is hereby
20 submitting Defendant’s two surveys of relevant laws with a separate list of
21 Plaintiffs’ disagreements about the relevance of those laws.

22 4. Attached hereto as **Exhibit 1** is a true and correct copy of Defendant’s
23 Survey of Relevant Statutes (Pre-Founding – 1888).

24 5. Attached hereto as **Exhibit 2** is a true and correct copy of Defendant’s
25 Survey of Relevant Statutes (1889 – 1930s).

26 6. Attached hereto as **Exhibit 3** is a separate list of Plaintiffs’
27 Disagreements re Defendant’s Survey of Relevant Statutes (Pre-Founding – 1930s).

28 7. The surveys have been filed in compliance with the Court’s Order
directing the parties to identify all relevant laws, statutes, and regulations from the
time of the Second Amendment to twenty years after adoption of the Fourteenth
Amendment. In compliance with that Order and in recognition of the historical
inquiry mandated by *Bruen*, the spreadsheets identify hundreds of relevant firearms
laws, some of which were drafted well before the Thirteenth Amendment’s
abolition of slavery and the Fourteenth Amendment’s Equal Protection
Clause. While our subsequent briefing, as ordered by the Court, will explain in

1 more detail the historical context and relevance of such laws, the Attorney General
2 emphasizes his strong disagreement with racial and other improper discrimination
3 that existed in some such laws, and which stand in stark contrast to California's
4 commonsense firearm laws, which are designed to justly and equitably protect all
5 Californians. The listing of such racist and discriminatory statutes should in no
6 way be construed as an endorsement of such laws by the Attorney General or his
7 counsel in this matter.

8 I declare under penalty of perjury under the laws of the United States of
9 America that the foregoing is true and correct. Executed on January 11, 2023, at
10 San Francisco, California.

11 *s/ John D. Echeverria*

12 John D. Echeverria
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